



CITY OF ONTARIO
ZONING ADMINISTRATOR
AGENDA

April 3, 2017

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

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. PCUP17-003**: A Conditional Use Permit to establish alcoholic beverage sales, for a Type 41 ABC License (Beer and Wine) in conjunction with an existing 2,926 square-foot restaurant (Blaze Pizza) on 96.4 acres of land located at 1 Mills Circle, Suite 100, within the Regional Commercial land use district of the California Commerce Center North/Ontario Gateway Plaza/Wagner Properties Specific Plan. Staff has determined that the project is categorically exempt from the 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: 238-014-36); **submitted by Blaze IE 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, Gwen Berendsen, 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 **March 31, 2017**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.



ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT

April 3, 2017

DECISION NO.: [insert #]

FILE NO.: PCUP17-003

DESCRIPTION: A Conditional Use Permit to establish alcohol beverage sales, for a Type 41 ABC License (Beer and Wine) in conjunction with an existing 2,926 square-foot restaurant (Blaze Pizza) on 96.4 acres of land located at 1 Mills Circle, Suite 100, within the Regional Commercial land use district of the California Commerce Center North/Ontario Gateway Plaza/Wagner Properties Specific Plan (APN: 238-014-36); **submitted by Blaze IE, LLC.**

PART I: BACKGROUND & ANALYSIS

BLAZE IE, LLC, (herein after referred to as “Applicant”) has filed an application requesting Conditional Use Permit approval for File No. PCUP17-003, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

(1) Project Setting: The project site occupies a 2,926 square foot tenant space located at 1 Mills Circle, Suite 100, within the Ontario Mills Mall that is comprised of 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/Ontario Gateway Plaza/Wagner Properties Specific Plan | Regional Commercial |
| <i>North</i> | Multi-Tenant In-Line Commercial/Retail | Mixed Use (MU) | California Commerce Center North/Ontario Gateway Plaza/Wagner Properties Specific Plan | Regional Commercial |
| <i>South</i> | Multi-Tenant In-Line Commercial/Retail | Mixed Use (MU) | California Commerce Center North/Ontario Gateway Plaza/Wagner Properties Specific Plan | Regional Commercial |
| <i>East</i> | Multi-Tenant In-Line Commercial/Retail | Mixed Use (MU) | California Commerce Center North/Ontario Gateway Plaza/Wagner Properties Specific Plan | Regional Commercial |
| <i>West</i> | Multi-Tenant Commercial/Retail | Mixed Use (MU) | California Commerce Center North/Ontario Gateway Plaza/Wagner Properties Specific Plan | Commercial/Office |

| | | |
|--------------------------------|--------------------------------|---------------------------------------|
| <i>Prepared:</i> CH 03/10/2017 | <i>Reviewed:</i> RZ 03/28/2017 | <i>Decision:</i> [enter initial/date] |
|--------------------------------|--------------------------------|---------------------------------------|

(2) Project Analysis:

(a) Background — The project site is located within the Ontario Mills Regional Shopping Center that was constructed in 1996 with 1.6 million square feet of commercial/retail space. 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 public facilities. In 2016, the former JCPenney Outlet store located on the southwest corner of the center, was remodeled and reconfigured to accommodate multiple tenants some of which include the California Welcome Center, Coach, Tommy Hilfiger, Uniqlo, and Blaze Pizza that opened in June of 2016 (**see Exhibit B & B-2: Site Plan**).

Blaze Pizza is a fast-causal restaurant with over 175 locations that serves custom ordered artisanal pizzas and salads (**see Exhibit C: Food and Beverage Menu**). In 2013, Blaze Pizza began expanding their beverage menu to include the sale of beer and wine (Type 41 ABC license) at limited locations. Currently, there are 26 Blaze locations within the State of California that operate with a Type 41 ABC license.

(b) Proposed Use and Floor Plan — The applicant is requesting approval of a Conditional Use Permit to allow for the sale of beer and wine (Type 41 ABC license) in conjunction with the existing 2,926 square foot restaurant (Blaze Pizza). The restaurant space is divided into four general areas (**see Exhibit D: Floor Plan**) that include:

- Front Kitchen – includes the pizza oven and service line;
- Back Kitchen – includes storage, office and prep/cleaning areas;
- Indoor/Outdoor Seating – includes indoor seating that can accommodate 81 patrons and two outdoor seating areas that accommodate 50 patrons for a total 131 patrons; and
- Bathrooms – two bathrooms (men and women).

The restaurant has two entrances, one accessed from inside the mall and the second accessed from the parking lot (**see Exhibit E: Site Photographs**). Both entrances will remain open during business hours which are Sunday thru Thursday from 10:30 A.M. to 10:00 P.M. and Friday and Saturday from 10:30 A.M. to 11:00 P.M. There are currently a total of 45 employees with an average of twelve employees on-site per shift.

Blaze Pizza operates as a quick-serve assembly line restaurant, similar to Subway and Chipotle restaurants. Patrons begin their order at the far end of the service line and choose from a variety of toppings while employees build their order as they progressively move towards the cashier at the opposite end. Patrons complete their order by purchasing their food and beverage items with the cashier. Patrons will have the option of purchasing beer or wine with the cashier. Employees will be responsible for checking IDs prior to completing the sale and serving the alcoholic beverage.

The Police Department is requiring that alcoholic beverages be stored behind the counter and served by an employee with a last call for service 45 minutes prior to closing. Employees will also be required to routinely monitor the restaurant and remove any empty alcoholic containers in a timely manner. In addition, alcohol will only be served indoors until outdoor patio improvements are completed by the applicant as conditioned by the Police Department. There are currently two outdoor seating areas enclosed by a 3 ½ foot high decorative metal fence, located on the north and south sides of the restaurant's exterior entrance (**see Exhibit F: Outdoor Seating Area**). The enclosed patios do not have gates at each entrance. Due to safety concerns, from patrons exiting the restaurant with alcoholic beverages into the two patio areas or potentially out to the parking lot area, the Police Department is requiring the applicant to construct a fence and gate between the two patios at the sidewalk entrance that will completely enclose and join the two patio areas. The new gate will be required to be a self-closing gate. In addition, a sign will be required to be posted on the gate stating "No Alcohol Beyond This Point". The location and placement of the sign will be subject to Police Department approval prior to allowing any alcohol consumption within the outdoor patios (**see Exhibit G: Proposed Outdoor Patio Improvements**).

(c) Parking – The Ontario Mills regional shopping center was developed with 8,800 parking spaces and an approved shared parking and access agreement. The application does not include the elimination of any parking stalls. Therefore, staff believes that the proposed use will not adversely affect the parking demand within the existing regional shopping center.

(d) ABC Concentrations – The California Department of Alcoholic Beverage Control (ABC) is the State entity responsible for granting, renewing, and revoking all ABC licenses. ABC determines how many On-Sale and Off-Sale alcoholic beverage license types should be issued per census tract, based upon their population. The project site is located within Census Tract 21.09, which is located entirely within the City of Ontario and is over concentrated (**see Exhibit H: Census Tract Map**). ABC currently allows 3 On-Sale licenses, however there are currently 38 active licenses within this census tract. Census Tract 21.09 encompasses the City's core entertainment district that includes the Ontario Mills Mall, Citizen's Business Bank Arena, several restaurants, movie theaters and several general commercial retailers. This location operates as a "Bona Fide Public Eating Place," and the Police Department does not object to allowing the Type 41 ABC License provided that all City and State Department of Alcohol Beverage Control rules, regulation and conditions are met and followed. In addition the project site is not located in a high crime area, the property has no outstanding Building or Health Code Violations or Code Enforcement activity, and the overall commercial center is properly maintained. Staff has placed specific conditions of approval for the ABC license to ensure the safe operation of the business.

(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 six restaurants, that currently hold a Type 47 ABC license which include: Rainforest Café, Market Broiler, AMC Theatres, Improv Comedy Club, Dave and Busters and Gameworks.

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 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 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 April 3, 2017, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Carlos Huizar, Planning Intern, 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 2,926 square foot restaurant (Blaze Pizza) will be located at 1 Mills Circle, Suite 100, which is designated as Regional Commercial within California Commerce Center North/Ontario Gateway Plaza/Wagner Properties 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 Regional Commercial land use designation of the California Commerce Center North/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 2,926 square foot restaurant (Blaze Pizza) will be located at 1 Mills Circle, Suite 100, 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 California Commerce Center North/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 conditions of approval. The project site is not located within a high crime area as it relates to alcohol related incidents. The use is consistent with the Regional Commercial land use designation of the California Commerce Center North/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. Blaze Pizza is in good operating condition and has no outstanding enforcement violations.

- The site is properly maintained, including building improvements, landscaping, and lighting. The regional shopping center including Blaze Pizza 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.

(i) Based upon the findings and conclusions set forth in Parts I, II and III above, the Zoning Administrator hereby approves File No. PCUP17-003, subject to the conditions of approval attached hereto and incorporated herein by this reference.

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

Scott Murphy
Zoning Administrator

Exhibit A: Aerial Photograph



Exhibit B: Site Plan

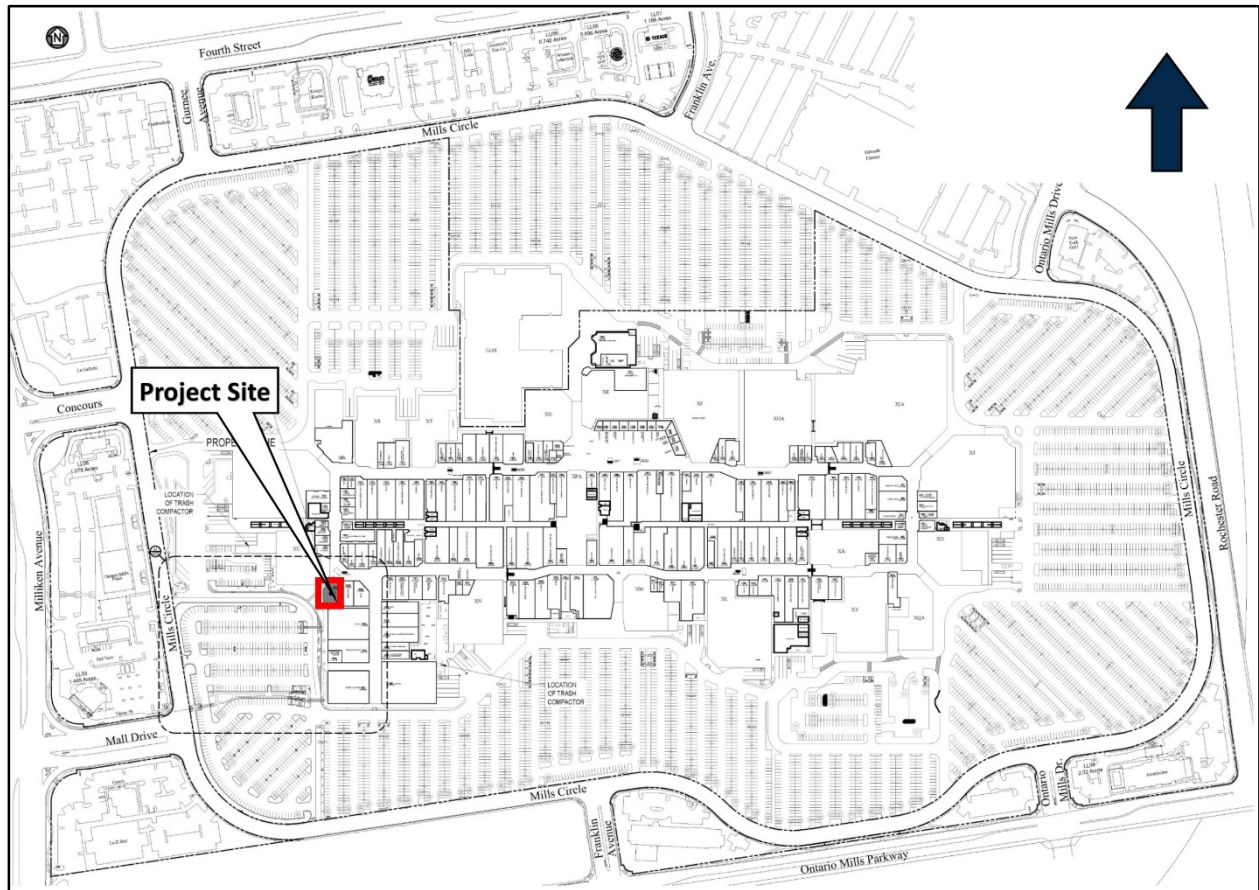



Exhibit B-2: Site Plan



Exhibit C: Food and Beverage Menu

FAST-FIRE'D®



HOW DO YOU BLAZE?

1. Build your own or choose one of ours.
2. Add any toppings – all one price.
3. Pizzas are fast-fire'd in 180 seconds. Stay close. We'll call your name.

All pizzas are 11" personal size. Gluten-free dough and vegan cheese available.

BUILD YOUR OWN PIZZA

CHOOSE ANY TOPPINGS

MEATS applewood bacon · crumbled meatballs
grilled chicken · italian sausage · pepperoni
smoked ham

CHEESES shredded mozzarella · gorgonzola · ovalini
mozzarella · parmesan · ricotta

VEGGIES artichokes · arugula · banana peppers
black olives · cherry tomatoes · chopped
garlic · fresh basil · green bell peppers
jalapeños · mushrooms oregano · pineapple
red onions · red peppers · sautéed onions
spinach · zucchini

SAUCES classic red sauce · spicy red sauce · white
cream sauce · bbq sauce drizzle · pesto drizzle
olive oil drizzle

Toppings may vary by season and location.

1 TOP PIZZA

sauce, cheese
& 1 topping

SIMPLE PIE

mozzarella, parmesan,
red sauce

SIGNATURE PIZZAS

MEAT EATER pepperoni, meatballs, red onion,
mozzarella, red sauce

BBQ CHKN chicken, mozzarella, red onion, banana
peppers, gorgonzola, bbq sauce drizzle

ART LOVER artichokes, mozzarella, ricotta, garlic, red
sauce dollops

RED VINE ovalini mozzarella, cherry tomatoes,
parmesan, basil, red sauce, olive oil drizzle

GREEN STRIPE pesto drizzle over chicken, red peppers,
garlic, mozzarella, arugula

VEG OUT zucchini, mushrooms, red onion, mozzarella,
gorgonzola, red sauce dollops

LINK IN sausage, red peppers, sautéed onions,
mozzarella, red sauce

WHITE TOP white cream sauce, mozzarella, bacon, garlic,
oregano, arugula

SALADS

TOMATO, BASIL & OVALINI
ROASTED VEGGIE & GORGONZOLA
BEET & GOAT CHEESE
CLASSIC CAESAR
CHICKEN CAESAR (entrée)
ANTIPASTO (entrée)

Salads may vary by season and location

DRINKS

SODA, TEA, LEMONADE
BOTTLED DRINKS
BEER, WINE (subject to availability)

DESSERT


S'MORE PIE


THE STORY. OUR PROFILE. THE 411. YOU GET THE IDEA.
 OK, we're going to keep this quick, because exceptional quality at crazy fast speed is what we're all about. Fresh, house-made dough. Prepared from scratch daily. 24-hour fermentation period. Signature light-as-air, crisp crust. Healthful, artisanal ingredients. Inventive to classic. You decide. Blazing hot oven + dedicated pizzasmith + 180 seconds = fast-fire'd perfection. Sound good? Enjoy the rest of your day.


ORDER ONLINE


blazepizza.com

(available at most locations)

 #BlazePizza

 @blazepizza

 /BlazePizza

 blazepizza.com

We use packaging that is made in the USA, and is recyclable, compostable and/or made from post-consumer reclaimed materials whenever practical. © 2014 Blaze Pizza, LLC 4/14

Exhibit D: Floor Plan



Exhibit E: Site Photographs



Above: Exterior entrance of Blaze Pizza accessed from the parking lot



Above: Interior entrance from the mall



Above: Restaurant interior of dining area and service line

Exhibit F: Outdoor Seating Area



Above: Both outdoor seating areas located on either side of the exterior entrance



Above: Outdoor seating located to the left of the exterior entrance

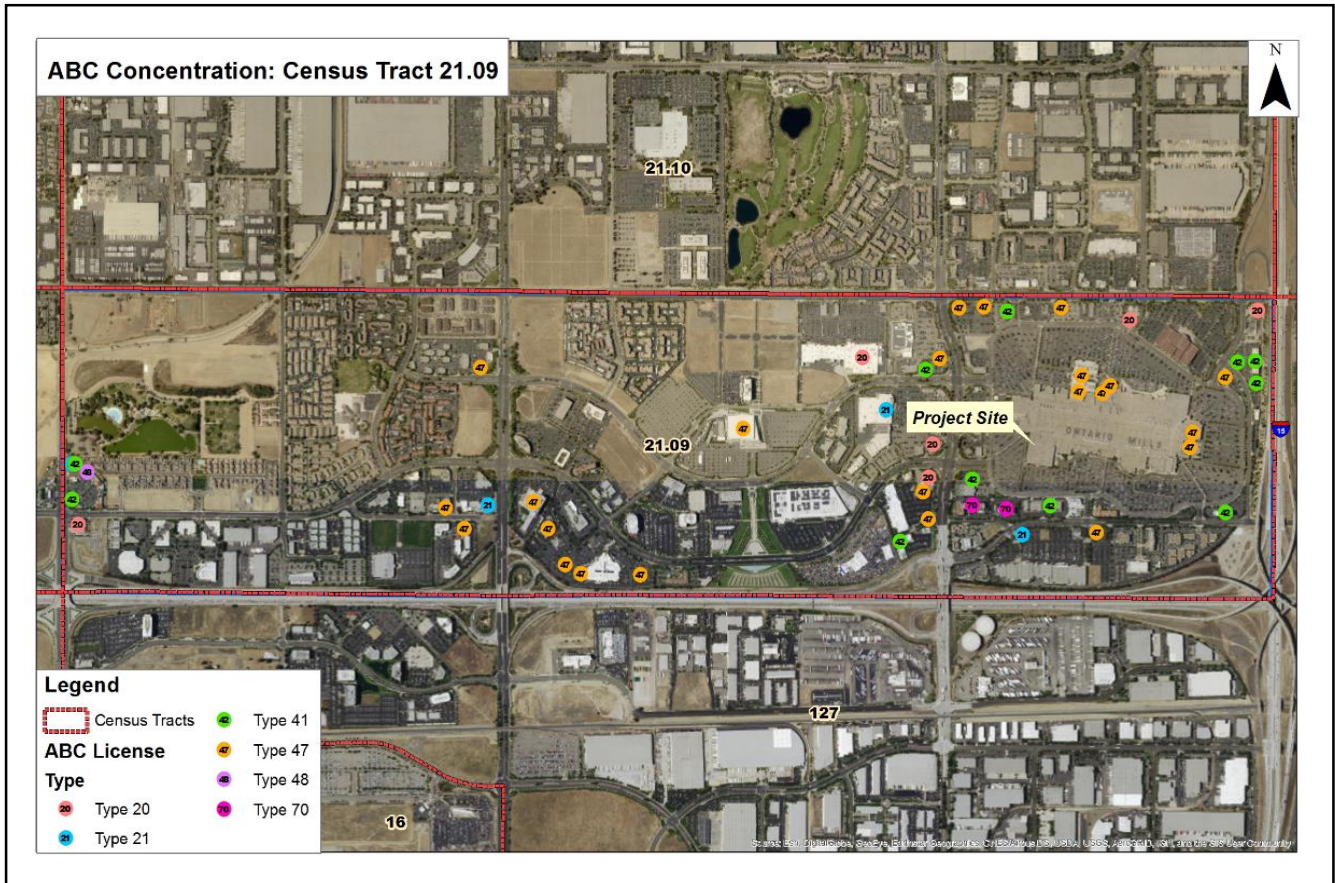


Above: Outdoor seating located to the right of the exterior entrance

Exhibit G: Proposed Outdoor Patio Improvements



Exhibit H: 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: April 3, 2017

File No: PCUP17-003

Project Description: A Conditional Use Permit to establish alcoholic beverage sales, for a Type 41 ABC License (Beer and Wine) in conjunction with an existing 2,926 square-foot restaurant (Blaze Pizza) on 96.4 acres of land located at 1 Mills Circle, Suite 100, within the Regional Commercial land use district of the California Commerce Center North/Ontario Gateway Plaza/Wagner Properties Specific Plan. (APN: 238-014-36); **submitted by Blaze IE LLC**

Prepared By: Carlos Alberto Huizar, Planning Intern
Phone: 909.395.2411 (direct)
Email: chuizar@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 Standard Conditions of Approval. The project shall comply with the *Standard Conditions for New Development*, adopted by City Council Resolution No. 2010-021 on March 16, 2010. A copy of the *Standard Conditions for New Development* may be obtained from the Planning Department or City Clerk/Records Management Department.

2.0 Special Conditions of Approval. In addition to the *Standard Conditions for New Development* identified in condition no. 1.0, above, the project shall comply with the following special conditions of approval:

(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.

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

2.3 Alcoholic Beverage Sales—Restaurants.

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

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

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

2.4 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.

2.5 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.

2.6 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.

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

2.7 Additional Requirements

(a) No alcohol consumption shall be allowed within the outdoor patio until all required tenant improvements are completed and approved by the Building Department and all applicable City Departments.

(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.

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP17-003

Address: 1 Mills Circle Suite 100

APN: 238-014-36

Existing Land Use: Regional Commercial Retail Center (Ontario Mills)/ Restaurant (Blaze IE)

Proposed Land Use: Ancillary Type 41 (Beer & Wine) ABC License in conjunction with an existing restuarant

Site Acreage: 2,926 SF 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: Carlos Huizar

Date: 2/3/2017

CD No.: 2017-004

PALU No.: n/a

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

| Safety | Noise Impact | Airspace Protection | Overflight Notification |
|-------------------------------|---------------------------------------|---|--|
| <input type="radio"/> Zone 1 | <input type="radio"/> 75+ dB CNEL | <input type="radio"/> High Terrain Zone | <input type="radio"/> Avigation Easement Dedication |
| <input type="radio"/> Zone 1A | <input type="radio"/> 70 - 75 dB CNEL | <input checked="" type="checkbox"/> FAA Notification Surfaces | <input type="radio"/> Recorded Overflight Notification |
| <input type="radio"/> Zone 2 | <input type="radio"/> 65 - 70 dB CNEL | <input checked="" type="checkbox"/> Airspace Obstruction Surfaces | <input checked="" type="checkbox"/> Real Estate Transaction Disclosure |
| <input type="radio"/> Zone 3 | <input type="radio"/> 60 - 65 dB CNEL | <input type="radio"/> Airspace Avigation Easement Area | |
| <input type="radio"/> Zone 4 | | Allowable Height: <u>80 ft</u> | |
| <input type="radio"/> Zone 5 | | | |

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: _____

Lorena Mejia

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Lorena Mejia
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: January 25, 2017
SUBJECT: PCUP17-003

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

KS:lm



CITY OF ONTARIO

MEMORANDUM

TO: Lorena Mejia, Planning Department

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

DATE: January 31, 2017

SUBJECT: PCUP17-003A Conditional Use Permit to establish alcoholic beverage sales, for a Type 41 ABC License (Beer & Wine) on-premise consumption in conjunction with an existing 2,926-square foot restaurant (Blaze IE) on 96.4 acres of land located at 1 Mills Circle Suite 100 (Ontario Mills Mall), within the Regional Commercial land use district California Commerce Center North/Ontario Gateway Plaza/Wagner Properties Specific Plan (APN: 238-014-36)

-
- 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 , click on Fire Department and then on forms.



CITY OF ONTARIO

MEMORANDUM

TO: "Vacant", 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
Art Andres, Deputy Fire Chief/Fire Marshal
Tom Danna, T. E., Traffic/Transportation Manager
Lorena Mejia, Associate Planner, Airport Planning
Steve Wilson, Engineering/NPDES
Bob Gluck, Code Enforcement Director
Jimmy Chang, IT Department
David Simpson, Development/IT (Copy of memo only)

FROM: Lorena Mejia, Senior Planner

DATE: January 23, 2017

SUBJECT: FILE #: PCUP17-003

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 **Monday, February 6, 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, for a Type 41 ABC License (Beer & Wine) on-premise consumption in conjunction with an existing 2,926-square foot restaurant (Blaze IE) on 96.4 acres of land located at 1 Mills Circle Suite 100 (Ontario Mills Mall), within the Regional Commercial land use district California Commerce Center North/Ontario Gateway Plaza/Wagner Properties Specific Plan (APN: 238-014-36)

- 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.

2/1/17

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



CITY OF ONTARIO

MEMORANDUM

“Excellence Through Teamwork”

TO: Lorena Mejia, Planning Department

FROM: Eric Quinones, Police Officer/COPS Unit/ABC Detail

DATE: March 8th, 2017

SUBJECT: PCUP17-003 –Blaze Pizza.
1 Mills Circle #100, Ontario, CA

This location has applied for a type 41 On-Sale General-Eating Place license located within Census Tract No. 21.09. According to the Department of Alcoholic Beverage Control (ABC), there are currently thirty-seven on-sale licenses within this Census Tract. 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 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:

1. Last call for alcohol will be no later than 45 minutes prior to closing, and not later than 01:15AM.
2. The business shall maintain the ability to make substantial meals until last call. A limited menu will be permitted after 9:00PM.
3. Distilled spirits are not allowed on the premises, except for cooking purposes (Restaurants may possess brandy, rum, or liqueurs for cooking purposes only, B&P 25607).
4. No sales to minors.
5. No sales to obviously intoxicated patrons.
6. No self serve alcohol displays allowed.
7. No alcoholic beverages are to be sold or removed from the establishment for outside consumption.

8. No Smoking inside of establishment is permitted, including any type of electronic nicotine delivery device.
9. There will be no narcotic sales or usage on the premises at any time.
10. No arcade video game machines will be allowed in the premises.
11. No pool tables or amusement games permitted inside the establishment.
12. Employees 18 and older may serve alcoholic beverages in an area primarily designed and used for the sale and service of food for consumption on the premises as an incidental part of their overall duties.
13. Applicant, managers, and all employees serving alcohol must attend an Alcoholic Beverage Control (ABC) L.E.A.D. training class or a certified responsible beverage service class, which has been approved by the Ontario Police Department, within six months of this approved conditional use permit (CUP). Proof of re-certification is required every 3 years.
14. Back door must be alarmed and closed at all times except for deliveries.
15. Lighting within the restaurant must be kept at a reasonable level for safe movement of patrons.
16. The address to the establishment must be illuminated for easy identification of safety personnel.
17. Roof top numbers shall be installed on the commercial building. They shall be a minimum of 3 feet in length and 1 foot in width. Numbers shall be painted in reflective white paint on a flat black background away from roof obstacles. Roof top numbers must be maintained every 3 years.
18. All hallways must be kept clear from merchandise, storage, and patrons blocking pathway.
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 team.
20. No loitering shall be permitted on any property adjacent to the licensed premise, which is under the control of the applicant.

21. The restaurant manager shall be qualified per ABC rules. Anyone to whom a licensee delegates discretionary power to organize, direct, carry on, or control operations of the licensed business is presumed to be the manager of the business. (Business and Professions Code Section 23788.5, Rules 57.5 and 57.6)
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. The business shall maintain a security camera surveillance system in proper working order. A minimum of one camera will record the Patio area, a minimum of one camera will record the parking lot, and a minimum of one camera will record the interior. Each camera will record at least 640x480 recording resolution levels, and at least fifteen (15) frames per second. The field of view for each camera will be to maximize the coverage of patrons. Recorded video will be stored for a minimum of 30 days and made available to the Police Department upon request.

PATIO CONDITIONS

If the front patio area is enclosed, as discussed with the business owner and the Planning Department, the following patio conditions apply. If the patio area is not enclosed, alcohol consumption will be allowed indoors only and the exit doors will have a sign posted, stating, "No alcohol beyond this point".

1. Because of the natural vegetation buffer of the existing landscape, the current patio fence will suffice (3'6"). In my opinion, this will prevent patrons from passing alcoholic drinks to minors, or to people in a public area. If the vegetation around the fencing is removed, the fencing will need to be raised to a minimum height of five feet. Or, the vegetation will need to be replaced with another substantial buffer.
2. The patio area will be for customers only.
3. The patio area will be routinely monitored by an employee. Empty alcoholic containers will be removed from the patio area in a timely manner.
4. Because the Patio exit is also the front entrance, an emergency sounding device and panic hardware is not required on gates.
5. The patio exit will have a sign posted, stating "No alcohol beyond this point"
6. Outdoor tables shall not be removed or rearranged to increase occupancy.

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

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

The Ontario Police Department and the Ontario Planning Department will conduct an inspection before the restaurant will be allowed to sell alcoholic beverages with the conditional use permit.

Any special event outside the scope of the Conditional Use Permit will require a TUP (Temporary Use Permit) which will be processed by the Planning Department and conditioned by the Ontario Police Department. (For example a radio station promotion held at the restaurant, or an outdoor event with alcoholic beverages would be a special event requiring Police or security personnel.) Situations may arise where the applicant/business owner will request an event that does not violate the intent of this Conditional Use Permit. The applicant/business owner will notify the Police Department within a reasonable time frame, but not less than fifteen (15) days prior to the event, to determine the necessity for a Temporary Use Permit.

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

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