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# PLANNING DEPARTMENT STAFF REPORT

**TO:** Chair and Members of the Board of Zoning Adjustment  
**FROM:** Jacquelyn R. Kitchen, Community Development Director  
**DATE:** July 11, 2017

**APPROVED**

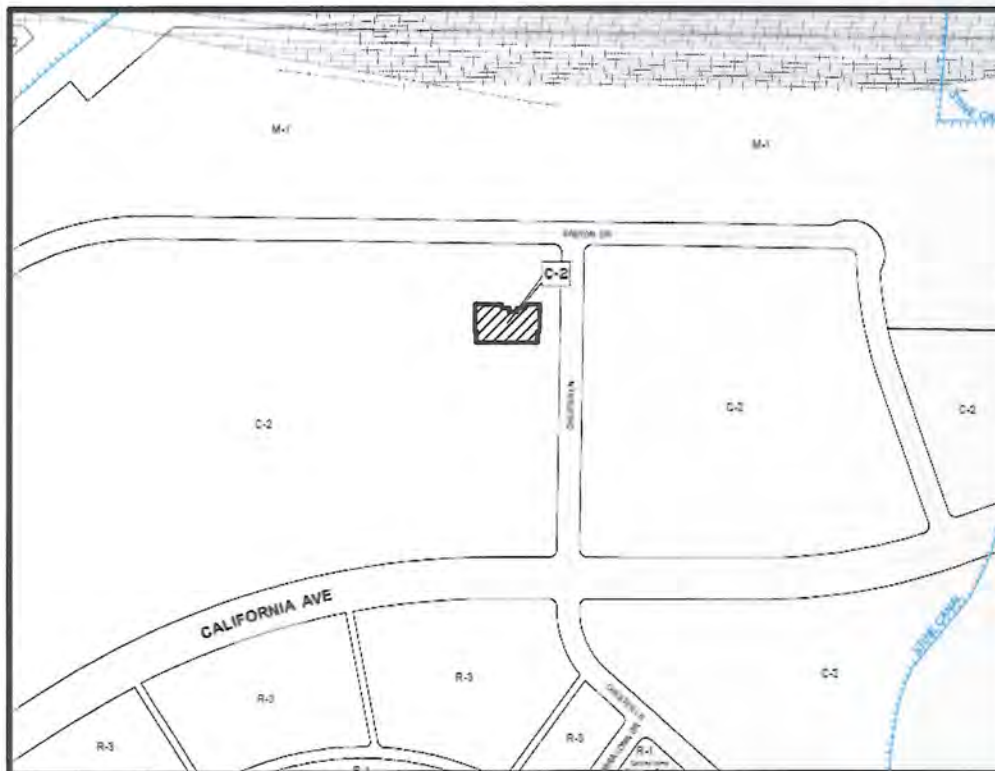
**SUBJECT:** **File No. 17-0028** - Conditional Use Permit to allow alcohol sales/consumption in a movie theater; AMC Bakersfield 6 (17.64.020.B) in a C-2 (Regional Commercial Zone) district (Ward 2).

**APPLICANT:** F. Michael Ayaz  
2222 Damon Street  
Los Angeles, CA 90021

**OWNER:** Excel Realty Partners, LP  
40 Skokie Boulevard, Suite 600  
Northbrook, IL 60062

**LOCATION:** 4200 California Avenue | Bakersfield, CA 93309 | APN: 332-323-05-00-9

**Figure 1. Location Map and Zone Map**



**RECOMMENDATION:** Adopt Resolution and suggested findings **APPROVING** Conditional Use Permit No. 17-0028, as depicted in the project description and subject to the listed conditions of approval.

**PROJECT ANALYSIS:**

Your Board considered the case on the June 13, 2017 agenda. During Staff’s presentation, it was noted that a Director’s Memorandum was prepared to address comments submitted by the applicant earlier that day. Following public testimony and Board discussion, it was concluded that consideration of the case be continued to July 11, 2017 to allow additional time for Staff to analyze the comments and provide your Board with a recommendation.

**Proposed Project.** The project is a request for a conditional use permit to allow alcohol sales/consumption in a movie theater (AMC Bakersfield 6) in a C-2 (Regional Commercial Zone) district (see Figure 2 “Site Aerial” and Figure 3 “Site Plan”). The property is located within a developed shopping center, and the subject building is developed with an existing movie theater. Surrounding properties within the shopping center consist of a parking lot to the north and east, and restaurants, gas station, and other general retail/commercial to the south and west. Development outside the shopping center consists of general retail to the north, motel to the east, multiple-family residence to the south, and offices to the west.

**Figure 2. Site Aerial**

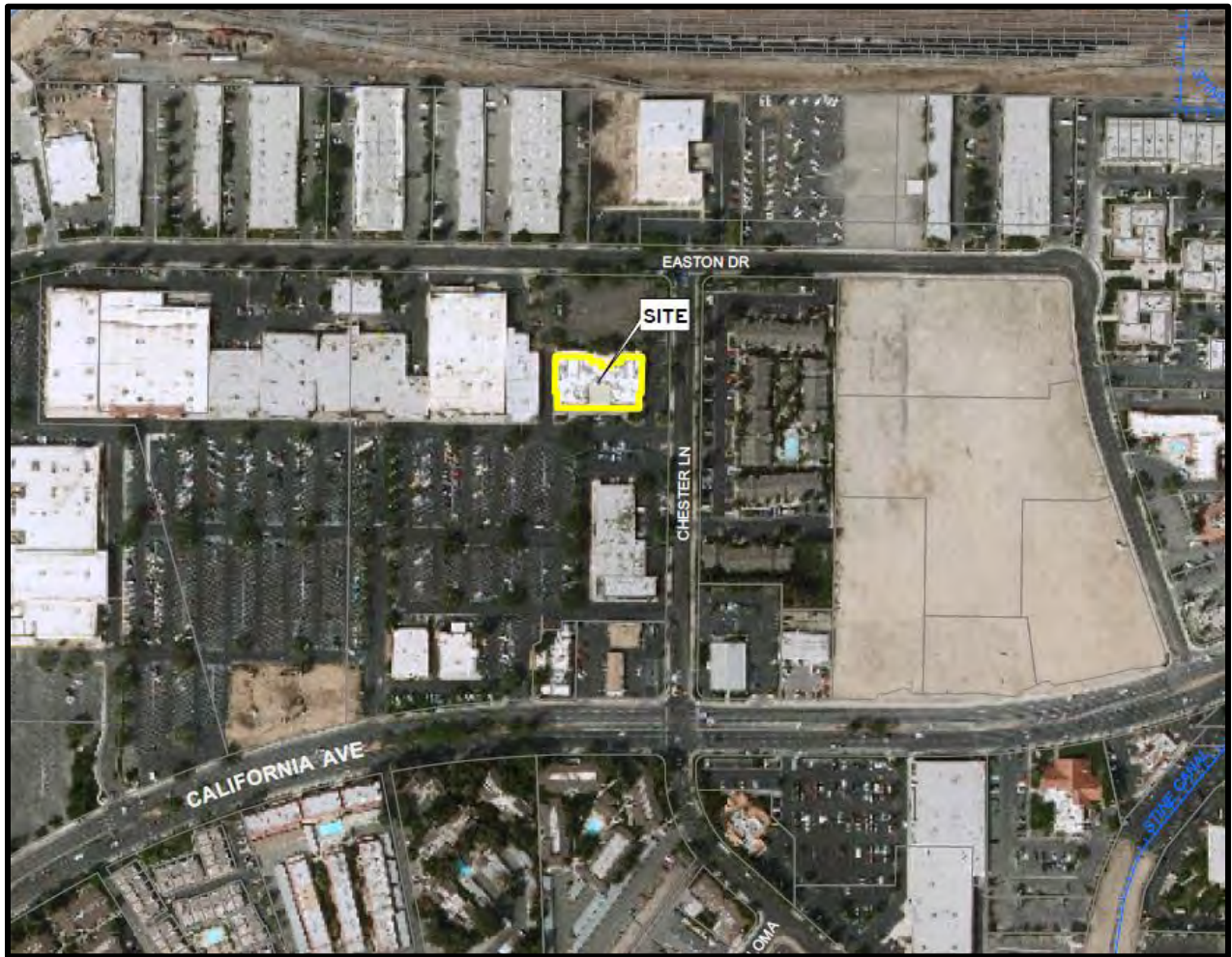
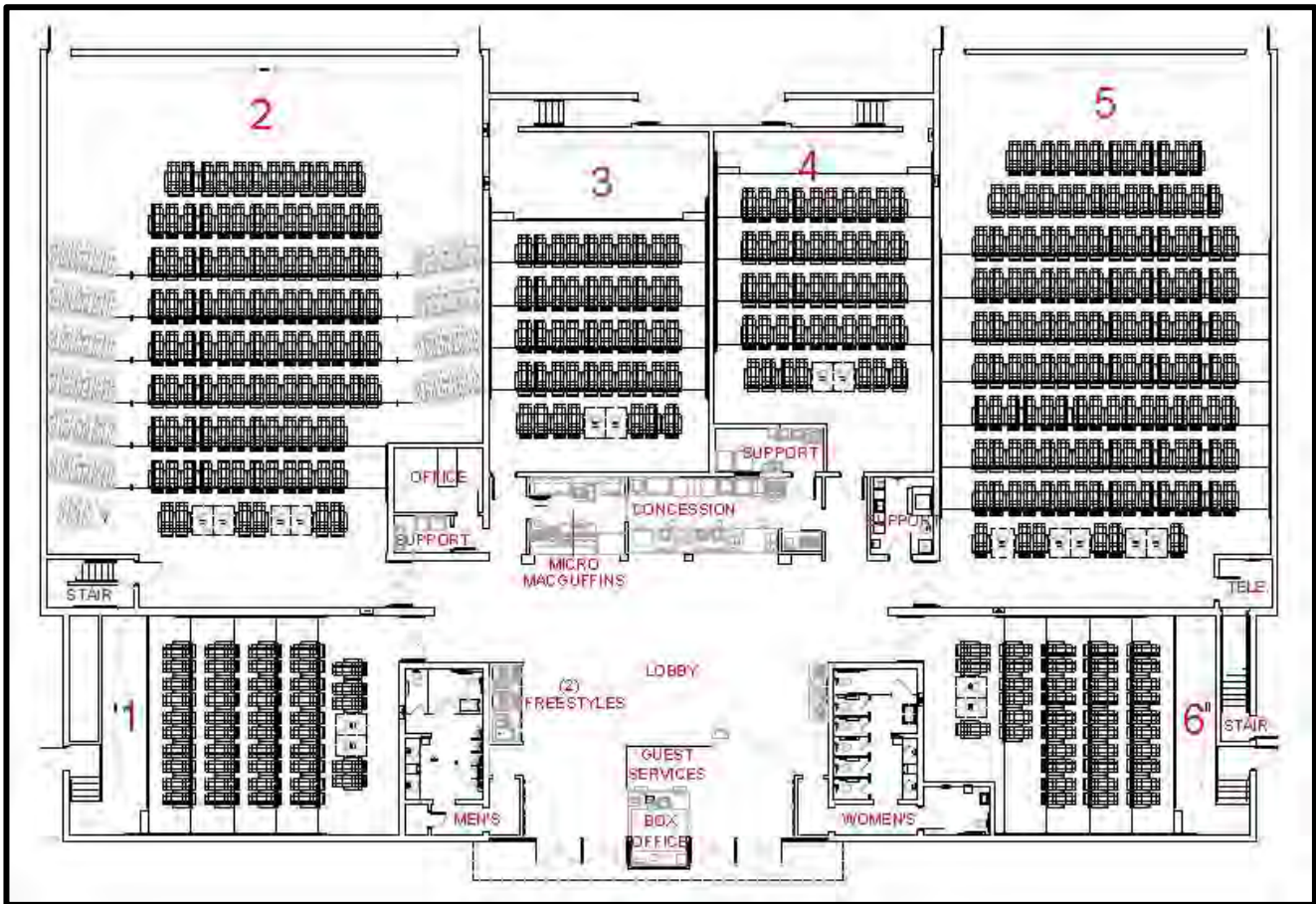




Table 1. Surrounding Land Uses			
LOCATION	GENERAL PLAN	ZONE DISTRICT	EXISTING LAND USE
Site	GC	C-2	Movie Theater
North	GC	C-2	Shopping Center Parking
East	GC	C-2	Shopping Center Parking
South	GC	C-2	Shopping Center
West	GC	C-2	Shopping Center
<b>General Plan Key</b> GC: General Commercial		<b>Zone District Key</b> C-2: Regional Commercial	

Figure 3. Site Plan



**Background.** Movie theaters and cinemas are permitted as a primary use in the C-2 district. Additionally, restaurants are permitted as a primary use in the C-2 district, and may include on-site alcohol sales when served incidental to the serving of food. A movie theater does not serve meals with the same mode of operation as a bona fide restaurant. Therefore, the request to sell/consume alcohol in a movie theater is subject to approval of a conditional use permit.

**Project Details.** F. Michael Ayaz, representing American Multi-Cinema (AMC) Bakersfield 6, stated there has been a demographic shift in the age of moviegoers with the number of patrons over the age of 21 at approximately 65 percent of all ticket purchases. While box

office admissions are the primary source of revenue, the applicant states that amenities now need to appeal to adult audiences. These amenities include enhanced choices of food, and the ability to purchase and consume alcohol.

As proposed, AMC is requesting to allow the service and consumption of beer, wine, and distilled spirits to and by patrons 21 years or older in an all-age movie screening theater. The movie theater operates seven days a week, from 9:00 a.m. to 1:00 a.m., and the applicant is proposing to serve alcohol during the hours of operation.

The theater is undergoing Tenant Improvements (TI) to allow for upgrades to the box office/guest services area, lobby, concessions, and auditoriums. For a complete list, see Attachment 1 - Design Development Package.

AMC's Micro MacGuffins will be a feature added to this theater, along with new menu choices of food. However, unlike other specialty theaters that offer reserved seating, a dining/lounge area, and seat-side service, AMC Bakersfield 6 will continue to serve guests only at concession stands with no dedicated eating/drinking area. To separate itself from conventional theaters, AMC is upgrading all six auditoriums to replace old seating with luxury seating. The revised seat count is reflected in Table 2.

Table 2. Seat Count				
Auditorium	Existing Total	Proposed		
		Luxury Seats	ADA Compliant	Total
1	87	47	2	49
2	365	154	5	159
3	87	47	2	49
4	87	47	2	49
5	282	145	4	149
6	87	39	2	41
<b>TOTAL</b>	<b>995</b>	<b>479</b>	<b>17</b>	<b>496</b>

In preparing the project for consideration, the Bakersfield Police Department provided crime statistics for the site, which is located in Reporting District (RD) 142 (see Attachment 2 "Crime Statistics"). The results are summarized in Table 3, and show that RD 142 has a Part 1 reporting average above the Citywide average; and is therefore considered a High Crime RD. Part 1 crimes are classifications created by the FBI and include homicide, forcible rape, aggravated assault, robbery, burglary, larceny/theft, motor vehicle theft and arson.

Table 3. Bakersfield Police Department Crime Statistics - Summary					
Reporting Period: June 6, 2015 thru June 5, 2017					
Part 1 Reports Citywide	Part 1 Reports RD 142	Part 1 Reports Bakersfield Plaza	Part 1 Reports AMC 6	Total RDs Citywide	Average Part 1 Reports per RD
41,303	896	113	20	259	159

## **JUNE 13, 2017 BOARD OF ZONING ADJUSTMENT:**

As noted above, your Board considered this request at the June 13, 2017, hearing. Staff informed your Board that a Director's Memorandum was prepared to address the applicant's request to modify three conditions of approval. Based on available information at that time, Staff did not support the applicant's request.

Public comments were received in opposition to Staff's recommendation from Frank Lewis (AMC Theater representative) and Michael Ayaz (applicant). Mr. Lewis provided information on AMC's Policies & Procedures for alcohol in their theaters, and Mr. Ayaz expanded on his request to modify conditions of approval.

Following public comments, your Board deliberated before concluding additional time was needed for Staff to analyze the requested modifications based on previous direction from City Council regarding the sale of alcohol in movie theaters. The case was continued to the regularly scheduled meeting of July 11, 2017.

## **PUBLIC NOTIFICATION, ENVIRONMENTAL REVIEW AND DETERMINATION:**

Public notice for the proposed project and environmental determination was advertised in *The Bakersfield Californian* and posted on the bulletin board in the City of Bakersfield Community Development Building; 1715 Chester Avenue; Bakersfield, California. All property owners within 300 feet of the project site were notified by United States mail on June 2, 2017, regarding this public hearing in accordance with city ordinance and state law. To date, no public comments have been received.

This project has been found to be exempt from the provisions of the California Environmental Quality Act (CEQA) and the City of Bakersfield's CEQA Implementation Procedures in accordance with Section 15301 Class 1 (Existing Facilities), because the project involves improvements to allow alcohol licensing in conjunction within an existing movie theater. No additional square feet or seat capacity is proposed with the application. A Notice of Exemption has been prepared.

## **CONCLUSIONS:**

Section 17.64.060.C contains specific findings that must be made in order for your Board to approve the requested conditional use permit. Specifically, the section states that:

**Findings.** A conditional use permit shall be granted only when it is found that:

1. The proposed use is deemed essential or desirable to the public convenience or welfare; and,
2. The proposed use is in harmony with the various elements and objectives of the general plan and applicable specific plans.

Section 17.64.060.D also states that a conditional use permit may be subject to such conditions as deemed appropriate or necessary to assure compliance with the intent and purpose of the zoning regulations and the various elements and objectives of the general plan and applicable specific plans and policies of the city or to protect the public health, safety, convenience, or welfare.

**City Council Direction.** This request is one of several that have been submitted to the City in the last several months, and these applications are the first of this type within the City of Bakersfield. The Bakersfield City Council considered a similar request on February 15, 2017, and at that time expressed concerns that unregulated consumption of alcohol in an all-ages, dimly lit, movie theater may lead to the illegal consumption of alcohol by minors and/or other criminal activity. The Council provided direction that this type of use should be considered on a case-by-case basis, and include specific amenities and design features that must be implemented prior to the commencement of alcohol sales to ensure a continuous safe environment for patrons.

**Recommended Conditions of Approval.** The applicant provided AMC's Security Personnel Policies and Procedures, and the Manager's Handbook for Alcohol Policies (see Attachment 3). Notwithstanding, in order to ensure that alcohol sales occur in a manner that would inhibit illegal consumption by minors and/or other illegal activity, Staff and the applicant have agreed to multiple conditions of approval related to consumption, sales/service, security, and other general requirements.

Staff is recommending the following revisions to Conditions 4.b, 6.b, and 6.g from the original conditions recommended to your Board at the June 13, 2017 meeting. Revisions are identified in underline and strikeout.

4. **Consumption Requirements.** Consumption of alcoholic beverages shall be subject to the following on-going operational conditions:
  - a. Patrons shall not leave the premises with any alcoholic beverages.
  - b. Consumption of alcoholic beverages shall be limited to "Authorized Auditoriums." Authorized Auditoriums are those which have been approved, in writing, by the Community Development Director, and which include at least two (2) of the following Design Features:
    - i. Auditorium is designated as "21 years and older" only;
    - ii. Auditorium includes a physically separate "21 years and older" seating area for alcohol consumption;
    - iii. Auditorium has a minimum of one (1) dedicated Staff member to remain in the Auditorium for the full duration of the showing;
    - iv. Each seat includes an individual dedicated "Service Button" to call for direct alcohol service;
    - v. Each seat includes an individual dedicated table area for consumption of food products.
    - vi. In the case of a remodel of existing auditoriums, conversion/removal of existing auditorium seating to upgraded seating and layout that facilitates staff monitoring of the auditorium;

- vii. Separate and distinct concession counter which shall serve as the only location in which the sale of alcoholic beverages will occur, i.e., alcoholic beverages shall only be sold from a designated concession stand that will only serve alcohol and no other food, candy, snacks, popcorn, etc.
- c. Prior to the initial commencement of alcohol sales at the premises, and subsequent to the future addition of new Authorized Auditoriums, the theater operator shall provide the Community Development Department Director with a written statement identifying all Authorized Auditoriums and confirming completion of applicable Design Features. All other auditoriums shall be appropriately labeled with "no alcohol permitted" signs. Prior to any changes to areas where alcohol sales/consumption are permitted, the theater operator shall obtain written approval from the Community Development Department Director.
6. **Security Requirements.** The premises shall continuously adhere to the following security operational conditions:
- a. The owner, manager, or person in charge of the establishment shall be 21 years or older. At least one (1) such person shall be present on the premises at all times.
- b. While the privileges of this permit are being exercised, the permit holder shall provide and maintain at least one (1) uniform private security officers on the premises (as defined in Chapter 11.4, commencing with Section 7574 Division 3 of the Business and Professions Code) on Fridays and Saturdays from 7:00 pm to 2:00 am; and Sundays from 6:00 pm to 1:00 am. All proprietary security officers shall comply with Business and Professions Code 7574.2 and shall register with the Department of Consumer Affairs. The minimum ratio of officers shall be at least one (1) security person for every ~~five~~ six "Authorized Auditoriums." ~~The permit holder shall also require that a minimum of one (1) security person posted at each entrance, therein and~~ Security personnel shall act to prevent any activity, which would interfere with the quiet enjoyment of property belonging to nearby businesses. Uniformed security shall be provided anytime the privileges of this permit are being exercised, as described herein, until 30 minutes after closing. The overall number of officers may be reduced to one security person for the full facility, on Monday thru Friday, during the hours of 11:00 am to 5:30 pm, at the property operator's discretion. The permit holder understands and agrees that should there be an unreasonable increase of calls for service related to alcohol service and/or consumption or an increase of criminal activity with a direct nexus to the permit holders business operations, permit holder agrees to increase security by a number reasonable determined by the City and/or the Police Department.
- c. During operating hours, all security personnel shall wear clothing that clearly identifies them as "SECURITY" on the front and back of their shirt. During operating hours, employees shall wear clothing and/or a name plaque that identifies them as an employee of the establishment. During operating hours, all establishment employees and security personnel shall cooperate with law enforcement officers who are conducting official investigations on the premises.

- d. The permit holder shall ensure that reasonable efforts are made to prevent the admission of any person whose conduct is described in Penal Code section 415 (fighting, loud noise, offensive words in public places) or section 647 (disorderly conduct) on the premises, parking lots and all other areas of the establishment controlled by the permit holder. The permit holder shall make reasonable efforts to remove persons exhibiting such conduct from the establishment.
- e. Theater employees shall conduct auditorium inspections no more than 30 minutes apart to monitor for compliance with the conditions of approval.
- f. The permit holder shall ensure the Bakersfield Police Department is contacted immediately in the event any minor on the premises attempts to obtain an alcoholic beverage through false pretenses.
- g. Excessive service responses from any City of Bakersfield Department or Division to the permit holder's establishment could result in an investigation being instituted by the Bakersfield Police Department Vice Detail. The results of this investigation could result in notification of an increase of security personnel (Condition 6.b) and/or additional conditions being placed on the permit, or revocation.

In accordance with these required findings, and as conditioned, Staff finds the request sufficiently demonstrates compliance with the necessary findings and, therefore, recommends your Board adopt Resolution and suggested findings approving Conditional Use Permit No. 17-0028, as depicted in the project description and subject to the listed conditions of approval.

**ATTACHMENTS:**

- Attachment 1 - Design Development Package
- Attachment 2 - Crime Statistics
- Attachment 3 - Policies and Procedures
- Draft Resolution with Exhibits



Attachment 1  
(Design Development Package)



AMC BAKERSFIELD 6  
DESIGN DEVELOPMENT PACKAGE  
09/21/2016

## **EXTERIOR**

### **DEMO**

- REMOVE EXTERIOR SIGNAGE.
- REMOVE READER BOARD AND EXPOSED CONDUIT.
- REMOVE CANVAS CANOPY AND FRAME ABOVE ENTRY DOORS.

### **NEW**

- INSTALL NEW ANC SIGNAGE ON NORTH, SOUTH AND EAST ELEVATIONS.
- INSTALL NEW EXTERIOR POSTER CASES.
- PATCH AND PAINT STUCCO EXTERIOR WALLS AND SOFFIT.
- PAINT SLOPED METAL ROOF ABOVE ENTRY.
- REPAIR PARKING LOT - \$50K ALLOWANCE FOR PATCHING, SEALING AND STRIPING.
- REPAIR GAP BELOW STOREFRONT AT BOX OFFICE.
- GRIND SIDEWALK JOINTS AT ENTRY TO ELIMINATE TRIP HAZARD.
- REPAIR LIFTED SIDEWALK BEHIND AUD. 3 AND 4 CAUSED BY TREE ROOTS.

## **BOX OFFICE/GUEST SERVICES**

### **DEMO**

- REMOVE EXISTING, INTERIOR STOREFRONT.
- REMOVE EXISTING FLOOR FINISH.
- REMOVE EXISTING CASEWORK AND EQUIPMENT.

### **NEW**

- INSTALL NEW CASEWORK AND EQUIPMENT.
- INSTALL NEW CARPET AND PAD.
- PREP AND PAINT CEILING.
- INSTALL NEW TIMES & TITLES MONITORS AT BOX OFFICE / GUEST SERVICES.
- INSTALL NEW SIGNAGE.

## **LOBBY**

### **DEMO**

- REMOVE TILE FLOORING.

### **NEW**

- INSTALL NEW TILE FLOOR AND BASE.
- PREP AND PAINT WALLS, CEILINGS AND BULKHEADS.
- INSTALL NEW DRUM LIGHT FIXTURES.
- INSTALL NEW SIGNAGE.

## **AUDITORIUM ENTRIES**

### **DEMO**

- REMOVE TILE FLOOR AND BASE.
- REMOVE WALLCOVERING. PREP FOR PAINT.
- DEMOLISH WALLS AS INDICATED.
- REMOVE AUDITORIUM DOORS AND HARDWARE.
- REMOVE POSTER CASES.

### **NEW**

- INSTALL NEW CARPET AND BASE.
- PREP AND PAINT WALLS AND CEILINGS.
- INSTALL NEW SIGNAGE.

## **CONCESSION**

### **DEMO**

- REMOVE CONCESSION CASEWORK AND EQUIPMENT.
- REMOVE FLOOR AND WALL FINISHES.
- DEMOLISH SUPPORT WALLS AS INDICATED.
- DEMOLISH CEILING AS INDICATED.

### **NEW**

- INSTALL NEW CASEWORK AND EQUIPMENT.
- INSTALL NEW WALLS AS INDICATED.
- EXPAND CONCESSION SUPPORT ROOM AS INDICATED.
- INSTALL TILE FLOOR AND BASE.
- INSTALL FRP ON WALLS.
- INSTALL NEW ACP TILES IN EXISTING GRID. PAINT GRID.
- PREP AND PAINT EXISTING DOORS TO REMAIN.
- INSTALL NEW SIGNAGE.

## **MICRO MACGUFFINS**

### **NEW**

- INSTALL NEW BAR CASEWORK AND EQUIPMENT.
- PREP AND PAINT WALLS AND CEILINGS.
- INSTALL NEW SIGNAGE.
- INSTALL NEW LIGHTING, POWER AND PLUMBING AS REQUIRED.

## **AUDITORIUMS**

### **DEMO**

- REMOVE SCREENS AND MASKING .
- REMOVE SPEAKERS.
- REMOVE FLOORING AND AISLE LIGHTING.
- REMOVE HANDRAILS.
- REMOVE SEATS.

### **NEW**

- INSTALL NEW SEATING PLATFORMS OVER EXISTING SLOPED FLOOR.
- INSTALL NEW CARPET, CARPET BASE AND AISLE LIGHTING.
- INSTALL NEW RECLINER SEATS.
- INSTALL NEW SCREENS AND MASKING.
- INSTALL NEW SPEAKERS.
- ADJUST BOTTOM OF EXISTING DRAPERY AS REQUIRED FOR PLATFORMS.
- INSTALL NEW HANDRAILS, PAINT.
- PAINT EXPOSED WALLS BELOW DRAPERY.
- PREP AND PAINT WALLS AND CEILINGS AT VESTIBULES..
- ADD RECEPTACLES FOR POWERED RECLINERS.

## **RESTROOMS**

### **DEMO**

- REMOVE LAVATORIES, MIRRORS, COUNTERTOPS, PARTITIONS AND ACCESSORIES.

- REMOVE WATER CLOSETS, URINALS, PARTITIONS AND ACCESSORIES.
- REMOVE ALL FLOOR,AND WALL TILE, INCLUDING ACCESSIBLE WOMEN'S ROOM.

### **NEW**

- INSTALL NEW LAVATORIES, COUNTERTOPS, MIRRORS AND DYSONS.
- INSTALL NEW PARTITIONS, URINAL SCREENS AND TOILET ACCESSORIES .
- INSTALL NEW WATER CLOSETS AND URINALS.
- INSTALL NEW TILE ON FLOOR AND WAINSCOT ON WALLS. PAINT ABOVE.
- INSTALL NEW MOSAIC TILE BETWEEN MIRRORS.
- PREP AND PAINT CEILING.

## **PROJECTION PLATFORM**

- EXPAND CONCESSION SUPPORT ROOM.
- INSTALL NEW FINISHES.

## **GENERAL ELECTRICAL ITEMS**

- ADD NEW PANELBOARDS FOR POWERED RECLINERS AND NEW CONCESSION EQUIPMENT.
- ADD NEW DATA SYSTEMS FOR BAR SATELLITE TV SYSTEM.
- ADD NEW LIGHTING IN LOBBY AND CONCESSION.
- UPDATE RADIANT SYSTEM BASED ON NEW POINT OF SALE STATIONS AT BOX OFFICE.
- REMOVE WIRING FROM DEMOLISHED DEVICES AND LIGHTS BACK TO SOURCE. REMOVE ALL WALL BOXES AND PATCH WALLS.

## **GENERAL PLUMBING ITEMS**

- CHECK EXISTING SANITARY AND GREASE LINE SLOPES AND FLUSH LINES.
- PROVIDE NEW PLUMBING LAYOUT FOR CONCESSION AND MICRO MACGUFFINS BAR.
- RECONFIGURE SPRINKLER HEAD LAYOUT TO MATCH NEW MODIFICATIONS TO CEILINGS IN ALL SPACES WHEREVER CEILINGS HAVE BEEN ALTERED. ADD NEW HEADS AS REQUIRED AT LOCATIONS OF NEW CEILINGS.

## **GENERAL MECHANICAL ITEMS**

- CLEAN ALL DIFFUSERS AND GRILLES.
- CLEAN ALL DUCTWORK.
- PROVIDE EXHAUST TO NEW SUPPORT SPACE WITH MOP SINK.
- PROVIDE SPLIT UNIT FOR MGUFFINS SUPPORT RM IN MEZZANINE TO COOL.
- REPLACE PROJECTOR EXHAUST FANS IN PLACE ON ROOF WITH SIMILAR CAPACITY AND FAN TYPE.
- REPLACE SPACE THERMOSTAT WITH SPACE TEMPERATURE SENSORS, ADD CENTRAL DIRECT DIGITAL CONTROLS SYSTEMS WITH HVAC CONTROL PANEL IN MANAGERS OFFICE AND HAVE ABILITY TO CONTROL HVAC SYSTEMS REMOTELY PER AMC STANDARDS.

## **ALTERNATES**

1. PROVIDE COST FOR CONSTRUCTING THE SEATING PLATFORMS USING PLYWOOD AND METAL DECK DETAILS. BASE BID ASSUMES METAL FRAMING WITH CONCRETE STRUCTURAL PANEL SHEATHING.
2. ALTERNATE NO. 1 - INSTALL NEW DRAPERY IN AUDITORIUMS.







PYLON SIGN



MARQUEE



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AMC BAKERSFIELD 6

4200 CALIFORNIA AVE.  
BAKERSFIELD, CA 93309

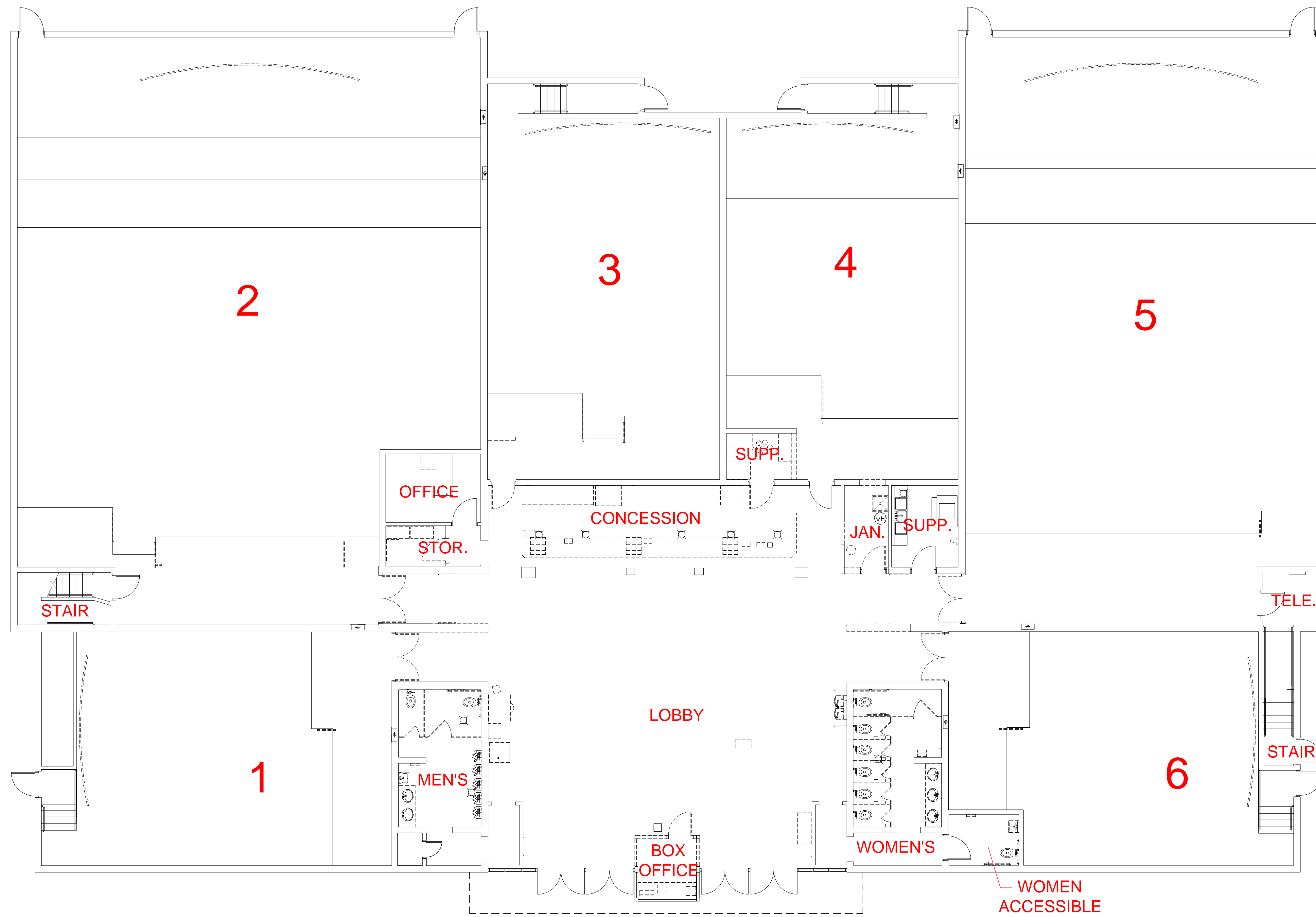
SITE PLAN

9.21.2016

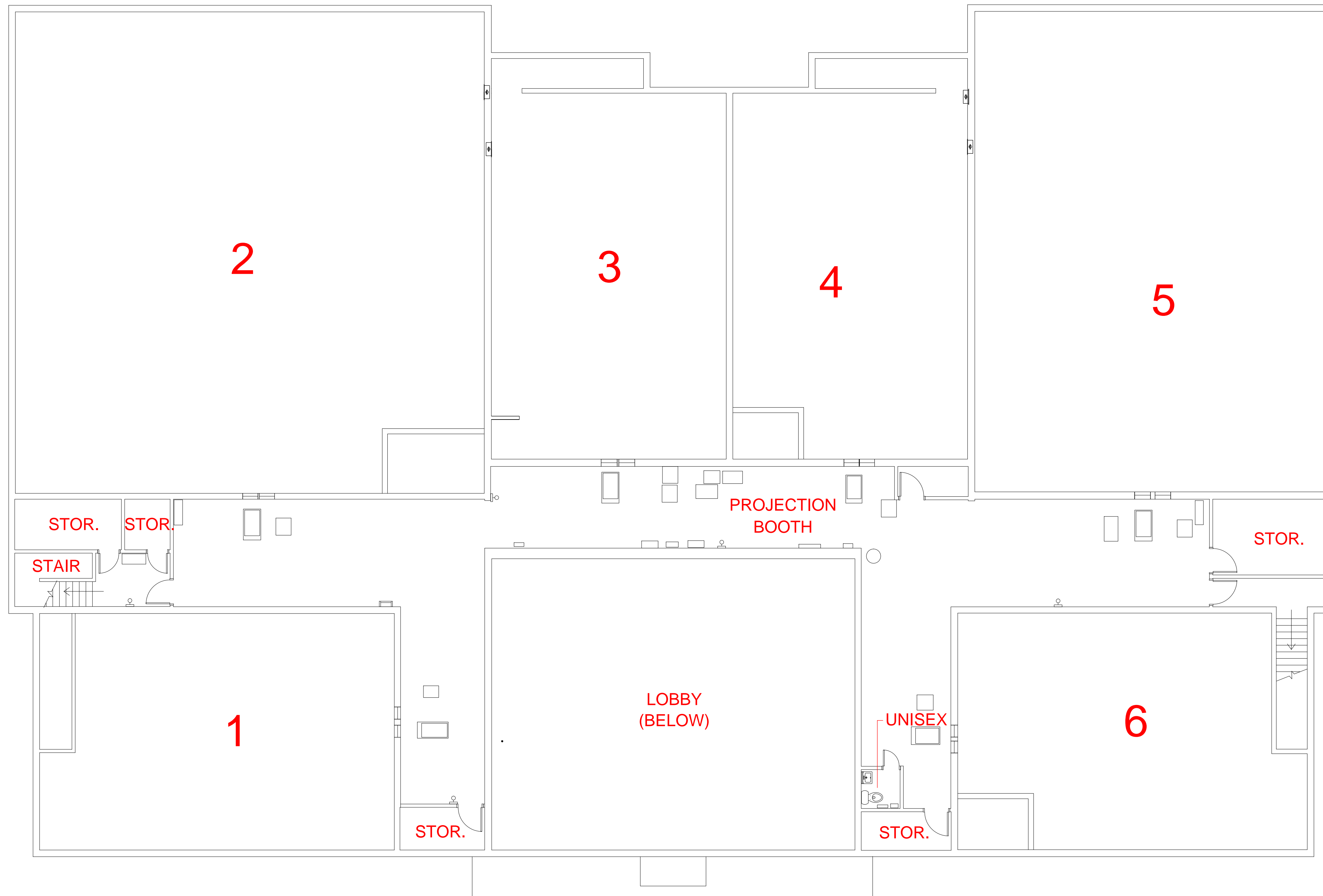
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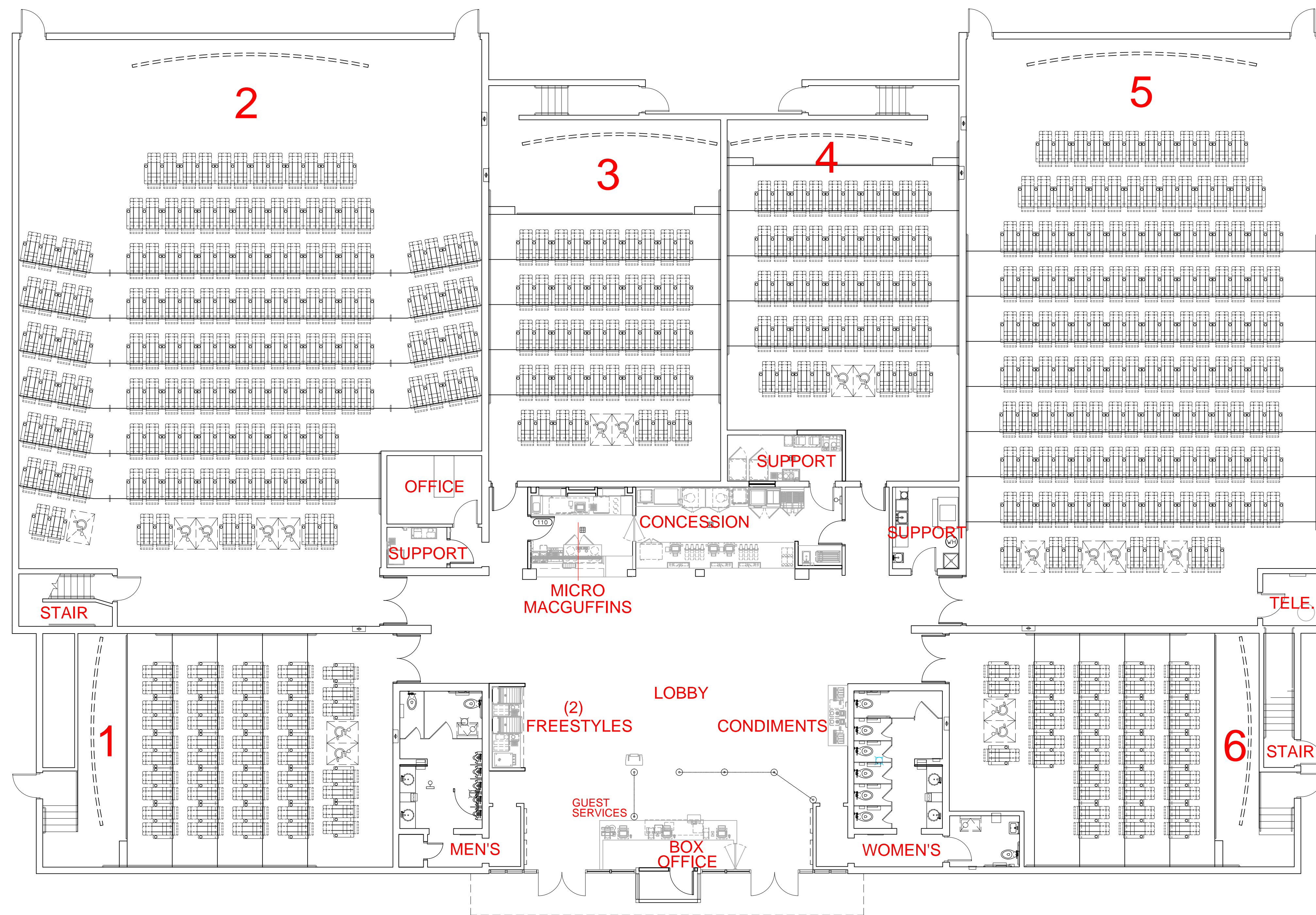








SEAT COUNT CHART - 54" TANAKAS				
AUD.	EXIST.	PROPOSED		
	TOTAL	SEATS	B.F.	TOTAL
1	87	47	2	49
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AMC BAKERSFIELD 6

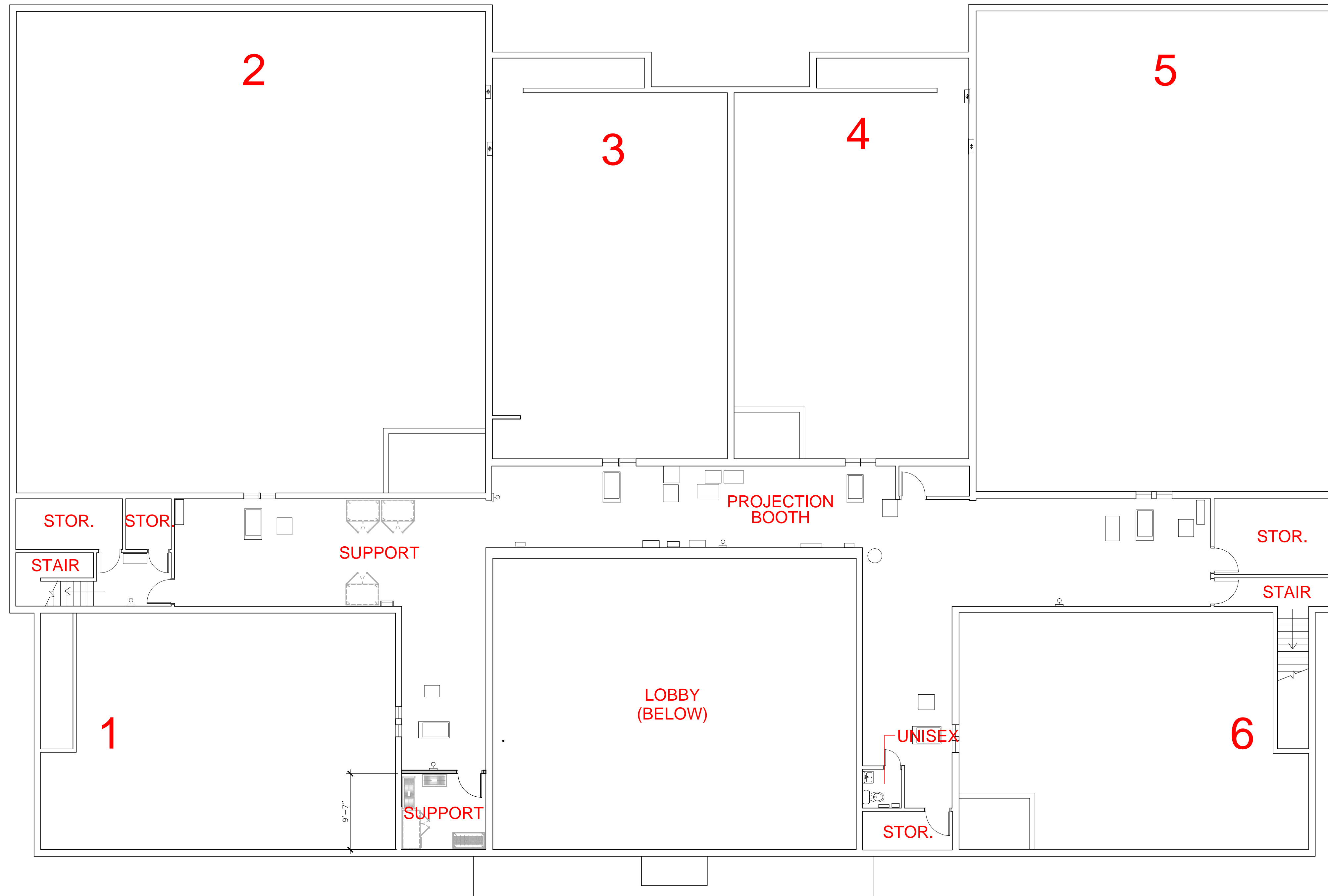
4200 CALIFORNIA AVE.  
BAKERSFIELD, CA 93309

FIRST FLOOR PLAN

10.14.2016

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**AMC BAKERSFIELD 6**

4200 CALIFORNIA AVE.  
BAKERSFIELD, CA 93309

EXTERIOR - OPTION 1

9.21.2016

7





AMC BAKERSFIELD 6

4200 CALIFORNIA AVE.  
BAKERSFIELD, CA 93309

EXTERIOR - OPTION 2

9.21.2016

8





AMC BAKERSFIELD 6

4200 CALIFORNIA AVE.  
BAKERSFIELD, CA 93309

EXTERIOR OPTION 1 - CLOSE

9.21.2016





**AMC BAKERSFIELD 6**

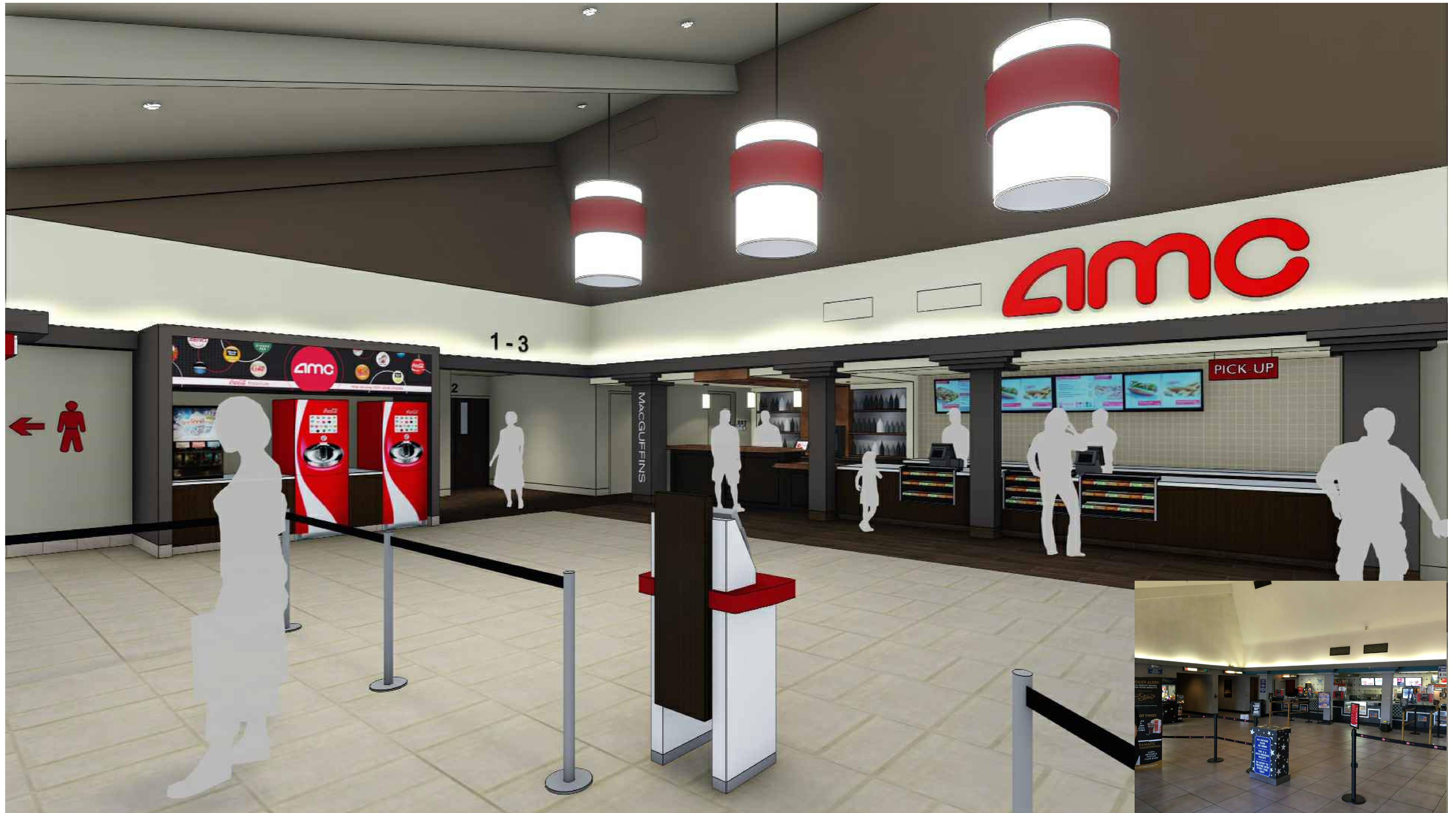
4200 CALIFORNIA AVE.  
BAKERSFIELD, CA 93309

EXTERIOR OPTION 2 - CLOSE

9.21.2016

10





AMC BAKERSFIELD 6

4200 CALIFORNIA AVE.  
BAKERSFIELD, CA 93309

LOBBY

9.21.2016

11





AMC BAKERSFIELD 6

4200 CALIFORNIA AVE.  
BAKERSFIELD, CA 93309

CONCESSIONS

9.21.2016

12





AMC BAKERSFIELD 6

4200 CALIFORNIA AVE.  
BAKERSFIELD, CA 93309

GUEST SERVICES

9.21.2016

13



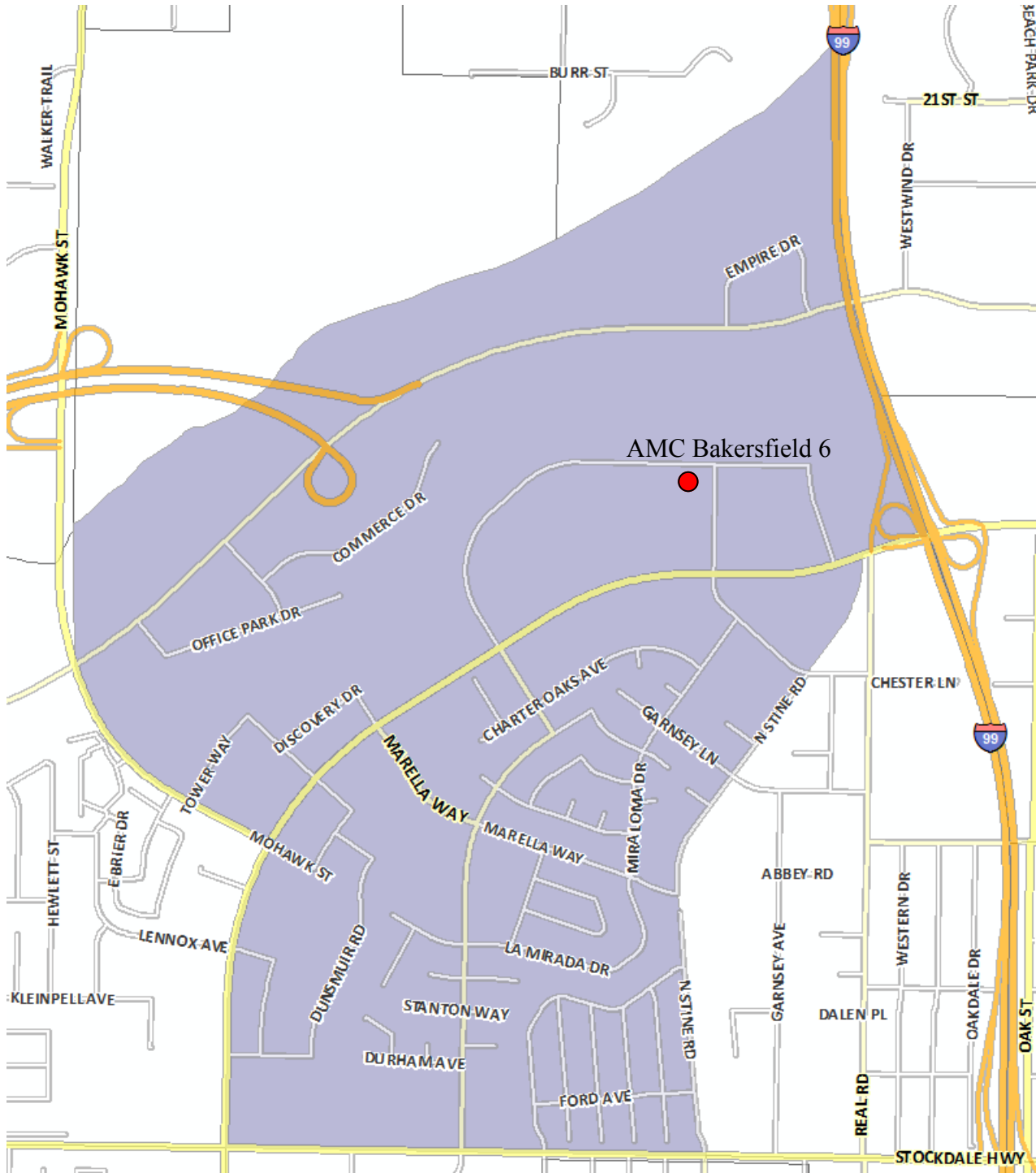
Attachment 2  
(Crime Statistics)

# CRIME ANALYSIS UNIT

1601 TRUXTUN AVE, BAKERSFIELD, CA 93301

661-327-7111

## Reporting District (RD) 142



# Conditional Permit Request Analysis

**Date:** 06/06/17

**PREMISE NAME:** AMC Bakersfield 6  
**PREMISE ADDRESS:** 4200 California Ave

**Reported Dates Reviewed:** 06/06/2015-06/05/2017      **Police Reporting District #:** RD142

<b>Offenses and Arrests at AMC Bakersfield 6</b>	
Number of Part I Crimes	<b>20</b>
% of the Total GO generated from AMC Bakersfield 6 in RD 142	<b>2.2%</b>
Number of Arrests	<b>11</b>
% of the Total Arrests generated from AMC Bakersfield 6 in RD 142	<b>1.2%</b>

<b>Offenses, Arrests and Calls for Service Summary Citywide</b>	
Total Number of City Reporting Districts:	<b>259</b>
Total Number of Part I Crimes –Citywide:	<b>41,303</b>
Average Number of Part I Offenses Per Reporting District:	<b>159</b>
120% of Average Number of Part I Offenses Per Reporting District:	<b>191</b>
Total Part I Offenses in Reporting District RD142	<b>896</b>
Location is Within High Crime Reporting District?	<b>YES</b>
Total Number of Arrests – Citywide (Excluding Traffic Citations):	<b>20,649</b>
Average Number of Arrests Per Reporting District:	<b>80</b>
120% of Average Number of Arrests Per Reporting District:	<b>96</b>
Total Number of Arrests in Reporting District RD142 (Excluding Traffic Citations)	<b>946</b>
Total Number of Calls for Service – Citywide:	<b>600,247</b>
Average Number of Calls for Service Per Reporting District:	<b>2,330</b>
120% of Average Number of Calls for Service Per Reporting District:	<b>2,782</b>
Total Number of CFS in Reporting District RD142	<b>13,197</b>

**\*\*Part 1 Crimes** are classifications created by the FBI for the purpose of collecting national crime statistics. The offenses include homicide, forcible rape, aggravated assault, robbery, burglary, larceny/theft, motor vehicle theft and arson. This report may vary slightly from the UCR (Uniform Crime Report) publication pending or due to the outcome of ongoing investigations.

## Attachment 3

(Security/Alcohol Policies & Procedures)



### PURPOSE

Many AMC theatres employ security personnel—either off duty law enforcement officers or non-law enforcement security officers contracted through a security company—to assist with ensuring the safety of our associates and guests.

The decisions and actions of security personnel should embody AMC's **Core Purpose** to **make smiles happen**, helping the team to deliver an experience that is friendly and helpful. While the nature of the role may not always allow for the opportunity to do so in every instance, security personnel should always treat guests and associates with respect.

### RESPONSIBILITY

All managers must be knowledgeable about the information contained within this document; however, the General Manager (GM) has specific duties, as outlined in this document.

Management, including the TSC Security Department, makes the decisions regarding security issues and security personnel enforce these decisions. However, refer to the "Legal Standards" section of this document for further details regarding legal guidelines.



### EMPLOYING/CONTRACTING SECURITY PERSONNEL

At theatres that use security personnel, the Security Department in consultation with the GM are responsible for ensuring the theatre has reasonable and adequate security personnel employed—either off duty law enforcement officers or private security personnel, depending on the location.

The Security Department will determine what type of security personnel should be employed at the theatre. Any increase in pay or change in security service must be reviewed and approved by the Security Department.

### SCHEDULING SECURITY PERSONNEL

The Security Department will provide each theatre a security schedule to serve as a base line model. AMC realizes that no security plan can eliminate random violent acts; however this base line of security provides the proper allocation of resources, as needed, in the hopes of reducing the likelihood of a crime being committed.

Theatre management may not reduce security coverage below this model without first contacting the Security Department. Theatre managers can temporarily increase security coverage due to known or foreseeable factors such as high risk movies, crime trends etc.; however, any long term schedule changes must still be approved by Security.

The lead officer or supervisor will coordinate with AMC management and the Security Department to determine scheduling for personnel to work, and handle any administrative duties that may arise.

- In the U.S., all law enforcement officers must fill out AMC's employment paperwork prior to working their first shift for AMC. (AMC's contracted national security provider handles the paperwork for their associates.)
- It is the responsibility of each member of the security team to cover his or her shift. If the individual cannot report to work, it is his or her responsibility to secure an appropriate replacement.
- On late night presentations or films that generate or portray violent behavior, additional security personnel may need to be scheduled.

### SECURITY PERSONNEL ORIENTATION

The GM must provide a copy of this document and section SEC-05, Arrest Procedures, along with copies of the AMC brochure, *A Guide for Security Personnel*, to the security personnel's lead officer/supervisor. The brochure can be obtained via the *Standard Materials Ordering and Fulfillment* site.

The following steps must then be taken with each member of security personnel to check for understanding of their responsibilities, as well as AMC's **Core Purpose**,





# SECURITY

## Security Personnel Policies and Procedures

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**Guiding Principles and Guest Promise** prior to or during their first shift at AMC.

1. The lead officer/supervisor should provide copies of the brochure to new security associates and review any other pertinent information with them prior to their first shift at AMC.
2. The lead officer/supervisor or the GM must review the brochure with new security associates before or during their first shift. The GM should also give a tour of the facility, making sure to note any areas that are prone to problems and/or security concerns.
3. The GM must complete the *Security Personnel Orientation Checklist* before or during the first shift. The signed original should be filed according to ADM-70, Standardized Filing System. A copy should be given to the security associate.
4. In the event a security associate works at more than one theatre location, only "Part 2" of the *Security Personnel Orientation Checklist* need be completed at each successive location. It is advisable that security associates bring a copy of the completed checklist to verify completion of "Part 1," and/or it can be orally verified by the GM.

Keep in mind that security personnel are still required to work within the regulations, guidelines and/or general orders of their respective department/forces.

## ROLE AND RESPONSIBILITIES

Security personnel work at the direction of the senior AMC manager on duty at the facility. Their role is to assist with ensuring the safety of our guests and associates. Below are some of their key responsibilities.

### Positioning and Coverage in Theatre

While on duty, security personnel should stay highly visible by patrolling the theatre and parking lots (where applicable).

When multiple security personnel are working, one should be positioned between the main box office and the auditorium entrances, while the other patrols the theatre and parking lots (where applicable).

- Security personnel should not double up at static locations unless on a call or directed to do so by management.

- Security personnel should remain in public view at all times, unless on break.

### Communication and Response Time

Whenever possible, security personnel should be assigned two-way radios for communication.

Security personnel should be attentive to the radio or communications device used by the theatre and respond immediately when called. Radio communications should not contain sensitive details and should remain professional and courteous.

### Guest Interactions

- Security personnel should be friendly and courteous to our guests and associates.
- Security personnel should be helpful if a guest asks for direction or assistance.
- When managers are assisting disappointed guests, security should assume a position close to the situation, always monitoring the interaction in case the situation escalates (*If possible, security should remain out of the guest's view*).

Security personnel should allow management the opportunity to resolve the issue without assistance, except in cases when assistance is requested or someone appears to pose an immediate threat.

### Cash Pulls

Security personnel should stand nearby when cash is pulled from workstations. A pneumatic tube system should always be used to transport money. If unavailable, security personnel must accompany the manager/Supervisor when the cash is transported across public areas.

### Closing Responsibilities

The last member of security to close must accompany the closing usher on a walk of the building to verify that all guests have exited and ensure that the facility is secure. (Special attention should be given to all doors, restroom stalls, and behind screens.)

If security personnel are scheduled to close, they must remain at the theatre until all cash pulls have been made and all guests have exited the theatre. Under normal



# SECURITY

## Security Personnel Policies and Procedures

circumstances security must escort the last associates (management and crew members) out of the building to their cars.

### AMC STANDARDS

Security personnel must adhere to the guidelines and standards to which AMC holds all associates.

#### Grooming and Wardrobe Standards

While at the theatre, security personnel should support AMC's grooming and wardrobe standards through adherence to department or organization uniform guidelines, as well as maintain a clean and neat appearance.

- Law enforcement officers should wear their issued law enforcement uniform.
- Security personnel who work through a contracted company should wear their company's uniform.

#### Breaks/Food and Beverage Consumption

- Only one member of security personnel should be on break at a time. Radios must be kept on at all times to assist when needed.
- Security personnel may not consume food or drink when in public view.

If your security associates are off/paid-duty officers employed by AMC (not a contracted security company), inform them about their food and beverage and pass privileges. Refer to the *Film Crew Policies* brochure and section F-120 in the *Manager Handbook* for details.

- Although security associates may carry wireless phones as part of their uniform, they should take all personal phone calls during breaks only, and out of view of guests.

### LEGAL STANDARDS

Law enforcement officers must obey all federal, state, provincial, and municipal laws and work within the guidelines and/or general orders of their respective departments while employed for AMC.

Security personnel must be licensed in the state or province in which they work and carry their license/identification.

#### Law Enforcement Officers

- Off duty officers are required to follow all regulations, guidelines and/or general orders of their respective department/forces.
- Off duty officers may carry weapons as required/permissible by law and approved through their department for use. (U.S. officers must be P.O.S.T. or State certified to carry weapons.)

#### Private Security Personnel

Private security personnel are contracted security who are not professional law enforcement officers.

- *Generally, non-law enforcement* personnel are prohibited from carrying any object classified as a weapon under applicable laws, including pepper spray, batons, and tazers. **Exception: Private security officers that are insured, bonded and certified by their respective state may carry the weapon for which they are certified after meeting all requirements to do so.**

Note: A few theatres use security companies who contract both off duty law enforcement officers and non-law enforcement guards. As stated above, only the P.O.S.T. or state certified off duty law enforcement officers/guards may carry weapons as required by law.

- *Non-law enforcement* officers/guards should not arrest anyone without the expressed instruction of the highest-ranking manager on duty at the time.

(Please note: Per section SEC-05, *Arrest Procedures*, if time is not of the essence, management should always contact the Security Department and their Operations Supervisor prior to detaining someone.)

### ADDITIONAL SECURITY DUTIES

Security personnel may perform security duties only. They may not perform operational functions such as presentation checks, handling guest complaints, or tearing tickets.

However, they may perform the following additional functions at the theatre:

- When practical, off duty law enforcement officers may assist in theft investigations at the direction of the Security Department and may act as a liaison



## SECURITY

### Security Personnel Policies and Procedures

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between AMC Security and the local law enforcement department.

- Off officers may assist management when a guest is suspected of movie theft. Refer to SEC-45, *Movie Theft Protection* for more information.

Refer to section SEC-05, *Arrest Procedures* in this guide for details about handling arrests, signed complaints/swearing an “information” or summons at the theatre.

### HANDLING SECURITY PERSONNEL PROBLEMS

If you have a problem with a member of your security team, in most cases you should first contact his or her supervisor to discuss the situation and come up with a solution.

However, if the problem cannot be resolved through the supervisor, you should contact the Security Department for further guidance. In the case of serious infractions/allegations such as discrimination or sexual harassment, Compliance should also be contacted.



## ALCOHOL POLICIES – OPERATIONAL

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Theatres that serve alcoholic beverages must adhere to the policies outlined in this document and ensure compliance with all local, state, and federal regulations and provide an overall safe experience. The General Manager is ultimately responsible for ensuring all theatre associates are aware of applicable regulations and overseeing the enforcement of them.

Any person who violates the policies listed on the following pages will be appropriately disciplined. Violations also include assisting someone else in inappropriate conduct, failing to report any violation, and impeding an investigation. Possible disciplinary action may range from a verbal warning, up to and including termination. You may also be responsible in a criminal or civil suit for losses or other damages caused by your conduct. In addition, referral of the matter may be made to the appropriate government agencies.

### DEFINITIONS

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AMC Theatres has various types of alcohol concepts; however there is one key factor that fundamentally influences our policies and procedures for operating our bars. This factor is the type of service provided:

- ◆ **Full Service Bar:** This concept has either a full service bar area with consumption of alcohol restricted to specific auditoriums and/or servers take orders and/or alcohol is delivered to guests inside auditoriums or bar/restaurant area. The guest admission age policy to these areas is either 18 years of age (or accompanied by a parent or legal guardian) or older or 21 years of age or older. (These concepts are often referred to MacGuffins<sup>SM</sup>, Fork & Screen<sup>SM</sup>, Cinema Suites<sup>SM</sup>, Red Kitchen<sup>SM</sup> or Premiums.)
- ◆ **Counter Service:** This concept (often internally referred to as Mini-Macs) has a bar in which a guest may order an alcoholic beverage and then consume the drink in an auditorium with the general public. Typically, the admission policy has no age restrictions and there is no seat-side service provided inside the auditoriums.

### ALCOHOL SALES

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The guidelines below must be adhered to when serving alcoholic beverages to guests, unless local law differs.

#### Age Verification

The minimum legal age for purchasing and consuming alcoholic beverages in the US is 21 years. **Associates must require positive, valid proof of age from all guests purchasing alcohol regardless of age.** Techniques for determining the validity of an ID can be found in the *Concession* and *Usher Lesson Plans* of the *Film Crew Training Program*.

In most states valid IDs may be driver's licenses, state IDs, military and active military IDs, passports, passport cards, or visas. However, refer to F-142, *Theatre Specific Alcohol Laws and Regulations* for any local exceptions. Also, a booklet containing examples, descriptions, and the security features of valid IDs from the US and Canada called *ID Checking Guide* may be obtained by ordering from [www.idcheckingguide.com](http://www.idcheckingguide.com) or by calling (800) 227-8827. Since this booklet is updated annually, a subscription can be ordered at a savings.

When checking a government-issued ID, inspect the following information:

- ◆ Photograph of bearer
- ◆ Signature
- ◆ Height
- ◆ Date of Birth
- ◆ Expiration Date
- ◆ Watermark



## ALCOHOL POLICIES – OPERATIONAL

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If an associate believes an ID is fake, the following steps must be taken:

- ◆ Alert a manager – the manager must complete a review of the ID using the F.L.A.G. technique. F.L.A.G. stands for Feel, Look, Ask, and Give Back.
- ◆ Notify Security if the ID appears to be fake.
- ◆ If Security is not present, return the card to the guest, unless local law requires a different procedure. (Please reference *F-142, Theatre Specific Alcohol Laws and Regulations* for specific laws and regulations.)
- ◆ Do not serve the guest.

### Exceptions to Age Verification Policy (Limited Use)

When a guest requests an exception to AMC's age verification policy, the highest-ranking manager in the building can review the request. However, **at no time** should any associate communicate to the guest that we make exceptions to this policy.

The highest-ranking manager must complete the following actions prior to giving approval:

- ◆ Visual Check (required) – Manager must be present to determine if the guest looks over the age of 40. If the guest looks younger than 40, no exceptions should be made to the age verification policy and valid ID for proof age is required.
- ◆ Limit Order Quantity – Guest can only purchase one beverage per order if an exception is made.
- ◆ Documentation – If applicable, denote the exception on the *Alcohol Compliance Monitoring Worksheet*. (Details about the worksheet are in MAC-05 of the *Directors' Guide* and copies can be found on *ClipBoard* in *Theater Blank Forms & Templates* (Operations, Alcohol Enforcement).
- ◆ Verify that it is legal to serve a guest without identification in your location. (Refer to *F-142, Theatre Specific Alcohol Laws and Regulations* for local exceptions.)

In the event that the associate did not follow the outlined procedures, disciplinary action up to and including termination may occur.

**Note:** Supervisors or Film Crew may **never** make this exception. Only the highest-ranking manager may do so.

### Quantity of Alcoholic Beverages Purchased

Alcohol sales limits are subject to the maximum imposed by local or state jurisdictions. An associate must NEVER serve more alcoholic beverages than the approved limit. Refer to *F-142, Theatre Specific Alcohol Laws and Regulations* for local restrictions that may differ from the general AMC policy.

- ◆ **Full Service Bar:** Guests (with ID) may purchase multiple alcoholic beverages at the same time (for example, a “bucket of beer” as advertised on the DIT MacGuffins Bar menu), unless where local regulations differ.
- ◆ **Counter Service:** AMC limits alcohol sales to two drinks per person (with ID) within a single transaction, unless where local regulations are more restrictive.

### Building Restrictions and Container Requirements

Alcoholic beverages must always be served in the AMC approved containers and may never be poured into “traditional” fountain beverage vessels. Certain localities may require alcoholic beverages to stay within a designated area. Guests must be monitored to ensure they do not violate these requirements.

If Full-Service Bars (MacGuffins and DITs), are approved to transfer an alcoholic beverage to the ‘traditional’ side of the building, guests must have their alcoholic beverage poured into a plastic cup by a bartender before exiting the bar area.





## ALCOHOL POLICIES – OPERATIONAL

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### Sales to Non-Ticketed Guests

- ◆ **Full Service Bar:** An admission ticket is not required to purchase alcoholic beverages at DIT MacGuffins.
- ◆ **Counter Service:** Only ticketed guests may purchase alcoholic beverages at bars at traditional theatres (Mini-Macs).

### OPERATING HOURS AND ALCOHOL CUF-OFF REQUIREMENTS

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The following are AMC policies. However, each theatre must adhere to the specific, local regulations to ensure that sales cease by the required time (refer to F-142, *Theatre Specific Alcohol Laws and Regulations*).

- ◆ **Operating Hours:** Bar operating hours should be part of the weekly business planning to ensure the most return and compliance to local laws.
- ◆ **Sales Cut-Off:** Each theatre has specific, local sales cut-off requirements. AMC's policy is to stop sales at 12:30 A.M or (1) hour prior to sales cut off, whichever is earlier and post signage.
- ◆ **Consumption Cut-Off:** Unless restrictions are different per local laws, consumption of alcohol must cease when sales are required to end. Closing the bar at the appropriate time is imperative to ensure consumption is not occurring past the cut-off time.
- ◆ **Container Pick-Up Time:** At DIT locations, containers must be picked up and disposed of when sales are required to end, unless local law differs.

### SIGNAGE

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Signage requirements often vary by locality and may include topics such as fetal alcohol, underage drinking and weapons. (Refer to F-142, *Theatre Specific Alcohol Laws and Regulations*).

AMC requires the following signage:

- ◆ **ID Policy - Guest Facing:** Place signage at the counter and POS to notify guests of AMC's policy to check the ID of all guests purchasing alcohol. Order these materials on the *Standard Materials Ordering and Fulfillment* site by searching for "alcohol."
- ◆ **Age Check - Associate Facing:** Place age check signage on POS to help associates quickly identify whether a guest is 21 years of age or older. Order the *Quick Age Check* cue cards on the *Standard Materials Ordering and Fulfillment* site by searching for "age."
- ◆ **Hours of Operation Cue Cards – Associate Facing:** Place Hours of Operation Cue Cards on each bar POS to help associates quickly know the hours of operation in which they are allowed to sell and serve alcohol. Hours of Operation Cue Cards can be found on the Alcohol Landing Page.
- ◆ **Weapons Free:** Ensure that the appropriate *No Weapons* door clings are displayed per SEC-40, *Weapons-Free Guidelines* in the *Directors' Guide*.

### ALCOHOL INVENTORY

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- All beer, wine and liquor must be delivered by a vendor and at no time is it allowable for an AMC Theatre associate to go off site to acquire it. At no time is it allowed for theatres to transfer liquor, beer, or wine inventory between locations. All liquor, beer, and wine inventory must be kept in a secure location that is only accessible by managers and Supervisors who are 21 years of age or older. When stocking the bar, we use a "Bottle-for-Bottle Exchange" system, in which a bottle does not leave the closet without an empty one in its place. Immediately following the close of the building, a manager must verify that all alcohol is secure.





## ALCOHOL POLICIES – OPERATIONAL

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Based on theatre design and layout, securing alcohol may require moving bottles to locked storage, locking behind counters, etc. E-mail 0411 – MacGuffins for questions and/or direction.

### ALCOHOL COMPLIANCE MONITORING

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Whenever the bar is open, a manager must oversee the bar operations as part of managing the floor to ensure quality of service and alcohol compliance by observing the flow of guests and bartender execution. Management must also be available to investigate anything unusual reported by bartenders, other associates, or guests.

All associates who serve, sell, or handle alcohol and those who monitor for compliance play a vital role in enforcing alcohol policies. Compliance monitoring occurs throughout the building by all associates using the tactics provided by TIPS training. All associates are required to check ID for any guests consuming alcohol who appear to be under the legal drinking age of 21 in areas outside and inside the auditoriums.

Associates, who perform auditorium checks for presentation quality, SIG, and comfort, also need to monitor for alcohol compliance. Proper planning is essential and depending on film bookings and expected audience draw, it may be necessary to increase frequency of auditorium checks for specific films. Assignment of duties to specific associates should be noted on the Daily Game Plan.

Monitoring for alcohol compliance includes these responsibilities:

- ◆ Ensure guest compliance with alcohol enforcement policies
- ◆ Monitor and prevent alcohol consumption by minors
- ◆ Ensure alcohol is consumed in designated areas only
- ◆ Ensure guests do not leave the premises with alcoholic beverages

**Dedicated Alcohol Compliance Monitor (ACM):** Some theatres are required to schedule dedicated associates to monitor for alcohol compliance as their primary responsibility. The ACM must be at least 18 years of age and be TIPS certified. Refer to F-142, *Theatre Specific Alcohol Laws and Regulations*.

Even with ACM(s) on duty, **all associates** share responsibility for immediately reporting non-compliance with requirements for the sale, handling, and/or consumption of alcoholic beverages to a manager or Supervisor.

The following must occur whenever the bar is operating:

Schedule the ACM in Workbrain using the ACM job code.

Denote the ACM on the Daily Game Plan (Film Crew or Manager Leadership Schedule)

ACM must wear name lanyard with “Alcohol Compliance Monitor” as their role/title.

### UNDERAGE DRINKING

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Individuals under 21 years of age may not purchase nor consume alcoholic beverages on AMC property. In the event that an underage guest is caught with an alcoholic beverage, a manager must be notified *immediately*.

The following steps must be taken to ensure we address the issue correctly:

1. Remove the guest from the auditorium.
2. Verify the guest’s age.

If the guest is determined to be underage:



## ALCOHOL POLICIES – OPERATIONAL

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3. Take the drink from the guest.
4. Notify law enforcement.
5. If the guest is under the age of 18, contact a parent or legal guardian.
6. Complete the *Alcohol Compliance Monitoring Worksheet* and submit an *Incident Report*.

If it is determined that an associate failed to properly review valid proof of age or allowed an guest under 21 years of age to purchase and/or to consume an alcoholic beverage, due to AMC's zero tolerance policy that associate will be terminated.

### INTOXICATED GUESTS

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In the event that an associate encounters a guest that appears intoxicated, a manager must be notified *immediately*.

The following steps must be taken to ensure we address the issue correctly:

1. Remove the guest from the auditorium.
2. Ask the guest to not leave the building.
3. Ask the guest to sit down and provide water or food. This is designed to diffuse the situation as well as provide time for making alternative arrangements to get the guest home. This is not a tactic to help the guest “sober” up before driving home.
4. Make alternate arrangements for the guest to get home.
5. If the guest does not follow your instructions, monitor the guest's location.
6. Notify law enforcement if you are unable to keep the guest from leaving.
7. Complete the *Alcohol Compliance Monitoring Worksheet* and submit an *Incident Report*.

### UNDERCOVER ALCOHOL COMPLIANCE CHECKS

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At any time, theatres may receive undercover alcohol compliance checks. Theatre teams should be prepared by always adhering to all AMC policies and local regulations.

#### Government Agencies

Alcohol compliance checks are investigations into the purchase of alcohol by minors at businesses that sell alcohol. If your location receives an undercover alcohol compliance check by a government agency regardless of pass or fail, please e-mail *0411-MacGuffins* and *0411-Inspections*. Follow the notification instructions outlined in OPS-90a, *Government Inspections Notifications*.

The sting operations will involve a minor, under the age of 21 years, (with undercover officers nearby) attempting to buy an alcoholic beverage from an associate. In some states, there is no legal standard that requires the minor to be truthful about their age and the minor may not present any identification.

- If identification is used, the underage purchaser may lie about his or her age. This demonstrates whether the Bartender is relying upon the valid ID presented or a verbal representation of age.
- If identification is not used, the underage purchaser, if asked, will likely respond with a reasonable excuse, such as “I lost it,” or “I forgot it.”
- If refused purchase, the underage purchaser shouldn't make any further attempt to convince the server or Bartender to provide alcohol.



## ALCOHOL POLICIES – OPERATIONAL

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Remember, the underage purchaser may lie about his or her age if asked. Never complete an alcohol sale unless a valid ID is presented and the birthdate documents him or her to be 21 years of age or older.

If the associate sells alcohol to a minor, the following actions may occur:

- ◆ Fines (associate, business, etc.)
- ◆ Arrest (associate)
- ◆ Conviction (misdemeanor)
- ◆ Civil penalties
- ◆ Additional sting operations (multiple offenses)
- ◆ Loss of liquor license (multiple offenses)

**If it is determined that an associate failed to properly review valid proof of age or allowed a guest under 21 years of age to purchase and/or to consume an alcoholic beverage, due to AMC's zero tolerance policy that associate will be terminated.**

### AMC Mystery Shop

As part of AMC's Mystery Shop program, there is a unique shop that is specific to locations that serve alcohol. Theatres will receive one alcohol mystery shop every month. This is an internal check to ensure compliance with local, state, and federal laws regarding alcohol enforcement. These shops are graded on a pass/fail system. Theatres that fail may receive additional checks. E-mail [0411-Mystery Shop](mailto:0411-Mystery Shop) if you have questions regarding your mystery shop results.

**If it is determined that an associate sold an alcoholic beverage during an alcohol mystery shop, without properly reviewing valid proof of age for the guest, that associate must be terminated due to AMC's zero tolerance policy.**

## Draft Resolution

RESOLUTION NO. 17-\_\_\_\_\_

**RESOLUTION OF THE BAKERSFIELD BOARD OF ZONING ADJUSTMENT  
APPROVING A CONDITIONAL USE PERMIT TO ALLOW ALCOHOL  
SALES/CONSUMPTION IN A MOVIE THEATER (17.64.020.B) IN A C-2  
(REGIONAL COMMERCIAL ZONE) DISTRICT LOCATED AT 4200  
CALIFORNIA AVENUE. (CUP NO. 17-0028)**

**WHEREAS**, F. Michael Ayaz, filed an application with the City of Bakersfield Community Development Department for a conditional use permit to allow alcohol sales/consumption in a movie theater; AMC Bakersfield 6 (17.64.020.B) in a C-2 (Regional Commercial Zone) district located at 4200 California Avenue (the "Project"); and

**WHEREAS**, the Secretary of the Board of Zoning Adjustment set Tuesday, July 11, 2017, at 3:00 p.m. in City Council Chambers, City Hall South, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Board of Zoning Adjustment to consider the proposed conditional use permit, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

**WHEREAS**, at the public hearing (no testimony was received either in support or opposition of the Project) (testimony was received only in support/opposition/both in support and opposition of the Project); and

**WHEREAS**, the laws and regulations relating to the California Environmental Quality Act (CEQA) and the City of Bakersfield's CEQA Implementation Procedures have been duly followed by city staff and the Board of Zoning Adjustment; and

**WHEREAS**, the above described project is exempt from the requirements of CEQA in accordance with Section 15301; and

**WHEREAS**, the City of Bakersfield Community Development Department (1715 Chester Avenue, Bakersfield, California) is the custodian of all documents and other materials upon which the environmental determination is based; and

**WHEREAS**, the facts presented in the staff report and evidence received both in writing and by verbal testimony at the above referenced public hearing support the following findings:

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published in *The Bakersfield Californian*, a local newspaper of general circulation, 10 days prior to the hearing.
2. The provisions of CEQA, The State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been followed. Staff determined that the proposal is a project that is exempt from CEQA pursuant to Section 15301 Class 1 (Existing Facilities), because the project involves improvements to allow alcohol licensing in conjunction within an existing movie theater. No additional square feet or seat capacity is proposed with the application.
3. The proposed use is essential and desirable to the public convenience and welfare.

4. The proposed use is in harmony with the various elements and objectives of the Metropolitan Bakersfield General Plan.
5. The project would result in a development that is consistent with the intent of both the Metropolitan Bakersfield General Plan and the Bakersfield Municipal Code.

**NOW, THEREFORE, BE IT RESOLVED** by the Bakersfield Board of Zoning Adjustment as follows:

1. The above recitals, incorporated herein, are true and correct.
2. This project is exempt from the requirements of CEQA.
3. Conditional Use Permit No. 17-0028 as described in this resolution, is hereby approved subject to the conditions of approval in Exhibit A and as shown in Exhibits B and C.

**I HEREBY CERTIFY** that the foregoing Resolution was passed and adopted by the Board of Zoning Adjustment of the City of Bakersfield at a regular meeting held on July 11, 2017, on a motion by Member \_\_\_\_\_ by the following vote:

AYES:  
NOES:  
RECUSE:  
ABSTAIN  
ABSENT:

APPROVED

\_\_\_\_\_  
STEVEN TEGLIA, CHAIR  
City of Bakersfield Board of Zoning Adjustment

Exhibits:   A.    Conditions of Approval  
              B.    Location Map  
              C.    Site Plan



Exhibit A  
(Conditions of Approval)

## EXHIBIT A

### CONDITIONS OF APPROVAL Conditional Use Permit No. 17-0028

- I. The applicant's rights granted by this approval are subject to the following provisions:**
- *The project shall be in accordance with all approved plans, conditions of approval, and other required permits and approvals. All construction shall comply with applicable building codes.*
  - *All conditions imposed shall be diligently complied with at all times and all construction authorized or required shall be diligently prosecuted to completion before the premises shall be used for the purposes applied for under this approval.*
  - *This approval will not be effective until ten (10) days after the date upon which it is granted by the BZA to allow for appeal to the City Council. Any permit or license for any approval granted shall not be issued until that effective date.*
  - *This approval shall automatically be null and void two (2) years after the effective date unless the applicant or successor has actually commenced the rights granted, or if the rights granted are discontinued for a continuous period of one (1) year or more. This time can be extended for up to one (1) additional year by the approving body.*
  - *The BZA may initiate revocation of the rights granted if there is good cause, including but not limited to, failure to comply with conditions of approval, complete construction or exercise the rights granted, or violation by the owner or tenant of any provision of the Bakersfield Municipal Code pertaining to the premises for which the approval was granted. The BZA may also consider adding or modifying conditions to ensure the use complies with the intent of City ordinances.*
  - *Unless otherwise conditioned, this approval runs with the land and may continue under successive owners provided all the above mentioned provisions are satisfied.*
- II. The following conditions shall be satisfied as part of the approval of this project:**
1. In consideration by the City of Bakersfield for land use entitlements, including but not limited to related environmental approvals related to or arising from this project, the applicant, and/or property owner and/or subdivider ("Applicant" herein) agrees to indemnify, defend, and hold harmless the City of Bakersfield, its officers, agents, employees, departments, commissioners and boards ("City" herein) against any and all liability, claims, actions, causes of action or demands whatsoever against them, or any of them, before administrative or judicial tribunals of any kind whatsoever, in any way arising from, the terms and provisions of this application, including without limitation any CEQA approval or any related development approvals or conditions whether imposed by the City, or not, except for CITY's sole active negligence or willful misconduct.

This indemnification condition does not prevent the Applicant from challenging any decision by the City related to this project and the obligations of this condition apply regardless of whether any other permits or entitlements are issued.

The City will promptly notify Applicant of any such claim, action or proceeding, falling under this condition within thirty (30) days of actually receiving such claim. The City, in its sole discretion, shall be allowed to choose the attorney or outside law firm to defend the City at the sole cost and expense of the Applicant and the City is not obligated to use any law firm or attorney chosen by another entity or party.

2. This conditional use permit authorizes the sales/consumption of alcohol in specified locations within a movie theater, as a secondary and incidental use and subject to the conditions of approval listed herein, in a C-2 (Regional Commercial Zone) district located at 4200 California Avenue as depicted on attached Exhibits B and C.
3. Prior to the initial commencement of alcohol sales and on January 1st (or the first business day thereafter) of each calendar year thereafter, the theater operator shall submit a written Annual Report to the Community Development Department describing methods for on-going compliance with the operational conditions listed below, specifically Conditions 4, 5, 6, and 7.
4. **Consumption Requirements.** Consumption of alcoholic beverages shall be subject to the following on-going operational conditions:
  - a. Patrons shall not leave the premises with any alcoholic beverages.
  - b. Consumption of alcoholic beverages shall be limited to "Authorized Auditoriums." Authorized Auditoriums are those which have been approved, in writing, by the Community Development Director, and which include at least two (2) of the following Design Features:
    - i. Auditorium is designated as "21 years and older" only;
    - ii. Auditorium includes a physically separate "21 years and older" seating area for alcohol consumption;
    - iii. Auditorium has a minimum one (1) dedicated theater employee to remain in the auditorium for the full duration of the showing;
    - iv. Each seat includes an individual dedicated "Service Button" to call for direct alcohol service;
    - v. Each seat includes an individual dedicated table area for consumption of food products.
    - vi. In the case of a remodel of existing auditoriums, conversion/removal of existing auditorium seating to upgraded seating and layout that facilitates staff monitoring of the auditorium;
    - vii. Separate and distinct concession counter which shall serve as the only location in which the sale of alcoholic beverages will occur, i.e., alcoholic beverages shall only be sold from a designated concession stand that will only serve alcohol and no other food, candy, snacks, popcorn, etc.

- c. Prior to the initial commencement of alcohol sales at the premises, and subsequent to the future addition of new Authorized Auditoriums, the theater operator shall provide the Community Development Department Director with a written statement identifying all Authorized Auditoriums and confirming completion of applicable Design Features. All other auditoriums shall be appropriately labeled with "no alcohol permitted" signs. Prior to any changes to areas where alcohol sales/consumption are permitted, the theater operator shall obtain written approval from the Community Development Department Director.
5. **Sales and Service Requirements.** Sales and service of alcoholic beverages shall be subject to the following on-going operational conditions:
- a. Eligible moviegoers consuming alcohol shall wear a distinctive colored band attached to their wrist by a qualified/trained employee. Colors shall be changed daily and at random.
  - b. Alcoholic sales are permitted from 9:00 am to 1:00 am or no later than up to the last half hour of the last movie showing, whichever occurs earlier. The theater use may continue to operate without alcohol service beyond the hours specified for alcohol service.
  - c. Employees dispensing alcohol must be 21 years or older; employees serving alcohol must be 18 years or older.
  - d. No more than one alcoholic beverage shall be sold or served to any one person during any transaction.
  - e. Beer and mixed drinks shall not be served in quantities that exceed 16 ounces, and wine shall not be served in a quantity that exceeds 8 ounces.
  - f. Alcoholic beverages shall be sold and served in containers, which significantly differ in appearance from those containers utilized for non-alcoholic beverages. This condition does not preclude the service of alcohol beverages in their original containers.
6. **Security Requirements.** The premises shall continuously adhere to the following security operational conditions:
- a. The owner, manager, or person in charge of the establishment shall be 21 years or older. At least one (1) such person shall be present on the premises at all times.

- b. While the privileges of this permit are being exercised, the permit holder shall provide and maintain at least one (1) uniform private security officers on the premises (as defined in Chapter 11.4, commencing with Section 7574 Division 3 of the Business and Professions Code) on Fridays and Saturdays from 7:00 pm to 2:00 am; and Sundays from 6:00 pm to 1:00 am. All proprietary security officers shall comply with Business and Professions Code 7574.2 and shall register with the Department of Consumer Affairs. The minimum ratio of officers shall be at least one (1) security person for every six "Authorized Auditoriums." Security personnel shall act to prevent any activity, which would interfere with the quiet enjoyment of property belonging to nearby businesses. Uniformed security shall be provided, as described herein, until 30 minutes after closing. The permit holder understands and agrees that should there be an unreasonable increase of calls for service related to alcohol service and/or consumption or an increase of criminal activity with a direct nexus to the permit holders business operations, permit holder agrees to increase security by a number reasonable determined by the City and/or the Police Department.
- c. During operating hours, all security personnel shall wear clothing that clearly identifies them as "SECURITY" on the front and back of their shirt. During operating hours, employees shall wear clothing and/or a name plaque that identifies them as an employee of the establishment. During operating hours, all establishment employees and security personnel shall cooperate with law enforcement officers who are conducting official investigations on the premises.
- d. The permit holder shall ensure that reasonable efforts are made to prevent the admission of any person whose conduct is described in Penal Code section 415 (fighting, loud noise, offensive words in public places) or section 647 (disorderly conduct) on the premises, parking lots and all other areas of the establishment controlled by the permit holder. The permit holder shall make reasonable efforts to remove persons exhibiting such conduct from the establishment.
- e. Theater employees shall conduct auditorium inspections no more than 30 minutes apart to monitor for compliance with the conditions of approval.
- f. The permit holder shall ensure the Bakersfield Police Department is contacted immediately in the event any minor on the premises attempts to obtain an alcoholic beverage through false pretenses.
- g. Excessive service responses from any City of Bakersfield Department or Division to the permit holder's establishment could result in an investigation being instituted by the Bakersfield Police Department Vice Detail. The results of this investigation could result in notification of an increase of security personnel (Condition 6.b) and/or additional conditions being placed on the permit, or revocation.

7. **General Requirements.** The premises shall continuously adhere to the following general operating conditions:
- a. Prior to commencement of alcohol sales/service, the permit holder shall obtain all required permits and approvals for alcohol sales and on-site consumption; including but not limited to necessary permits from the California Department of Alcoholic Beverage Control (ABC).
  - b. The permit holder shall comply with all operating conditions imposed by the California Department of Alcoholic Beverage Control (ABC). Should a conflict occur between the ABC requirements and the conditions of approval, the more restrictive shall prevail.
  - c. Prior to commencement of alcohol sales/service, all employees shall go through the Licensee Education on Alcohol and Drugs (LEAD) program and/or the Training for Intervention Procedures (TIPS) program administered or otherwise approved by the California Department of Alcohol Beverage Control.
  - d. A copy of the conditions of approval for Conditional Use Permit No. 17-0028 shall be posted in a conspicuous place along with the establishment's issued business license and the California Department of Alcoholic Beverage Control license, and shall be presented to any peace officer or any authorized City official upon request.
  - e. Window or other signage visible from the public right-of-way that advertises alcohol, shall not be permitted.
  - f. The following alcohol-related signs shall be prominently posed in a readily visible manner in English, Spanish, and the predominant language of the patrons:
    - i. "California State Law prohibits the sale of alcoholic beverages to persons under 21 years of age";
    - ii. No Loitering or Public Drinking"; and
    - iii. "It is illegal to possess an open container of alcohol in the vicinity of this establishment".
  - g. The permit holder shall ensure that all City fees associated with the premises are current and paid in full.
  - h. The establishment's maximum occupant load number shall be posted over every door, which exits outside the premise.
  - i. The permit holder shall not allow the number of occupants inside the premise building to exceed the establishment's maximum occupant load, as determined by the Development Services Director or his designee and/or the Fire Chief or his designee.



- j. Loitering is prohibited on the premises or areas under the control of the permit holder.
- k. The movie theater shall enforce the facility's policies as stated in the Operational Procedures & Policies provided in association with this Conditional Use Permit.

**III. *The following are specific items that you need to resolve before you can obtain a building permit or be allowed occupancy. These items include conditions and/or mitigation required by previous site entitlement approvals (these will be specifically noted), changes or additions that need to be shown on the final building plans, alert you to specific fees, and other conditions for your project to satisfy the City's development standards. The item will usually need to be shown on the final building plans or completed before a building permit is issued. Each has been grouped by department so that you know whom to contact if you have questions.***

**A. COMMUNITY DEVELOPMENT – BUILDING  
(Staff contact - Oscar Fuentes; 661-326-3676 or OFuentes@bakersfieldcity.us)**

1. An approved site utilities plan is required prior to final plan approval.
2. Show on the final building plan pedestrian access from the public way and handicap parking. Private streets are not the public way.
3. Include with or show on the final building plans information necessary to verify that the project complies with all disability requirements of Title 24 of the California Building Code.
4. The developer shall obtain all required approvals from the Kern County Environmental Health Services Department (2700 "M" Street, Bakersfield, CA., 93301; PH 661-862-8700) for any food handling facility (i.e.: market, delicatessen, café, concession, restaurant) before building permits can be issued.
5. Buildings or structures shall require installation of an automatic fire sprinkler system where required by current California Building Code and City ordinance.
6. The Building Division will calculate and collect the appropriate school district impact fee at the time they issue a building permit.
7. Final Building plans shall show pedestrian access pathways or easements for persons with disabilities from public rights-of-ways that connect to all accessible buildings, facilities, elements, and spaces in accordance with the California Building Code. These pedestrian access ways shall not be parallel to vehicular lanes unless separated by curbs or railings.
8. Show on the final building plan electric vehicle charging spaces as required by the California Green Code.

**B. COMMUNITY DEVELOPMENT – PLANNING**

(Staff contact – Whitney Jackson; 661-326-3673 or WJackson@bakersfieldcity.us)

1. Business identification signs are neither considered nor approved under this review. A separate sign permit reviewed by the Planning and Building Divisions and issued by the Building Division, is required for all new signs, including future use and construction signs. Signs must comply with the Sign Ordinance (Chapter 17.60 of the Bakersfield Municipal Code.)

**C. FIRE DEPARTMENT**

(Staff contact - Ernie Medina; 661-326-3682 or EMedina@bakersfieldcity.us)

1. Show on the final building plans the following items:
  - a. All fire hydrants, both offsite (nearest to site) and on-site. Include flow data on all hydrants. Hydrants shall be in good working condition and are subject to testing for verification. Fire flow requirements must be met prior to construction commencing on the project site. Please provide two (2) sets of the engineered water plans to both the Fire Department and the Water Resources Department.
  - b. All fire sprinkler and/or stand pipe systems, fire alarms and commercial hood systems. These suppression systems require review and permits by the Fire Department. The Fire Department will issue guidelines for these various items as they may apply to this project.
  - c. Project address, including suite number if applicable. If the project is within a shopping or business center, note the name and address of the center.
  - d. Name and phone number of the appropriate contact person.
2. All projects must comply with the current California Fire Code and current City of Bakersfield Municipal Code.

**D. PUBLIC WORKS – ENGINEERING**

(Staff contact - Ed Murphy; 661-326-3958 or EMurphy@bakersfieldcity.us)

1. The developer shall construct standard handicap ramps at the { northeast northwest southeast southwest} corner of Chester Lane and Easton Drive according to adopted city standards. These improvements shall be shown on the final building plans submitted to the Building Division before any building permits will be issued.
2. Show on the final building plans all existing connection(s) to the public sewer system.
3. All on-site areas required to be paved (i.e. parking lots, access drives, loading areas, etc.) shall consist of concrete, asphaltic concrete (Type B. A. C.) or other paved street material approved by the City Engineer. Pavement shall be a minimum thickness of 2 inches over 3 inches of approved base material (i.e.

Class II A. B.) if concrete is used, it shall be a minimum thickness of 4 inches per Municipal Code Section 17.58.060.A. This paving standard shall be noted on the final building plans submitted to the Building Division before any building permits will be issued. Show existing pavement section on plans.

4. Before any building or site can be occupied, the developer must reconstruct or repair substandard off-site street improvements that front the site to adopted city standards as directed by the City Engineer. Please call the Construction Superintendent at 661-326-3049 to schedule a site inspection to find out what improvements may be required.
5. A street permit from the Public Works Department shall be obtained before any work can be done within the public right-of-way (streets, alleys, easements). Please include a copy of this site plan review decision to the department at the time you apply for this permit. This could be the case if the southwest and northwest curb ramps are brought up to ADA compliance, adding truncated domes.
6. A sewer connection fee shall be paid at the time a building permit is issued. We will base this fee at the rate in effect at the time a building permit is issued.
7. The developer shall form a new Maintenance District. Undeveloped parcels within an existing Maintenance District are required to update Maintenance District documents. Updated documents, including Proposition 218 Ballot and Covenant, shall be signed and notarized. If there are questions, contact Manny Behl at 661-326-3576.
8. The developer shall install a full sized manhole in each sewer line before it connects to the sewer main. This manhole is to be located within the property being developed and must be easily accessible by City workers.

**E. PUBLIC WORKS – TRAFFIC**

**(Staff contact - Ed Murphy; 661-326-3958 or EMurphy@bakersfieldcity.us)**

1. Two-way drive aisles shall be a minimum width of 24 feet. If perpendicular (90°) parking spaces are proposed where a vehicle must back into these aisles, the minimum aisle width shall be 25 feet. All drive aisle dimension shall be shown on the final building plans.
2. Show the typical parking stall dimension on the final building plans (minimum stall size is 9 feet x 18 feet and shall be designed according to standards established by the Traffic Engineer).
3. Walls, fences, or trash enclosures within 10 feet of a sidewalk at an alley or driveway shall not exceed 3 feet in height above the curb flow line. You must either revise the circulation design or show on the final building plans that the maximum fence/wall height will not exceed three feet.
4. The developer shall dedicate additional road right-of-way to the City of Bakersfield along Chester Lane and Easton Drive to full  arterial  collector  local street width according to adopted city standards.

**F. PUBLIC WORKS – SOLID WASTE**

**(Staff Contact - Robert Manuel; 661-326-3114 or rmanuel@bakersfieldcity.us)**

**(Staff Contact - Jesus Carrera; 661-326-3114 or jcarrera@bakersfieldcity.us)**

1. You must contact the staff person noted above before building permits can be issued or work begins on the property to establish the level and type of service necessary for the collection of refuse and/or recycled materials. Collection locations must provide enough containment area for the refuse that is generated without violating required zoning or setback restrictions (see Planning Division conditions). Levels of service are based on how often collection occurs as follows:

- Cart service -- 1 cubic yard/week or less 1 time per week
- Front loader bin services -- 1 cubic yard/week - 12 cubic yards/day
- Roll-off compactor service -- More than 12 cubic yards/day

2. Show on the final building plans refuse/recycle bin enclosures. Each enclosure shall be designed according to adopted city standard (Detail # ST-27 and ST-28), at the size checked below . Before occupancy of the building or site is allowed, two (2) 3 cubic yard front loading type refuse/recycle bin(s) shall be placed within the required enclosure(s).

- |                          |                             |                                     |                                           |
|--------------------------|-----------------------------|-------------------------------------|-------------------------------------------|
| <input type="checkbox"/> | 6' deep x 8' wide (1 bin)   | <input checked="" type="checkbox"/> | One 8' deep x 15' wide (3 bins) <b>or</b> |
| <input type="checkbox"/> | 8' deep x 10' wide (2 bins) | <input checked="" type="checkbox"/> | One 8' deep x 20' wide (4 bins)           |

**(Note: All measurements above are curb-to-curb dimensions inside the enclosure.** If both refuse and recycling containers are to be combined in the same enclosure area, this area must be expanded in size to accommodate multiple containers/bins (contact the staff person above for the appropriate enclosure size).

3. Examples of enclosure styles can be found on (Detail # ST-32).
4. Facilities that require grease containment must provide a storage location that is separate from the refuse bin location. This shall be shown on the final building plans.
5. Facilities with existing refuse service must improve the service location area(s) according to adopted City standards (Detail # ST-27 and ST-28). These improvements shall be clearly shown on the final building plans.

Exhibit B  
(Location Map)

# CUP 17-0028

CITY OF BAKERSFIELD

## LEGEND (ZONE DISTRICTS)

- R-1 One Family Dwelling  
6,000 sq.ft. min lot size
- R-1-4.5 One Family Dwelling  
4,500 sq.ft. min lot size
- E Estate  
10,000 sq.ft. min lot size
- R-S Residential Suburban  
24,000 sq.ft./dwelling unit
- R-S-( ) Residential Suburban  
1, 2.5, 5 or 10 min lot size
- R-2 Limited Multiple Family Dwelling  
4,500 sq.ft. min lot size (single family)  
6,000 sq.ft. min lot size (multifamily)  
2,500 sq.ft. lot area/dwelling unit
- R-3 Multiple Family Dwelling  
6,000 sq.ft. min lot size  
1,250 sq.ft. lot area/dwelling unit
- R-4 High Density Multiple Family Dwelling  
6,000 sq.ft. min lot size  
600 sq.ft. lot area/dwelling unit
- R-H Residential Holding  
20 acre min lot size
- A Agriculture  
6,000 sq.ft. min lot size
- A-20A Agriculture  
20 acre min lot size
- PUD Planned Unit Development
- TT Travel Trailer Park
- MH Mobilehome
- C-0 Professional and Administrative Office
- C-1 Neighborhood Commercial
- C-2 Regional Commercial
- C-C Commercial Center
- C-B Central Business
- PCD Planned Commercial Development
- M-1 Light Manufacturing
- M-2 General Manufacturing
- M-3 Heavy Industrial
- P Automobile Parking
- RE Recreation
- Ch Church Overlay
- OS Open Space
- HOSP Hospital Overlay
- AD Architectural Design Overlay
- FP-P Floodplain Primary
- FP-S Floodplain Secondary
- AA Airport Approach
- DI Drilling Island
- PE Petroleum Extraction Combining
- SC Senior Citizen Overlay
- HD Hillside Development Combining
- WM- West Ming Specific Plan

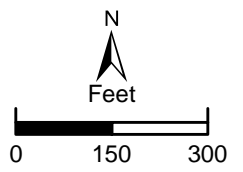
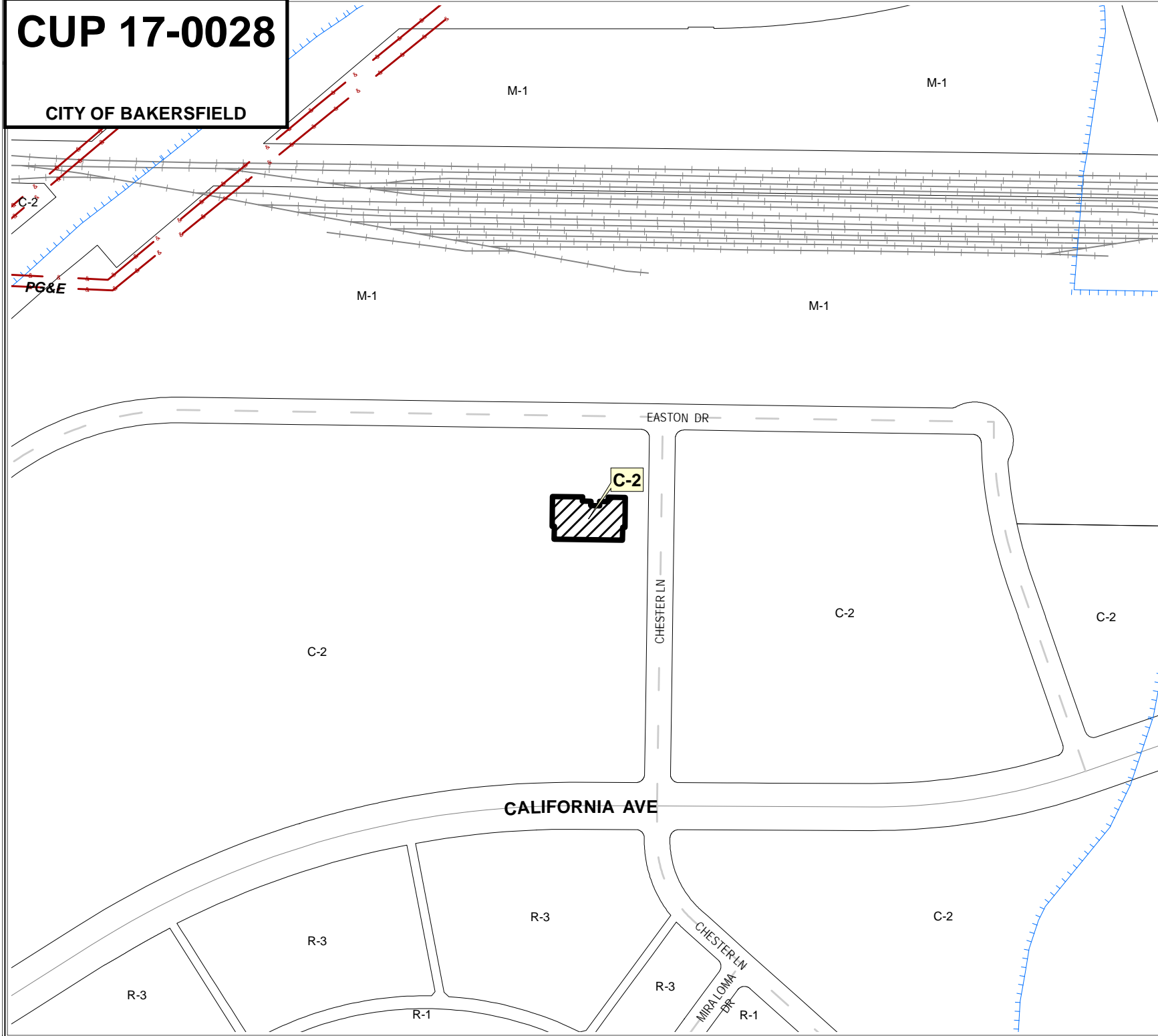
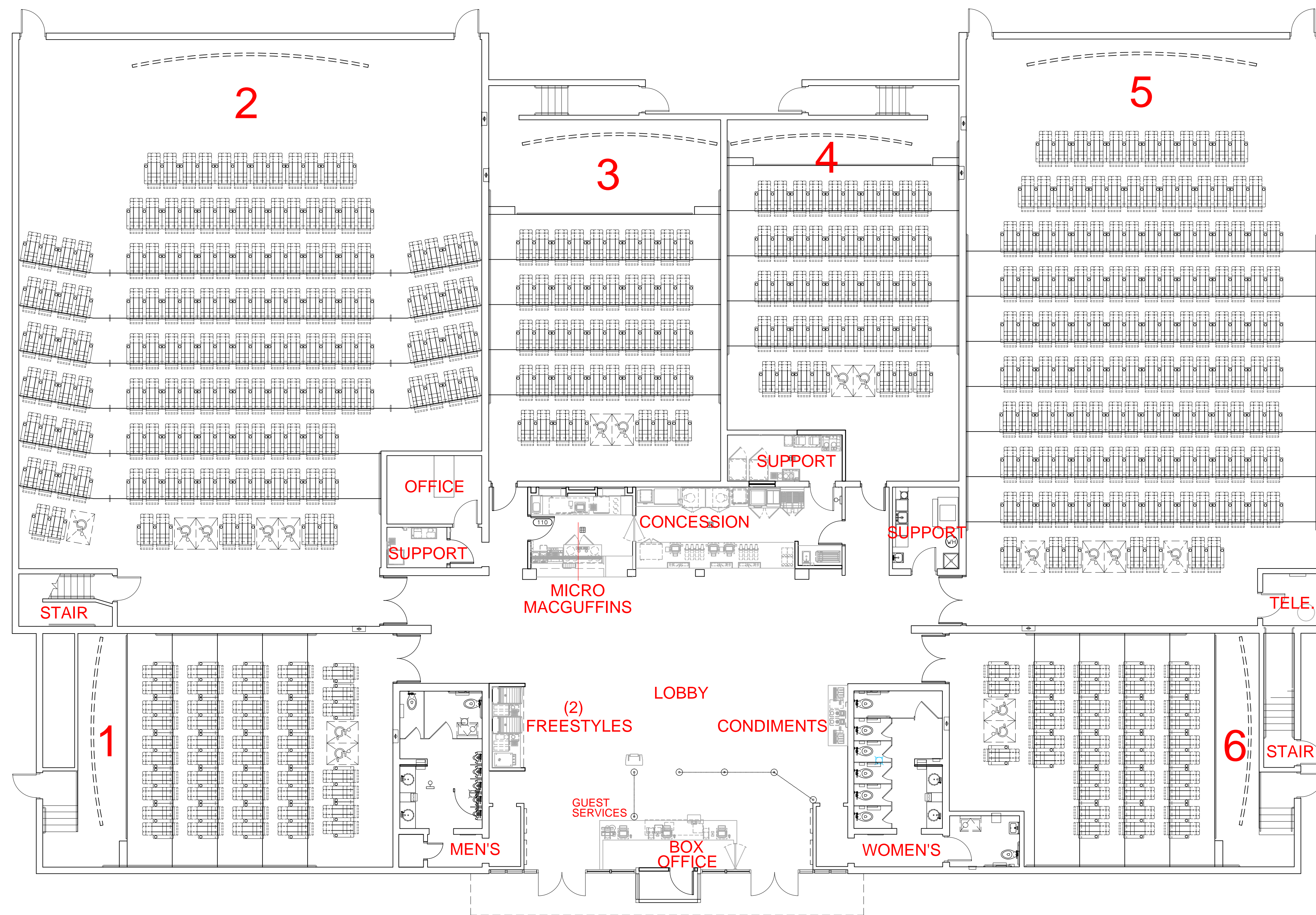


Exhibit C  
(Site Development Plan)



SEAT COUNT CHART - 54" TANAKAS				
AUD.	EXIST.	PROPOSED		
	TOTAL	SEATS	B.F.	TOTAL
1	87	47	2	49
2	365	154	5	159
3	87	47	2	49
4	87	47	2	49
5	282	145	4	149
6	87	39	2	41
TOTAL	995	479	17	496



AMC BAKERSFIELD 6

4200 CALIFORNIA AVE.  
BAKERSFIELD, CA 93309

FIRST FLOOR PLAN

10.14.2016

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