



MONTCLAIR

CITY OF MONTCLAIR
PLANNING COMMISSION AGENDA
CITY COUNCIL CHAMBERS

5111 Benito Street, Montclair, California 91763

REGULAR ADJOURNED MEETING
Monday, November 14, 2011
7:00 p.m.

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

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Chairman Sergio Sahagun, Vice Chairman Luis Flores, Commissioner Tenice Johnson, Commissioner Maynard Lenhert, and Commissioner Don Vodvarka

4. APPROVAL OF MINUTES

The minutes of the September 26, 2011 Planning Commission meeting are presented for consideration.

5. ORAL AND WRITTEN COMMUNICATIONS ON NON-AGENDA ITEMS

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

Any person wishing to address the Planning Commission on an agenda or non-agenda item should complete a speaker's card and submit it to the City Planner. Speaker's cards are available at the entrance to the Council Chambers.

6. AGENDA ITEMS

- a. PUBLIC HEARING - CASE NUMBER 2004-45 'A'
Project Address: 9052 Central Avenue
Project Applicant: Target Corporation
Project Planner: Michael Diaz, City Planner
Request: Conditional Use Permit Amendment
request to allow off-sale distilled spirits in
addition to off-sale beer and wine

7. INFORMATION ITEMS

Although the Planning Commission is prohibited from taking action on or discussing items not on the posted agenda, a member of the Planning Commission may ask for information, request a report back or to place a matter of business on the agenda for a subsequent meeting, ask a question for clarification, make a brief announcement, or briefly report on his or her own activities, provided the foregoing are related to, or within the jurisdiction of, the Planning Commission.

8. PUBLIC INSPECTION OF MATERIALS

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

9. ADJOURNMENT

The City of Montclair Planning Commission is hereby adjourned to the regularly scheduled meeting of November 28, 2011 at 7:00 p.m. in the Council Chambers, 5111 Benito Street, Montclair, California.

CERTIFICATION OF AGENDA POSTING

I, Laura Berke, Administrative Secretary for the City of Montclair, hereby certify that a copy of this agenda was posted on the bulletin board adjacent to the south door of Montclair City Hall on November 9, 2011.



**CITY OF MONTCLAIR
PLANNING COMMISSION**

MEETING DATE: 11/14/11

AGENDA ITEM 6.a

Case No.: 2004-45 'A'

Application: CUP amendment to allow off-sale distilled spirits in addition to off-sale beer and wine (upgrade from an ABC Type 20 license to a Type 21 license).

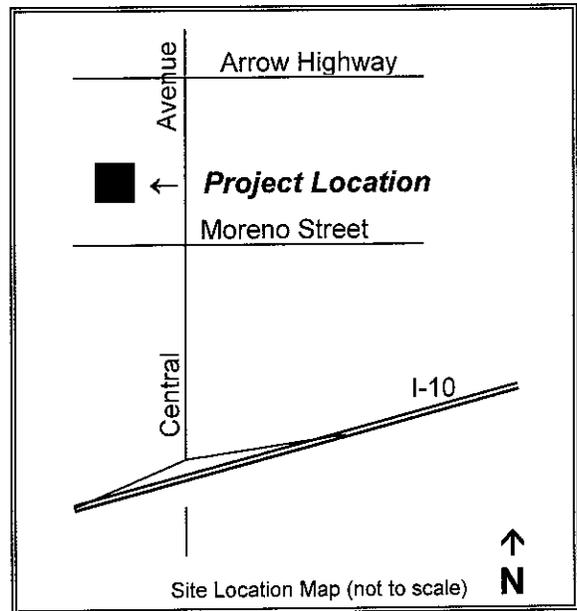
Project Address: 9052 Central Avenue

Property Owner: Target Corporation

General Plan: Specific Plan

Zoning: C-3 per North Montclair Specific Plan

Assessor Parcel No.: 1008-151-02



ADJACENT LAND USE DESIGNATIONS AND USES

	General Plan	Zoning	Use of Property
Site	Specific Plan	C-3 (General Commercial) per North Montclair Specific Plan	Target retail store (138,000 square feet)
North	Specific Plan	C-3 (General Commercial) per North Montclair Specific Plan	Multi-tenant Retail Commercial (Best Buy/Carl's Jr./in-line Retail)
East	Regional Commercial	C-3 (General Commercial) per North Montclair Specific Plan	Multi-tenant Retail Commercial (Montclair Promenade)
South	Regional Commercial	C-3 (General Commercial) per North Montclair Specific Plan	Montclair Plaza
West	Specific Plan	Town Center (TC) per North Montclair Downtown Specific Plan	Bank and Retail Commercial Center (North Plaza)

Report on Item Number 6.a

PUBLIC HEARING - CASE NUMBER 2004-45 'A'

APPLICATION TYPE(S)	Conditional Use Permit Amendment
NAME OF APPLICANT	Target Corporation
LOCATION OF PROPERTY	9052 Central Avenue
GENERAL PLAN DESIGNATION	Regional Commercial
EXISTING ZONE DISTRICT	C-3 (General Commercial) per North Montclair Specific Plan
EXISTING LAND USE	Department Store
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301)
PROJECT COORDINATOR	Michael Diaz

Project Description

Target Corporation is requesting approval of a Conditional Use Permit (CUP) amendment to upgrade its current Alcoholic Beverage Control (ABC) Type 20 off-sale license to a Type 21 off-sale license, thereby allowing the sale of distilled spirits in addition to beer and wine. The applicant's current CUP, approved by the Planning Commission in 2004, allows for the off-premises sale of beer and wine only.

The Target store is approximately 138,000 square feet and the proposed license upgrade will not result in any significant changes to the recently reconfigured store layout or an expansion of the building. The area currently used for display of beer and wine in the store is as follows:

- One (1) side of one (1) aisle in the grocery department; and
- One (1) upright beverage cooler (approximately 8 doors or 24 feet long) located nearby against the back (west) wall of the store.

If approved, the display of distilled spirits allowed by the proposed upgrade would be incorporated into the above locations and adjacent aisle end caps.

No change of regular store hours is proposed in connection with this request.

Background

- The subject site is located in the C-3 (General Commercial) zoning district of the North Montclair Specific Plan.
- Target opened its Montclair location in 2002 and is approximately 138,000 square feet in size.

- In 2010, Target closed its garden center as part of nationwide closure initiated by the corporation.
- At about the same time, Target began remodeling the interior of its stores in conjunction with the introduction of an expanded grocery and fresh produce department known as the P Fresh concept. Target has used the P Fresh remodeling as a chance to update departments, including beauty, home goods, electronics and shoes. Changes also include the installation of LED lighting, as well as lowered shelves and widened aisles.
- Chapter 11.42.050.B of the Montclair Municipal Code requires a CUP for a business enterprise to engage in the off-premises retail sale of alcoholic beverages.
- ABC Type 21 License – "OFF SALE GENERAL" - authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Minors are allowed on the premises.

Planning Division Comments

Staff supports the applicant's request related to the upgrade of the current ABC license as the change will result in little to no discernible change to the floor plan or operation of the recently reconfigured interior of the store. As mentioned above, if the request is approved, the sale of distilled spirits allowed by the proposed upgrade would be incorporated into the same existing areas where beer and wine are currently displayed. Staff finds the proposed sale of alcoholic beverages at Target is similar to the type of operation as a traditional grocery store. The Montclair community is under-served by traditional grocery stores where customers can obtain a wide range of groceries and alcoholic beverages of various kinds in the same location. The ability to sell alcoholic beverages at Target will give residents another opportunity obtain goods within the City.

Staff visited the Redlands Target store where a Type 21 license has been approved and is in operation. Staff noted that all alcoholic beverages were appropriately displayed in an open but low-key manner and they were indeed limited to specified areas within the grocery department as expected and described in the above project description. According to the Grocery Department manager at the Redlands location, they have had no particular problems with the expanded license.

However, during the Redlands store visit, it was mentioned that during some holidays, alcoholic beverages could be included as part of a "seasonal" (e.g., Christmas, New Year's, etc.) display within the store. Staff has no significant issue with this arrangement so long as the amount of alcoholic beverages displayed is limited and does not constitute another permanent display location within the store. Staff's support of the proposed ABC license upgrade is based upon the limited display of alcoholic beverages within the grocery department and not a carte blanche approval to display

anywhere in the store. If Target can agree to the above conditions, then staff's recommendation of approval would stand.

Staff noted that several, but not all, of the distilled spirits had electronic cap theft prevention devices affixed to the bottles. According to the Grocery Department manager, these devices are typically used only for the larger and/or more expensive products on the shelves, but that they hadn't experienced any problems thus far. Staff is satisfied with the above situation, but would recommend that Target utilize the electronic tags for the more expensive items to help serve as a visual deterrent. In addition, each aisle in the store is under closed circuit surveillance as part of a store-wide theft prevention effort that also includes uniformed security officers on duty at all times.

According to the Montclair Police Department there are no reported problems with the existing license and that they do not anticipate any negative changes with the upgraded license. Since the sale of such alcoholic beverages is for off-site consumption, and the store is well managed, the Police Department has no significant concern regarding the proposal, except to recommend that Target continue to properly monitor its premises and policies regarding the sale of alcohol. The presence of alcoholic beverages is not pushed in the store and the location of the items is well within the store to essentially prevent any "grab and run" issues. Moreover, staff finds the Target store to be a well managed and maintained store with policies in place to prevent minors from obtaining/purchasing alcoholic beverages.

Although the sale of alcoholic beverages at Target is not intended to be a major portion of the store's business it does help to make the store more attractive as a convenient one-stop place of business where customers may obtain a wider variety of goods, including groceries and alcoholic beverages. By being part of the grocery department, the presence of beer, wine, and distilled spirits will not change the primary character of the store as a large first quality discount retailer. Staff is recommending the inclusion of the typical conditions of approval associated with requests for off-sale licenses.

Conditional Use Permit Findings

Staff believes the necessary findings for granting the CUP amendment for off-sale distilled spirits in addition to off-sale beer and wine can be made, as follows:

- A. That said use is essential or desirable to the public convenience and public welfare, in that the upgraded ABC (Type 21) off-sale license allowed by the CUP amendment will enable customers of the store a safe and convenient location to purchase packaged alcoholic beverages in conjunction with other food and beverage products now available in the store's expanded grocery department.
- B. The granting of the CUP amendment to allow an upgraded ABC (Type 21) off-sale license will not be materially detrimental to the public welfare and to other property in the vicinity. Moreover, the alcoholic beverages will be limited to a

specified area within the grocery department that is at the back of the store so that there will be little to no discernible change to the layout or operation of the recently reconfigured store.

- C. That such use in such location conforms to good zoning practice, in that the Montclair Municipal Code permits the off-premises sale of alcoholic beverages (beer, wine, and distilled spirits) in the C-3 (General Commercial) zoning district of the North Montclair Specific Plan, subject to CUP approval. Staff finds the Target store to be well maintained, to have adequate on-site parking, and to have policies in place to prevent minors from obtaining/purchasing alcoholic beverages.
- D. That such use in such location is not contrary to the objective of any part of the adopted General Plan, in that the adopted General Plan encourages the establishment of a wide variety of retail and service uses that provide and support the needs and desires of residents within the community. The upgraded ABC license allows the only large, first quality, discount store within the City an opportunity to provide a convenient location for customers to obtain a greater variety of goods, including groceries and alcoholic beverages at one location.

Department of Alcoholic Beverage Control (ABC) Finding

The project site is located within Census Tract Number 0002.01, which allows up to four (4) ABC licenses. As of the date of this report, three (3) ABC licenses have been issued which includes Target's current Type 20 license.

Staff recommends that the Commission find that the proposed upgrade of the current ABC license to a Type 21 off-premises license at Target is desirable to the public convenience and necessity. Target currently offers packaged beer and wine for sale to its customers who wish to purchase these items, with no reported problems. The upgrade in license will not fundamentally change the character of the store or result in any significant changes to the interior of the store. Customers will have a safe and convenient location to obtain alcoholic beverages, if they so desire, while shopping for groceries or other goods and services at the same store. Finally, based on ABC records, the upgrade in license does result in an overconcentration of ABC licenses for the affected census tract.

Public Notice

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on November 4, 2011. Public hearing notices were also mailed to existing tenants of the adjacent commercial center and property owners within a 300-foot radius of the exterior boundaries of the project site in accordance with State law for consideration of this discretionary zoning entitlement. At the time this report was prepared, no comments or inquiries had been received by staff regarding the proposal.

Environmental Assessment

The Planning Division has determined this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301 of the State CEQA Guidelines. The project qualifies because the proposed amendment to the existing CUP will have a negligible impact on the primary use of the property and results in no expansion of the use beyond that which currently exists. Moreover, there is no substantial evidence the project will pose a potential significant impact to the environment.

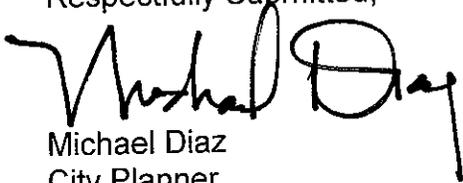
Planning Division Recommendation

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

- A. Move that, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA). Further, the project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301.

- B. Move to approve a Conditional Use Permit Amendment (Case No. 2004-45 'A') to authorize the upgrade of the existing ABC License from Type 20 (off-sale beer and wine) to Type 21 (allowing the off-sale of beer, wine and distilled spirits) at the Target store located at 9052 Central Avenue, within the C-3 (General Commercial) zoning district of the North Montclair Specific Plan, as described in the staff report and per the submitted plans, subject to the conditions of approval in attached Resolution 11-1749.

Respectfully Submitted,

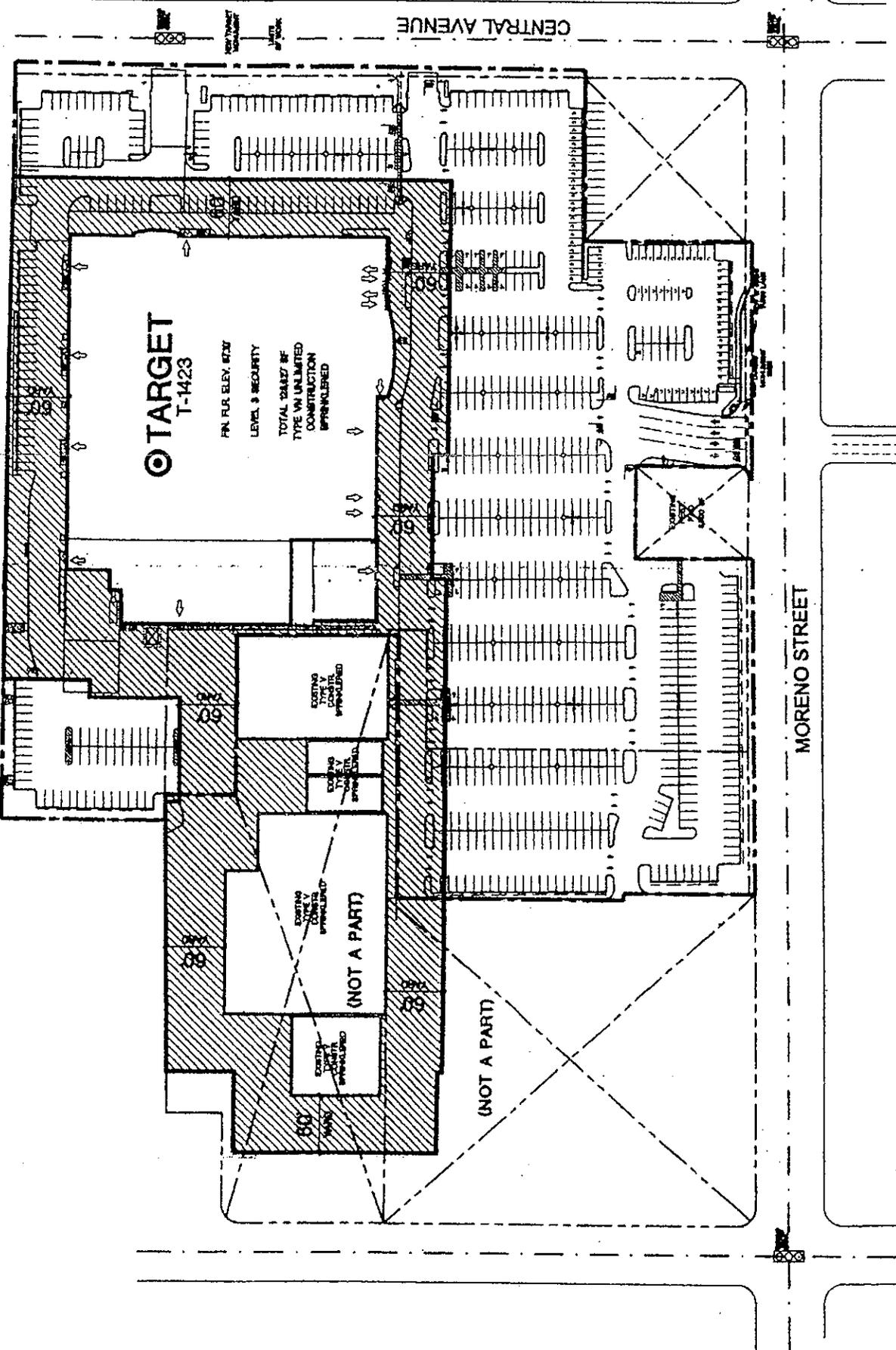


Michael Diaz
City Planner

MD/lb

- c: Beth Aboulafia, Hinman & Carmichael, LLP, 260 California Street, Suite 1001,
San Francisco, CA 94111
- Carol Helmin, Target Corporation, 1000 Nicollet Mall, TPN-9010, Minneapolis MN 55403
- Store Manager, Target Montclair, 9052 Central Avenue, Montclair, CA 91763

Z:\COMMDEV\MD\CASES\2004-45 "A" PC REPORT



RESOLUTION NO. 11-1749

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT AMENDMENT (CASE NO. 2004-45 'A') TO AUTHORIZE THE UPGRADE OF THE EXISTING ABC LICENSE FROM TYPE 20 (OFF-SALE BEER AND WINE) TO TYPE 21 (OFF-SALE BEER, WINE, AND DISTILLED SPIRITS) AT 9052 CENTRAL AVENUE, WITHIN THE C-3 (GENERAL COMMERCIAL) ZONING DISTRICT OF THE NORTH MONTCLAIR SPECIFIC PLAN (APN 1008-151-02).

A. Recitals.

WHEREAS, on October 18, 2011, an application was submitted by Target Corporation (property owner) to amend the current Conditional Use Permit (CUP) to upgrade the existing Department of Alcoholic and Beverage Control (ABC) license currently in effect at the subject site located at 9052 Central Avenue; and

WHEREAS, the current CUP for the subject location was approved in 2004 under Case No. 2004-45, and allowed for an ABC Type 20 license allowing the off-sale of beer and wine only at the existing Target store; and

WHEREAS, the proposed request is to upgrade the current ABC license to a Type 21 license, which would allow the off-sale of beer, wine, and distilled spirits at the store; and

WHEREAS, the subject property is located in the C-3 (General Commercial) zoning district of the the North Montclair Specific Plan; and

WHEREAS, Chapter 11.42.050.B of the Montclair Municipal Code requires a CUP for a business enterprise to engage in the off-premises retail sale of alcoholic beverages; and

WHEREAS, staff has determined that the proposed on-sale of beer, wine, and distilled spirits within the existing store is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1). The project qualifies for the exemption because the proposed amendment to the existing CUP will have a negligible impact on the primary use of the property as large discount store and results in no expansion of the building beyond that which currently exists. Moreover, there is no substantial evidence the project will pose a potential significant impact to the environment; and

WHEREAS, a Notice of Public Hearing was duly given and posted in the manner and for the time frame prescribed by law; and

WHEREAS, on November 14, 2011, commencing at 7:00 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission conducted a public hearing at which time all persons wishing to testify in connection with said CUP were heard, and said CUP was fully studied.

B. Resolution.

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

1. This Commission hereby specifically finds that all the facts set forth in Part A ("Recitals") of this Resolution are true and correct.
2. Based upon the substantial evidence presented to the Planning Commission during the above-referenced public hearing on November 14, 2011, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:
 - a. That said use is essential or desirable to the public convenience and public welfare, in that the upgraded ABC (Type 21) off-sale license allowed by the CUP amendment will enable customers of the store a safe and convenient location to purchase packaged alcoholic beverages in conjunction with other food and beverage products now available in the store's expanded grocery department.
 - b. The granting of the CUP amendment to allow an upgraded ABC (Type 21) off-sale license will not be materially detrimental to the public welfare and to other property in the vicinity. Moreover, the display of alcoholic beverages will be limited to a specified area within the grocery department located at the back of the store so that there will be little to no discernible change to the layout or operation of the recently reconfigured store.
 - c. That such use in such location conforms to good zoning practice, in that the Montclair Municipal Code permits the off-premises sale of alcoholic beverages (beer, wine, and distilled spirits) in the C-3 (General Commercial) zoning district of the North Montclair Specific Plan, subject to CUP approval. Staff finds the Target store to be well maintained, to have adequate on-site parking, and to have policies in place to prevent minors from obtaining/purchasing alcoholic beverages.
 - d. That such use in such location is not contrary to the objective of any part of the adopted General Plan, in that the adopted General

Plan encourages the establishment of a wide variety of retail and service uses that provide and support the needs and desires of residents within the community. The upgraded ABC license allows the only large, first quality, discount store within the City an opportunity to provide a convenient location for customers to obtain a greater variety of goods, including groceries and alcoholic beverages at one location.

- e. The proposed upgrade of the current ABC License to a Type 21 is desirable to the public convenience and necessity. Target currently offers packaged beer and wine for sale to its customers who wish to purchase these items, with no reported problems. The upgrade in license will not fundamentally change the character of the store or result in any significant changes to the interior of the store. Customers will have a safe and convenient location to obtain alcoholic beverages, if they so desire, while shopping for groceries or other goods and services at the same store. Finally, based on ABC records, the upgrade in license does result in an overconcentration of ABC licenses for the affected census tract.
3. Planning Division staff has determined the project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301 of the State CEQA Guidelines. The project qualifies because the proposed amendment to the existing CUP will have a negligible impact on the primary use of the property and results in no expansion of the use beyond that which currently exists. Moreover, there is no substantial evidence the project will pose a potential significant impact to the environment.
 4. Based upon the findings and conclusions set forth in paragraphs 1, 2, and 3, above, this Commission hereby approves the application subject to the following conditions set forth below:

Planning

1. Approval of this Conditional Use Permit Amendment shall authorize the applicant to obtain a Type 21 off-sale license as issued by the California State Department of Alcoholic Beverage Control (ABC) specifically for the Montclair Target store, located at 9052 Central Avenue, as described in the staff report and depicted on approved plans on file with the Montclair Planning Division.
2. The approved Type 21 off-sale license shall allow the incidental sale of packaged beer, wine, and distilled spirits during regular store hours.

3. Any substantial changes to the approved use, including an increase in the floor area dedicated to the display of alcoholic beverages as described in Condition Nos. 9.a and 9.b herein, shall require prior City review and approval.
4. Approval of this CUP amendment shall not waive compliance with any regulations as set forth in the California Building Code, City Ordinances, San Bernardino County Health Department, and/or California State Department of Alcoholic Beverage Control (ABC).
5. This CUP amendment approval shall be valid for a period of six months (180 calendar days) from the date of Planning Commission approval and shall automatically expire on the six-month anniversary date of Planning Commission action, unless the applicant is diligently pursuing building plan check toward eventual construction or implementation of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's CUP expiration date.
6. This decision or any aspect of this decision, may be appealed to the City Council within 15 days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
7. Within five (5) working days of approval by the Planning Commission, the applicant shall submit a check to the Planning Division in the amount of \$50.00 to cover the County of San Bernardino administrative filing fee for a Notice of Exemption, as required by the California Environmental Quality Act (CEQA). The check shall be made payable to "Clerk of the Board of Supervisors."
8. The applicant/property owner shall submit to the Planning Division a signed copy of the approval letter in which he/she acknowledges acceptance of the conditions of approval within 15 days from the date of approval by the Planning Commission.
9. The applicant shall comply with the following operational requirements related to the approval of this CUP amendment:
 - a. The primary display area for alcoholic beverages shall be limited to not more than one (1) shopping aisle and one (1) eight-door section of refrigerated coolers within the Grocery Department. Any changes to the physical layout, expansion, or relocation of the primary display areas shall require prior City review and approval.

- b. The temporary display of alcoholic beverages in other locations within the store may be allowed only in the following situations:
 - i. In association with a major holiday arrangement located within the Seasonal Department so long as the display area is approximately the same area as would be provided by a typical end cap location.
 - ii. At the end caps of the store side of the check out lanes only for the display of regular sized bottles of wine. No distilled spirits or beer shall be displayed at this location.
 - iii. No display of alcoholic beverages shall be made from an ice tub.
 - c. The sale of single alcohol containers and malt beers shall be prohibited. No beer sold in less than six-pack quantities shall be allowed. Wine, with the exception of wine coolers, shall be sold in containers of more than 750 milliliters. No miniatures of any type shall be sold individually. Wine coolers shall not be sold in less than four-pack quantities.
 - d. The use of electronic sensors affixed to bottles of distilled spirits is encouraged to deter theft to the greatest extent possible.
 - e. The on-premises consumption of alcohol beverages is expressly prohibited, whether inside the store or outside in the parking lot. Applicant shall post notification of this limitation within plain view of employees and customers.
 - f. No signs (temporary or permanent) or banners, advertising the availability of alcoholic beverages, "specials," or any other similar promotion shall be displayed or allowed on exterior walls or storefront windows/doors of the store.
10. The following mandatory conditions are hereby imposed as part of the CUP approval for on-sale beer and wine:
- a. The premises shall be maintained at all times in a neat and orderly manner.
 - b. Trash receptacles shall be provided in such number and at such locations as may be specified by the Planning Commission.
 - c. No beer, wine, or distilled spirits shall be sold, dispensed or offered for consumption outside of the permitted premises, which shall

consist of a wholly enclosed building, except as otherwise permitted by the Planning Commission. Applicant shall post notification of this limitation in English and Spanish within plain view of employees and customers.

- d. The exterior appearance of the premises shall be maintained in a manner consistent with the exterior appearance of commercial properties already constructed within the immediate neighborhood so as to not cause blight or deterioration, or to substantially diminish or impair property values within the neighborhood.
- e. The permittee shall comply with all California Department of Alcoholic Beverage Control (ABC) statutes, rules and regulations relating to the sale, purchase, display, possession and consumption of alcoholic beverages.
- f. The permittee shall acknowledge and agree the City has a legitimate and compelling governmental interest in permittee's strict compliance with all conditions imposed upon the permit, including adherence to State statutes, rules and regulations as specified in subsection (e), above. The permittee shall further acknowledge and agree, in writing, that any violation of a State statute, rule or regulation concerning the sale to or consumption of alcoholic beverages by a minor has been determined by the City to have a deleterious secondary effect upon:
 - i. The specific land use requested by the permittee and authorized by the City;
 - ii. The compatibility of permittee's authorized land use with adjacent land uses;
 - iii. The welfare and safety of the general public within the City.
 - iv. In view of such deleterious secondary effects, permittee shall acknowledge the City has specifically reserved the right and authority to impose sanctions, including suspension or revocation of the CUP, as a consequence of one or more violations of a State statute, rule or regulation concerning the sale to or consumption of beer and wine by a minor.
- g. The permit shall, after notice to the permittee and an opportunity to be heard, be subject to the imposition of such additional conditions as may be reasonable and necessary to address problems of land use compatibility, security, or crime control that have arisen since the issuance of the permit.

11. A copy of the CUP approval letter and resolution with all conditions of approval related to the application shall be conspicuously posted alongside the establishment's Business License and Certificate of Occupancy, and shall be made available to law enforcement officers, and/or fire, building, and code enforcement inspectors in the course of conducting inspections of said premises.
12. This permit may be modified or revoked for failure to abide by these conditions or in the event that the use is determined to be a nuisance to surrounding properties, businesses or the community at large.
13. The applicant shall agree to defend, at its sole expense, any action brought against the city, its agents, officers, or employees because of the issuance of this approval; or, in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of his obligations under this condition. The applicant and/or property owner shall ensure that a copy of the Planning Commission resolution or approval letter, including all conditions of approval, be reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.

Building

14. Provide a floor plan of the affected display area shelving depicting adequate aisle width for egress as well as accessibility.
15. If new shelving units are to be installed, provide two sets of structural calculations for any shelving exceeding 8'-0" feet in height.

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

APPROVED AND ADOPTED THIS 14TH DAY OF NOVEMBER, 2011.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Sergio Sahagun, Chair

ATTEST: _____
Steve Lustro, Secretary

I, Steve Lustro, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 14th day of November, 2011, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

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