



**LAND USE SERVICES DEPARTMENT
PLANNING DIVISION
PLANNING COMMISSION STAFF REPORT**



HEARING DATE: October 18, 2012

AGENDA ITEM # 2

Project Description

APN: 1011-283-01, 28, 29 and 30
APPLICANT: Tollis, Inc.
COMMUNITY: Montclair
LOCATION: Northwest corner of Mission Blvd. and Central Avenue
PROJECT NO: P201200303
STAFF: Chris Warrick
REP(S): Gresham, Savage, Nolan & Tilden
PROPOSAL: Conditional Use Permit for the change of use of an existing 7,048 square foot building from a nightclub with adult entertainment to a nightclub and tavern with on-site sale and consumption of alcoholic beverages and non-adult entertainment that includes a sports bar, comedy club, and live music on 1.22 acres.



40 Hearing Notices Sent On: October 4, 2012

Report Prepared By: Chris Warrick

SITE INFORMATION:

Parcel Size: 1.22 acres
Terrain: Generally flat, gently sloping
Vegetation: Developed landscaped planting

SURROUNDING LAND DESCRIPTION:

AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT
SITE	Existing 7,048 SF Structure	Service Commercial (CS), AR-3 Overlay
North	Single Family Residential and Auto Repair facility	Service Commercial (CS), AR-3 Overlay
South	Commercial/Retail/Service Station	City of Montclair
East	Equipment Rental	Service Commercial (CS), AR-3 Overlay
West	Self-storage Facility	City of Montclair

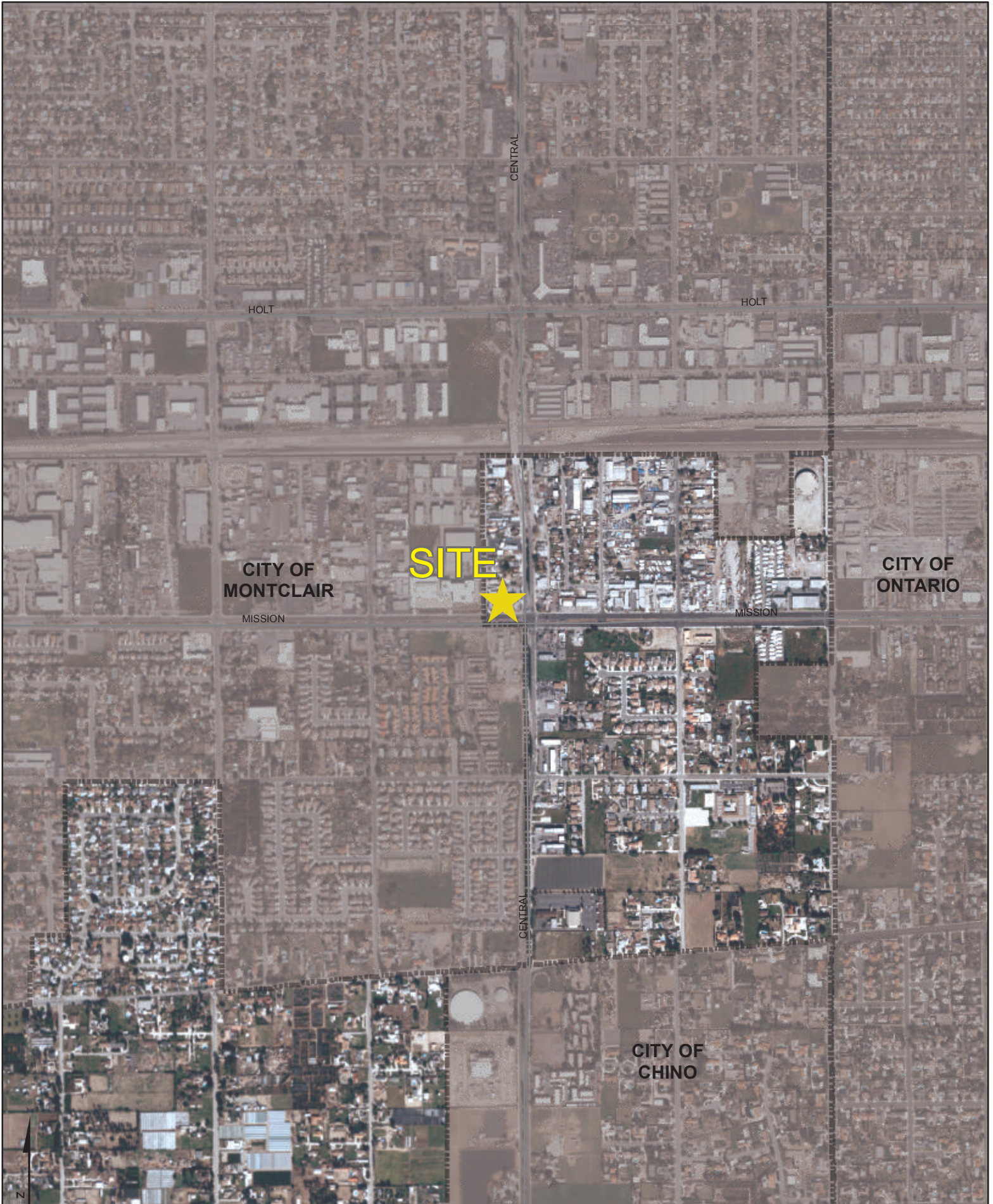
	<u>AGENCY</u>	<u>COMMENT</u>
City Sphere of Influence:	City of Montclair	See Exhibits E and F
Water Service:	Monte Vista Water Dist.	Currently being served
Sewer Service	Private Septic	Existing

STAFF RECOMMENDATION: That the Planning Commission **APPROVE** the Conditional Use Permit.

In accordance with Section 86.08.010 of the Development Code, this action may be appealed to the Board of Supervisors.

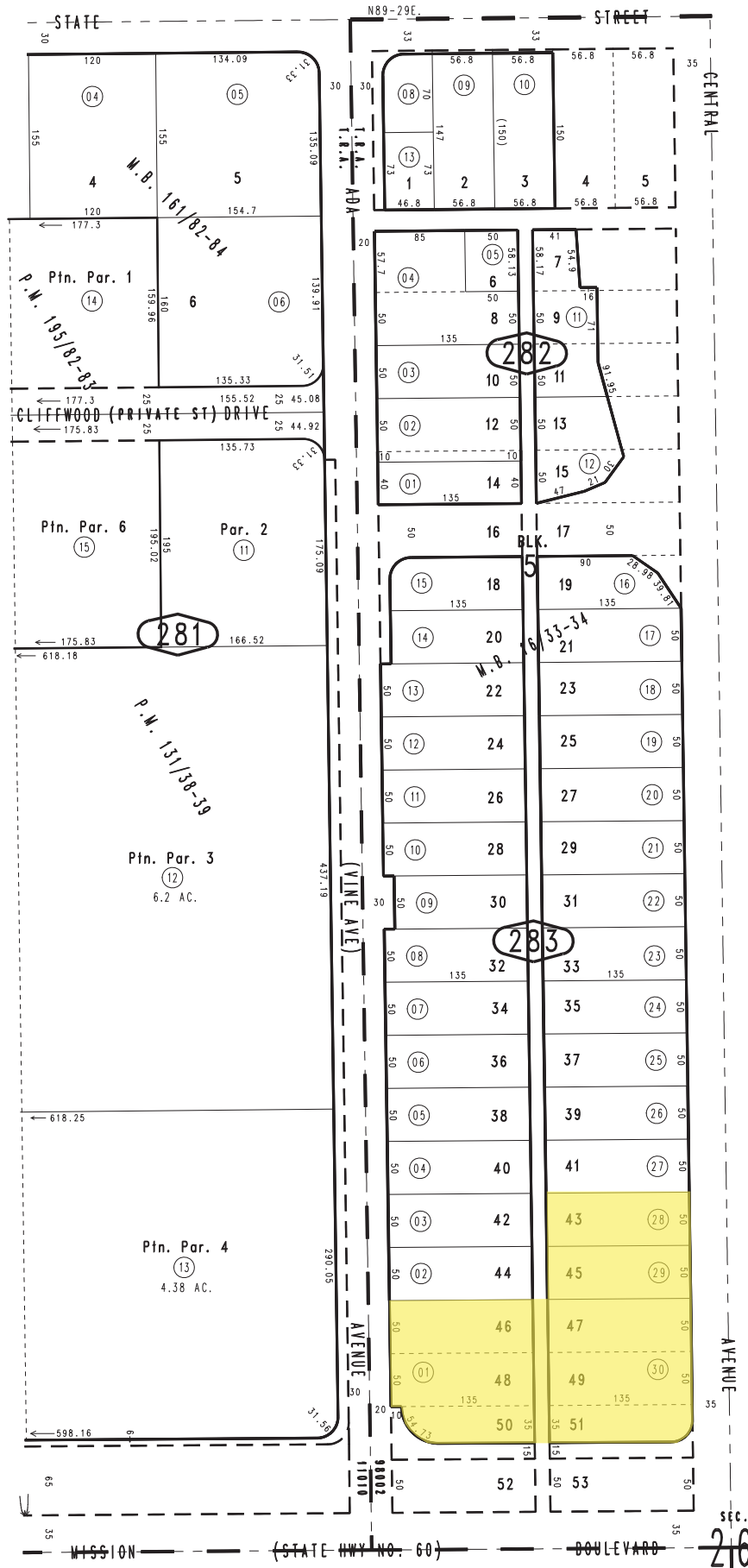
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VICINITY MAP



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ASSESSOR'S PARCEL MAP



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LAND USE ZONING DISTRICT MAP



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AERIAL MAP



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VIEW OF BUILDING FROM MISSION BLVD. (SOUTH SIDE)



VIEW OF BUILDING FROM NORTH PARKING LOT



VIEW OF BUILDING CENTRAL AVENUE (EAST SIDE)



VIEW OF BUILDING FROM CORNER OF MISSION BLVD. AND CENTRAL AVE.



EXISTING PYLON SIGN FRONTING ON MISSION BLVD.

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BACKGROUND

The applicant is requesting approval of a Conditional Use Permit (CUP) for the change of use of an existing 7,048 square foot building from a totally nude adult entertainment facility, without alcohol, to a nightclub and tavern with on-site sale and consumption of alcoholic beverages and non-adult entertainment that includes a sports bar, comedy club and live music on 1.22 acres (Project). The building floor plan submitted by the developer includes a 166 square foot stage on the first floor and a 225 square foot dance floor on the second floor. The property is currently being operated as an adult-oriented business by the Déjà Vu adult entertainment club, who is required to cease the adult-oriented use by November 2, 2012, per an agreement settling a federal court lawsuit, between the County of San Bernardino and Tollis Inc. and Eyeful, Inc. doing business as Déjà Vu. Pursuant to the agreement, the existing adult facility has been treated as a legal non-conforming use through and until November 1, 2012, thereafter it shall become an unlawful use and shall be relocated, closed, or caused to become a conforming, non-sexually oriented, use.

On July 30, 2012, the applicant submitted a Minor Use Permit to convert the building from an adult-oriented use to a sports bar with non-adult uses. The County Development Code, Section 85.06.040 (b), requires that specific findings be made in approving a Minor Use Permit. If the project fails to satisfy any of the findings identified in this section, the project shall be processed as a Conditional Use Permit, which requires Planning Commission review and consideration. In order to be processed as a Minor Use Permit a finding must be made that the project is not likely to result in controversy. County staff has therefore elevated the project to a Conditional Use Permit based on the City of Montclair's comments.

The Project is located on the northwest corner of Mission Blvd. and Central Avenue and is located in the City of Montclair sphere of influence. The land use zoning designation of the site is Service Commercial (CS) and the site is also in the Airport Safety Review overlay (AR-3) of Ontario International Airport. The Project is in the Fourth Supervisorial District. The closest school is approximately ½ mile from the Project and there is an existing school district bus stop on Ada Avenue, west of the Project.

PROJECT ANALYSIS:

Land Use Compatibility. The Project is located in the Service Commercial (CS) Land Use Zoning District, which allows bars and taverns, subject to a land use approval. The surrounding off-site land uses consist primarily of commercial uses. There are several existing single family houses north of the Project, which are also in the Service Commercial Land Use District. The adjacent properties immediately to the north consist of a single family house and an automobile repair facility. The property to the east, along Central Avenue, is an existing equipment rental yard. The property to the west is a self-storage facility, which is in the City of Montclair. The property to the south, along Mission Blvd., is an existing service station and retail building, also in the City of Montclair.

Signage. The site has an existing pylon sign fronting on Mission Blvd. that is 34-feet tall and has a sign area of 360 square feet. There is no County record that a permit was ever granted for this sign. Moreover, a review of County Codes dating back to 1980 reveals that a sign of this size would not have been permitted. The existing sign is therefore an illegal sign and must be brought into conformance with the current sign code. The current sign code would allow a pylon sign with a maximum height of 25 feet and a maximum sign area of 200 square feet. The conditions of approval require that the pylon sign be removed from the property or modified to comply with the current sign code on or before January 18, 2013.

Building permits were issued for the three wall signs on the north side of the building and the signs were constructed in 2003. The three wall signs may remain on the building provided the total area of the signage on the property does not exceed 300 square feet. On or before November 2, 2012, all references depicting "DÉJÀ VU", "Showgirls" or any reference to adult-oriented uses or entertainment, shall be removed from all signs on the property.

Alcoholic Beverage Control (ABC) License. The current adult-oriented use does not currently hold an ABC license. Therefore, the applicant will be required to obtain a license from ABC prior to selling alcoholic beverages from the premises. The applicant has indicated that they will be pursuing an on-sale general license, which authorizes the sale of beer, wine and distilled spirits without food service. Currently, there are 16 licenses of this type within a 5-mile radius of the Project site. The Project is located within census tract 3.04. According to the records of the Department of Alcoholic Beverage Control there are four active on-sale licenses within this census tract ([Exhibit A](#)). Two of these licenses are for restaurants that are authorized to sell beer and wine. The other two are for restaurants that are authorized to sell beer, wine and distilled spirits. There are also three additional licenses within this census tract for off-sale beer and wine sales held by 7-Eleven, Stop N Go and AM/PM.

The Department of Alcoholic Beverage Control has determined that there is an over-concentration of on-sale licenses within census tract 3.04, which will require the submittal of an application through the County of San Bernardino for a finding of Public Convenience or Necessity prior to approval of the ABC license. When County Planning receives applications for Public Convenience or Necessity, the applications are referred to the local law enforcement agency for consideration. In anticipation of receiving an application for Public Convenience or Necessity for this project, County staff referred the Project to the County Sheriff's Department. Since an application for an ABC license has not yet been filed, Staff was not able to refer the information for a Public Convenience or Necessity for the project and the Sheriff's Department was not asked to make such a determination. However, in response to Planning's project referral, the Sheriff's Department has recommended conditions for the Project ([Exhibit B](#)) that include two bonded and licensed security officers from 5:00 p.m. to 2:00 a.m., seven days a week, a camera surveillance system, and sufficient lighting for the site, both inside and out.

Staff has also considered the Project's location relative to existing schools. There is one existing elementary school within ½ mile of the Project and another elementary school that is approximately ¾ of a mile from the Project. Both schools are located within separate and distinct neighborhoods that are not within the vicinity of the existing commercial development where the proposed Project is located. The Ontario-Montclair School District sent a letter dated October 9, 2012 ([Exhibit C](#)). The School District indicated that there is an existing bus stop on Ada Avenue, which is the abutting street to the west of the Project ([Exhibit D](#)). The current location of the bus stop is approximately 550 feet north of the Project on Ada Avenue in front of a single family house. The School District is concerned that impaired drivers leaving the nightclub will use Ada Avenue rather than Mission Blvd. or Central Avenue to avoid law enforcement. Three children are currently utilizing bus service at this location. The pick-up and drop-off times at this bus stop are 7:13 a.m., 11:10 a.m. and 2:20 p.m.

The proposed facility will open for business at 12:00 p.m., which will coincide with the 2:20 p.m. bus drop-off time. However, considering that the bus stop is not in the immediate vicinity of the Project, and in consideration that all owners, managers and employees serving alcoholic beverages in the establishment are required to successfully complete a certified training program in responsible methods and skills for serving alcoholic beverages, the Project does not appear to present a potential conflict with the one drop-off time occurring two hours and twenty minutes after opening.

City of Montclair Sphere of Influence. The Project is located in the City of Montclair Sphere of Influence and a project notice was sent to the City on August 10, 2012. The City responded in a letter dated August 21, 2010, and again in another letter on October 4, 2012 ([Exhibits E and F](#)). The City is not in support of the proposed project. However, they have requested that if the project is approved, certain conditions of approval should be required to address lighting, signage, security and restroom facilities. The following are the conditions of approval requested by several City Departments from the October 4th letter and staff's response to each request:

City of Montclair Planning Division:

1. **City Request:** Remove all animated, multi-colored soffit lighting or modify so that the subject lighting is stationary and white in color.

County Response: The County has included a condition of approval requiring the existing soffit lighting on the building to be removed or modified to remain stationary and white in color.

2. **City Request:** Remove the pylon sign along Mission Blvd. The subject sign is inconsistent in scale and character with all other business signs along the Mission Blvd. corridor in the City and County. City staff would support replacement of the subject pylon sign with one freestanding monument sign each along the Mission Blvd. corridor in the City and County. City staff would support replacement of the subject pylon sign with one freestanding monument sign each along the Mission Blvd. and Central Avenue frontages that are compliant with the City of Montclair sign code and that contain the name of the business and the numerical address (5282) of the building.

County Response: The pylon sign has been found to be an illegal sign. There is no record of a building permit being issued for the sign and moreover, a sign of this size would not have been permitted by any version of the County Development Code since 1980. The existing sign must be brought into conformance with the current sign ordinance. While the City is requesting that the sign be removed, the County's current sign ordinance would allow a pylon sign with a maximum height of 25 feet and a maximum sign area of 200 square feet. The County has included a condition of approval requiring the pylon sign to be removed or brought into compliance with the current sign ordinance.

3. **City Request:** Any new building-mounted identification signs shall be limited to the north, south, and/or east elevations only, shall be limited to a maximum of 24 inches in height and be mounted directly to the building wall (no raceways).

County Response: The building currently has two wall signs and an "Entrance" directional sign on the north side of the building. There is no allowance in the County's sign ordinance to restrict signage to specific building faces or place limits on sign height. Building permits were issued for the three signs in 2003 and they may remain on the building, provided that the total signage on the property does not exceed 300 square feet (Development Code Chapter 83.13) and that on or before November 2, 2012, all references depicting "DÉJÀ VU", "Showgirls" or any reference to adult-oriented uses or entertainment are removed from the wall signs. Any proposed expansion or structural modification to the existing wall signs, other than changing the name of the business and changing the pictorial content to eliminate any and all references to adult-oriented uses, shall require that such signs comply with the County's sign regulations.

4. City Request: If the applicant desires to retain the existing address copy on the south building elevation ("5282 W. MISSION BLVD."), staff recommends that only the "5282" be retained, or, at a minimum, that the "W" be removed. ("W." is an incorrect directional identifier for Mission Blvd. with Montclair and its sphere of influence.)

County Response: The City is correct and the County has included a condition of approval requiring removal of the "W" from the address on the south building wall.

5. City Request: The graphics on the second floor window on the east-facing elevation shall be removed. No new graphics shall be installed.

County response: The County has included a condition of approval that all window signs be removed and no further window signs or graphics shall be permitted without prior approval by the Planning Division. Further, on or before November 2, 2012, all external signage depicting references to either SPECIFIED ANATOMICAL AREAS AND SPECIFIED SEXUAL ACTIVITIES, and all references depicting "DÉJÀ VU", "Showgirls" or any reference to adult-oriented uses or entertainment shall be removed from the site.

6. City Request: Temporary or permanent window signs, interior or exterior banners, or other signs placed within the establishment that are visible from the outside the building advertising the availability of, or offer for purchase alcoholic beverages or any kind at the site shall be prohibited.

County Response: The County has included a condition of approval allowing no further banners, window signs or graphics without prior approval by the Planning Division.

7. City Request: All roof mounted parking lot and perimeter lighting shall be removed and replaced with pole lighting matching that currently existing on the subject site to provide a minimum maintained illumination level of one (1) foot-candle from dusk until termination of business every business day. During all other hours of darkness, a minimum of one-quarter (.25) foot-candles of illumination shall be maintained at grade.

County Response: The County Planning Division has included a condition of approval requiring the submittal of a photometric lighting plan for review and approval by the County Planning Division that addresses all existing and proposed outdoor lighting on site. This includes all parking lot light standards, roof mounted lights and soffit lighting. County Planning will ensure that the lighting for the site conforms to the County lighting ordinance, which prohibits any light trespass onto adjacent properties and requires appropriate hooding of light fixtures.

City of Montclair Building Division:

8. City Request: Based on the proposed uses and occupancy on the second floor, the existing single unisex restroom does not meet the California Plumbing Code. Staff recommends that all restroom requirements comply with the California Building Code, California Plumbing Code, and the Americans with Disabilities Act.

County Response: The County Building Official has reviewed the plans for the proposed use and has determined that the unisex restroom on the second floor does not violate the plumbing fixture requirements of the California Plumbing Code and does not violate the accessibility standards for the proposed use.

City of Montclair Public Works Department

9. City Request: If food service is introduced as a component of the business in the future, the applicant shall be required to connect the subject property to the City of Montclair's sanitary sewer system, including, but not limited to, the following: *The City goes on to specify specific requirements.*

County Response: At this time the applicant is not proposing food preparation or service. If food service is proposed in the future, the applicant would be required to submit a new land use application and obtain the appropriate permits from County Building and Safety and Environmental Health Services.

City of Montclair Police Department

10. City Request: A minimum of two (2) licensed and bonded security guards shall be employed and on-duty during all hours of operation.

County Response: The County has included a condition of approval, based on recommendations from the Sheriff's Department, that two licensed and bonded security officers shall to be provided during the hours of 5:00 p.m. to 2:00 a.m., seven days a week.

City of Montclair Fire Department

All conditions of approval requested by the Fire Department have been included in the Conditions of Approval for the Project ([Exhibit H](#)).

California Environmental Quality Act (CEQA). This project is exempt from the provisions of CEQA pursuant to section 15301, Class 1, Existing Facilities and, therefore, it is the determination of Staff that this project will not have a significant effect on the environment and a Notice of Exemption may be filed.

RECOMMENDATION: That the Planning Commission:

- 1) **APPROVE** the Conditional Use Permit for the change of use of an existing 7,048 square foot building from a nightclub with adult entertainment to a nightclub and tavern with on-site sale and consumption of alcoholic beverages and non-adult entertainment that includes a sports bar, comedy club and live music on 1.22 acres;
- 2) **ADOPT** the Findings as contained in the staff report; and
- 3) **FILE** the Notice of Exemption.

ATTACHMENTS:

Exhibit A: ABC Census Tract Map
Exhibit B: Sheriff's Department Memo
Exhibit C: Ontario-Montclair School District Letter dated October 9, 2012
Exhibit D: School Bus Stop Location
Exhibit E: City of Montclair Letter dated August 21, 2012
Exhibit F: City of Montclair Letter dated October 4, 2012
Exhibit G: Findings
Exhibit H: Conditions of Approval

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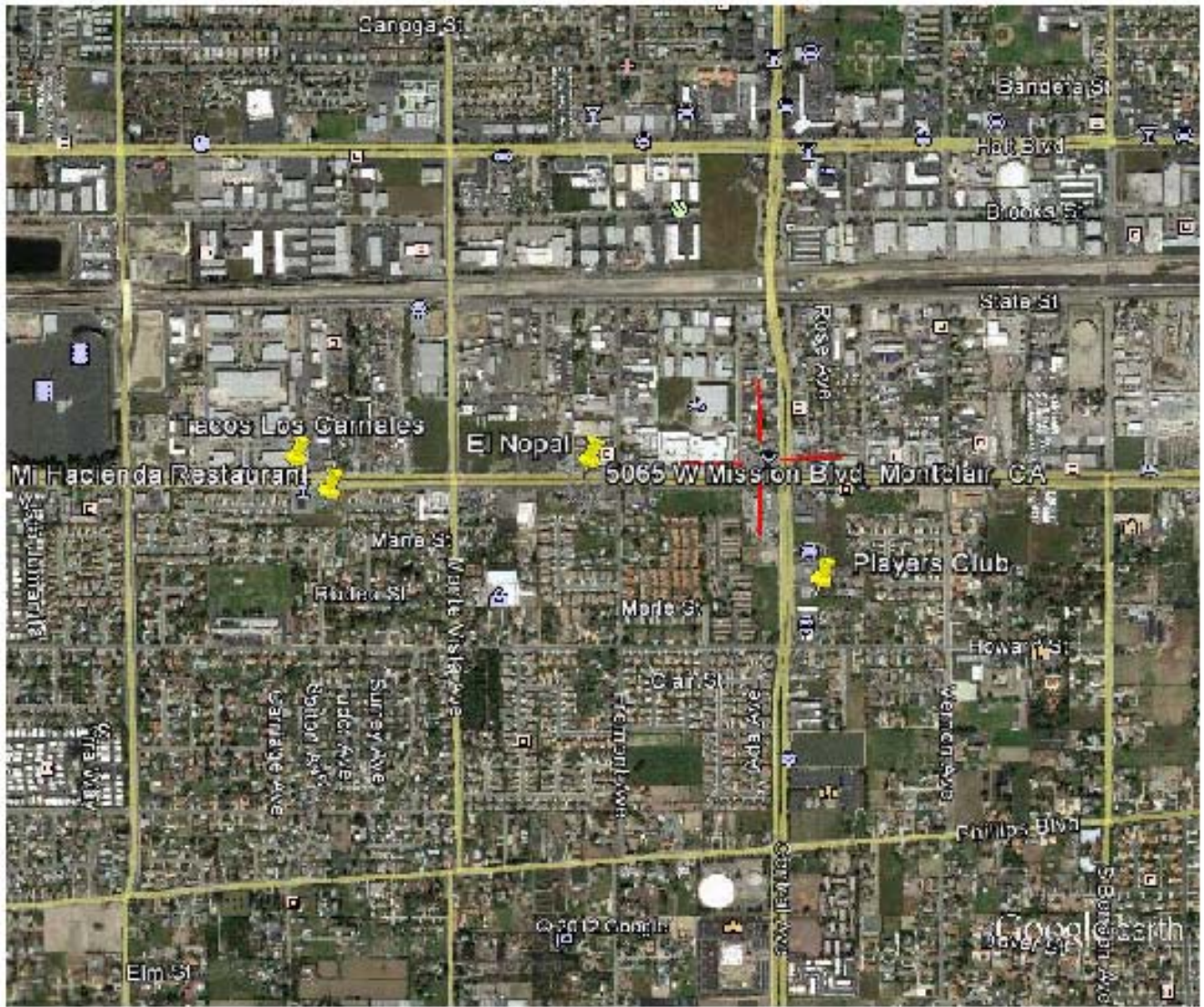
EXHIBIT A

ABC CENSUS TRACT MAP

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EXHIBIT A

ALCOHOLIC BEVERAGE CONTROL (ABC)
ON-SALE LICENSES WITHIN CENSUS TRACT 3.04



Google earth



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EXHIBIT B

SHERIFF'S DEPARTMENT MEMO

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INTEROFFICE MEMO



DATE October 10, 2012
FROM STEVE SMITH, Captain
Fontana Sheriff's Station
TO CHRIS WARRICK, Planner
Land Use Services Department

PHONE 909-356-6767

SUBJECT RESPONSE TO APPLICATION FOR SPORTS BAR/COMEDY CLUB
5282 MISSION BOULEVARD, SAN BERNARDINO COUNTY

REQUIREMENTS AND RECOMMENDATIONS:

- **ABC:** ABC will give consideration to the local law agency's recommendations for use, including number of people and the time that serving alcohol should be stopped. The Sheriff's department can provide ABC with a call history summary for the location to help guide their decisions.
- **REMODEL:** A remodel of the establishment should be made to ensure that the operation has converted from an adult only establishment with nude or topless entertainment. Remodeling the interior to better represent a sports bar environment would be highly recommended. The remodeling should include removal of private booths and brass poles. Having private booths invites behavior that leads to prostitution. The Sheriff's department lacks the manpower to conduct "sting" operations for this type of activity. The planning and resources for a one day sting operation can involve several employees and is not a practical remedy for this problem. It is important to have a significant change to the interior so the environment and adult nature activities at the location do not revert back to undesirable conditions.
- **LIGHTING ISSUES:** A guarantee of appropriate lighting both inside and outside of the location, including the parking areas, should be given. Proper lighting will ensure the safety of both customers and employees. The environment needs good lighting for the safety of first responders, as well as patrons. When trying to identify subject's reference complaints, lighting makes their identity easier. A dimly lit bar is a safety hazard for law enforcement and the public. Deputies cannot easily scan a crowd and observe behaviors or identify a subject of an investigation. Patrons can be subject to theft, assault, injury and other unsafe activity. Good lighting can also aid in getting good quality video for any issue that needs investigation.
- **SECURITY:** Licensed and bonded security officers with marked and identifiable uniforms should be provided. They should be from an independent security agency, not employees of the business. Being from an agency requires that they meet state guard requirements and have attended proper training. They should look professional to present a positive and helpful image to customers. Guards should be made aware of procedures in place to notify law enforcement when the need arises. It is my understanding that: the maximum occupancy of the building is approximately 388 (238 sq. ft. on 1st floor and 150 sq. ft. on 2nd floor); the hours of operation will be from 12 p.m. to 2 a.m., seven days a week; the gross square footage of the facility is approximately 7000 square feet; the ABC license is proposed to be a Type 48, alcohol without food service; and, the business will feature viewing televised sporting events and comedy shows. Based on this information as well as the history of incidents on the premises, two (2) licensed and bonded security guards should be provided by the business from the hours of 5 p.m. to 2 a.m., or closing, if closing is earlier than 2 a.m. seven days a week. One security guard

should be stationed at the entrance to the business and the other should be required to patrol the exterior of the premises. This should be the minimum number of security personnel required. It should be the responsibility of the operator to provide additional guards if the nature of the activities or events held on site, or the number of patrons on site, require additional security.

- **ALCOHOL SERVERS:** Any alcohol server should attend a LEADS (put on by state ABC) class, and/or a Responsible Service Class, known as RSC. An RSC is a course taught either online or by local law enforcement. The course teaches employees about alcohol consumption limits, warning signs, and drinking ages. It also teaches employees to look for minimum drinking age by looking at appropriate, as well as false identification. This holds the establishment responsible if they are violating the law.
- **VIDEO SURVEILLANCE:** The establishment must have working video surveillance. One of the best ways of reenacting a crime is through the use of a video of it. Video can also help with descriptions and identification for criminal prosecution. ABC may require a certain minimum length of retention time for video and ensure that the business is compliant. Video surveillance should be both inside and outside the location and should be digital and color quality. The cameras should cover the entire interior, with the exception of the inside of restrooms.
- **ENFORCEMENT:** Compliance checks by our department and ABC may be made anytime the place is open to the public, or the front door is open after hours. This ensures the safety of the establishment and the customers and also verifies the business is following the law.

In conclusion, establishments that serve only alcohol late into the evening should be closely scrutinized. The Sheriff's department objective is to ensure the public's safety, reduce the number of service calls relating to the establishment and prevent, to the extent possible, the negative impacts such an establishment may have on the local area.

LAW ENFORCEMENT CALL HISTORY:

A call history for service was conducted from September 1, 2011 to September 24, 2012. There were a total of forty call entries since September of 2011 through September of 2012. Most all of these calls were verified as coming from employees at the business. Only a couple of the calls came from patrons. All calls for service were verified by Sheriff's CAD.

Of these calls for service, 27 of these calls were of a nuisance nature including fights, public intoxication and thefts, both from inside and from vehicles in the parking lot.

Here is a brief list and details of the calls, as well as other calls where a deputy took a report, in order by date:

09-29-11, a patron's vehicle was parked at the location. When he came out he found his tires slashed. Per security, there was no suspect information. The vehicle owner called from the business and a report was taken.

11-20-11, an apparent fight between two parties occurred in the parking lot. The parties struck each other's vehicles. One of the parties left the location and CHP was called for a report.

01-19-12, the manager requested extra patrol due to a vehicle coming through the parking lot several times driving slowly, as if casing or stalking. The vehicle was gone prior to deputy arrival.

02-01-12, a female in a vehicle was reportedly "working" the parking lot trying to get "dates". She was asked by security to leave as she was suspected to be attempting prostitution.

02-26-12, a male customer was intoxicated and fighting with bouncers. Deputies arrived and arrested him for public intoxication.

03-04-12, an employee's vehicle was burglarized from the back parking lot.

03-04-12, security called about a person passed out in the parking lot. He was gone prior to arrival of deputies.

03-07-12, security called in a large fight involving several subjects in the parking lot. The subjects dispersed and were gone on arrival of deputies.

03-07-12, a patron also called regarding the above incident and said one subject had a gun in his waistband. The witness could not provide suspect description.

03-18-12, two male patrons argued with management and were asked to leave. At first they refused. Once law enforcement was called they left prior to arrival of deputies.

03-22-12, a female patron had her purse stolen from a chair next to her inside of the location. No suspect information.

03-30-12, a patron had his vehicle burglarized and items taken from it. The vehicle was in the front parking lot.

04-22-12, a female went into the location. One of the women claimed she was "touched" by a female employee. Her partner became jealous and they started verbally arguing loudly. They went outside and it continued. The management called us. A deputy determined it was a verbal argument only and both parties left.

04-22-12, an employee had her 1994 Honda stolen from the back parking lot. No suspect information.

04-27-12, a male patron was harassing female employees. When deputies arrived, he was gone.

04-27-12, another male subject was harassing female employees. Deputies arrived. He was escorted away by family and asked not to return.

04-29-12, two male subjects refused to leave by security. As the manager was talking with dispatch, the subjects left the location with no further incident.

05-03-12, two employees were arguing over who takes the trash out. The argument became physical. Neither party wanted prosecution. The management suspended them for three days. No report desired.

05-12-12, security called about a fight on the sidewalk next to the club between a male and female. When deputies arrived, the female half was gone, male half advised.

06-03-12, two parties struck each other's car and got into a verbal argument. One half left prior to deputy arrival. The other party declined prosecution.

06-10-12, two groups of subjects were inside the club. One was a group of black males and the other a group of Hispanic males. They got into an argument. They took the argument outside and it turned into a large fight. One of the Hispanic males was hit over the head, possibly with a glass bottle. The group of black males left the location prior to arrival of deputies. Security was also uncooperative and gave little information. Two of the victims were taken to the hospital for treatment. The report was given to detectives for follow up.

06-16-12, a male subject was arrested for public intoxication from the parking lot. The management called for our help.

07-06-12, security called about a subject lying down in front of the club. Per security, he was gone just prior to arrival of the deputy.

07-07-12, managed called about a fight involving 15-20 male subjects in the parking lot. When deputies arrived, two subjects left at the location were injured, requiring medical attention. The victim was uncooperative and refused to identify anyone.

07-31-12, a male subject was harassing the dancers, refusing to leave. He struggled with security. When deputies arrived, he was found to be intoxicated. He was arrested and booked for public intoxication.

08-02-12, a male subject was lying down at the news rack area. After security called the Sheriff's department, the subject got up and left the location. He was gone when deputies arrived.

08-22-12, a theft from an employee's unlocked vehicle occurred in the parking lot.

EXHIBIT C

**ONTARIO-MONTCLAIR SCHOOL DISTRICT
LETTER DATED OCTOBER 9, 2012**

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Ontario-Montclair

School District

BOARD OF TRUSTEES

Paul Vincent Avila
Kristen Brake
Samuel Crowe
Maureen Mendoza
Elvia Rivas

950 West D Street, Ontario, California 91762 • (909) 418-6366 • FAX (909) 459-2550

FACILITIES PLANNING AND OPERATIONS

Sent Via Certified Mail Receipt No. 7008 3230 0001 7201 6886
Return Receipt Requested

October 9, 2012

Chris Warrick, Planner
County of San Bernardino
Land Use Services Department Planning Division
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0182

Re: Liquor License Application
Project No.: P201200303/MUP
Applicant: TOLLIS INC.

James Q. Hammond, Ed.D.
Superintendent

Kim Stallings
Deputy Superintendent

Craig E. Misso
Director, Facilities Planning and Operations

Dear Mr. Warrick:

I am responding to your request for comments regarding the liquor license application under review for the above applicant's establishment located at the northwest corner of Mission Boulevard and Central Avenue. Currently the Ontario-Montclair School District ("District") provides transportation services for students living within approximately one mile of the bus stop location on Ada Avenue in the city of Ontario. This bus stop is located on a north-south residential street to the west of the establishment. Drivers are able to gain access to and from the establishment passing by the bus stop location via existing residential streets. The District's concerns include the likelihood for patrons who have become impaired by alcohol choosing to use Ada Avenue rather than Mission Boulevard and Central Avenue in order to avoid detection by law enforcement. Specifically, the District is concerned this circumstance could occur at a time of day when students are present or walking to or from the Ada Avenue bus stop. Currently, the District has three students served by the bus service. The student pick-up time is at 7:13 a.m. and drop-off times are at approximately 11:10 a.m. and 2:20 p.m., Monday - Friday.

Please contact me should you have any questions.

Sincerely,



Craig Misso
Director, Facilities Planning and Operations

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EXHIBIT D

SCHOOL BUS STOP LOCATION

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EXHIBIT D

EXISTING SCHOOL BUS STOP ONTARIO-MONTCLAIR SCHOOL DISTRICT



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EXHIBIT E

**CITY OF MONTCLAIR LETTER
DATED AUGUST 21, 2012**

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FISCAL ADMIN
2012 AUG 23 AM 10: 17

August 21, 2012

Chris Warrick
Land Use Services Department
County of San Bernardino
385 North Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

Dear Mr. Warrick:

**County Referral for 5282 Mission Boulevard
(APNs 1011-283-01 and 1011-283-28 through 30)**

Per your request, staff has reviewed the proposal by Tollis Inc. for a Minor Use Permit (MUP) to convert an existing nightclub with adult entertainment to a nightclub/tavern with on-premises sale of beer, wine, and distilled spirits, and non-adult entertainment that includes a sports bar and comedy club on approximately 1.2 acres at the northwest corner of Mission Boulevard and Central Avenue.

Staff is pleased that the applicant is voluntarily ceasing all adult entertainment uses at the subject location pursuant to the Settlement Agreement with the County of San Bernardino dated August 2002. The mere existence of the adult-oriented business at the subject location has been an ongoing "red flag" for at least two prospective developers interested in developing property within the City of Montclair's corporate boundary proximate to the property.

In February 2012, City Planner Michael Diaz and I met with the applicant's representative, Alicen Wong, of the Gresham Savage law firm. It was during that meeting that Ms. Wong initially presented the applicant's intent for conversion of the existing business to the uses now being proposed in the MUP application. At that meeting, City staff expressed its disappointment that the applicant was proposing land uses that are not conducive to upgrading the image of the Mission Boulevard corridor. From 1998 through its completion in 2011, the City of Montclair, with the cooperation of the County of San Bernardino, spent more than \$11 million in public improvements on the Mission Boulevard Corridor Improvement project from the Los Angeles County line to Benson Avenue. Staff believes that this public investment was a primary reason for the significant amount of quality private investment that occurred along the Mission Boulevard corridor during that time frame. Land uses along Mission Boulevard within Montclair's corporate limits are evolving from wrecking yards, used car lots, marginal commercial uses, derelict motels, and medium and heavy industrial uses into new

CITY OF MONTCLAIR

5111 Benito Street, P.O. Box 2308, Montclair, CA 91763 (909) 626-8571 FAX (909) 621-1584

Mayor Paul M. Eaton • Mayor Pro Tem Carolyn Raft • Council Members: Leonard Paulitz, J. John Dutrey, Bill Ruh • City Manager Edward C. Starr

residential and commercial uses, clean industrial uses and business parks, and upgraded buildings and improvements.

Mission Boulevard and Central Avenue is an intersection of two major arterial roadways. The only quadrant of the intersection under the City's control was developed in 2002 with a modern ARCO fueling station and am-pm convenience store and a Farmer Boys restaurant. Staff believes that conversion of the existing adult-oriented business into a bar does not represent the highest and best use of such a prominently sited property and will do little, if anything, to contribute to the positive strides made in upgrading Mission Boulevard's image over the past several years. While staff recognizes that the County does not require a Conditional Use Permit to establish a business with the on-premises sale of alcoholic beverages, such an entitlement that has long been required in the City of Montclair for such a use. Accordingly, City staff cannot support conversion of the existing land use to one that includes the on-premises sale of alcoholic beverages subject only to an administrative approval by County staff.

If it is the recommendation of the County's Land Use Services staff to approve the MUP, City staff respectfully requests that the following comments and conditions of approval be considered/included:

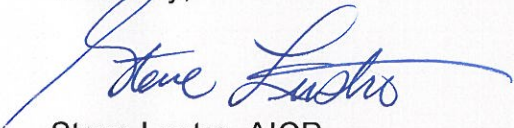
1. A single, unisex restroom on the second floor seems grossly inadequate for the occupancies proposed. Further, the Montclair Police Department believes that a unisex facility would contribute to the potential for lewd acts among patrons. Staff recommends that all restroom requirements comply with the California Building Code.
2. Remove all animated, multi-colored soffit lighting or modify so that the subject lighting is stationary and white in color.
3. Remove the pylon sign along Mission Boulevard. The subject sign is inconsistent in scale and character with all other business signs along the Mission Boulevard corridor in the City and County. If the applicant desires, staff would support replacement of the subject pylon sign with one freestanding monument sign each along the Mission Boulevard and Central Avenue frontages that are compliant with the City of Montclair sign code and that contain the name of the business and the numerical address (5282) of the building.
4. Any new building-mounted identification signs shall be limited to the south and/or east elevations only, shall be limited to a maximum of 24 inches in height and be mounted directly to the building wall (no raceways).
5. If the applicant desires to retain the existing address copy on the south building elevation ("5282 W. MISSION BLVD."), staff recommends that only the "5282" be retained, or, at a minimum, that the "W." be removed. ("W." is an incorrect directional identifier for Mission Boulevard.)
6. The graphics on the second floor window on the east-facing elevation shall be removed. No new graphics shall be installed.

7. Temporary or permanent window signs, interior or exterior banners, or other signs placed within the establishment that are visible from outside the building advertising the availability of, or offer for purchase alcoholic beverages of any kind at the site shall be prohibited.
8. All roof-mounted parking lot and perimeter lighting shall be removed and replaced with pole lighting matching that currently existing on the subject site to provide a minimum maintained illumination level of one (1) foot-candle from dusk until termination of business every business day. During all other hours of darkness, a minimum of one-quarter (.25) foot-candles of illumination shall be maintained at grade.
9. The Montclair Police Department recommends that a minimum of two (2), licensed and bonded security guards be employed and on-duty during all hours of operation.

In summary, while staff recognizes that the proposed uses are allowed by the County subject to MUP approval, the City of Montclair does not support the applicant's proposal. A nightclub/sports bar/comedy club will do little to positively contribute to the image of Mission Boulevard and is unlikely to encourage investment in the area by prospective developers.

Thank you for giving staff the opportunity to comment on this project. If you have any questions, please contact me at 909/625-9431 or slustro@cityofmontclair.org, or City Planner Michael Diaz at 909/625-9432 or mdiaz@cityofmontclair.org.

Sincerely,



Steve Lustro, AICP
Community Development Director

c: City Council
Edward C. Starr, City Manager
Michael Diaz, City Planner
Mike deMoet, Captain, Montclair Police Department
Diane E. Robbins, City Attorney
Christine Kelly, Director of Land Use Services, County of San Bernardino
Larry Enriquez, Chief of Staff, Fourth Supervisorial District
County referral file, 5282 Mission Boulevard

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EXHIBIT F

**CITY OF MONTCLAIR LETTER
DATED OCTOBER 4, 2012**

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MONTCLAIR

October 4, 2012

Chris Warrick
Land Use Services Department
County of San Bernardino
385 North Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

Dear Mr. Warrick:

**County Referral for 5282 Mission Boulevard
(APNs 1011-283-01 and 1011-283-28 through 30)**

Per your request, staff has reviewed the proposal by Tollis Inc. for a Conditional Use Permit (CUP) to convert an existing nightclub with adult entertainment to a nightclub/tavern with on-premises sale of beer, wine, and distilled spirits, and non-adult entertainment that includes a sports bar and comedy club on approximately 1.2 acres at the northwest corner of Mission Boulevard and Central Avenue.

Staff is pleased that the applicant is voluntarily ceasing all adult entertainment uses at the subject location pursuant to the Settlement Agreement with the County of San Bernardino dated August 2002. The mere existence of the adult-oriented business at the subject location has been an ongoing "red flag" for at least two prospective developers interested in developing property within the City of Montclair's corporate boundary proximate to the property.

In February 2012, City Planner Michael Diaz and I met with the applicant's representative, Alicen Wong, of the Gresham Savage law firm. It was during that meeting that Ms. Wong initially presented the applicant's intent for conversion of the existing business to the uses now being proposed in the CUP application. At that meeting, City staff expressed its disappointment that the applicant was proposing land uses that, in staff's opinion, are not conducive to upgrading the image of the Mission Boulevard corridor. From 1998 through its completion in 2011, the City of Montclair, with the cooperation of the County of San Bernardino, spent more than \$11 million on public improvements associated with the Mission Boulevard Corridor Improvement project from the Los Angeles County line to Benson Avenue. Staff believes that this public investment was a primary reason for the significant amount of quality private investment that occurred along the Mission Boulevard corridor during that time frame. Land uses along Mission Boulevard within Montclair's corporate limits are evolving from wrecking yards, used car lots, marginal commercial uses, derelict motels, and medium

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and heavy industrial uses into new residential and commercial uses, clean industrial uses and business parks, and upgraded buildings and improvements.

Mission Boulevard and Central Avenue is an intersection of two major arterial roadways. The only quadrant of the intersection under the City's control was developed in 2002 with a modern ARCO fueling station/am-pm convenience store and a Farmer Boys restaurant. Staff believes that conversion of the existing adult-oriented business into a bar does not represent the highest and best use of such a prominently sited property and will do little, if anything, to contribute to the positive strides made in upgrading Mission Boulevard's image over the past several years. Staff appreciates the fact that the County is requiring a Conditional Use Permit to convert the existing business into one that includes the on-premises sale of alcoholic beverages, which is consistent with the City of Montclair's entitlement process for such a use.

The above said, if it is the decision of the County Planning Commission to approve the CUP application, City staff respectfully requests that the following comments and conditions of approval be considered/included:

City of Montclair Planning Division (Steve Lustro 909/625-9431)

1. Remove all animated, multi-colored soffit lighting or modify so that the subject lighting is stationary and white in color.
2. Remove the pylon sign along Mission Boulevard. The subject sign is inconsistent in scale and character with all other business signs along the Mission Boulevard corridor in the City and County. City staff would support replacement of the subject pylon sign with one freestanding monument sign each along the Mission Boulevard and Central Avenue frontages that are compliant with the City of Montclair sign code and that contain the name of the business and the numerical address (5282) of the building.
3. Any new building-mounted identification signs shall be limited to the north, south, and/or east elevations only, shall be limited to a maximum of 24 inches in height and be mounted directly to the building wall (no raceways).
4. If the applicant desires to retain the existing address copy on the south building elevation ("5282 W. MISSION BLVD."), staff recommends that only the "5282" be retained, or, at a minimum, that the "W." be removed. ("W." is an incorrect directional identifier for Mission Boulevard within Montclair and its sphere of influence.)
5. The graphics on the second floor window on the east-facing elevation shall be removed. No new graphics shall be installed.
6. Temporary or permanent window signs, interior or exterior banners, or other signs placed within the establishment that are visible from outside the building advertising the availability of, or offer for purchase alcoholic beverages of any kind at the site shall be prohibited.

7. All roof-mounted parking lot and perimeter lighting shall be removed and replaced with pole lighting matching that currently existing on the subject site to provide a minimum maintained illumination level of one (1) foot-candle from dusk until termination of business every business day. During all other hours of darkness, a minimum of one-quarter (.25) foot-candles of illumination shall be maintained at grade.

City of Montclair Building Division (Merry Westerlin 909/625-9437)

8. Based on the proposed uses and occupancy on the second floor, the existing, single unisex restroom does not meet the California Plumbing Code. Staff recommends that all restroom requirements comply with the California Building Code, California Plumbing Code, and Americans With Disabilities Act.

City of Montclair Public Works Department (Michael Hudson 909/625-9441)

9. If food service is introduced as a component of the business in the future, the applicant shall be required to connect the subject property to the City of Montclair's sanitary sewer system, including, but not limited to, the following:
 - a. Execution of an Out-Of-Agency Service Contract, subject to approval of the City of Montclair and the San Bernardino Local Agency Formation Commission (LAFCO). (This condition is applicable only if the subject property is still in unincorporated County territory at the time of connection.)
 - b. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
 - c. Payment of all outstanding sewer reimbursement fees as imposed by a district, if any, or any assessments shall be required. Contact Nicole Greene, Environmental Manager, at 909/625-9446 for fees.
 - d. Regional Sewerage Supplemental Capital Outlay fees are required in accordance with Section 9.20.440 of the Montclair Municipal Code and the Inland Empire Utilities Agency (IEUA). Contact Michael Hudson, City Engineer, at 909/625-9441 for fees.
 - e. City of Montclair Environmental Manager shall complete inspections for the interior and exterior rough plumbing, grease interceptor rough plumbing, and the grease interceptor rings and covers to grade prior to issuance of a Certificate of Occupancy. The applicant shall contact Nicole Greene, Environmental Manager, at 909/625-9446 to schedule all inspections in advance.
 - f. Abandon septic tank(s) per County Building and Safety requirements.

Montclair Police Department (Capt. Mike deMoet 909/448-3606)

10. A minimum of two (2), licensed and bonded security guards shall be employed and on-duty during all hours of operation.

Montclair Fire Department (Scott Sherwood 909/447-3552)

11. The developer/general contractor is to be responsible for reasonable periodic clean up of the construction site to avoid hazardous accumulation of combustible trash and debris.
12. Vegetation in planter areas in the center of drive aisles and adjacent to entrances should be low profile type, not to exceed eight feet in height when mature.
13. All Fire Department access and fire lanes shall be posted as "No Parking, Fire Lane." Signs shall be designed and mounted in accordance with Montclair Fire Department standards.
14. The proposed commercial structure(s) shall require an approved automatic fire sprinkler system. The system shall conform to all local and national standards. Three (3) complete sets of the sprinkler system plans shall be submitted directly to the Fire Marshal's Office for approval prior to installation of the system in commercial structures. The system shall be so equipped as to provide a signal to a UL-listed monitoring station in the event of water flow or tampering.
15. In those structures covered by CAC Title 19, all drapes, hangings, curtains, drops, and all other decorative material shall be made from non-flammable material, or shall be treated and maintained in a flame-retardant condition, by means of a flame retardant solution or process approved by the State Fire Marshal.
16. Commercial/industrial occupancies shall install approved emergency lighting to provide illumination in the event of any interruption of normal lighting.
17. All Montclair Fire Department fees are due prior to any permit issuance.
18. Covered trash enclosures shall have fire sprinklers installed should any one of the following conditions exist: the trash enclosure has a combustible roof covering, the trash enclosure contains two or more individual trash containers, or the trash enclosure is under or within five (5) feet of combustible construction.
19. Fire extinguisher location(s) to be determined by the Montclair Fire Department.
20. Three (3) sets of plans shall be submitted to the Montclair Fire Department for approval prior to the relocation or addition of sprinklers for tenant improvements.

21. Three (3) sets of plans shall be submitted to the Montclair Fire Department for approval prior to the upgrade of a fire alarm system for a tenant improvement.
22. All Double Check Detector Assemblies (DCDA) shall be painted and maintained by the property owner with the following paint color specifications: Rust-Oleum satin interior/exterior acrylic latex paint, "Hunt Club Green" No. 794452 (quart). This condition is subject to Fire Department inspection and approval when work is completed.

In summary, while staff recognizes that the proposed uses are allowed by the County subject to CUP approval, the City of Montclair does not support the applicant's proposal. A nightclub/sports bar/comedy club will do little to positively contribute to the image of Mission Boulevard and is unlikely to encourage investment in the area by prospective developers.

Thank you for giving staff the opportunity to comment on this project. If you have any questions, please contact me at 909/625-9431 or slustro@cityofmontclair.org.

Sincerely,



Steve Lustro, AICP
Community Development Director

- c: City Council
Edward C. Starr, City Manager
Michael Diaz, City Planner
Merry L. Westerlin, C.B.O., Building Official
Michael C. Hudson, P.E., City Engineer
Mike deMoet, Captain, Montclair Police Department
Scott Sherwood, Senior Fire Inspector
Diane E. Robbins, City Attorney
Christine Kelly, Director of Land Use Services, County of San Bernardino
Robin B. Cochran, Deputy County Counsel
Larry Enriquez, Chief of Staff, Fourth Supervisorial District
County referral file, 5282 Mission Boulevard

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EXHIBIT G

FINDINGS

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FINDINGS: Conditional Use Permit (CUP) for the change of use of an existing 7,048 square foot building from a nightclub with adult entertainment to a nightclub and tavern with on-site sale and consumption of alcoholic beverages and non-adult entertainment that includes a sports bar, comedy club and live music on 1.22 acres.

1. The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, open space, setbacks, walls and fences, yards, and other required features pertaining to the application. The proposed use will be operated within an existing two story structure that currently meets or exceeds the County's current development standards with respect to building setbacks, building height, floor area ratio, fence and wall height, and landscaping requirements.
2. The site for the proposed use has adequate access, which means that the site design and proposed conditions of approval provide for the streets surrounding the site to be improved fully to provide legal and physical access to the site, and appropriate regional circulation mitigation has been required. The project is located at the intersection of Mission Blvd. and Central Avenue, which are County-maintained roads. Both streets are fully developed in compliance with the County's current development standards and provide adequate and necessary legal and physical access to the project site. The project site is also adjacent to Ada Avenue to the west. Prior to occupancy of the building for the new use, the applicant will be required to provide an additional 10-foot offer of dedication on Ada Avenue to meet the County's current development standards.
3. The proposed use will not have a substantial adverse effect on abutting properties or the allowed use of the abutting properties, which means that the use will not generate excessive noise, traffic, vibration, lighting, glare, or other disturbance. The proposed use has been adequately conditioned to address any potential adverse effects on abutting properties. Specifically, conditions of approval have been included that require strict conformance with the County's noise ordinance, lighting ordinance. Further conditions of approval are included to require private security during all hours of operation. Sufficient on-site and off-site improvements, including public roadway improvements, have been constructed to address any potential traffic impacts. In addition, the use will not interfere with the present or future ability to use solar energy systems.
4. The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the County General Plan and any applicable Community or Specific Plan. The proposed Conditional Use Permit site plan, together with the provisions for its design and improvement are consistent with the County General Plan.

The project is also within the boundaries of an Airport Safety Review area for the Ontario International Airport. However, Land Use Compatibility Plan, recently adopted by the City of Ontario for the Ontario Airport, shows that the project site is not within the Airspace Protection Zone and the existing building is well below the height limit established by the plan.

5. There is supporting infrastructure, existing or available, consistent with the intensity of the development, to accommodate the proposed project without significantly lowering service levels. The existing streets adjacent to the project are fully developed in compliance with the County's current development standards and provide adequate and necessary legal and physical access to the project site. The developer will be required to provide an additional 10-foot offer of dedication on Ada Avenue to meet the County's current development standards prior to occupancy of the building.
6. The lawful conditions stated in the approval are deemed reasonable and necessary to protect the overall public health, safety and general welfare because the conditions of approval include measures to address excessive noise, light and glare, and to provide private security during all hours of operation.
7. The design of the site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities, through the orientation and design of the building to take advantage of passive solar heating capabilities.
8. This project is exempt from the provisions of CEQA pursuant to section 15301, Class 1, Existing Facilities and, therefore, it is the determination of Staff that this project will not have a significant effect on the environment and a Notice of Exemption will be filed.

EXHIBIT H

CONDITION OF APPROVAL

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CONDITIONS OF APPROVAL

Conditional Use Permit

Tollis, Inc.

GENERAL REQUIREMENTS

Conditions of Operation and Procedures

LAND USE SERVICES/ Planning (909) 387-8311

1. Project Approval Description. This Conditional Use Permit (CUP) is approved to be constructed and operated in compliance with the San Bernardino County Code (SBCC), the following conditions of approval, the approved site plan and any other required and approved reports and/or displays (e.g. floor plans, elevations). This project is for the change of use of an existing 7,048 square foot building from a nightclub with totally nude adult entertainment without alcohol to a nightclub and tavern with on-site sale and consumption of alcoholic beverages and non-adult entertainment that includes a sports bar ~~and~~ comedy club and live music (Project). The Project site is 1.22 acres located on the northwest corner of Mission Blvd. and Central Ave in the City of Montclair sphere of influence. Parking approved for the facility is based upon the above land use description.
 - a) Project signs shall comply with SBCC Chapter 83.13.
 - b) Project landscaping shall comply with SBCC Chapter 83.10
 - c) Project parking and internal access shall comply with SBCC Chapter 83.11. There are 71 parking spaces required and 79 parking spaces are proposed, which includes 76 standard spaces and 3 disabled accessible spaces.
 - d) Project construction shall comply with all applicable construction codes including the California Building Codes (CBC) and Uniform Fire Code (UFC).The “developer” shall provide a copy of the approved conditions and site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these conditions of approval and continuous use requirements. Project APN: 1011-283-01, 28, 29 and 30, Project Number P201200303.
2. “Developer” Defined. The term “developer” as used in these conditions of approval for this project and for any development of this project site, includes all of the following: the applicant, the property owner and any lessee, tenant or sub-tenant, operator and/or any other agent or other party interested in the subject property duly authorized to act as its agent, and/or interested party of the subject project and/or project site and/or any heir or any other successor in interest in the project site or project land use by sale or by lease of all or of a portion of the project site or project land uses and/or any other right given to conduct any land use in any or all of the project structures or any area on the project site.
3. Revisions. Any proposed change to the approved use/activity on the site ~~(e.g. from warehouse to manufacturing);~~ or any increase in the developed area of the site or any expansion or modification to the approved facilities, including changes to structures building locations, elevations, signs, parking allocation, landscaping, lighting, allowable number of occupants (clients and/or employees); or a proposed change in the conditions of approval, including operational restrictions from those shown either on the approved site plan and/or in the conditions of approval shall require that an additional land use

application (e.g. Revision to an Approved Action) be submitted to County Planning for review and approval obtained.

4. Continuous Effect/Revocation. All of the conditions of this project are continuously in effect throughout the operative life of the project for the use approved. Failure of the property owner, tenant, applicant, developer or any operator (herein "developer") to comply with any or all of the conditions at any time may result in a public hearing and revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner or other party to correct the non-complying situation.
5. Expiration. This project permit approval shall expire and become void if it is not "exercised" within three (3) years of the effective date of this approval, unless an extension of time is approved. The permit is deemed "exercised" when either:
 - a) The permittee has commenced actual construction or alteration under a validly issued building permit, or
 - b) The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a building permit. (SBCC §86.06.060)Occupancy of completed structures and operation of the approved and exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs:
 - a) Construction permits for all or part of the project are not issued or the construction permits expire before the structure is completed and the final inspection is approved.
 - b) The land use is determined by the County to be abandoned or non-conforming.
 - c) The land use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination.

PLEASE NOTE: This will be the ONLY notice given of the approval expiration date. The "developer" is responsible to initiate any Extension of Time application.
6. Extension of Time. Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)
7. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
8. Indemnification. In compliance with SBCC §81.01.070, the developer shall defend with counsel reasonably approved by the County, indemnify, and hold harmless the County or its "indemnitees" (herein collectively the County's elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the

P201200303

Tollis, Inc.

PC Hearing: October 18, 2012

EFFECTIVE DATE: October 30, 2012**EXPIRATION DATE: October 30, 2015**

acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

The County shall act reasonably to promptly notify the developer of any claim, action, or proceeding and cooperate fully in the defense. The developer shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney fees, which the County or its indemnitees may be required by a court to pay as a result of such action.

The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the developer of their obligations under this condition to reimburse the County or its indemnitees for all such expenses.

This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The developer's indemnification obligation applies to the indemnitees' "passive" negligence but does not apply to the indemnitees' "sole" or "active" negligence or "willful misconduct" within the meaning of Civil Code Section 2782.

9. Project Account. The Job Costing System (JCS) account number is P201200303. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expenses charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1000.00 shall be in the project account at the time of project approval and the initiation of the Condition Compliance Review. Sufficient funds shall remain in the account to cover all estimated charges that may be made during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and/or operation of each approved use in each approved structure or land use activity area. There shall be sufficient funds (\$500.00) remaining in the account to properly fund file closure and any other required post-occupancy compliance review and inspection requirements (e.g. landscape performance).
10. Condition Compliance. In order to obtain construction permits for grading, or any new building, final inspection, the developer shall process a Condition Compliance Release Form (CCRF) for each respective building and/or phase of the development through County Planning in accordance with the directions stated in the Approval letter. County Planning shall release their holds on each phase of development by providing to County Building and Safety the following:
 - Building Permits - a copy of the signed CCRF for building permits and three "red" stamped and signed approved copies of the final approved site plan.
 - Final Inspection for Occupancy - a copy of the signed CCRF for final inspection of the building, after an on-site compliance inspection by County Planning.
11. Additional Permits. The property owner, developer, and land use operator shall ascertain and comply with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies as are applicable to the development and operation of the approved land use and project site. These include:
 - a) Federal: None Identified

- b) State of California: California Department of Alcoholic Beverage Control (ABC).
 - c) County of San Bernardino: Land Use Services - Code Enforcement; Building and Safety, Public Health-Environmental Health Services, Public Works, and
 - d) Local: Montclair Fire Department, Monte Vista Water District.
12. Continuous Maintenance. The property owner and “developer” shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The “developer” shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to:
- a) Annual maintenance and repair inspections shall be conducted for all structures, fencing/walls, walks, parking lots, driveways, and signs to assure proper structural, electrical and mechanical safety and a properly operating irrigation system.
 - b) Graffiti and debris shall be removed immediately with weekly maintenance.
 - c) Landscaping shall be maintained in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated, it shall be done in a manner designed to conserve water, minimizing aerial spraying.
 - d) Erosion control measures shall be maintained to reduce water run off, siltation, and promote slope stability.
 - e) Architectural controls shall be enforced by the property owner to maintain compatibility of theme, materials, unfaded colors, building mass, size and height.
 - f) External Storage, loading, recycling and trash storage areas shall be kept neat, orderly, and fully screened from public view with a solid masonry wall not less than 6 feet in height. The wall shall include sight-obscuring gates. The solid wall(s) and gate(s) shall be continuously maintained in good repair. Commercial outside storage shall be fully screened from public view and not exceed the height of screening walls. No outdoor storage is allowed within any required setback.
 - g) Signage. All on-site signs, including posted area signs (e.g. “No Trespassing”) shall be maintained in a clean readable condition at all times and all graffiti and vandalism shall be removed and repaired on a regular weekly basis.
 - h) Parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs shall be maintained in an unfaded condition as identified on the approved site plan. Any modification to parking and access layout requires County review and approval. The markings and signs shall be clearly defined and legible. These include parking spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps “No Parking” “carpool” and “Fire Lane” designations.
13. Performance Standards. The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration and the disposal of liquid waste. In addition to these, none of the following shall be perceptible without instruments at any point outside the project boundaries at adjoining property lines:
- Odors: No offensive or objectionable odor
 - Emissions: No emission of dirt, dust, fly ash, and other forms of particulate matter.
 - Radiation: No dangerous amount of radioactive emissions.
 - Toxic Gases: No emission of toxic, noxious or corrosive fumes of gases.
 - Glare: No intense glare that is not effectively screened from view at any point outside the project boundary.

14. Lighting. The glare from any luminous source, including on-site lighting shall not exceed one-half (0.5) foot-candle at property line. All lighting shall be limited to that necessary for maintenance activities and security purposes. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All signs shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting.
15. Building Lighting. All soffit and building lighting shall be white in color and non-animated. Lighting shall not exceed one-half (0.5) foot-candle at the property line.
16. Clear Sight Triangle. Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90 degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic.
17. Underground Utilities. There shall be no new above ground power or communication lines extended to the site. All new utilities shall be placed underground in a manner, which avoids disturbing any existing/natural vegetation or the site appearance. Existing utilities around the site perimeter shall also be placed underground, where possible in coordination with the utility provider.
18. Hours of Operation. The Project shall not open for business prior to 12:00 p.m. and shall close no later than 2:00 a.m. seven days a week.
19. Security. The developer shall provide licensed and bonded security officers with marked and identifiable uniforms through a bona fide security agency approved by the County Sheriff's Department. A minimum of two (2) security officers shall be provided from the hours of 5 p.m. to 2:00 a.m., or until closing, if closing occurs earlier than 2:00 a.m., seven days a week. One security officer shall be stationed at the main entrance of the building and the other officer shall patrol the exterior of the premises. This is the minimum number of security officers required for the Project. It is the responsibility of the developer to provide additional security officers if the number of patrons justifies additional security. It is the developer's responsibility to ensure that all security officers are provided with a copy of these Conditions of Approval (Conditions) and that all security officers ensure compliance with these Conditions, as such Conditions apply to their responsibilities. All security officers shall also be provided with the Conditions of Approval imposed by the Department of Alcoholic Beverage Control.
20. Responsible Beverage Service/Sales Training Requirements. All owners, managers and employees serving and/or selling alcoholic beverages in an establishment shall undergo and successfully complete a certified training program in responsible methods and skills for serving and selling alcoholic beverages. Records of each owner's, manager's and employee's successful completion of the certified training program required by this section shall be maintained on the premises at the Project site.
21. Building Appearance. The building shall maintain the existing agreed upon paint color, Benjamin Moor paint color White Cloud, #2159-70 and Dark Mustard #2161-30, and any change thereto shall be a subdued color to be mutually agreed upon by the County and the developer.

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22. Pylon Sign. The existing pylon sign is considered to be an illegal sign. On or before January 30, 2013, the developer shall remove the existing pylon sign or obtain a building permit and complete the necessary construction to modify the pylon sign to conform with the current County Sign Regulations as depicted in Table 83-26. On or before November 2, 2012, all references depicting "DÉJÀ VU", "Showgirls" or any reference to adult-oriented uses or entertainment, as defined in Development Code Section 810.01.030(I) shall be removed from the pylon sign.
23. Wall Signs. The existing wall signs may remain on the building, provided that on or before November 2, 2012, all references depicting "DÉJÀ VU", "Showgirls" or any reference to adult-oriented uses or entertainment, as defined in Development Code Section 810.01.030(I) shall be removed from the wall signs. Any proposed expansion or structural modification to the existing wall signs, other than changing the business name or the pictorial content to eliminate any and all references to adult-oriented uses, shall require that such signs comply with the County's sign regulations.
24. On-Site Signage. On or before November 2, 2012, the developer shall remove all external signage from the site depicting references to either SPECIFIED ANATOMICAL AREAS AND SPECIFIED SEXUAL ACTIVITIES and all references depicting "DÉJÀ VU", "Showgirls" or any reference to adult-oriented uses or entertainment, as defined in Development Code Section 810.01.030(I) and Title 4, Division 1, Chapter 13, Section 41.1302.
25. Prohibited Signs. The following signs shall be prohibited pursuant to Section 83.13.040 of the County Development Code:
 - a) Signs having animated, moving, or rotating parts, including signs that have alternating messages that change more than once every five seconds.
 - b) Moveable or portable signs, including signs attached to or painted on trailers or vehicles parked on private property for the purpose of gaining unauthorized sign area. Specifically, vehicle(s) with signage depicting the term "Déjà Vu" and/or referencing or depicting adult-oriented uses shall not be parked on the property in a location visible from Central Avenue or Mission Blvd.
 - c) Signs that make sounds.
 - d) Signs that obscure, imitate, or otherwise limit the effectiveness of official traffic control signs or devices.
 - e) Signs that display statements or symbols of an obscene or immoral nature as to offend the public morals or decency.
 - f) Banners and flags, except those specifically allowed by Subsection 83.13.070 (a)(4)(Temporary banners and flags).
 - g) Tethered balloon(s) or other inflatable(s) used to draw attention to a use or event.
 - h) Signs with flashing neon elements or signs with neon lighting on their support structures.
 - i) Signs that are not effectively shielded to prevent beams or rays of light from being directed on the traveled way, or whose intensity or brilliance cause glare or impair the vision of the driver of a motor vehicle, or that otherwise interfere with drivers of motor vehicles.
 - j) A beacon or searchlight, except for emergency purposes.

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26. Maximum Building Occupancy. Based on the preliminary floor plans submitted for the Project, the County Building and Safety Division has estimated the maximum occupancy to be 388 (First Floor: 238, Second Floor: 150).

LAND USE SERVICES/ Code Enforcement (909) 387-4044

27. Enforcement. If any County agency is required to enforce compliance with the conditions of approval, the property owner and "developer" shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees. Failure to comply with these conditions of approval or the approved site plan design required for this project approval shall be enforceable against the property owner and "developer" (by both criminal and civil procedures) as provided by the San Bernardino County Code, Title 8 - Development Code; Division 6 - Administration, Chapter 86.09 - Enforcement.

PUBLIC HEALTH/ Environmental Health Services (DEHS) (909) 387-4666

28. Noise. Noise level shall be maintained at or below County Development Code Standards, Section 83.01.080. For information, please call DEHS at 909-387-4666.
29. Septic System. The septic system shall be maintained so as not to create a public nuisance and shall be serviced by a DEHS permitted pumper. For information, please call DEHS/Wastewater Section at: 800-442-2283.
30. Refuse Storage/Removal. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least 1 time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least 2 times per week, or as often if necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. seq. For information, please call DEHS/LEA at: 800-442-2283.

PUBLIC WORKS/ Land Development - Drainage (909) 387-8218

31. Tributary Drainage. Adequate provisions should be made to intercept and conduct the tributary off site - on site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties at the time the site is developed.
32. Additional Drainage Improvements. In addition to the drainage requirements stated herein, other on-site and/or off-site improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to Public Works, Land Development Division.

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PUBLIC WORKS / Solid Waste Management (909) 387-8701

33. Recycling Storage Capacity. The developer shall provide equal space and storage bins for both refuse and recycling materials. This requirement is to assist the County in compliance with the recycling requirements of AB 2176.

**PRIOR TO ISSUANCE OF BUILDING PERMITS
FOR TENANT IMPROVEMENTS**

The following shall be completed:

LAND USE SERVICES/ Building and Safety (909) 387- 4246

34. Building Plans. Plans and permits will be required for all rehabilitation and remodeling work to be done. Submit professionally prepared plans showing the following items:
 - a) Disabled access requirements.
 - b) Exiting requirements.
 - c) Floor loads.
 - d) Setback and exterior wall protection.
 - e) Septic system location and size.
 - f) Light and ventilation requirements.
 - g) Any proposed remodeling of buildings.
 - h) A fully dimensioned floor plan.
 - i) Provide a letter of intent describing the specific uses of all areas of the building.
 - j) Necessary energy calculations
35. Storage Building. Construction plans for the storage building must clearly indicate the type and amount of materials to be stored.
36. Outdoor Lighting Plans. Three copies of the proposed professionally prepared Outdoor lighting plan shall be submitted for plan review with appropriate fees and approval of these shall be obtained with permits, prior to any lighting installation.
37. Sign Plans. Any building, sign, or structure to be constructed or located on site will require professionally prepared plans approved by the Building and Safety Division.
38. Disabled Access. Provide van accessible parking spaces for the disabled. One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide and shall be designated van accessible. The words "NO PARKING" shall be painted on the ground within each eight-foot loading area as specified in the California Building Code.
39. Path of Travel. Provide a path of travel from the disabled parking spaces up to the primary entrance of each accessible building or area.
40. Field Investigation. A field investigation is required to validate the floor plan and occupancy/use.

LAND USE SERVICES/ Planning (909) 387-8311

41. Underground Utilities. All new on-site utility lines (66KV or less) located on or around the perimeter of the site, shall be placed underground. The developer will work cooperatively with the County and appropriate utility agencies to underground these facilities.

LAND USE SERVICES/ Code Enforcement (909) 387-4044

42. Sign Registration. Prior to installation of any freestanding, wall, roof, projecting or monument sign, an approved sign registration application and plot plan are required.

PUBLIC HEALTH/ Environmental Health Services (DEHS) (909) 387-4666

43. Water. Water purveyor shall be Monte Vista Water District.
44. Water Letter. Applicant shall procure a verification letter from the water agency with jurisdiction. This letter shall state whether or not water connection and service shall be made available to the project by the water agency. This letter shall reference the Assessor's Parcel Number. For projects with current active water connections, a copy of water bill with project address may suffice. For information, contact the Water Section at 800-442-2283.
45. Sewer. Method of sewage disposal shall be EHS approved onsite wastewater treatment system (OWTS).
46. Wastewater Certification. Existing septic system can be used if applicant provides certification from a qualified professional (i.e., Professional Engineer (P.E.), Registered Environmental Health Specialist (REHS), C42 contractor, Certified Engineering Geologist (C.E.G.), etc.) that the system functions properly, meets code, and has the capacity required for the proposed project. Applicant shall provide documentation outlining methods used in determining function.
47. Acoustical Information. Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 83.01.080. The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the DEHS for review and approval. For information and acoustical checklist, contact DEHS at 909-387-4655.
48. Food Establishments. Plans for food establishments shall be reviewed and approved by DEHS. For information, call DEHS/Plan Check at: 800-442-2283.

PUBLIC WORKS/ Land Development - Roads (909) 387-8218

49. Road Dedication. The developer shall submit for review and obtain approval from the County Public Works of the following dedication. This dedication shall be submitted to the Department of Public Works (DPW), located at 825 E. Third Street, San Bernardino CA 92415-0835. Phone: (909) 387-8145:

Ada Avenue (Local – 60')

- Irrevocable Offer of Dedication. A 10 foot irrevocable offer of dedication is required to provide a half-width right-of-way of 30 feet.
50. Transitional Improvements. Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing, shall be required as necessary.

MONTCLAIR FIRE DEPARTMENT (909) 447-3552

51. The Developer/general contractor is to be responsible for reasonable periodic clean-up of the construction site to avoid hazardous accumulation of combustible trash and debris.
52. Vegetation in planter areas in the center drive isles and adjacent to entrances should be low profile type, not to exceed eight feet in height when mature.
53. All Fire Department access and fire lanes shall be posted as "No Parking, Fire Lane." Signs shall be designed and mounted in accordance with Montclair Fire Department Standards.
54. Three sets of plans must be submitted to the Montclair Fire Department for approval prior to the relocation or addition of sprinklers for tenant improvement.
55. In those structures covered by CAC Title 19, all drapes, hangings, curtains, drops, and all other and all other decorative material shall be made from non-flammable material, or shall be treated and maintained in a flame retardant condition, by means of a flame retardant solution or process approved by the State Fire Marshal.
56. Commercial/Industrial occupancies shall install approved emergency lighting to provide illumination in the event of any interruption of normal lighting.
57. All Montclair Fire Department fees are due prior to any permit issuance.
58. Covered trash enclosures shall have fire sprinklers installed should any one of the following conditions exist: Trash enclosure has a combustible roof covering, the trash enclosure contains two or more individual trash containers, or the trash enclosure is under or within five (5) feet of combustible construction.
59. Fire extinguishers locations(s) to be determined by the Montclair Fire Department.
60. Three (3) sets of plans shall be submitted to the Montclair Fire Department for approval prior to the recordation or addition of sprinklers for tenant improvements.
61. Three (3) sets of plans shall be submitted to the Montclair Fire Department for approval prior to the upgrade of a fire alarm system for a tenant improvement.
62. All Double Check Detector Assemblies (DCDA) shall be painted and maintained by the property owner with the following paint color specifications: Rust-Oleum satin interior/exterior acrylic latex paint, "Hunt Club Green" No. 794452 (quart). This condition is subject to Fire Department inspection and approval when work is completed.

**PRIOR TO FINAL INSPECTION OR OCCUPANCY
AND/OR OPERATION OF THE NEW USE**

The Following Shall Be Completed:

LAND USE SERVICES/Building and Safety (909) 387-4226

63. Van Accessible Parking. Provide van accessible parking spaces for the disabled. One in every eight accessible spaces, but not less than one, shall be served by an access aisle eight feet wide and shall be designated "Van Accessible". The words "NO PARKING" shall be painted on the ground within each eight-foot wide loading area as specified in the California Building Code.
64. Path of Travel. Provide a path of travel from all parking spaces for the disabled up to the primary entrances of each building.
65. Planning Division Approval. Prior to occupancy all Planning Division requirements and Condition Compliance Release Forms shall be completed.
66. Building Plans. Plans and permits will be required showing compliance with the Building Code lighting requirements. The minimum lighting requirements in the building codes for this use is 1 foot-candle at the floor level.

LAND USE SERVICES/ Planning (909) 387-8311

67. Parking Lot Installed: Prior to occupancy and/or operation of the new use all paved parking stalls shall be re-striped with double/hairpin lines, two lines being located an equal distance of nine inches on either side of each parking stall. On-site parking and circulation requirements shall be installed, inspected and approved as being in compliance with SBCC Chapter 83.11. The appropriate parking plan shall be implemented based on the identified tenant, and stalls painted accordingly. The following shall be completed:
 - a) Markings. All circulation markings shall be clearly painted and permanently maintained, including arrows painted to indicate direction of traffic flow.
 - b) Crosswalks. All on-site internal pedestrian crosswalks shall be delineated with a minimum 3" white or yellow painted line stripe. All pedestrian crossings in public right-of-way shall be per County Standards.
 - c) Stops. All internal parking lot driveway intersections shall be installed with a painted stop limit line and shall have either a breakaway pole "STOP" sign and/or painted "STOP" lettering on the paving in front of the limit line.
 - d) Disabled Parking. Parking for the disabled with paths of travel to the main building entries shall be installed per SBCC §83.11.060. Disabled access parking spaces shall be clearly and continually designated with pavement markings and signs. At least one van accessible space shall be provided.
68. Lot Merger. Prior to occupancy and/or operation of the new use a lot merger must be recorded to merge APNs: 1011-283-28, 29 and 30 into one parcel.
69. Underground Utilities. All new on-site utility lines (66KV or less) located on or around the perimeter of the site, shall be placed underground. The developer will work cooperatively with the County and appropriate utility agencies to underground these facilities.

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70. Signs. All on site signs shall conform with Chapter 83.13 Sign Regulations of the County Development Code and Table 83.26 (below). All new signs, either temporary or permanent, and/or any modification to existing signs shall require the submittal of professionally prepared plans approved by the Building and Safety Division and Planning Division. All signs shall comply with the following:
- Pylon Sign. The existing pylon sign is considered to be an illegal sign. On or before January 30, 2013, the developer shall remove the existing pylon sign obtain a building permit and complete the necessary construction to modify the pylon sign to conform with the current County Sign Regulations as depicted in Table 83-26. On or before November 2, 2012, all references depicting "DÉJÀ VU", "Showgirls" or any reference to adult-oriented uses or entertainment, as defined in Development Code Section 810.01.030(I) shall be removed from the pylon sign.
 - Wall Signs. The existing wall signs may remain on the building, provided that on or before November 2, 2012, all references depicting "DÉJÀ VU", "Showgirls" or any reference to adult-oriented uses or entertainment, as defined in Development Code Section 810.01.030(I) shall be removed from the wall signs. Any proposed expansion or structural modification to the existing wall signs, other than changing the business name or the pictorial content to eliminate any and all references to adult-oriented uses, shall require that such signs comply with the County's sign regulations.
 - Window Signs. All existing window graphics shall be removed and no further window signs or graphics shall be permitted without prior approval by the Planning Division.
 - Sign Lighting. All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable. All sign lighting shall not exceed one-half (0.5) foot-candle. No sign or stationary light source shall interfere with a driver's or pedestrian's view of public right-of-way or in any other manner impair public safety.

Table 83-26	
On-Site Signs in Service Commercial (CS) Land Use Zoning District	
Type of Sign	Individual Business/Structure Not a Part of a Complex
Freestanding	
Pole or Pylon	25 ft. maximum height 200 sq. ft. maximum area
Monument	4 ft. maximum height 50 sq. ft. maximum area
Attached	
Projecting	35 ft. maximum height 200 sq. ft. maximum area 8 ft. minimum clearance from underlying walkway or thoroughfare
Roof	1:3 (bldg. frontage to sign area ratio) 50 sq. ft. maximum area
Wall	1:3 (bldg. frontage to sign area ratio) 200 sq. ft. maximum area
Total area sq. ft.	300
Total number	1 Freestanding 1 Attached

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71. Building Address. Prior to occupancy and/or operation of the new use the developer shall remove the "W" from the address located on the south facing wall. The "W" is an incorrect directional identifier for this property.
72. Lighting Plan. Prior to occupancy and/or operation of the new use the developer shall submit a photometric lighting plan for review and approval by the Planning Division that addresses all existing and proposed outdoor lighting on site. This includes all parking lot light standards, roof mounted lights and soffit lighting. Prior to operation of the new use all lighting shall be installed in compliance with the approved lighting plan. All lights used to illuminate the site shall be hooded and designed so as to reflect away from adjoining properties and public thoroughfares.
73. Building Lighting. Prior to occupancy and/or operation of the new use the existing soffit lighting on the building shall be removed or modified to remain stationary and shall be only white in color.
74. Interior Building Improvements. Prior to occupancy and/or operation of the new use the developer shall remove all video booths and any improvements or furnishings, dance poles, etc., that are specifically related to the prior adult-oriented use, as defined in Development Code Section 810.01.030(l).
75. Video Surveillance. Prior to occupancy and/or operation of the new use the developer shall install a video surveillance system for both the interior and exterior of the building. The surveillance system shall adequately cover the entire interior of the building, except restrooms, and the entire parking area. Video records shall be digital and color quality and shall be kept for a minimum of 30 days.
76. Alcoholic Beverage Control (ABC) License. Prior to occupancy and/or operation of the new use with service of alcoholic beverages, the developer shall obtain the proper approvals and licenses from ABC, which may require the submittal of an application through the County of San Bernardino for a finding of Public Convenience or Necessity prior to approval. The approval of this Conditional Use Permit for the proposed nightclub and tavern does not imply an approval of a Public Convenience or Necessity Finding for approval of an ABC License.

PUBLIC WORKS/ Land Development Division – Drainage Section (909) 387-8145

77. Drainage Improvements. All required drainage improvements if any shall be completed by the applicant, inspected and approved by County Public Works.

PUBLIC WORKS/ Land Development - Roads (909) 387-8218

57. LDD Requirements. All LDD requirements shall be completed by the applicant prior to occupancy.

END OF CONDITIONS