



CITY OF ONTARIO
ZONING ADMINISTRATOR
AGENDA

December 19, 2016

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" St., Ontario, CA 91764

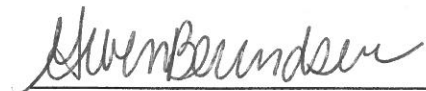
PUBLIC HEARINGS

- A. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP16-022**: A Conditional Use Permit to establish a Type 47 ABC License (On-Sale General for Bona Fide Public Eating Place) in conjunction with an existing 140,000 square foot movie theatre (Edwards Ontario Palace), located at 4900 East Fourth Street on 18.69 acres of land within the Commercial/Office land use district of the California Commerce Center North/Ontario Gateway Plaza/Wagner Properties Specific Plan. The project is categorically exempt from environmental review pursuant to State CEQA Guidelines Section §15301 Class 1 Existing Facilities. 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: 0238-014-05)
Submitted by Edward Theatre Inc.

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

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

I, 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 **December 15, 2016**, 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

December 19, 2016

DECISION NO.: [insert #]

FILE NO.: PCUP16-022

DESCRIPTION: A Conditional Use Permit to establish a Type 47 ABC License (On-Sale General for Bona Fide Public Eating Place) in conjunction with an existing 140,000 square foot movie theatre (Edwards Ontario Palace), located at 4900 East Fourth Street on 18.69 acres of land within the Commercial/Office land use district of the California Commerce Center North/Ontario Gateway Plaza/Wagner Properties Specific Plan. (APN: 0238-014-05); **submitted by Edwards Theatres INC.**

PART I: BACKGROUND & ANALYSIS

EDWARDS THEATRES INC., (herein after referred to as "Applicant") has filed an application requesting Conditional Use Permit approval for File No. PCUP16-022, 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 18.69 acres of land and is developed with a stand-alone 140,000 square foot building (Edwards Ontario Palace movie theatre) located at 4900 East Fourth Street, 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 Assembly	Mixed Use (MU)	Commercial/Office	Ontario Mills
<i>North</i>	Warehouse Club/ Commercial	Industrial Park (City of Rancho Cucamonga)	Industrial Park-Industrial Commercial Overlay District (City of Rancho Cucamonga)	N/A
<i>South</i>	Entertainment Assembly/Regional Commercial	Mixed Use (MU)	Regional Commercial	Ontario Mills
<i>East</i>	Commercial/Auto Repair/Gasoline Station	Mixed Use (MU)	Commercial/Office	Ontario Mills
<i>West</i>	Commercial/Gasoline Station	Mixed Use (MU)	Commercial/Office	Ontario Mills

<i>Prepared:</i> CH 11-30-16	<i>Reviewed:</i> RZ 12-12-16	<i>Decision:</i> [enter initial/date]
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(2) Project Analysis:

Background—The project site is located on a peripheral parcel within the Ontario Mills Regional Shopping Center. The Edwards Ontario Palace movie theatre was established in 1997 as a stand-alone 140,000 square foot building with 22 movie screens. Edwards currently operates over 588 movie theatres throughout 44 states and has continually invested millions of dollars in renovations to enhance the movie going experience for its patrons. Nationwide Edwards has focused on replacing seats with luxurious reclining seats and expanding their food and beverage menus to also include alcoholic beverage sales. Edwards is currently serving alcoholic beverages at over 20 theater locations within California.

The Edwards at the Ontario Mills location has also undergone improvements/renovations that include: upgraded concession stands to accommodate a greater food menu; and a new movie theatre concept called RPX (Regal Premium Experience) which is a custom-built movie environment that includes luxurious reclining seats with high-quality digital projectors/screens and a state-of-the-art sound system. In keeping with their new business model, Edwards is now seeking approval of a Type 47 ABC license to expand their beverage menu to include alcoholic beverage sales.

(a) Floor Plan and Proposed Use— The applicant is requesting a Type 47 ABC (On-Sale General for Bona-Fide Public Eating Place) in conjunction with the existing movie theatre. Edwards is proposing to construct a small bar within the theater's existing main lobby. The proposed bar (see **Exhibit B: Floor Plan**) will be divided into two areas: a bar with enclosed countertop and a back bar area. The bar will be located on the right side area of the entryway to the IMAX theatre.

The applicant has provided their *Alcohol Control Plan* (see **Exhibit C: Alcohol Control Plan**), that outlines how alcohol will be sold and consumed on-site. In order to purchase alcohol, bartenders will be required to check ID's and ensure patrons are 21 and over. A patron may only purchase one alcohol beverage at one time. Once purchased, patrons may take their alcoholic beverages into any theater, just as they traditionally would with non-alcoholic beverages and/or food items. Alcohol will only be allowed to be purchased at the bar area. Transparent cups will be used to serve the alcohol beverages to help staff and security distinguish alcoholic 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 theater 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, theater security will be called to handle the matter. To further mitigate potential issues with alcoholic beverage consumption at the theater, 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 serving may only occur between 10:00 a.m. and 12:00 a.m., although Edwards may choose to further reduce the hours of alcoholic beverages, at their discretion.

(b) Parking- The project site was developed with 1,462 parking spaces, solely for the entertainment assembly use of the 140,000 square foot movie theatre. The application does not propose any elimination of parking stalls. Since the proposed alcohol sales would be established as a convenience to patrons, staff believes that the proposed use will not adversely affect the parking demand within the existing movie theatre.

(c) 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 beverage license types should be issued per Census Tract, based upon their populations. The project site is located within Census Tract 21.09, which is located entirely within the City of Ontario and is currently over concentrated with On-Sale ABC licenses. Census Tract 21.09 is bounded by Fourth Street to the north, the I-15 Freeway on the east, the I-10 Freeway on the south, and Archibald Avenue on the west. 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. ABC currently allows for 3 On-Sale licenses within the Census Tract. As of November 2016, the latest ABC report shows Census Tract 21.09 as having a total number of 37 active On-Sale licenses (see **Exhibit D: 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 47 ABC license provided that 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, Edwards Theatre would be the second movie theatre in the City to serve alcoholic beverages. On October 20, 2014, the Zoning Administrator approved File No. PCUP14-018 for AMC Theaters located south of the project site to operate a Type 47 ABC license. Since, AMC Theatre began serving alcoholic beverages the Police Department has indicated that they had not received any calls for service for alcohol-related incidents and as a result are imposing similar Conditions of Approval Overall for the proposed Type 47 ABC license at the project site. Furthermore, the project site is not located in a high crime area, the property has no outstanding Building, Health Code Violations or Code Enforcement activity and the overall property is properly maintained. Staff has placed specific Conditions of Approval for the ABC license to ensure safe operation of business.

(d) 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 the project site and has its own dedicated parking. The introduction of alcohol sales at the existing theatre 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 47 ABC license, Edwards will also be modifying their menu with expanded food and beverage options to be considered a Bona Fide Eating Place (**Exhibit E: Edwards Food and Beverage Menu**).

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 December 19, 2016 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. 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 47 ABC License (On-Sale General for Bona Fide Public Eating Place), in conjunction with an existing 140,000 square foot movie theatre (Edwards) will be located at 4900 East Fourth Street, which is designated within the Commercial/Office land use district of the 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 development standards and guidelines, of the Commercial/Office land use district 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 47 ABC License (On-Sale General for Bona Fide Public Eating Place), in conjunction with an existing 140,000 square foot movie theatre (Edwards) will be located at 4900 East Fourth Street, which the Policy Plan Master Land Use Plan designates for Mixed-Use (MU) 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 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 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 the California Commerce Center North/Ontario Gateway Plaza/Wagner Properties Specific Plan. The use will be operated in accordance with Ontario Development Code and the use meets the objectives and purposes as required in the California Commerce Center North/Ontario Gateway Plaza/Wagner Properties Specific Plan.*

(d) *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.*

(e) The proposed use at the proposed location would be consistent with the provisions of the Airport Land Use Compatibility Plan.

(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 indicated that the project site and existing use (Edwards Ontario Palace Movie Theatre), does not currently generate a large number of alcohol related service calls, greater than other similar uses within the City. The use will be providing a convenience for those individuals that would like to purchase alcoholic beverages when dining and viewing a movie.

- The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity. The Edwards Ontario Palace Movie Theatre is in good operating condition and has no outstanding enforcement violations.

- The site is properly maintained, including building improvements, landscaping, and lighting. The Edwards Ontario Palace Movie Theatre is properly maintained and serviced on a regular basis. Furthermore, the project is being conditioned to replace any dead or missing trees, replace/repair any broken/non-functioning irrigation hardware and add two inches of shredded bark mulch to bare soil.

(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. PCUP16-022, subject to the conditions of approval attached hereto and incorporated herein by this reference.

APPROVED AND ADOPTED this 19th day of December 2016.

Scott Murphy
Zoning Administrator

Exhibit A: Aerial Photograph



Exhibit B: Floor Plan

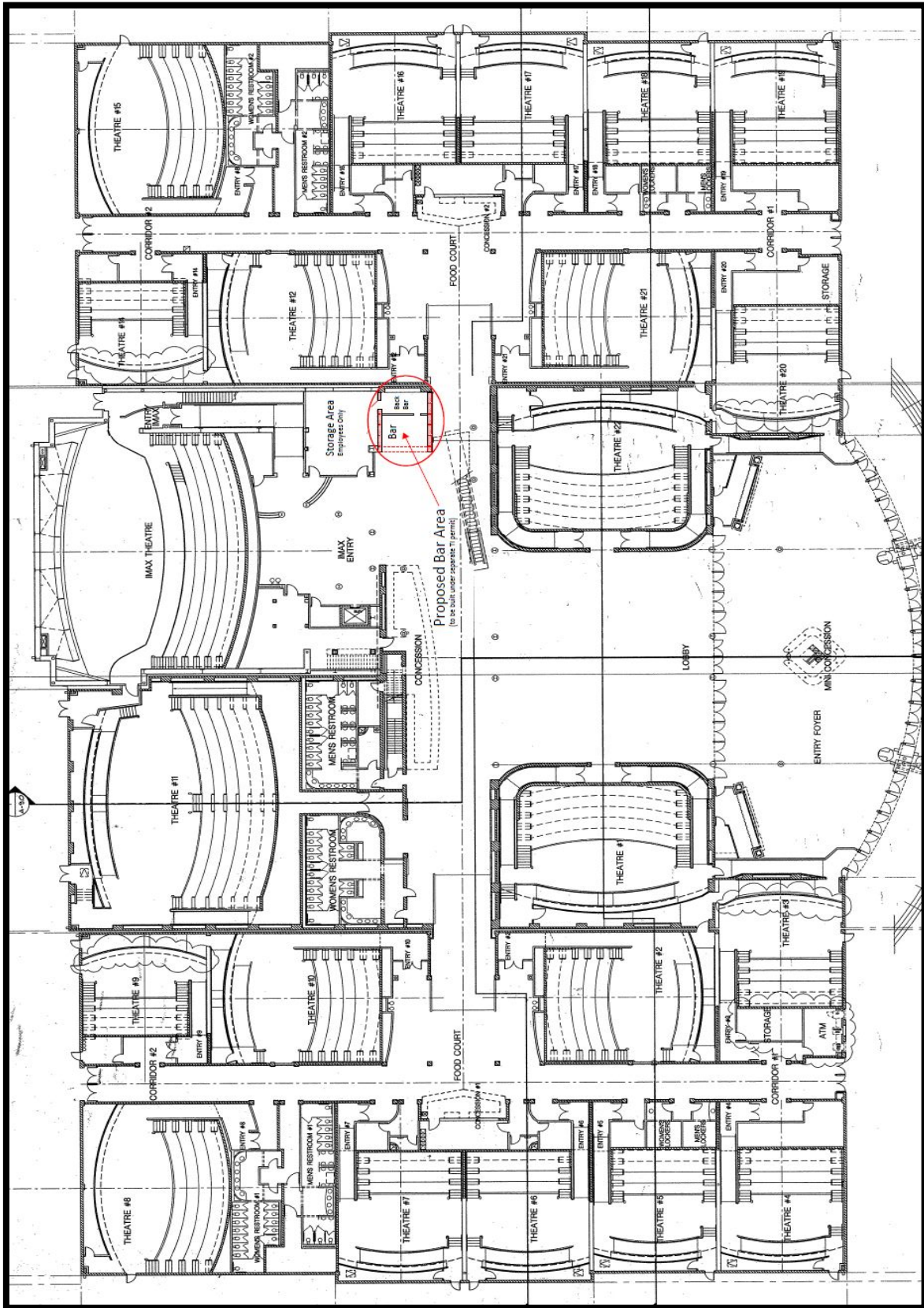


Exhibit B-Floor Plan (Continued)

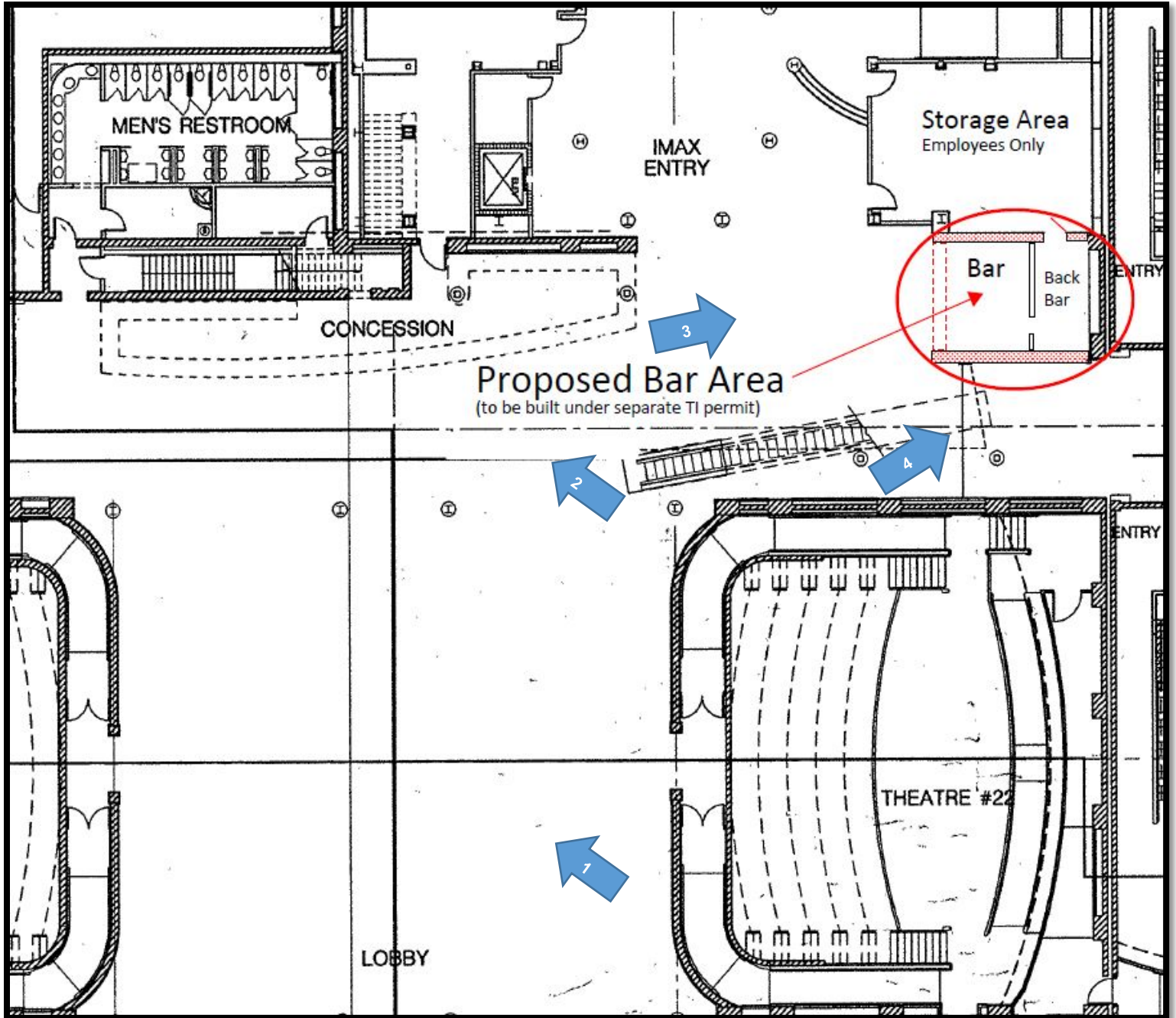


Exhibit C: Alcohol Control Plan



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 auditoriums.

9. Auditorium monitoring. Staff will visually monitor each theatre at least every 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 E: *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

Exhibit F: Site Photographs



Photo 1: Lobby of the Edwards Ontario Palace Stadium 22



Photo 2: Concession Stand



Photo 3: Entryway to IMAX Theatre (Bar area to be located on the side)



Photo 4: Location of proposed bar area



Photo 6: Exterior of Edwards Ontario Palace Theatre



Photo 7: Ontario Mills Regional Shopping Center located south of project site.



Photo 8: Commercial Center and Steakhouse Restaurant located east of project site.



Photo 10: Parking lot from the north perimeter of project site



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

*Planning Department
Land Development Section
Conditions of Approval*

Meeting Date: December 19, 2016

File No: PCUP16-022

Related Files:

Project Description: A Conditional Use Permit to establish a Type 47 ABC License (On-Sale General for Bona Fide Public Eating Place) in conjunction with an existing 140,000 square foot movie theatre (Edwards Ontario Palace), located at 4900 East Fourth Street on 18.69 acres of land within the Commercial/Office land use district of the California Commerce Center North/Ontario Gateway Plaza/Wagner Properties Specific Plan. (APN: 0238-014-05); **submitted by Edwards Theatres INC.**

Prepared By: Carlos 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. 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 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 (Existing Facilities) of the CEQA Guidelines.

2.4 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.

2.5 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/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.

2.6 Additional Requirements.

(a) The proposed bar shall require tenant improvement plans to be submitted and approved.

(b) No alcoholic beverages shall be served until the proposed bar area is constructed and approved by Building Department and all applicable City Departments.

(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.

(e) Additional menu food items shall be maintained to constitute bona fide eating place status during alcohol serving hours.



CITY OF ONTARIO MEMORANDUM

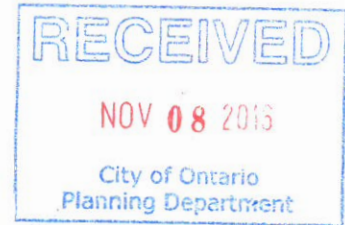
TO: "Vacant", Development Director
 Scott Murphy, Planning Director (Copy of Memo only)
 Cathy Wahlstrom, Principal Planner (Copy of memo only)
 Charity Hernandez, Economic Development
 Kevin Shear, Building Official
 Khoi Do, Assistant City Engineer
 Carolyn Bell, Landscape Planning Division
 Sheldon 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: Henry Noh, Senior Planner

DATE: November 07, 2016

SUBJECT: FILE #: PCUP16-022

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, November 21, 2016**.

- Note:**
- Only DAB action is required
 - Both DAB and Planning Commission actions are required
 - Only Planning Commission action is required
 - DAB, Planning Commission and City Council actions are required
 - Only Zoning Administrator action is required

PROJECT DESCRIPTION: A Conditional Use Permit to establish alcoholic beverage sales, including Type 47 Beer and Wine Sales for on-premise consumption in conjunction with an existing 140,000-square foot Edwards Theater on approximately 18 acres of land located at 4900 East Fourth Street, within the Commercial/Office land use district of the Ontario Mills Specific Plan (APN: 0238-014-05).

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, Henry Noh
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: November 8, 2016
SUBJECT: PCUP16-022

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

KS:lm





CITY OF ONTARIO

MEMORANDUM

ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

(Traffic/Transportation Division, Ontario Municipal Utilities Company and Environmental Section Conditions incorporated)

DATE: 11/29/16

PROJECT: PCUP16-022, Ontario Mills Edwards Theatres Type 47 ABC License

APN: 0238-014-05

LOCATION: 4900 East Fourth Street

PROJECT ENGINEER: Antonio Alejos

PROJECT PLANNER: Henry Noh

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

1. Project shall comply with the requirements as set forth in the Standard Conditions of Approval adopted by the City Council (Resolution No. 2010-021) on March 16, 2010; as well as project-specific conditions/requirements as outlined below.
2. The applicant/developer shall apply for a Wastewater Discharge Permit and comply with all requirements of their Wastewater Discharge Permit. Requirements may include, but not limited to equipping a monitoring manhole station and/or other pretreatment devices (e.g. grease interceptor, clarifier, etc.) to the on-site sewer system. Please contact Virginia Lopez (vclopez@ontarioca.gov), Environmental Technician, at (909) 395-2671 for more information about the permit and how to apply.



CITY OF ONTARIO

MEMORANDUM

TO: Henry Noh, Planning Department

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

DATE: November 10, 2016

SUBJECT: PCUP16-022 A Conditional Use Permit to establish alcoholic beverage sales, including Type 47 Beer and Wine Sales for on-premise consumption in conjunction with an existing 140,000-square foot Edwards Theater on approximately 18 acres of land located at 4900 East Fourth Street, within the Commercial/Office land use district of the Ontario Mills Specific Plan (APN: 0238-014-05).

-
- 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.ci.ontario.ca.us, 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: Henry Noh, Senior Planner

DATE: November 07, 2016

SUBJECT: FILE #: PCUP16-022

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, November 21, 2016**.

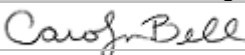
- Note:**
- Only DAB action is required
 - Both DAB and Planning Commission actions are required
 - Only Planning Commission action is required
 - DAB, Planning Commission and City Council actions are required
 - Only Zoning Administrator action is required

PROJECT DESCRIPTION: A Conditional Use Permit to establish alcoholic beverage sales, including Type 47 Beer and Wine Sales for on-premise consumption in conjunction with an existing 140,000-square foot Edwards Theater on approximately 18 acres of land located at 4900 East Fourth Street, within the Commercial/Office land use district of the Ontario Mills Specific Plan (APN: 0238-014-05).

- 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.

11/29/16
Landscape Planning Carolyn Bell Sr Landscape Architect
Department Signature Title Date

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

DAB CONDITIONS OF APPROVAL	
Sign Off	
	11/29/16
Carolyn Bell, Sr. Landscape Planner	Date

Reviewer's Name: Carolyn Bell, Sr. Landscape Planner	Phone: (909) 395-2237
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D.A.B. File No.: PCUP16-022	Related Files:	Case Planner: Henry Noh
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Project Name and Location: Edwards Theater 4900 East Fourth St
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Applicant/Representative: Steve Rawlings 26023 Jefferson Ave Ste. D Murrieta, CA 92562

<input checked="" type="checkbox"/>	A site plan (dated 11/2/16) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met.
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<input type="checkbox"/>	A site plan (dated) has not been approved. Corrections noted below are required prior to DAB approval.
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CONDITIONS OF APPROVAL

1. Site landscape is in substandard condition. Contact the landscape maintenance company for the following:
 - a. Replace dead or missing landscape in the parking lot, along Mills circle and building perimeter.
 - b. Repair irrigation that is broken or not functioning properly. Replace irrigation heads that are leaking across the sidewalk and into the street and parking lot.
 - c. Add 2" of shredded bark mulch where bare soil is exposed to reduce evaporation and amend the soil.



CITY OF ONTARIO POLICE DEPARTMENT MEMORANDUM

TO: Carlos Huizar, Planning Intern

FROM: Eric Quinones, Police Officer

DATE: December 13, 2016

SUBJECT: FILE NO. PCUP16-022– Edwards Theatres, 4900 E 4th Street,
Ontario, Ca

This location has applied for a type 47 ABC 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 37. 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. 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.: PCUP16-022

Address: 4900 East Fourth Street

APN: 0238-014-05

Existing Land Use: Movie Theatre

Proposed Land Use: Ancillary Type 47 ABC License

Site Acreage: 18.69 ac Proposed Structure Height: n/a

ONT-IAC Project Review: N/A

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Carlos Huizar

Date: 12/5/16

CD No.: 2016-073

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>160 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: _____