



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

REGULAR ADJOURNED MEETING  
Monday, May 13, 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**

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

**4. APPROVAL OF MINUTES**

No minutes were prepared and/or 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 2019-4  
Project Address: SEC Holt Blvd and Monte Vista Ave  
Project Applicant: 4 the Dogs 2, LLC  
Project Planner: Silvia Gutierrez, Associate Planner  
Request: Conditional Use Permit and Precise Plan of Design to establish an automated, unmanned self-serve gas station

## **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**

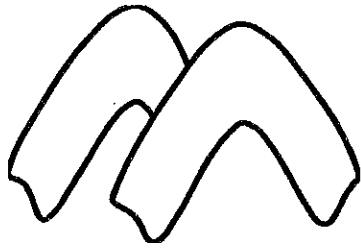
The City of Montclair Planning Commission meeting is adjourned to the regularly scheduled meeting of May 28, 2019 at 7:00 p.m. in the Council Chambers, 5111 Benito Street, Montclair, California.

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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 May 10, 2019.



CITY OF MONTCLAIR  
**PLANNING COMMISSION**

**MEETING DATE: 5/13/19**

**AGENDA ITEM 6.a**

**Case No. 2019-4**

**Application:** A request for a Conditional Use Permit (CUP) and Precise Plan of Design (PPD) to establish an automated, unmanned self-serve gas station, and allow the construction of a 2,500-square-foot freestanding canopy to accommodate four fuel dispensers and a new 67- square-foot equipment room. The PPD is for site improvements, including new landscaping.

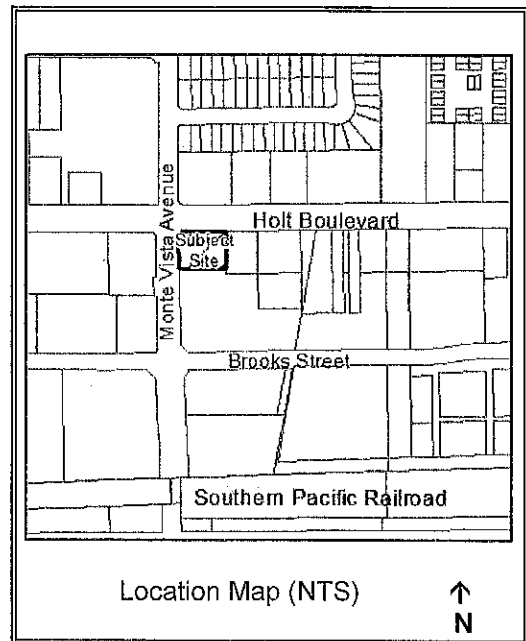
**Project Location:** Southeast corner of Holt Blvd and Monte Vista Avenue

**Property Owner:** 4 the Dogs 2, LLC

**General Plan:** General Commercial

**Zoning:** "Business Park" per the Holt Boulevard Specific Plan (HBSP)

**Assessor Parcel No.:** APN 1011-011-04-0000



Adjacent Land Use Designations and Existing Uses			
	<i>General Plan</i>	<i>Zoning</i>	<i>Existing Use of Property</i>
<b>Site</b>	Business Park	Business Park (BP) per HBSP	Vacant Lot
<b>North</b>	Commercial	Commercial (C) per HBSP	Gas Station undergoing remodel
<b>East</b>	Business Park	"Business Park" per HBSP	Warehouse Project under construction
<b>South</b>	Business Park	"Business Park" per HBSP	Warehouse Project under construction
<b>West</b>	Business Park	"Business Park" per HBSP	Kings Skate Shop Clothing Store

## Report on Item Number 6.a

### PUBLIC HEARING - CASE NUMBER 2019-4

APPLICATION TYPE(S)	Conditional Use Permit Precise Plan of Design
NAME OF APPLICANT	4 the Dogs 2, LLC
LOCATION OF PROPERTY	SEC Holt Boulevard and Monte Vista Avenue
GENERAL PLAN DESIGNATION	General Commercial
ZONING DESIGNATION	"Business Park" per Holt Boulevard Specific Plan
EXISTING LAND USE	Vacant
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15303)
PROJECT PLANNER	Silvia Gutiérrez

#### **Project Proposal**

The applicant proposes to construct and operate a new unmanned gas station fueling facility at the southeast corner of Holt Boulevard and Monte Vista Avenue. The new gas station facility will consist only of a canopy over fuel dispensers and does not include any convenience store or provide other services. Fuel service would be available all week, 24 hours a day. The expected operator is 76 Gas.

- Gas Station Canopy – 2,500-square-foot, flat roof metal canopy supported by four (4) metal columns covering four (4) dispenser islands and payment kiosks. The new canopy will be located near the center of the property to maximize vehicular circulation around the site. The canopy would be setback 45 feet from the north property line (Holt Boulevard) and 63 feet from the west property line (Monte Vista Avenue). Overall height of the canopy structure is 20 feet, which provides 17 feet of clear space underneath to allow adequate clearance for taller vehicles.

The proposed design of the canopy reflects 76 corporate design and features a flat roof design with minimal embellishments on the edges except for corporate colors and signs.

- Underground Fuel Storage – Three (3) underground fuel storage tanks will serve the gas facility. One underground storage tank is proposed for regular 87-octane fuel (15,000 gallon), one tank for 91-premium unleaded fuel (8,000 gallon), and one tank for diesel fuel (12,000 gallon). Modern dispensers are fed by a pump at the tank and any dispenser activates the pump.

- Gas Equipment Building and Trash Enclosure – A 67-square-foot metal building near the rear of the site is proposed to enclose fuel monitoring and telecommunication equipment. The trash enclosure for the project will be located near the east property line toward the back half of the site.

Primary access to the site would be from a new 35-foot wide entry off Holt Boulevard with a secondary 35-foot driveway access from Monte Vista Avenue. The driveway widths are intended to allow for easy access to and from the site by patrons and fuel delivery trucks. Three customer parking spaces (including one disabled-accessible parking space) are proposed for the site. A block wall, built in coordination with the adjacent property owner, will be located on the south and east property lines. Finally, a conceptual landscape and irrigation plan prepared by a California-licensed landscape architect for the site is included. The bulk of landscaping for the site is located in street setback planter areas, adjacent to both streets. The plan features the use of trees, drought tolerant shrubs, and groundcovers. No turf areas are proposed.

Operationally, the facility will be constantly monitored 24 hours a day/seven days a week by IT personnel. The IT personnel will at a remote site to monitor the activities at the station and assist customers whenever necessary. Unusual activities or problems detected at the station will be reported to the Police Department for assistance, as needed. A cleaning crew will conduct on-site maintenance daily, and security personnel will inspect pay point machines sound and operation. A landscape maintenance contractor will also visit the site weekly to maintain plant materials and hardscape elements.

Plans for the proposed project are included in the Commission packets for reference.

### **Background**

- The project site is approximately 0.61-acre in size and is located in the "Business Park" (BP) zoning district within the Holt Boulevard Specific Plan (HBSP). Gas station uses require the approval of a CUP pursuant to Chapter 11.78 of the Montclair Municipal Code.
- The property owner of record, 4 the Dogs 2, LLC, acquired the site in 2018. The company and its affiliate companies (i.e., Best For Less Montclair and Galaxy Oil) own and operate unmanned gas stations in Tustin, Norwalk, Corona, and two in the city of Placentia.
- The project site was previously developed with a retail store building in 1957 and underwent many changes over the years. The last known use of the building was a furniture store. In 2001, the building was demolished leaving the property vacant.

## Planning Division Comments

Although the concept of an unmanned fuel station is not new, they have been relatively rare until recently. A number of cities in recent years have approved unmanned fuel stations, and a similar unmanned fuel facility for truck and fleet vehicles at 4799 Arrow Highway (SC Fuels) has operated in the City since 2004. Staff is unaware of any reported significant issues associated with the unmanned fuel facility in the City.

Access to the site is appropriate, with driveway widths of sufficient size to allow for easy access to and from the site by patrons and fuel delivery trucks. A condition of approval has been included requiring a double yellow line traffic marking on Monte Vista Avenue to prohibit left turns by southbound vehicles in to the site from Monte Vista Avenue. The purpose for this requirement is to prevent bottlenecks caused by stopped vehicles. Vehicles exiting the Monte Vista Avenue driveway will be limited to right turns only

Concerning the proposed facility, the site is of adequate size and shape to support the proposal and the proposed site improvements, including parking and landscaping, are consistent with applicable City development standards, including required setbacks. More specifically, the project also complies with the applicable development standards of the "Business Park (BP)" zoning district of the Holt Boulevard Specific Plan, including setbacks, building height, and parking as generally described above. The canopy will be well below the maximum 40-foot height limit of the BP zone. As for parking, the Municipal Code does not contain specific parking standards for unmanned gas stations. However, the Municipal Code requires that dispensing-only service stations have a minimum of one parking space for each employee, plus two for air and water servicing. Since the facility will not involve any on-site employees, the three parking spaces proposed are therefore sufficient and, at a minimum, adequate for the company's site maintenance employees.

Although the station will only dispense fuel, a trash enclosure is required pursuant to the City's agreement with Burrtec Solid Waste. As such, the design of the trash enclosure will need to be of a size that meets Burrtec's standards and complement the design of the project. A condition of approval regarding the trash enclosure is included in the draft resolution of approval.

The landscaping for this project features the use of trees, drought tolerant shrubs, and groundcovers. Fruitless Olive Trees, "Water Melon Red" Crape Myrtle, Red Yucca, Silverberry, Kangaroo Paw, etc. Small rocks identified as boulders on the plans add the drought tolerant theme. Cat's Claw Vine will be trained on the inside face of the proposed walls to serve as a deterrent to graffiti.

Finally, the installation of a new block wall on the east and south property lines will adequately separate the site/use from the adjacent property. As a condition of approval, the applicant will be required to coordinate with, and share the cost of, the construction for the aforementioned wall with the adjoining property owner to ensure a uniform and

attractive appearance. As of the date of this report, the applicant has already begun discussions on this matter with the adjacent property owner.

### Operations

Staff believes the gas station will be a benefit to both customers and the public to provide an alternate fueling option in the area. City staff visited the city of Placentia to see the unmanned 76 Gas Station operated by the applicant to view its appearance and operation. As described above, the site will be constantly monitored to ensure the safe and efficient operation of the facility. According to the applicant, any unusual activity or event will be detected and acted upon quickly.

Regarding the hours of operation, staff is in general support if adequate security measures (i.e., surveillance cameras) are in place and operational at all times. To address this requirement, a number of conditions of approval are included in the draft resolution. For example, the Police Department requires the installation of security cameras on the gas station canopy to properly monitor and maintain the condition of the property. The requirement for surveillance may be coordinated with the applicant's system if it achieves the Police Department's security objectives using high-definition digital video cameras capable of retaining video records for a period of 90 days. A condition of approval has also been included requiring a photometric analysis be prepared to demonstrate compliance with the City of Montclair's security ordinance regarding illumination of the site. Conditions addressing the posting of signs indicating the expected code of conduct by customers using the facility, and ongoing property maintenance by the property owner are included.

Lastly, as a condition of approval, new streetlights will be required at the Holt Boulevard/Monte Vista Avenue intersection as part of this approval. The streetlights will greatly improve the illumination of the intersection and adjacent properties.

### Conditional Use Permit Findings

Staff believes the required findings for granting a Conditional Use Permit can be made to allow the unmanned fueling station facility in the "Business Park" zone within the Holt Boulevard Specific Plan as follows:

- A. The proposed CUP for the establishment of the unmanned gasoline station is essential and desirable to the public convenience and public welfare in that the property owner and proposed business operators have the resources and experience to properly implement and operate the subject business in a professional manner.
- B. That granting the CUP for the gasoline station use will not be materially detrimental to the public welfare and to other property in the vicinity in that when completed, the project will have an immediate and positive impact to the area and surrounding streetscape. Moreover, conditions of approval have been included ensure that the

unmanned gasoline station facility operates in an appropriate and safe manner. Moreover, the security and safety of the patrons would be maintained through the use of security cameras throughout the site (canopy, directed toward the pumps), site lighting, and sensors at the point of sale pump islands.

- C. That such use in such location conforms to good zoning practice, in that the proposed unmanned gasoline station is consistent with the types of uses permitted in the "Business Park" zoning district of the Holt Boulevard Specific Plan, subject to CUP approval. Moreover, the project complies with the applicable development standards of the "Business Park" zoning district, including setbacks, building height, and parking.
- 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 General Plan encourages orderly development with respect to adopted land use plans, and the continual improvement of the City as a place for attractive commercial uses while minimizing potential detrimental impacts on surrounding properties.

### **Precise Plan of Design Findings**

Pursuant to Chapter 11.80 of the Montclair Municipal Code, the following findings for the Precise Plan of Design are:

- A. The proposed site and building improvements are consistent with the applicable zoning standards and land uses allowed by the Business Park zoning district of the Holt Boulevard Specific Plan (HBSP).
- B. At 0.61 acres in area, the overall shape and size of the site is sufficient to accommodate the proposed site improvements and operation of the proposed gas station use.
- C. The proposed exterior design for the gas station canopy and ancillary equipment building is well done and up-to-date in appearance that is consistent with City standards. When the project is completed, this project will provide a much-needed visual boost to the image of the Holt Boulevard corridor.

### **Environmental Assessment**

The proposed establishment of an unmanned gas station and site improvements is deemed to be 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 or Conversion of Small Structures), which states that Class 3 exemptions consist of "A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area". The proposed canopy structure is 2,500 square feet in size and the site is an urbanized area.



## **Public Notice**

A public hearing notice was published in the Inland Valley Daily Bulletin newspaper on May 3, 2019. 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.

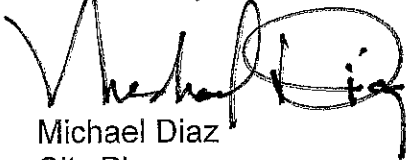
On May 6, 2019, officials from the Ontario-Montclair School District (OMSD) contacted staff regarding their concerns with the proposed gas station. Staff met with the OMSD officials on May 7, 2019. During the meeting, staff reviewed plans with OMSD officials who relayed their safety concerns for the students at Montera Elementary School and inquired into the kind of safety precautions that would be in place at the unmanned fuel facility. Staff indicated that although the site would be unmanned, it would be under constant video surveillance and all other fuel safety measures per State and Federal regulations will apply such as auto shut off pumps and a vapor recovery system. Per Montclair Fire Department regulations, the canopy and trash enclosure are required to have fire sprinklers, and the Deputy Fire Marshal will inspect the gas station at least once a year.

## **Planning Division Recommendation**

Staff recommends the Planning Commission take the following actions:

- A. Move that based upon evidence submitted the project is deemed 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 or Conversion of Small Structures).
- B. Approve the Conditional Use Permit and Precise Plan of Design request for the site plan, floor plan, elevations, colors, materials, conceptual landscape plan, as amended per conditions of approval contained in Resolution No. 19-1929.

Respectfully Submitted,



Michael Diaz  
City Planner

Attachment: Draft Resolution No. 19-1929

- c: Jim Caiopoulos, 4 the Dogs 2, LLC, 303 N. Placentia Avenue, #200, Fullerton, CA 92831  
Karl Huy, Travis Companies, 4430 E Miraloma Avenue Unit F Anaheim, CA 92804  
Bill Fox, 450 E. Foothill Blvd, Pomona, CA 91767

z:\COMMDEV\SGUTIERREZ\CASES\2019-4\SEC HOLT AND MONTE VISTA

**RESOLUTION NO. 19-1929**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT AND PRECISE PLAN OF DESIGN UNDER CASE NO. 2019-4 FOR THE SITE PLAN, FLOOR PLAN, ELEVATIONS, COLORS, MATERIALS, AND CONCEPTUAL LANDSCAPE PLAN ASSOCIATED WITH A REQUEST TO ESTABLISH AN UNMANNED GAS STATION USE IN THE "BUSINESS PARK" ZONING DISTRICT OF THE HOLT BOULEVARD SPECIFIC PLAN AT THE SOUTHEAST CORNER OF HOLT BOULEVARD AND MONTE VISITA AVENUE (APN 1011-011-04-0000)**

**WHEREAS**, on April 2, 2019, 4 the Dogs 2, LLC, property owner, filed an application for a Conditional Use Permit (CUP) and Precise Plan of Design (PPD) to establish an unmanned self-serve gas station at the subject property; and

**WHEREAS**, the proposed facility consists of a 2,500 square-foot freestanding canopy over four multi-product fuel dispensers, a trash enclosure, and an equipment structure; and

**WHEREAS**, the property owner acquired the property in 2018. The owner and its affiliated companies (i.e., Galaxy Oil ) own and operate similar gas stations in Tustin, Corona, Norwalk and Placentia; and

**WHEREAS**, the subject site is approximately 50,014 square feet in area (0.61-acre); and

**WHEREAS**, the project site is located in the "Business Park" zoning district within the Holt Boulevard Specific Plan (HBSP); and

**WHEREAS**, pursuant to the Montclair Municipal Code and the Holt Boulevard Specific Plan, gasoline stations require the approval of a CUP; and

**WHEREAS**, the PPD pertains to the site plan, floor plans, elevations, colors, materials, and conceptual landscape plan associated with the proposed site improvements for the unmanned gas station; and

**WHEREAS**, the subject development proposal is in compliance with the applicable development standards of the "Business Park" zoning district within the Holt Boulevard Specific Plan, including setbacks, building height, landscaping, and parking; and

**WHEREAS**, the Planning Commission has reviewed the Planning Division's determination and finds that the proposed establishment of a fueling facility and associated site improvements is categorically exempt from the requirements of the

California Environmental Quality Act (CEQA) pursuant to Section 15303 of the State CEQA Guidelines. Under the provisions of Section 15303, Class 3 consists of the construction and location of limited numbers of new, small facilities or structures and installation of small new equipment and facilities in small structures not exceeding 2,500 square feet in floor area. The project qualifies for the Class 3 Categorical exemption based on a review of the project plans, on file with the City of Montclair. As such, there is no substantial evidence the project will pose a potential significant impact to the environment; and

**WHEREAS**, this item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on May 3, 2019. 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; and

**WHEREAS**, on May 3, 2019 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 application were heard, and said application was fully studied.

**SECTION 1. RECITALS.** The Planning Commission hereby finds that that the foregoing recitals are true and correct and incorporated herein as substantive findings of this Resolution.

## **SECTION 2. FINDINGS FOR CONDITIONAL USE PERMIT**

Staff believes that the required findings for granting a Conditional Use Permit to allow the proposed establishment and construction of a unmanned gas fueling station in the "Business Park" within the Holt Boulevard Specific Plan can be made as follows:

- A. The proposed CUP for the establishment of the unmanned gasoline station is essential and desirable to the public convenience and public welfare in that the property owner and proposed business operators have the resources and experience to properly implement and operate the subject business in a professional manner.
- B. That granting the CUP for the gasoline station use will not be materially detrimental to the public welfare and to other property in the vicinity in that when completed, the project will have an immediate and positive impact to the area and surrounding streetscape. Moreover, conditions of approval have been included ensure that the unmanned gasoline station facility operates in an appropriate and safe manner. Moreover, the security and safety of the patrons would be maintained through the use of security cameras throughout the site (canopy, directed toward the pumps), site lighting, and sensors at the point of sale pump islands.
- C. That such use in such location conforms to good zoning practice, in that the proposed unmanned gasoline station is consistent with the types of uses permitted

in the "Business Park" zoning district of the Holt Boulevard Specific Plan, subject to CUP approval. Moreover, the project complies with the applicable development standards of the "Business Park" zoning district, including setbacks, building height, and parking.

- 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 General Plan encourages orderly development with respect to adopted land use plans, and the continual improvement of the City as a place for attractive commercial uses while minimizing potential detrimental impacts on surrounding properties.

### **SECTION 3. FINDINGS FOR PRECISE PLAN OF DESIGN.**

Pursuant to Chapter 11.80 of the Montclair Municipal Code, the following findings for the Precise Plan of Design can be made:

- A. The proposed site and building improvements are consistent with the applicable zoning standards and land uses allowed by the Business Park zoning district of the Holt Boulevard Specific Plan (HBSP).
- B. At 0.61 acres in area, the overall shape and size of the site is sufficient to accommodate the proposed site improvements and operation of the proposed gas station use.
- C. The proposed exterior design for the gas station canopy and ancillary equipment building is well done and up-to-date in appearance that is consistent with City standards. When the project is completed, this project will provide a much-needed visual boost to the image of the Holt Boulevard corridor.

### **SECTION 4. CONDITIONS OF APPROVAL**

Based upon the findings and conclusions set forth in the paragraphs above, including substantial evidence presented to the Planning Commission during the above-referenced hearing on May 3, 2019, including written and oral staff reports together with public testimony, the Planning Commission hereby finds the proposal to be consistent with the overall objectives of the City of Montclair General Plan, the Holt Boulevard Specific Plan, the Montclair Municipal Code, and good planning principles, and approves the proposed CUP application subject to each and every condition set forth below.

#### Planning

1. The Conditional Use Permit shall be for an unmanned gasoline station use at southeast corner Holt Boulevard and Monte Vista Avenue, as described in the staff report and depicted on plans filed with the planning division.
2. Any substantial changes to the nature or scope of the business, as approved by this permit, including, but not limited to, added services, additional structures, etc.,

shall require prior City review and approval. Any substantial changes to the establishment without City approval shall be deemed a violation of this CUP and may be cause for revocation. Upon transfer, sale or re-assignment of the establishment to another individual or entity, the applicant shall make full disclosure of these CUP requirements and restrictions to future buyers, transferees, or assignees.

3. Approval of this CUP shall not waive compliance with any regulations as set forth in the Uniform Building Code, City Ordinances, by the San Bernardino County Fire Department.
4. The approval of this Conditional Use Permit and Precise Plan of Design shall supersede any other previous approvals governing the use of the subject property.
5. 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 **\$436.20**, payable to the "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.
6. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 15 days of receipt of the Planning Commission Resolution.
7. CUP approvals 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 has submitted plans for plan check and is diligently pursuing grading and/or building permits for 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.
8. PPD approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval unless the applicant is diligently pursuing building plan check toward eventual construction 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.

9. The property owner and/or business operator shall be fully responsible to continually monitor and maintain the appearance and conduct at the subject site by implement the following measures:

- a. Monitoring and Surveillance - The entire facility shall be monitored at all times (24 hours, seven days per week). Monitoring system shall be coordinated with, and meet, minimum Police Department requirements for surveillance; and
- b. Site Maintenance – The subject site and improvements (e.g., parking surfaces, exterior lighting, signs, walls/fences, etc.) shall be kept in a clean and orderly condition at all times, free from trash and debris, graffiti and or damage to all structures, equipment, and/or surfaces, etc.

Graffiti on buildings/structures or other site improvements shall be removed immediately by the property owner or business operator upon discovery or notification by the City. Paint utilized in covering such graffiti shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

- c. On-Site Advisory and Warning Signs - Applicant shall install a sufficient number of on-site advisory and/or warning signs less than two square feet in area (unless required to be larger by state or federal law) to deter loitering, unauthorized parking, unlawful activities, restricted turn movements, etc., as needed. The type, number, and placement of such signs shall be coordinated with the City Planner, City Engineer, and Code Enforcement Division. Signs shall be maintained at all times in a legible and secure manner.
- d. Landscaping Maintenance – All landscape areas, including required WQMP areas, shall be continuously maintained in a neat and orderly fashion, free of weeds and debris, trash, etc., in accordance with Property Maintenance Standards of the Municipal Code and applicable conditions of this entitlement approval. Any dead, dying, or misshapen plant materials shall be promptly replaced in kind or a different plant material approved by the City Planner.
- e. Security – Trash enclosure, utility cabinet, paypoint machines, and fuel dispensers shall be continually maintained and secured (or locked) to prevent tampering, theft, and vandalism to the greatest extent possible.
- f. Code Compliance – Applicant shall be fully responsible to ascertain and comply with all required standards and safety measures related to the installation and operation of a fuel dispensing facility as required by local, county, state and federal statutes.

10. The CUP shall, after notice to the permittee and an opportunity to be heard, be subject to the imposition of additional conditions following its issuance, which additional conditions may be imposed by the Planning Commission or, upon appeal, by the City Council to address problems of land use compatibility, security, or crime control that have arisen since the issuance of the permit.
11. No changes to the approved set of plans, including the exterior design and colors/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 approval shall require further review and approval by the Planning Commission.
12. Approved colors and materials for the project shall be per sample colors and finishes on file with the City and as follows:
  - a. Gasoline equipment room exterior shall be La Habra Stucco #81583 "Belle Glade"; and
  - b. Equipment room exterior shall be embellished with grouted stone veneer as measured 36 inches from base; and
  - c. Gasoline station canopy columns shall be "Titanium Grey" and embellished with grouted stone veneer 6' 8" inches as measures from the base; and
  - d. The trash enclosure exterior will be embellished with grouted stone veneer as measured 36 inches from base and shall be designed with a roof enclosure to prevent unauthorized access.
  - e. The gas station canopy fascia shall be finished in corporate 76 colors as depicted on plans on file with the Planning Division.
13. Prior to the issuance of building permits, the applicant shall submit the following plans for plan check by the Building and Planning Divisions:
  - a. An exterior lighting and photometric plan for the entire site. The plans shall indicate the location of all exterior light fixtures (area, building, parking lot, etc.) and the overall illumination levels across the site. All proposed exterior lighting shall comply with the following standards:
    - i. Provide a minimum maintained illumination level of one (1) foot-candle across the site.
    - ii. All lighting fixtures shall be vandal-resistant and of a design that complements the architecture of the building.

- iii. All parking lot and other freestanding light fixtures shall incorporate 90-degree cut-off style luminaires and flat lenses so as to direct illumination downward to the surface to be illuminated and away from public rights-of-way and properties adjacent to the subject site. Cut-off or "house-back" shields may be required to ensure illumination does not adversely impact adjacent properties to the greatest extent possible, particularly the residential properties to the south.
  - iv. Freestanding light fixtures and poles shall not exceed a maximum height of 20'-0" as measured from adjacent grade to top of luminaires.
  - v. Above-grade concrete support pedestals for all proposed freestanding light poles throughout the project site shall be clad in a color coordinated stucco finish to complement the main building.
  - vi. Wall-mounted fixtures shall be shielded. The use of unshielded wall packs, barn lighters, other similar unshielded luminaires, and/or decorative lighting installed solely for the purpose of illuminating the roof shall be permitted.
  - vii. "Wall-washers" or decorative landscape lighting shall be subject to review and approval by the Planning Division.
- b. A trash enclosure with a solid roof cover designed to complement the overall architecture of the canopy structure on the site. The size and number of collection bins shall be subject to the minimum required by Burrtec Waste Industries to serve the site and use. Final exterior design of the trash enclosure shall be subject to City approval.

**Please note that future improvements to the site, including the introduction of new uses and/or structures may require modifications to the trash enclosure to meet minimum solid waste collection laws and requirements in force at the time of the proposed modification to the use and/or development of the site.**

- c. A detailed wall plan for the site consistent with the approved wall design (type, colors and materials, height, etc.) for the adjoining property owner to the south and east. The applicant shall be responsible for coordinating this requirement with the adjoining property owner.
  - i. The design of the wall shall be two-sided split face "Angelus Natural Grey".



- ii. The face or finished side of any fence or wall on the property shall be directed toward the street or where it is directly visible to the street or adjacent properties.
  - iii. The height of the wall shall not be less than six (6) feet (as measured from the finished grade level of the high side of the wall), nor greater than eight (8) feet as adjusted for existing grade conditions and subject to the satisfaction of the City Planner.
- 14. 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.
- 15. Prior to the commencement of business activities at the site, 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, the expired business license shall become considered a violation of this condition and the use shall be subject to revocation proceedings.
- 16. All landscaping and irrigation systems shall be maintained in accordance with the landscape plan approved by the Director of Community Development and found to be consistent with the approved Water Quality Management Plan on file with the city to ensure water use efficiency at all times.
- 17. Any plant materials that do not survive, are removed, or are destroyed shall be replaced with plant material of a like type and size as that originally approved and installed at the time issuance of a Certificate of Occupancy.
- 18. All landscaping on the project site shall be regularly maintained in a healthy and vigorous living condition at all times. This shall include proper pruning, weeding, removal of litter, fertilizing, and sufficient irrigation of all plants. Dead vegetation shall be promptly replaced within two weeks with a like type and size as originally approved and installed. The property owner shall also be responsible to keep the landscaped areas free of weeds, trash, and debris.
- 19. Plant material shall not be severely pruned such that it stunts or deforms its natural growth pattern or characteristic feature(s). Trees shall be pruned to ISA (International Society of Arboriculture) standards and only as necessary to promote healthy growth and for aesthetic purposes (i.e., to enhance the natural form of the tree). Improperly or severely pruned trees, including topping as defined by the Water Conservation Ordinance, that results in the removal of the normal canopy and/or disfigurement of the tree shall be replaced with a tree of similar size

and maturity as that which was removed or as required by the Director of Community Development.

20. Any new mechanical devices and their component parts, such as air conditioners, evaporative coolers, exhaust fans, ducts, 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 Director of Community Development.
21. All new or relocated 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 Director of Community Development.
22. No exterior surface-mounted exposed ducts, conduit, or electrical lines shall be allowed on walls, awnings, or other exterior faces of the building. In addition, all electrical switchgear, meters, etc., shall be screened or housed in an enclosure to the extent allowed by the utilities.
23. Visitor parking areas are for short-term use only by patrons, employees and/or contractors of property owner or business operator conducting property maintenance activities on the site. The storage of items, vehicles, storage containers, or other equipment shall not be permitted.
24. This CUP shall be subject to revocation or modification by the Planning Commission or City Council at such time as any one of the following conditions are found to exist:
  - a. Conditions of approval have not been fulfilled.
  - b. The use has resulted in a substantial adverse impact on the health and/or general welfare of users of adjacent or proximate property.
  - c. The use has resulted in a substantial adverse impact on public facilities or services.
25. 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.
26. Any subsequent sale or lease to another operator gasoline station activities shall require separate review and approval of an application for a Business License by the Director of Community Development in order to determine its compatibility with this CUP approval.

27. No exterior public telephones, vending or other coin-operated machines, children's rides, collection boxes, and so forth shall be located on the site.
28. This decision, or any aspect of this decision, can 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.
29. All automobile parking spaces shall be clearly delineated with double-line (e.g. "hairpin") striping. Parking stalls shall be a minimum of 9'-0" in width as measured to the center of the "hairpin," and a minimum of 20'-0" in length.
30. A separate sign permit application shall be submitted by the property owner (or licensed sign contractor) for all signs installed on the site in compliance with the Montclair Municipal Code. Building-mounted signs building shall be limited to the name/nature of the business only and numerical address. Monument signs shall be limited to one sign per street frontage (i.e. one sign on Holt Boulevard and one sign on Monte Vista Avenue). Building permits for installation of all signs is required.
31. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code. Temporary banners for the purpose of announcing a grand opening or promotional event shall require a banner permit from the Planning Division prior to installation.
32. No portable flags, pennants, spinners, painted-on signs, off-premise signs, trailer-mounted electronic sign/message boards or other similar types of portable signs shall be allowed.
33. Freestanding electrical transformers and Fire Department double check detector assembly (DCDA) equipment shall be screened with masonry walls compatible with the building architecture and/or landscaping to the satisfaction of the Director of Community Development and Fire Marshal. Efforts shall be made to place these elements in locations that are as visually unobtrusive as possible.
34. The applicant shall be required to schedule a joint inspection with the Planning Division, Fire Marshal, Building Division and a representative of the Montclair Police Department prior to issuance of a certificate of occupancy.
35. 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

36. 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. Waste Recycling Plan, demonstrating the recycling of a minimum of 65 percent of all construction debris.
37. Submit two sets of structural calculations, if required, and two sets energy conservation calculations.
38. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
39. 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.

40. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
41. Separate permits are required for trash enclosures, accessory structures, site lighting, fencing and/or walls.
42. All on-site utility services to the project shall be installed underground.
43. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project case number 2019-4.
44. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
45. Prior to issuance of building permits for a new commercial 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, Sewer Fees, and School Fees. Required school fees shall be paid directly to the Ontario-Montclair School District and Chaffey Joint Union High School District. Applicant shall provide a copy of the school fee receipts to the Building Division prior to permit issuance. A stamped approval by the San Bernardino Environmental Health Department is required before any building permits may be issued.
46. 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.
47. Double-detector check facility shall be adequately screened by landscaping or an architectural screen wall.
48. Exposed raceways shall be prohibited on all building-mounted signs.
49. Construct trash enclosure(s) per City Standard (available at the Building Division's public counter). 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.
50. 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.

51. 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%).
52. The address of the new fuel dispensing facility shall be 4919 Holt Boulevard
53. Construction drawings submitted to the Building Division for plan review shall comply with the Montclair Security Ordinance No. 357.
54. The numerical address of the building shall be displayed in a maximum of two locations on the north-facing elevation as follows:
  - a. 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.
  - b. 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.
55. A Certificate of Occupancy is required prior to the operation of the gasoline station including the dispensing of gas. Issuance of the Certificate of Occupancy shall be contingent upon the Fire Department inspection and the final approvals from other departments and/or agencies.
56. 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.
57. 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%).
58. Temporary construction and storage trailers intended to be placed on the property shall be reviewed and approved by the Planning and Building Divisions prior to their placement. Permits are required for all trailers. Plans and structural calculations will be required for the tie-down devices. Trailers to be used by the public (and not used for construction only) are required to be accessible by disabled persons. Such trailer(s) will require access to the facility by way of ramps

in compliance with the California Building Code (CBC) 2013 edition, Chapter 11B, in addition to access to each feature of the trailer.

### Engineering

59. Developer shall comply with all requirements of the Subdivision Map Act and the Montclair Municipal Code.
60. Construction permit shall contain provisions for performance and payment bonds for all work within the public rights of way, and a monumentation bond for tract monuments in accordance with the Subdivision Map Act.
61. A park land fee is not applicable since this will be commercial site.
62. Payment of transportation-related development impact fees. Fees shall be assessed at the rate in effect at the time the fees are paid.
63. Any street improvements shall be shown on street improvement plans, they may also be included in the grading plans.
64. All pavement damaged by excavation will be replaced with permanent pavement per the City Standard for paving and trench repair STD No. 121.
65. Replace all existing lifted or cracked curb gutter and sidewalk adjacent to the property. Additionally remove sidewalk that shows signs of ponding or is pitting, scaling or spalling.
66. The ADA ramp on the southeast corner of the intersection (Monte Vista at Holt) will need to be removed and replaced with ramp that meets current standards.
67. Developer shall stripe in a double-double yellow line on Monte Vista Avenue to prevent southbound traffic from stopping in the No. One (1) southbound lane to prevent left turns into the site from Monte Vista Avenue.
68. The developer shall install one light along Monte Vista Avenue and one light along Holt Boulevard. Streetlights will be owned and maintained by Southern California Edison. The minimum lighting level for all streets shall be to the satisfaction of the City Engineer.
69. Payment of Regional Sewerage Capital Outlay fees as specified in the Montclair Municipal Code and by Inland Empire Utilities Agency.
70. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.

71. 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.
72. 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.
73. All drainage facilities shall comply with requirements of the approved WQMP.
74. 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.
75. Underground Service Alert shall be notified at least 48 hours prior to any excavation. Contact Underground Service Alert at 800-422-4133.

#### Environmental Division

76. All trash enclosures shall 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.

#### NPDES/WQMP

77. The property owner shall be responsible to contract with a qualified firm to inspect and maintain any stormwater treatment devices specified by the approved WQMP, following all WQMP recommendations. It shall also be the responsibility of the property owner to maintain inspection reports and have them readily available for review by City staff upon request. In the event that any stormwater treatment device fails due to lack of, or insufficient maintenance and/or inspection, or some other unforeseen circumstance, it shall be the responsibility of the property owner to correct the deficiency and restore the stormwater treatment device(s) to its original working condition.
78. Prepare and submit plans for erosion and sediment control. Plans shall include all phases of the construction project, including rough grading, utility and road installation, and vertical construction to the satisfaction of the City Engineer. Contact Joe Rosales, NPDES Coordinator, at (909) 625-9470.



79. At the time of Grading permit issuance; Post-Construction BMP inspection permit fees associated with the approved WQMP shall be paid. Contact Joe Rosales, NPDES Coordinator, at (909) 625-9470 for further information regarding permit and fees.
80. Prior to issuance of a Certificate of Occupancy, the applicant shall:
  - a. Submit to the Engineering Division an electronic copy of the approved WQMP in PDF format.
  - b. Submit to the Engineering Division as built drawings as it relates to the WQMP.
  - c. The WQMP Maintenance Agreement must be signed by the property owner and recorded with the County of San Bernardino and provide evidence of said recording to the Engineering Division.
  - d. The Landscape Architect of record shall submit a Letter of Completion to both Planning Division and Engineering Division.
81. Prior to release of the certificate of occupancy for the unmanned gas station, the person or corporation responsible for the preparation of the WQMP shall certify in writing to the NPDES Coordinator that all conditions and requirements of the WQMP have been implemented or complied with. For projects, developments, or properties intended to be leased or sold, developer shall also submit evidence to the NPDES Coordinator 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 WQMP.
82. Prior to release of the certificate of occupancy, the applicant shall ensure that all requirements of the approved WQMP for the project are incorporated and consistent with the approved landscape and irrigation plans for the project. All required Best Management Practices (BMPs) shall be duly noted and shown on the landscape plans per the approved WQMP.
83. The Landscape Architect must complete a City Certification of Landscape Completion form and submit it to both the Planning Division and Engineering Division. Failure to provide said document will prevent the issuance of Certificate of Occupancy.
84. Applicant is responsible to ensure the WQMP Maintenance Agreement is completed between the City and property owner, and ensure it is recorded at the County of San Bernardino with the sale of the parcel.
85. Property Owner/Lessee is required to employ a Bonded and California Licensed C-27 Landscape Contractor to conduct all landscaping on property.

86. Landscape Contractor that is working on site must have City Business License to operate in the City of Montclair.
87. To ensure the landscaping associated with the stormwater treatment device(s) is maintained properly for the life of the project, the property owner/lessee must provide to the Engineering Department every third year after receiving the Certificate of Occupancy, a wet stamped letter of certification from a licensed, certified Landscape Architect, or recognized horticulturist organization or business.
88. The certified letter must state that the plants located within the boundaries of and immediately adjacent to stormwater treatment devices are currently in good health and has been maintained to continue to promote the long-term functional and aesthetic performance of the stormwater treatment device. For example, if the planted component of the stormwater device was designed to control erosion, aid in pollutant capture, or maintain permeability, the plant material must be kept at a level of health and vigor to continually meet these functional requirements.
89. Individuals qualified to submit the certification letter must be able to identify species present and report on their conditions. Providing the original planting design documents to the consulting horticulturist may help them in this process.
90. If mulch is present in the assessment area, this must be noted in the letter along with the current depth of the mulch layer and a description of which areas of the stormwater treatment device are mulched.
91. Five to ten clear and representative site photos showing the condition of the various plant materials located in and adjacent to the stormwater treatment device and any other notable conditions related to the device, printed in color on standard 8.5 x 11 paper, must also be submitted as part of the letter.
92. Representatives of the Engineering Department may follow up with site inspections to confirm the accuracy of certification letters and the overall functional condition of stormwater treatment devices.

#### Fire Department

93. 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.

94. 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 2016 105.3.8).
95. Submit three (3) complete architectural, structural, Fire Alarm and Fire Sprinkler plans, including all specifications, 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 department permits, paying all necessary fees prior to beginning construction.(CFC 2016 105.4.1)
96. 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.(2016 CFC 105.4.2.1 and Chapter 9)
97. 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).
98. Provide an accurate description of the scope of work for the project on the title page.
99. Show all exterior and interior building dimensions on the plans.
100. 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.
101. 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.
102. All fees are required to be paid in full prior to any permit issuance.
103. 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.

104. 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)
105. 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)
106. 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)
107. 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)
108. Traffic calming devices shall be prohibited unless approved by the fire code official. (2016 CFC 503.4.1)
109. 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)
110. 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)
111. 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).
112. 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).
113. Install parapet ladders and emblems. Locations to be determined by the Fire Prevention Bureau during plan check.
114. Commercial Address numbers must be 8" to 10" tall and automatically illuminated and facing the street. Contact Planning for further information. (CFC 2016 505.1)
115. Exact number, location, and type of fire extinguishers shall be determined by Fire Prevention Bureau.
116. Public Water Systems must meet all Monte Vista Water District standards. Contact the Monte Vista Water District at 909-624-0035

117. Exact number, location, and design of fire hydrants shall be determined by Fire Department and the Monte Vista Water District.
118. Public 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.
119. An approved water supply capable of providing the required fire flow for fire protection shall be provided (2016 CFC 508.1).
120. 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  

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
121. 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.
122. 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)).
123. The installation of check valves is required between fire hydrants and Fire Department Connections (FDC).
124. Show pipe size of the fire water system on the plans.
125. 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)
126. Provide a site plan showing all fire hydrants and distances to nearest fire hydrants in all directions along fire apparatus access roads.
127. Minimum underground fire service supply pipe shall be 6 inches in diameter. (MMC 10.28.060K(5))

128. Double Check Detector Assembly shall be painted Rustoleum Hunt Club Green, satin acrylic finish stock #7944502.
129. 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.
130. Trash enclosure(s) 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.
131. Any outdoor detached facilities greater than 200 square feet is required to install an approved fire sprinkler system (MMC 10.28.060 J(3)).
132. Fire sprinkler system plans are required to be a separate plan submittal with a completed application and all fees pre-paid.
133. Fire Sprinkler riser assemblies shall be weather protected in an enclosure large enough to accommodate repair or replacement of components. The enclosure shall have a door or hatch large enough to accommodate the removal of the largest component of the riser assembly which it contains.
134. 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.
135. 2016 CFC Chapter 33 conditions shall apply to this project during construction and demolition (2016 CFC 3301.1).
136. Develop and maintain an approved pre-fire plan in cooperation with the fire department (2016 CFC 3308.2).
137. 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).

138. 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)
139. 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).
140. Fire apparatus roads shall not be obstructed in any manner, including the parking of vehicles (CFC 2016 503.4).
141. 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).
142. Welding, cutting, open torches and other hot work operations and equipment shall comply with 2016 CFC Section 2601.1.
143. 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).
144. Structures under construction, alterations or demolition shall be provided with not less than one approved portable fire extinguisher (2016 CFC 3315.1).
145. 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).
146. Obtain all required permits for the installation of ast/ust fuel tanks from the San Bernardino County Office of the Fire Marshal.
147. Obtain all required permits for the installation of ast/ust fuel tanks from the Montclair Fire Department Office of the Fire Marshal.

#### Police

148. 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.

149. 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.
150. 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.
151. 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.
152. 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, and one camera per entrance/exit door. 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. Cameras shall be capable of no less a resolution than 1920×1080 pixels, otherwise known as 1080p. All cameras shall have IR or low light capability.
153. 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, if applicable. 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.



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

APPROVED AND ADOPTED THIS 13th DAY OF MAY 2018.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: \_\_\_\_\_  
Barry Rowley, 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 13th day of May 2019, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\SGUTIERREZ\CASES\2019\CASES\2019-4 PC RESOLUTION