



REGULAR ADJOURNED MEETING OF THE
MONTCLAIR PLANNING COMMISSION
to be held virtually via the Zoom platform

Monday, February 14, 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 November 22, 2021 meeting were presented for approval.

The minutes from the January 10, 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 2021-35
Project Address: 5275 Holt Boulevard Units L, K, and M
Project Applicant: CFG R&I, Corporation
Project Planner: Silvia Gutiérrez
Request: Conditional Use Permit request to allow an ABC Type 41 License (On-Premises Sale of Beer and Wine) in conjunction with bona fide meals within the dining area of Kickin' Crab Seafood House Restaurant.

- b. PUBLIC HEARING – CASE NUMBER 2021-37
Project Address: 4468 Holt Boulevard Units B and C
Project Applicant: 4480 HOLT BLVD MONTCLAIR LLC/KZMB LLC
Project Planner: Silvia Gutiérrez
Request: Conditional Use Permit request to allow an ABC Type 41 License (On-Premises Sale of Beer and Wine) in conjunction with bona fide meals within the dining area of Tacos La Bufadora Baja Grill Restaurant.

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 February 14, 2022.

9. ADJOURNMENT

The City of Montclair Planning Commission meeting is adjourned to the regularly scheduled meeting of February 28, 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 February 10, 2022.



CITY OF MONTCLAIR
PLANNING COMMISSION

MEETING DATE: 02/14/22

AGENDA ITEM 6.a

Case No. 2021-35

Application: A request for a Conditional Use Permit to allow a Type 41 (On-Premises consumption of Beer and Wine License) in conjunction with bona fide meals in the 3,541 square-foot Kickin’ Crab Cajun Seafood House restaurant which is currently undergoing interior tenant improvements.

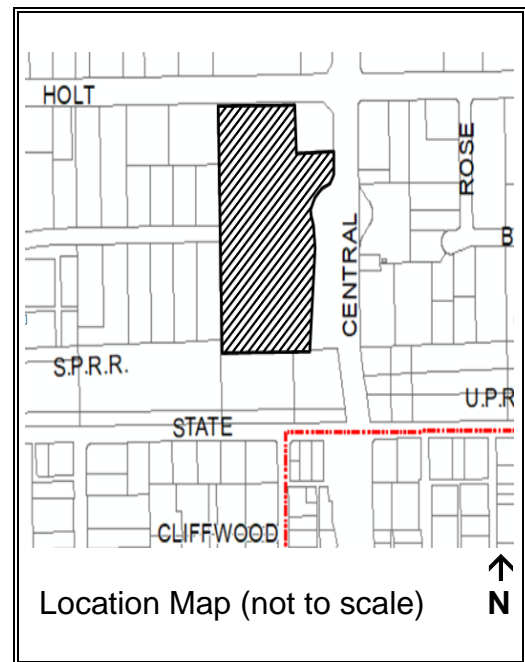
Project Address: 5275 Holt Boulevard, Units K, L, M

Property Owner: CFG R&I Corporation, a property owner care of Pacific Properties Group, as authorized agent

General Plan: Specific Plan

Zoning: Commercial per Holt Boulevard Specific Plan

Assessor Parcel No.: 1011-041-02-0000



ADJACENT LAND USE DESIGNATIONS AND USES

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	General Commercial	Commercial per Holt Boulevard Specific Plan	Shopping Center
North	General Commercial	Auto Mall per Holt Boulevard Specific Plan	Auto Dealership
South	Industrial Park	M-2 (General Manufacturing)	Warehouse
East	General Commercial	Commercial per Holt Boulevard Specific Plan	Retail Center
West	General Commercial	Commercial per Holt Boulevard Specific Plan	Auto Zone Auto Parts Store

Report on Item Number 6.a

PUBLIC HEARING – CASE NUMBER 2021-35

APPLICATION TYPE(S)	Conditional Use Permit
NAME OF APPLICANT	CFG R&I Corporation with Pacific Properties Group as authorized agent
LOCATION OF PROPERTY	5275 Holt Boulevard, Units K, L, M
GENERAL PLAN DESIGNATION	Specific Plan
ZONING DESIGNATION	Commercial per Holt Boulevard Specific Plan
EXISTING LAND USE	Vacant Tenant Space in Building Four within the Cardenas Marketplace Retail Center
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301)
PROJECT PLANNER	Silvia Gutiérrez

Project Description

The applicant is requesting approval of a Conditional Use Permit (CUP) to allow the on-sale, service, and consumption of beer and wine (ABC License Type 41) with meals at the forthcoming The Kickin' Crab restaurant. The Kickin' Crab is a full-service seafood restaurant chain proposing to occupy three recently constructed lease spaces within the Cardenas Marketplace shopping center located at the southwest corner of Holt Boulevard and Central Avenue. The subject lease space is approximately 3,541 square feet in area.

The Kickin' Crab restaurant touts itself on the company website as:

“A great place to hang out with your best of friends and families. No plates, no utensils! Just your hands, a bib, and succulent seafood bathed in our unique and consistently prepared KC sauces. It is also an ideal place to satiate your craving for fresh Cajun Seafood.”

Menu items include various seafood and vegetable options. The Kickin' Crab menu items are prepared in a Louisiana Cajun-style mixed with Asian-inspired cooking. No outdoor dining, bar counter, dance floor, live entertainment, or pool tables are proposed.

Proposed business hours are as follows:

Monday through Thursday:	3:00 p.m. to 9:00 p.m.
Friday, Saturday, and Sunday:	1:00 p.m. to 9:00 p.m.

Floor plans for the restaurant layout are included in the Commission packets for reference.

Background

- The Cardenas Marketplace shopping center was developed in 2020 under Case 2017-23.
- Jan Nguyen opened the first Kickin' Crab restaurant in 2010, in Baldwin Hills, California. Since then, the Kickin' Crab has grown to include restaurants in 18 cities in California, the nearest in Chino Hills, two restaurants in Texas, and a restaurant in Missouri.
- Section 11.42.040. A of the Montclair Municipal Code requires approval of a CUP for the on-premises sale of beer and wine in conjunction with a bonafide eating establishment.

Planning Division Comments

Staff is supportive of The Kickin' Crab restaurant's request to serve beer and wine in conjunction with meals served at the site. The Kickin' Crab's business model typically includes the indoor on-premises sale of beer and wine as an incidental portion of the restaurant business. Staff visited the Chino Hills restaurant, and as a recognized restaurant, national chain believes it will be a well-received addition to the shopping center.

The sale and consumption of beer and wine beverages in conjunction with a bona fide restaurant at this location is a compatible and consistent land use when compared to the other commercial retail-type businesses in the surrounding area. Accordingly, conditions of approval have been included that would ensure that the safety and general welfare of the surrounding area would be maintained. Moreover, The Kickin' Crab is a full-service sit-down restaurant that will not include potentially problematic elements such as a bar counter, dance floor, live entertainment, or pool tables as part of their business format.

Interior improvements for the new restaurant use are appropriate. The exterior of the newly constructed site is in excellent condition and has an existing covered trash enclosure that meets the State of California requirements.

Parking

The Cardenas Marketplace center has 264 parking spaces meeting the development standards at the time of construction; restaurant uses were anticipated and the site plan layout was planned accordingly. The Kickin' Crab restaurant's use and its hours of operation are compatible with the other tenants in the center. Peak hours of use will occur during the early evenings and weekends. City staff is unaware of any significant parking problems at the center and does not expect any significant changes or impacts. A portion of the parking in front of the subject site is currently fenced off because the business owner's contractor is in the process of installing a grease interceptor that is a standard condition of occupancy for restaurants in Montclair and neighboring cities. The grease inceptor segregates the grease generated from sinks and drains in the kitchen ensuring that such grease does not go into the city sewer and instead is siphoned out a manhole cover on a bi-monthly basis.

Security

According to Police Department records, the retail center is not a source of known problems or significant calls for service within the last 12 months. The Police Department provided conditions of approval that include the requirement for video surveillance of the premises, which is consistent with recent City approvals allowing the on-premises sale and service of alcoholic beverages for restaurant uses. Furthermore, those cameras must be operational before the final occupancy of the building. The proposed cameras must be High Definition digital video and be able to retain video records for 90 days.

Lastly, the applicant will be required to install signs stating “No Loitering or Consumption of Alcoholic Beverages on the Premises” on the exterior of the building and within all parking areas in plain view of store employees and customers.

Conditional Use Permit Findings

Staff believes the necessary findings for granting the CUP for on-sale beer and wine can be made as follows:

- A. The Conditional Use Permit to allow the (ABC Type 41 License) On-Premises Sale of Beer and Wine in conjunction with a full-service sit-down restaurant that serves bona fide meals is essential or desirable to the public convenience and public welfare. The option to purchase and consume beer and wine with meals provides the public additional eating and seating options within the community. Such availability of beer and wine with meals, inside the restaurant, is common among other restaurants in the vicinity.
- B. The granting of the CUP to allow the (ABC Type 41 License) On-Premises Sale of Beer and Wine in conjunction with sit-down dining will not be materially detrimental to the public welfare and other property in the vicinity. The proposed restaurant use is compatible with the Commercial zoning district of the Holt Boulevard Specific Plan, and surrounding development or any sensitive land uses in the surrounding area.
- C. Granting the requested CUP to allow the (ABC Type 41 License) On-Premises Sale Beer and Wine to the proposed Kickin’ Crab Cajun Seafood Restaurant area will not be materially detrimental to the public welfare and other property in the vicinity. The proposed restaurant is part of a successful franchise that operates as a family-oriented restaurant, the use would positively impact the adjacent commercial uses by attracting customers and retail activity to the recently opened shopping center and therefore, aiding in the revitalization efforts of the Holt Boulevard Corridor and the surrounding area.
- D. That the proposal to allow the proposed The Kickin’ Crab restaurant, a Type 41 (On-Premises Sale Beer and Wine) in conjunction with bona fide meals within the dining area is consistent with goals and objectives of the Specific Plan General Plan Land Use designation for the subject property, in that the adopted General Plan encourages a wide range of retail and services within the retail commercial area including sit-down restaurants.

Department of Alcoholic Beverage Control (ABC) Finding

The project site is located within Census Tract Number 3.06, which allows up to two on-sale ABC licenses. According to ABC records, there are currently 12 on-sale licenses within the census tract, which requires a finding of public convenience or necessity before ABC will issue a new license in the subject census tract.

The proposed Type 41 license for The Kickin' Crab restaurant is an appropriate request given its location within the Cardenas Marketplace shopping center and will bring customers to the shopping center looking for additional and varied dining opportunities. City staff and the Police Department support this request for the on-premises sale of beer and wine with meals, since the sale of alcoholic beverages is not a major portion of the business and the use does not involve other potential problematic elements such as a bar counter, dance floor, live entertainment, or pool tables as part of their business format. The public convenience or necessity finding can be made as follows:

The full-service The Kickin' Crab restaurant would provide a public convenience to its customers with beer and wine options while experiencing meals. The serving of beer and wine in conjunction with a bona fide eating establishment is similar to the service of beer and wine in restaurants located in commercial centers citywide.

Public Notice and Comments from the Public

This item was published as a public hearing in the Inland Valley Daily Bulletin newspaper on January 28, 2022, as prescribed by law for this discretionary land use entitlement. Public hearing notices were mailed to all property owners within 300 feet from the boundaries of the subject property.

Environmental Assessment

The proposed on-sale of beer and wine in conjunction with a bona fide-eating establishment with related interior building and site improvements is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the State CEQA Guidelines. The project qualifies because it is on a fully developed site and involves minor exterior and interior improvements and limited site changes will not be involving grading.


Planning Division Recommendation

Staff recommends that the Planning Commission take the following actions:

- A. Move that, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA). Further, the project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301, because it is on a fully developed site and involves minor exterior and interior improvements, and limited site changes for the installation of a grease interceptor will not involve grading.
- B. Move to approve Conditional Use Permit under Case No. 2021-35 approving the on-premises sale of beer and wine (ABC Type 41 license) in conjunction with a bona fide eating establishment and related tenant improvements at 5275 Holt Boulevard, Unit K, L,

M per the submitted plans and as described in the staff report, subject to the conditions of approval in attached Resolution 22-1959.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Diaz". The signature is fluid and cursive, with a large, prominent "D" at the end.

Michael Diaz
Director of Community Development Department

c: CFG R&I Corporation, a property owner with Micah Anderson serving as Property Administrator, Pacific Properties Group, as authorized agent 12100 Wilshire Blvd., Suite 1050, Los Angeles, CA 90025 micah@ppgla.com

Phonglu Do, Architect, TG Design Consultant Architectural Design 2870 Sycamore Lane, Arcadia, CA 91006

Andrew Truong, representative of Kickin' Crab Cajun Seafood House aatruong@gmail.com

Z:\COMMDEV\SG\CASES\2021-35 THE KICKIN' CRAB CAJUN SEAFOOD HOUSE\2021-35PCRP

DESIGNER SIGN:

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REVISIONS:

NO.	DATE	REVISIONS
1	05-26-2021	BUILDING SAFETY
2	05-26-2021	FIRE DEPARTMENT
3	06-20-2021	HEALTH DEPARTMENT

PROJECT OWNER

TRANG NGUYEN
 (714) 787-7271

PROJECT ADDRESS

TENANT IMPROVEMENT FOR
THE KICKIN' CRAB
 CAJUN SEAFOOD HOUSE
 5275 HOLT BLVD., MONTCLAIR, CA 91763

STAMP

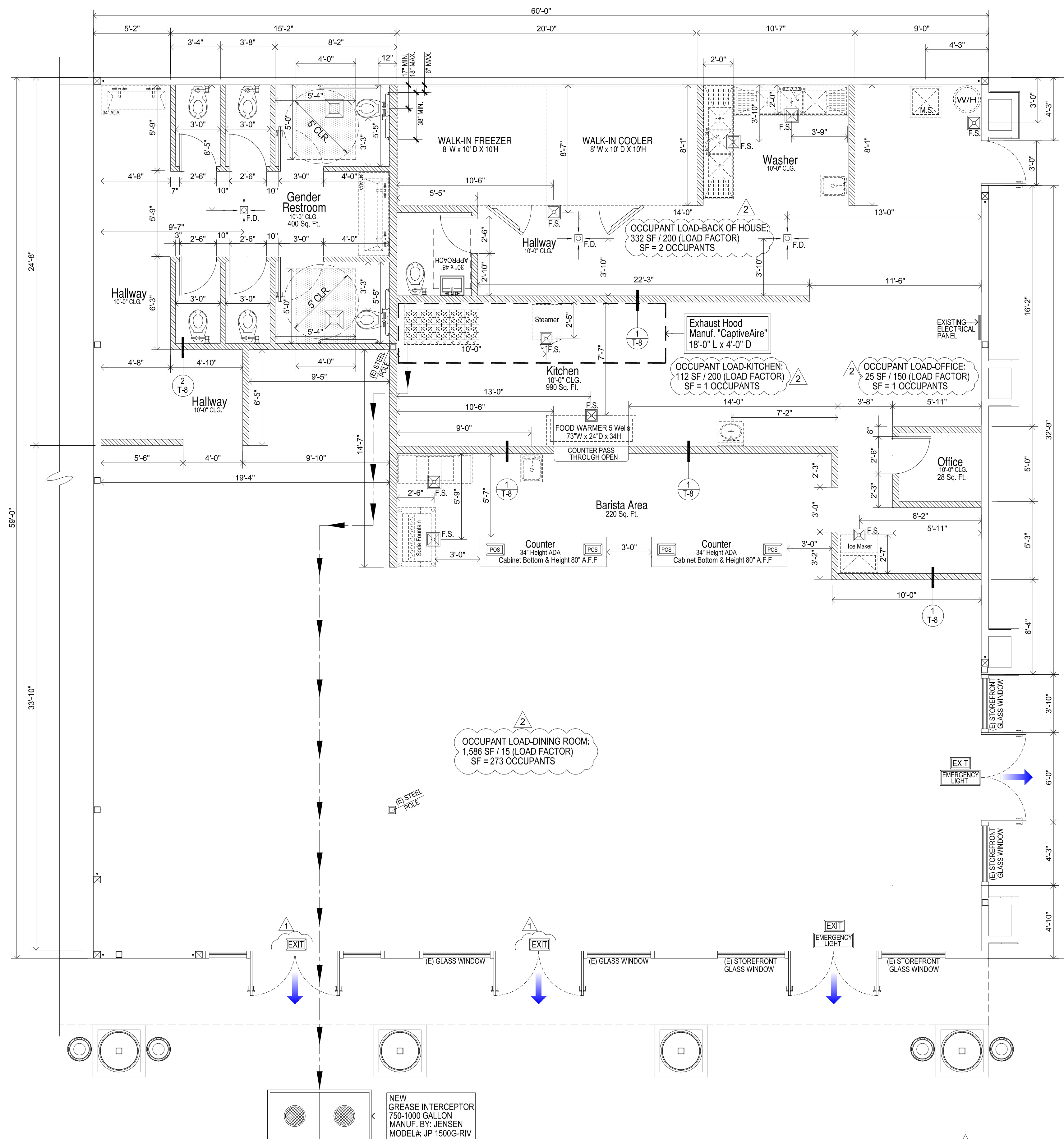
SHEET DESCRIPTION

CONSTRUCTION
 FLOOR PLAN

DATE: 05-25-2021

SHEET

T-2



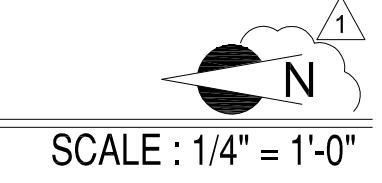
LEGEND

- EXISTING GLASS WINDOWS PER MANUFACTURE
- EXISTING WALL TO REMAIN
- EXISTING WALL TO BE REMOVE
- NEW WALL 6" x 20 GA. @ 16" O.C. METAL STUDS W/ 5/8" TYPE "X" GYPSUM BOARD @ BOTH SIDES ATTENUATED INSULATION (1HR RATED WALLS)
- FLOOR DRAINAGE
- FLOOR SINK WITH 1" AIR GAP
- EXIT
- EXIT ROUTE

NOTE:

1. EXTERIOR SIGNAGE REQUIRES SEPARATE APPROVAL AND SEPARATE PERMIT
2. ALL FLOORS, WALLS, AND CEILINGS ARE SMOOTH FINISH
3. RETURN AIR PLENUMS REQUIRE NON-COMBUSTIBLE CONSTRUCTION
4. PUBLIC TOILET ROOMS SHALL BE PROVIDED WITH MECHANICAL EXHAUST SYSTEM CAPABLE OF PROVIDING A MIN. 50 CFM PER EACH WATER CLOSET AND URINAL
5. TENANT'S GENERAL CONTRACTOR IS RESPONSIBLE FOR ALL DEMOLITION WORKS AND DISPOSE ALL DEBRIS FROM LEASED PREMISES.
6. ALL DIMENSIONS ARE FROM FINISH FACE OF ALL. FIELD VERIFY AS BUILT PRIOR CONSTRUCTION. NOTIFY DESIGNER FOR ANY DISCREPANCY PRIOR STARTING. FAILURE TO DO WILL BE CONTRACTOR'S RESPONSIBILITY.

CONSTRUCTION FLOOR PLAN
BUILDING-4 SUITE-10-12



NEW GREASE INTERCEPTOR
 750-1000 GALLON
 MANUF. BY: JENSEN
 MODEL#: JP 1500G-RIV

DESIGNER SIGN:

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CAJUN SEAFOOD HOUSE
5275 HOLT BLVD., MONTCLAIR, CA 91763

STAMP

SHEET DESCRIPTION

FLOOR PLAN WITH
FIXTURES LAYOUT

DATE: 05-25-2021

SHEET

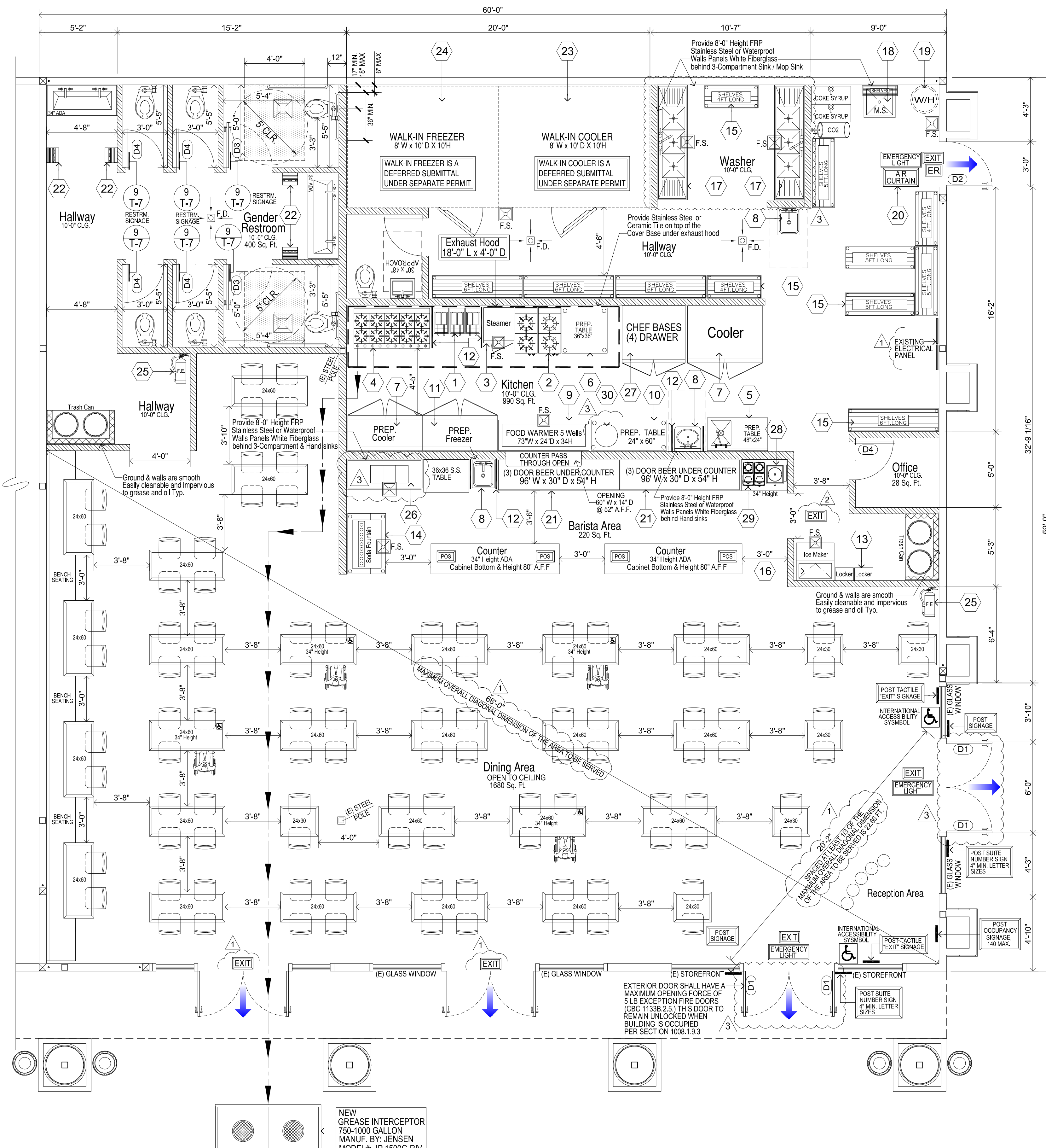
T-3

EQUIPMENT SCHEDULE									
NO.	QTY.	DESCRIPTION	SIZE	REMARK	TOTAL B.T.U.	TOTAL VOLT	TOTAL H.P.	TOTAL AMP.	
1	3	DEEP FRYER	15" 30" 41"	NSF. UL APPROVED MANUF. BY FRY MASTER MODEL# FRS-40	105,000				
2	4	4-OPEN BURNER W/ S.STL. TABLE	60" 29" 14"	NSF. UL APPROVED MANUF. BY IMPERIAL MODEL# IHPA-10-60	320,000				
3	1	STEAMCRAFT GEMINI 10 (STEAMER)	24" 32" 65"	NSF. UL APPROVED MANUF. BY CLEVELAND MODEL# 24-CGA-10.2	72,000	120			
4	10	10-OPEN BURNER W/ S.STL. TABLE	60" 29" 14"	NSF. UL APPROVED MANUF. BY COMSTOCK-CASTLE MODEL# IHPA-10-60	320,000				
5	2	STAINLESS STEEL. PREP. TABLE	48" 24" 35"	NSF. UL APPROVED MANUFACTURING BY GSW USA MODEL#					
6	1	STAINLESS STEEL. PREP. TABLE	36" 36" 35"	NSF. UL APPROVED MANUFACTURING BY GSW USA MODEL#					
7	3	(2) DOOR COOLER	54 1/8" 29 1/2" 78 3/8"	NSF. UL APPROVED MANUF. BY TRUE MODEL# T-49		115		9.1	
8	3	STAINLESS STEEL HAND SINK WALL MOUNTED	17" 15"	NSF APPROVED MANUF. BY GSW USA HS-1615SS HOT & COLD WATER W/ SOAP & TOWEL DISP.					
9	1	FOOD WARMER (5) WELLS	73" 24" 34"	NSF. UL APPROVED MANUFACTURING BY DUKE MODEL# WB305	27,500				
10	1	STAINLESS STEEL. PREP. TABLE W/ INEGRATED PREP SINK	24" 60" 35"	NSF. UL APPROVED MANUFACTURING BY GSW USA MODEL#					
11	1	(2) DOOR FREEZER	54 1/8" 29 1/2" 78 3/8"	NSF. UL APPROVED MANUF. BY TRUE MODEL# T-49		115		11.0	
12	8	SPLASH GUARDS 6" or 18" HIGHER THAN TOP SINK	18" 18" 18"	NSF APPROVED STAINLESS STEEL SPLASH GUARD					
13	2	MTL. EMPLOYEE LOCKER 5/6 TIERS W/ 6" MTL. LEGS	12" 20" 77"	NSF APPROVED MANUF. BY GSW INC. MODEL# EK-5DR					
14	1	SODA FOUNTAIN MACHINE, COKE SYRUP, CO2 DROP-IN W/ BACK-FLOW DEVICE, WASTE TO F.S. COMPRESSED GAS	23" 23" 14"	NOTE: PRIOR TO THE CARBONATOR SODA FOUNTAIN AND RRP MANUF. BY COCA COLA CO. VIA LEGAL AIR GAP WITHIN 15 FEET					
15	13	STAINLESS STEEL WIRE SHELVES - 4 TIERS	72" 18" 68"	NSF APPROVED MANUF. BY FOCUS NO. FF1872G					
16	1	ICE MAKER W/ ICE BIN (AIR COOLED) WASTE TO FL. SINK W/ 1" AIR GAP	30" 31" 28"	NSF. UL APPROVED MANUF. BY SCOTSMAN MODEL# C0530MA-1	115			15.2	
17	2	3-COMPARTMENT SINK (18"x18"x18" EA. TUB) W/ 24" DRAIN BOARD BOTH SIDES WASTE TO DIRECTLY. PREP. SINK	120" 30" 39"	NSF APPROVED MANUF. BY GSW USA SH24243D HOT & COLD WATER					
18	1	MOP SINK W/ MOP HANGER & CHEMICAL CABINET ABOVE	36" 24"	NSF APPROVED HOT & COLD WATER W/ BACKFLOW PREVENTION DEVICE					
19	1	GAS WATER HEATER - 100 GAL. CLEARANCE UNDERNEATH W/ 6" HT. MTL. LEG		NSF. UL APPROVED MANUF. BY RHEEM - RUUD UNIVERSAL MODEL# G100-200(A)	199,900				
20	1	AIR CURTAIN (MARS)	48" 12 5/8" 10 5/8"	MODEL # N2 48-1U	115				
21	2	(3) DOOR BEER UNDER COUNTER	96" 30" 54"	NSF. UL APPROVED MANUF. BY TRUE MODEL# TRB-7	115			9.1	
22	4	AUTOMATIC HAND DRYER	12" 9.7" 26"	NSF APPROVED DYSON AIRBLADE MODEL# AB04 WHITE	120			15	
23	1	WALK-IN-COOLER	8'-0" 7'-8" 10'-0"	NSF APPROVED COMMERCIAL COOLING MODEL# LCA6-110	210			1.5	
24	1	WALK-IN-FREEZER	8'-0" 7'-8" 10'-0"	NSF APPROVED COMMERCIAL FREEZER MODEL# LCA6-120	210			1.5	
25	2	FIRE EXTINGUISHERS		WALL MOUNTED BUCKEYE 20 LB. ABC FIRE EXTINGUISHER UL-RATING 20A-120 B/C					
26	1	60" 3-COMP. SINK WITH 2 18" DRAIN BOARDS	2'-0" 6'-0" 34"	NSF APPROVED MANUF. BY GSW USA SH24243D HOT & COLD WATER					
27	1	CHEF BASES (4) DRAWER	72" 32" 20"	NSF UL APPROVED COMMERCIAL BY TRUE MODEL# TRCB-72	115			9.9	
28	1	HOT WATER BOILER	16" 16" 26"	MANUF. BY CURTIS MODEL # WB-14-11	115			1.3	
29	1	ICE TEA DISPENSER BLOOMFIELD	10 3/8" 14 7/8" 22 3/8"	NSF APPROVED MODEL NO. 8802-9G 5 GALLON					
30	1	RICE COOKER	18" 16"	MANUF. AVANTCO MODEL NO. 177RW92	105				

DOOR SCHEDULE GROUP-A

(E) & (N)	NUMBER	WIDTH	HEIGHT	THK.	HARDWARE	MATERIAL	FRAME	FINISH	REMARKS
EXISTING	D1	3'-0"	7'-0"	---	PUSH-PULL (WITH PANIC)	ALUM. W/ 1/2" THK. TEMP. GLASS	ALUM. FRAME	PAINT	SELF-CLOSING TIGHT FITTING
EXISTING	D2	3'-0"	7'-0"	---	PUSH-PULL (WITH PANIC)	METAL	METAL FRAME	PAINT	SELF-CLOSING TIGHT FITTING
NEW	D3	3'-0"	7'-0"	1 3/4"	PUSH-PULL	WOOD SOLID CORE	ALUM. FRAME	PAINT	SELF-CLOSING TIGHT FITTING
NEW	D4	2'-6"	7'-0"	1 3/4"	PUSH-PULL	WOOD SOLID CORE	ALUM. FRAME	PAINT	SELF-CLOSING TIGHT FITTING

NOTE:
• EGRESS DOOR SHALL BE READILY OPENABLE FROM THE EGRESS SIDE WITHOUT THE USE OF KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT. THE UNLATCHING OF ANY DOOR OR LEAF SHALL NOT REQUIRE MORE THAN ONE OPERATION. (CBC 1108.1.10, 1008.1.9.3 ITEM 2)
• READILY VISIBLE DURABLE SIGN SHALL BE POSTED ON THE EGRESS SIDE ON OR ADJACENT TO THE DOOR STATING "THIS DOOR TO REMAIN UNLOCKED WHEN THIS SPACE IS OCCUPIED". THE SIGN SHALL BE IN LETTERS 1 INCH HIGH ON A CONTRASTING BACKGROUND. THE KEY-OPERATED DEVICE IS REVOCABLE BY THE FIRE CODE OFFICIAL FOR DUE CAUSE. FIRE CODE 1010.1.9.3.



LEGEND

- EXISTING GLASS WINDOWS PER MANUFACTURE
- EXISTING WALL TO REMAIN
- EXISTING WALL TO BE REMOVE
- NEW WALL 6" x 20 GA. @ 16" O.C. METAL STUDS W/ 5/8" TYPE "X" GYPSUM BOARD @ BOTH SIDES ATTENUATED INSULATION (1HR RATED WALLS)
- FLOOR DRAINAGE
- FLOOR SINK WITH 1" AIR GAP
- EXIT
- EXIT ROUTE

NOTE:

- EXTERIOR SIGNAGE REQUIRES SEPARATE APPROVAL AND SEPARATE PERMIT
- ALL FLOORS, WALLS, AND CEILINGS ARE SMOOTH FINISH
- RETURN AIR PLENUMS REQUIRE NON-COMBUSTIBLE CONSTRUCTION
- PUBLIC TOILET ROOMS SHALL BE PROVIDED WITH MECHANICAL EXHAUST SYSTEM CAPABLE OF PROVIDING A MIN. 50 CFM PER EACH WATER CLOSET AND URINAL
- TENANT'S GENERAL CONTRACTOR IS RESPONSIBLE FOR ALL DEMOLITION WORKS AND DISPOSE ALL DEBRIS FROM LEASED PREMISES.
- ALL DIMENSIONS ARE FROM FINISH FACE OF ALL FIELD VERIFY AS BUILT PRIOR CONSTRUCTION. NOTIFY DESIGNER FOR ANY DISCREPANCY PRIOR STARTING. FAILURE TO DO WILL BE CONTRACTOR'S RESPONSIBILITY.

NOTE:

- EXISTING OPEN TO CEILING AT DINING AREA TO BE REMAIN
- EXISTING T-BAR CEILING AT KITCHEN, CLEANING, DRY FOOD STORAGE TO BE REMAIN
- EXISTING ELECTRICAL AND LIGHTING FIXTURES AT CEILING TO BE REMAIN
- EXISTING KITCHEN EXHAUST HOOD BY CAPTIVE/INLET TO BE REMAIN.
- EXISTING KITCHEN & BAR AREA EQUIPMENT WITH NEW FIXTURES ARE COMPLY NSF.
- EXTERIOR SIGNAGE REQUIRES SEPARATE APPROVAL AND SEPARATE PERMIT
- ALL FLOORS, WALLS, AND CEILINGS ARE SMOOTH FINISH
- TOILET AND BATHING ROOM FLOORS SHALL HAVE A SMOOTH, HARD, NONABSORBENT SURFACE THAT EXTENDS UPWARD ONTO THE WALLS AT LEAST 4-IN.
- EACH BUILDING SHALL BE PROVIDED WITH SANITARY FACILITIES. THE REQUIRED NUMBER OF FIXTURES SHALL COMPLY WITH TABLE 422.1 OF THE PLUMBING CODE.
- PUBLIC TOILET ROOMS SHALL BE PROVIDED WITH MECHANICAL EXHAUST SYSTEM CAPABLE OF PROVIDING A MIN. 50 CFM PER EACH WATER CLOSET AND URINAL AND A MINIMUM 70 CFM FOR HEAVY USE APPLICATION SUCH THEATER, SCHOOL, ETC.
- KITCHEN AND FOOD PREPARATION ROOMS REQUIRE VENTILATION AS FOLLOWS:
* MECHANICAL AIR CHANGE TO HANDLE FIFTEEN CUBIC FEET PER MINUTE. *
- TENANT'S GENERAL CONTRACTOR IS RESPONSIBLE FOR ALL DEMOLITION WORKS AND DISPOSE ALL DEBRIS FROM LEASED PREMISES.
- ALL DIMENSIONS ARE FROM FINISH FACE OF ALL. FIELD VERIFY AS BUILT PRIOR CONSTRUCTION. NOTIFY DESIGNER FOR ANY DISCREPANCY PRIOR STARTING. FAILURE TO DO WILL BE CONTRACTOR'S RESPONSIBILITY.
- INSTALL ALL EQUIPMENTS, COUNTERS, CABINETS, ETC. ON MIN. 6" HIGH ROUND METAL LEGS / CASTERS OR ON A MIN. 4" HIGH CONTINUOUSLY COVERED CURB.
- INTERIOR WALLS AND FLOOR OF TRASH ENCLOSURE MUST BE SMOOTH AND SEALED WITH AN APPROVED SEALER.
- WALLS WITHIN 2-F.T. OF URINALS AND WATER CLOSET SHALL HAVE A SMOOTH, HARD, NONABSORBENT SURFACE TO A HEIGHT OF 4-F.T. ABOVE THE FLOOR, AND EXCEPT FOR STRUCTURAL ELEMENTS, THE MATERIALS USED IN SUCH WALLS SHALL BE OF A TYPE THAT IS NOT ADVERSELY AFFECTED BY MOISTURE.

EQUIPMENT SPECIFICATIONS
ALL NEW AND REPLACEMENT FOOD-RELATED OR UTENSIL-RELATED EQUIPMENT SHALL BE CERTIFIED OR CLASSIFIED FOR SANITATION BY AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) ACCREDITED CERTIFICATION PROGRAM.

HAND SINKS
ALL HAND WASHING FACILITIES SHALL BE SUPPLIED WITH WARM WATER SUPPLIED THROUGH A MIXING VALVE OR COMBINATION FAUCET AT A TEMPERATURE OF AT LEAST 100 F. ALL OTHER SINKS SHALL SUPPLY HOT WATER AT A TEMPERATURE OF AT LEAST 120 F.

DRY FOOD STORAGE
A SHELVING UNIT SHALL BE A MINIMUM 18 INCHES IN DEPTH AND THREE (3) TIERS HIGH. ALL STORAGE SHELVING MUST BE ACCESSIBLE WITH 30 INCH AISLE CLEARANCE.

AIR CURTAINS
DELIVERY DOOR SHALL BE EQUIPPED WITH A DOOR-ACTIVATED AIR CURTAIN DEVICE THAT DELIVERS AN AIR VELOCITY OF AT LEAST 750 FEET PER MINUTE, MEASURED THREE (3) FEET ABOVE THE FLOOR. THE AIR CURTAIN OF AIR SHALL COVER THE ENTIRE WIDTH OF THE DOOR. FOR DELIVERY DOORS THAT ARE WIDER THAN FOUR (4) FEET, THE AIR CURTAIN MUST PRODUCE AN AIR VELOCITY OF AT LEAST 1600 FEET PER MINUTE AS MEASURED THREE (3) FEET ABOVE THE FLOOR.

FLOOR PLAN WITH FIXTURES LAYOUT
BUILDING-4 SUITE-10-12

SCALE: 1/4" = 1'-0"

RESOLUTION NUMBER 21-1959

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT UNDER CASE NO. 2021-35 ALLOW ABC TYPE 41 (ON-PREMISES SALE OF BEER AND WINE) IN CONJUNCTION WITH BONA FIDE MEALS WITHIN THE DINING AREA AT 5275 HOLT BOULEVARD UNITS K, L, AND M, IN THE COMMERCIAL ZONING DISTRICT OF THE HOLT BOULEVARD SPECIFIC PLAN (APN 1011-041-02-0000)

A. Recitals.

WHEREAS, on November 2, 2021, the CFG R&I, Corporation, property owner, applied for Conditional Use Permit under Case No. 2021-35 to allow a Type 41 license (On-Sale Beer and Wine) within the dining area of a proposed restaurant; and

WHEREAS, the application applies to a proposed full-service sit-down restaurant use occupying a lease space of approximately 3,541 square feet located at 5275 Holt Boulevard, Unit K, L, M; and

WHEREAS, the proposed restaurant is within an existing multi-tenant commercial retail center situated on 5.34-acres in a Commercial zoning district of the Holt Boulevard Specific Plan; and

WHEREAS, the proposed restaurant is consistent with the use and development standards of the underlying Commercial zoning district of the Holt Boulevard Specific Plan and the intent and requirements of the Montclair Municipal Code; and

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

WHEREAS, The Planning Division has determined this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), under Section 15301 (Class 1 – Existing Facilities) of the State CEQA Guidelines. The project qualifies because the proposed project is on a developed site involves no expansion of the existing building.

WHEREAS, the Planning Commission has reviewed the Planning Division's determination that the proposed CUP. Under the authority and criteria contained in CEQA, the Planning Department has analyzed the proposed project. The Planning Department found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the proposed project is categorically exempt from the provisions of CEQA pursuant to Section 15301 – Existing Facilities; and

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

WHEREAS, on February 14, 2022, commencing at 7:00 p.m. in the Council Chambers at Montclair City Hall, the Planning Commission conducted a meeting at which time all persons wishing to testify in connection with the said project were heard and said proposal was fully studied.

B. Resolution.

SECTION 1. This Commission hereby specifically finds that all of the facts outlined in the Recitals, Part A, of this Resolution are true and correct.

SECTION 2. Based upon the entire record before the Planning Commission during the above-referenced hearing on February 14, 2022, including written and oral staff reports together with public testimony, this Planning Commission hereby finds as follows concerning the recommendation of approval of Conditional Use Permit under Case No. 2021-35, subject to the conditions of approval contained in this resolution enumerated below:

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 outlined in recitals, Part A, of this Resolution are true and correct.
2. Based upon substantial evidence presented to this Commission during the above-referenced public hearing on February 14, 2022, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:

Conditional Use Permit Findings

- A. The Conditional Use Permit to allow the (ABC Type 41 License) On-Premises Sale of Beer and Wine in conjunction with a full-service sit-down restaurant that serves bona fide meals is essential or desirable to the public convenience and public welfare. The option to purchase and consume beer and wine with meals provides the public additional eating and seating options within the community. Such availability of beer and wine with meals, inside the restaurant, is common among other restaurants in the vicinity.
- B. The granting of the CUP to allow the (ABC Type 41 License) On-Premises Sale of Beer and Wine in conjunction with sit-down dining, will not be materially detrimental to the public welfare and other property in the vicinity. The proposed restaurant use is compatible with the Commercial zoning district of the Holt Boulevard Specific Plan, and surrounding development or any sensitive land uses in the surrounding area.

- C. Granting the requested CUP to allow the (ABC Type 41 License) On-Premises Sale Beer and Wine for the proposed The Kickin' Crab restaurant will not be materially detrimental to the public welfare and other property in the vicinity. The proposed restaurant is part of a successful franchise that operates as a family-oriented restaurant, the use would positively impact the adjacent commercial uses by attracting customers and retail activity to the recently opened shopping center and therefore, aiding in the revitalization efforts of the Holt Boulevard Corridor and the surrounding area.
- D. That the proposal to allow the proposed The Kickin' Crab restaurant, a Type 41 (On-Premises Sale Beer and Wine) in conjunction with bona fide meals within the dining area is consistent with goals and objectives of the Specific Plan General Plan Land Use designation for the subject property, in that the adopted General Plan encourages a wide range of retail and services within the retail commercial area including sit-down restaurants.

FINDING OF PUBLIC CONVENIENCE OR NECESSITY. The Planning Commission hereby approves Finding of Public Convenience or Necessity for alcohol use at 5275 Holt Boulevard, Unit K, L, M based on the following finding:

- E. The provide full-service restaurant tenant, The Kickin' Crab, would provide a public convenience to the customers with beer and wine beverage options while experiencing meals similar to restaurants in commercial centers citywide.

C. Conditions of Approval

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

Planning Division

1. Conditional Use Permit (CUP) Amendment approval is hereby granted to allow the following at 5275 Holt Boulevard, Unit K, L, and M:
 - a. Issuance of Type 41 ABC License to allow the On-Premises Sale of Beer and Wine in the dining area within the proposed 3,541 square foot restaurant.
 - b. The application does not include the serving and consumption of beer and wine outdoors in any future proposed dining area, therefore this is strictly prohibited.
2. This CUP approval shall be valid for six months (180 calendar days) from the date of Planning Commission approval and shall automatically expire on the six-month anniversary date of Planning Commission action unless the applicant is

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

3. In establishing and conducting the subject use, the applicant shall at all times comply with any laws, ordinances, and regulations of the City of Montclair, the County of San Bernardino, and the State of California. Approval of this CUP shall not waive compliance with any such requirements.
4. This decision or any aspect of this decision may be appealed to the City Council within 15 days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
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 of **\$558.08**, made 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. No changes to the use shall be permitted without prior City review and approval. Any modification, intensification, or expansion of the use and design beyond that which is specifically approved shall require further review and approval by the Planning Commission.
7. Restaurant hours shall be Monday through Thursday 3:00 p.m. to 9:00 p.m., Friday through Sunday 1:00 p.m. to 9:00 p.m. The applicant may close the restaurant earlier than the hours stated herein. Any extension of the restaurant hours beyond the limits stated herein shall require written notification to the Planning Division and is subject to City approval.
8. Any substantial changes to the operation, increase in the floor area of the existing building shall require prior City approval.
9. The approved restaurant shall be operated, maintained, and open to the general public as a full-service (bona fide) eating establishment, serving meals at all times that beer and wine are offered for sale and consumption on the premises.
10. No live entertainment activities are included with this approval. It shall be the responsibility of the business owner to submit an application for an

Entertainment Permit pursuant to the Montclair Municipal Code. Entertainment Permits shall be reviewed and approved by the Montclair Police Department.

11. No alcoholic beverages shall be consumed outside the enclosed building.
12. Any discontinuation or substantial changes to the full-service restaurant without City approval shall be a violation of this CUP and may be cause for revocation. Upon transfer, sale, or re-assignment of the restaurant to another individual or entity, the applicant shall make full disclosure of the CUP requirements and restrictions to future buyers, transferees, or assignees.
13. The Type 41 ABC license (On-Premises Sale of Beer and Wine) may be modified or revoked for failure to abide by the conditions of this approval or in the event the user is determined to be a nuisance to surrounding properties, businesses, or the community at large.
14. At no time shall the premises be converted into other uses where minors are generally excluded, such as a bar with no bona fide restaurant component, entertainment venue, night club, dance hall, or banquet hall operated by either the restaurant owner or outside vendors or promoters.
15. 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.
16. 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.
17. A copy of this Planning Commission Resolution, shall be kept on the premises at all times to be made immediately available to law enforcement officers, Code Enforcement officers, and/or fire and building inspectors in the course of conducting inspections of said premises.
18. Prior to the commencement of business activities, the business owner shall apply for and obtain a City of Montclair Business License, and shall maintain a valid City business license at all times. Should such licensing be denied, expire or lapse at any time in the future, this permit shall become considered a violation of this condition and the use shall be subject to revocation proceedings.
19. The following mandatory conditions are hereby imposed as part of the CUP approval:
 - a. The premises shall be maintained at all times in a neat and orderly manner.

- b. Trash receptacles shall be provided in such number and at such locations as may be specified by the Director, or designee.
- c. Alcoholic beverages shall not be allowed to be consumed outside of the permitted restaurant premises, which shall consist of the demised lease space described herein as permitted by the Planning Commission. The applicant shall post notification of this limitation within plain view of employees and customers.
- d. The exterior appearance of the premises shall be maintained in a manner consistent with the exterior appearance of commercial properties already constructed within the immediate area to not cause blight or deterioration or to substantially diminish or impair property values within the neighborhood.
- e. The permittee shall comply with all California Department of Alcohol Beverage Control statutes, rules, and regulations relating to the sale, purchase, display, possession, and consumption of alcoholic beverages.
- f. The permittee shall acknowledge and agree the City has a legitimate and compelling governmental interest in the permittee's strict compliance with all conditions imposed upon the permit, including adherence to State statutes, rules, and regulations as specified in subsection (e) above. The permittee shall further acknowledge and agree, in writing, that any violation of a State statute, rule, or regulation concerning the sale to or consumption of alcoholic beverages by a minor has been determined by the City to have a deleterious secondary effect upon:
 - i. The specific land use requested by the permittee and authorized by the City;
 - ii. The compatibility of permittee's authorized land use with adjacent land uses;
 - iii. The welfare and safety of the general public within the City. Given such deleterious secondary effects, the permittee shall acknowledge the City has specifically reserved the right and authority to impose sanctions, including suspension or revocation of the CUP, as a consequence of one or more violations of a State statute, , rule or regulation concerning the sale to or consumption of beer and wine by a minor.
- g. The permit shall, after notice to the permittee and an opportunity to be heard, be subject to the imposition of such additional conditions as may be reasonable and necessary to address problems of land use

compatibility, security, or crime control that have arisen since the issuance of the permit.

20. During all hours of business operation, the permittee shall have a "manager" present at the establishment and on duty. The permittee and manager shall be responsible for the conduct of all employees and shall not cause, permit, allow, aid, abet, or suffer any violation of the conditions of this permit or any provision of the Montclair Municipal Code. Failure to comply with any or all of the conditions of approval shall be deemed sufficient grounds to initiate revocation proceedings regarding the Conditional Use Permit approval.
21. The on-site manager shall take whatever steps are deemed necessary to assure the orderly conduct of employees, patrons, and visitors on the premises.
22. No exterior security bars and roll-up doors shall be installed on windows and pedestrian building entrances.
23. Any landscape material disturbed or destroyed during construction shall be replanted subject to the approval of the Director.
24. No outdoor storage of used fats, oils, or grease (FOG) shall be allowed in trash enclosures.
25. No window signs either inside or outside, or signs placed inside the business directed toward the outside shall advertise the availability of beer, wine, or distilled spirits.
26. No outdoor display areas for merchandise are allowed at any time.
27. All graffiti and vandalism and/or damage to the subject site and/or structure shall be removed or repaired within 72 hours of notice from the City.
28. Amplified music shall comply with the City's Noise Ordinance.
29. On-site electronic arcades and amusement games shall be prohibited.
30. Any rooftop or roof-mounted equipment shall be fully screened from view to the satisfaction of the Director.
31. All satellite dish antennas, microwave receivers and transmitters, and other forms of communication equipment shall be located in a manner by the provisions of Chapter 11.46 of the Montclair Municipal Code.
32. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code. Temporary banners to announce a grand opening or promotional event shall require a banner permit from the Planning Division before installation.

33. 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.
34. 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.
35. All on-site ground-mounted mechanical equipment, including, but not limited to, utility meters, air conditioners, condenser units, and repair equipment shall be located within the building or on the exterior of the building only when necessary and screened in a manner that is compatible with the architectural design of the building subject to the satisfaction of the City Planner.
36. No exterior public telephones, vending machines, children's rides, or other coin-operated machines shall be located on the site.
37. At no time shall any storage occur in the area outside the rear exit of the tenant space, including shelving, boxes, supplies, etc., as the said area is a designated emergency exit path for the subject building.
38. Before the installation of any signs, the applicant shall apply for a Sign Permit and set of plans to the Planning Division for review and approval. The set of plans shall be drawn to scale, and include all proposed building-mounted signs, directional signs, and wall-mounted/freestanding menu boards intended for the drive-thru lane. The plans shall also comply with the following standards:
 - a. All wall signs shall utilize individual channel letters.
 - b. Exposed raceways shall be prohibited for all building-mounted and freestanding signs.
39. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code, including, but not limited to the following:
 - a. Temporary banners to announce the grand opening or advertising promotions shall require a banner permit from the Planning Division before installation.
 - b. Promotional window signs shall not occupy more than 25 percent of the aggregate window area.
 - c. At no time shall pennants, inflatable signs, "human" signs, or other similar advertising devices be utilized on the property or off-site.

40. All signs shall be maintained at all times, in good appearance and operating condition. Exposed surfaces shall be cleaned and painted as necessary. Broken and defective parts shall be repaired or replaced.
41. 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.
42. All applicable conditions under Case 2017-23 associated with the development of the Cardenas Shopping center shall apply.
43. 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. The 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

44. The applicant shall comply with the latest adopted California Building Code, and other applicable codes, ordinances, and regulations in effect at the time of permit application. These applicable codes shall be indicated on the first page of the submitted plans.
45. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City before permit issuance.
46. Separate permits are required for fire sprinklers, fire alarms, signage, fencing, and/or walls. Submit details of construction on the plans. Double-wall conditions which have been created by an adjacent property line wall not be allowed.

49. Plans shall be submitted for plan check and approved before construction. All plans shall be marked with the project file number.
50. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
51. 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.
52. Provide and indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way and all required disabled-accessible parking lot signs. Sidewalks, paths-of-travel, and curb cuts shall comply with the requirements of the California Building Code, Title 24. The maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%). The restaurant shall have an accessible path of travel connecting to the mall entrance.
53. Provide the required number of accessible parking spaces as determined by the CBC, Chapter 11B. The spaces shall be designated by the provisions laid out for accessible parking.
54. Construction drawings submitted to the building division for plan review shall comply with the Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
 - a. Install a numerical address on the east building elevation. Address numerals shall be in a font acceptable to the Planning Division, a minimum of ten inches in height, a minimum of 1 ½ inch 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 approved emergency lighting to provide adequate illumination automatically in the event of an interruption of electrical service.
55. The applicant and/or property owner shall be responsible for maintaining the building's signs, lighting, landscaping, and all improvements in good working order at all times. Any accumulation of trash, weeds, or debris on the property shall be removed immediately so as not to present a public nuisance. Graffiti on the building or associated improvements shall be removed immediately by the applicant/property owner upon notification by the City.

Environmental/Engineering

56. A Wastewater Discharge Survey must be completed and submitted to the Environmental Manager for review and approval before Plan submittal for each tenant that has a food/beverage use. The Environmental Manager shall determine the appropriate grease interceptor capacity for the designated use. Contact Steve Stanton, Engineering Manager (909) 625-9444 for more information.
57. 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 Engineering Manager, Steve Stanton at (909) 625-9444.
58. 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.
59. Underground Service Alert shall be notified at least 48 hours before any excavation. Contact Underground Service Alert at 800-422-4133.

Police Department

60. 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.
61. This Conditional Use Permit (CUP) Amendment shall be reviewed one year from the date of approval and may be reviewed each year thereafter. The review shall be conducted jointly by the Community Development Director and Police Chief or designees. The purpose of this review shall be to identify uniquely adverse issues such as curfew, loitering, vandalism, criminal activity, noise, or nuisance issues. If such issues are identified, the CUP shall be presented to the Planning Commission for their consideration of conditions, modifications, or revocation.
62. 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.
63. Premises falling within the regulations of the State Alcoholic Beverage Control Board (ABC) shall remain consistent with plans submitted for review by the Planning Commission. No changes to the floor plans will occur unless a permit is issued by the Community Development Department .

64. Premises falling within the regulations of the State Alcoholic Beverage Control Board (ABC) shall not allow any consumption of alcoholic beverages on any property adjacent to the licensed premises under the control of the license.
65. 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.
66. The parking lot of the premises shall be equipped with the lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot.
67. The premises shall install and maintain a closed-circuit video surveillance (CCVS) system to the new addition. The system shall at minimum be capable of monitoring all entrances/exits to the premises and be positioned 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. Typically acceptable camera angles range from 50-130 degrees. Cameras shall be capable of no less a resolution than 1920x1080 pixels, otherwise known as 1080p. IR (night-vision) is preferred, however, cameras shall at minimum be capable of low-light operation.

Audio recording is desirable, but not a requirement. Camera footage shall be retained for no less than 90 days. To conserve storage space, cameras may reduce frame-rate when no motion is detected, however must record at no less than 30 frames per second when motion is detected. Motion sensors shall be configured to activate properly in all areas covered including the parking area. Motion sensors may be configured to prevent incidental activation from hanging or moving displays. Depending on the nature of the premises, additional cameras may be required.
68. 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.

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

APPROVED AND ADOPTED THIS 14TH DAY OF February 2022

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Chair Planning Commission

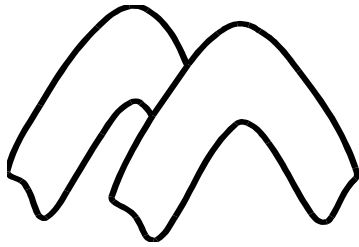
ATTEST: _____
Michael Diaz, Secretary

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 14th day of February 2022, by the following vote, to-wit:

AYES:

NOES:

ABSENT:



CITY OF MONTCLAIR
PLANNING COMMISSION

MEETING DATE: 02/14/22

AGENDA ITEM 6.b

Case No. 2021-37

Application: A request for Conditional Use Permit to allow a Type 41 (On-Premises consumption of Beer and Wine License) in conjunction with bona fide meals in the 2,500 square-foot Tacos La Bufadora Restaurant

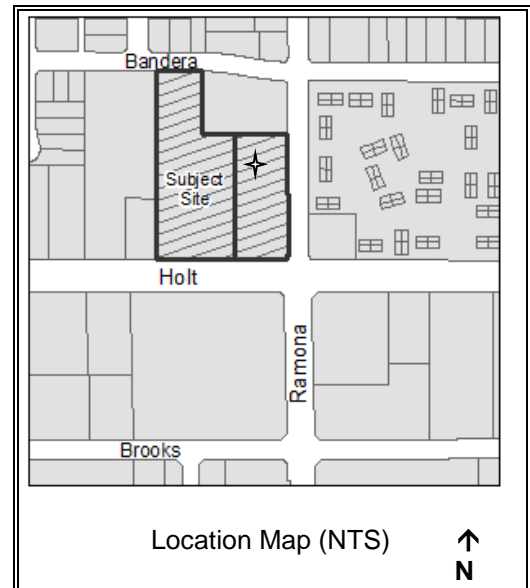
Project Address: 4468 Holt Boulevard, Units B & C

Assessor Parcel Nos: 1009-493-10-0000

Property Owners: 4480 HOLT BLVD MONTCLAIR LLC/KZMB LLC

General Plan: General Commercial **Zoning:** Commercial - Holt Boulevard Specific Plan

City/Public Utility Easements: None



Adjacent Land Use Designations and Existing Uses			
	<i>General Plan</i>	<i>Zoning</i>	<i>Existing Use of Property</i>
Site	Commercial	"Commercial" Holt Boulevard Specific Plan (HBSP)	Vacant
North	Commercial	"Commercial" - HBSP	Multi-Tenant Commercial w/ Laundromat/Market/Fast Food
East	Commercial Medium 8-14 units/ac	"Commercial" - HBSP R-3 Multiple Family Residential	7-11 Store Townhomes
South	Commercial	"Business Park" – HBSP	Multi-tenant Industrial Park
West	Medium 8-14 Units/acre	"Commercial" - HBSP "Mobile Home Park" HBSP	Scuba Rental Business Mobile Home Park

Report on Item Number 6.b

PUBLIC HEARING – CASE NUMBER 2021-37

APPLICATION TYPE(S)	Conditional Use Permit
NAME OF APPLICANT	4480 Holt Boulevard Montclair LLC/KZMB LLC
LOCATION OF PROPERTY	4468 Holt Boulevard, Units B & C
GENERAL PLAN DESIGNATION	General Commercial
ZONING DESIGNATION	Commercial per Holt Boulevard Specific Plan
EXISTING LAND USE	Restaurant in the Orchard Plaza Shopping Center
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301)
PROJECT PLANNER	Silvia Gutiérrez

Project Description

The applicant is requesting approval of a Conditional Use Permit (CUP) to allow the on-premises sale of beer and wine Type 41 Alcoholic Beverage Control (ABC) license in conjunction with an existing eating establishment. Tacos La Bufadora Baja Grill restaurant, which specializes in Mexican food, occupies an in-line lease space within the Orchard Plaza retail center located at the northwest corner of Holt Boulevard and Ramona Avenue. The request does not include outdoor consumption of beer and wine.

Tacos La Bufadora Baja Grill is a sit-down/take-out restaurant that serves traditional Mexican dishes such as tacos, burritos, tostadas, tortas, soups, and salads. The restaurant occupies Suites B and C. There are multiple Tacos La Bufadora Baja Grill restaurants currently in operation in Southern California including the cities of El Monte, Irwindale, Perris, Riverside, Murrieta, Riverside, and Hemet.

The existing restaurant is 2,500 square feet in size and contains a dining area with tables, a kitchen area, a walk-in freezer, and two restrooms. There are currently two outdoor dining tables located directly outside of the restaurant. The restaurant operates Monday through Friday, from 10:00 a.m. to 9:00 p.m., Saturday from 10:00 a.m. to 10:00 p.m., and Sunday from 10:00 a.m. to 5:00 p.m. Floor plans showing the interior layout of the existing restaurant are provided in the Commission packets for reference.

Background

- Section 11.42.040.A of the Montclair Municipal Code requires approval of a CUP for the on-sale of beer and wine in conjunction with a bona fide eating establishment.

- Tacos La Bufadora Baja Grill opened for operation at this site in 2016.

Planning Division Comments

Staff is supportive of the request to offer beer and wine in conjunction with meals served at the establishment. The Tacos La Bufadora Baja Grill business model typically includes on-premises beer and wine sales as an incidental portion of the restaurant business. At the other restaurants, alcoholic beverages are stored behind the counter, sold only to food customers 21 years and older, and customers are not allowed to consume the alcoholic beverages off the premises, even for “to-go” orders.

The sale and consumption of alcoholic beverages in conjunction with a bona fide restaurant at this location is a compatible and consistent land use when compared to other commercial retail-type businesses in the City. Accordingly, conditions of approval have been included to ensure that the safety and general welfare of the surrounding area is maintained. Moreover, Tacos La Bufadora Baja Grill is a restaurant and does not include more problematic elements such as a dance floor, live entertainment, or pool tables as part of its business format.

Tacos La Bufadora Baja Grill underwent interior improvements following the completion of the Orchard Plaza retail center in 2016. The retail center was developed with sufficient parking to accommodate future restaurant uses. Orchard Plaza currently has other food retailers operating in the center. One tenant has a drive-thru lane, which accounts for a significant portion of its respective business activities and reduces the need for individuals to park their vehicles for food/beverages purchases. As such, the on-sale beer and wine request by the applicant should not affect existing parking conditions at the center.

Finally, the Police Department reviewed the proposed application and did not object to the proposal to allow for the on-premises sale of beer and wine in conjunction with the existing food use because the sale of alcoholic beverages is not intended to be a major portion of the business, such as would be the case with a bar or nightclub. The Police Department provided conditions of approval that include the requirement for video surveillance of the premises, which is consistent with recent City approvals allowing the on-premises sale and service of alcoholic beverages for restaurant uses.

Lastly, the applicant will be required to install signs stating “No Loitering or Consumption of Alcoholic Beverages on the Premises” on the exterior of the building and within all parking areas in plain view of store employees and customers.

Concentration of Businesses Serving Alcoholic Beverages

The California Department of Alcoholic Beverage Control (ABC) is the controlling State entity that grants, renews, and revokes all ABC licenses. ABC determines how many on-sale and off-sale alcoholic beverage license types are issued per census tract based

upon population. Tacos La Bufadora Baja Grill is located within Census Tract 3.05 and ABC has determined this census tract can support four on-sale license types. The latest ABC report shows Census Tract 3.05 as having no active on-sale licenses. Therefore, the census tract does not have an overconcentration of existing on-sale licenses.

Conditional Use Permit Findings

Staff believes the necessary findings for granting the CUP for on-sale beer and wine in conjunction with a bona fide eating establishment can be made as follows:

- A. The proposed on-premises sale of beer and wine (Type 41 ABC license) in conjunction with the full menu and food service provided within a bonafide eating establishment (restaurant) is essential and desirable to the public convenience and public welfare, in that the existing restaurant use increases the variety of food uses offered within the community that allows patrons the option of purchasing beer and wine to consume with their meal. Moreover, the proposed restaurant is located within a well-maintained commercial center.
- B. That granting the CUP for the proposed restaurant with the on-premises sale of beer and wine will not be materially detrimental to the public welfare and to other property in the vicinity, in that the restaurant is located in properly developed lease space within a newer retail commercial development with adequate parking, security, lighting, etc. Moreover, the existing restaurant use and proposed on-sale of beer and wine with bona fide meals is compatible with surrounding commercial uses and will not negatively impact any sensitive land uses in the surrounding area.
- C. That the existing restaurant with the on-premises sale of beer and wine at the subject site conforms to good zoning practice, in that the Municipal Code permits the on-premises sale of beer and wine in the Commercial zoning district of the Holt Boulevard Specific Plan, subject to CUP approval. The CUP allows the City to place reasonable conditions to govern the overall operation of the use so that the on-sale of beer and wine does not detract from the general quality of the subject use, commercial center, or the surrounding area. The project has been conditioned so that the restaurant use will be operated in a manner that will not be detrimental to the health and safety of the surrounding community. In addition, the Police Department reviewed the proposal and supports the application subject to the attached conditions of approval.
- 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 a wide range of retail and service uses (including food uses) within the retail commercial area.

Public Notice and Comments from the Public

This item was published as a public hearing in the Inland Valley Daily Bulletin newspaper on January 28, 2022, as prescribed by law for this discretionary land use entitlement. Public hearing notices were mailed to all property owners within 300 feet from the boundaries of the subject property and courtesy notices were distributed to tenants within the adjacent portion of the center in which the property is located. As of the preparation of this agenda report, no comments were received from the public or neighboring businesses regarding the application.

Environmental Assessment

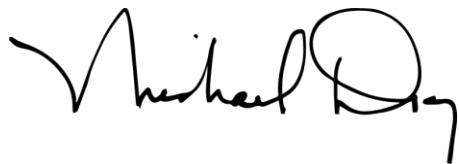
The proposed on-premises sale of beer and wine in conjunction with a bona fide eating establishment is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the State CEQA Guidelines. The project qualifies because it is on a fully developed site.

Planning Division Recommendation

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

- A. Move that, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA). Further, the project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301, because it is on a fully developed site.
- B. Move to approve a Conditional Use Permit under Case No. 2021-37 for the on-premises sale of beer and wine (Type 41 ABC license) in conjunction with an existing bona fide eating establishment at 4468 Holt Boulevard, Units B and C, per the submitted plans and as described in the staff report, subject to the conditions of approval in attached Resolution 22-1960.

Respectfully Submitted,



Michael Diaz
Director of Community Development

MD/sg

Z:\COMMDEV\SG\CASES\2021-37\LA BUFADORA BAJA GRILL RESTAURANT\2021-375PCRPT

c: 4480 Holt Boulevard Montclair LLC/KZMB LLC

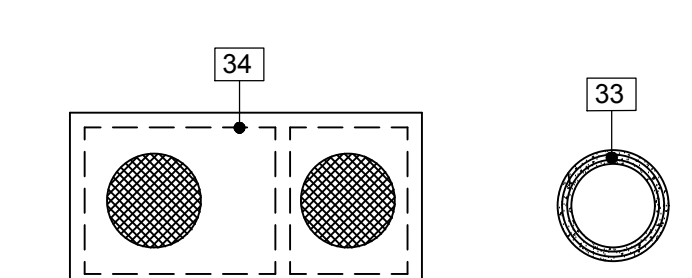
OCCUPANT LOAD		SEX	
AREA OCCUPANCY	LOAD FACTOR	M	F
AREA "A" COMMERCIAL KITCHEN:	870/200 =4.35	2.18	2.18
AREA "B" STANDING AREA:	36/5 =8	4	4
AREA "C" FIXED SEATING (TABLES AND CHAIRS)	530/0 =44	22	22
AREA "D/D1" CUSTOMER CIRCULATION / RESTROOM	215/00 =0	0	0
TOTAL:	1,181 S.F.	24.18	24.18
		48.35	

FIXTURE UNIT COUNT					
TYPE OF BUILDING OR OCCUPANCY	WATER CLOSETS		URINALS	LAVATORIES	
RESTAURANT	MALE	FEMALE	MALE	MALE	FEMALE
	1: 1-50	1: 1-25	1: 1-200	1: 1-150	1: 1-150
	2: 51-150	2: 26-50	2: 201-300	2: 151-200	2: 151-200
	3: 151-300	3: 51-100	3: 301-400	3: 201-400	3: 201-400
	4: 301-400	4: 101-200	4: 401-600		
		6: 201-300			
		8: 301-400			

422.2 SEPARATE FACILITIES / EXCEPTION (3) IN BUSINESS AND MERCANTILE OCCUPANCIES WITH A TOTAL OCCUPANT LOAD OF 50 OR LESS INCLUDING CUSTOMERS AND EMPLOYEES, ONE TOILET FACILITY, DESIGNED FOR USE BY NO MORE THAN ONE PERSON AT A TIME, SHALL BE PERMITTED FOR USE BY BOTH SEXES.

FLOOR PLAN KEY NOTES:

- OCCUPANT LOAD SIGN. (EVERY ROOM OR SPACE THAT IS A N ASSEMBLY OCCUPANCY SHALL HAVE THE OCCUPANT LOAD POSTED IN A CONSPICUOUS PLACE NEAR THE MAIN EXIT OF THE ROOM.)
- TEXTILE EXIT SIGN. SEE SHEET D-2 DETAIL #6
- PROVIDE A SIGN STATING. "THIS DOOR TO REMAIN UNLOCKED WHEN THIS SPACE IS OCCUPIED."
- POSTED SIGN "NO ACCESS TO BUILDING FROM THIS DOOR."

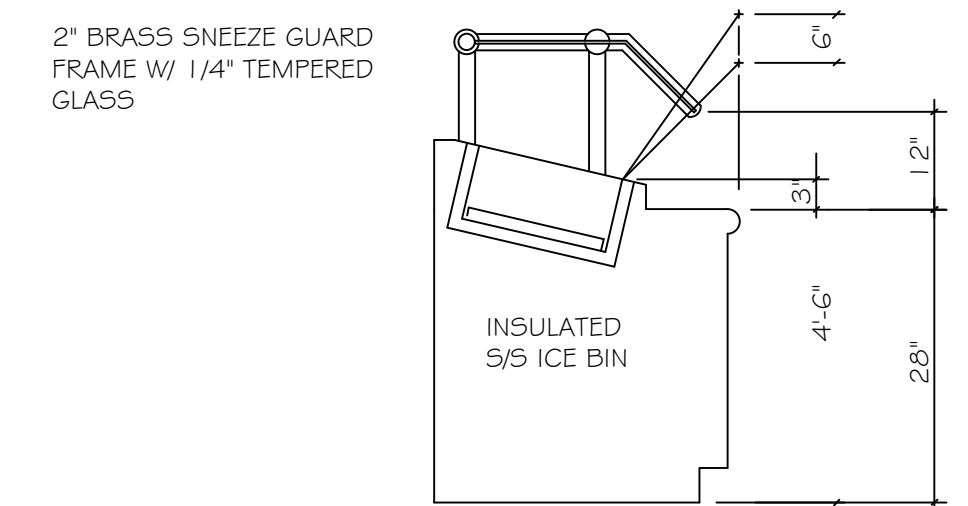


OCCUPANT LOAD

N.T.S. 6

FIXTURE UNIT COUNT

N.T.S. 5



FRONT COUNTER ELEVATION

N.T.S. 4

SALSA BAR SNEEZE GUARD

N.T.S. 3

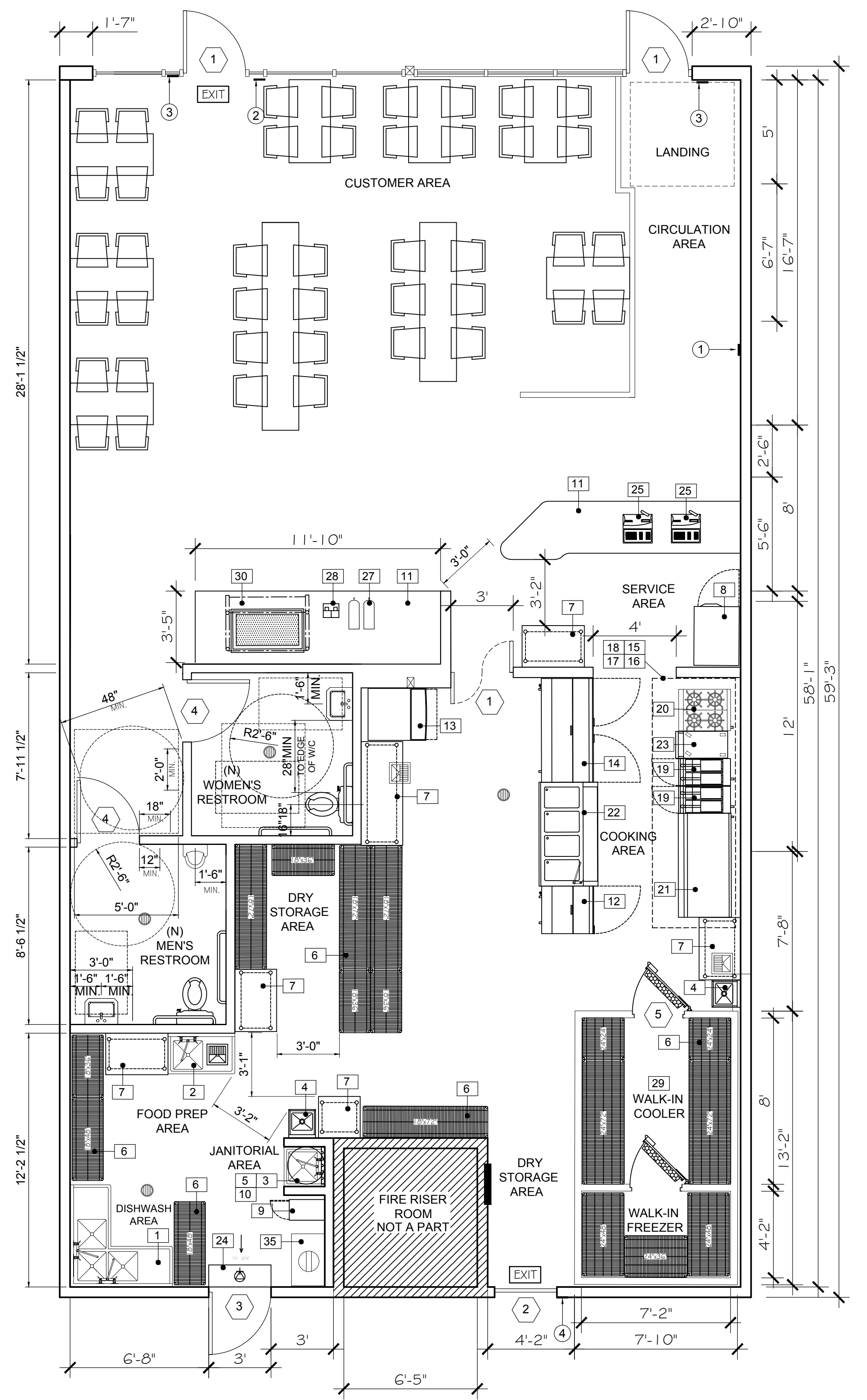
ROOM	FLOOR	BASE	WALL				CEILING		
			COLOR				HEIGHT	COLOR	
CUSTOMER AREA	●	●					A-1	14'-0"	B
SERVICE AREA	●	●					A-2	9'-0"	B
PREP AREA	●	●					A-2	9'-0"	B
STORAGE AREA	●	●						8'-0"	B
RESTROOMS	●	●					A-2	8'-0"	B
WALK IN COOLER	●	●					A	8'-0"	B
JANITORIAL AREA	●	●					A-2	8'-0"	B
DISHWASHING AREA	●	●					A-2	8'-0"	B
SALSA BAR AREA	●	●					A-2	8'-0"	B

COLOR GLOSSARY	
A1	WHITE ACCOUSTICAL PANELS (ARMSTRONG # 933)
A2	WHITE ACCOUSTICAL PANELS (SMOOTH EASILY WASHABLE)
A	STAINLESS STEEL FINISH
B	NAVAJO WHITE SEMI-GLOSS ENAMEL PAINT

- NOTES:
- WALLS, FLOORS AND CEILINGS SHALL NOT EXCEED THE FLAME SPREAD CLASSIFICATIONS IN CBC TABLE 803.9
 - THE PRE FAB S/S WALLS AND CEILINGS ARE SMOOTH AND WASHABLE.
 - LIGHT COLORED FRP PANELS TO HAVE A MINIMUM LIGHT REFLECTING VALUE 70% OR HIGHER.

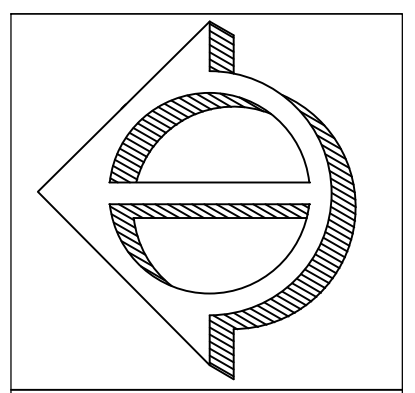
FINISH SCHEDULE

1/4" = 1'-0" 2



EQUIPMENT LAYOUT PLAN / EXIT ANALYSIS

1/4" = 1'-0" 1



SYMBOL

223 W. Rosecrans Ave.
Gardena, California 90245
T. (323) 787-7416

arcintegriy76@gmail.com

project name: TACOS LA BUFIADORA
address: 4468 HOLT BLVD.
UNIT B-C
MONTCLAIR, CA 91763

DATE: JUNE 25

REVISION	PURPOSE
1	ENVIRONMENTAL REVISIONS
2	

checked by:

date: 05/23/18
drawn by: FILBERTO VERRUETA

EQUIPMENT LAYOUT PLAN

drawing no: A-4

RESOLUTION NUMBER 21-1960

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT UNDER CASE NO. 2021-37 GRANTING AN ABC TYPE 41 (ON-PREMISES SALE OF BEER AND WINE) IN CONJUNCTION WITH BONA FIDE MEALS WITHIN THE DINING AREA AT 4468 HOLT BOULEVARD UNITS B AND C, IN THE COMMERCIAL ZONING DISTRICT OF THE HOLT BOULEVARD SPECIFIC PLAN (APN 1009-493-10-0000)

A. Recitals.

WHEREAS, on December 1, 2021, 4480 Holt Boulevard Montclair LLC/KZMB LLC, property owner, filed an application for Conditional Use Permit under Case No. 2021-37 to allow a Type 41 license (On-Sale Beer and Wine) within the dining area of an existing restaurant; and

WHEREAS, the application applies to an existing full-service restaurant use occupying a lease space of approximately 2,500 square feet located at 4468 Holt Boulevard, Units B and C; and

WHEREAS, a CUP is required when alcoholic beverages are intended to be sold and served in a restaurant under Section 11.42.020 of the Montclair Municipal Code; and

WHEREAS, the existing restaurant is within an multi-tenant commercial retail center situated on 4.34-acres in a Commercial zoning district of the Holt Boulevard Specific Plan (Orchard Plaza), and

WHEREAS, the on-premises sale of beer and wine at the existing restaurant is consistent with the use and development standards of the underlying Commercial zoning district of the Holt Boulevard Specific Plan and the intent and requirements of the Montclair Municipal Code, subject to the approval of a Conditional Use Permit; and

WHEREAS, staff has determined the proposed on-premises sale of beer and wine in conjunction with a bonafide eating establishment meets the intent and requirements of the ordinance for such use and the applicable development standards of the Commercial zoning district of the Holt Boulevard Specific Plan and Chapter 11.42 MMC ("Alcoholic Beverages – Regulation of Sale"); and

WHEREAS, the Planning Division has determined this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), 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, because it is on a fully developed site.

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

WHEREAS, on February 14, 2022, commencing at 7:00 p.m. in the Council Chambers at Montclair City Hall, the Planning Commission conducted a meeting at which time all persons wishing to testify in connection with the said project were heard and said proposal was fully studied.

B. Resolution.

SECTION 1. This Commission hereby specifically finds that all of the facts outlined in the Recitals, Part A, of this Resolution are true and correct.

SECTION 2. Based upon the entire record before the Planning Commission during the above-referenced hearing on February 14, 2022, including written and oral staff reports together with public testimony, this Planning Commission hereby finds as follows concerning the recommendation of approval of Conditional Use Permit under Case No. 2021-37, subject to the conditions of approval contained in this resolution enumerated below:

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 outlined in the Recitals, Part A, of this Resolution are true and correct.
2. Based upon substantial evidence presented to this Commission during the above-referenced public hearing on February 14, 2022, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:

Conditional Use Permit Findings

Staff believes the necessary findings for granting the CUP for on-sale beer and wine in conjunction with a bona fide eating establishment can be made as follows:

- A. The proposed on-premises sale of beer and wine (Type 41 ABC license) in conjunction with the full menu and food service provided within a bonafide eating establishment (restaurant) is essential and desirable to the public convenience and public welfare, in that the existing restaurant use increases the variety of food uses offered within the community that allows patrons the option of purchasing beer and wine to consume with their meal. Moreover, the proposed restaurant is located within a well-maintained commercial center.
- B. That granting the CUP for the proposed restaurant with the on-premises sale of beer and wine will not be materially detrimental to the public welfare and to other property in the vicinity, in that the restaurant is located in properly developed lease space within a newer retail commercial development with adequate parking, security, lighting, etc. Moreover, the existing restaurant use and proposed on-sale of beer and wine with bona fide meals is compatible with

surrounding commercial uses and will not negatively impact any sensitive land uses in the surrounding area.

- C. That the existing restaurant with the on-premises sale of beer and wine at the subject site conforms to good zoning practice, in that the Municipal Code permits the on-premises sale of beer and wine in the Commercial zoning district of the Holt Boulevard Specific Plan, subject to CUP approval. The CUP allows the City to place reasonable conditions to govern the overall operation of the use so that the on-sale of beer and wine does not detract from the general quality of the subject use, commercial center, or the surrounding area. The project has been conditioned so that the restaurant use will be operated in a manner that will not be detrimental to the health and safety of the surrounding community. In addition, the Police Department reviewed the proposal and supports the application subject to the attached conditions of approval.
- 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 a wide range of retail and service uses (including food uses) within the retail commercial area.

C. Conditions of Approval

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

Planning Division

1. Conditional Use Permit (CUP) Amendment approval is hereby granted to allow the following at 4468 Holt Boulevard, Units B and C:
 - a. Issuance of Type 41 ABC License to allow the on-premises sale of beer and wine in the dining area within the existing 2,500 square foot restaurant.
 - b. Outside consumption of alcohol within the seating area shall be prohibited.
2. This CUP approval shall be valid for six months (180 calendar days) from the date of Planning Commission approval and shall automatically expire on the six-month anniversary date of Planning Commission action unless the applicant is diligently pursuing building plan check toward eventual construction or implementation of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days before the approval's expiration date. No further notice from the City will be given regarding the project's CUP expiration date.
3. In establishing and conducting the subject use, the applicant shall at all times

comply with any laws, ordinances, and regulations of the City of Montclair, the County of San Bernardino, and the State of California. Approval of this CUP shall not waive compliance with any such requirements.

4. This decision or any aspect of this decision may be appealed to the City Council within 15 days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
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 of **\$558.08**, made 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 overall floorplan for the existing restaurant shall be as illustrated and noted on approved floor plans reviewed on February 14, 2022, on file with the Planning Division, and as described in the prepared staff report. No changes to the approved set of plans 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 CUP shall require review and approval by the Planning Commission.
7. Restaurant hours shall be Monday through Friday, from 10:00 a.m. to 9:00 p.m., Saturday from 10:00 a.m. to 9:00 p.m., and Sunday from 10:00 a.m. to 9:00 p.m. The applicant may close the restaurant earlier than the hours stated herein. Any extension of the restaurant hours beyond the limits stated herein shall require written notification to the Planning Division and is subject to City approval.
8. Any substantial changes to the operation, increase in the floor area of the existing building shall require prior City approval.
9. The approved restaurant shall be operated, maintained, and open to the general public as a full service (bona fide) eating establishment, serving meals at all times that beer, wine, and distilled spirits are offered for sale and consumption on the premises.
10. No live entertainment activities are included with this approval. It shall be the responsibility of the business owner to submit an application for an Entertainment Permit pursuant to the Montclair Municipal Code. Entertainment Permits shall be reviewed and approved by the Montclair Police Department.
11. No alcoholic beverages shall be consumed outside the enclosed building.

12. Any discontinuation or substantial changes to the full-service restaurant without City approval shall be a violation of this CUP and may be cause for revocation. Upon transfer, sale, or re-assignment of the restaurant to another individual or entity, the applicant shall make full disclosure of the CUP requirements and restrictions to future buyers, transferees, or assignees.
13. The Type 41 ABC license (on-premises sale of beer and wine) may be modified or revoked for failure to abide by the conditions of this approval or in the event the use is determined to be a nuisance to surrounding properties, businesses, or the community at large.
14. At no time shall the premises be converted into other uses where minors are generally excluded, such as a bar with no bona fide restaurant component, entertainment venue, night club, dance hall, or banquet hall operated by either the restaurant owner or outside vendors or promoters.
15. 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.
16. 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.
17. A copy of this Planning Commission Resolution, shall be kept on the premises at all times to be made immediately available to law enforcement officers, Code Enforcement officers, and/or fire and building inspectors in the course of conducting inspections of said premises.
18. Prior to the commencement of business activities, the business owner shall apply for and obtain a City of Montclair Business License, and shall maintain a valid City business license at all times. Should such licensing be denied, expire or lapse at any time in the future, this permit shall become considered a violation of this condition and the user shall be subject to revocation proceedings.
19. The following mandatory conditions are hereby imposed as part of the CUP approval:
 - a. The premises shall be maintained at all times in a neat and orderly manner.
 - b. Trash receptacles shall be provided in such number and at such locations as may be specified by the Director, or designee.

- c. Alcoholic beverages shall not be allowed to be consumed outside of the permitted restaurant premises, which shall consist of the demised lease space described herein as permitted by the Planning Commission. The applicant shall post notification of this limitation within plain view of employees and customers.
 - d. The exterior appearance of the premises shall be maintained in a manner consistent with the exterior appearance of commercial properties already constructed within the immediate area to not cause blight or deterioration or to substantially diminish or impair property values within the neighborhood.
 - e. The permittee shall comply with all California Department of Alcohol Beverage Control statutes, rules, and regulations relating to the sale, purchase, display, possession, and consumption of alcoholic beverages.
 - f. The permittee shall acknowledge and agree the City has a legitimate and compelling governmental interest in the permittee's strict compliance with all conditions imposed upon the permit, including adherence to State statutes, rules, and regulations as specified in subsection (e) above. The permittee shall further acknowledge and agree, in writing, that any violation of a State statute, rule, or regulation concerning the sale to or consumption of alcoholic beverages by a minor has been determined by the City to have a deleterious secondary effect upon:
 - i. The specific land use requested by the permittee and authorized by the City;
 - ii. The compatibility of permittee's authorized land use with adjacent land uses;
 - iii. The welfare and safety of the general public within the City. Given such deleterious secondary effects, the permittee shall acknowledge the City has specifically reserved the right and authority to impose sanctions, including suspension or revocation of the CUP, as a consequence of one or more violations of a State statute, , rule or regulation concerning the sale to or consumption of beer and wine by a minor.
 - g. The permit shall, after notice to the permittee and an opportunity to be heard, be subject to the imposition of such additional conditions as may be reasonable and necessary to address problems of land use compatibility, security, or crime control that have arisen since the issuance of the permit.
20. During all hours of business operation, the permittee shall have a "manager" present at the establishment and on duty. The permittee and manager shall be responsible for the conduct of all employees and shall not cause, permit, allow,

aid, abet, or suffer any violation of the conditions of this permit or any provision of the Montclair Municipal Code. Failure to comply with any or all of the conditions of approval shall be deemed sufficient grounds to initiate revocation proceedings regarding the Conditional Use Permit approval.

21. The on-site manager shall take whatever steps are deemed necessary to assure the orderly conduct of employees, patrons, and visitors on the premises.
22. No exterior security bars and roll-up doors shall be installed on windows and pedestrian building entrances.
23. Any landscape material disturbed or destroyed during construction shall be replanted subject to the approval of the Director.
24. No window signs either inside or outside, or signs placed inside the business directed toward the outside shall advertise the availability of beer, wine, or distilled spirits.
25. No outdoor display areas for merchandise are allowed at any time.
26. All graffiti and vandalism and/or damage to the subject site and/or structure shall be removed or repaired within 72 hours of notice from the City.
27. Amplified music shall be allowed in the addition and shall comply with the City's Noise Ordinance.
28. On-site electronic arcades and amusement games shall be prohibited.
29. Any rooftop or roof-mounted equipment shall be fully screened from view to the satisfaction of the Director.
30. All satellite dish antennas, microwave receivers and transmitters, and other forms of communication equipment shall be located in a manner by the provisions of Chapter 11.46 of the Montclair Municipal Code.
31. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code. Temporary banners to announce a grand opening or promotional event shall require a banner permit from the Planning Division before 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. No exterior public telephones, vending machines, children's rides, or other coin-operated machines shall be located on the site.

34. At no time shall any storage occur in the area outside the rear exit of the tenant space, including shelving, boxes, supplies, etc., as the said area is a designated emergency exit path for the subject building.
35. Before the installation of any signs, the applicant shall apply for a Sign Permit and set of plans to the Planning Division for review and approval. The set of plans shall be drawn to scale, and include all proposed building-mounted signs, directional signs, and wall-mounted/freestanding menu boards intended for the drive-thru lane. The plans shall also comply with the following standards:
 - a. All wall signs shall utilize individual channel letters.
 - b. Exposed raceways shall be prohibited for all building-mounted and freestanding signs.
36. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code, including, but not limited to the following:
 - a. Temporary banners to announce the grand opening or advertising promotions shall require a banner permit from the Planning Division before installation.
 - b. Promotional window signs shall not occupy more than 25 percent of the aggregate window area.
 - c. At no time shall pennants, inflatable signs, "human" signs, or other similar advertising devices be utilized on the property or off-site.
37. All signs shall be maintained at all times, in good appearance and operating condition. Exposed surfaces shall be cleaned and painted as necessary. Broken and defective parts shall be repaired or replaced.
38. 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.
39. The original conditions of the Orchard Plaza shopping center shall apply Case 2014-32.
40. 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, 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. The city shall promptly notify the applicant of any action brought and City shall cooperate with the applicant in the defense of the Action.

Environmental/Engineering

49. 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 Engineering Manager, Steve Stanton at (909) 625-9444.

Police Department

50. 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.
51. This Conditional Use Permit (CUP) Amendment shall be reviewed one year from the date of approval and may be reviewed each year thereafter. The review shall be conducted jointly by the Community Development Director and Police Chief or designees. The purpose of this review shall be to identify uniquely adverse issues such as curfew, loitering, vandalism, criminal activity, noise, or nuisance issues. If such issues are identified, the CUP shall be presented to the Planning Commission for their consideration of conditions, modifications, or revocation.
52. 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.
53. Premises falling within the regulations of the State Alcoholic Beverage Control Board (ABC) shall remain consistent with plans submitted for review by the

Planning Commission. No changes to the floor plans will occur unless a permit is issued by the Community Development Department unless otherwise agreed upon in advance through the Community Development Department.

54. Premises falling within the regulations of the State Alcoholic Beverage Control Board (ABC) shall not allow any consumption of alcoholic beverages on any property adjacent to the licensed premises under the control of the license.
55. 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.
56. The parking lot of the premises shall be equipped with the lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot.
57. The premises shall install and maintain a closed-circuit video surveillance (CCVS) system to the new addition. The system shall at minimum be capable of monitoring all entrances/exits to the premises and be positioned 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. Typically acceptable camera angles range from 50-130 degrees. Cameras shall be capable of no less a resolution than 1920x1080 pixels, otherwise known as 1080p. IR (night-vision) is preferred, however, cameras shall at minimum be capable of low-light operation.

Audio recording is desirable, but not a requirement. Camera footage shall be retained for no less than 90 days. To conserve storage space, cameras may reduce frame-rate when no motion is detected, however must record at no less than 30 frames per second when motion is detected. Motion sensors shall be configured to activate properly in all areas covered including the parking area. Motion sensors may be configured to prevent incidental activation from hanging or moving displays. Depending on the nature of the premises, additional cameras may be required.

58. 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.

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

APPROVED AND ADOPTED THIS 14TH DAY OF February 2022

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____

Chair, Planning Commission

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 14th day of February 2022, by the following vote, to-wit:

AYES:

NOES:

ABSENT: