



MONTCLAIR
REGULAR MEETING OF THE
MONTCLAIR PLANNING COMMISSION

to be held in the Council Chambers
5111 Benito Street, Montclair, California

Monday, February 26, 2024
7:00 P.M.

Remote Participation Information:

Zoom Link: <https://zoom.us/j/95858571900>

Dial Number: 1-(669)-900-6833

Meeting ID: 95858571900

*To make a public comment or speak on an agenda item, including a public hearing, please complete a Speaker Card located in the Council Chambers or online before the meeting at <https://www.cityofmontclair.org/public-comment/>. Written comments (200-word limit per agenda item and 200-word limit for all non-agenda items combined) and requests to speak can also be emailed to pcclerk@cityofmontclair.org at least one hour before the meeting begins. The chair (or the meeting's Presiding Officer) will call on those who submitted requests to speak at the appropriate time during the meeting. Those participating remotely may request to speak using the "raise hand" function in Zoom (dial *9 if on the phone, and then *6 to unmute when called on to speak).*

Please be advised that those participating via Zoom do so at their own risk. The meeting will not be suspended or cancelled if any technical issues occur during the meeting.

AGENDA

- 1. **CALL TO ORDER**
- 2. **PLEDGE OF ALLEGIANCE**
- 3. **ROLL CALL**
- 4. **APPROVAL OF MINUTES**

January 22, 2024

- 5. **ORAL AND WRITTEN COMMUNICATIONS ON NON-AGENDA ITEMS**

The public is invited to address the Planning Commission regarding any items that are not on the agenda. Comments should be limited to matters under the jurisdiction of the Planning Commission. It is respectfully requested that speakers limit their comments to no more than three minutes in length.

Any person wishing to address the Planning Commission on an agenda or non-agenda item should complete an online public comment form as described above.

- 6. **AGENDA ITEMS**

A. CASE NUMBER 2023-38

Location of Property 8821 Central Avenue
Project Applicant Lee Pan Montclair LLC
Project Planner Silvia Gutiérrez

Request:

A request for a Conditional Use Permit to establish a banquet facility at 8821 Central Ave. in the 2,979 SF lease space formerly occupied by a restaurant.

CEQA Determination:

The proposed project involves minor alterations to the existing tenant space, resulting in a negligible expansion of an existing use. This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301(a) of the CEQA Guidelines (Class 1 - Existing Facilities)

7. INFORMATION ITEMS

Although the Planning Commission is prohibited from taking action on or discussing items not on the posted agenda, a member of the Planning Commission may ask for information, request a report back, or place a matter of business on the agenda for a subsequent meeting, ask a question for clarification, make a brief announcement, or briefly, report on his or her own activities, provided the foregoing are related to, or within the jurisdiction of, the Planning Commission.

8. ADJOURNMENT

The next regular meeting of the Planning Commission will be held on March 11, 2024, at 7:00 P.M.

Reports, backup materials, and additional materials related to any item on this Agenda distributed to the Planning Commission after the publication of the agenda packet are available for public inspection on the City's website at www.cityofmontclair.org/agendas or at Montclair City Hall in the Community Development Department located at 5111 Benito Street, Montclair, from 7:00 A.M. to 6:00 P.M., Monday through Thursday.

If you need special assistance to participate in this meeting, please call (909) 625-9477 or e-mail pcclerk@cityofmontclair.org. Notification prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title II)

CERTIFICATION OF AGENDA POSTING

I, Michael Diaz, Secretary of the Montclair Planning Commission, hereby certify that a copy of this agenda was posted on the bulletin board adjacent to the north door of Montclair City Hall on February 22, 2024.



CITY OF MONTCLAIR PLANNING COMMISSION

MEETING DATE: 2/26/2024

AGENDA ITEM 6.a

Case No.: 2023-38

Application: Request for a Conditional Use Permit (CUP) to establish a banquet facility in a 2,979 SF lease space formerly occupied by a restaurant. Included in the application is a request for an on-sale beer and wine Type 41 ABC license and DJ entertainment.

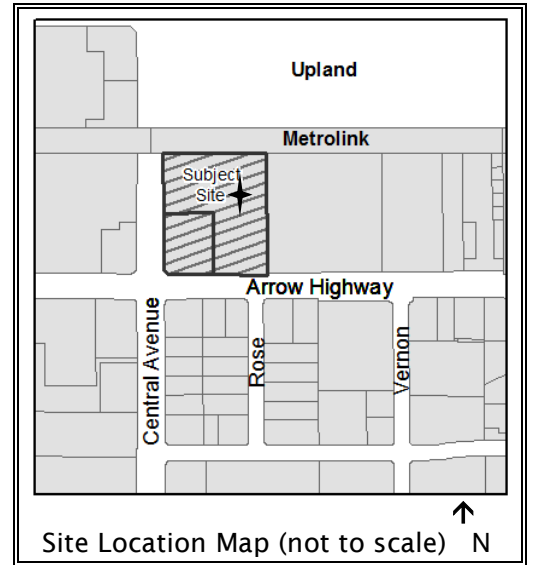
Applicant/Property Owner: Lee Pan Montclair, LLC

Project Address: 8821 Central Avenue

APNs: 1007-661-18 and 19

General Plan: Regional Commercial

Zoning: C-3 (General Commercial) per the North Montclair Specific Plan



EXISTING SITE FEATURES/CONDITIONS

Structures: One-story shopping center with freestanding pad building. Total floor area for the shopping center is 50,540 square feet.

Parking: Paved parking lot with 215 stalls, including six disabled-accessible spaces

ADJACENT LAND USE DESIGNATIONS AND LAND USES

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	Regional Commercial	C-3 (General Commercial) per <i>North Montclair Specific Plan</i>	Multi-Tenant Shopping Center (Montclair Village)
North	Commercial/Industrial-S (City of Upland)	CH (Commercial-Highway) and ML (Limited Manufacturing) (City of Upland)	Industrial and Residential Uses (City of Upland)
East	Business Park	MIP (Manufacturing Industrial Park) per <i>North Montclair Specific Plan</i>	Warehouse
South	General Commercial	C-3 (General Commercial) per <i>North Montclair Specific Plan</i>	Commercial/Retail and Service Uses
West	Planned Development	Town Center (TC) <i>North Montclair Downtown Specific Plan</i>	John's Incredible Pizza

Report on Item Number 6.a

PUBLIC HEARING – CASE NUMBER 2023–38

APPLICATION TYPE(S)	Conditional Use Permit
NAME OF APPLICANT	Lee Pan Montclair LLC
LOCATION OF PROPERTY	8821 Central Avenue
GENERAL PLAN DESIGNATION	General Commercial
ZONING DESIGNATION	"C-3" (General Commercial) per North Montclair Specific Plan (NMSP)
EXISTING LAND USE	Bakery and Vacant former Restaurant

Project Description

Lee Pan Montclair LLC, the property owner, proposes establishing a banquet facility at 8821 Central Avenue within a 2,979 SF space formerly occupied by a restaurant associated with the former Dolce Café and Bakery. The proposed name for the banquet facility is “Dolce” and will be operated by the owner of the bakery, now known as the “Layered Cakerie.” The intent for the proposed facility is to accommodate small-scale events such as baby and wedding showers, birthdays, engagement parties, business meetings, memorials, retirements, anniversary parties, etc., in a semi-formal fashion. A Conditional Use Permit (CUP) is required for the operation of a banquet venue.

The floor area of the banquet facility is approximately the same as the former restaurant. It is carved out from the larger 8,000 SF lease space, which encompassed both the café (restaurant) and bakery when they previously operated together. The owner obtained a permit to construct an interior demising wall in 2023, which formally separated the subject lease space from the bakery portion of the lease space. The banquet use will share the use of existing restrooms in the building, and the existing kitchen within the bakery portion of the building for meal prep associated with banquet events. A small dance floor will also be available when requested. The applicant does not desire to allow live music, only DJ music when requested by the customer. This CUP would allow dancing and DJ music subject to an annual approval of an Entertainment Permit.

The proposed banquet hall would be available from Tuesday through Sunday between the hours of 10 a.m. to midnight. The number of guests for the events will range from a minimum of 25 to a maximum of 128 guests. The number of employees present at each event would depend on the event's size, typically between four to 10 employees to serve, clean, and manage.

Dolce also desires to reinstate an ABC license Type 41 that was surrendered when they closed their former restaurant in July 2023 to provide guests with supplemental beer and wine with meals. All events with over 75 guests and alcoholic beverages (beer and wine only) will be required to pay for private security services for the duration of the event.

A site plan, floor plan, and banquet venue brochure outlining menu selections are included in the Commission packets for reference.

Background

- The Montclair Village shopping center was constructed in 1984. Other food uses in the center include Japanese, Chinese, and Mexican restaurants.
- Dolce Café operated an upscale café and bakery in 2007 and added dinner service within its dining room in 2008.
- On February 11, 2008, the Planning Commission, under Case 2008-3, granted a CUP allowing the on-premises sale of beer and wine (Type 41 ABC license) for the former restaurant.
- On September 9, 2013, the Planning Commission, under Case 2008-3A, granted a CUP Amendment allowing the addition of a beer and wine bar, an outdoor dining area (16 seats), and indoor live entertainment.
- In 2022, Dolce closed its restaurant operations as a result of the COVID-19 pandemic.

Planning Division Comments

Staff finds the proposed banquet facility appropriate and good use of the former restaurant space formerly operated within this location. As such, the new banquet use will not significantly impact the center since the facility will operate in conjunction with the “Layered Cakerie” bakery in essentially the same manner when the former restaurant and bakery operated together. Moreover, the banquet facility will only be open when an event has been booked.

As with most banquet venues, the primary times when events occur are during evening hours and on weekends. To book any event at the facility will require the ordering of food, particularly if an applicant desires to include the consumption of beer or wine. This requirement would be consistent with City and ABC requirements and prevent events where only alcoholic beverages are proposed. This requirement is a condition of approval. The other existing restaurant tenants at the shopping center include the long-established Tokyo Kitchen Japanese Restaurant and Szechuan Garden Chinese Restaurant, all of which have on-premises sales of alcoholic beverages with meals. With the Type 41 license and the requirement for food service, the banquet venue would not be age-restricted.

The existing center has ample parking for the banquet facility use. The center is not short on parking spaces at this point, and the slight change in operation of the banquet facility is not expected to impact parking significantly. As a large lease space, it already has a significant number of parking spaces "assigned" to its use. The other uses in the center include insurance and dental offices, O'Reilly Auto Parts, a nail salon, a reptile store, and an urgent care center within a freestanding building, most of which have regular business hours of generally 8:00 a.m. to 5:00 p.m.

Regarding the hours of operation, the applicant has indicated a closing time of midnight. Although most events will not require a late closing hour, the midnight time limit would provide the flexibility to accommodate the occasional request for later hours. Staff is generally comfortable with a midnight hour maximum. Still, a condition of approval will allow the Police Department to recommend changes in hours or the need for full-time security guards if calls for service to the venue become excessive. Further, any subsequent changes to banquet facility hours shall require written notification to the Planning Division and are subject to City approval.

Lastly, since the proposed banquet facility is linked to the existing bakery use and shares the use of kitchen and restroom facilities, the banquet use cannot be sold or leased to a separate entity or operator without a new or amended CUP approval. Operating the banquet facility independently/separately from the bakery would require constructing new kitchen and restroom facilities since the two uses would no longer be tied together.

Conditional Use Permit Findings

Staff believes the necessary findings for granting the CUP for the banquet can be made as follows:

- A. The request for the Conditional Use Permit to allow a banquet facility in the existing lease space is essential or desirable to the public convenience and public welfare in that the conditional use permit allows the use of the lease space to offer a new reception facility within the community. So long as alcoholic beverages are served with a full menu and food service, the business would comply with ABC requirements with the approved Type 41 ABC license ("On-Sale Beer and Wine - Eating Place") and previous City approvals.
- B. Granting the CUP will not be materially detrimental to the public welfare and other property in the vicinity, in that entertainment in the form of a DJ and associated dance floor area is associated with a family-oriented banquet facility in a properly designed facility with adequate on-site parking. In addition, the proposed changes to the existing use would be compatible with surrounding commercial uses and, subject to conditions of approval, will not negatively impact any sensitive land uses and/or adjacent businesses in the surrounding area.
- C. The proposed CUP conforms to good zoning practice in that the Municipal Code allows the banquet facility to offer on-premises sale of beer and wine in a banquet facility serving bonafide meals. The CUP also allows the City to place reasonable conditions to govern the overall operation of the banquet facility use with on-sale beer and wine and live musical entertainment.
- D. Such use in such location is not contrary to the objective of any part of the adopted General Plan, in that the adopted General Plan encourages a wide range of retail and service uses within the retail commercial area. The proposal builds upon the successful restaurant business at the subject location.

Public Notice and Comments

This item was advertised as a public hearing in the *Inland Valley Daily Bulletin* newspaper on February 16, 2024. Public hearing notices were also mailed to property owners within a 300-foot radius of the exterior boundaries of the project site in accordance with State law for consideration of this discretionary zoning entitlement. At the time the staff report was completed, staff had not received any comments or correspondence from the public regarding this application.

Environmental Assessment

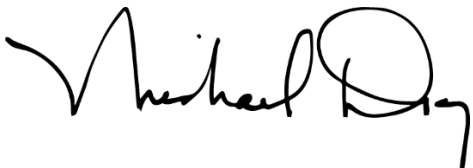
The proposed project involves minor alterations to the existing tenant space, resulting in a negligible expansion of an existing use. As such, staff has determined this project is categorically exempt from the California Environmental Quality Act (CEQA) provisions, pursuant to Section 15301 of the CEQA Guidelines (Class 1 - Existing Facilities).

Planning Division Recommendation

Staff finds the proposed 2,979 SF banquet facility serving at 8821 Central Avenue to be consistent with City policy and all requirements of the Montclair Municipal Code, the North Montclair Specific Plan, and the adopted General Plan; therefore, approval of Case No. 2023-38 is recommended by taking the following actions:

1. Move that, based upon evidence submitted, the project is exempt from the California Environmental Quality Act (CEQA) requirements. Further, the project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301.
2. Move to approve a Conditional Use Permit allowing a 2,979 SF banquet facility operated in conjunction with an existing bakery use with on-premises sale of beer and wine (Type 41 ABC license), per the submitted plans, as described in the staff report, and required findings subject to the conditions in the attached Resolution No. 24-1991.

Respectfully Submitted,



Michael Diaz
Director of Community Development

MD/SGutiérrez

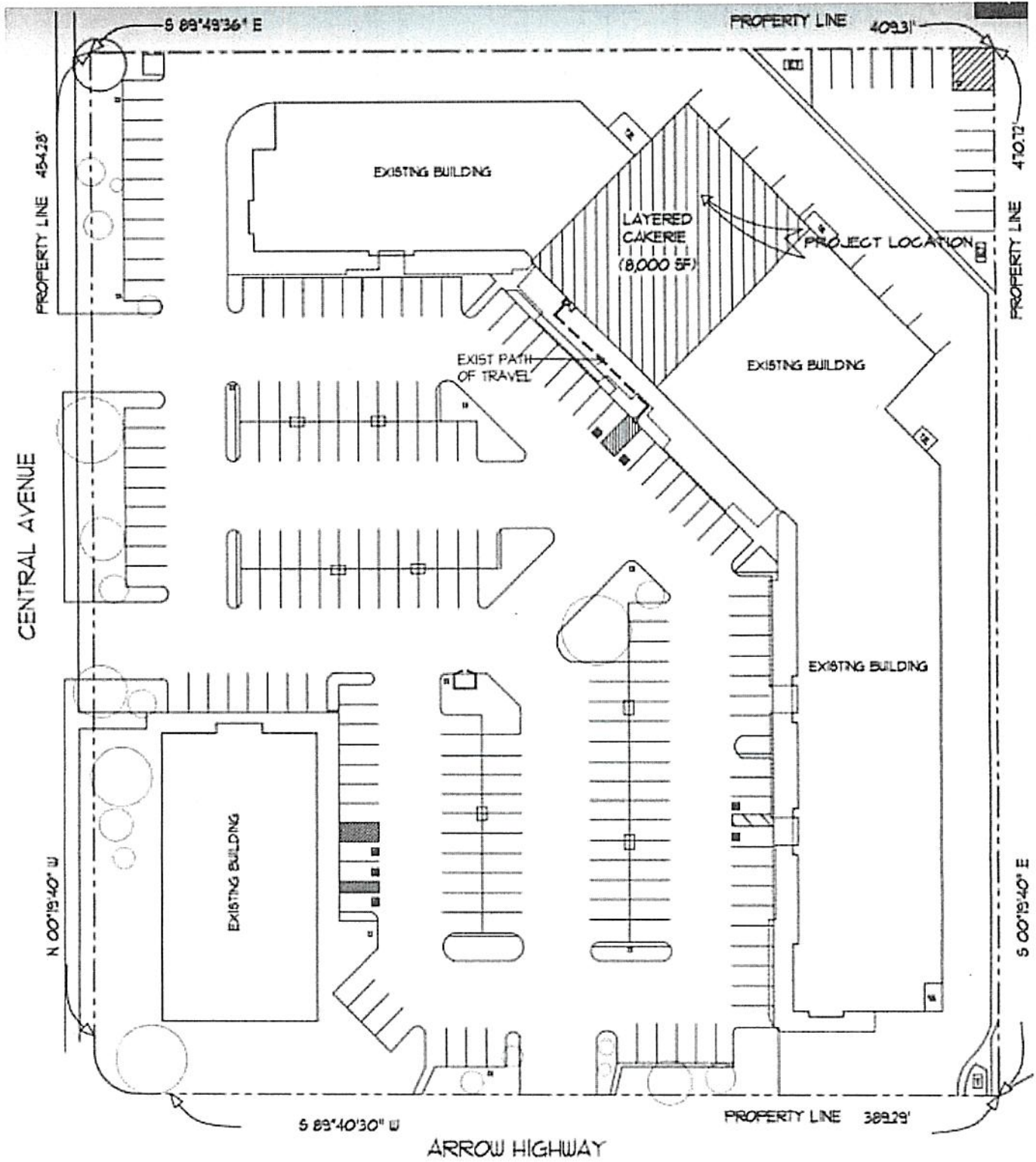
Attachments: Draft Resolution No. 24-1991 of Approval for Case No. 2023-38

c: Jimmy Lee, Lee Pan Montclair, LLC, 3212 Orlando Road, Pasadena, CA 91107
Alice Lee, Dolce Café and Bakery, 1425 Florence Court, Upland, CA 91786
Angela Reveles, State of CA Dept of Alcoholic Beverage Control, 3737 Main Street, Suite 900, Riverside, CA 92501
Lieutenant Brandon Kumanski, Montclair Police Department

Exhibit A

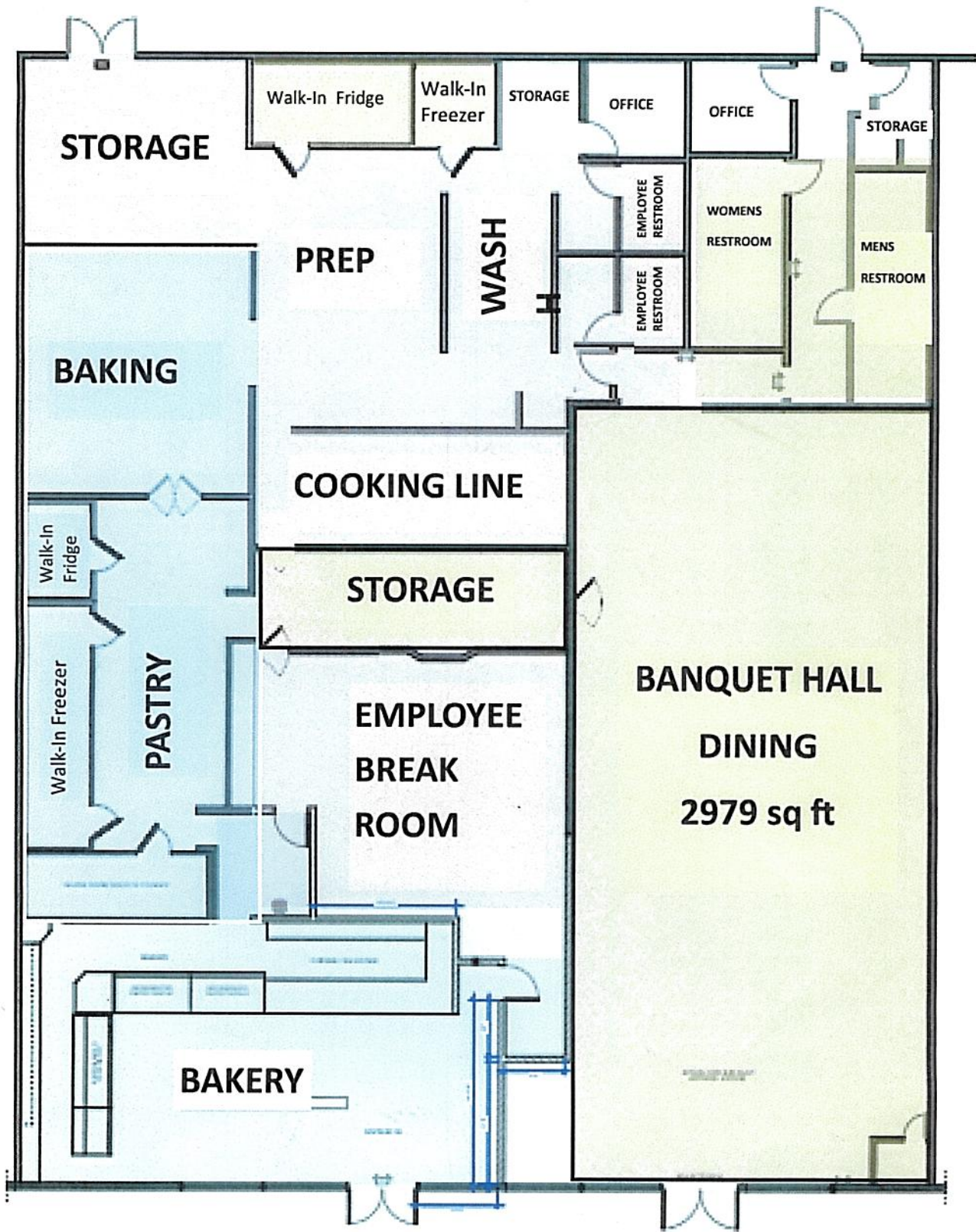
Plans

EXHIBIT A



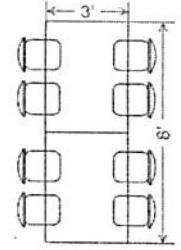
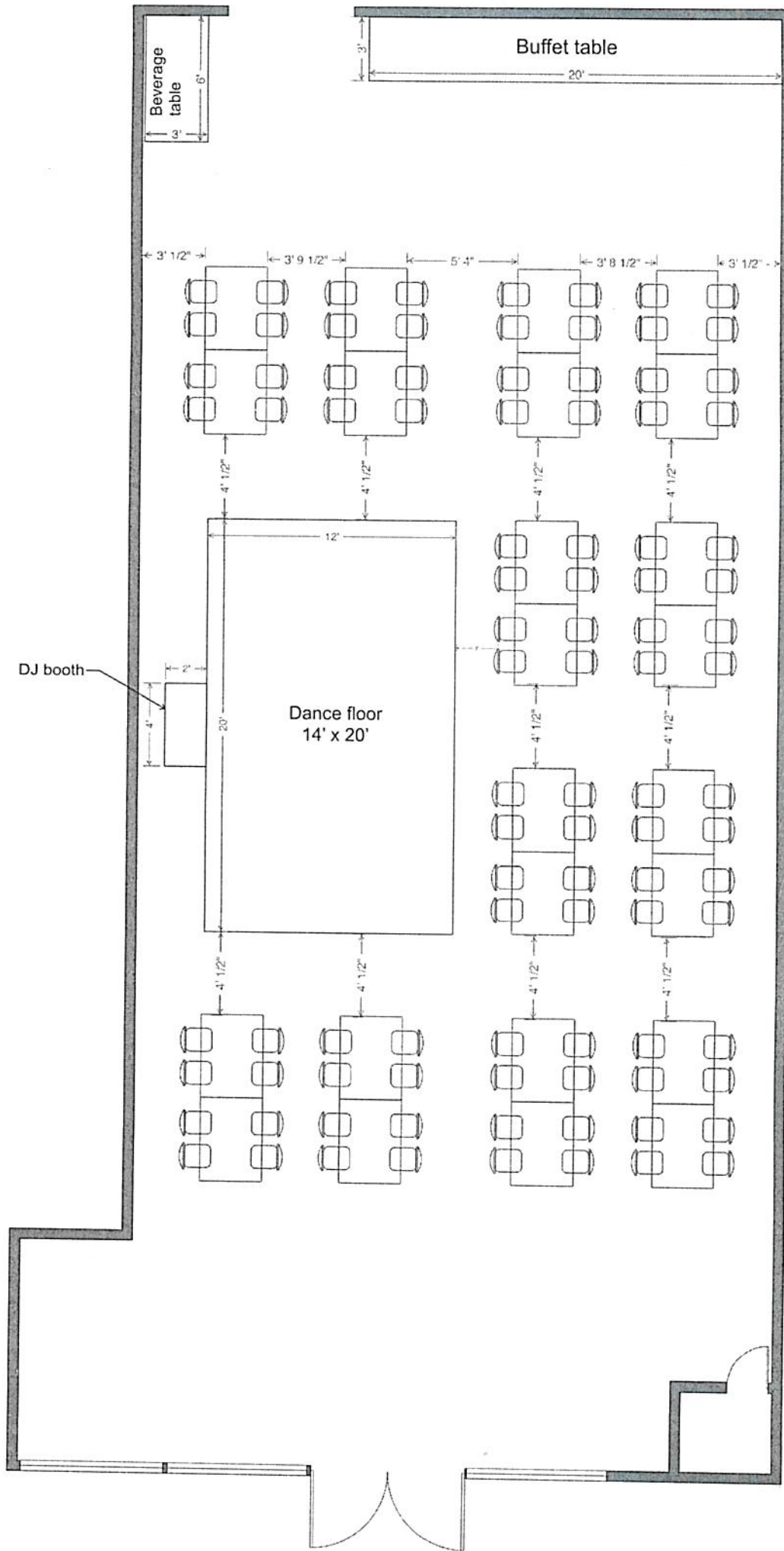
CASE NO. 2023-38

Location Map / Site Plan

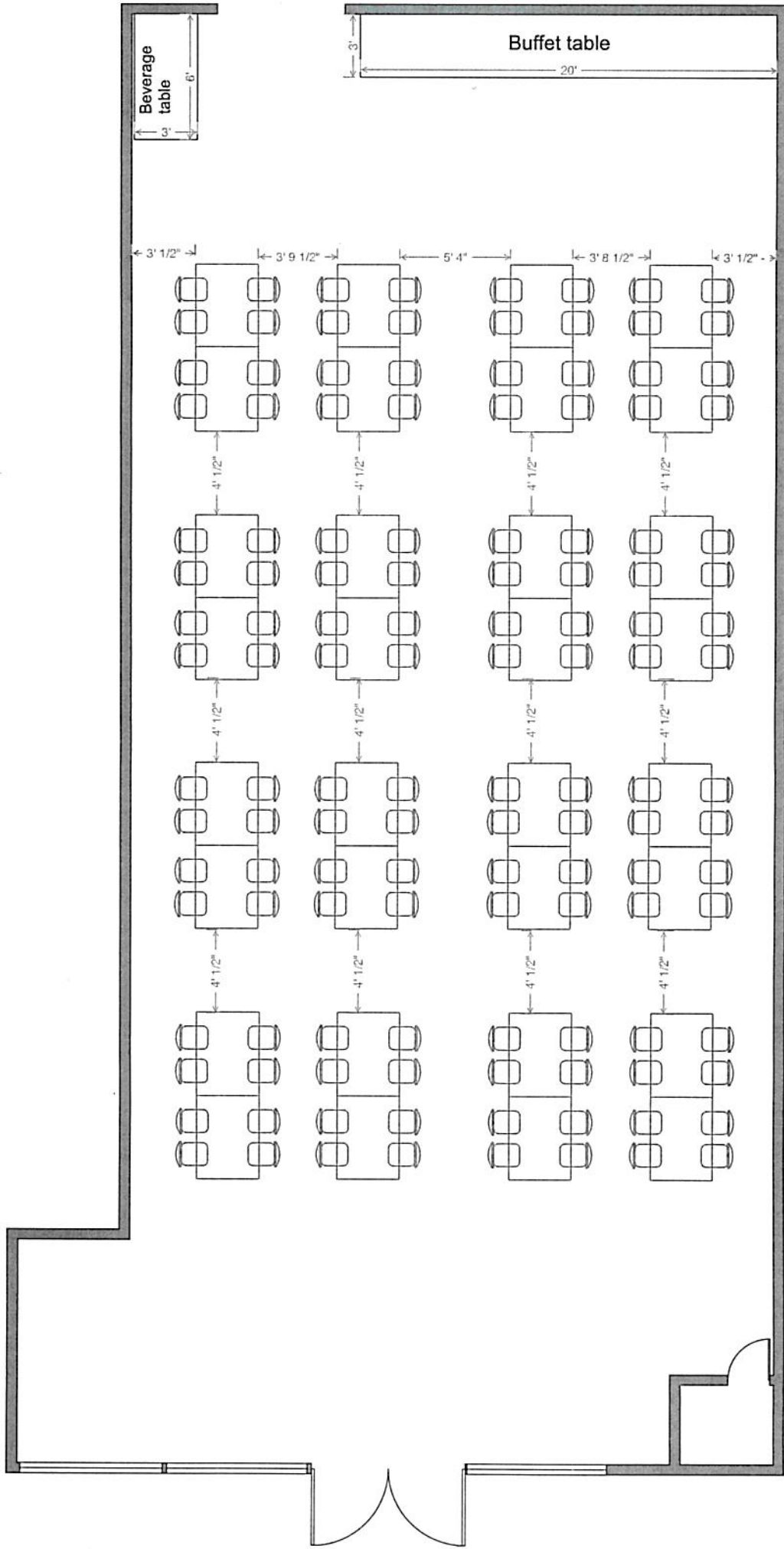


- Bakery Space
- Banquet Space

- Shared Space



**CASE NO. 2023-38 --/-- Dolce Banquet Facility
Table Layout w/Dance Area – 96 Diners Maximum**



CASE NO. 2023-38 --/-- Dolce Banquet Facility
Table Only Layout – 128 Diners Maximum

RESOLUTION NUMBER 24-1991

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT UNDER CASE NO. 2023-38 TO ALLOW A BANQUET FACILITY WITH DJ ENTERTAINMENT, DANCE FLOOR, AND THE SALE AND SERVICE OF ALCOHOLIC BEVERAGES WITH MEALS (ABC TYPE 41 LICENSE) WITHIN THE C-3 ("GENERAL COMMERCIAL") LAND USE DISTRICT OF THE NORTH MONTCLAIR SPECIFIC PLAN AT 8821 CENTRAL AVENUE (APN 1007-661-18 and 19)

A. Recitals.

WHEREAS, on October 23, 2023, Alice Lee of Dolce, with the consent of the property owner, Lee Pan Montclair LLC, filed an application for a Conditional Use Permit (CUP) to allow a banquet facility with DJ entertainment, dance floor, and the sale and service of alcoholic beverages with meals (ABC Type 41 License) at the above-referenced location; and

WHEREAS, the proposed banquet facility would be located in the lease space of the former Dolce Café that operated at this site between the years 2007 to 2022; and

WHEREAS, the proposed banquet facility, "Dolce," would be operated by the owner of the bakery, now known as the "Layered Cakerie."

WHEREAS, the proposed banquet venue and existing bakery share a combined lease space of 8,000 SF; and

WHEREAS, the proposed banquet venue area will occupy 2,979 of such lease space; and

WHEREAS, in 2023, the owner obtained a Building permit to construct an interior demising wall, which formally separated the proposed banquet facility from the bakery portion of the lease space; and

WHEREAS, the banquet use will share the existing restrooms and kitchen located in the existing bakery area for meal prep associated with banquet events; and

WHEREAS, the intent of the proposed banquet venue is to accommodate small-scale events such as baby and wedding showers, birthdays, engagement parties, business meetings, memorials, retirements, anniversary parties, etc.; and

WHEREAS, a small dance floor will be made available in the banquet area when requested by the customer; and

WHEREAS, this approval would allow dancing and Disc Jockey (DJ) music subject to annual approval of an Entertainment Permit; and

WHEREAS, the proposed hours of operation for the banquet venue are Tuesday through Sunday between the hours of 10 A.M. to midnight; and

WHEREAS, Montclair Municipal Code requires a CUP for a banquet facility with the sale and offering of alcoholic beverages and DJ entertainment in conjunction with bonafide meals such as the proposed venue; and

WHEREAS, staff has determined that the proposal meets the intent and requirements of the ordinance for such use and the applicable development standards of the C-3 ("General Commercial") land use district of the North Montclair Specific Plan; and

WHEREAS, the Type 41 ABC license will allow the sale of sale beer and wine in conjunction with meals; and

WHEREAS, staff has determined the proposed conversion of a former restaurant space into a banquet facility for corporate events, wedding receptions, and celebrations in conjunction with on-premise sale of beer and wine, along with DJ entertainment and dancing, would not have a significant effect on the environment; and

WHEREAS, a notice of public hearing was duly given and posted in the manner and for the time frame prescribed by law; and

WHEREAS, the Planning Commission has reviewed the Planning Division's determination and concurs that the project does not require further environmental review because the project is deemed to be exempt from the California Environmental Quality Act, pursuant to Sections 15301 State CEQA Guidelines, in that the proposed project utilizes a fully enclosed indoor portion of the existing lease space where food uses were previously located and which approximates the same square footage and seating capacity. Further, the project does not result in the physical expansion of the existing building, and the project site (multiple tenant commercial retail center) is in an area where all public services and facilities (including ample supply of off-street parking) exist; and

WHEREAS, on February 26, 2024, commencing at 7:00 P.M. in the Council Chambers at Montclair City Hall, the Planning Commission conducted a public hearing at which time all persons wishing to testify in connection with said CUP were heard and said CUP was fully studied.

B. Resolution.

NOW, THEREFORE, it is hereby found, determined, and resolved by the Planning Commission of the City of Montclair as follows:

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. Based upon the substantial evidence presented to this Commission during the above-referenced hearing on February 26, 2024, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:
 - A. The request for the Conditional Use Permit to allow a banquet facility in the subject lease space is essential or desirable for public convenience and public welfare in that the new use will offer a new reception facility in the community. So long as alcoholic beverages

are served with a full menu and food service, the banquet facility will comply with ABC requirements associated with the Type 41 ABC license ("On-Sale Beer and Wine - Eating Place") and previous City approvals.

- B. Granting the CUP will not be materially detrimental to the public welfare and other property in the vicinity, in that entertainment in the form of a DJ and associated dance floor area is associated with a family-oriented banquet facility in a properly designed facility with adequate on-site parking. In addition, the proposed banquet facility use would be compatible with surrounding commercial uses and, subject to conditions of approval, will not negatively impact any sensitive land uses and/or adjacent businesses in the surrounding area.
- C. The proposed CUP conforms to good zoning practice in that the Municipal Code allows the banquet facility to offer on-premises sale of beer and wine in a banquet facility serving bonafide meals. The CUP also allows the City to place reasonable conditions to govern the overall operation of the banquet facility.
- D. Such use in such location is not contrary to the objective of any part of the adopted General Plan, in that the adopted General Plan encourages a wide range of retail and service uses within the retail commercial area. The proposal builds upon the successful restaurant business at the subject location.

Planning

1. This CUP approval is to allow a banquet facility at 8821 Central Avenue, per approved plans on file with the Planning Division, as further described below:
 - a. A facility floor area of 2,979 SF sharing kitchen and restroom facilities of the existing bakery; and
 - b. A maximum seating capacity of 128 seats at any time; and
 - c. A dancing floor measuring 14' x 20' and entertainment in the form of a DJ hired by the venue owner, subject to the approval of a Live Entertainment Permit; and
 - d. An ABC Type 41 License for the sale and service of beer and wine with meals served to banquet patrons.
2. In the event that exhibits and written conditions are inconsistent, the written conditions shall prevail.
3. This Conditional Use Permit (CUP) approval shall be valid for a period of six months from the date of Planning Commission approval and shall automatically expire on the six-month anniversary date of Planning

Commission action unless the applicant is diligently pursuing building plan check toward eventual construction or implementation of the project. The applicant and/or property owner shall be responsible for applying for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's CUP expiration date.

4. No changes to the operation of the banquet facility, increase in floor area of the demised space, change in location, or upgrade of license to full alcohol (distilled spirits) sales shall be allowed without City review and approval. Any changes deemed by the Director to be substantial to this approval of the banquet facility without City approval shall be a violation of this CUP and may be cause for revocation.
5. Given the link to the operation and use of shared kitchen and restroom facilities within the existing bakery use, the banquet use cannot be sold or leased to a separate entity or operator without a new or amended CUP approval. Operating the banquet facility independently/separately from the bakery would require constructing new kitchen and restroom facilities since the two uses would no longer be tied together.
6. Within five (5) days of approval by the Planning Commission, the applicant shall submit the following payments to the Planning Division:
 - a. A check in the amount of **\$50**, payable to "Clerk of the Board of Supervisors," to cover the County administrative fee for filing a Notice of Exemption as required by the California Environmental Quality Act (CEQA).
 - b. A check in the amount of **\$591.55**, payable to the "City of Montclair," to cover the cost of publishing a Notice of Public Hearing in a newspaper of general circulation (*Inland Valley Daily Bulletin*) as required by state law.
7. All events involving the sale of alcoholic beverages (i.e., beer and wine only) shall require the service of meals. No event involving the service of alcoholic beverages only shall be allowed.
8. The premises shall not be converted into other uses where minors are generally excluded, such as a bar, entertainment venue, nightclub, or dance hall operated by the property owner or outside vendors or promoters.
9. Approved hours of operation for the banquet facility are Tuesday through Sunday from 10:00 a.m. to midnight. No alcoholic beverages shall be served past the evening closing hours. The applicant may close the banquet facility earlier than those stated herein. Any changes to the banquet facility hours shall require written notification to the Planning Division and subject to City approval.
10. The applicant shall maintain the appropriate Type 41 license current from the Department of Alcoholic Beverage Control (ABC), and demonstrate to the

Planning Division that all necessary conditions have been met. The sale of alcohol for off-site consumption is prohibited.

11. Promoter-produced parties or events shall be prohibited. These events include private parties that involve third parties who profit from organizing and/or drawing attendees to the events.
12. A copy of this Planning Commission Resolution with all conditions of approval relating to this application shall be conspicuously posted alongside the establishment's business license and Certificate of Occupancy and shall be made available for viewing to any law enforcement or code enforcement officers, fire and building inspectors in the course of conducting an inspection or bar check on said premises.
13. The business owner shall be responsible for applying for a separate Entertainment Permit to be reviewed and approved annually by the Montclair Police Department. Entertainment Permit applications shall be obtained at the Finance Division at City Hall (909/625-9423). The application and a signed copy of the Planning Commission's Resolution of Approval for the project shall be submitted. Prior to commencing entertainment activities, a copy of an approved Entertainment Permit must be submitted to the Planning Division.
14. Rental of the banquet facility shall be allowed only when the event/function is hosted by the business owner and not contracted out to a third party. Entry fees or cover charges for entertainment shall be prohibited. All conditions of this approval shall continue to apply, including day and time restrictions and requirements to serve full meals with alcoholic beverages.
15. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code, including but not limited to the following:
 - a. Temporary banners for announcing the grand opening or advertising promotions shall require banner permits from the Planning Division before installation.
 - b. Promotional window signs shall not occupy more than 25 percent of the aggregate window area.
 - c. At no time shall pennants, inflatable signs, "human" signs, or other similar advertising devices be utilized on the property or off-site.
16. This CUP may be modified or revoked for failure to abide by these conditions or in the event that the use is determined to be a nuisance to surrounding properties, businesses, or the community at large.
17. The following mandatory conditions are hereby imposed as part of the CUP approval:
 - a. The premises shall be maintained at all times in a neat and orderly manner.

- b. Trash receptacles shall be provided in such number and at such locations as may be specified by the Planning Commission.
- c. No beer and wine shall be sold, dispensed or offered for consumption except within the permitted premises, which shall consist of a wholly enclosed building, except as otherwise permitted by the Planning Commission.
- d. The exterior appearance of the premises shall be designed and maintained in a manner consistent with the exterior appearance of commercial properties already constructed within the immediate neighborhood so as not to cause blight or deterioration, or to substantially diminish or impair property values within the neighborhood.
- e. The permittee shall comply with all State statutes, rules and regulations relating to the sale, purchase, display, possession and consumption of alcoholic beverages.
- f. The permittee shall acknowledge and agree that the City has a legitimate and compelling governmental interest in the permittee's strict compliance with all conditions imposed upon the permit, including adherence to State statutes, rules, and regulations as specified in subsection (e) above. The permittee shall further acknowledge and agree, in writing, that any violation of a State statute, rule, or regulation concerning the sale to or consumption of alcoholic beverages by a minor has been determined by the City to have a deleterious secondary effect upon:
 - i. The specific land use requested by the permittee and authorized by the City;
 - ii. The compatibility of permittee's authorized land use with adjacent land uses;
 - iii. The welfare and safety of the general public within the City.

In view of such deleterious secondary effects, permittee shall acknowledge that the City has specifically reserved the right and authority to impose sanctions, including suspension or revocation of the CUP, as a consequence of one or more violations of a State statute, rule, or regulation concerning the sale to or consumption of beer and wine by a minor.

- g. The permit shall, after notice to the permittee and an opportunity to be heard, be subject to the imposition of such additional conditions as may be reasonable and necessary to address problems of land use compatibility, security, or crime control that have arisen since the issuance of the permit.

18. This decision or any condition of approval may be appealed to the City Council within 15 days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
19. The applicant shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
20. The applicant shall ensure that a copy of the Planning Commission Resolution, including all conditions of approval, be reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the interior tenant improvement construction phase of the project.
21. Prior to the commencement of business activities, the applicant shall apply for and obtain a City of Montclair Business License for the banquet facility and shall maintain a valid City business license at all times.
22. During all hours of business operation, each business establishment shall have a manager present at the establishment and on duty. The permittee and manager shall be responsible for the conduct of all employees and shall not cause, permit, allow, aid, abet, or suffer any violation of the conditions of this permit or of any provision of the Montclair Municipal Code. The on-site manager shall take whatever steps are deemed necessary to ensure the orderly conduct of employees, patrons, and visitors on the premises. Failure to comply with any or all of the conditions of approval shall be deemed sufficient grounds to initiate modification or revocation proceedings regarding the Conditional Use Permit approval.
23. The establishment covered by this approval shall be operated, maintained, and open to the general public as a public eating place, serving meals at all times that alcoholic beverages are served or offered for sale on the premises, pursuant to Business and Professions Code §23038.
24. At no time shall the tenant space be converted into other uses where minors are generally excluded, such as a nightclub, dance hall, etc., operated by either the applicant or outside vendors or promoters.
25. Approval of this CUP shall not waive compliance with any applicable regulations as set forth by the California Building Code and/or City Ordinances.
26. An approved sign permit and issuance of a building permit shall be required before the exterior facade sign is installed pursuant to the existing sign program for Montclair Place.
27. No exposed raceways or electrical conduit/wire shall be allowed on the exterior visible face of any building for any building-mounted sign.
28. All signs shall always be maintained in good and/or working condition, including regular cleaning. All damaged and/or defective parts shall be

immediately repaired or replaced as necessary. Any graffiti, etching, discoloration, etc., shall be removed and surfaces refinished to restore original or like new appearance.

29. Damage to wall surfaces, or any other exterior feature, when signs are removed shall be repaired prior to the installation of any new sign(s). "Ghost" images of previous signs shall be painted out to the satisfaction of the Director of Community Development.
30. To ensure compliance with the provisions of this Planning Commission approval, a final inspection is required from the Planning Division when work has been completed. The applicant shall inform the Planning Division and schedule an appointment for such an inspection.
31. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval or, in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any damages, loss, court costs, and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.

Building

32. Prior to the issuance of building permits, the applicant shall complete the following Building Division requirements:
Submit four complete sets of plans, including the following:
 - a. Site/Plot Plan;
 - b. Floor Plan;
 - c. Reflected Ceiling Plan
 - d. Electrical Plans, including the size of the main switch, number, and size of service entrance conductors, panel schedules, and single line diagrams;
 - e. Plumbing plans, including isometrics, underground diagrams, water and waste diagrams, fixture units, gas piping, and heating and air conditioning.
 - f. Waste recycling plan, recycling 65% of all construction debris
33. The applicant shall comply with the latest adopted California Building Code and other applicable codes, ordinances, and regulations in effect at the time of permit application. These applicable codes shall be indicated on the first page of the submitted plans.

34. Submit two sets of structural calculations, if required, and two sets of energy conservation calculations.
35. Submit detailed plans for all walls associated with the project.
36. Clearly indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way from the affected area of new construction or renovation. All required disabled-accessible parking lot signs, sidewalks, paths of travel, and curb cuts shall comply with the California Building Code, Title 24 requirements. The maximum cross-slope on a sidewalk or path of travel shall not exceed two percent (2%).
37. Exposed raceways shall be prohibited on all building-mounted and freestanding signs. An architectural sign backing/raceway may be allowed on the commercial building subject to review and approval by the City Planner.
38. All construction work carried out under the review of the Building Division shall be of good quality. The Building Official shall have the authority to enforce the installation of straight, level, plumb, square, etc. work as the situation requires. All work shall be well-fit and of a durable nature. Paint and stucco in all cases shall not be below standard for the use applied. Building permits are required for any construction, including mechanical, structural, electrical, and plumbing.
39. The unit shall have individual and independent one-hour separation walls enveloping each assigned airspace or unit and independent utility meters, sewer and water connections, and fire protection systems, subject to the review and approval of the Public Works, Community Development, and Fire Departments.
40. All mechanical devices and their component parts, such as air conditioners, evaporative coolers, exhaust fans, vents, transformers, or similar equipment, whether located on the ground or on the roof of the structure, shall be concealed on all sides from public view in a manner that is compatible with the architectural design of the building and to the satisfaction of the Planning Division.
41. Fire sprinkler risers and roof access ladders shall be located entirely within the enclosed buildings. Double-detector check facility shall be adequately screened by landscaping or an architectural screen wall.
42. All trash enclosures shall be constructed of a material consistent with the primary type and color of that used on the building. The construction of such trash enclosure(s) shall conform to City standards and shall have a solid roof complementary to the main building. Black-colored concrete shall be used for the trash enclosure floor and its apron.
43. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:

44. The numerical address of the building shall be displayed in a maximum of two locations on the South -facing elevation as follows:
45. Numerals shall be in a font acceptable to the Planning Division, minimum 10 inches in height, minimum 1½ inches in depth, and in a color that adequately contrasts with the background to which they are attached.
46. The facility shall be provided with a minimum maintained illumination level of one (1) foot-candle from dusk until termination of business every business day. During all other hours of darkness, a minimum of one quarter (.25) foot-candles of illumination shall be maintained at grade.
47. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.
48. A Certificate of Occupancy is required prior to occupancy of the subject building. Issuance of a Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection, all City Departments, Monte Vista Water District and approval of all conditions.
49. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number Case 2023-38. The applicant shall comply with the latest adopted California Codes, and all other applicable codes, ordinances, and regulations in effect at the time of permit application.
50. Total occupancy of the interior bakery and banquet facility shall not exceed 223 at any time. Occupancy limits shall be clearly posted near all entrances/exits.
51. A final inspection is required before using the subject facility. Final approval by the Building Official shall be contingent upon compliance with all conditions of approval. The applicant shall contact the City to schedule an appointment for such final inspection.
52. Prior to the issuance of final approval of the project, the applicant shall submit to the Building Division electronic images of all plans and records for the purpose of obtaining a building final. Electronic images shall comply with the City's Electronic Archiving Policy.
53. All construction work carried out under the review of the Building Division shall be of good quality. The Building Official shall have the authority to enforce the installation of straight, level, plumb, square, etc., work as the situation requires. All work shall be well-fit and of a durable nature. Paint and stucco in all cases shall not be below standard for the use applied.

Environmental

54. A Wastewater Discharge Survey must be completed and submitted to the Environmental Manager for review and approval prior to Plan submittal. The Environmental Manager shall determine the appropriate grease interceptor capacity for the designated use. Contact Monica Heredia, Public Works Director, (909) 625-9441 mheredia@cityofmontclair.org for more information.
55. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code. Contact Monica Heredia, Public Works Director, (909) 625-9441 mheredia@cityofmontclair.org for more information.
56. All trash enclosures must be designed in accordance with the provisions of AB 341 Mandatory Commercial Recycling and AB 1826 Mandatory Commercial Organics Recycling (MORE) as established by the California Department of Resources Recycling and Recovery (CalRecycle). Sufficient facilities must be provided and maintained for the mandatory recycling of all recyclable materials and food waste/organics. Contact Monica Heredia, Public Works Director, (909) 625-9441 mheredia@cityofmontclair.org for more information.

Fire Marshal

57. The project shall comply with all requirements set forth by the California Code of Regulations Title 24 Parts 1-12, respectively.
58. The adopted edition of the California Code of Regulations, Title 24, Parts 1 through 12, and the Montclair Municipal Code shall apply at the time the architectural plans are submitted for construction permits.
59. The building fire sprinkler system shall be modified to provide proper fire sprinkler coverage for the addition or removal of walls. Construction plans shall be submitted for review and approval to the City of Montclair prior to any work being performed.
60. Prior to building final, the building shall be provided with a Knox lock key box located no more than 7 feet above the finished surface and near the main entrance door.
61. Prior to the use of carbon dioxide for beverage dispensing systems, approval from Montclair Fire Prevention shall be obtained. The area storing or using carbon dioxide shall be provided with either a carbon dioxide gas leak detection system specified by CFC 5307.4.3 or a ventilation system specified by CFC 5004.3.

Police

62. The applicant may be required to provide a security guard at the discretion of the Montclair Police Department if security concerns warrant such adjustment.
63. In conjunction with the ongoing operation of the business, the premises shall comply with all applicable local, State, and Federal requirements placed upon them by any regulatory or governing entity.
64. This Conditional Use Permit (CUP) shall be reviewed one year from the date of approval and may be reviewed each year thereafter. The review shall be conducted jointly by the Community Development Director and Police Chief or designees. This review shall identify uniquely adverse issues such as curfew, loitering, vandalism, criminal activity, noise, or nuisance issues. If such issues are identified, the CUP shall be presented to the Planning Commission for their consideration and conditions, modifications, or revocation.
65. The activity level of the business shall be monitored by the Police Department to establish the level of police services used for the business. Should the level of police services demonstrate that the applicant has not controlled excessive or unnecessary activity resulting in high use of police services, then this Conditional Use Permit shall be reviewed for consideration of further conditions, modifications, or revocation.
66. Premises falling within the regulations of the State Alcoholic Beverage Control Board (ABC) shall not allow any consumption of alcoholic beverages on any property adjacent to the licensed premises under the control of the license.
67. There shall be no special promotional events held on the property unless a written request for such is received and approved by the Community Development Director and the Police Chief or their designee.
68. The premises shall install and maintain a closed circuit video surveillance (CCVS) system. The system shall, at minimum, be capable of monitoring all entrances/exits to the premises and be positioned to allow for the identification of patron facial features and physical characteristics. A minimum of one camera shall be placed in a position to monitor the parking lot of the premises, positioned in a manner that allows for the widest view from the entrance without significant lens distortion. Typical acceptable camera angles range from 50-130 degrees. Cameras shall be capable of no less a resolution than 1920x1080 pixels, otherwise known as 1080p. IR (night vision) is preferred; however, cameras shall, at minimum, be capable of low-light operation.
69. Audio recording is desirable but not a requirement. Camera footage shall be retained for a period of no less than 90 days. To prevent lapses in coverage, cameras cannot be motion-activated. To conserve storage space, the cameras may be set to record at a lower frame rate when no motion is

detected. When motion is detected, cameras shall record no less than 30 frames per second. Motion sensors shall be configured to activate properly in all areas covered, including the parking area. Motion sensors may be configured to prevent incidental activation from hanging or moving displays. Depending on the nature of the premises, additional cameras may be required, but not limited to areas.

The Secretary to this Commission shall certify the adoption of this Resolution.

APPROVED AND ADOPTED THIS 26TH DAY OF FEBRUARY 2024.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

BY: _____
Manny Martinez, Chair

ATTEST: _____
Michael Diaz, Secretary

I, Michael Diaz, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair at a regular meeting of the Planning Commission conducted on the 26th day of February 2024, by the following vote, to-wit:

AYES:

NOES:

ABSTAIN: