



CITY OF ONTARIO  
**ZONING ADMINISTRATOR**  
AGENDA

December 18, 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**

**ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP17-030:** A Conditional Use Permit (File No. PCUP17-030) to modify an existing Conditional Use Permit (File No. PCUP14-018) for a Type 47 license, to allow for the sale and service of alcoholic beverages within the auditoriums of an existing 131,384 square-foot AMC Movie Theater, on 14.68 acres of land located at 4549 Mills Circle, within the Regional Commercial land use district of the Ontario Mills 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: 0238-014-19) **submitted by American Multi-Cinema ("AMC"), Inc. / Represented by Manatt, Phelps, & Phillips.**

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 **December 14, 2017**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.

*Maureen Duran*

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# ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT

December 18, 2017

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

**FILE NO.:** PCUP17-030

**DESCRIPTION:** A Conditional Use Permit (File No. PCUP17-030) to modify an existing Conditional Use Permit (File No. PCUP14-018) for a Type 47 license, to allow for the sale and service of alcoholic beverages within the auditoriums of an existing 131,384 square-foot AMC Movie Theater, on 14.68 acres of land located at 4549 Mills Circle, within the Regional Commercial land use district of the Ontario Mills Specific Plan. (APN: 0238-014-19) **submitted by American Multi-Cinema (“AMC”), Inc. / Represented by Manatt, Phelps, & Phillips.**

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

AMERICAN MULTI-CINEMA (“AMC”), INC. / REPRESENTED BY MANATT, PHELPS, & PHILLIPS, (herein after referred to as “Applicant”) has filed an application requesting Conditional Use Permit approval for File No. PCUP17-030, 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 14.68 acres of land located at 4549 Mills Circle, 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>	AMC Theater within Ontario Mills Shopping Mall	MU-8 (Mixed-Use, Ontario Mills)	Ontario Mills Specific Plan	Regional Commercial
<i>North</i>	Multi-tenant inline commercial/retail	MU-8 (Mixed-Use, Ontario Mills)	Ontario Mills Specific Plan	Commercial/Office
<i>South</i>	Ontario Mills Shopping Mall	MU-8 (Mixed-Use, Ontario Mills)	Ontario Mills Specific Plan	Regional Commercial
<i>East</i>	Multi-tenant inline commercial/retail	MU-8 (Mixed-Use, Ontario Mills)	Ontario Mills Specific Plan	Commercial/Office
<i>West</i>	Ontario Mills Shopping Mall	MU-8 (Mixed-Use, Ontario Mills)	Ontario Mills Specific Plan	Regional Commercial

<i>Prepared:</i> AV 12/04/17	<i>Reviewed:</i> RZ 12/04/17	<i>Decision:</i> [enter initial/date]
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**(2) Project Analysis:**

**(a) Background** — Established in 1997, American Multi-Cinema, Inc. (“AMC”) is an existing movie theater within the Ontario Mills Mall (see **Exhibit B: Site Plan**), located near the southwest corner of Fourth Street and the I-15 Freeway, within the Regional Commercial District of the Ontario Mills Specific Plan, at 4549 Mills Circle (see **Exhibit A: Aerial Photograph**). In October 2014, AMC was granted a Conditional Use Permit (PCUP14-018) to establish alcoholic beverage sales with a Type 47 ABC License (On-Sale General for Bona-Fide Public Eating Place). The Conditional Use Permit (“CUP”) allowed for alcoholic beverage sales from a separate, small bar area (branded as “MacGuffins Bar & Lounge”). The bar is recessed into a wall area so that, during non-operational hours, the countertop and stools could be secured by a gate system that rolls down over the area. In an effort to attract a broader range of movie-going patrons, the AMC theater chain began offering alcoholic beverages, including beer, wine, and distilled spirits, in conjunction with a movie experience, at these small bar areas with dedicated bartending staff. More recently, dedicated screening rooms/auditoriums have been established at many AMC locations, which allow for the sale and service of meals and alcoholic beverages by servers directly to patrons.

**(b) Proposed Operations** - AMC has requested to modify its existing Conditional Use Permit (PCUP14-018) to allow for the service of alcohol within select dine-in auditoriums (auditoriums 9 through 15). At other locations across the country, AMC has established dedicated screening rooms/auditoriums for both dining and consumption of alcoholic beverages. These screening rooms have been retrofitted to include larger chairs and an integrated folding table system. Theater hosts/servers take food and drink orders and serve the patrons during the movie. The project site currently has specialty dining auditoriums and is interested in adding alcohol to the service menu. No changes will be made to the floor plan of the existing facility to accommodate the proposed use (see **Exhibit C: Floor Plan**).

The service of alcoholic beverages is intended for patrons 21 years of age and over only. Bartenders have been conditioned by City staff and AMC theaters to check ID’s for patrons purchasing alcoholic beverages. A patron may purchase a maximum of two beverages at a time and must provide ID’s for both persons. The existing bar will still remain operational, and patrons not utilizing the specialty dining auditoriums with service staff will still be able to purchase alcoholic beverages from the bar to consume within the regular auditoriums, just as they traditionally would with non-alcoholic beverages and typical theater snacks such as popcorn and candy. Alcoholic beverages are served in a transparent cup which distinguishes alcoholic beverages from non-alcoholic beverages. No glass bottles or original containers will be allowed into any theater.

Outside of the request for modification, all of the existing conditions of approval for alcoholic beverage sales will still apply, including but not limited to: theater staff must regularly monitor all auditoriums (typically every 30 minutes) for compliance with alcohol consumption; bartenders must check ID’s and ensure patrons are 21 or older; the

consumption of alcoholic beverages outside of the theater is not permitted; sale of alcoholic beverages is limited to 10:00 a.m. through midnight, daily; and employees are required to attend L.E.A.D. training classes through the City of Ontario's Police Department.

Staff is in support of this CUP and is recommending approval, as AMC has successfully incorporated alcohol sales and service into its auditoriums for many years and has a vested interest in ensuring that its patrons are safe and its neighbors not adversely affected. Further, to mitigate any potential impacts, the original conditions of approval shall still apply.

**(c)** ABC License Concentrations — 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 beverage license types should be issued per Census Tract, based upon their populations. The Ontario Mills AMC Movie Theater is located within Census Tract 21.09, which is over-concentrated. The tract allows for three on-sale licenses, and there are currently 40 active on-sale licenses, including AMC's existing license. However, because this tract encompasses the City's core Entertainment District, which includes Ontario Mills Mall, Citizen's Business Bank Arena, several restaurants and movie theatres in the area, and several general commercial retailers. Additionally, as the proposed modification is to the existing CUP and will not affect the number of licenses in the area, staff does not object to the proposed modification. Further, the Ontario Police Department does not oppose the modification and has imposed updated conditions of approval for AMC. The project site is not located in a high crime area and has no outstanding Building or Health Code Violations.

**(d)** Parking — The project site was developed with 8,800 parking spaces for use by the tenants of the Ontario Mills Mall through an approved shared parking and access agreement. The application does not include the elimination of any parking spaces, no additional square footage to the existing facility, and no changes to the existing floor plan; therefore, staff believes that the proposed use will not adversely affect the parking demand for the existing regional shopping center and no additional parking shall be required.

**(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. AMC is an anchor tenant of the Ontario Mills Mall, and has already been providing alcoholic beverages at this location. The introduction of alcohol service to specialty auditoriums is a service ancillary to the existing bar, and will not intensify the land use, as it is being provided as a further convenience to patrons. Therefore, staff believes that the recommended Conditions of Approval will sufficiently mitigate any potential impacts that may be associated with the proposed use. Additionally, the nearby businesses within and surrounding the Ontario Mills Mall will not be exposed to any impacts resulting from the proposed modification to

the existing CUP 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 December 18, 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. 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 modification to an existing Conditional Use Permit will be located at 4549 Mills Circle, which is designated for the Ontario Mills Specific Plan. The proposed use will be established consistent with the objectives and purposes of the City of Ontario Development Code and the Ontario Mills Specific Plan's development standards and guidelines. With approval of the Conditional Use Permit, the project meets the intent of the Specific Plan, as the Regional Commercial Land Use Designation serves as a retail and commercial destination and an entertainment area for the City of Ontario.

(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 modification to an existing Conditional Use Permit will be located at 4549 Mills Circle, which the Policy Plan Master Land Use Plan designates for a Mixed-Use (Ontario Mills) 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 retail and 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 Ontario Mills 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 uses, such as theaters, restaurants, retail, commercial and business services, and offices. The Regional Commercial Land Use was established so as to draw patrons to the other nearby retail uses within the Ontario Mills Mall and surrounding commercial development. By providing an added benefit and convenience to the existing AMC theater, 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 Regional/Commercial Land Use Designation of the Ontario Mills Specific Plan and other similar theater uses in the region. The use will be providing an added convenience for theater patrons that would like to purchase alcoholic beverages with their meal(s) by allowing for the service of alcohol by wait staff to the specialty auditoriums which currently serve meals to patrons.

- The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity. The existing entertainment commercial center where the Type 47 license modification 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 AMC theater 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 is therefore 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. PCUP17-030, subject to the conditions of approval attached hereto and incorporated herein by this reference.

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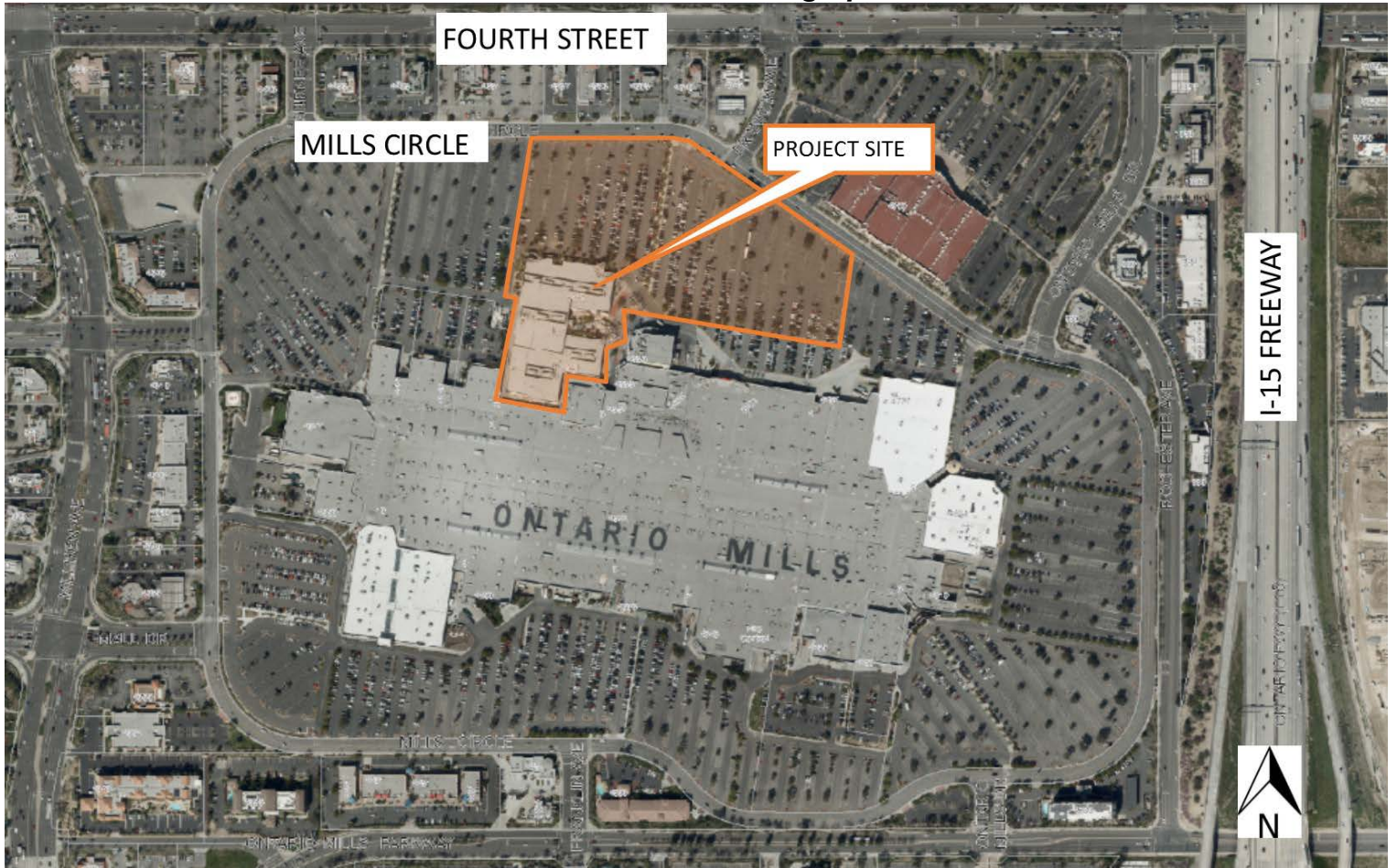
APPROVED AND ADOPTED this 18th day of December, 2017.

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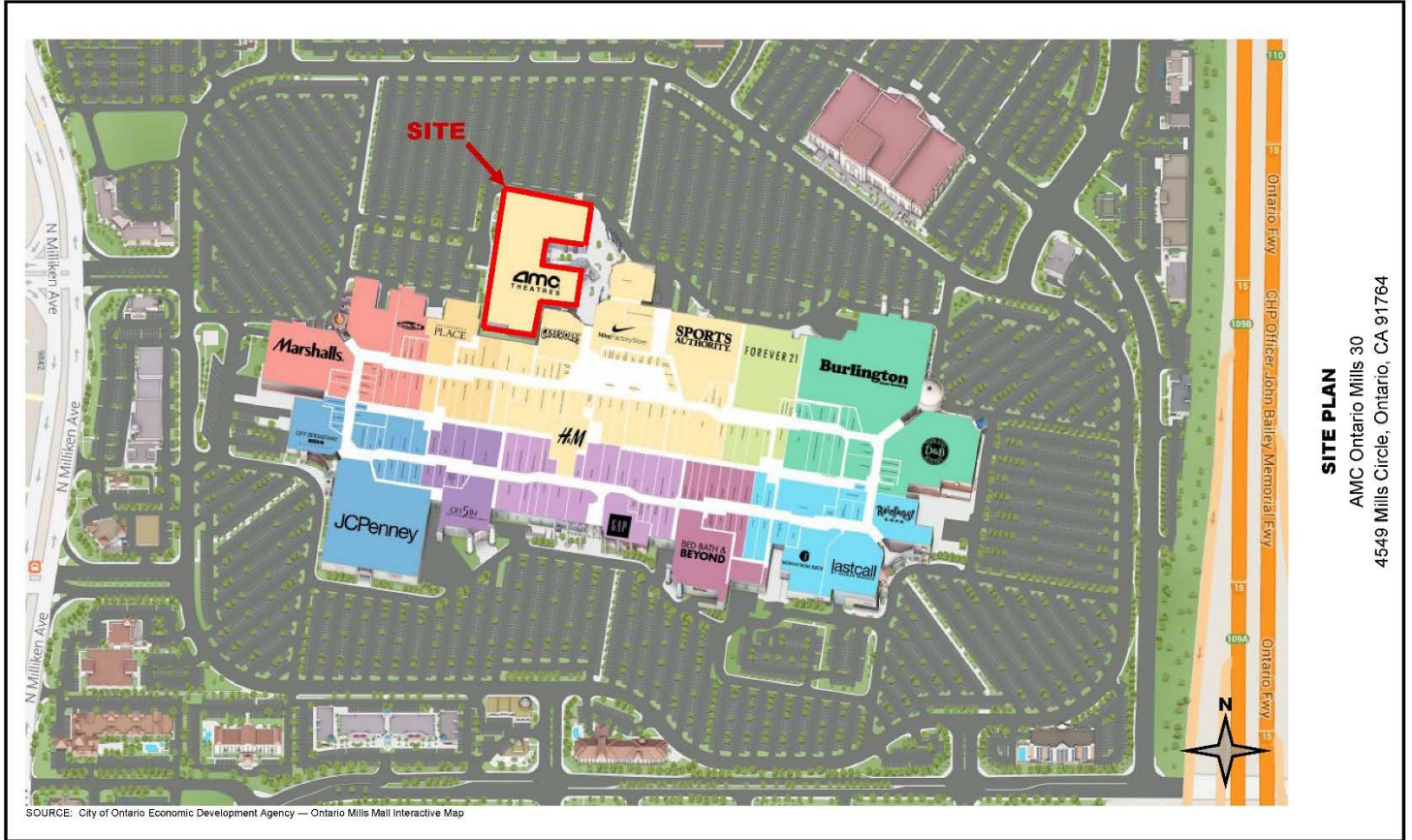
Scott Murphy  
Zoning Administrator



**Exhibit A: Aerial Photograph**



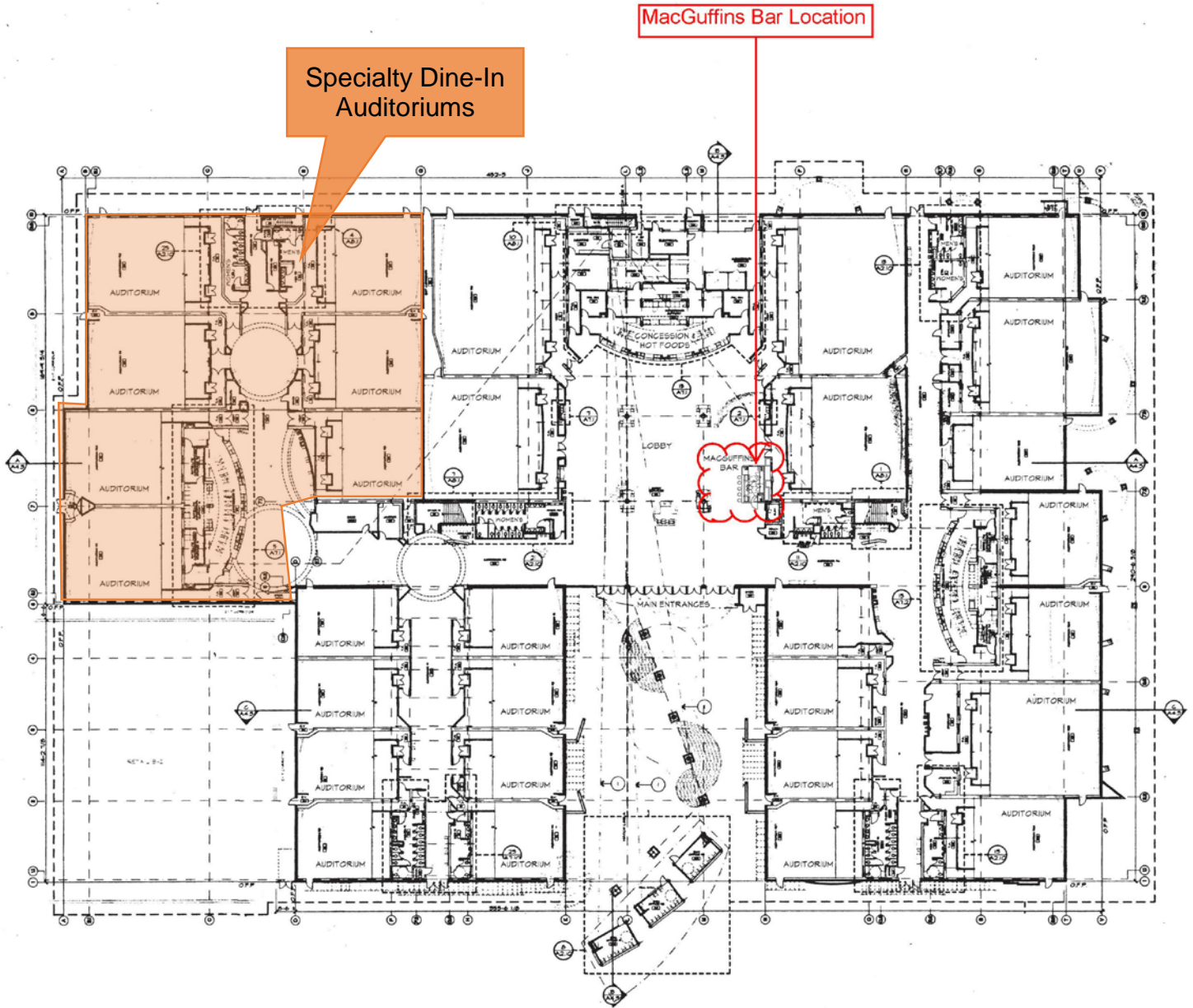
**Exhibit B: Site Plan**



**SITE PLAN**  
AMC Ontario Mills 30  
4549 Mills Circle, Ontario, CA 91764



**Exhibit C: Floor Plan**



**Exhibit D: Site Photos**  
**AMC Ontario Mills 30 - Site Photographs**



Figure 1: Interior of the AMC Ontario Mills 30 Theater



Figure 2: Exterior of the AMC Ontario Mills 30 Theater



Figure 3: Exterior of the AMC Ontario Mills 30 Theater



Figure 4: Exterior of the AMC Ontario Mills 30 Theater





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:** December 18, 2017

**File No:** PCUP17-030

**Related Files:** PCUP14-018

**Project Description:** A Conditional Use Permit (File No. PCUP17-030) to modify an existing Conditional Use Permit (File No. PCUP14-018) for a Type 47 license, to allow for the sale and service of alcoholic beverages within the auditoriums of an existing 131,384 square-foot AMC Movie Theater, on 14.68 acres of land located at 4549 Mills Circle, within the Regional Commercial land use district of the Ontario Mills Specific Plan. (APN: 0238-014-19) **submitted by American Multi-Cinema ("AMC"), Inc. / Represented by Manatt, Phelps, & Phillips.**

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

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 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 secession sponsored by the State of California Department of Alcoholic Beverage Control, within 6 months following commencement of the approved use.

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

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

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

(k) All employees engaged in the sale or distribution of alcoholic beverages shall be 21 years of age or older.

### 1.3 Alcoholic Beverage Sales—Bona Fide Public Eating Places

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

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

(c) No alcoholic beverage shall be consumed outside of the enclosed building.

### 1.4 Environmental Review.

(a) The Project is categorically exempt from environmental review pursuant to **Section 15301 (Class 1, Existing Facilities)** of the CEQA Guidelines, which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible (less than 10,000 square feet) or no expansion, and is consistent with the following conditions:

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

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

**1.5** 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.

**1.6** 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.

**1.7** Additional Requirements.

- (a) No outdoor alcohol consumption allowed.
- (b) Service of alcohol by AMC staff shall only be for the specialty dining auditoriums.
- (c) All applicable Conditions of Approval from other City departments shall be required to be met and followed.
- (d) 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:** Alexis Vaughn, Associate Planner

**FROM:** Eric Quinones, Police Corporal

**DATE:** December 6<sup>th</sup>, 2017

**SUBJECT:** FILE NO. PCUP17-030– AMC THEATERS-4549 Mills Circle,  
Ontario, CA 91761

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This location has applied for a type 47 On-Sale Beer and Wine license located within Census Tract No. 21.09. According to the Department of Alcohol Beverage Control, three on-sale licenses are allowed within this tract, there are currently 41. This location operates as a “Bona Fide Public Eating Place,” and the Police Department does not object to allowing 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, service and consumption of alcoholic beverages shall be permitted only between the hours of 10:00 am to 12:00 Midnight each day of the week.
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. Food and beverage services are permitted in designated “Dine-in Auditoriums” only.
6. Food and Beverage servers shall not serve more than a maximum of three alcoholic beverages to each customer, during a movie showing.
7. No person under the age of 21 shall sell or serve alcoholic beverages.
8. No self serve alcohol displays allowed.
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.

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 allow a reasonable person~~ 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. 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.
15. No Smoking inside of the establishment is permitted, including any type of electronic cigarettes.
16. No narcotic sales or usage on the premises at any time.
17. 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.
18. 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.
19. 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.
20. 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.

21. 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.
22. 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.



# CITY OF ONTARIO

## MEMORANDUM

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

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

**DATE:** December 5, 2017

**SUBJECT:** PCUP17-030 A Conditional Use Permit to establish a modification to an existing Conditional Use Permit (PCUP14-018) for alcoholic beverage sales, including beer, wine, and distilled spirits for on-[remise consumption (Type 47) in conjunction with an existing 131, 384 square-foot movie theater on 14.68 acres of land located at 4549 Mills Circle, within the Regional Commercial land use district of the Ontario Mills Specific Plan (APN(s): 0238-014-19). Related File(s): PCUP14-018).

- 
- 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:** 12/05/2017

**PROJECT:** PCUP17-030, a Conditional Use Permit to modify a previously approved Conditional Use Permit (File No. PCUP14-018) granting alcoholic beverage sales, including beer, wine, and distilled spirits, for consumption on-the premises (Type 47 ABC license), in conjunction with an existing 131,384 square-foot movie theater on 14.68 acres of land. [Related Files: PCUP14-018]

**APN:** 0238-014-19

**LOCATION:** 4549 Mills Circle

**PROJECT ENGINEER:** Antonio Alejos, Engineering Assistant *A.A.* (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. No conditions.

Khoi Do, P.E.  
Assistant City Engineer

*12-5-17*

Date



# CITY OF ONTARIO MEMORANDUM

TO: Hassan Haghani, Development Director  
 Scott Murphy, Assistant Development 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  
 Joe De Sousa, Supervising Code Enforcement Officer  
 Jimmy Chang, IT Department  
 David Simpson, IT Department (Copy of memo only)

FROM: Alexis Vaughn, Assistant Planner

DATE: November 28, 2017

SUBJECT: FILE #: PCUP17-030

Finance Acct#:

**EXPEDITE**



The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Tuesday, December 12, 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 a modification to an existing Conditional Use Permit (PCUP14-018) for alcoholic beverage sales, including beer, wine, and distilled spirits for on-premise consumption (Type 47) in conjunction with an existing 131,384 square-foot movie theater on 14.68 acres of land located at 4549 Mills Circle, within the Regional Commercial land use district of the Ontario Mills Specific Plan (APN(s): 0238-014-19). Related File(s): PCUP14-018).

- 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 \_\_\_\_\_ Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_



# CITY OF ONTARIO

## MEMORANDUM

**TO:** PLANNING DEPARTMENT, Alexis Vaughn  
**FROM:** BUILDING DEPARTMENT, Kevin Shear  
**DATE:** November 29, 2017  
**SUBJECT:** PCUP17-030

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

KS:lm

