



CITY OF MONTCLAIR  
PLANNING COMMISSION AGENDA  
CITY COUNCIL CHAMBERS  
5111 Benito Street, Montclair, California 91763

REGULAR ADJOURNED MEETING  
Monday, February 11, 2019  
7:00 p.m.

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*It is respectfully requested that you please silence your cell phones and other electronic devices while the meeting is in session. Thank you.*

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**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

Vice Chair Luis Flores, Commissioner Manny Martinez, Commissioner Barry Rowley and Commissioner Sergio Sahagun

**4. APPROVAL OF MINUTES**

The minutes of the January 14, 2019 Planning Commission meeting are presented for consideration.

**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 a speaker's card and submit it to the City Planner. Speaker's cards are available at the entrance to the Council Chambers.

**6. AGENDA ITEMS**

- a. PUBLIC HEARING - CASE NUMBER 2018-29
  - Project Address: 5200 N. Montclair Plaza Lane
  - Project Applicant: 5060 Montclair Plaza Lane Owner, LLC
  - Project Planner: Christine Sanchez Caldwell, Assistant Director of Housing and Planning Manager
  - Request: Conditional Use Permit and Precise Plan of Design to allow construction of a full-service restaurant with outdoor dining patio and an ABC Type 47 (On Sale General Eating Place) alcohol and beverage license

**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 to 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. PUBLIC INSPECTION OF MATERIALS**

Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection at the Planning Division counter during normal business hours.

**9. ADJOURNMENT**

The City of Montclair Planning Commission meeting is adjourned to the regularly scheduled meeting of February 25, 2019 at 7:00 p.m. in the Council Chambers, 5111 Benito Street, Montclair, California.

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**CERTIFICATION OF AGENDA POSTING**

I, Laura Embree, Administrative Secretary for the City of Montclair, hereby certify that a copy of this agenda has been posted on the bulletin board adjacent to the south door of Montclair City Hall on February 7, 2019.

## Report on Item Number 6.a

### PUBLIC HEARING – CASE NUMBER 2018-29

APPLICATION TYPE(S)	Conditional Use Permit and Precise Plan of Design
NAME OF APPLICANT(S)	5060 Montclair Plaza Lane Owner, LLC
LOCATION OF PROPERTY	5200 Montclair Plaza Lane
GENERAL PLAN DESIGNATION	Regional Commercial
ZONING DESIGNATION	General Commercial (C-3 North Montclair Specific Plan)
EXISTING LAND USE	Vacant commercial pad
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15303)
PROJECT PLANNER	Christine S. Caldwell

#### **Project Description**

The applicant is requesting approval of a Conditional Use Permit (CUP) and Precise Plan of Design (PPD) to construct a new full-service Lazy Dog Restaurant with outdoor dining and full bar at the site of the recently demolished Goodyear Auto Center site located at 5200 Montclair Plaza Lane.

#### **Conditional Use Permit (CUP)**

To accommodate the new restaurant use, the applicant is requesting a CUP for the following elements:

- An ABC Type 47 License (On Sale General - Eating Place) to serve beer, wine, and distilled spirits for consumption, with meals.
- Construction and use of an outdoor dining area with a capacity for 56 seats provided on the south side of the building. The proposed patio would be approximately 1,572 square-feet in area. The applicant intends to serve alcoholic beverages with meals on the patio.

Proposed business hours for the restaurant are 10:00 a.m. to 12:00 a.m. Sunday through Thursday, and 10:00 a.m. to 1:00 a.m. Fridays and Saturdays. No dance floor, entertainment, or pool tables are part of this request.

## Precise Plan of Design (PPD)

Several improvements are proposed as outlined below:

- New construction of an 8,425 sq. ft. restaurant, 1,527 sq. ft. patio, and a 1,240 sq. ft. service yard area. The proposed colors for the building include both dark and medium shades of brown with wood-stained accents and stone veneer. Most notable will be the tower element that accommodates the entry into the restaurant. The height of the tower element is 38 feet and is generally located on the southeast corner of the restaurant. The tower will be a strong feature of the building and typically regarded as a branding design element for the Lazy Dog Restaurants.
- The applicant is proposing to wrap a stone veneer to the north, south, and east elevations. The stone veneer is labeled "Lazy Dog Custom Blend" and is typically used in their restaurant designs. It is a rich color of dark browns, olive greens, oranges, and beiges—colors many times found in slate.
- Construction of a new 1,572-square-foot covered patio is proposed on the south side of the building. The design of the patio dining area includes a solid metal roof and a four-foot high wall enclosing the dining area. Access to the outdoor patio will be from the interior of the restaurant only. Ceiling-mounted patio heaters and the fire pit will provide warmth and ambience on colder days and nights.
- The restaurant will accommodate seating for 176 and the bar will seat 94. The patio will have a total of 56 seats.
- Identification signs for the restaurant are proposed to read *Lazy Dog Restaurant* with a line of copy to read EAT. DRINK. The applicant will submit a separate application for new signs for administrative review and approval by City staff.

Plans for the project are provided in the Commission packets for reference.

## **Background**

- The proposed restaurant will be constructed on the site of the former Goodyear Auto Center. The building was demolished in mid 2018 as part of the Broadway building demolition project. The site has been graded pursuant to the overall grading plan for construction of the theater and adjoining restaurant tenant spaces at the former Broadway site.
- Lazy Dog Restaurant is a nationally recognized sit-down restaurant originally founded in Huntington Beach, California, in 2003. Today, there are 33 restaurants nationwide. Lazy Dog Restaurants are known for its fresh menu selection and the outdoor dining patio that accommodates pet dogs. Nearby Lazy Dog Restaurants are located in West Covina, Rancho Cucamonga, Chino Hills, and Brea.

- Section 11.42.040.A of the Montclair Municipal Code and the North Montclair Specific Plan requires approval of a CUP for the on-premises sale of beer, wine, and distilled spirits in conjunction with a bona fide eating establishment. Further, a CUP is required for activities in the C-3 Commercial zoning district that take place outside of the building, such as outdoor dining.

### **Planning Division Comments**

Staff is supportive of Lazy Dog Restaurant's request to construct a restaurant in the City. The reuse of the site is excellent utilization of the property. The project meets all applicable development criteria for the C-3 General Commercial zoning designation of the North Montclair Specific Plan, including parking.

The building design is a straightforward Lazy Dog Restaurant design. The proposed materials, colors, and design elements result in an attractive and well-designed building. The development satisfies the parking requirements for a restaurant use as the parking field south of the building will be available for the restaurant and bar.

The proposed Lazy Dog Restaurant is a favorite dining spot for all ages. Customers with dogs, in particular, are big fans of the restaurant chain because the outdoor patio accommodates dogs on leashes. A menu specifically designed for dogs is available. The outdoor patio is designed with a large fire pit in the middle of the patio with a number of Adirondack chairs encircling the fire pit. The fire pit creates an ambience conducive to relaxation and conversation. Staff believes the proposed restaurant will be a popular and lively addition to Montclair Place.

### **Beer, Wine, and Distilled Spirits Service**

The ability to serve alcoholic beverages in conjunction with meals served at the site is appropriate and in keeping with current restaurant trends. As with a Type 47 License, the establishment must operate and maintain the licensed premises as a bona fide eating place. Staff has patronized the restaurant chain in Rancho Cucamonga which offers an identical menu, offers on-premises beer, wine, and distilled spirits and is satisfied they can manage their business in a satisfactory manner. As such, no significant adverse impacts are expected with the approval of the requested ABC License.

The Police Department reviewed the proposed application and did not object to the proposal to allow the sale of beer, wine, and distilled spirits in conjunction with the restaurant. The Police Department provided conditions of approval that include the requirement for video surveillance of the premises, which is consistent with recent City approvals allowing on-premises sale and service of alcoholic beverages for restaurant uses.

## Outdoor Dining Patio

Staff supports the creation of the outdoor dining patio on the south side of the building. The area will be appropriately separated from the parking area and will provide the security measures needed to meet ABC requirements for outdoor service and consumption of alcoholic beverages authorized by the Type 47 License. The outdoor dining patio is anticipated to be a popular dining option particularly during periods of good weather; however, ceiling-mounted heaters, along with a centrally located fire pit, will be installed making patio dining a year-round option.

## Conditional Use Permit Findings

Staff believes the necessary findings for granting the CUP for on-sale beer, wine, and distilled spirits and outdoor patio dining can be made, as follows:

- A. The proposed on-premises sale of beer, wine, and distilled spirits (ABC Type 47 License) in conjunction with the full menu and food service provided within a bona fide eating establishment (restaurant) and the proposed 1,572-square-foot outdoor dining area is essential or desirable to the public convenience and public welfare, in that the option to purchase and consume beer, wine, or distilled spirits with meals provides the general public of legal drinking age additional eating and seating options within the community. Such availability of alcoholic beverages with meals, inside the restaurant or on the outdoor patio, is common among other restaurants in the vicinity.
- B. The granting of the CUP for the proposed restaurant with on-premises sale of beer wine, and distilled spirits and outdoor dining, will not be materially detrimental to the public welfare and to other property in the vicinity, in that the proposed use will be located in a newly constructed restaurant building and enclosed outdoor patio area with adequate parking, security, lighting, etc. Moreover, the proposed restaurant use is compatible with existing C-3 Commercial zoning designation of the site, surrounding development of commercial uses, and will not negatively impact any sensitive land uses in the surrounding area.
- C. That the proposed on-premises sale of beer, wine, and distilled spirits in conjunction with a bona fide eating establishment and associated outdoor dining area on the subject site conforms to good zoning practice, in that the Municipal Code permits the aforementioned use in the C-3 Commercial zoning district of the North Montclair Specific Plan, subject to CUP approval. The CUP allows the City to place reasonable conditions to govern the overall operation of the use, including the sale of beer, wine, and distilled spirits within the indoor and outdoor dining areas so that these aspects of the new restaurant use do not detract from the general quality of the surrounding area.

- D. That such use in such location is not contrary to the objective of any part of the adopted General Plan, in that the adopted Montclair General Plan encourages a wide range of retail and service uses within the retail commercial area, including restaurant uses with outdoor patio dining.

### **Department of Alcoholic Beverage Control (ABC) Finding**

The project site is located within Census Tract Number 2.01, which allows up to three (3) on-sale ABC licenses. According to ABC records, as of February 1, 2019, there are currently 20 on-sale licenses existing within the census tract, and therefore ABC requires a finding of public convenience or necessity in order to issue a new license. Type 47 licenses are dispersed throughout the census tract. City staff and the Police Department support this request for the on-premises sale of beer, wine, and distilled spirits in conjunction with the proposed restaurant as desirable to the public convenience and necessity. The sale of alcoholic beverages is not a major portion of the business but offers customers a choice, if desired. Moreover, the proposed restaurant is located within a regional shopping mall, which is the primary commercial area of the City where other restaurants are located and offer alcoholic beverages to customers. With this approval, there would be 14 Type 47 licenses in the subject census tract.

### **Public Notice and Comments from the Public**

This item was published as a public hearing in the Inland Valley Daily Bulletin newspaper on February 1, 2019, as prescribed by law for this discretionary land use entitlement. Public hearing notices were mailed to all property owners within 300 feet from the boundaries of the subject property. As of the date of the writing of this report, no inquiries regarding the project were received by staff.

### **Environmental Assessment**

The proposed on-sale of beer, wine, and distilled spirits in conjunction with a bona fide eating establishment with outdoor dining and related exterior building and site improvements is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the State CEQA Guidelines (Class 3—New Construction.)

### **Planning Division Recommendation**

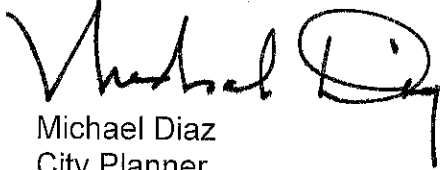
Staff recommends the Planning Commission take the following action(s):

- A. Move that, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA). Further, the project qualifies as a Class 3 exemption under State CEQA Guidelines Section 15303 because the new building will not exceed 10,000 square feet in floor area and will not involve the movement of significant amounts of hazardous substances,

and where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

- B. Move to approve Conditional Use Permit and Precise Plan of Design under Case No. 2018-29 approving the on-premises sale of beer, wine, and distilled spirits (ABC Type 47 license) in conjunction with a bona fide eating establishment, outdoor dining patio and related site and tenant improvements at 5200 Montclair Plaza Lane per the submitted plans and as described in the staff report, subject to the conditions of approval in attached Resolution 19-1926.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Diaz", with a stylized circular flourish to the right.

Michael Diaz  
City Planner

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**RESOLUTION NUMBER 19-1926**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT AND PRECISE PLAN OF DESIGN UNDER CASE NO. 2018-29 TO ALLOW THE ON-PREMISES SALE OF BEER, WINE, AND DISTILLED SPIRITS (ABC TYPE 47 LICENSE) IN CONJUNCTION WITH CONSTRUCTION OF A NEW BONA FIDE EATING ESTABLISHMENT AND OUTDOOR DINING AREA AT 5200 NORTH PLAZA LANE, IN THE C-3 GENERAL COMMERCIAL ZONING DISTRICT WITHIN THE NORTH MONTCLAIR SPECIFIC PLAN (APN 1008-191-04 & 1008-191-01)**

A. Recitals.

**WHEREAS**, on December 3, 2018, 5060 Montclair Plaza Lane Owner, LLC, property owner, filed an application for a Conditional Use Permit (CUP) and Precise Plan of Design requesting approval to construct a new restaurant offering on-premises beer, wine, and distilled spirits (ABC Type 47 license) in conjunction with meals, and construction of a covered outdoor dining area; and

**WHEREAS**, application applies to a 0.25-acre site zoned C-3 General Commercial" pursuant to the North Montclair Specific Plan, and

**WHEREAS**, the former Goodyear Auto Center was demolished in mid-2018 as part of the overall demolition of the Broadway building ; and

**WHEREAS**, as part of the overall demolition plan of the Broadway and Goodyear Auto Center buildings, the site has been graded and a restaurant pad has been prepared; and

**WHEREAS**, the North Montclair Specific Plan and Chapter 11.42.040.A of the Montclair Municipal Code requires a CUP for on-sale beer, wine, and distilled spirits in conjunction with a bona fide eating establishment (restaurant), including the service of alcoholic beverages in outdoor dining areas; and

**WHEREAS**, staff has determined the proposed on-premises sale of beer, wine, and distilled spirits in conjunction with a bona fide eating establishment with outdoor dining meets the intent and requirements of the ordinance for such use and the applicable development standards of the C-3 Commercial zoning district of the North Montclair Specific Plan and Chapter 11.42 MMC ("Alcoholic Beverages – Regulation of Sale"); and

**WHEREAS**, the Planning Commission has reviewed the Planning Division's determination that the proposed on premises sale of beer, wine, and distilled spirits (ABC Type 47 license) in conjunction with a bona fide eating establishment with outdoor dining, and related exterior building and site improvements is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the State CEQA Guidelines and based on its own independent judgment, concurs with staff's determination of said exemption and finding of no significant effect on the environment. The project qualifies the size of the building is less than 10,000 square feet and does not generate significant amounts of hazardous substances and all necessary public services and facilities are available; 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**, on February 11, 2019, commencing at 7:00 p.m. in the Council Chambers at Montclair City Hall, the Planning Commission conducted a meeting at which time all persons wishing to testify in connection with said project were heard and said proposal 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 substantial evidence presented to this Commission during the above-referenced public hearing on February 11, 2019, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:

A. The proposed on-premises sale of beer, wine, and distilled spirits (ABC Type 47 License) in conjunction with the full menu and food service provided within a bona fide eating establishment (restaurant) and the proposed 1,572-square-foot outdoor dining area is essential or desirable to the public convenience and public welfare, in that the option to purchase and consume beer, wine, or distilled spirits with meals provides the general public of legal drinking age additional eating and seating options within the community. Such availability of alcoholic beverages with meals, inside the restaurant or on the outdoor patio, is common among other restaurants in the vicinity.

B. The granting of the CUP for the proposed restaurant with on-premises sale of beer wine, and distilled spirits and outdoor dining, will not be materially detrimental to the public welfare and to other property in the vicinity, in that the proposed use will be located in a newly constructed restaurant building and

enclosed outdoor patio area with adequate parking, security, lighting, etc. Moreover, the proposed restaurant use is compatible with existing C-3 Commercial zoning designation of the site, surrounding development of commercial uses, and will not negatively impact any sensitive land uses in the surrounding area.

C. That the proposed on-premises sale of beer, wine, and distilled spirits in conjunction with a bona fide eating establishment and associated outdoor dining area on the subject site conforms to good zoning practice, in that the Municipal Code permits the aforementioned use in the C-3 Commercial zoning district of the North Montclair Specific Plan, subject to CUP approval. The CUP allows the City to place reasonable conditions to govern the overall operation of the use, including the sale of beer, wine, and distilled spirits within the indoor and outdoor dining areas so that these aspects of the new restaurant use do not detract from the general quality of the surrounding area.

D. The Planning Commission finds the proposed on-premises of beer, wine, and distilled spirits (ABC Type 47 license) in conjunction with the bona fide eating establishment desirable to the public convenience and necessity. The sale of alcoholic beverages is not a major portion of the business but offers customers a choice if desired. Moreover, the proposed restaurant is located within a regional shopping mall, which is the primary commercial area of the City where other restaurants are located and offer alcoholic beverages to customers. With this approval, there would be 14 Type 47 licenses in the subject census tract. Conditions of approval have been included that would ensure that the safety and general welfare of the surrounding area would be maintained.

C. Conditions of Approval.

Based upon the findings and conclusions set forth in the paragraphs above, this Commission hereby approves the application subject to each and every condition set forth below.

Planning Division

1. This Conditional Use Permit (CUP) approval is hereby granted to allow the following at 5200 North Montclair Plaza Lane:
  - a. A Type 47 ABC License authorizing the on-premises sale of beer, wine, and distilled spirits in conjunction with a bona fide eating establishment in a newly constructed 8,425 square foot restaurant; and
  - b. The construction of a 1,527-square foot covered outdoor dining area with a maximum of 56 seats enclosed with a four-foot high wall on the south side of the subject site.

2. This approval shall supersede all previously approved land use entitlements for projects on the subject property.
3. This CUP approval shall be valid for a period of six months (180 calendar days) 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 to apply 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. This PPD approval shall be valid for a period of one year from the date of Planning Commission approval and shall automatically expire on the one year 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 to apply 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 PPD expiration date.
5. In establishing and conducting the subject use, the applicant shall at all times comply with any and all laws, ordinances and regulations of the City of Montclair, the County of San Bernardino, and the State of California. Approval of this CUP and PPD shall not waive compliance with any such requirements.
6. This decision or any aspect of this decision 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.
7. 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 **\$50.00**, payable to "Clerk of the Board of Supervisors," to cover the fee for filing a Notice of Exemption for the project as required by the California Environmental Quality Act (CEQA).
  - b. A check in the amount of **\$467.00**, made payable to "City of Montclair," to cover the actual cost of publishing a Notice of Public Hearing in a newspaper of general circulation (Inland Valley Daily Bulletin) as required by state law.

8. The overall design theme approved for the construction of the new restaurant building shall be as illustrated and noted on approved design plans submitted on December 3, 2018, on file with the Planning Division, and as described in the prepared staff report. No changes to the approved set of plans, including the exterior design and materials/finishes, shall be permitted without prior City review and approval. Any modification, intensification, or expansion of the use and design plan beyond that which is specifically approved with this PPD and CUP shall require review and approval by the Planning Commission.
9. Restaurant hours shall be limited to 11:00 a.m. through 1:00 a.m. seven days a week. The applicant may close the restaurant earlier than the hours stated herein. Any extension of the restaurant hours beyond the limits stated herein shall require written notification to the Planning Division and is subject to City approval.
10. Any substantial changes to the operation, increase in the floor area of the existing building or approved outdoor dining area shall require prior City approval.
11. The approved restaurant shall be operated, maintained and open to the general public as a full service (bona fide) eating establishment, serving meals at all times that beer, wine, and distilled spirits are offered for sale and consumption on the premises.
12. No alcoholic beverages shall be consumed outside the enclosed building, except within the approved 1,527 square-foot outdoor area , which has been designed with a short wall to provide adequate separation from direct public access.
13. Any discontinuation or substantial changes to the full service restaurant without City approval shall be a violation of this CUP and may be cause for revocation. Upon transfer, sale or re-assignment of the restaurant to another individual or entity, the applicant shall make full disclosure of the CUP requirements and restrictions to future buyers, transferees or assignees.
14. The Type 47 ABC license (on-premises sale of beer wine, and distilled spirits) may be modified or revoked for failure to abide by the conditions of this approval or in the event the use is determined to be a nuisance to surrounding properties, businesses, or the community at large.
15. At no time shall the premises be converted into other uses where minors are generally excluded, such as a bar with no bona fide restaurant component, entertainment venue, night club, dance hall, or banquet hall operated by either the restaurant owner or outside vendors or promoters.

16. The applicant and property owner 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.
17. The applicant and/or property owner 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 construction phase of the project.
18. Prior to the commencement of business activities, the business owner shall apply for and obtain a City of Montclair Business License, and shall maintain a valid City business license at all times. Should such licensing be denied, expire or lapse at any time in the future, this permit shall become considered a violation of this condition and the use shall be subject to revocation proceedings.
19. 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 City Planner.
  - c. Alcoholic beverages shall not be allowed to be consumed outside of the permitted premises, which shall consist of the demised lease space described herein as permitted by the Planning Commission. Applicant shall post notification of this limitation within plain view of employees and customers.
  - d. The exterior appearance of the premises shall be maintained in a manner consistent with the exterior appearance of commercial properties already constructed within the immediate area so as to not cause blight or deterioration, or to substantially diminish or impair property values within the neighborhood.
  - e. The permittee shall comply with all California Department of Alcohol Beverage Control statutes, rules and regulations relating to the sale, purchase, display, possession and consumption of alcoholic beverages.
  - f. The permittee shall acknowledge and agree the City has a legitimate and compelling governmental interest in 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 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.
20. During all hours of business operation, the permittee 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. Failure to comply with any or all of the conditions of approval shall be deemed sufficient grounds to initiate revocation proceedings regarding the Conditional Use Permit approval.
  21. Outdoor patio exits must be gated and closed at all times.
  22. The on-site manager shall take whatever steps are deemed necessary to assure the orderly conduct of employees, patrons, and visitors on the premises.
  23. Prior to the issuance of building permits for the project, the property owner or applicant shall provide on plans submitted for Building Division Plan Check the following items to the satisfaction of the City Planner:

- a. Provide catalog cuts and indicate on plans proposed exterior tables and chairs, umbrellas, trash receptacles, etc., for City Planner review and approval. All patio furniture and umbrellas shall be made of high quality, durable materials. No plastic furniture shall be allowed. All patio furniture shall be properly maintained with any damaged items being promptly repaired or replaced within 72 hours.
  - b. Provide catalog cut outs for all building mounted light fixtures for City Planner approval.
    - i. All exterior wall-mounted lighting fixtures shall be vandal-resistant and of a design that complements the architecture of the building. Freestanding parking lot luminaires shall match the style and color of freestanding light fixtures utilized for the adjacent parking lot.
    - ii. No roof-mounted light fixtures shall be allowed.
    - iii. The use of wall packs, barnlighters, or other similar unshielded luminaires on the property shall be prohibited.
    - iv. Soffit lights on the exterior of the building, including under drive-thru canopies, shall be flush-mounted with the surface to which they are attached.
24. No exterior security bars and roll-up doors shall be installed on windows and pedestrian building entrances.
25. All landscaping disturbed during construction shall be replanted subject to the approval of the City Planner. .
26. No outdoor storage of used fats, oils, or grease (FOG) shall be allowed in trash enclosures.
27. No live entertainment activities are included with this approval. It shall be the responsibility of the business owner to submit an application for an Entertainment Permit pursuant to the Montclair Municipal Code. Entertainment Permits shall be reviewed and approved by the Montclair Police Department.
28. No window signs either inside or outside, or signs placed inside the business directed toward the outside shall advertise the availability of beer, wine, or distilled spirits.
29. No outdoor display areas for merchandise are allowed at any time.



30. All graffiti and vandalism and/or damage to the subject site and/or structure shall be removed or repaired within 72 hours of notice from the City.
31. Outdoor amplified sound shall be allowed in the outdoor patio and shall comply with the City's Noise Ordinance.
32. On-site electronic arcade and amusement games shall be prohibited.
33. All rooftop or roof-mounted equipment shall be fully screened from view to the satisfaction of the City Planner.
34. All satellite dish antennas, microwave receivers and transmitters, and other forms of communication equipment shall be located in a manner in accordance with the provisions of Chapter 11.46 of the Montclair Municipal Code.
35. Mechanical equipment including, but not limited to, utility meters, air conditioners, kitchen vents or hoods, repair equipment, etc., shall be located within the building or screened in a manner that is compatible with the architectural design of the building to the satisfaction of the City Planner. Wooden lattice or fence-like screens/covers are not appropriate within the context of a commercial development and are therefore not allowed.
36. No surface-mounted exposed conduit or electrical lines shall be allowed. Electrical switchgear, meters, etc. must be screened or housed in an enclosure, to the extent allowed by the utilities.
37. No exterior public telephones, vending machines, children's rides or other coin-operated machines shall be located on the site.
38. At no time shall any storage occur in the area outside the rear exit of the tenant space, including shelving, boxes, supplies, etc., as said area is a designated emergency exit path for the subject building.
39. Prior to the installation of any signs, the applicant shall submit an application for a Sign Permit and set of plans to the Planning Division for review and approval. The set of plans shall be drawn to scale, and include all proposed building mounted signs, directional signs, and wall mounted/freestanding menu boards intended for the drive-thru lane. The plans shall also comply with the following standards:
  - a. All wall signs shall utilize individual channel letters.

- b. Exposed raceways shall be prohibited for all building-mounted and freestanding signs.
  - c. The smaller copy: **EAT. DRINK.** Shall be installed on a solid background with routed out letters backed with colored plexiglass and internally illuminated.
40. 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 the purpose of announcing the grand opening or advertising promotions shall require a banner permit from the Planning Division prior to 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.
41. All signs shall be maintained at all times, in good appearance and operating condition. Exposed surfaces shall be cleaned and painted as necessary. Broken and defective parts shall be repaired or replaced.
42. A copy of the CUP approval letter and resolution with all conditions of approval related to the application shall be conspicuously posted alongside the establishment's Business License and Certificate of Occupancy and shall be made available to law enforcement officers, Code Enforcement officers, and/or fire and building inspectors in the course of conducting inspections of said premises.
43. To ensure compliance with the conditions of the approval, a final inspection is required from the Building and Planning Divisions upon completion of construction and all improvements. The applicant shall contact the City to schedule an appointment for such inspections.
44. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative, or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set

aside, void or annul, the any action of, or permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities, thereof (including actions approved by the voters of City), for or concerning the project, whether such actions, are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any action brought and City shall cooperate with the applicant in the defense of the Action.

#### Building Division

45. 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 diagram, fixture units, gas piping, and heating and air conditioning.
  - f. Provide an existing plan of the building including all walls to be demolished.
  - g. Waste recycling plan, recycling 65 percent of all construction debris.
46. Submit two sets of structural calculations, if required, and two sets of energy conservation calculations.
47. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
48. 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 submitted plans.
49. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.

50. Separate permits are required for fire sprinklers, fire alarms, signage, fencing and/or walls. Submit details of construction on the plans. Double wall conditions which have been created by an adjacent property line wall not be allowed.
51. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number.
52. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
53. Prior to issuance of building permits for a new commercial or industrial development project or major addition, the applicant shall pay development fees at the established rate. Such fees may include but are not limited to: Transportation Development Fee, Permit and Plan Check Fees, School Fees. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District. Applicant shall provide a copy of the school fees receipt to the Building and Safety Division prior to permits issuance.
54. 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.
55. All utility services to the project shall be installed underground.
56. Electrical and fire suppression service shall rise within the interior of the building(s). Roof ladders shall also be located entirely inside the building.
57. 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 work that is straight, level, plumb, square, etc., 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.
58. Provide and clearly indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way and all required disabled-accessible parking lot signs. Sidewalks, paths-of-travel, and curb cuts shall comply with the requirements of the California Building Code, Title 24. The maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%). The restaurant shall have an accessible path of travel connecting to the mall entrance.

59. Construction drawings submitted to the building division for plan review shall comply with the Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
- a. Install a numerical address on the east building elevation. Address numerals shall be in a font acceptable to the Planning Division, a minimum of ten inches in height, a minimum of 1 ½ inches in depth, and be in contrasting color which adequately contrast to the background to which they are attached.
  - b. Provide and maintain a minimum illumination level of one (1) foot-candle from dusk until dawn everyday.
  - c. Install an approved emergency lighting to provide adequate illumination automatically in the event of an interruption of electrical service.
60. 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.
61. Decorative foam trim shall not be used in areas subject to damage such as entry doors, garage doors, etc. Use of decorative foam shall not be allowed to be used below the second story.
62. Each building shall have individual and independent fire protection in accordance with the California Building Codes. Each building shall have independent utility meters, sewer, water connections and fire protection systems, subject to the review and approval of the Public Works, Community Development and Fire Departments.
63. 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.
64. All roof-mounted equipment, satellite dish antennas, and other similar apparatus shall be screened from public view in a manner incorporated into the architectural design of the building to the satisfaction of the Planning Division.

65. No soil shall be imported or exported to or from the project site from an adjacent building site or from other sources for construction purposes without first obtaining approval from the City Engineer. A plan satisfactory to the City Engineer shall be prepared showing the proposed haul route within the City. Subject plan shall include provisions for street sweeping and cleanup. Applicant/contractor shall comply with all NPDES requirements.
66. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.
67. All off-site and on-site trenching and excavation shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.
68. Prior to issuance of a Certificate of Occupancy, the person or corporation responsible for the preparation of the Water Quality Management Plan shall certify, in writing, to the Building Official that all conditions and requirements of the Water Quality Management Plan have been implemented or complied with. For projects, developments, or properties intended to be leased or sold, developer shall also submit evidence to the Building Official that lessee or purchaser has been advised in writing of lessee's or purchaser's on-going maintenance responsibilities with respect to the requirements of the Water Quality Management Plan.
69. Prior to the issuance of the Certificate of Occupancy a Final Grade Certificate shall be provided to the Building Official issued from the Registered Civil Engineer of Record that all on-site improvements have been constructed in accordance with all City Standards, Specifications, Conditions of Approval and approved plans.
70. A certificate of Occupancy is required prior to the occupancy of the building. Issuance of the Certificate of Occupancy shall be contingent upon the Fire Department inspection and the final approvals from all other departments and/or agencies.
71. Temporary construction and storage trailers placed on the property shall first obtain approval from the Planning and Building Divisions. If any trailers will include uses for public access, handicap accessibility requirements shall apply. Before any trailer is set in its location, obtain all permits from the building division. Plans and structural calculations will be required for the tie-down devices. Trailers used for public use (and not used for construction only) are required to be handicapped accessible. The trailer will requires access to the facility by way of ramps which comply with the California Building Code (CBC) 2016 edition, Chapter 11B, in addition to access to each feature of the trailer.

72. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.
73. Above-grade concrete support pedestals for all proposed freestanding light poles throughout the project site shall be finished to be consistent with that used on the main building.
74. The applicant and/or property owner shall be responsible for maintaining the building's signs, lighting, landscaping, and all improvements in good working order at all times. Any accumulation of trash, weeds, or debris on the property shall be removed immediately so as not to present a public nuisance. Graffiti on the building or associated improvements shall be removed immediately by the applicant/property owner upon notification by the City.

Environmental/Engineering

75. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
76. A Wastewater Discharge Survey must be completed and submitted to the Environmental Manager for review and approval prior to Plan submittal for each tenant that has a food/beverage use. The Environmental Manager shall determine the appropriate grease interceptor capacity for the designated use. Contact Nicole deMoet, Environmental Manager (909) 625-9446 for more information.
77. Regional Sewerage Supplemental Capital Outlay fees are required in accordance with Section 9.20.440 of the Montclair Municipal Code and the Inland Empire Utilities Agency (IEUA). Contact Nicole deMoet for fee information.
78. The applicant shall contact Nicole deMoet, Environmental Manager at (909) 625-9446 and provide 72 hours notice in advance to schedule all inspections. The Environmental Manager shall be given access to complete inspections for the interior and exterior rough plumbing, grease interceptor rough plumbing, and the grease interceptor rings and covers to grade prior to the issuance of a Certificate of Occupancy.
79. A pressurized waste fry-oil removal system must be installed. Notation and schematics of the system must be provided in the plans for review and approval by the Environmental Manager. No barrels for grease or waste oil shall be stored outside of buildings at any time, including within

the trash enclosures. All business activities pertaining to meal/food preparation shall occur within the kitchen area of the buildings.

80. 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 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. For additional information, contact Environmental Manager, Nicole deMoet at (909) 625-9446.
81. Payment of transportation-related development impact fees. Fees shall be assessed at the rate in effect at the time the fees are paid.
82. Any street improvements shall be shown on street improvement plans, they may also be included in the grading plans.
83. All pavement damaged by excavation will be replaced with permanent pavement per the City Standard for paving and trench repair STD No. 121.
84. Replace all existing lifted or cracked curb gutter, damaged utility pull box lids, and sidewalk adjacent to the property. Additionally remove sidewalk that shows signs of ponding or is pitting, scaling or spalling. Curb Ramps not in compliance with ADA guidelines will be removed and replaced.
85. Payment of Regional Sewerage Capital Outlay fees as specified in the Montclair Municipal Code and by Inland Empire Utilities Agency.
86. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.
87. Approval of the WQMP is required prior to the preparation of grading and/or other improvement plans. Requirements for the WQMP may be obtained from the City NPDES Coordinator Joseph Rosales at 909-625-9470. Requirements of the WQMP may require significant modifications to the approved tentative map. If significant modifications are required, a resubmittal to the Planning Commission and City Council may be required.
88. A grading plan shall be prepared subject to the approval of the City Engineer. An erosion control plan is to be included and considered an integral part of the grading plan. Grading plans shall be designed in accordance with City standards and guidelines, and shall be on 24" by 36" sheets.



89. No soil may be imported or exported to or from the project site from any adjacent building site or from other sources for construction purposes without first obtaining approval from the City Engineer. A plan acceptable to the City Engineer shall be prepared showing proposed haul routes within the City. The plan shall include provisions for street sweeping and cleanup. Contractor(s) shall comply with all National Pollutant Discharge Elimination System (NPDES) requirements.
90. All drainage facilities shall comply with requirements of the approved WQMP.
91. All off site and on site trenching and excavation shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.
92. Underground Service Alert shall be notified at least 48 hours prior to any excavation. Contact Underground Service Alert at 800-422-4133.

Police Department

93. 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.
94. 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. The purpose of this review shall be to 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 of conditions, modifications or revocation.
95. 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.
96. Premises falling within the regulations of the State Alcoholic Beverage Control Board (ABC) shall remain consistent with plans submitted for review by the Planning Commission. No changes to the floor plans will

occur unless a permit is issued by the Community Development Department, unless otherwise agreed upon in advance through the Community Development Department.

97. 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.
98. 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.
99. The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot.
100. 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 as to allow for 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 which 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 1920×1080 pixels, otherwise known as 1080p. IR (night-vision) is preferred, however cameras shall at minimum be capable of low-light operation.

Audio recording is desirable, but not a requirement. Camera footage shall be retained for a period no less than 90 days. To conserve storage space, cameras may reduce frame-rate when no motion is detected, however must record at no less than 30 frames per second when motion is detected. 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.

101. Alarm systems are encouraged to compliment the CCVS system. Current responsible party information shall be on file with the Police Department for appropriate response and notifications.

Fire Department

102. This is a general plan review only and is to determine if this project should be allowed to move forward to the City Development Review and/or the Fire Department plan check phase. Additional requirements may be necessary to comply with all applicable codes and will be determined during the Fire Department plan check process. The Fire Department requires two sets of plans be submitted with an application and all fees pre-paid.
103. Permits are required for the plan review and inspection of fire detection, fire sprinkler, hood and duct, and occupancy plan reviews. Fees shall be collected by the fire department at the time an application for permit is filed (CFC 2013 105.3.8).
104. When submitting plans Provide 3 Complete architectural, structural, Fire Alarm and Fire Sprinkler plans, including all specifications, shall be submitted to the fire department for review prior to the issuance of any building permits. These plans and specifications shall include, but are not limited to, construction type, exits, fire protection equipment, building protection, and interior finish. The developer is responsible for, and shall apply for and receive, all Fire Prevention Bureau permits, paying all necessary fees prior to beginning construction.  
(2016 CFC 105.4.1)
105. Construction documents and calculations for all fire protection systems and permits are required for the installation, rehabilitation or modification of any fire protection system. Construction documents for fire protection systems shall be submitted for review and approval prior to system installation. (2013 CFC 105.4.2.1 and Chapter 9)
106. Each page shall bear the contractor's license number, including expiration date, wet stamp and signature of the contractor licensee on each plan  
(California Business & Professions Code Sec. 7031.5).
107. Provide an accurate description of the scope of work for the project.
108. Show all exterior and interior building dimensions on the plans.
109. Plan check application. The plan check application can be found on the City of Montclair web site: <http://www.cityofmontclair.org> and clicking on following Departments, Fire, Fire Prevention, Plan check and permit process.
110. This project is required to comply with the 2016 California Fire Code as amended in the Montclair Municipal Code, and Montclair Fire Prevention Bureau development standards.

111. All fees are required to be paid in full prior to any permit issuance.
112. Fire apparatus access roads shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility (2016 CFC 503.1.1).

Exception: Dimension may be increased if the building is equipped throughout with an approved automatic sprinkler system installed in accordance with 2016 CFC Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.

113. Fire apparatus roads shall have an unobstructed width of not less than 20 feet. (D103.6.1) and vertical clearance of not less than 13 feet 6 inches. Show all dimensions on the plans. (2016 CFC 503.2.1)
114. Provide a site plan using a 20-30-40- scale to show the turn radius for all corners, using a minimum 32 feet inside & 45 feet outside. (CFC 2016 503.2.4)
115. Provide fire apparatus turn-around dimensions (hammerhead, boot, or cul-de-sac) where fire apparatus access roads and driveways exceed 150 feet (2016 CFC 503.2.5)
116. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. (2016 CFC 503.2.3)
117. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. (2016 CFC 503.2.3)  
Traffic calming devices shall be prohibited unless approved by the fire code official. (2016 CFC 503.4.1)

Fire apparatus access roads shall not exceed 10 percent in grade.  
Exception: Grades steeper than 10 percent with mitigating protection measures as approved by the fire code official.  
(CFC 2016 503.2.7)

The angles of approach and departure for any means of access shall not exceed the design limitations of the fire apparatus of the fire department, subject to the approval of the Fire Code Official. (CFC 2016 503.2.8)

118. A Knox Box is required and shall be of an approved type and shall contain Master keys to allow the fire department to gain necessary access (2016 CFC 506.1).
119. Exterior doors and openings shall be maintained readily accessible for emergency access by firefighters. An approved ramped access walkway leading from the fire apparatus road to exterior openings is required (2016 CFC 504.1).
120. Install parapet ladders and emblems. Locations to be determined by the Fire Prevention Bureau during plan check.
121. Commercial Address numbers must be 8-10" tall and automatically illuminated and facing the street. Contact Planning for further information. (CFC 2016 505.1)
122. Exact number, location, and type of fire extinguishers shall be determined by Fire Prevention Bureau.
123. Public Water Systems must meet all Monte Vista Water District standards. Contact the Monte Vista Water District at 909-624-0035
124. Exact number, location, and design of fire hydrants shall be determined by Fire Department and the Monte Vista Water District.
125. Private Water Systems must comply with the NFPA 24 standard and the 2016 California Fire Code. Must install a Fire Department Connection (FDC) located at the Double Detector Check Assembly (DCDA) / Outside Screw and Yoke valve (OS&Y) to act as a Fire Department Boost. The combination FDC shall be equipped with two 2 ½ -inch NST female swivel inlets and one 7-inch NST female swivel and the riser to this FDC must be at least 6 inches in diameter.
126. An approved water supply capable of providing the required fire flow for fire protection shall be provided (2016 CFC 508.1).
127. The minimum fire-flow and flow duration for buildings other than one- and two-family dwellings shall be as specified in 2016 CFC Appendix B, Table B105.1
128. Exception: A reduction in required fire flow of up to 50 percent, as approved, is allowed when the building is provided with an automatic sprinkler system installed in accordance with 2013 CFC Section 903.3.1.1, 903.3.1.2 or 903.3.1.3. The resulting fire flow shall not be less than 1,500 gallons per minute for the prescribed duration as specified in Table B105.1

129. Private fire service mains and appurtenances shall be installed in accordance with NFPA 24 (508.2.1). Submit plans to the fire department showing the fire water system detail.
130. FDC & PIV. Fire Department Connections (FDC) and Post Indicator Valves (PIV) locations to be determined by the fire department during plan check. Every sprinkler system shall have at least (1) fire department connection located within 50 feet of a fire hydrant. (MMC 10.28.060K(1).
131. The installation of check valves is required between fire hydrants and Fire Department Connections (FDC).
132. Show pipe size of the fire water system on the plans.
133. Provide a site plan showing on-site fire hydrants and mains shall be provided when the exterior of a facility or building is more than 300 feet from a fire hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building. (CFC 2016 508.5.1)
134. Provide a site plan showing all fire hydrants and distances to nearest fire hydrants in all directions along fire apparatus access roads.
135. Minimum underground fire service supply pipe shall be 6 inches in diameter. (MMC 10.28.060K(5))
136. Double Check Detector Assembly shall be painted Rustoleum Hunt Club Green, satin acrylic finish stock #7944502.
137. An approved automatic fire sprinkler system shall be provided throughout, as defined by the most current edition of NFPA 13, in all newly constructed buildings of any occupancy group. (CFC 2016 903.2). Three (3) sets of plans shall be submitted to the Montclair Fire Prevention Bureau for review and approval prior to starting work.
138. Trash enclosures shall be fully enclosed and shall have fire sprinklers installed should any one of the following conditions exist; the trash enclosure has a combustible roof covering, the trash enclosure contains two or more individual trash containers, or the trash enclosure is under or within 5 feet of combustible construction. (MMC 10.28.060) Three (3) sets of plans shall be submitted to the Montclair Fire Prevention Bureau for review and approval prior to starting work.

139. Any Outdoor detached facilities greater than 200 square feet is required to install an approved fire sprinkler system. (MMC 10.28.060 J(3))
140. Fire sprinkler system plans are required to be a separate plan submittal with a completed application and all fees pre-paid.
141. Commercial cooking equipment that produces grease laden vapors shall be provided with a Type 1 hood, in accordance with the California Mechanical Code. An automatic fire-extinguishing system that is listed and labeled for its intended use is also required. (2016 CFC 904.12)
142. The application, installation, performance and maintenance of fire alarm systems and their components in new and existing buildings and structures shall be in compliance with 2016 CFC Chapter 9 (2016 CFC 907.1). Fire alarm and detections system plans are required to be a separate plan submittal with a completed application and all fees pre-paid.
143. When automatic fire sprinkler systems or fire alarm systems are installed in buildings constructed for multiple tenants and these systems protect multiple tenant spaces, the main controls and control appurtenances, such as risers, fire alarm control panels, and valves for such systems, shall be located in an attached or included room or an approved weather resistant enclosure with at least one exterior access door of not less than 3'-0" by 6'-8".
144. 2016 CFC Chapter 33 conditions shall apply to this project during construction and demolition (2016 CFC 3301.1).
145. Develop and maintain an approved pre-fire plan in cooperation with the fire department (2016 CFC 3308.2).
146. An approved water supply for fire protection, either temporary or permanent, shall be made available prior to combustible materials arriving on-site. The water supply, including mains and hydrants, shall be acceptably tested, painted, and approved by the Monte Vista Water District and Fire Prevention Bureau prior to the issuance of permits (2016 CFC 3312.1).
147. Fire Apparatus access road and water supply must be inspected and approved by the Montclair Fire Department prior to lumber being dropped at the project site. The Fire Apparatus access road shall be 2" thick, 20' wide (minimum) paved asphalt road through-out the project. (CFC 2016 503.2.3)

148. Access for firefighting. Approved vehicle access firefighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 100 feet of temporary or permanent fire department connections. Vehicle access shall be provided by temporary or permanent roads, capable of supporting imposed loads of fire apparatus under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available (2016 CFC 3310.1).
149. Fire apparatus roads shall not be obstructed in any manner, including the parking of vehicles (CFC 2016 503.4).
150. Buildings and structures under construction shall post temporary 8-10" inch address signs meeting fire department standards and at locations determined by the Fire Code Official (CFC 2016 505.1.2).
151. Welding, cutting, open torches and other hot work operations and equipment shall comply with 2016 CFC Section 2601.1.
152. Provide a readily accessible telephone on-site for emergency use. The street address of the construction site. The emergency telephone number of the fire department dispatch center at 911 for emergencies and (909) 884-7248 for non-emergencies, shall be posted adjacent to the telephone (2016 CFC 3309.1).
153. Structures under construction, alterations or demolition shall be provided with not less than one approved portable fire extinguisher (2016 CFC 3315.1).
154. KNOX boxes are required and shall be of an approved type and shall contain keys to gain necessary access as required by the Fire Code Official (2016 CFC 1410.2 & 506).



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

APPROVED AND ADOPTED THIS 11TH DAY OF FEBRUARY, 2019

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: \_\_\_\_\_  
Luis Flores , Vice 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 11th day of December, 2019, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\GSC\CASES\2018-29 PC RESO-GUP