



CITY OF ONTARIO  
**ZONING ADMINISTRATOR**  
AGENDA

December 3, 2018

Ontario City Council Chambers, 2 PM  
303 East "B" Street, Ontario

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All documents for public review are on file with the Planning Department located at  
City Hall, 303 East "B" Street, Ontario, CA 91764

**PUBLIC HEARINGS**

- A. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP18-032:** A Conditional Use Permit (File No. PCUP18-032) to establish alcoholic beverage sales, including beer, wine, and distilled spirits (Type 47, on-sale general for bona-fide public eating place), for consumption on the premises within an existing 9,000 square-foot restaurant (Boiling World) on 3.44 acres of land within the Parkway Plaza shopping center, located at 4431 East Ontario Mills Parkway, within the California Commerce Center North/Ontario Gateway Plaza/Wagner Properties (Ontario Mills) Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the ONT Airport Land Use Compatibility Plan (ALUCP). (APN: 0238-014-10) **submitted by Boiling World Inc.**

If you wish to appeal a decision of the Zoning Administrator, you must do so within ten (10) days of the Zoning Administrator action. Please contact the Planning Department for information regarding the appeal process.

If you challenge any action of the Zoning Administrator in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or written correspondence delivered to the Zoning Administrator at, or prior to, the public hearing.

I, Maureen Duran, Office Specialist of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on or before **November 29, 2018**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.

*Maureen Duran*



# ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT

December 3, 2018

**DECISION NO.:** [insert #]

**FILE NO.:** PCUP18-032

**DESCRIPTION:** A Conditional Use Permit to establish alcoholic beverage sales, including beer, wine, and distilled spirits (Type 47, on-sale general for bona-fide public eating place), for consumption on the premises within an existing 9,000 square-foot restaurant (Boiling World) on 3.44 acres of land within the Parkway Plaza shopping center, located at 4431 East Ontario Mills Parkway, within the California Commerce Center North/Ontario Gateway Plaza/Wagner Properties (Ontario Mills) Specific Plan. (APN: 0238-014-10) **submitted by Boiling World Inc.**

## ***PART I: BACKGROUND & ANALYSIS***

BOILING WORLD, INC., (herein after referred to as "Applicant") has filed an application requesting Conditional Use Permit approval for File No. PCUP18-032, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

**(1) Project Setting:** The project site is comprised of 3.44 acres of land located at 4431 E. Ontario Mills Parkway, within the Parkway Plaza shopping center, and is depicted in *Exhibit A: Aerial Photograph*, attached. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

|              | <i>Existing Land Use</i> | <i>General Plan Designation</i>  | <i>Zoning Designation</i>  | <i>Specific Plan Land Use</i> |
|--------------|--------------------------|----------------------------------|--|-------------------------------|
| <i>Site</i>  | Commercial / Retail      | Mixed Use (MU 8 – Ontario Mills) | California Commerce Center North/Ontario Gateway Plaza/Wagner Properties (Ontario Mills) | Commercial/Office             |
| <i>North</i> | Commercial / Retail      | Mixed Use (MU 8 – Ontario Mills) | California Commerce Center North/Ontario Gateway Plaza/Wagner Properties (Ontario Mills) | Regional Commercial           |
| <i>South</i> | Commercial / Retail      | Mixed Use (MU 8 – Ontario Mills) | California Commerce Center North/Ontario Gateway Plaza/Wagner Properties (Ontario Mills) | Commercial/Office             |
| <i>East</i>  | Commercial / Retail      | Mixed Use (MU 8 – Ontario Mills) | California Commerce Center North/Ontario Gateway Plaza/Wagner Properties (Ontario Mills) | Commercial/Office             |
| <i>West</i>  | Hotel                    | Mixed Use (MU 8 – Ontario Mills) | California Commerce Center North/Ontario Gateway Plaza/Wagner Properties (Ontario Mills) | Commercial/Office             |

|                                |                                |                                       |
|--------------------------------|--------------------------------|---------------------------------------|
| <i>Prepared:</i> AV / 11/15/18 | <i>Reviewed:</i> RZ / 11/19/18 | <i>Decision:</i> [enter initial/date] |
|--------------------------------|--------------------------------|---------------------------------------|

**(2) Project Analysis:**

**(a) Background** — The project site is located within an existing multi-tenant retail development (Parkway Plaza shopping center), that was constructed in 2000 within the California Commerce Center North/Ontario Gateway Plaza/Wagner Properties Specific Plan, otherwise referred to herein as the “Ontario Mills Specific Plan”. In April 2018, Boiling World applied for a business license to move into the 9,000 square-foot unit and establish a “hot pot”-style restaurant; however, they have since chosen to wait until they receive their ABC license to open. The unit is centrally located within the greater multi-tenant building (see **Exhibit B: Site Plan**).

Boiling World specializes in providing a hot pot or “shabu-shabu” style menu and service, otherwise referred to as *nabemono*. Shabu-shabu features thin slices of meat, vegetables, and tofu cooked together in a large open pot, served with various dipping sauces. The ingredients are typically served raw and cooked table-side during the meal, similar to fondue. The cooking pot is typically located at the customer’s table, where customers may serve themselves or be assisted by wait staff.

**(b) Proposed Use** — On September 27, 2018, the applicant filed for a Conditional Use Permit application to allow their beverage menu to include the on-premise sale of beer, wine, and distilled spirits (Type 47 ABC license) at the subject location. The restaurant space is divided into five general areas (see **Exhibit C: Floor Plan**) that include:

- Dining areas – both open and private
- Salad Bar
- Restrooms
- Storage
- Staff/kitchen area

The restaurant’s main entrance is located on the south side of the building, facing the parking lot. The proposed business hours of operation are 10:30 a.m. to 9:30 p.m., seven days a week. The restaurant will operate with approximately 15 employees per shift, with 5-6 employees in the front and 9-10 employees in the kitchen. The restaurant has a 200-seat capacity.

The Police Department is requiring that the business enforce a last call for alcohol 45 minutes prior to closure (8:45 p.m.). Alcohol will only be allowed to be served and consumed indoors, as there is no outdoor patio for this suite. “Bottle service”, live entertainment, and dancing will not be permitted.

**(c) Parking** — The Parkway Plaza Shopping Center has direct access from both Mills Circle and Ontario Mills Parkway. The proposed project is required to provide a total of 90 parking spaces based on the Ontario Development Code parking

standards for a *Full Service Restaurant*, which requires 10 parking spaces per 1,000 square feet of gross floor area. The existing shopping center provides a total of 188 parking spaces. As the restaurant suite is existing and the proposed Conditional Use Permit does not propose the elimination of any parking spaces, staff believes that the request to provide an additional convenience to restaurant patrons will not adversely affect the existing parking demand for the regional shopping center.

(d) ABC Concentration — 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 on their population. The project site is located within Census Tract 21.09, which is located entirely within the City of Ontario and according to ABC, is over-concentrated. ABC currently allows 3 on-sale licenses; however, there are currently 41 active On-Sale licenses within this Census Tract. Census Tract 21.09 encompasses the City's core Entertainment District which includes the Ontario Mills Mall, Citizen's Business Bank Arena, several restaurants and movie theaters in the area and several general commercial retailers. The proposed location operates as a "Bona Fide Public Eating Place;" therefore, the Police Department does not object to allowing the proposed Type 41 ABC License provided that all City and State Department of Alcohol Beverage Control rules, regulation and conditions of approval are met and followed. In addition, the project site is not located in a high crime area and the property has no outstanding Building or Health Code Violations. As a result, staff has placed specific conditions of approval to ensure the safe operation of the business.

(e) 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 the Ontario Mills Mall, which consists of one stand-alone shopping complex and several surrounding multi-tenant commercial buildings. Several entertainment and restaurant tenants in the area currently hold a Type 47 ABC (On-Sale General) license, including: Rainforest Café, Market Broiler, AMC Theatres, Improv Comedy Club, Dave and Busters, and Blaze Pizza.

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 Ontario Mills Mall will not be exposed to any impacts resulting from alcoholic beverage sales and consumption beyond those that would normally be associated with any other restaurant uses within the center and surrounding area.

**(3) 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.

**(4) 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.

**(5) 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.

**(6) 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 II: RECITALS***

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

WHEREAS, Ontario Development Code Table 2.01-1 (Review Matrix) establishes 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, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix; and

WHEREAS, 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; and

WHEREAS, on December 3, 2018, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:



(1) [insert planner name and title], presented the staff report on the proposed use, indicating the staff recommendation of [insert staff recommendation]. Following staff's presentation, the Zoning Administrator opened the public hearing.

(2) [insert speaker's name], the applicant/representing the applicant, explained the business operation and spoke in favor of the application.

(3) [insert additional speaker info]

(4) [insert additional speaker info]

(5) 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 III: THE DECISION**

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

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

(2) Based upon the evidence presented to the Zoning Administrator during the above-referenced public hearing, the Zoning Administrator hereby finds as follows:

(a) *The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.* The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the Development Code and Specific Plan within which the site is located. The proposed Type 47 ABC License (On Sale General for Bona-Fide Public Eating Place) will be in conjunction with a proposed restaurant (Boiling World), which shall be located within an existing 9,000 square-foot suite, at 4431 E. Ontario Mills Parkway. The project site is designated as the Commercial/Office land use designation of the Ontario Mills Specific Plan (formerly California Commerce Center North (CCCN), Ontario Gateway Plaza & Wagner Properties Specific Plan). The proposed use will be established consistent with the City of Ontario Development Code and the Ontario Mills Specific Plan, and their objectives, purposes, development standards and guidelines.

(b) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.* The proposed Type 47 ABC License (On Sale General for Bona-Fide Public Eating Place) will be in conjunction with a proposed restaurant (Boiling World), which shall

be located within an existing 9,000 square-foot suite, at 4431 E. Ontario Mills Parkway. The Policy Plan Land Use Plan designates the project site as Mixed Use. The proposed land use is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, which identifies the Ontario Mills Area as a “Growth Area”. The Growth Area is envisioned to be developed in a manner that has an intensification of uses, such as entertainment and restaurants to provide our residents and visitors with the opportunity to live, work and play within our City. The proposed project will provide an additional convenience for patrons of the exiting restaurant, and will overall help to implement this Growth Vision.

(c) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of the Development Code, and any applicable specific plan or planned unit development.* With conditions of approval, the proposed use will be consistent with the uses allowed within the Commercial/Office land use designation of the Ontario Mills Specific Plan, which allows for commercial, retail, restaurant, and entertainment uses. The proposed use will provide an additional convenience for patrons of the proposed restaurant (Boiling World).

(d) *The proposed use at the proposed location would be consistent with the provisions of the Airport Land Use Compatibility Plan.* The project site is located within Airport Influence Area of the Ontario International Airport Land Use Compatibility Plan (ONT ALUCP) and the proposed use is consistent with the policies and criteria of the plan.

(e) *The establishment, maintenance, and operation of the proposed use at the proposed location would not be detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.* 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.

(f) 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:

- 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 reviewed the application and is recommending approval subject to the

attached conditions of approval. The proposed use is consistent with the Ontario Mills Specific Plan and other similar restaurant uses in the area. The use will be providing a convenience for restaurant patrons that would like to purchase alcoholic beverages with their meal(s).

- The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity. Boiling World is in good operating condition and has no outstanding enforcement violations.
- The site is properly maintained, including building improvements, landscaping, and lighting. The Parkway Plaza shopping center, including Boiling World restaurant, is properly maintained and serviced on a regular basis.

(g) 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 (Class 1 - Existing Facilities) of the State CEQA Guidelines. Existing facilities consist 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 therefore is categorically exempt. The proposed restaurant will operate within an existing, fully-developed building. The applicant is not proposing to make any changes to the footprint of the building, is not substantially altering the existing building, and is not proposing to substantially alter the operation of the facility as a result the Conditional Use Permit request.

(h) 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.

(i) Based upon the findings and conclusions set forth in Parts I, II and III above, the Zoning Administrator hereby approves File No. PCUP18-032, subject to the conditions of approval attached hereto and incorporated herein by this reference.

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APPROVED AND ADOPTED this [insert day] day of [insert month & year].

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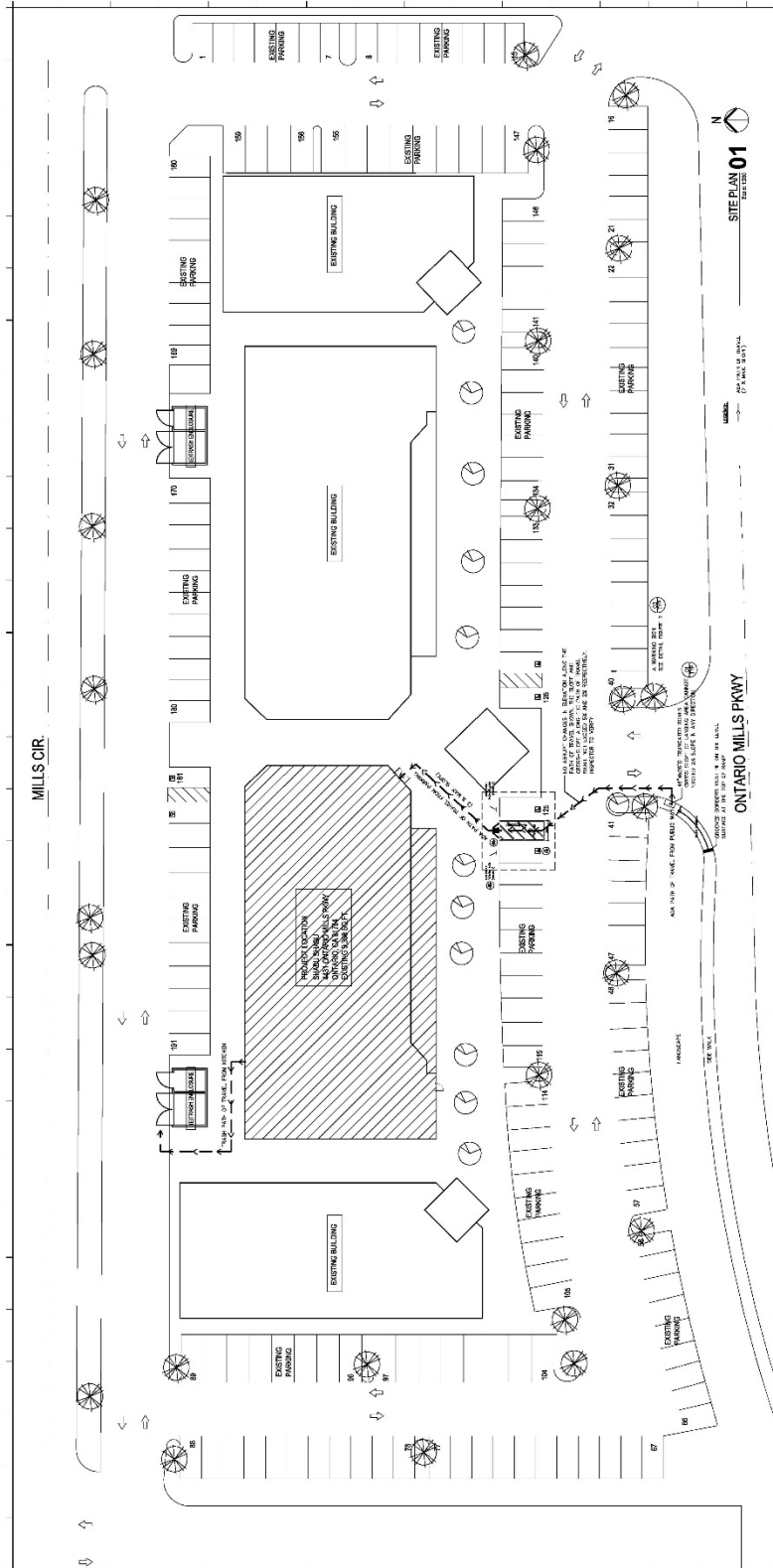
Cathy Wahlstrom  
Zoning Administrator



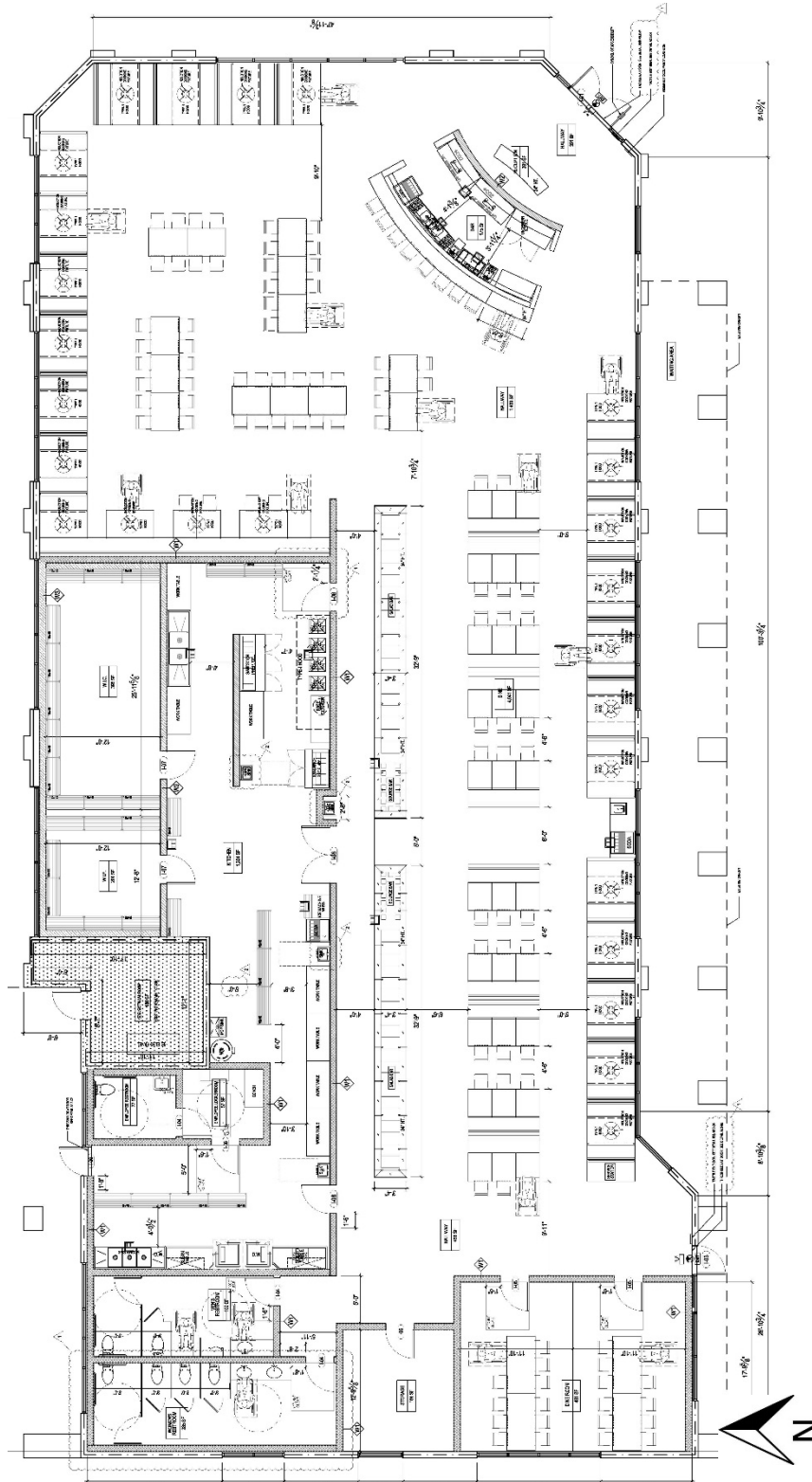
**Exhibit A: Aerial Photograph**



**Exhibit B: Site Plan**



**Exhibit C: Floor Plan**





***Exhibit D: Site Photos***



View of the suite, facing northwest



View of the building frontage, facing north



City of Ontario  
Planning Department  
303 East B Street  
Ontario, California 91764  
Phone: 909.395.2036  
Fax: 909.395.2420

*Planning Department  
Land Development Division  
Conditions of Approval*

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**Meeting Date:** December 3, 2018

**File No:** PCUP18-032

**Related Files:** N/A

**Project Description:** A Conditional Use Permit to establish alcoholic beverage sales, including beer, wine, and distilled spirits (Type 47, on-sale general for bona-fide public eating place), for consumption on the premises within an existing 9,000 square-foot restaurant (Boiling World) on 3.44 acres of land within the Parkway Plaza shopping center, located at 4431 East Ontario Mills Parkway, within the California Commerce Center North/Ontario Gateway Plaza/Wagner Properties (Ontario Mills) Specific Plan. (APN: 0238-014-10) **submitted by Boiling World Inc.**

**Prepared By:** Alexis Vaughn, Assistant Planner  
Phone: 909.395.2416 (direct)  
Email: [avaughn@ontarioca.gov](mailto:avaughn@ontarioca.gov)

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The Planning Department, Land Development Section, conditions of approval applicable to the above-described Project, are listed below. The Project shall comply with each condition of approval listed below:

**1.0 Standard Conditions of Approval.** The project shall comply with the *Standard Conditions for New Development*, adopted by City Council Resolution No. 2017-027 on April 18, 2017. A copy of the *Standard Conditions for New Development* may be obtained from the Planning Department or City Clerk/Records Management Department.

**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** Time Limits.

**(a)** Conditional Use Permit approval shall become null and void one year following the effective date of application approval, unless an updated business license and/or building permit is issued and construction is commenced, and diligently pursued toward completion, or a time extension has been approved by the Planning Director, except that a Variance approved in conjunction with a Development Plan shall have the same time limits as said Development Plan. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

**2.2** Landscaping.

**(a)** The Project shall provide and continuously maintain landscaping and irrigation systems in compliance with the provisions of Ontario Development Code Division 6.05 (Landscaping).

**(b)** Comply with the conditions of approval of the Planning Department; Landscape Planning Division.

**2.3**     Parking, Circulation and Access.

(a)     The Project shall comply with the applicable off-street parking, loading and lighting requirements of City of Ontario Development Code Division 6.03 (Off-Street Parking and Loading).

(b)     Areas provided to meet the City's parking requirements, including off-street parking and loading spaces, access drives, and maneuvering areas, shall not be used for the outdoor storage of materials and equipment, nor shall it be used for any other purpose than parking.

(c)     All parking and loading spaces shall be maintained in good condition for the duration of the building or use.

(d)     Parking spaces specifically designated and conveniently located for use by the physically disabled shall be provided pursuant to current accessibility regulations contained in State law (CCR Title 24, Part 2, Chapters 2B71, and CVC Section 22507.8).

(e)     The restaurant requires a minimum of 90 parking spaces. The tenant space is part of the Parkway Plaza shopping center, which provides 188 shared parking spaces and reciprocal access.

**2.4**     Mechanical and Rooftop Equipment.

(a)     All exterior roof-mounted mechanical, heating and air conditioning equipment, and all appurtenances thereto, shall be completely screened from public view by parapet walls or roof screens that are architecturally treated so as to be consistent with the building architecture.

**2.5**     Security Standards. The Project shall comply with all applicable requirements of Ontario Municipal Code Title 4 (Public Safety), Chapter 11 (Security Standards for Buildings).

**2.6**     Signs. All Project signage shall comply with the requirements of Ontario Development Code Division 8.1 (Sign Regulations). Any new signs on the building or outside the tenant space shall be reviewed and approved by the City prior to installation through the Sign Plan Application process.

**2.7**     Sound Attenuation. The Project shall be constructed and operated in a manner so as not to exceed the maximum interior and exterior noised levels set forth in Ontario Municipal Code Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).

**2.8**     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.

## **2.9** 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.

## **2.10** Environmental Review.

(a) The Project is categorically exempt from environmental review pursuant to **Section 15301 (Class 1, Existing Facilities)** of the CEQA Guidelines, which 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 (less than 10,000 square feet) or no expansion, and is consistent with the following conditions:

(i) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the Policy Plan (General Plan) component of The Ontario Plan; and

(ii) The area in which the project is located is not environmentally sensitive.

(b) If human remains are found during project grading/excavation/construction activities, the area shall not be disturbed until any required investigation is completed by the County Coroner and Native American consultation has been completed (if deemed applicable).

(c) If any archeological or paleontological resources are found during project grading/excavation/construction, the area shall not be disturbed until the significance of the resource is determined. If determined to be significant, the resource shall be recovered by a qualified archeologist or paleontologist consistent with current standards and guidelines, or other appropriate measures implemented.

**2.11** Indemnification. 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.

**2.12** Additional Fees.

(a) Within 5 days following final application approval, the Notice of Determination (NOD) filing fee shall be provided to the Planning Department. The \$50.00 fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall 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 a 180-day extension to the statute of limitations for the filing of a CEQA lawsuit.

(b) After the 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.

**2.13** Additional Requirements.

(a) All applicable Conditions of Approval from other City Departments shall be met and addressed by the applicant.

(b) A revised City Business License must be reviewed and approved by the Ontario Planning Department prior to operation of business with sales of alcohol.



# CITY OF ONTARIO

## MEMORANDUM

*“Excellence Through Teamwork”*



**TO:** Alexis Vaughn, Assistant Planner

**FROM:** Erich Kemp, Police Officer/ C.O.P.S. Unit

**DATE:** November 09<sup>th</sup>, 2018

**SUBJECT:** FILE NO. PCUP18-032– BOILING WORLD  
4431 ONTARIO MILLS PKWY, ONTARIO, CA 91764

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This location has applied for a type 47 On-Sale General Eating Place located within Census Tract No. 21.09. According to the Department of Alcohol Beverage Control (ABC), three on-sale licenses are allowed within this tract, there are currently 41. This location operates as a “Bona Fide Public Eating Place,” and the Police Department does not object to allowing this conditional use permit. The location must follow all Department of Alcohol Beverage Control rules and conditions. In addition, the following conditions of approval shall be imposed by the Police Department:

### RESTAURANT CONDITIONS

1. Alcohol sales will be from 10:30 A.M. to 9:30 P.M. daily. Last call for alcohol shall be made 45 minutes prior to closing and no later than 08:45 P.M.
2. No sales to minors.
3. The restaurant will have no bar seating.
4. No sales to obviously intoxicated patrons.
5. No self-serve alcohol displays allowed.
6. No alcoholic beverages are to be sold or removed from the establishment for outside consumption.
7. Signs must be posted at all exits stating no alcohol beyond this point.
8. No smoking inside of the 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. Employees 18 and older may serve alcoholic beverages in an area primarily designed and used for the sale and service of food as an incidental part of their overall duties. Bartenders and cocktail servers must be 21.
11. 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 the Ontario Police Department. This is required within six months of this dated conditional use permit and proof of re-certification is required every 3 years. New employees must attend the training class within three months of their hire date.
12. Lighting within the restaurant must be kept at a reasonable level for safe movement of patrons.
13. Address to the establishment must be plainly visible to the front for easy identification by safety personnel.
14. The parking lots under control of the applicant shall be equipped with a maintained lighting device capable of providing a minimum of one-foot candle of light at ground level from dusk to dawn.
15. 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 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.
16. No loitering shall be permitted on any property adjacent to the licensed premise, which is under the control of the applicant.
17. 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).

### **PATIO CONDITIONS**

1. There is no patio designated on submitted site map.

### **ENTERTAINMENT CONDITIONS**

1. There was no entertainment area designated on a plan check. Any entertainment will have to be approved by the Ontario Police Department prior to the event.

### **SECURITY CONDITIONS**

1. 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, including but not limited to, additional security guards, and additional 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.
2. A Code of Conduct will be required to be used and posted at all public entrances of the establishment.
3. 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/or the officer. Any additional police resources requested to bring peace in the establishment may be charged to the business owner.
4. If the business chooses to hire security personnel. The Security personnel 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 of Ontario.
5. The business shall maintain a security camera surveillance system in proper working order. Cameras will be placed to record the patrons using the bar/restaurant area. A minimum of one camera will record the parking lot. 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.

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, but a community service organization breakfast meeting would not be considered a special event and therefore would not require security.) If security personnel are needed 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.

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 are the intent of this action.

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

**The Ontario Police Department will conduct an inspection to document compliance with this Conditional Use Permit before this business will be allowed to sell alcoholic beverages.**

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

**Please contact Officer Erich Kemp if you have any questions regarding this matter at (909) 408-1922.**





# CITY OF ONTARIO

## MEMORANDUM

**TO:** Alexis Vaughn, Assistant Planner  
Planning Department

**FROM:** Michelle Starkey, Deputy Fire Marshal  
Bureau of Fire Prevention

**DATE:** October 25, 2018

**SUBJECT:** PCUP18-032 A Conditional Use Permit to establish alcoholic beverage sales, including beer, wine, and distilled spirits (Type 47: on-sale general for bona-fide public eating place), for on-premise consumption within an existing 9,000 square-foot restaurant on 3.44 acres of land, located at 4431 E. Ontario Mills Parkway, within the Ontario Mills Specific Plan (APN:0238-014-10).

- 
- The plan **does** adequately address the departmental concerns at this time.
- No comments
  - Report below.

For copies of Ontario Fire Department Standards please access the City of Ontario web site at [www.ontarioca.gov](http://www.ontarioca.gov) , click on Fire Department and then on forms.



# CITY OF ONTARIO

## MEMORANDUM

TO: Scott Murphy, Development Director  
Cathy Wahlstrom, Planning Director  
Diane Ayala, Advanced Planning Division  
Charity Hernandez, Economic Development  
Kevin Shear, Building Official  
Khoi Do, Assistant City Engineer  
Carolyn Bell, Landscape Planning Division  
Ahmed Aly, Municipal Utility Company  
Doug Sorel, Police Department  
Paul Ehrman, Deputy Fire Chief/Fire Marshal  
Jay Bautista, T. E., Traffic/Transportation Manager  
Lorena Mejia, Airport Planning  
Steve Wilson, Engineering/NPDES  
Joe De Sousa, Code Enforcement (Copy of memo only)  
Jimmy Chang, IT Department

FROM: Alexis Vaughn, Assistant Planner

DATE: October 02, 2018

SUBJECT: FILE #: PCUP18-032 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 **Tuesday, October 16, 2018**.

- 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 Conditional Use Permit to establish alcoholic beverage sales, including beer, wine, and distilled spirits (Type 47: on-sale general for bona-fide public eating place), for on-premise consumption within an existing 9,000 square-foot restaurant building on 3.44 acres of land, located at 4431 E. Ontario Mills Parkway, within the Ontario Mills Specific Plan (APN: 0238-014-10).

- 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.

Landscape Planning Carolyn Bell S. Landscape Architects  
Department | Signature | Title | Date

11/2/18

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

**CONDITIONS OF APPROVAL**

**Sign Off**

*Carolyn Bell*  
 Carolyn Bell, Sr. Landscape Planner

11/12/18  
 Date

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

Phone:  
**(909) 395-2237**

D.A.B. File No.:  
 PCUP18-031

Related Files:

Case Planner:  
 Alexis Vaughn

Project Name and Location:  
 Boiling World Restaurant and Type 48 license  
 4431 E Ontario Mills Parkway

Applicant/Representative:  
 Colo Yin Hi  
 13456 Prospector Ct  
 Eastvale CA 92880

|                                     |   |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <b>A site plan (dated 9/27/18) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met.</b> |
| <input type="checkbox"/>            | <b>A site plan (dated ) has not been approved. Corrections noted below are required prior to DAB approval.</b>  |

1. Business owner or applicant shall contact the management for the site repairs.
2. Landscapes shall be maintained by the owner or property management association and shall be maintained in a neat and healthy condition.
3. Repair or replace broken or leaking irrigation system. Overspray onto paving is not allowed. Saturated soil or dry soil is an indicator of broken irrigation components needing repair
4. Replace missing shade trees in parking lot islands. Shade trees are required on every planter island and at each row end. Replace missing trees with Ulmus 'Drake', Quercus ilex, Pistachia chinensis or similar.
5. Existing trees shall be protected in place. If tree removal is requested a landscape plan and tree inventory shall be submitted to this department for review and approval.
6. Landscape and irrigation plans shall be submitted for review and approval if any on-site construction, staging or storage occurs requiring landscape or irrigation replacement
7. Landscape and irrigation shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>



CITY OF ONTARIO  
MEMORANDUM

TO: Scott Murphy, Development Director  
Cathy Wahlstrom, Planning Director  
Diane Ayala, Advanced Planning Division  
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Lorena Mejia, Airport Planning  
Steve Wilson, Engineering/NPDES  
Joe De Sousa, Code Enforcement (Copy of memo only)  
Jimmy Chang, IT Department

*Antonio*

FROM: Alexis Vaughn, Assistant Planner

DATE: October 02, 2018

SUBJECT: FILE #: PCUP18-032 Finance Acct#:

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- The plan does adequately address the departmental concerns at this time.
  - No comments
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  - 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 (Land)*  
Department

*[Signature]*  
Signature

*Eng. Assistant*  
Title

*10/15/18*  
Date





CITY OF ONTARIO  
MEMORANDUM

TO: Scott Murphy, Development Director  
Cathy Wahlstrom, Planning Director  
Diane Ayala, Advanced Planning Division  
Charity Hernandez, Economic Development  
Kevin Shear, Building Official  
Khoi Do, Assistant City Engineer  
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Joe De Sousa, Code Enforcement (Copy of memo only)  
Jimmy Chang, IT Department

*(Antonio)*

FROM: Alexis Vaughn, Assistant Planner

DATE: October 02, 2018

SUBJECT: FILE #: PCUP18-032 Finance Acct#:

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Eng/Env      *[Signature]*      Asst. Engineer      10/9/18  
 Department      Signature      Title      Date



## Alexis Vaughn

---

**From:** Peter Tuan M. Tran  
**Sent:** Thursday, October 18, 2018 3:24 PM  
**To:** Antonio Alejos  
**Cc:** Ahmed Aly; Danielle D. Guevara  
**Subject:** PCUP18-032 DAB#1(5647)

Antonio,

OMUC has no subject comment. Thank you.

*Sincerely,*

**Peter Tran**  
Associate Engineer/Project Manager  
Ontario Municipal Utilities Company  
Utilities Engineering and Operation Department



1425 South Bon View Avenue  
Ontario, CA 91761  
Ph: 909-395-2677  
Fx: 909-395-2608

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# CITY OF ONTARIO

## MEMORANDUM

**TO:** PLANNING DEPARTMENT, Alexis Vaughn  
**FROM:** BUILDING DEPARTMENT, Kevin Shear  
**DATE:** October 4, 2018  
**SUBJECT:** PCUP18-032

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

KS:lm



# CITY OF ONTARIO

## MEMORANDUM

TO: Scott Murphy, Development Director  
Cathy Wahlstrom, Planning Director  
Diane Ayala, Advanced Planning Division  
Charity Hernandez, Economic Development  
**Kevin Shear, Building Official**  
Khoi Do, Assistant City Engineer  
Carolyn Bell, Landscape Planning Division  
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Steve Wilson, Engineering/NPDES  
Joe De Sousa, Code Enforcement (Copy of memo only)  
Jimmy Chang, IT Department

FROM: Alexis Vaughn, Assistant Planner

DATE: October 02, 2018

SUBJECT: FILE #: PCUP18-032 Finance Acct#:

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*Building*

Department

Signature

Title

Date

