



REGULAR ADJOURNED MEETING OF THE
MONTCLAIR PLANNING COMMISSION

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

Monday, April 11, 2022 7:00 p.m.

Remote Participation Information:
Zoom Link: <https://zoom.us/j/95858571900>
Dial Number: 1-(669)-900-6833
Meeting ID: 95858571900

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

AGENDA

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Chair Manny Martinez, Vice-Chair Jaso Sanchez, Commissioner Ginger Eaton, Commissioner Krishna Patel, and Commissioner Sergio Sahagun

4. APPROVAL OF MINUTES

The minutes from the January 24, 2022 meeting were presented for approval.

The minutes from the February 14, 2022 meeting were presented for approval.

5. ORAL AND WRITTEN COMMUNICATIONS ON NON-AGENDA ITEMS

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

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

6. AGENDA ITEMS

- a. PUBLIC HEARING – CASE NUMBER 2022-09
Project Address: 4701 and 4737 Holt Boulevard
Project Applicant: 4747 Holt Investments, LL
Project Planner: Christine S. Caldwell
Request: Conditional Use Permi8t (CUP) request to expand an existing retail thrift store within an existing shopping center

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

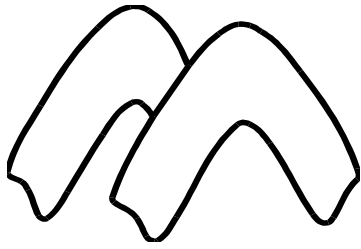
Reports, backup materials, and additional materials related to this project item can be viewed on our website www.cityofmontclair.org/agendas by clicking on the Planning Commission agenda for April 11, 2022.

9. ADJOURNMENT

The City of Montclair Planning Commission meeting is adjourned to the regularly scheduled meeting of April 25, 2022, at 7:00 p.m.

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 north door of Montclair City Hall on April 14, 2022.



CITY OF MONTCLAIR
PLANNING COMMISSION

MEETING DATE: 04/11/2022

AGENDA ITEM 6.a

Case No. 2022-09

Application: Request for approval of a Conditional Use Permit to expand an existing thrift store at 4737 Holt Boulevard to a second lease space to 4701 Holt Boulevard. The subject spaces are part of an existing multi-tenant shopping center encompassing a total of 21,480 square feet in area and include a showroom, an internal donation processing area, office space and a large area for storage.

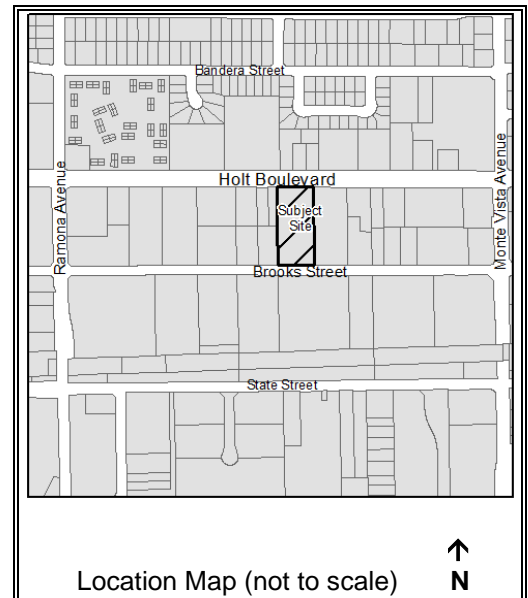
Project Address: 4701 and 4737 Holt Boulevard

Property Owner: 4747 Holt Investments, LLC

General Plan: General Commercial

Zoning: "Commercial" per Holt Boulevard Specific Plan

Assessor Parcel No.: 1012-091-04-0000



<u>ADJACENT LAND USE DESIGNATIONS AND USES</u>			
	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	General Commercial	"Commercial" per Holt Boulevard Specific Plan	Multi-tenant commercial center
North	General Commercial	"Commercial" per Holt Boulevard Specific Plan	Commercial building
South	Business Park	"Industrial" per Holt Boulevard Specific Plan	Commercial building
East	General Commercial	"Commercial" per Holt Boulevard Specific Plan	Multi-tenant commercial center
West	General Commercial	"Commercial" per Holt Boulevard Specific Plan	Commercial building

Report on Item Number 6.a

PUBLIC HEARING – CASE NUMBER 2022-09

APPLICATION TYPE(S)	Conditional Use Permit
NAME OF APPLICANT	4747 Holt Investments, LLC
LOCATION OF PROPERTY	4701 and 4737 Holt Boulevard
GENERAL PLAN DESIGNATION	General Commercial
ZONING DESIGNATION	"Commercial" per Holt Boulevard Specific Plan
EXISTING LAND USE	Multi-Tenant Commercial Building
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301)
PROJECT PLANNER	Christine Sanchez Caldwell

Project Description

The applicant is requesting approval of a Conditional Use Permit (CUP) to expand an existing thrift store at 4737 Holt Boulevard to a second lease space at 4701 Holt Boulevard. The subject spaces are part of an existing multi-tenant shopping center and are not visibly connected from the street but are at the rear of the building (see Exhibit A). When combined, the two lease spaces will total approximately 21,480 square feet in area and include a showroom, an internal donation processing area, office space, and a large area for storage. The thrift store, ReStore, will be operated by Pomona Valley Habitat for Humanity (PVHH).

Proposed hours of operation for the retail and office uses are Tuesday through Saturday from 10:00 a.m. to 5:00 p.m. PVHH drivers pick up the majority of the donations; however, some donations would be accepted by appointment between 10:00 a.m. and 2:00 p.m. The thrift store will be staffed by four full-time employees and two part-time cashiers. They utilize volunteers to assist with additional labor as needed for processing donation deliveries. Outdoor storage is not an option for this location and is not proposed. The applicant also proposes to install security fencing at the rear of the property to deter unauthorized access from the south, Brooks Street, side of the site.

The prior tenant at the 4737 Holt Boulevard, Heartland Thrift, relocated to 4747 Holt Boulevard, a freestanding building on the same parcel, after receiving a Conditional Use Permit on October 25, 2021. The proposed expansion to the 4701 Holt Boulevard lease space was most recently occupied by Calvary Chapel Gracia church, which has moved to a new location. If approved, this CUP application would supersede and replace the previous entitlements granted for the subject lease spaces.

Background

- According to the Holt Boulevard Specific Plan (hereinafter "Specific Plan"), land use activities such as thrift stores, antique shops, and used merchandise are allowed in the "Commercial" land use district, subject to the approval of a CUP. Thrift stores engage in the resale of used (or second-hand) merchandise.
- The existing multi-tenant shopping center constructed in 1948.
- On October 12, 2009, a CUP was approved to allow a thrift store to be operated by Pomona Valley Habitat for Humanity at 4609 Holt Boulevard, where its store, known as the ReStore, is currently operating pending approval of this application.
- Unlike typical thrift store operations, Habitat for Humanity's business model for its ReStore is focused on unused or surplus building materials, hardware, household appliances, and other similar goods. Clothing and small knick-knacks are not collected or sold.
- On May 13, 2013, the Planning Commission, under Case No. 2013-10, granted a Conditional Use Permit to establish a retail thrift store (Heartland Thrift) within the 13,500 square foot in-line tenant space at 4737 Holt Boulevard.
- On November 25, 2013, the Planning Commission, under Case No. 2013-25, granted a Conditional Use Permit to operate a church at 4701 Holt Boulevard. Calvary Chapel Gracia began operating in 2014. The 7,980 square foot in-line tenant space relocated within the past year.
- On October 25, 2021, Heartland Thrift received Conditional Use Permit approval under Case No. 2021-29 to operate a thrift store at the freestanding building addressed as 4747 Holt Boulevard and moved out of the 4737 Holt Boulevard lease site.
- The City of Montclair currently has four operating thrift stores, not including this location.

Planning Division Comments

As mentioned above, the application under review is for the expansion of the area occupied by the existing thrift store currently operating at 4737 Holt Boulevard. The existing thrift store has operated in an appropriate fashion and has not been the subject of any major concerns. The proposed expansion would be for more indoor storage and other administrative functions associated with the store. More specifically, the expanded thrift store, will provide ReStore more room to sort and store donations compared to its current location. According to the applicant, all incoming merchandise would be sorted in the building where merchandise will be prepared for sale to the public. There would be no outdoor storage. As such, staff does not anticipate any new impacts with the proposed expansion, subject to the recommended conditions approval. Furthermore, a wrought-

iron gate is proposed to be installed at the back loading dock area allowing for controlled access to the rear of the building.

The site and building where the subject lease spaces are located is generally in sound condition, considering it is one of the oldest developed commercial properties on Holt Boulevard. The existing commercial building is modest looking in appearance and landscaping at the center is fairly well-maintained. There are 107 off-street parking stalls on this parcel shared by all tenants on the property. The proposed expansion will not require major changes to the site nor cause the loss of parking spaces.

Since ReStore would not operate a “collection center,” or receive items on the premises without an appointment—and donated merchandise would only be received during specific hours—there is less potential for problems such as unauthorized outside storage and dumped/discarded materials usually associated with thrift stores. However, as with any thrift store operation, dumping is still a possibility. As such, conditions of approval have been proposed to specifically address this concern to ensure the business is operated more like a traditional retail store and the site overall is properly maintained. ReStore management understands no outdoor storage would be allowed on the premises and that any illegal dumping of donations must be addressed promptly.

Pursuant to conditions of approval developed for this application, staff supports the continued operation of a thrift store at the 4737 Holt Boulevard site and supports the proposed expansion into the 4701 Holt Boulevard lease space. Further, the applicant will be required to monitor the rear area of the building, install exterior security cameras, and will not accept un-scheduled donation drop-offs. When operated properly per the conditions of approval, staff believes the expanded thrift store use will continue to bring vibrancy and foot traffic to the area as well as provide shopping opportunities to the general community.

As mentioned above, Planning Commission approval of a Conditional Use Permit under Case No. 2022-09 for a thrift store expansion to include the lease spaces at 4701 and 4737 Holt Boulevard will replace and supersede prior conditional use permit approvals under Case Nos. 2013-10 and 2013-25.

Conditional Use Permit Findings

Staff believes the necessary findings for granting a CUP for a thrift store at 4701 and 4737 Holt Boulevard can be made as follows:

- a. That said use is essential or desirable to the public convenience and public welfare, in that the subject thrift store on Holt Boulevard will provide the general public an alternative to purchase lower-priced construction materials and household goods/appliances in a safe and clean environment.
- b. That granting the permit will not be materially detrimental to the public welfare and to other property in the vicinity, in that, the use is similar to, and consistent with,

retail businesses along Holt Boulevard. In addition, the subject use will operate generally as a retail store with the majority of the donations picked up by the operator and will only accept donations at the subject site by appointment. The subject site will not be a standard drop-off donation collection center, thereby reducing the potential for creating unsightly conditions on the premises.

- c. That such use in such location conforms to good zoning practice in that stores selling used merchandise and/or goods are permitted in the "Commercial" land use district of the Holt Boulevard Specific Plan, subject to approval of a CUP. Conditions of approval are designed to ensure that the business is not operated in such a way as to cause undesired secondary effects that would degrade the condition of the property.
- d. That such use in such location is not contrary to the objective of any part of the adopted General Plan, in that the General Plan recognizes the need for a variety of businesses offering goods and services to local residents.

Public Notice

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on April 1, 2022. Public hearing notices were mailed out to property owners within a 300-foot radius of the subject property in accordance with State law for consideration of this discretionary zoning entitlement. At the time this report was prepared, no comments or inquiries had been received by staff regarding this proposal.

Environmental Assessment

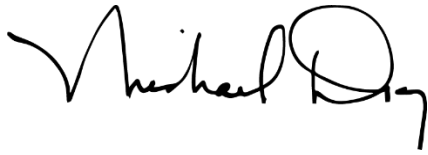
The project qualifies as a Class 1 exemption under Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, which exempts projects involving little to no expansion of existing structures or uses. The project does not involve an expansion of the existing structure or a fundamental change in the type of uses permitted by the underlying zoning code.

Planning Division Recommendation

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

1. 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 1 exemption under State CEQA Guidelines Section 15301.
2. Move to approve Case No. 2022-09, subject to making the required findings and subject to the conditions of approval in attached Resolution No. 22-1961.

Respectfully Submitted,

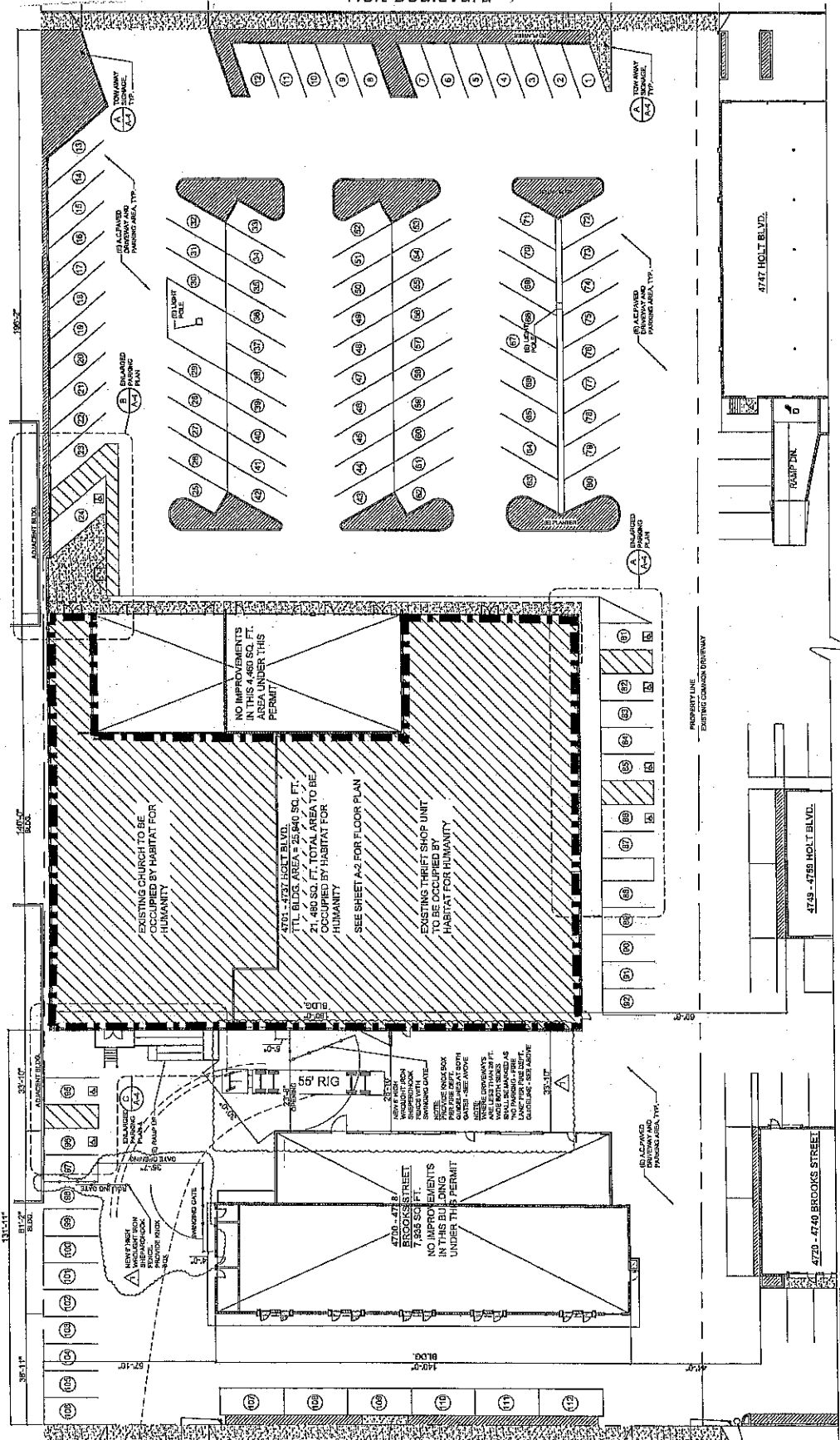


Michael Diaz
Director of Community Development

Attachments: Draft Resolution 22-1961

c: 4747 Holt Investments, 9970 Glenoaks Blvd., Suite C, Sun Valley, CA 91352
Rodney Gleicher, G&G Properties, 9970 Glenoaks Blvd., Suite C, Sun Valley, CA 91352
Robert Herron, Building Design Concepts, 4515 Wolsey Court, Westlake Village, CA 91361
Via Email: BldgDsgnConcppts@aol.com
Maria Digna Tanggap-Mejia Via Email: maria_mejia1226@yahoo.com
[Christine Charland, Executive Director, Pomona Valley Habitat for Humanity: ed@habitatpv.org](mailto:ed@habitatpv.org)

Holt Boulevard



--- Subject Site

Brooks Street

Case No. 2022-09

4701 & 4137 Holt Boulevard

EXHIBIT A

RESOLUTION NO. 22-1961

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT UNDER CASE NO. 2022-09 TO EXPAND AN EXISTING THRIFT STORE AT 4737 HOLT BOULEVARD TO A SECOND LEASE SPACE AT 4701 HOLT BOULEVARD IN THE "COMMERCIAL" ZONING DISTRICT OF THE HOLT BOULEVARD SPECIFIC PLAN TOTALING 21,480 SQ. FT. (APN 1012-091-50-0000)

A. Recitals.

WHEREAS, 4747 Holt Investments, LLC filed an application for a Conditional Use Permit (CUP) to expand an existing thrift store operation at 4737 Holt Boulevard on February 28, 2022; and

WHEREAS, the applicant has requested the existing Conditional Use Permit at 4737 Holt Boulevard allow for an expansion of the thrift store into a second lease space at 4701 Holt Boulevard; and

WHEREAS, the application applies to two in-line lease spaces that encompasses approximately 21,480 square feet at 4170 and 4737 Holt Boulevard; and

WHEREAS, according to the Holt Boulevard Specific Plan (hereinafter "Specific Plan"), land use activities such as thrift stores, antique shops, and used merchandise are allowed in the "Commercial" land use district, subject to the approval of a CUP. Thrift stores engage in the resale of used (or second-hand) merchandise; and

WHEREAS, on October 12, 2009, a CUP was approved to allow a thrift store to be operated by Pomona Valley Habitat for Humanity at 4609 Holt Boulevard, where its store, known as the ReStore, is currently operating pending approval of this application; and

WHEREAS, unlike typical thrift store operations, Habitat for Humanity's business model for its ReStore is focused on unused or surplus building materials, hardware, household appliances, and other similar goods. Clothing and small knick-knacks are not collected or sold; and

WHEREAS, on May 13, 2013, the Planning Commission, under Case No. 2013-10, granted a Conditional Use Permit to establish a retail thrift store (Heartland Thrift) within the 13,500 square foot in-line tenant space at 4737 Holt Boulevard; and

WHEREAS, on November 25, 2013, the Planning Commission, under Case No. 2013-25, granted a Conditional Use Permit to operate a church at 4701 Holt Boulevard. Calvary Chapel Gracia began operating in 2014. The 7,980 square foot in-line tenant space relocated within the past year; and

WHEREAS, on October 25, 2021, Heartland Thrift received Conditional Use Permit approval under Case No. 2021-29 to operate a thrift store at the freestanding building addressed as 4747 Holt Boulevard and moved out of the 4737 Holt Boulevard lease site; and

WHEREAS, staff has determined that the application to expand the existing Conditional Use Permit under Case No. 2022-09 meets the intent and requirements of the Holt Boulevard Specific Plan for the proposed use and the applicable development standards of the "Commercial" land use district; 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 April 11, 2022, 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.

B. Resolution.

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

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. Based upon the substantial evidence presented to this Commission during the above-referenced public hearing on April 11, 2022, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:
 - a. That said use is essential or desirable to the public convenience and public welfare, in that the subject thrift store on Holt Boulevard will provide the general public an alternative to purchase lower-priced construction materials and household goods/appliances in a safe and clean environment.
 - b. That granting the permit will not be materially detrimental to the public welfare and to other property in the vicinity, in that, the use is similar to, and consistent with, retail businesses along Holt Boulevard. In addition,

the subject use will operate generally as a retail store with the majority of the donations picked up by the operator and will only accept donations at the subject site by appointment. The subject site will not be a standard drop-off donation collection center, thereby reducing the potential for creating unsightly conditions on the premises.

- c. That such use in such location conforms to good zoning practice in that stores selling used merchandise and/or goods are permitted in the "Commercial" land use district of the Holt Boulevard Specific Plan, subject to approval of a CUP. Conditions of approval are designed to ensure that the business is not operated in such a way as to cause undesired secondary effects that would degrade the condition of the property.
 - d. That such use in such location is not contrary to the objective of any part of the adopted General Plan, in that the General Plan recognizes the need for a variety of businesses offering goods and services to local residents
3. Planning Division staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The project qualifies as a Class 1 exemption under State CEQA Guidelines, Section 15301, which exempts projects involving little to no expansion of existing structures or uses. The project does not involve an expansion of the existing structure or a fundamental change in the type of uses permitted by the zoning code. In addition, there is no substantial evidence that the project may have a significant effect on the environment.
 4. Based upon the findings and conclusions set forth in paragraphs 1, 2 and 3 above, this Commission hereby approves the application subject to each and every condition set forth below.

Planning

1. This approval is for a Conditional Use Permit (CUP) to allow the expansion of an existing thrift store at 4737 Holt Boulevard to an adjacent 7,980 square foot lease space at 4701 Holt Boulevard as described in the agenda reports and depicted on Exhibit A. The total square footage of the expanded thrift store is 21,480 square feet. Any substantial changes to the operation, increase in floor area of the demised space, and/or physical location, shall require prior City approval.
2. This Planning Commission approval of a Conditional Use Permit under Case No. 2022-09 shall supersede and replace all previous zoning entitlements associated with the lease spaces at 4701 and 4737 Holt Boulevard (under Case Nos. 2013-10 and 2013-25).

3. CUP approval shall be valid for a period of six (6) months from the date of Planning Commission approval unless substantial progress has been made in property improvement or that the store is in operation with City issuance of a Certificate of Occupancy. 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. 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.
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**, payable to "**Clerk of the Board of Supervisors**," to cover the County administrative fee for filing a Notice of Exemption as required by the California Environmental Quality Act (CEQA).
 - b. A check, in the amount of **\$480.20**, 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.
 - c. Prior to the commencement of business activities associated with this approval, the business owner shall obtain a valid business license. For more information regarding the issuance of a business license, contact the City of Montclair Business License Technician at 909/625-9423.
 - d. The activities of the operation shall be limited to the permitted use of a thrift store selling construction materials, home goods, used clothing, used furniture, and housewares.
6. In establishing and operating 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, including but not limited to Chapter 11.72.370 of the Montclair Municipal Code. Approval of this CUP shall not waive compliance with any such requirements.
7. There shall be no outside storage of any kind on any portion of the subject site, include the rear loading dock area in the rear area of the building.

8. The site shall not be used or modified to operate as a collection facility for this site. The use of exterior drop boxes/receptacles of any type shall not be allowed on the subject site in conjunction with this or any other use.
9. Planning Division review and approval for the construction/installation of a decorative rear fence and gate. The use of chain link fencing shall not be allowed.
10. Approved hours of operation for the thrift store are 9:00 a.m. to 5:00 p.m., Tuesday through Saturday. The business owner has the option of opening or closing anytime within these hours. Any extension of the hours of operation requires prior City approval.
11. No exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be allowed.
12. The business owner and/or staff shall maintain the area surrounding the business in a clean and orderly manner at all times. Litter and trash receptacles shall be located at convenient locations inside and outside establishments, and operators of such establishments shall remove trash and debris from its premises on a daily basis.
13. Exterior lighting of the parking areas shall be modified as necessary to provide a minimum intensity of at least one foot-candle of light throughout the parking area at all times in compliance with the Montclair Security Ordinance.
14. Prior to issuance of a business license and Certificate of Occupancy for the subject tenant space, the applicant shall:
 - a. Remove any unshielded building-mounted luminaires along the building at 4701 and 4737 Holt Boulevard. Should the applicant desire to replace any or all of these luminaires, the replacement fixtures shall be of a 90-degree, fully cutoff style to the satisfaction of the Director of Community Development.
 - b. Ensure the landscaping is in proper order throughout the site and ensure that it is properly maintained at all times.
 - c. Ensure the building is properly maintained which include painting out graffiti, etched windows, and general painting of the building when required and/or necessary.

15. 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.
16. Changes to the exterior of the building (including paint) or site shall not be made without prior approval from the Planning Division.
17. No exterior signs are approved pursuant to this CUP approval. Prior to the installation of any business identification signs on the building or site, a sign plan shall be submitted to the Planning Division for review and approval pursuant to the applicable portions of the Montclair Sign Code and/or approved sign program for the center in which the subject lease space is located.
18. A clear unobstructed line of sight into the store shall be provided and maintained at all times, defined generally as the area extending between three feet above the ground to at least six feet above the ground. In addition to the requirements for window signs, the floor plan layout for the thrift store shall not allow the display of hanging, freestanding or stacked items, or the placement of storage racks/cabinets placed against windows that would block clear visibility into the premises from exterior windows by emergency personnel, as defined above and approved by the Director of Community Development.
19. Window signs or displays shall comply with the following requirements:
 - a. Temporary or permanent window signs, posters, banners, or other applied graphics shall not cover more than 25 percent of each window and shall not be placed in windows in a manner that will obstruct the view into the building by emergency personnel.
 - b. Window sign placement shall not obstruct the view of the sales transaction area from inside and outside the building.
 - c. Any window tinting shall allow for physical identification of all persons in the sales transaction area from outside the building.
20. The use of temporary promotional banners shall comply with Chapter 11.72 of the Montclair Municipal Code. A permit shall be obtained prior to the display of any temporary promotional banner.
21. No video or arcade games, pinball machines, pool tables, jukeboxes, or similar devices shall be allowed within the subject lease space.

22. No exterior public telephones, vending or other coin-operated machines, children's rides, collection boxes, etc., shall be located on the exterior of the subject lease space or the remainder of the site.
23. No customers shall be permitted to loiter or congregate outside of the facility. The operator shall post "No Loitering" signs within the parking areas pursuant to the Montclair Municipal Code.
24. The applicant and/or property owner shall ensure that a copy of the Planning Commission resolution or approval letter, 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.
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. A copy of the CUP approval letter with all conditions of approval relating to this application shall be conspicuously posted alongside the establishment's Business License and Certificate of Occupancy, and shall be made available for viewing to any law enforcement officer, fire, building, or code enforcement inspector in the course of conducting an inspection of said premises.
27. Any violations of the conditions of approval may result in the revocation or modification of this permit, including the imposition of fines in the event that the use is determined to be a nuisance to surrounding properties, businesses or the community at large.
28. 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.
29. 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 on any sign. The applicant shall inform the Planning Division and schedule an appointment for such an inspection.
30. 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

31. Submit four complete sets of plans including the following if any change to the building occurs:
 - 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 that includes all walls to be demolished.
 - g. Waste recycling plan, recycling 50% of all construction debris.
32. Submit two sets of structural calculations, if required and two sets energy conservation calculations.
33. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
34. 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.

35. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
36. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number. The applicant shall comply with the latest adopted California Codes, and all other applicable codes, ordinances, and regulations in effect at the time of permit application.
37. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
38. All construction work carried out under the review of the Building Division shall be of good quality. The Building Official shall have the authority to enforce the installation of 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.
39. 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%).
40. 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 north building elevation. Address numerals shall be 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 every day.
 - c. Install an approved emergency lighting to provide adequate illumination automatically in the event of an interruption of electrical service.
41. 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 other departments and/or agencies.

Engineering

42. Any modification to surface drainage, sidewalk, and/or driveways require improvement plans approved by the Director of Public Works.

Police

43. 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.
44. 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.
45. 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.
46. If applicable, 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.
47. 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 that 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.

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.

48. 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

49. General storage shall be limited to 3,215 sq. ft. and to 6-feet in height. Storage limitation does not apply to the current retail sales area.
50. Prior to construction of any fencing or gates that cross existing fire department access roadway path a fire department access plan shall be submitted to the City of Montclair Fire Prevention for review and approval. The fire department access plan shall comply with the requirements specified by the City of Montclair Guideline for Fire Department Access & Water Requirements for Commercial & Residential Development, and the California Fire Code, Chapter 5.
51. Fire sprinklers shall be provided throughout the building. If documentation is provide to the Montclair Fire Marshal and is approved that shows remodeling/renovation is less than 50 percent of the assessed valuation as determined by the San Bernardino County Tax Assessor fire sprinklers shall not be required.

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

APPROVED AND ADOPTED THIS 11TH DAY OF APRIL 2022.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____

Manny Martinez, Chair

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 April 2022 by the following vote, to-wit:

ATTEST: _____

Michael Diaz, Secretary

AYES:

NOES:

ABSENT: