



**CITY OF ONTARIO  
ZONING ADMINISTRATOR  
AGENDA**

**November 20, 2017**

**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. PCUP17-014:** A Conditional Use Permit (File No. PCUP17-014) to establish alcoholic beverage sales, limited to beer and wine (Type 41 ABC license), for consumption on the premises, in conjunction with an existing 70,033 square-foot Edwards Theater on 1.9 acres of land located at 1575 N. Mountain Avenue, within the Entertainment District of the Mountain Village Specific Plan. The project is categorically exempt from requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA guidelines. 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 ONT Airport Land Use Compatibility Plan (ALUCP). (APN: 1008-271-10) **submitted by Edwards Theatres Inc.**
  
- B. ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP17-019:** A request to amend an existing Conditional Use Permit (File No. PCUP09-007) to upgrade the existing Type 41 ABC License for on-sale beer and wine to a Type 47 ABC License for on-sale beer, wine, and distilled spirits; and to expand an existing restaurant to include a banquet room with accompanying beer, wine, and spirits sales for consumption on the premises and live entertainment for property located on the north side of Holt Boulevard, between Vineyard Avenue and Corona Avenue at 1845 E. Holt Boulevard. The project is categorically exempt from requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA guidelines. 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 ONT Airport Land Use Compatibility Plan (ALUCP). (APN: 0110-092-17) **submitted by MCSW Corp. DBA Beola's Southern Cuisine.**

C. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT**

**REVIEW FOR FILE NO. PCUP17-023:** A Conditional Use Permit request to establish on-premise alcohol beverage sales (Type 41-Beer and Wine ABC License), in conjunction with an existing 2,885 square foot (Johnny Rockets) restaurant located at 1 East Mills Circle, Suite 103, within the Regional Commercial land use district of the California Commerce Center North, Ontario Gateway Plaza & Wagner Properties 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 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 ONT Airport Land Use Compatibility Plan (ALUCP). (APN: 0238-014-36); **submitted by Hamilton Stawson LLC.**

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 16, 2017**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.

A handwritten signature in blue ink that reads "Maureen Duran". It is written in a cursive style and is positioned above a horizontal line.



# ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT

November 20, 2017

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

**FILE NO.:** PCUP17-014

**DESCRIPTION:** A Conditional Use Permit to establish alcoholic beverage sales, limited to beer and wine (Type 41 ABC license) for consumption on the premises, in conjunction with an existing 70,033 square-foot Edwards Theater (APN: 1008-271-10); submitted by Edwards Theatres Inc. / John Curry.

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## PART I: BACKGROUND & ANALYSIS

EDWARDS THEATRES INC. / JOHN CURRY, (herein after referred to as "Applicant") has filed an application requesting Conditional Use Permit approval for File No. PCUP17-014, 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 1.9 acres of land located at 1575 N. Mountain Avenue, 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>	Entertainment (Movie Theater)	General Commercial (0.4 FAR)	N/A	Mountain Village Specific Plan, Entertainment District
<i>North</i>	Interstate-10 Freeway	N/A	N/A	N/A
<i>South</i>	Commercial/Retail	General Commercial (0.4 FAR)	N/A	Mountain Village Specific Plan, Main Street District
<i>East</i>	Commercial/Retail	General Commercial (0.4 FAR)	N/A	Mountain Village Specific Plan, Sixth Street District
<i>West</i>	Single-Family Residential	Low-Medium Density (5.1 – 11 du/ac)	N/A	Mountain Village Specific Plan, Residential District

**(2) Project Analysis:**

**(a) Background** — The project site is located within the Mountain Village Entertainment Center. The Edwards movie theatre was established in 1998 as a stand-alone, 80,000 square-foot building with 14 movie screens. Edwards currently operates 588 movie theatres throughout 44 states and continuously invests millions of dollars in renovations to enhance the movie-going experience for its patrons. Recent enhancements to the theatres include replacing seats with luxurious recliners, and adding food and beverage menu items, including alcohol. Edwards is currently serving alcoholic beverages at over 20 theatre locations in California.

The Edwards at Mountain Village has also undergone improvements and renovations since its establishment, including upgrades to its concession stand to provide a wider variety of food options. The location is in the process of upgrading its seating choices to include the luxurious king-size recliners that are part of a nation-wide entertainment experience improvement initiative. In keeping with their new nation-wide business model, Edwards is now seeking approval of a Type 41 ABC license to expand their beverage menu to include alcoholic beverage sales.

**(b) Floor Plan and Proposed Use** — The applicant is requesting a Type 41 ABC (On-Sale Beer and Wine for Bona-Fide Public Eating Place) in conjunction with the existing movie theatre. Edwards is proposing to construct a small bar within the theatre's existing concession stand, from which to serve beer and wine directly from the concession stand (see **Exhibit C: Floor Plan**) to their patrons. The applicant has provided their *Alcohol Control Plan* (see **Exhibit E: Alcohol Control Plan**) that outlines how alcohol will be sold and consumed on-site. Bartenders will be required to check ID's and ensure that patrons are 21 or older. Patrons may only purchase one alcoholic beverage at one time for themselves and/or one for each of-age individual physically present with them. Once purchased, patrons may take their alcoholic beverages into any theatre, just as they traditionally would with non-alcoholic beverages and/or food items. Alcohol will only be allowed to be purchased at the concession stand, and staff shall not take orders for or deliver alcohol to patrons in the auditoriums. Transparent cups will be used to serve the alcoholic beverages in order to help staff and security distinguish said beverages from non-alcoholic beverages.

As a condition of approval, the Police Department is requiring that employees check individual theatres on a regular basis (typically every 30 minutes) to monitor alcohol consumption. The theatre employees will observe patrons to ensure they are not sharing their alcoholic beverages as well as observing for any other code of conduct violations. If code of conduct violations are observed, theatre security will be called to handle the matter. To further mitigate potential issues with alcoholic beverage consumption at the theatre, signs will be posted on all exit doors and concession areas that state that alcoholic beverage consumption is allowed inside the theatre only. Patrons would not be allowed to exit the theatre with an open alcoholic beverage. Pursuant to the Police Department Conditions of Approval, alcoholic beverage service may only occur between

the hours of 10:00 a.m. and 12:00 a.m., although Edwards may choose to further reduce the hours of service, at their discretion.

**(c) Parking** — The project site was developed with 1,004 parking spaces, the majority of which are owned by Edwards Theatre and some of which on land owned by the City of Ontario, and intended for use by the theatre and the adjacent restaurant and retail spaces. At the time of the original development's approval, a 10% reduction in required parking was allotted for the Mountain Village site; however, the theatre is currently neither proposing the removal of spaces nor adding any additional square footage or seated bar area. Therefore, staff does not anticipate any impacts to the existing parking, and so no additional parking shall be required.

**(d) ABC License Concentration** — The California Department of Alcoholic Beverage Control (ABC) is the controlling State entity which grants, renews, and revokes all ABC licenses. ABC determines how many On-Sale and Off-Sale alcoholic beverages license types should be issued per Census Tract, based on their populations. The project site is located within Census Tract 10.01, which is located entirely within the City of Ontario and with the proposed license will be over-concentrated with On-Sale ABC licenses. Census Tract 10.01 is bounded by the Interstate-10 Freeway on the north, Mountain Avenue on the east, I Street on the south, and Benson Avenue on the west. While the majority of the tract is residential, the project site is located within its entertainment district, and includes the theatre in addition to restaurant and retail uses. ABC currently allows for 3 On-Sale licenses within the tract. As of August 2017, the latest ABC report shows Census Tract 10.01 as having a total number of 3 On-Sale licenses (see **Exhibit F: ABC License Concentration**). The project site will operate as a "Bona-Fide Public Eating Place," and the Police Department does not object to allowing the Type 41 ABC license provided all City and State Department of Alcohol Beverage Control rules, regulations, and conditions are met and followed. In addition, all new alcoholic beverage serving facilities are required to have their employees attend L.E.A.D. training classes, which are offered by the City of Ontario's Police Department, at no cost.

If approved, this Edwards Theatre would join a few other movie theatres in the City in providing alcoholic beverages. Both the Edwards Theatre in the Ontario Mills Mall periphery as well as the AMC Theater near the Ontario Mills Mall received approval to serve alcohol in the last 3 years. Further, those two locations pursued a more intensive Type 47 license, which also allows for the sale of distilled spirits. The Police Department has imposed similar Conditions of Approval for this Type 41 license, and reserves the right to request additional conditions as needed or a revocation hearing if they determine that the establishment is being operated in violation of this Conditional Use Permit or has violated the laws of the State or City. Furthermore, the project site is not located in a high crime area, the property has no outstanding Building or Code violations, and the overall property is properly maintained. Staff has placed specific Conditions of Approval for the ABC license to ensure safe operation of 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. Edwards Theatre is the sole tenant on its own parcel, and is the landowner of the majority of the Mountain Village entertainment district in which it is located. Parking was originally constructed with consideration for the adjacent retail and restaurant uses within the center. The introduction of alcohol sales at the existing theatre as a service ancillary to the existing concession sales will not intensify the land use, as it is being provided as a convenience to patrons. In order to meet the requirements for the Type 41 ABC license, Edwards will be offering an extensive food menu at the Concession Counter (see **Exhibit G: Edwards Food and Beverage Menu**), and food will be available at all times when alcohol is served.

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.

**(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 November, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Alexis Vaughn, Assistant Planner, presented the staff report on the proposed use, indicating the staff recommendation of approval. 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 zoning district within which the site is located. The proposed ancillary Type 41 ABC License (On-Sale Beer and Wine for Bona-Fide Public Eating Place) will be located at 1575 N. Mountain Avenue, which is designated for the Entertainment District of the Mountain Village Specific Plan. The proposed use will be established consistent with the City of Ontario Development Code, and its objectives and purposes, and the objectives and purposes, and development standards and guidelines, of the Specific Plan. With approval of the Conditional Use Permit, the project meets the intent of the Specific Plan, as the Entertainment District serves as a focal point for the community and provides entertainment-based uses to both nearby residents and visitors to the area.

(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 41 ABC License (On-Sale Beer and Wine for Bona-Fide Public Eating Place) will be located at 1575 N. Mountain Avenue, which the Policy Plan Master Land Use Plan designates for General Commercial (0.4 FAR) land 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 promotes the establishment and intensification of General Commercial land uses in the area of the project site. As the project aims to provide added convenience to an already well-established use, the project meets the intent of the Vision, Policy Plan, and City Council Priorities.

(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.* The use will be operated in accordance with the Ontario Development Code and the use meets the objectives and purposes as required in the Mountain Village Specific Plan. Per the Specific Plan, the area is intended to be used as a focal point for both the community and the region, and the center includes a variety of active and passive uses, such as the theatre, restaurants, retail, and public park, and plaza space. The Entertainment District was established so as to draw patrons to the other nearby retail uses in other districts of the Specific Plan. By providing an added benefit and convenience to the existing Edwards Theatre, the project as proposed would further the Specific Plan's goals.

(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 the 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 is 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 conditions of approval. The use is consistent with the Entertainment District land use designation of the Mountain Village Specific Plan and other similar theatre uses in the region. The use will be providing a convenience for theatre 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. The existing entertainment commercial center where the Type 41 license is proposed is in good operating condition and has no outstanding enforcement violations.

- The site is properly maintained, including building improvements, landscaping, and lighting. The existing commercial center surrounding the Edwards Theatre is properly maintained and serviced on a regular basis. Edwards is currently undergoing both interior and exterior building improvement projects to update both the theatre and its plaza.

(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 (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

Zoning Administrator Decision

File No. PCUP17-014

November 20, 2017

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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.

(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. PCUP17-014, subject to the conditions of approval attached hereto and incorporated herein by this reference.

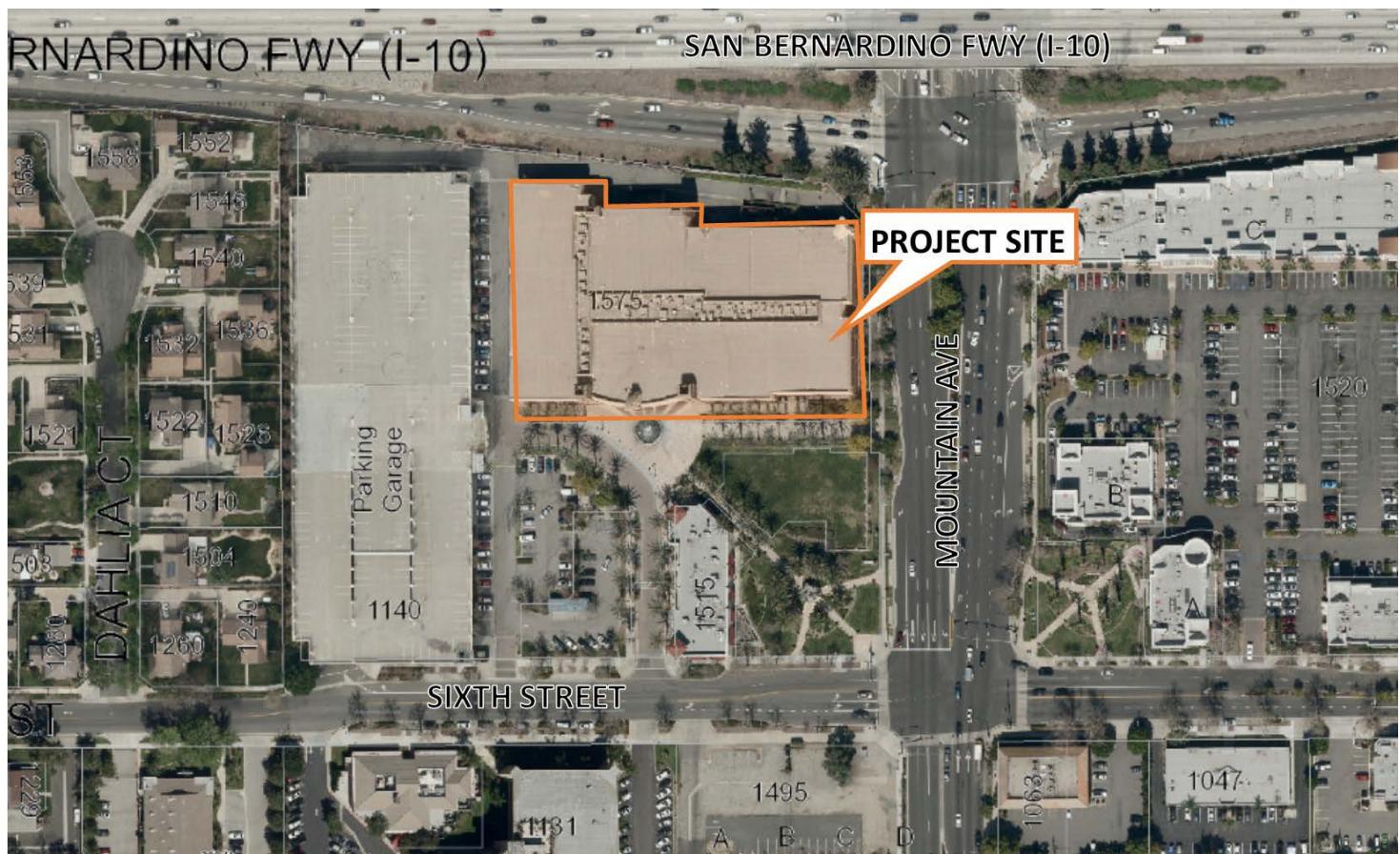
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APPROVED AND ADOPTED this 20th day of November, 2017.

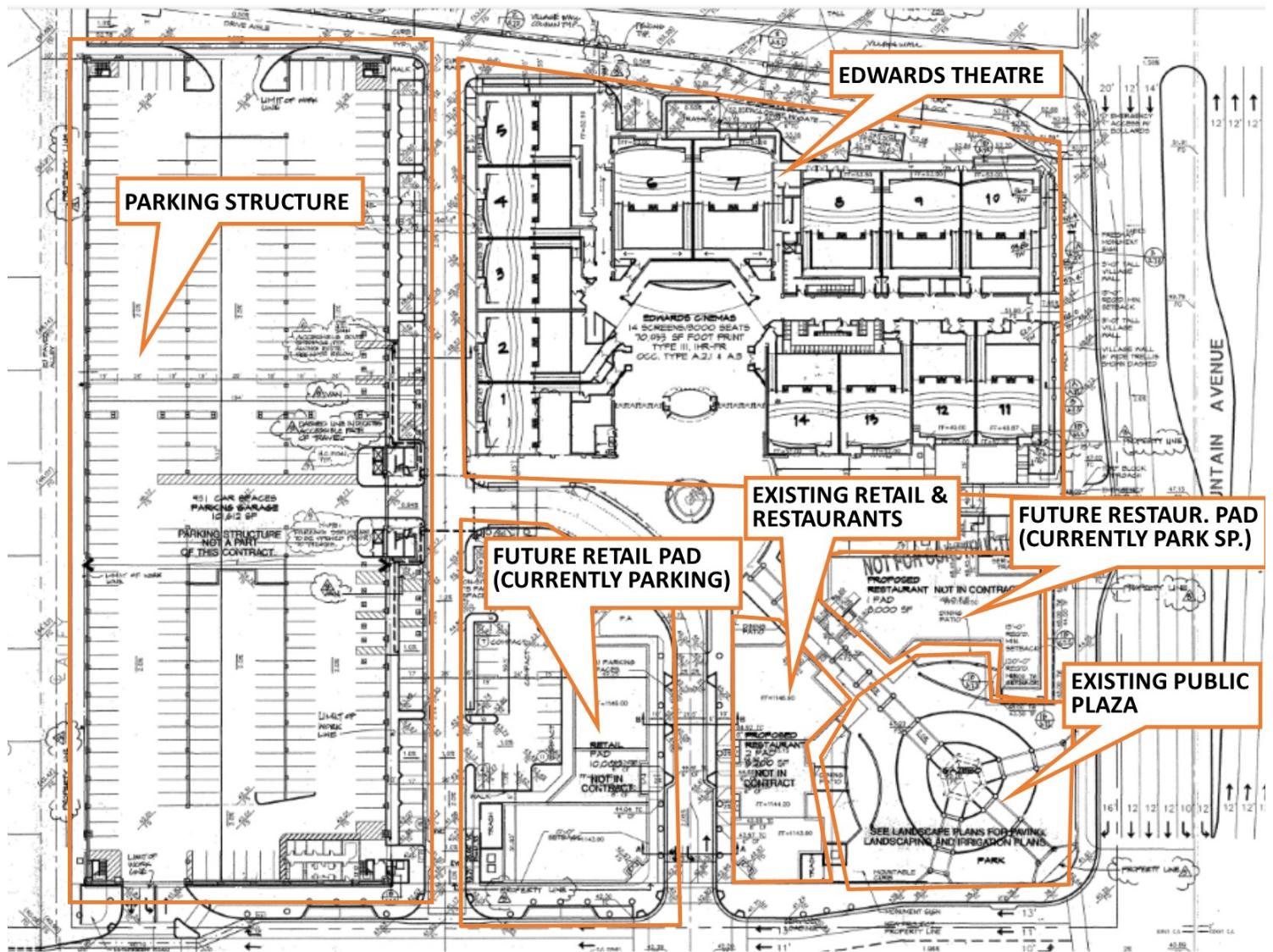
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Scott Murphy  
Zoning Administrator

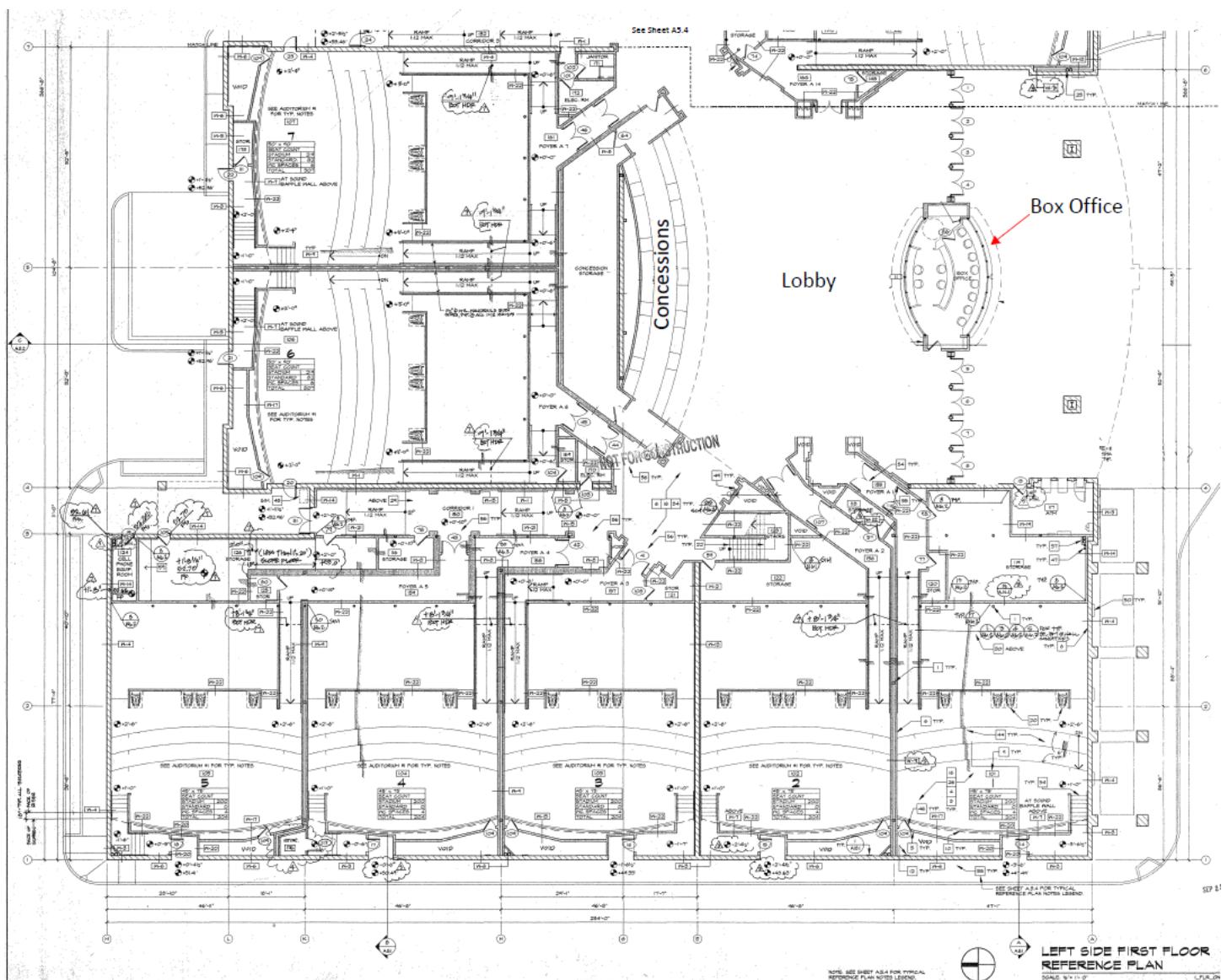
***Exhibit A: Aerial Photograph***



**Exhibit B: Site Plan**



**Exhibit C: Floor Plan (1<sup>st</sup> floor)**



***Exhibit D: Site Photos***



**VIEW OF THEATRE AND PARK SPACE (FUTURE RESTAURANT PAD),  
LOOKING NORTHWEST**



**VIEW OF REAR OF THEATRE, LOOKING SOUTHEAST**



**VIEW OF THEATRE, FUTURE RETAIL PAD (CURRENTLY PARKING), AND EXISTING RESTAURANT PAD, LOOKING NORTH**



**VIEW FROM SITE, LOOKING EAST**

Zoning Administrator Decision  
File No. PCUP17-014  
November 20, 2017

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**VIEW FROM SITE, LOOKING SOUTH**



**VIEW OF PARKING STRUCTURE, LOOKING WEST**

***Exhibit E: Alcohol Control Plan***

**Project Description**  
**Edwards Theater**  
1575 North Mountain Ave.,  
October 19, 2017

**Proposed Use:**

Serve beer and wine for on-site consumption (ABC Type 41 License) within an established movie theatre through strict compliance to attached "Alcohol Control Plan" and ABC Standard Conditions for movie theatre licenses.

**Hours of Operations:**

Monday – Sunday: 10:00 a.m. to 1:00 a.m.

**Alcohol Sales Hours:**

Monday – Sunday: 10:00 a.m. to 12:00 a.m.

**Employee Training:**

All managers and servers will complete a CA Dept. of Alcoholic Beverage Control approved responsible beverage service training program within 30 days of being hired.

**Alcohol Service:** Alcohol may be purchased at any location at the Concession Counter. Please refer to attached "Alcohol Control Plan" for more details.

**Food Service:** Regal Cinemas offers an extensive food menu at the Concession Counter and food will be available at all times alcohol is served.

**About Regal Cinema:**

Regal operates the largest and most geographically diverse theater circuit in America, consisting of 7,334 screens in 588 locations in 44 states along with American territories Guam, Saipan, American Samoa, Grand Cayman, and the District of Columbia, as of September 2013. The three main theatre brands operated by Regal Entertainment Group are **Regal Cinemas**, **Edwards Theatres**, and **United Artists Theatres**. Regal is publicly traded on the NYSE under the symbol: RGC.

Regal is investing millions of dollars in renovations to enhance the movie going experience. Enhancements to the theatres include replacing seats with luxurious recliners and adding food and beverages menu items including the sale alcohol.



Regal Cinemas/Edwards Theaters  
Alcohol Control Plan

The following control measures will be in place at the premises at all times:

1. Minors. Minors will be admitted to all G, PG, and PG' 13 rated movies at all times with or without a parent, guardian, spouse, or domestic partner. Minors under 17 years of age will be admitted to R rated movies only if accompanied by a parent, guardian, spouse, or domestic partner who is age 21 or over.
2. Auditoriums. In all auditoriums, there are fixed seats available for each patron, with the exception of open spaces reserved for patrons utilizing wheelchairs. In all auditoriums, we will require each patron to sit in a fixed seat or their provided wheelchair and will have no location for patron standing or dancing.
3. On-site manager. There will be a manager on the premises and on duty at all times when alcohol is available for sale.
4. Identification. All patrons wishing to purchase alcohol will present state or federal personal identification with photo for inspection demonstrating they are 21 years of age or older. Identification must be presented each time an alcohol beverage is purchased.
5. Underage consumption/possession. If a patron appears to be underage and is consuming alcohol, a staff member will ask to verify ID again. Any minor found with an alcohol beverage will have the beverage removed immediately and the minor will be required to leave the premises. Any patron found to have given alcohol to a minor will be required to leave the premises immediately.
6. Limit of one container per patron. A patron may only possess one container of alcohol at one time. Patrons may only purchase alcohol beverages for themselves and those individuals physically present and providing identification at the register at the time of purchase.
7. Containers. Containers used to serve alcohol beverages will be translucent plastic vessels and clearly distinguishable from those used to serve non-alcohol beverages.
8. Concession orders only. Patrons must obtain their alcohol beverages in person from the designated point of sales at the concession stand. We will not take orders for or deliver alcohol to patrons in the auditorium.
9. Auditorium monitoring. Staff will visually monitor each theatre at least every thirty minutes during every movie showing to monitor patron behavior.
10. Training. Staff will receive training on patron removal procedures for patrons who are showing visible signs of intoxication or who are found or suspected of violating this plan. Staff will also receive training on which types of identification will be accepted and on determining the validity of identification.
11. Food service. Food and concession items will be accessible during all hours of operation at the concession stand as is practical.

**Exhibit F: ABC License Concentration (Actual and Allowed)**

California ABC - License Query System - Data Portal

Page 1 of 1



California Department of Alcoholic Beverage  
 Control  
 For the County of SAN BERNARDINO - (On-Sale  
Licenses)  
and Census Tract = 10.01

Report as of 8/22/2017

License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1)272174	ACTIVE	51	8/28/1992	4/30/2018	ELKS LODGE 1419 ONTARIO 1150 W 4TH ST ONTARIO, CA 91762  Census Tract: 0010.01	ONTARIO ELKS LODGE #1419		3607
2)513338	ACTIVE	41	12/1/2011 10:40:33 AM	11/30/2017	SACHA & PATAYA INC 1515 N MOUNTAIN AVE, STE E & F ONTARIO, CA 91762-1115  Census Tract: 0010.01	LUCKY ELEPHANT THAI CUISINE 2		3607
3)663145	ACTIVE	47	12/17/2015 1:31:14 PM	11/30/2017	SIXTH STREET WEST INC 1133 W 6TH ST ONTARIO, CA 91762  Census Tract: 0010.01	SIXTH STREET BAR AND GRILL	1582 BRIDGET CT UPLAND, CA 91784	3607

- - - End of Report - - -

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
 NUMBER OF LICENSES AUTHORIZED  
 BY CENSUS TRACT

County Name	County Population	County Ratio On Sale	County Ratio Off Sale	Census Tract #	Census Tract Population	On Sale	Off Sale
SAN BERNARDINO	2,139,570	1277	1,430	10.01	4,990	3	3
SAN BERNARDINO	2,139,570	1277	1,430	10.02	5,530	4	3
SAN BERNARDINO	2,139,570	1277	1,430	11.01	4,092	3	2
SAN BERNARDINO	2,139,570	1277	1,430	11.03	3,997	3	2
SAN BERNARDINO	2,139,570	1277	1,430	11.04	5,058	3	3
SAN BERNARDINO	2,139,570	1277	1,430	12.00	4,730	3	3
SAN BERNARDINO	2,139,570	1277	1,430	13.05	5,348	4	3
SAN BERNARDINO	2,139,570	1277	1,430	13.07	4,163	3	2
SAN BERNARDINO	2,139,570	1277	1,430	13.08	5,100	3	3
SAN BERNARDINO	2,139,570	1277	1,430	13.09	4,793	3	3
SAN BERNARDINO	2,139,570	1277	1,430	13.10	5,814	4	4
SAN BERNARDINO	2,139,570	1277	1,430	13.11	3,236	2	2
SAN BERNARDINO	2,139,570	1277	1,430	13.12	4,645	3	3
SAN BERNARDINO	2,139,570	1277	1,430	14.00	2,923	2	2
SAN BERNARDINO	2,139,570	1277	1,430	15.01	4,052	3	2
SAN BERNARDINO	2,139,570	1277	1,430	15.03	4,195	3	2
SAN BERNARDINO	2,139,570	1277	1,430	15.04	5,676	4	3
SAN BERNARDINO	2,139,570	1277	1,430				

***Exhibit G: Edwards Food and Beverage Menu***



**Edwards Theaters Concessions Menu**

**Non-alcoholic Beverages:**

- Pepsi Fountain Beverages
- ICEE Frozen Beverages
- Iced Tea
- Bottled Pepsi Beverages
- Bottled Fuze
- Bottled Water
- Tea
- Hot Chocolate
- Hot Café Espresso Drinks
- Iced Café Espresso Drinks
- Frappuccino Drinks

**CONCESSIONS MENU:**

- Popcorn
- Kettle Korn
- Beef Jerky
- Bulk Dispensed Candy
- Packaged Candy
- Lite Bites Snack Pack

**EXPANDED FOOD MENU:**

- Nachos
- Super Nachos
- Jumbo Hot Dogs
- Hot Dogs
- Pepperoni Pizza
- Cheese Pizza
- Gourmet Pretzels
- Pretzel Bites

**DESSERT MENU:**

- Frozen Ice Cream Novelties
- Hand Dipped Ice Cream
- Hand Spun Milkshakes
- Gourmet Desserts
- Ice Cream Float
- Otis Spunkmeyer Fresh Baked Cookies
- Frozen Lemonade
- Frozen Strawberry Lemonade



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:** November 20, 2017

**File No:** PCUP17-014

**Related Files:** N/A

**Project Description:** A Conditional Use Permit to establish alcoholic beverage sales, limited to beer and wine (Type 41 ABC license) for consumption on the premises, in conjunction with an existing 70,033 square-foot Edwards Theater (APN: 1008-271-10); submitted by Edwards Theatres Inc. / John Curry.

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

*AV*

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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 Special Conditions of Approval.**

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

**1.2 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 session 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.

### 1.3 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 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.

1.4 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.

### 1.5 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 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/notifications, 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.

**1.6      Additional Requirements.**

- (a)**      No outdoor alcohol consumption shall be allowed.
- (b)**      All applicable Conditions of Approval from other City departments shall be required to be met and followed.
- (c)**      A copy of the Conditional Use Permit Zoning Administrator Decision shall be kept on the premises. A hard copy will be mailed to the applicant once the decision is made final; a digital copy may be provided upon request to the project planner.



# CITY OF ONTARIO

## POLICE DEPARTMENT

### MEMORANDUM

**TO:** Associate Planner

**FROM:** Eric Quinones, Police Officer

**DATE:** August 4<sup>th</sup>, 2017

**SUBJECT:** FILE NO. PCUP17-014– Edwards Theatres, 1575 North Mountain Av, Ontario, Ca

This location has applied for a type 41 ABC License (Beer and wine), located within Census Tract No. 10.01. According to the Department of Alcohol Beverage Control, two on-sale licenses are allowed within this tract, there are currently three. This location operates 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 Alcohol Beverage Control rules and conditions. In addition, the following conditions of approval shall be imposed by the Police Department:

1. Sales and service of alcoholic beverages shall be permitted only between the hours of 10:00 am to 12:00 Midnight each day of the week. Last call will be 11:30 p.m. and consumption of alcohol shall stop at 02:00a.m.
2. No alcohol sales or service to minors.
3. No sales or service to intoxicated patrons.
4. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.
5. There shall be no sales and/or service by waiters or waitresses allowed at any time.
6. No person under the age of 21 shall sell or serve alcoholic beverages.
7. No self-serve alcohol displays allowed.
8. All sales of alcoholic beverages for consumption in the general spectator seating areas shall be made only from the service bar and shall not be sold, served, or delivered to customers by individual ambulatory vendors, commonly known as “hawkers”.
9. Alcoholic beverages shall only be sold and served in distinctive cups and no other cups may be used for the dispensing of alcoholic beverages. Said containers shall be readily

identifiable as containing alcoholic beverages and shall be distinct and different than containers containing non-alcoholic beverages. The containers containing alcohol must be made of plastic and no larger than 16oz.

10. At all times when the premises is exercising the privileges of their license, during the period from the initiation of seating until the completion of the feature presentation, ambient lighting in the auditoriums shall remain at a level sufficient to observe patrons who may be consuming alcoholic beverages.
11. At all times when the premises is exercising the privileges of their license, an employee of the premises shall enter and monitor the activity within the theaters on a regular basis, but no less than once every 30 minutes.
12. No more than two (2) alcoholic beverages shall be sold to any one (1) person during any sales transaction.
13. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
14. The service commonly known as "Bottle Service" is not allowed.
15. Food sales and service must be available at all times during the time that alcohol is served. The establishment shall be operated as a "Bona Fide public Eating Place" as defined by the Department of Alcohol Beverage Control.
16. No Smoking inside of the establishment is permitted, including any type of electronic cigarettes.
17. No narcotic sales or usage on the premises at any time. This includes marijuana.
18. The petitioner(s) shall post signs measuring 12" by 12" with lettering no smaller than two inches in height that read, "No Alcoholic Beverages beyond this point" at all premises exits within the theaters/auditoriums.
19. There shall be no live entertainment, disc jockey, karaoke, dancing, dance floor, or dance area provided on the premises unless a separate conditional use permit for live entertainment is applied for and approved by the Planning Department.
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 abatement.

21. All managers and all employees involved with the sale/service of alcoholic beverages or of monitoring patrons including security must attend an Alcohol Beverage Control (ABC) L.E.A.D.'s training class or a certified responsible beverage service class, which has been approved by ABC and Ontario Police Department within six months of this dated conditional use permit. Proof of re-certification is required every 3 years. New employees must attend the training class within three months of their hire date.
22. 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.
23. Any security personnel hired will be required to follow Ontario Municipal Code Article 6, Title 3, Section 3-1.601-621 (security regulations).

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.

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).

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.

Prior to use of alcohol beverages on the premises an inspection will be conducted by the Ontario Police Department and the Ontario Planning Department.

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

If you have any questions please call (909) 395-2812.

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP17-014

Address: 1575 N. Mountain Ave

APN: 1008-271-10

Existing Land Use: Movie Theatre (Edwards)

Proposed Land Use: ancillary Type 41 ABC License (Beer & Wine)

Site Acreage: 1.9

Proposed Structure Height: existing building

ONT-IAC Project Review: n/a

Airport Influence Area: ONT

Reviewed By:

Lorena Mejia

Contact Info:

909-395-2276

Project Planner:

Alexis Vaughn

Date: 9/7/17

CD No.: 2017-049

PALU No.: n/a

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

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="checkbox"/> Zone 1	<input type="checkbox"/> 75+ dB CNEL	<input type="checkbox"/> High Terrain Zone	<input type="checkbox"/> Aviation Easement Dedication
<input type="checkbox"/> Zone 1A	<input type="checkbox"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input type="checkbox"/> Recorded Overflight Notification
<input type="checkbox"/> Zone 2	<input type="checkbox"/> 65 - 70 dB CNEL	<input type="checkbox"/> Airspace Obstruction Surfaces	<input checked="" type="checkbox"/> Real Estate Transaction Disclosure
<input type="checkbox"/> Zone 3	<input type="checkbox"/> 60 - 65 dB CNEL	<input type="checkbox"/> Airspace Aviation Easement Area	
<input type="checkbox"/> Zone 4			
<input type="checkbox"/> Zone 5		Allowable Height: 200 ft +	

### The project is impacted by the following Chino ALUCP Safety Zones:

Zone 1     Zone 2     Zone 3     Zone 4     Zone 5     Zone 6

Allowable Height: \_\_\_\_\_

### 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 policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT.

Airport Planner Signature: \_\_\_\_\_



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Alexis Vaughn, Planning Department

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

**DATE:** August 7, 2017

**SUBJECT:** PCUP17-014 A Conditional Use Permit to establish alcoholic beverage sales, limited to beer and wine (Type 41 ABC license), for consumption on the premises, in conjunction with an existing 700,033-square foot Edwards Theater on 1.9 acres of land located at 1575 North Mountain Ave, within the Entertainment district of the Mountain Village Specific Plan (APN: 1008-271-10)

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

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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

### ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

(Environmental Section, Information Technology & Management Services Department, Ontario Municipal Utilities Company and Traffic & Transportation Division Conditions incorporated)

**DATE:** 08/14/2017

**PROJECT:** PCUP17-014, a Conditional Use Permit to establish alcoholic beverage sales, limited to beer and wine (Type 41 ABC license), for consumption on the premises, in conjunction with an existing 70,033-square foot Edwards Theater on 1.9 acres of land.

**APN:** 1008-271-10

**LOCATION:** 1575 North Mountain Avenue

**PROJECT ENGINEER:** Antonio Alejos (909) 395-2384

**PROJECT PLANNER:** Alexis Vaughn (909) 395-2416

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The following items are the Conditions of Approval for the subject project:

1. No Conditions.



**CITY OF ONTARIO**  
**MEMORANDUM**

TO: Hassan Haghani, Development Director  
Scott Murphy, Planning Director (Copy of Memo only)  
Cathy Wahlstrom, Principal Planner (Copy of memo only)  
Charity Hernandez, Economic Development  
**Kevin Shear, Building Official**  
Khoi Do, Assistant City Engineer  
Carolyn Bell, Landscape Planning Division  
Sheldon Yu, Municipal Utility Company  
Doug Sorel, Police Department  
Paul Ehrman, Deputy Fire Chief/Fire Marshal  
Jay Bautista, T. E., Traffic/Transportation Manager  
Lorena Mejia, Senior Planner  
Steve Wilson, Engineering/NPDES  
Bob Gluck, Code Enforcement Director  
Jimmy Chang , IT Department  
David Simpson, Development/IT (Copy of memo only)

FROM: Alexis Vaughn, Assistant Planner

DATE: July 24, 2017

SUBJECT: FILE #: PCUP17-014

Finance A



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 **Monday, August 7, 2017**.

**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, limited to beer and wine (Type 41 ABC license), for consumption on the premises, in conjunction with an existing 70,033-square foot Edwards Theater on 1.9 acres of land located at 1575 North Mountain Ave, within the Entertainment district of the Mountain Village Specific Plan (APN: 1008-271-10)

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.

# Building Department

## Department

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**Signature**

Title

Date

# CITY OF ONTARIO

## MEMORANDUM

**TO:** PLANNING DEPARTMENT, Alexis Vaughn  
**FROM:** BUILDING DEPARTMENT, Kevin Shear  
**DATE:** July 24, 2017  
**SUBJECT:** PCUP17-014



- 
- 1. The plan does adequately address the departmental concerns at this time.

No comments.

KS:Im



CITY OF ONTARIO  
MEMORANDUM

TO: Hassan Haghani, Development Director  
Scott Murphy, Planning Director (Copy of Memo only)  
Cathy Wahlstrom, Principal Planner (Copy of memo only)  
Charity Hernandez, Economic Development  
Kevin Shear, Building Official  
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 DAB, Planning Commission and City Council actions are required  
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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

Landscape Plans - Carlyle Bell Sr. Landscape L. Infect  
Department Signature Title Date



# ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT

November 20, 2017

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

**FILE NO.:** PCUP17-019

**DESCRIPTION:** A request to amend an existing Conditional Use Permit (File No. PCUP09-007) to upgrade the existing Type 41 ABC License for on-sale beer and wine to a Type 47 ABC License for on-sale beer, wine, and distilled spirits; and to expand an existing restaurant to include a banquet room with accompanying beer, wine, and spirits sales for consumption on the premises and live entertainment for property located at 1845 E. Holt Boulevard. (APN: 0110-092-17); **submitted by MCSW Corp. DBA Beola's Southern Cuisine.**

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

MCSW CORP. DBA BEOLA'S SOUTHERN CUISINE, (herein after referred to as "Applicant") has filed an application requesting Conditional Use Permit approval for File No. PCUP17-019, 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 approximately 1.7 acres of land located at 1845 E. Holt Boulevard, 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	Hospitality – 1.0 FAR (HOS)	Convention Center Support Commercial (CCS)	N/A
<i>North</i>	Restaurant, Hotel	Hospitality – 1.0 FAR (HOS)	Convention Center Support Commercial (CCS)	N/A
<i>South</i>	Fast Food, Hotel	Hospitality – 1.0 FAR (HOS)	Convention Center Support Commercial (CCS)	N/A
<i>East</i>	Restaurant, Commercial	Hospitality – 1.0 FAR (HOS)	Convention Center Support Commercial (CCS)	N/A
<i>West</i>	Hotel	Hospitality – 1.0 FAR (HOS)	Convention Center Support Commercial (CCS)	N/A

**(2) Project Analysis:**

**(a) Background** — The project site is located within the Ontario Airport Plaza (OAP), a 4.2-acre commercial center consisting of four buildings totaling approximately 86,000 square feet (**see Exhibit B: Site Plan**). Developed in 2006, the project included four buildings across three parcels incorporating various commercial uses: (1) a 58,026 square-foot, 100-room, limited service hotel (currently in operation); (2) a 17,138 square-foot, two-story office building (occupied by San Bernardino County Child Support Services); (3) a 3,746 multi-tenant retail-commercial building, with a drive-thru servicing a specialty food establishment (occupied by Starbucks and Quiznos); and (4) an approximately 5,500 square-foot multi-tenant retail-commercial building (partially occupied by an existing restaurant (Beola's Southern Cuisine) and partially vacant). The vacant portion of the subject building has never been occupied, and so the applicant plans to expand his existing restaurant by incorporating a banquet space with ancillary alcohol sales and live entertainment into the vacant space (approximately 1,930 square feet).

Beola's Southern Cuisine is an existing full-service restaurant with a Type 41 alcohol license (on-site beer and wine, pursuant to PCUP09-007). The applicant has applied for an upgrade with ABC for a Type 47 license (on-site beer, wine, and spirits) for the existing restaurant and proposed banquet facility. The applicant proposes to expand his restaurant into the vacant tenant space adjacent to the restaurant, for use as a banquet facility. The banquet facility is proposed to be used for special events such as corporate dinners and luncheons, baby and bridal showers, wedding receptions, Sunday gospel brunch, fundraisers, etc. The applicant has proposed live entertainment for the space (**see Exhibit C: Floor Plan**), including live music (jazz bands, gospel singers, etc.), DJ's, and dancing for private events. The applicant is not proposing a dance club use open to the public. The applicant is pursuing the banquet space in order to further the success of his existing business and to provide more private event space options to the area.

**(b) Proposed Use and Floor Plan** — The applicant is requesting approval of a modification to an existing Conditional Use Permit (PCUP09-007) to allow for a Type 47 ABC license (On Sale General for Bona Fide Public Eating Place) in conjunction with the existing restaurant and a proposed 1,930 square-foot expansion for a banquet facility into the adjacent vacant suite, which is to include live entertainment (live music, and DJ's and dancing for private events). Security guards will be required to be present for all weekend events. Per City of Ontario Police Department conditions of approval, security guards will be posted inside and outside the building, before, during, and after the events. The applicant has also expressed interest in pursuing the previously-approved outdoor patio under PCUP09-007, which requires a patio enclosure plan in order for alcohol to be served outside (**see Exhibit C: Floor Plan, patio location detail**).

The restaurant's current hours of operation are Monday through Friday, 10:00 AM to 2:00 AM, and Saturday and Sunday, from 9:00 AM to 2:00 AM. The proposed hours of operation for the banquet facility are Monday through Friday, from 5:00 PM to 2:00 AM,

and Saturday and Sunday, 9:00 AM to 2:00 AM, which are opposite of the operational hours for the large office occupied by the County of San Bernardino (Monday through Friday, from 8:00 AM to 5:00 PM). The existing restaurant is divided into four major areas, including the bar, the main dining area, a private dining area, and the restaurant operations area. The original Conditional Use Permit (PCUP09-007) also included a patio area directly adjacent to the restaurant near the southwest corner of the restaurant. The proposed banquet facility and expansion will be broken down into three major areas, including the banquet area, the built-in buffet area, and storage space. The proposed banquet facility also includes two restrooms and a designated area for entertainment. The banquet facility may be accessed from the outside by two standard doors, or from the existing restaurant by a sliding privacy door.

The applicant is requesting to upgrade the existing Type 41 license to a Type 47 license, which upon approval, will allow the sale of beer, wine, and distilled spirits within the confines of the building. A Type 47 ABC license is defined by the State Department of ABC as a public eating place authorized to sell beer, wine or distilled spirits for consumption on the licensed premises and is required to meet the following requirements:

- Must operate and maintain the licensed premises as a bona fide eating place.
- Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on premises.
- Minors are allowed on the premises.

As a Bona-Fide Public Eating Place, food must be available during the same hours of alcohol sales and consumption. A limited menu will be allowed after 9:00 PM. The Police Department is requiring that employees routinely monitor alcohol consumption. Restaurant employees will be responsible for checking IDs prior to serving alcohol and observe that patrons are not sharing their alcoholic beverage as well as observing any code of conduct violations. If code of conduct violations are observed, restaurant security will be called to handle the matter. Last call for alcohol will be no later than 45 minutes prior to closing, and no later than 1:15 AM. Alcohol sales and service will stop at 1:30 AM, or 30 minutes prior to closing.

The applicant is proposing to host live entertainment (live music, such as jazz bands and gospel singers for public brunches, and DJ's and dancing for private events) within the banquet facility. All special events exceeding the scope and approval of this Conditional Use Permit are required to be reviewed and approved through a Temporary Use Permit, prior to the event occurring. A special event can include, but is not limited to, anything occurring outside the facility such as a parking lot event, or any form of live entertainment not specifically identified within the approved Conditions of Approval.

**(c) Parking** — The Ontario Airport Plaza (OAP) has direct access from both Holt Boulevard and Vineyard Avenue. The proposed ancillary banquet facility is required to provide a total of 48 parking spaces based on the Ontario Development Code for a *Banquet Facility* that requires 25 parking spaces per 1,000 square feet of gross floor area. Per Ontario Development Code standards for parking, the total required parking for

the property, including the proposed banquet use, is 268 spaces (**See “Table 2, Summary of Current Parking Analysis”**). However, the existing commercial center provides a total of 216 parking spaces, and the existing uses require a total of 227 spaces (the vacant commercial space where the banquet facility is being proposed was parked as a general retail per the center’s original approval).

The OAP center’s original approval (PDEV06-040, PCUP06-022, & PMTT06-047) only budgeted parking spaces as indicated in the table below (**See Table 1, “Summary of Original Parking Analysis”**). One of the two retail buildings was built for a Starbucks with a drive-through and a Quiznos (both classified under Fast Food in today’s Development Code); however, the parking was calculated as “retail” at a rate of one space for each 250 square feet of gross floor area. It was found that the two units were substandard in terms of the companies’ typical floor plans and that the units would not be able to accommodate the amount of seating that is typically generated by fast food uses. The other retail building was intended for general and convenience retail, with the potential for one of the original four planned suites budgeted for restaurant use. Thus, only 214 spaces were required at the time of OAP’s original approval, with a small surplus of two additional parking spaces.

As demonstrated in Table 2, “Summary of Original Parking Analysis”, the proposed banquet facility and all existing uses within the commercial center require a total of 268 parking spaces. Only 216 parking spaces are provided within the center, resulting in a shortage of 52 parking spaces. In order to facilitate the proposed banquet facility and reduce any potential impacts to the commercial center’s existing parking, the banquet facility is proposed to operate at off-peak hours for the center’s office and retail uses. Consequently, staff has conditioned that the banquet facility operate Monday through Friday, from 5:00 PM to 2:00 AM, and Saturdays and Sundays all day. These limited hours of operation will mitigate impacts to the parking demand generated by the existing County of San Bernardino Child Support Services office, which operates Monday through Friday from 8:00 AM to 5:00 PM. The existing office use requires 69 parking spaces; therefore, with the condition of approval limiting the banquet facility’s hours of operation, the operational parking requirement for the entire project site, including the proposed project, would be reduced to 208 parking spaces.

TABLE 1

Summary of Original Parking Analysis				
Land Use	Gross Floor Area (SF)	Parking Ratio	Required Parking	Total Parking Provided
Hotel (Parcel 1)	100 rooms	1 space per room	100 spaces	97**
Office (Parcel 2)	17,138	1 space per each 250 SF of GFA	69	68**
Retail (Parcel 3)	11,238	1 space per each 250 SF of GFA***	45	51
			214	216

\*\* Note from original file: Parking will be shared with adjacent retail uses within the same development, which will be guaranteed through C&Rs.

\*\*\*The required parking for the Starbucks/Quiznos building was calculated at a lower-intensity retail rate rather than a higher-intensity fast food rate, as the two tenant spaces were not the typical size for either establishment to be able to provide much on-site seating; thus, they were treated as retail tenant spaces.

**TABLE 2**

<b>Summary of Current Parking Analysis</b>				
<b>Land Use</b>	<b>Gross Floor Area (SF)</b>	<b>Parking Ratio</b>	<b>Required Parking</b>	<b>Total Parking Provided</b>
<b>Hotel</b>	58,026 SF; 100 rooms	1 space per room	100 spaces	
<b>Fast Food</b>	3,746 SF; approx. 150 linear feet of drive-thru	1 space per each 250 SF of GFA***	15 spaces	
<b>General Business Office</b>	17,138 SF	4 spaces per 1000 SF of GFA	69 spaces	
<b>Restaurant with Outdoor Patio</b>	3,606 SF (restaurant) 900 SF (patio)	10 spaces per 1000 SF of GFA (includes outdoor seating area up to 25% of GFA)	36 spaces	
<b>Banquet Facility (Proposed)</b>	1,933 SF	25 spaces per 1000 SF of GFA	48 spaces	
<b>85,349 SF</b>			<b>268</b>	<b>216</b>

\*\*\*The original Development File approved the required parking for the Starbucks/Quiznos building to be calculated at a lower-intensity retail rate rather than a higher-intensity fast food rate.

**(d) ABC Concentrations** — The California Department of Alcohol 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 15.04, which is located entirely within the City of Ontario and is over-concentrated (4 on-sale licenses allowed; 5 active licenses); however, the applicant is proposing to switch from an existing Type 41 license to a Type 47 On-Sale General-Eating Place license and therefore will not affect the over-concentration. According to ABC, there are currently five on-sale licenses within this Census Tract, including Beola's existing license. This location will operate as a "Bona Fide Public Eating Place" and the Ontario Police Department does not object to allowing the Type 47 license, provided the establishment follows all Federal, State, local, and Department of Alcoholic Beverage Control laws, rules, and conditions, in addition to the enclosed Police Department conditions of approval. In addition, the project site is not located in a high crime area, is not in close proximity to residential or sensitive land uses, 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. All new beverage serving facilities are required to have their employees attend L.E.A.D. training classes, which are offered by the City of Ontario's Police Department, at no cost.

**(e) Land Use Compatibility** — 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 Airport Plaza commercial center that consists of four multi-tenant buildings with a hotel, general office building, and fast food uses.

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 restaurant use 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 November 20, 2017, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Alexis Vaughn, Assistant Planner, presented the staff report on the proposed use, indicating the staff recommendation of approval, subject to the attached conditions of approval. 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 zoning district within which the site is located. The proposed Type 47 license, banquet facility, and live entertainment will be located at 1845 E. Holt Boulevard, which is designated for the Convention Center Support Commercial (CCS) zoning district. The proposed use will be established consistent with the City of Ontario Development Code, and its objectives and purposes, and the objectives and purposes, and development standards and guidelines, of the Convention Center Support Commercial (CCS) zoning district. With approval of the

Conditional Use Permit, the project meets the intent of the Development Code and Ontario Plan, which is to provide commercial uses to serve local and regional residential, traveler, and business needs.

(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 license, banquet facility, and live entertainment will be located at 1845 E. Holt Boulevard, which the Policy Plan Master Land Use Plan designates for Hospitality (HOS) land 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 promotes the establishment and intensification of commercial land uses in the area of the project site. Further, the proposed banquet facility will provide an added benefit and convenience to the community, in that it will allow for more community-based uses, such as corporate/business events, youth-, faith-, and community-based group gatherings, as well as more options for the local hotel users.

(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.* The use is consistent with the uses and development standards allowed within the Ontario Development Code. Per the Development Code, the area is intended to be used for a regional commercial center surrounded by retail, offices, and hospitality uses that support the Convention Center. With approval of the Conditional Use Permit, the project is consistent with the Development Code's objectives and requirements, and any potential negative impacts will be minimized with the project's conditions of approval.

(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 the 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 is 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 project site, and 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 conditions of approval. The use is consistent with the Convention Center Support Commercial zoning designation of the Ontario Development Code and will provide added benefit and convenience to other 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), community and business groups that would like to hold private events, opportunity for the existing restaurant to provide fundraising services, and more.
- The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity. The existing commercial center is in good operating condition and has no outstanding enforcement violations.
- The site is not located within close proximity to a residential or sensitive land use.
- The site is properly maintained, including building improvements, landscaping, and lighting. The existing commercial center 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 (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.

(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.

Zoning Administrator Decision

File No. PCUP17-019

November 20, 2017

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(i) Based upon the findings and conclusions set forth in Parts I, II and III above, the Zoning Administrator hereby approves File No. PCUP17-019, subject to the conditions of approval attached hereto and incorporated herein by this reference.

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APPROVED AND ADOPTED this 20th day of November, 2017.

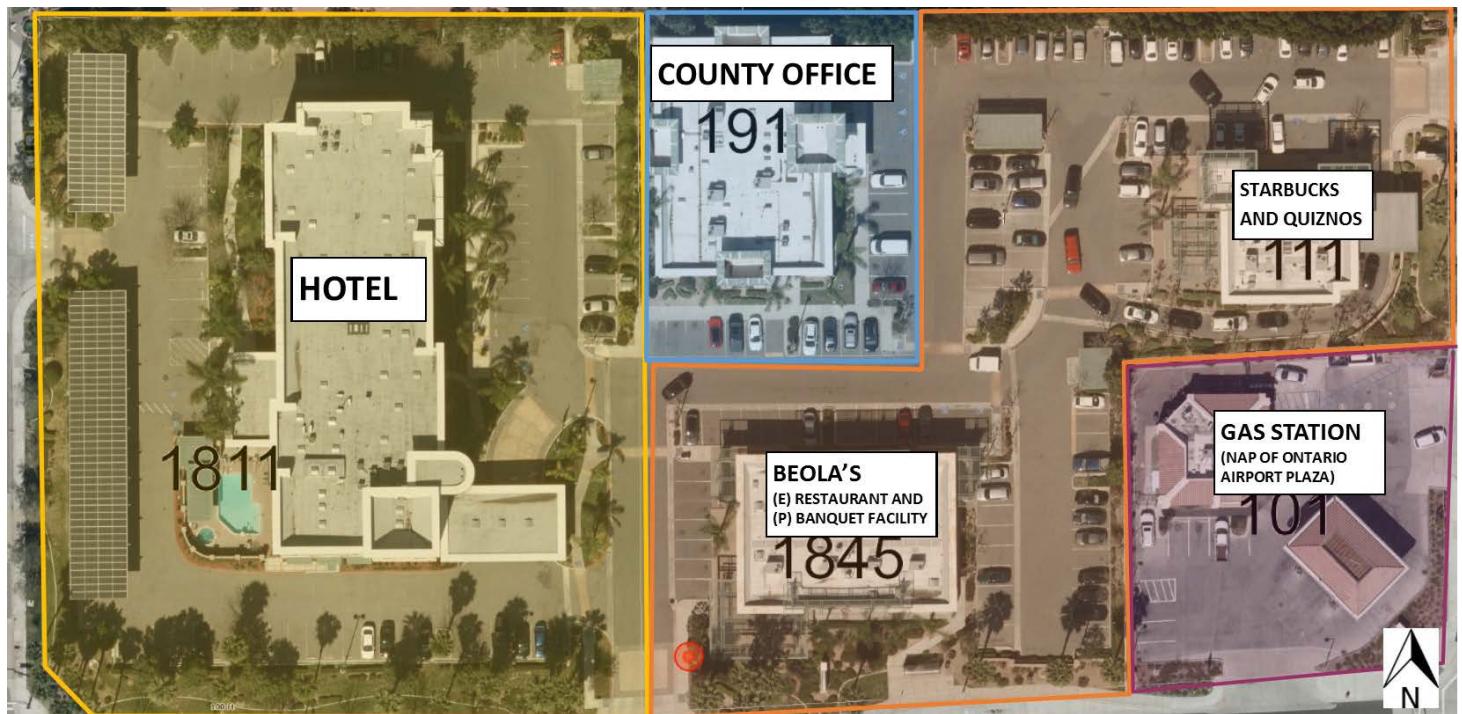
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Scott Murphy  
Zoning Administrator

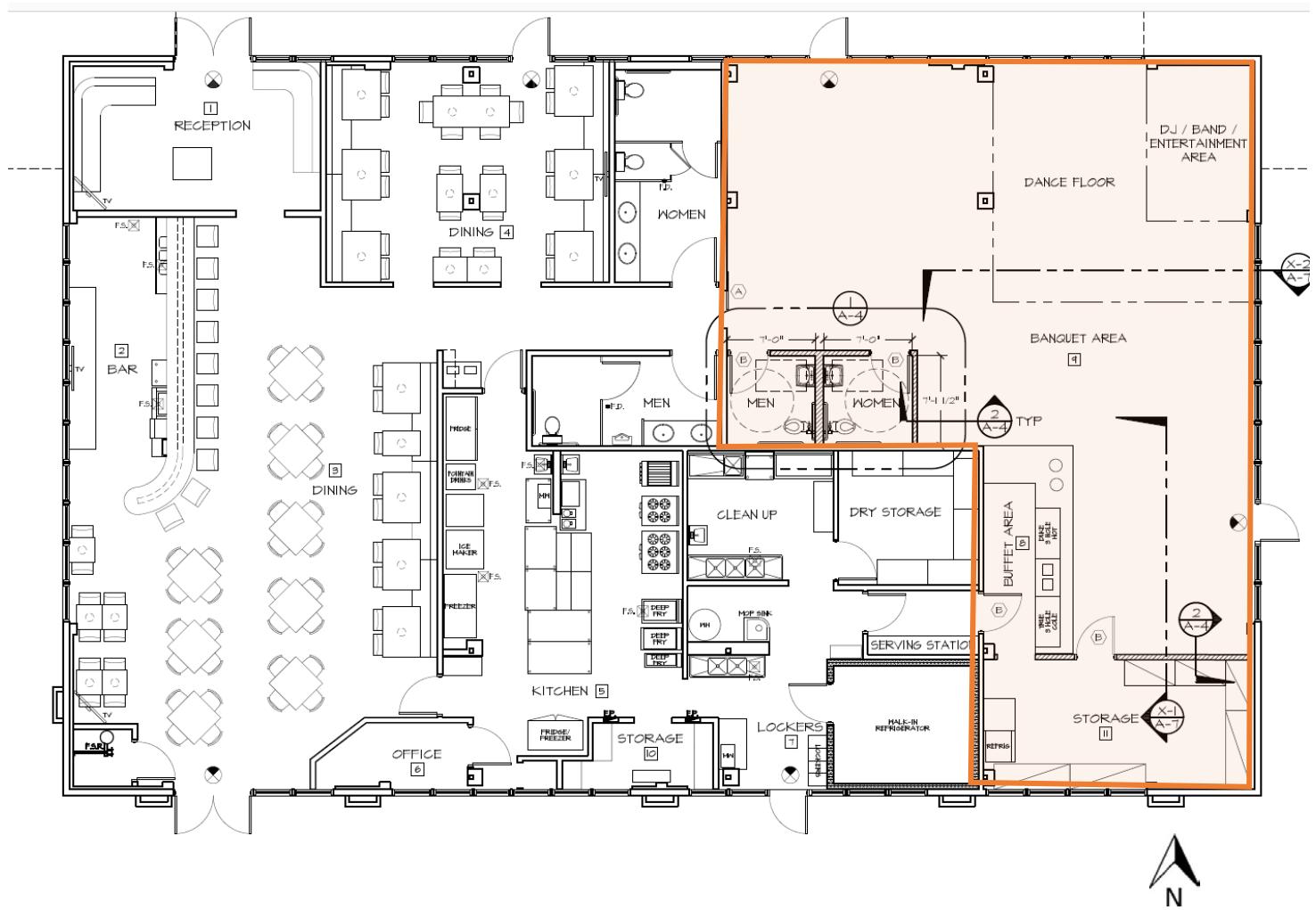
*Exhibit A: Aerial Photograph*



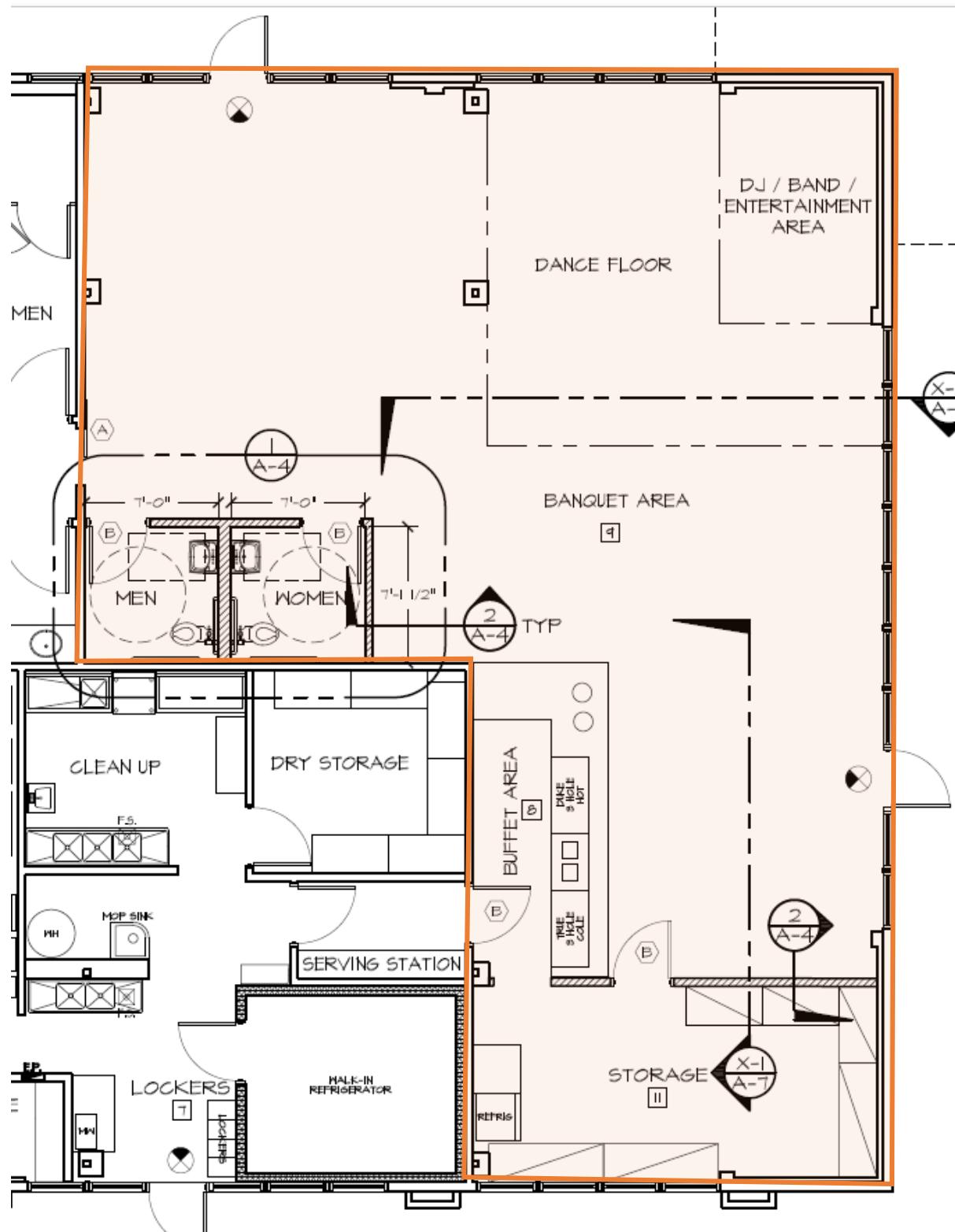
***Exhibit B: Site Plan***



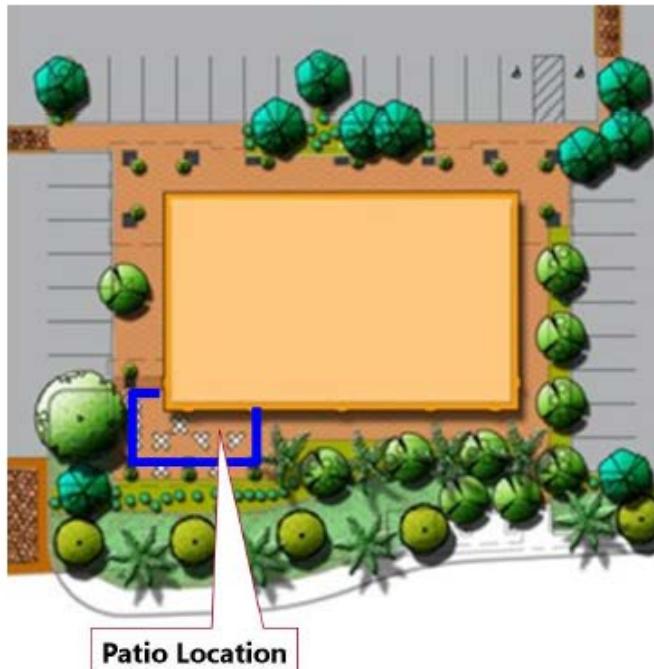
**Exhibit C: Floor Plan**



*Existing Restaurant and Proposed Banquet Facility*



*Banquet Facility Detail*



*Patio location detail (per PCUP09-007)*

**Patio Location**

**Patio Location**

***Exhibit E: Site Photos***



View of project site, looking south



View of County Building from project site, looking northeast

Zoning Administrator Decision

File No. PCUP17-019

November 20, 2017

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View of hotel from project site, looking west



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:** November 20, 2017

**File No:** PCUP17-019

**Related Files:** PCUP09-007

**Project Description:** A request to amend an existing Conditional Use Permit (File No. PCUP09-007) to upgrade the existing Type 41 ABC License for on-sale beer and wine to a Type 47 ABC License for on-sale beer, wine, and distilled spirits; and to expand an existing restaurant to include a banquet room with accompanying beer, wine, and spirits sales for consumption on the premises and live entertainment for property located at 1845 E. Holt Boulevard. (APN: 0110-092-17); submitted by MCSW Corp. DBA Beola's Southern Cuisine.

**Prepared By:** Alexis Vaughn, Assistant Planner *AV*  
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 Special Conditions of Approval.** The project shall comply with the following special conditions of approval:

**1.1 Time Limits.**

**(a)** Conditional Use Permit approval shall become null and void one year following the effective date of application approval, unless a 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.

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

**1.3 Signs.** All Project signage shall comply with the requirements of Ontario Development Code Division 8.1 (Sign Regulations).

**1.4 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).

**1.5 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 session 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, in the form of public karaoke, shall be prohibited. Any future request for live entertainment shall require conditional use permit approval by the Zoning Administrator.

(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.

#### **1.6 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 restaurant's 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.

**1.7     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.

**1.8     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.

**1.9     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 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.

**1.10    Additional Requirements**

(a) No outdoor alcohol consumption shall be allowed until an enclosed patio, sufficiently meeting Ontario Police and Planning Department standards, has been submitted for a patio enclosure plan and approved.

(b) The patio dining area shall be located on the southwest corner of the building, confined to the location of the existing metal canopy attached to the building, as per the original approval (PCUP09-007).

(c) All applicable Conditions of Approval from other City departments shall be required to be met and followed.

(d) All other applicable Conditions of Approval from the original Conditional Use Permit for alcohol and the outdoor patio area (PCUP09-007) not modified herein shall remain in effect.

(e) A copy of the Conditional Use Permit Zoning Administrator Decision shall be kept on the premises.



# CITY OF ONTARIO

## MEMORANDUM

*"Excellence Through Teamwork"*



**TO:** Alexis Vaughn, Assistant Planner  
**FROM:** Randy Roman, Police Officer  
**DATE:** October 27, 2017  
**SUBJECT:** FILE NO. PCUP17-019 – BEOLA'S SOUTHERN CUISINE  
1845 E. HOLT BLVD, ONTARIO, CA 91761

This location currently has a type 41 On-Sale Beer and Wine-Eating Place license located within Census Tract Number 15.04. The applicant is proposing to switch from a type 41 license to a type 47 On-Sale General-Eating Place license. According to the Department of Alcoholic Beverage Control (ABC), there are currently five (5) on-sale licenses within this Census Tract. This location will operate as a "Bona Fide Public Eating Place." The Ontario Police Department does not object to allowing the license. The location must follow all federal, State, local, and Department of Alcoholic Beverage Control laws, rules, and conditions. In addition, the following conditions of approval shall be imposed by the Police Department:

### **BUSINESS CONDITIONS**

1. Alcohol can be sold and served between the hours of 06:00AM to 02:00AM
2. 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 at 01:30AM.
3. The business shall maintain the ability to make substantial meals until last call. A limited menu will be permitted after 9:00PM.
4. During hours of entertainment, employees serving alcohol in the Banquet area will be at least 21 years of age.
5. No sales of alcoholic beverages to minors.
6. No sales of alcohol to obviously intoxicated patrons.

7. No alcohol shall be sold/removed from the establishment for consumption.
8. No self-serve alcohol displays or machines.
9. Smoking is not permitted inside of the establishment, including electronic nicotine delivery devices.
10. There will be no narcotic sales or usage on the premises at any time, including Marijuana.
11. 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.
12. Lighting within the restaurant must be kept at a reasonable level for safe movement of patrons.
13. Back door must be alarmed and closed at all times.
14. Address to establishment must be illuminated for easy identification of safety personnel.
15. 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.
16. The parking lot will need adequate lighting (minimum 1 foot candle) from dusk to dawn.
17. Restrooms must be kept free of graffiti.
18. No arcade video game machines or pool tables will be allowed in the premises.
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. The restaurant managers 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 CCR).
22. 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.

### **SECURITY CONDITIONS**

1. Businesses that include a combination of live entertainment (disc jockey or bands) and dancing shall be required to provide security. A minimum of four security guards at the above business location are required. Two armed security guards in the parking lot area to patrol and proactively monitor patrons. Two security guards inside the location to check identifications and enforce the code of conduct. Example: If a disc jockey and dancing starts at 9:00PM, security must be on-duty at the location at 9:00PM.
2. In addition to the security required above, the establishment will provide internal staff not part of the restaurant or alcohol serving operation staff, to control and proactively monitor patrons inside the establishment. (Example is Lounge Host, Bouncer, assistant manager). This employee will also maintain a count of the number of patrons inside the Banquet area to ensure occupancy limits are followed.
3. The business shall maintain a security camera surveillance system in proper working order. A minimum of one camera will record the Banquet area and 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.
4. 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, 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.
5. A Code of Conduct will be required to be used and posted at all public entrances of the establishment. The Code of Conduct will include a dress code and shall be utilized on

days/nights of entertainment and special events. A copy of the code conduct will be on file with the police department.

6. 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.
7. 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.
8. Security personnel will remain on-duty until the parking lot is clear of all patrons.

### **ENTERTAINMENT CONDITIONS**

1. The entertainment area must be designated on a plan check, and will be called the Banquet area.
2. The entertainment allowed at the location will be live bands/musicians, and Karaoke.
3. Bands and/or musicians will be allowed throughout the location on Monday, Tuesday, Wednesday, Thursday, and Friday from 5:00PM – 2:00AM
4. Bands and/or musicians will be allowed throughout the location on Saturday and Sunday between 6:00AM – 2:00AM.
5. Karaoke will be permitted the same hours of business, seven (7) days a week.
6. **The business shall not utilize promoters or allow “Flyer Parties”.**
7. Entertainment sounds must be confined within the business and cannot expand outside to the parking lot.
8. The business is required to have in place driver license and/or ID card reading devices.
9. The business will not violate section 143.2 (Attire and Conduct), or section 143.3 (Entertainers and Conduct) of the California Code of Regulations, Title 4, Division 1.

### **PATIO CONDITIONS**

1. Patio fencing needs to be a minimum height of five (5) feet to prevent patrons from passing alcohol drinks to minors or outside the licensed premises. Also, the spacing between the fencing needs to be close enough together to prevent alcohol beverages from being passed through the opening.
2. Patio exits must be gated and closed at all times. Emergency sounding devices and panic hardware must be installed on gates.
3. Outdoor tables shall not be removed or rearranged to increase occupancy.
4. No sounds emitted to the patio shall be heard outside of the patio area.

## **CONCLUSION**

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

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

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

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

**Please contact Officer Randy Roman if you have any questions regarding this matter at (909) 395-2905.**



# CITY OF ONTARIO

## MEMORANDUM

### ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

(Environmental Section, Information Technology & Management Services Department, Ontario Municipal Utilities Company and Traffic & Transportation Division Conditions incorporated)

**DATE:** 10/23/2017

**PROJECT:** PCUP17-019, a request to amend an existing Conditional Use Permit application (File No. PCUP09-007) to expand a restaurant to include a banquet room with accompanying beer and wine sales.

**APN:** 0110-092-17

**LOCATION:** 1845 East Holt Boulevard

**PROJECT ENGINEER:** Antonio Alejos, Engineering Assistant  (909) 395-2384

**PROJECT PLANNER:** Alexis Vaughn, Assistant Planner (909) 395-2416

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#### The following items are the Conditions of Approval for the subject project:

1. Project shall comply with the requirements as set forth in the Amendment to the Standard Conditions of Approval for New Development Projects adopted by the City Council (Resolution No. 2017-027) on April 18, 2017; as well as project-specific conditions/requirements as outlined below:\
2. The applicant/developer or occupant shall apply for a Wastewater Discharge Permit for their Establishment, and shall comply will all the requirements of the Wastewater Discharge Permit (<http://www.ontarioca.gov/municipal-utilities-company/utilities/industrial-wastewater-discharge-permit.>)
  - a. Requirements of the Wastewater Discharge Permit may include, but not limited to: Installation of wastewater pretreatment equipment, such as clarifiers. For wastewater permit application questions, please contact:

Sheldon Yu, Senior Associate Engineer  
[omucenvironmental@ontarioca.gov](mailto:omucenvironmental@ontarioca.gov)  
Phone: (909) 395-2687

  
Khoi Do, P.E.  
Assistant City Engineer

10-23-17

Date



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Alexis Vaughn, Planning Department

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

**DATE:** October 3, 2017

**SUBJECT:** PCUP17-019

- 
- 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: Hassan Haghani, Development Director  
Scott Murphy, Planning Director (Copy of Memo only)  
Cathy Wahlstrom, Principal Planner (Copy of memo only)  
Charity Hernandez, Economic Development  
Kevin Shear, Building Official  
Khoi Do, Assistant City Engineer  
Carolyn Bell, Landscape Planning Division  
Sheldon Yu, Municipal Utility Company  
Doug Sorel, Police Department  
Paul Ehrman, Deputy Fire Chief/Fire Marshal  
Jay Bautista, T. E., Traffic/Transportation Manager  
**Lorena Mejia**, Senior Planner  
Steve Wilson, Engineering/NPDES  
Bob Gluck, Code Enforcement Director  
Jimmy Chang , IT Department  
David Simpson, Development/IT (Copy of memo only)

FROM: Alexis Vaughn, Assistant Planner

DATE: September 06, 2017

SUBJECT: FILE #: PCUP17-019

Finance A

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 20, 2017**.

**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:** ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT  
MODIFICATION FILE NO. PCUP17-019 - A request to amend an existing Conditional Use Permit application (File No. PCUP09-007) to expand a restaurant to include a banquet room with accompanying beer and wine sales, for property located on the north side of Holt Boulevard between Vineyard Avenue and Corona Avenue at 1845 E. Holt Boulevard. (APN:0110-092-17); submitted by MCSV Corp.

- 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.

Department

Signature

711

1

CD 2017-049

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP17-019

Address: 1845 E Holt Blvd.

APN: 0110-092-17

Existing Land Use: Existing Restaurant

Proposed Land Use: Modify existing CUP to include an ancillary banquet facility with existing Type 41 ABC License (beer & wine bona fide eating place) totaling 5,100 SF.

Site Acreage: 1.69 acres Proposed Structure Height: existing building

ONT-IAC Project Review: n/a

Airport Influence Area: ONT

Reviewed By:

Lorena Mejia

Contact Info:

909-395-2276

Project Planner:

Alexis Vaughn

Date: 9/7/17

CD No.: 2017-048

PALU No.: n/a

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

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="checkbox"/> Zone 1	<input type="checkbox"/> 75+ dB CNEL	<input type="checkbox"/> High Terrain Zone	<input checked="" type="checkbox"/> Aviation Easement Dedication
<input type="checkbox"/> Zone 1A	<input type="checkbox"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input type="checkbox"/> Recorded Overflight Notification
<input type="checkbox"/> Zone 2	<input checked="" type="checkbox"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input type="checkbox"/> Real Estate Transaction Disclosure
<input type="checkbox"/> Zone 3	<input type="checkbox"/> 60 - 65 dB CNEL	<input type="checkbox"/> Airspace Aviation Easement Area	
<input type="checkbox"/> Zone 4			
<input type="checkbox"/> Zone 5			
Allowable Height:		120 ft	

### The project is impacted by the following Chino ALUCP Safety Zones:

Zone 1     Zone 2     Zone 3     Zone 4     Zone 5     Zone 6

Allowable Height: \_\_\_\_\_

### 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 policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT.

Airport Planner Signature: \_\_\_\_\_



**CITY OF ONTARIO**  
**MEMORANDUM**

TO: Hassan Haghani, Development Director  
Scott Murphy, Planning Director (Copy of Memo only)  
Cathy Wahlstrom, Principal Planner (Copy of memo only)  
Charity Hernandez, Economic Development  
Kevin Shear, Building Official  
Khoi Do, Assistant City Engineer  
Carolyn Bell, Landscape Planning Division  
Sheldon Yu, Municipal Utility Company  
Doug Sorel, Police Department  
Paul Ehrman, Deputy Fire Chief/Fire Marshal  
Jay Bautista, T. E., Traffic/Transportation Manager  
Lorena Mejia, Senior Planner  
Steve Wilson, Engineering/NPDES  
Bob Gluck, Code Enforcement Director  
Jimmy Chang , IT Department  
David Simpson, Development/IT (Copy of memo only)

FROM: Alexis Vaughn, Assistant Planner

DATE: September 06, 2017

SUBJECT: FILE #: PCUP17-019

Finance A



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 20, 2017**.

**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:** ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT  
MODIFICATION FILE NO. PCUP17-019 - A request to amend an existing Conditional Use Permit application (File No. PCUP09-007) to expand a restaurant to include a banquet room with accompanying beer and wine sales, for property located on the north side of Holt Boulevard between Vineyard Avenue and Corona Avenue at 1845 E. Holt Boulevard. (APN:0110-092-17); submitted by MCSW Corp.

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.

Department

Signature

**Title**

Date

# CITY OF ONTARIO

## MEMORANDUM

**TO:** PLANNING DEPARTMENT, Alexis Vaughn  
**FROM:** BUILDING DEPARTMENT, Kevin Shear  
**DATE:** September 18, 2017  
**SUBJECT:** PCUP17-019

---

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

KS:Im





**CITY OF ONTARIO**  
**MEMORANDUM**

TO: Hassan Haghani, Development Director  
Scott Murphy, Planning Director (Copy of Memo only)  
Cathy Wahlstrom, Principal Planner (Copy of memo only)  
Charity Hernandez, Economic Development  
Kevin Shear, Building Official  
Khoi Do, Assistant City Engineer  
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Jay Bautista, T. E., Traffic/Transportation Manager  
Lorena Mejia, Senior Planner  
Steve Wilson, Engineering/NPDES  
Bob Gluck, Code Enforcement Director  
Jimmy Chang , IT Department  
David Simpson, Development/IT (Copy of memo only)

FROM: Alexis Vaughn, Assistant Planner

DATE: September 06, 2017

SUBJECT: FILE #: PCUP17-019

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 20, 2017**.

- 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:** ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT  
MODIFICATION FILE NO. PCUP17-019 - A request to amend an existing Conditional Use Permit application (File No. PCUP09-007) to expand a restaurant to include a banquet room with accompanying beer and wine sales, for property located on the north side of Holt Boulevard between Vineyard Avenue and Corona Avenue at 1845 E. Holt Boulevard. (APN:0110-092-17); submitted by MCSW Corp.

- 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

10/2/17

Landscape Planning Carol Bell Sr. Landscape Architect  
Department Signature Title Date



# ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT

November 20, 2017

---

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

**FILE NO.:** PCUP17-023

**DESCRIPTION:** A Conditional Use Permit request to establish on-premise alcohol beverage sales (Type 41-Beer and Wine ABC License), in conjunction with an existing 2,885 square foot (Johnny Rockets) restaurant located at 1 East Mills Circle, Suite 103 (Ontario Mills Mall), within the Regional Commercial land use district of the California Commerce Center North, Ontario Gateway Plaza & Wagner Properties Specific Plan (APN: 0238-014-36); **submitted by: Hamilton Stawson LLC**

---

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

HAMILTON STAWSON LLC, (herein after referred to as "Applicant") has filed an application requesting Conditional Use Permit approval for File No. PCUP17-023, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

**(1) Project Setting:** The project site is located at 1 Mills Circle, Suite 103, occupies a 2,885 square foot tenant space, within the Ontario Mills Mall that is comprised of approximately 96.4 acres of land 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>	Restaurant	Mixed Use (MU)	California Commerce Center North (CCCN), Ontario Gateway Plaza & Wagner Properties Specific Plan	Regional Commercial
<i>North</i>	Multi-Tenant In-Line Commercial/Retail	Mixed Use (MU)	(CCCN), Ontario Gateway Plaza & Wagner Properties Specific Plan	Regional Commercial
<i>South</i>	Multi-Tenant In-Line Commercial/Retail	Mixed Use (MU)	(CCCN), Ontario Gateway Plaza & Wagner Properties Specific Plan	Regional Commercial
<i>East</i>	Multi-Tenant In-Line Commercial/Retail	Mixed Use (MU)	(CCCN), Ontario Gateway Plaza & Wagner Properties Specific Plan	Regional Commercial
<i>West</i>	Multi-Tenant Commercial/Retail	Mixed Use (MU)	(CCCN), Ontario Gateway Plaza & Wagner Properties Specific Plan	Commercial/Office

**(2) Project Analysis:**

**(a) Background** — The project site is located within the approximately 1.6 million square feet Ontario Mills Regional Shopping Center that was constructed in 1996. In recent years, the property owner (Ontario Mills Limited Partnership) has invested approximately 4.5 million dollars renovating the mall through interior/exterior tenant improvements, a remodeled food court and upgraded parking lot facilities. In 2016, Johnny Rockets moved in and established the 2,885 square foot restaurant inside the Ontario Mills Mall, next to the Marshall's store. The project is located along the western portion of the Mall (**see Exhibit B: Site Plan**).

Johnny Rockets restaurant is an international franchise that offers high quality, innovative menu items including fresh 100% beef cooked-to-order burgers, fries, and hand-spun shakes (**see Exhibit D: Food and Beverage Menu**). According to the applicant, the restaurant features a modern twist on the classic diner – with comfortable seats and areas for gathering, friendly service and music. Founded in 1986, Johnny Rockets operates more than 350 franchise and corporate locations in 32 countries around the world. On October 5, 2017, the applicant filed for a Conditional Use Permit application to allow their beverage menu to include the on-premise sale of beer and wine (Type 41 ABC license) at their Ontario Mills Mall location.

**(b) Proposed Use** — The applicant is requesting approval of a Conditional Use Permit to allow for the on-premise sale of beer and wine (Type 41 ABC license) in conjunction with the existing 2,885 square foot restaurant (Johnny Rockets). The restaurant space is divided into four general areas (**see Exhibit C: Floor Plan**) that includes:

- Dining Area
- Kitchen
- Cook's Line – (main food preparation area where customers can see their orders being “cooked-to-order”) and
- Restrooms

The restaurant's main entrance is located inside the Ontario Mills Mall, along the western mall corridor, just south of Marshall's store. The proposed business hours are Monday thru Saturday, 11:00 A.M. to 9:00 P.M. and Sundays from 11:00 A.M. to 8:00 P.M. The restaurant operates with a total of 44 employees (2-full time employees and 42-part time employees).

The Police Department is requiring that the business maintain the ability to provide a full menu until last call. Although the restaurant currently closes before 1:30 a.m., the Police Department has allowed the flexibility for the restaurant to stay open until 1:30 a.m. In the future, if the restaurant chooses to close at 1:30 a.m., the last call for alcohol will be 45 minutes prior to closing, and no later than 1:15 a.m. Alcohol sales and service will stop at

1:30 a.m., or 30 minutes prior to closing. In addition, alcohol will only be served indoors, the practice of “Bottle Service” will not be allowed, and no live entertainment or dancing is allowed.

(c) Parking – According to the Ontario Development Code, the project is required to provide 29 parking spaces, at a ratio of 10 spaces per 1,000 SF of GFA (Gross Floor Area). The Ontario Mills Mall was developed with 8,800 parking spaces and with an approved shared parking and access agreement. The application does not include the elimination of any parking spaces, therefore, staff believes that the proposed use will not adversely affect the parking demand for the existing 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 upon 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 (**see Exhibit F: Census Tract Map**). ABC currently allows 3 On-Sale licenses, however there are currently 40 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,” and 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, 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 that consists of one stand-alone shopping complex with several commercial retail, entertainment, and restaurants, that currently hold a Type 47 ABC (On-Sale General) license which include: 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 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.

**(2) Airport Land Use Compatibility Plan:** The 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.

**(3) 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.

**(4) 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.

**(5) 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 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, 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, on November 20, 2017, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Denny D. Chen, Associate Planner, presented the staff report on the proposed use, indicating the staff recommendation of approval subject to conditions. Following staff's presentation, the Zoning Administrator opened the public hearing.

(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 zoning district within which the site is located. The proposed Type 41 ABC License (On Sale Beer and Wine – Eating Place) in conjunction with an existing proposed 2,885 square foot restaurant (Johnny Rockets) will be located at 1 Mills Circle, Suite 103, which is designated as Regional Commercial land use designation of the 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 Specific Plan, and its objectives and purposes, and the objectives and purposes, and development standards and guidelines, of the Regional Commercial land use designation of the (CCCN), Ontario Gateway Plaza & Wagner Properties Specific Plan.

(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 41 ABC License (On Sale Beer and Wine – Eating Place) in conjunction with an existing 2,885 square foot restaurant (Johnny Rockets) will be located at 1 Mills Circle, Suite 103, which the Policy Plan Land Use Plan designates 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 a more intensification of uses, such as entertainment and restaurant uses to provide our residents and visitors with the opportunity to live, work and play within our City. The proposed project helps 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.* The use is consistent with the uses allowed within the Regional Commercial land use designation of the (CCCN), Ontario Gateway Plaza & Wagner Properties Specific Plan.

(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 Compatibly 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 project site is not located within a high crime area as it relates to alcohol related incidents. The proposed use is consistent with the Regional Commercial land use designation of the (CCCN), Ontario Gateway Plaza & Wagner Properties 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. Johnny Rockets is in good operating condition and has no outstanding enforcement violations.

▪ The project site is properly maintained, including building improvements, landscaping, and lighting. The regional shopping center, including Johnny Rockets, 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.

(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. PCUP17-023, subject to the conditions of approval attached hereto and incorporated herein by this reference.

-----

Zoning Administrator Decision

File No. PCUP17-023

November 20, 2017

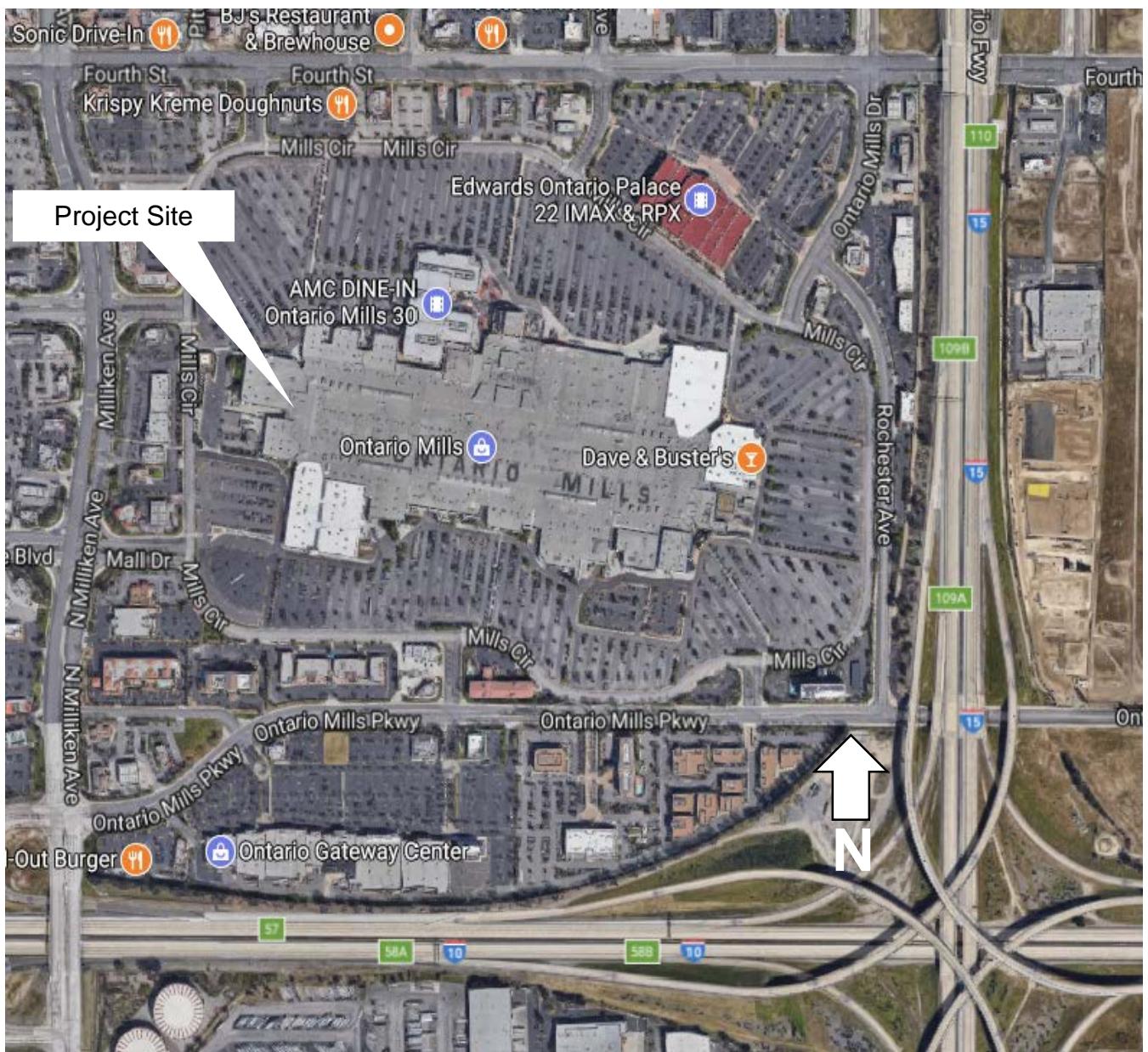
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APPROVED AND ADOPTED this 20<sup>TH</sup> day of November 2017.

---

Scott Murphy  
Zoning Administrator

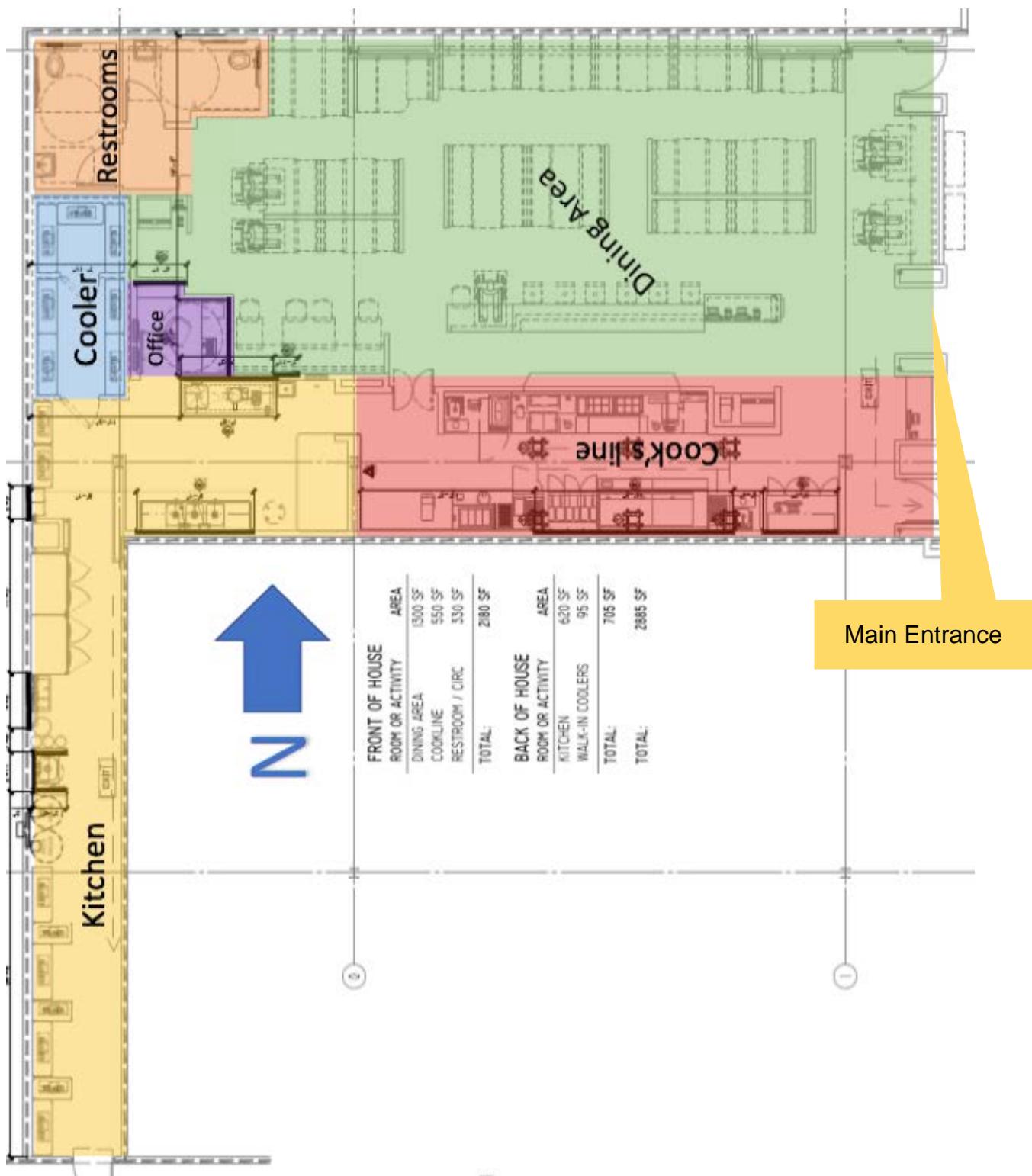
**Exhibit A: Aerial Photograph**



**Exhibit B: Ontario Mills Mall Floor Plan**



**Exhibit C: Johnny Rockets Floor Plan**



## Exhibit D: Food and Beverage Menu

### SHAKES

#### ORIGINAL \$6.59

- Hershey's® Chocolate
- Strawberry
- Vanilla

#### DELUXE \$7.29

- Oreo® Cookies & Cream
- Strawberry Oreo® Crumble
- Peanut Butter
- Chocolate Peanut Butter
- Peanut Butter Banana
- Chocolate Banana
- Strawberry Banana
- Chocolate Strawberry Kiss
- Banana

#### FLOATS \$5.49

- Barg's® Root Beer
- Fanta® Orange
- Coke®



**FLAVOR SHOTS \$0.69**  
 Cherry • Vanilla  
 Hershey's® Chocolate  
 Add Malts (No charge)

### SHAREABLE STARTERS & SIDES

#### FRIES \$3.79

Perfectly-seasoned premium U.S. potatoes.

#### CHEESE FRIES \$4.49

#### CHILI CHEESE FRIES \$5.29

#### BACON CHEESE FRIES \$5.29

#### HALF RINGS & HALF FRIES \$4.09

#### ONION RINGS \$4.49

Sweet, farm-fresh onions in crunchy sourdough breadcrumbs.

#### CHILI BOWL \$5.59

Straight from the Original Chili Bowl®, a legendary restaurant on the famous Route 66. This authentic all-meat chili has been kettle-cooked for over 65 years. Topped with Wisconsin Cheddar cheese & chopped onions.



ADD  
 CHILI TOPPING  
 TO ANY FRESH  
 BURGER \$1.00

### KIDS MEALS & SHAKES

Includes Kid-Sized Drink & Fries. 12 and under.

**KIDS BURGER\* \$6.59**  
 Burger served with choice of ketchup, mustard, relish & pickle.  
 (Add cheese \$1.59)

**KIDS HOT DOG \$6.59**  
 Hot dog served with choice of ketchup, mustard & relish.

**BREADED CHICKEN TENDERS\* \$6.59**  
 Three lightly breaded chicken tenders with choice of BBQ, House-made Ranch or Honey Mustard dipping sauce.

**GRILLED CHEESE \$6.59**  
 Choice of American, Wisconsin Cheddar, Provolone, Pepper Jack or Swiss cheese on sourdough bread.

**GRILLED CHICKEN STRIPS\* \$6.59**  
 Grilled farm-raised chicken breast.

**KIDS ORIGINAL SHAKES \$3.69**  
 Hershey's® Chocolate • Strawberry • Vanilla

**KIDS DELUXE SHAKES \$4.19**

SUBSTITUTE A  
 KID-SIZED ORIGINAL  
 SHAKE \$1.99  
 KID-SIZED  
 DELUXE SHAKE-\$2.39



### SODA & MORE

**SODA & MORE \$3.29**  
 Coke® • Diet Coke® • Sprite® • Pibb Xtra® • Minute Maid® Lemonade  
 Barg's® Root Beer • Fanta® Orange • Iced Tea

**OTHER BEVERAGES \$2.89**  
 Hot Chocolate • Hot Tea • 100% Colombian Coffee  
 Milk • Bottled Water

**FLAVOR SHOTS \$0.69**  
 Cherry • Vanilla • Hershey's® Chocolate

Ontario Mills  
 1 Mills Circle, Suite 103  
 Ontario, Ca 91764

OREO® and the OREO® Water Design are registered trademarks of Mondelez International Group, used with permission. Original Chili Bowl® is owned by Windsor Foods and the all-meat chili is provided by Windsor Foods.

\*Excludes Limited Time Only Shakes.

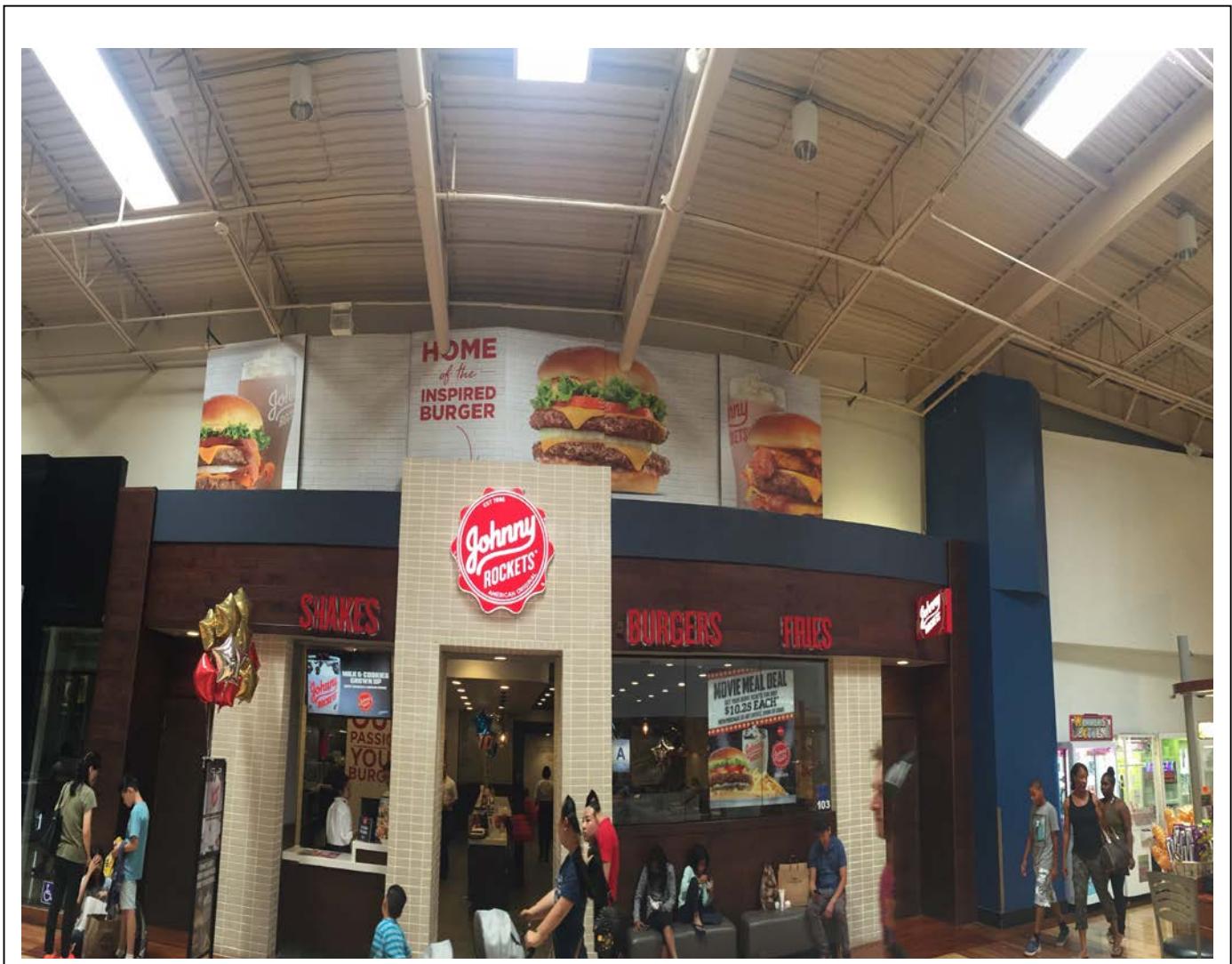
TR2.DNP-OC-HD-1116-0783



### TO-GO MENU



**Exhibit E: Site Photographs**



**Main Entrance to Johnny Rockets Restaurant (Inside Ontario Mills Mall)**

### Exhibit E: Site Photographs

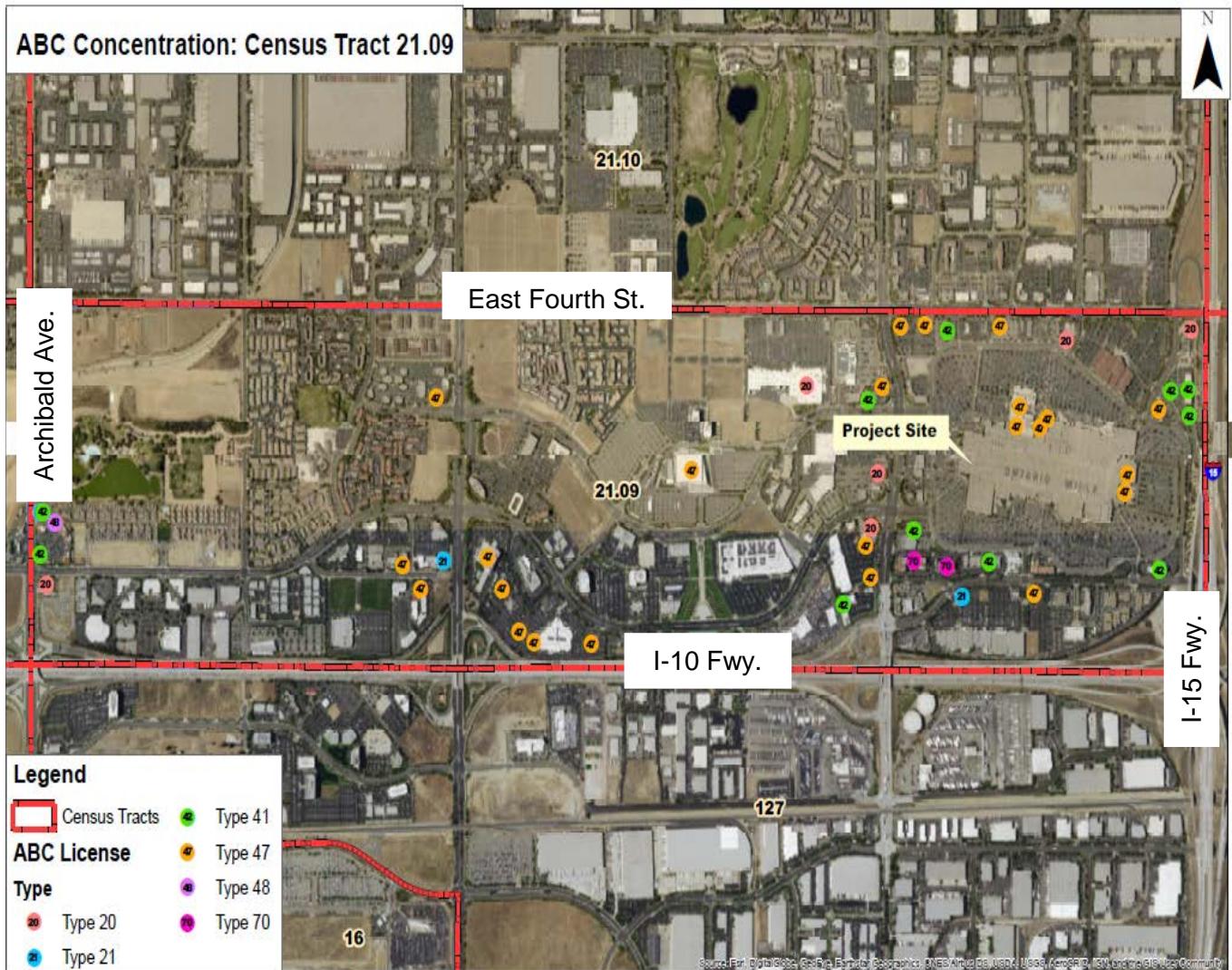


View of "Cook's Line"



View of Dining Area

**Exhibit F: Census Tract Map**





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*

---

**Meeting Date:** November 20, 2017

**File No:** PCUP17-023

**Related Files:** None

**Project Description:** A Conditional Use Permit request to establish on-premise alcohol beverage sales (Type 41-Beer and Wine ABC License), in conjunction with an existing 2,885 square foot (Johnny Rockets) restaurant located at 1 East Mills Circle, Suite 103, within the Regional Commercial land use district of the California Commerce Center North, Ontario Gateway Plaza & Wagner Properties Specific Plan (APN: 0238-014-36); **submitted by: Hamilton Stawson LLC**

**Prepared By:** Denny D. Chen  
Phone: 909.395.2424 (direct)  
Email: dchen@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, 2010. A copy of the *Standard Conditions for New Development* may be obtained from the Planning Department or City Clerk/Records Management Department.

**1.1 Time Limits.**

**(a)** Conditional Use Permit approval shall become null and void one year following the effective date of application approval, unless a 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.

**1.2 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)** Use shall provide a minimum of 112 parking spaces.

**1.3** 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.

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

**1.5 Signs.** All Project signage shall comply with the requirements of Ontario Development Code Division 8.1 (Sign Regulations).

**1.6** Any new signs on the building or outside the tenant space, shall be reviewed and approved by the City, prior to installation.

**1.8 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.

**2.0** Additional Fees.

**(a)** Within 5 days following final application approval, the Notice of Determination (NOD) filing fee of \$50.00 dollars 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 shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notifications, 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.

**3.0** Additional Requirements.

**(a)** A revised City Business License must be reviewed and approved by the Ontario Planning Department prior to building occupancy and operation of business.

**(b)** All applicable Conditions of Approval from other City departments shall be met and addressed by the applicant.

**(c)** A final inspection from Planning and Police Department is required prior to the sale of beer and wine.



# CITY OF ONTARIO

## MEMORANDUM

*"Excellence Through Teamwork"*

**TO:** Denny Chen, Associate Planner  
**FROM:** Randy Roman, Police Officer  
**DATE:** October 25, 2017  
**SUBJECT:** File No. PCUP17-023 – Hamilton Stawson LLC, DBA Johnny Rockets #763

This applicant has applied for a type 41 On-Sale General Alcoholic Beverage Control license located within Census Tract No. 21.09. This type of license allows for the service of alcohol with the necessity of operating as a bona fide restaurant. According to the Department of Alcoholic Beverage Control (ABC), three (3) On-Sale licenses are allowed within this census tract, and there are currently forty (40). One license in this census tract operates without the necessity of serving food. Johnny Rockets #763 will operate as a bona fide restaurant, therefore the Police Department does not object to the use.

The applicant and employees will follow all Department of Alcoholic Beverage Control rules and laws. In addition, the Police Department is placing the following conditions of approval for this use:

### Business Conditions

1. The location will operate as a bona fide restaurant, as defined in the business and Professions Code. (B&P 23038 - Bona fide public eating place.)
2. The business shall maintain the ability to provide a full menu until last call.
3. Last call for alcohol will be no later than 45 minutes prior to closing, and no later than 1:15 AM. Alcohol sales and service will stop at 1:30 AM, or 30 minutes prior to closing.
4. No sales of alcoholic beverages to minors.
5. No sales to obviously intoxicated patrons.
6. The practice of "Bottle Service" will not be allowed.

7. No alcohol shall be removed from the establishment for consumption off the premises.
8. No self-serve alcohol displays or machines.
9. No smoking inside of the establishment is permitted, to include an electronic nicotine delivery device.
10. There will be no narcotic sales or usage on the premises at any time, including marijuana.
11. All employees that work as a bartender or cocktail waitress must be 21 years or older.
12. 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. New employees shall attend the course within 3 months of their hire date.
13. Lighting within the location must be kept at a reasonable level for safe movement of patrons.
14. Back door must be alarmed and closed at all times.
15. Address to establishment must be illuminated for easy identification of safety personnel.
16. 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.
17. The parking lot will need adequate lighting (minimum 1 foot candle) from dusk to dawn.
18. All hallways must be kept clear from merchandise, storage, and patrons blocking pathway.
19. Sounds must be confined within the business and cannot expand outside.
20. Tables shall not be removed or rearranged to increase occupancy.
21. 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.

22. No loitering shall be permitted on any property adjacent to the licensed premise, which is under the control of the applicant, and signs must be posted reference the same.
23. The managers 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. (B&P Code Section 23788.5, Rules 57.5 and 57.6).

## **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. 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.

## **ENTERTAINMENT CONDITIONS**

1. Entertainment is described as a combination of live entertainment (disc jockey or bands) and dancing.
2. No entertainment is allowed.
3. Karaoke will be permitted the same hours of the restaurant and the area must be designated on a plan check. That area will only be allowed for karaoke purposes.

4. The business shall not utilize promoters or allow "Flyer Parties."

## **CONCLUSION**

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 the CUP, or has violated the laws of the city or State, or the intent of this action.

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

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

Any special event outside the scope of the Conditional Use Permit will require a TUP (Temporary Use Permit) which will be processed by the Planning Department and conditioned by the Ontario Police Department. (For example, a radio station promotion held at the location, 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.

**Please contact Officer Randy Roman if you have any questions regarding this matter at (909) 395-2905.**



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Denny Chen, Planning Department

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

**DATE:** October 12, 2017

**SUBJECT:** PCUP17-023 A Conditional Use Permit to establish alcoholic beverage sales, including beer and wine for on-premise consumption in conjunction with an existing 2,885 square-foot restaurant (Johnny Rockets) on 96.411 acres of land located internal to the Ontario Mills Mall, 1 E. Mills Circle, Suite 103, within the Regional Commercial land use district of the Ontario Mills Specific Plan (APN(s): 0238-014-35).

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

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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

### ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

(Environmental Section, Information Technology & Management Services Department, Ontario Municipal Utilities Company and Traffic & Transportation Division Conditions incorporated)

**DATE:** 10/24/2017

**PROJECT:** PCUP17-023, a Conditional Use Permit to establish alcoholic beverage sales, including beer and wine for on-premise consumption (Type 41 ABC License), in conjunction with an existing 2,885 square-foot restaurant (Johnny Rockets) on 96.4 acres of land, within the Regional Commercial land use district of the Ontario Mills Specific Plan.

**APN:** 0238-014-36

**LOCATION:** 1 E Mills Circle, Suite 103

**PROJECT ENGINEER:** Antonio Alejos, Engineering Assistant A.A. (909) 395-2384

**PROJECT PLANNER:** Denny Chen, Associate Planner (909) 395-2424

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**The following items are the Conditions of Approval for the subject project:**

1. No Conditions.

  
Khoi Do, P.E.  
Assistant City Engineer

10-24-17  
Date

# CITY OF ONTARIO

## MEMORANDUM

**TO:** PLANNING DEPARTMENT, Denny Chen  
**FROM:** BUILDING DEPARTMENT, Kevin Shear  
**DATE:** October 11, 2017  
**SUBJECT:** PCUP17-023

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

KS:lm