



Agenda Item #: 07/0904.17

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Aldinger and Members of the City Council

THROUGH: Geoff Dolan, City Manager

FROM: Richard Thompson, Director of Community Development
Angelica Ochoa, Assistant Planner

DATE: September 4, 2007

SUBJECT: Consideration of the Planning Commission Decision to Approve a Master Use Permit Amendment for Proposed On-Site Wine Tasting Within an Existing Supermarket Located at 2700 Sepulveda Boulevard (Ralph's) and Determine that the Public Necessity Would be Served by the Issuance of a Liquor License

RECOMMENDATION:

Staff recommends that the City Council receive and file the decision of the Planning Commission to approve a Master Use Permit Amendment for Proposed On-Site Wine Tasting Within an Existing Supermarket Located at 2700 Sepulveda Boulevard and Determine that the Public Necessity Would be Served by the Issuance of a Liquor License

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

BACKGROUND:

The Planning Commission, at its regular meeting of August 8, 2007, conducted a public hearing and adopted Resolution PC 07-12 (5-0), approving an amendment to a Use Permit to allow on-site wine tasting at an existing grocery store at the Manhattan Village Shopping Center, known as Ralph's. The applicant has an existing Type 21 license which allows the sale of alcohol on-site. The approval allows the applicant to acquire a Type 42 license for consumption of alcohol on-site. When approving alcohol licenses, the Department of Alcohol Beverage Control (ABC) reviews other alcohol licenses in the surrounding vicinity to insure that a condition of "undue concentration" does not exist. The determination of public necessity is required by ABC when issuing alcohol licenses. This determination is typically made by the City Council.

DISCUSSION:

The proposed project specifically involved the approval of allowing wine tasting at Ralph's located at 2700 Sepulveda in an existing wine cellar room of 131 square feet, at the rear of the supermarket, from the hours of 10:00 am to 10:00 pm.

The Planning Commission heard testimony from two members of the audience based on the proposed project. The discussion involved setting a precedent for other businesses with existing

Type 21 licenses, hours of proposed wine tasting, unlimited wine sampling and proving a hardship to allow a Type 42 License. The representative on behalf of the applicant explained that Ralph's felt a need to provide wine tasting in order to give the public the option to sample different wines before making a purchase and to keep in competition with other wine retailers. In addition, the representative stated that by adding wine tasting, Ralph's would increase their level of service to the public and be able to maintain their business as a major food and service operator.

The Commission discussed the appropriate hours of wine tasting, amounts of wine sampling per person, consistency of hours and service with other businesses in the City of Manhattan Beach who provide wine tasting, and whether this approval would set a precedent for other businesses who do not currently offer wine tasting.

After receiving public testimony, the Planning Commission stated that the applicant, Ralph's, caters to residents, workers and visitors who have different needs and demands and the addition of wine tasting would be incidental in relation to the overall use of the grocery store. The Commission felt that by strictly enforcing the hours and keeping them consistent with other approved wine tasting services, limiting the location and the number of samples of wine tasting, which are stated in the Resolution (PC 07-12), the proposed request could be granted. Although there are other retailers that sell alcohol on and off-site consumption, staff does not believe that the proposed use would create a condition of "undue concentration". Therefore, staff supports the proposed use in that it will provide a convenient community service and that the applicant demonstrated a public necessity.

The Planning Commission approved (5-0) the subject application and **ADOPTED** Resolution No. PC 07-12 at its regular meeting on August 8, 2007 and included some of the following conditions. The Planning Commission felt that these conditions were appropriate and significant in approving and allowing wine tasting in an existing supermarket:

1. In the event that the business known as Ralphs supermarket should vacate the premises, the tenant space at 2700 Sepulveda Boulevard, may be occupied by another similar use, if upon its review, the Department of Community Development determines that the replacement use has the same use characteristics as Ralphs supermarket, including type of service provided, and peak hours of activity. The intent of this condition is to ensure that any replacement retail tenant, if exercising a Type-42 ABC license for on-site consumption of wine, would be a use similar to Ralphs supermarket.
2. The on-site wine tasting shall be conducted only in the designated area (maximum area of 131 square feet), "wine cellar" as per the submitted floor plan and shall have no seating. The hours of wine tasting will be limited from 11am to 9pm, Monday through Saturday, and 11am to 8pm, Sunday. Wine tasting shall be limited to a maximum of five (5) one ounce sips per person. Sips shall be poured only by store employees.

Staff reports and draft minutes excerpts from the Planning Commission's proceedings are also attached to this report for reference.

ALTERNATIVES:

The alternatives to the staff recommendation include:

1. **REMOVE** this item from the Consent Calendar, **APPEAL** the decision of the Planning Commission, and direct that a public hearing be scheduled.

Attachments:

- A. Resolution No. PC 07-12
- B. Planning Commission 'Draft' Minutes excerpt, dated 08/08/07
- C. Planning Commission Staff Report and attachments, dated 08/08/07
- D. Plans (separate- not available electronically)

cc: Art Rodriguez and Associates, Representative on behalf of Ralph's

RESOLUTION NO. PC 07-12

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING AN AMENDMENT TO A MASTER USE PERMIT ALLOWING ON-SITE WINE TASTING TO AN EXISTING SUPERMARKET LOCATED AT 2700 SEPULVEDA BOULEVARD (RALPHS)

THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Manhattan Beach hereby makes the following findings:

- A. On August 8, 2007, the Planning Commission of the City of Manhattan Beach reviewed an application to amend a master use permit (PC 01-27) to add wine tasting to an existing 47,571 square feet grocery store located at 2700 Sepulveda Boulevard in the City of Manhattan Beach.
- B. The subject property located at 2700 Sepulveda Boulevard is legally described as parcel map per book 122, pages 33-35, lot 3 in the City of Manhattan Beach, County of Los Angeles.
- C. The subject property is located in Area District II and is zoned CC, Community Commercial, as are all of the adjoining properties in the Manhattan Village Shopping Center (2600 through 3562 Sepulveda Boulevard). The subject property is classified Manhattan Village in the Manhattan Beach General Plan.
- D. The applicant for said use permit amendment is Art Rodriguez and Associates representing Ralphs Grocery Company. The business objective is to enhance the shopping experience by providing wine sampling to customers. The proposed occupancy will not involve any structural modification to the existing tenant space.
- E. The subject property is located in a multi-tenant commercial center. The entire site includes restaurants, retail shops, theaters, and offices. The existing parking spaces are 2,143 for the entire Manhattan Village Shopping Center. There will be no change in square footage and therefore does not require any additional development standards.
- F. The project is determined to be a Categorical Exemption (Class 1) from the requirements of the California Environmental Quality Act in that it is a minor alteration within an existing facility and will not be expanding any uses.
- G. A de minimis impact finding is hereby made that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- H. Pursuant to Section 10.84.060 the following findings are made with respect to the subject amendment to a Master Use Permit:
 - 1. The subject property, 2700 Sepulveda Boulevard (Ralphs) is in accord with the objectives of the Zoning Ordinance and purposes of the General Commercial zoning district in that the subject business provides a desired service catering to the local and nearby community within an existing commercial center.
 - 2. The project site is classified Manhattan Village in the Manhattan Beach General Plan. The project is in accord with the goals and policies of the General Plan, and Manhattan Village district in that the project supports and encourages the viability of the Sepulveda commercial corridor, and supports a high quality and appropriate private investment in the city's commercial district and centers. (Goals 4 and 5, Land Use Element).
 - 3. The proposed additional use of wine tasting will comply with all applicable provisions of the Zoning Ordinance.



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4. The proposed additional use will not adversely impact nor be adversely impacted by nearby properties. The proposed additional use will be compatible with other existing uses on the same and nearby properties. The proposed additional use is small scale, consists of activities that will be conducted indoors, and will not produce significant traffic, parking, noise, vibration, or create demands that would exceed the capacity of public services and facilities that cannot be mitigated.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject application subject to the following conditions:

Operational

1. The project shall be in conformance with the plans and project description submitted to, and approved by the Planning Commission on August 8, 2007.
2. In the event that the business known as Ralphs supermarket should vacate the premises, the tenant space at 2700 Sepulveda Boulevard, may be occupied by another similar use, if upon its review, the Department of Community Development determines that the replacement use has the same use characteristics as Ralphs supermarket, including type of service provided, and peak hours of activity. The intent of this condition is to ensure that any replacement retail tenant, if exercising a Type-42 ABC license for on-site consumption of wine, would be a use similar to Ralphs supermarket.
3. The on-site wine tasting shall be conducted only in the designated area (maximum area of 131 square feet), "wine cellar" as per the submitted floor plan and shall have no seating. The hours of wine tasting will be limited from 11am to 9pm, Monday through Saturday, and 11am to 8pm, Sunday. Wine tasting shall be limited to a maximum of five (5) one ounce sips per person. Sips shall be poured only by store employees.
4. The wine tasting will be restricted only to patrons at least 21 years in age. Persons under 21 years of age are not allowed within the "wine cellar".
5. No exterior signage advertising wine tasting will be permitted.
6. The property owner shall obtain approval from the State Department of Alcoholic Beverage Control and shall comply with all related conditions of approval.
7. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance. Any outside sound or amplification system or equipment is prohibited.
8. The project will comply with all other conditions and remain effective as stated in the existing Master Use Permit (PC 01-27) approved December 12, 2001.

Building Department

9. All work shall comply with the California Codes which includes: 2001 Uniform Building Code, 2001 Uniform Mechanical Code, 2001 Uniform Plumbing Code and 2004 Electrical Code

Procedural

10. This Resolution shall become effective within fifteen days unless 1) an appeal is filed previously by a party other than the City Council, or 2) an appeal is made by the City Council subsequently at a regularly scheduled meeting.
11. The applicant/business owner shall cooperate with the Department of the Community Development in its conduct of periodic reviews for compliance of conditions of approval.

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- 12. Pursuant to Public Resources Code Section 21089 (b) and Fish and Game Code Section 711.4 (c), the project is not operative, vested or final until the required filing fees are paid.

SECTION 3. Pursuant to Government Code Section 65009 and Code of Civil Procedures Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution. The City Clerk shall send a certified copy of this resolution to the applicant and if any, the appellant at the address of said person set forth in the record of the proceeding required by Code of Civil Procedure Section 1094.6.

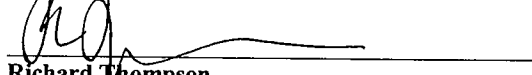
I hereby certify that the following is a full, true, and correct copy of the Resolution as **ADOPTED** by the Planning Commission at its regular meeting on August 8, 2007 and that said Resolution was adopted by the following vote:

AYES: Chairman Bohner, Lesser, Powell, Schlager and Seville-Jones

NOES:

ABSTAIN:

ABSENT:



Richard Thompson
Secretary to the Planning Commission



Sarah Boeschen
Recording Secretary

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1 make the subject property consistent with other properties in the City that have similar
2 limitations and would not change the nature of the neighborhood. He stated that the structure
3 could have been designed as a box. He indicated that the proposal meets all of the criteria for
4 granting the Variance.

5
6 A motion was MADE and SECONDED (Lesser/Powell) to **APPROVE** a Variance and Coastal
7 Development Permit for a Proposed New Single Family Residence to Project into a Required Front
8 Yard Setback on a Portion of a Lot Located at 124 21st Place as presented by staff.

- 9
10 AYES: Lesser, Powell, Schlager, Seville-Jones, Chairman Bohner
11 NOES: None
12 ABSENT: None
13 ABSTAIN: None
14

15 Director Thompson explained the 15 day appeal period and stated that the item will be placed on
16 the City Council’s Consent Calendar for their meeting of September 4, 2007.

17
18 **07/0808.2 Consideration of a Master Use Permit Amendment for Proposed On-Site Wine**
19 **Tasting Within an Existing Supermarket Located at 2700 Sepulveda**
20 **Boulevard (Ralph’s)**
21

22 Assistant Planner Ochoa summarized the staff report. She indicated that the subject proposal is
23 to add a Type 42 license to allow consumption of alcohol on-site for the Ralph’s supermarket in
24 the Manhattan Village Center. She stated that the location for the proposed wine tasting would
25 be in the existing wine cellar room at the rear of the store. She commented that the proposal does
26 require a Use Permit Amendment to the Master Use Permit of the Manhattan Village shopping
27 center to add a Type 42 license for consumption of alcohol on-site. She indicated that the
28 existing Type 21 license only allows the sale of alcohol for off-site consumption. She
29 commented that the wine tasting would be conducted only within the existing 131 square foot
30 wine cellar room; would be limited to 2 ounces per glass per person; would allow for no food
31 service and no seating; and would be limited to the hours of 10:00 a.m. and 10:00 p.m. She said
32 that no minors would be permitted in the area. She indicated that notice was provided to
33 properties within a 500 foot radius. She stated that staff feels that the addition of wine tasting
34 would not be an intensification of use; would be for on-site consumption only during limited
35 hours; and would be incidental to the current use.

36
37 Commissioner Lesser asked for further information on the hours of other businesses that offer
38 wine tasting within the City and asked whether staff has a concern with allowing wine tasting
39 from 10:00 a.m. to 10:00 p.m.
40



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1 Director Thompson stated that staff feels that the existing Ralph's is very well managed, and they
2 do not have any concerns with the proposed request. He indicated that the Commission can
3 request that the hours of operation be changed if they have concerns. He commented that the
4 permitted hours of operation depend on the site location.

5
6 Commissioner Lesser asked if staff felt there was sufficient space in the wine cellar room to
7 allow for wine tasting.

8
9 Assistant Planner Ochoa stated that the proposal is for an informal type of tasting for people who
10 wish to sample a wine before they make a purchase, and the intent is not for people to sit and
11 sample many different wines.

12
13 Commissioner Seville-Jones asked regarding the number of existing Type 21 licenses in the City
14 where there is a potential for the business to make a similar requests to add wine tasting.

15
16 Director Thompson stated that the conditions for the subject proposal are intended to be
17 consistent with other businesses that allow wine tasting that have been approved in the past. He
18 indicated that a chart has been provided to the Commissioners showing what other businesses in
19 the City that sell alcohol.

20
21 In response to a question from Commissioner Seville-Jones, Director Thompson said that any
22 future request for wine tasting would be evaluated on a case by case basis.

23
24 **Art Rodriguez**, representing the applicant, said that Ralph's is a solid company which has an
25 outstanding record for complying with the rules of cities and the Department of Alcoholic
26 Beverage Control (ABC). He commented that this is the third instance where they are applying
27 for wine tasting. He said that the purpose for the request is to allow people to have a sample
28 before they decide to buy a case of wine for a wedding or party. He pointed out that BevMo
29 stores allow wine tasting. He said that the ABC does not grant a license for wine tasting, and any
30 business that wants to conduct wine tasting must apply for a bar license. He stated that they are
31 in agreement with all of the conditions in the staff report. He indicated that they did have a
32 concern with only allowing one sample of wine per person, which would make it very difficult to
33 for customers to compare wines. He commented that no letters in opposition to the proposal
34 were received by neighbors or other City agencies. He stated that they provided notification to
35 the neighbors in addition to the notice from the City. He pointed out that the subject area for
36 wine tasting is a separate room, only 131 square feet, which includes wine storage.

37
38 In response to questions from Commissioner Lesser, **Mr. Rodriguez** pointed out that the
39 Sepulveda Wine Company has hours from 9:00 a.m. to midnight for wine tasting. He stated that
40 the area would have to be roped off and appropriate signage would need to be provided

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1 restricting the area from access to anyone under 21 years of age.

2

3 In response to a question from Chairman Bohner, **Mr. Rodriguez** said that there would be no
4 signage to advertise the wine sampling. He indicated that the customer would have to approach
5 an employee if they were interested in wine tasting, and the wine would have to be poured by an
6 employee.

7

8 In response to questions from Commissioner Powell, **Mr. Rodriguez** said that they are hoping
9 that word of the service would spread to residents in the area, and he does not believe the wine
10 tasting would draw a crowd. He said that with the area being cordoned off from the rest of the
11 store, people would need to wait for someone else to leave before entering the wine cellar area if
12 the room were crowded, only 3 or 4 people can fit inside. He pointed out that they are not
13 requesting to expand the existing wine cellar room.

14

15 In response to a question from Commissioner Seville-Jones, **Mr. Rodriguez** said that he is only
16 a consultant and cannot state that Ralph's would not have an objection to including a condition
17 restricting advertising in print.

18

19 In response to a comment from Commissioner Schlager, Commissioner Seville-Jones indicated
20 that the Commission only has the word of the applicant that the wine tasting would be very low
21 key with only one sip being permitted per person, which would be important factors in her
22 allowing longer hours of 10:00 a.m. to 10:00 p.m.

23

24 Chairman Bohner opened the public hearing.

25

26 **David Wachtfogel** pointed out that it would be difficult to stop people from walking away from
27 the wine cellar area and then coming back for a second sample.

28

29 **Martha Andreani**, commented that there are estate homes behind the Manhattan Village, and
30 she is not certain whether they were provided notice of the hearing. She said that a hardship
31 must be shown in granting a Type 42 license. She indicated that the proposed hours of 10:00
32 a.m. to 10:00 p.m. are excessive. She said that the proposal would set a precedent for other
33 businesses with existing Type 21 licenses to make similar requests to add wine tasting. She
34 pointed out that the Type 42 license stays with the property, and future businesses on the site
35 could also serve alcohol. She indicated that there are no restrictions preventing people from
36 coming back and having multiple samples. She also commented that there are children in the
37 store, and it is not an appropriate location for wine tasting.

38

39 In response to a question from Commissioner Powell, Director Thompson said that the
40 entitlement for the Type 42 license would stay with the property; however, Condition 2 in the

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1 draft Resolution requires any future use to have the same type of characteristics as the subject
2 store. He said that residents adjacent to the Manhattan Village were provided notice. He said
3 staff is recommending that the samples be increased to three 2 ounce glasses in order to allow
4 customers to compare wines. He indicated that it is probably unreasonable to think that wine
5 tasting should be restricted to one 2 ounce glass.

6
7 Chairman Bohner closed the public hearing.

8
9 Commissioner Seville-Jones said that she expects Ralph's is feeling pressure from competition in
10 the industry, and she feels they should be granted the request in order to compete. She stated that
11 she would prefer the hours permitted for wine tasting be limited from noon until 8:00 p.m. She
12 stated that she would support allowing three 2 ounce samples. She indicated that she does not
13 feel a precedent would be set for other stores with existing Type 21 licenses to make similar
14 requests for a Type 42 license. She stated that the store is quite large, and only a very small
15 portion would be dedicated to wine tasting. She indicated that she would not expect other liquor
16 stores to make similar requests. She commented that she would prefer a condition restricting
17 advertising.

18
19 Commissioner Schlager stated that he is in agreement with approving the permit including the
20 limitation to three 2 ounce glasses. He stated that wine tasting would fit in with the ambiance of
21 the store. He indicated that it would be appropriate to allow people to sample wines before they
22 purchase a case for a wedding or party. He stated that the wine tasting would be very limited,
23 and he supports the hours of 10:00 a.m. until 10:00 p.m. as proposed.

24
25 Commissioner Lesser said that he supports the opportunity to allow tasting wine before it is
26 purchased. He stated that it would be helpful to know the hours that other businesses in the City
27 allow wine tasting, however he will defer to staff on what they feel is reasonable. He indicated
28 that he has a concern with the amount of space in the wine cellar room for customers; however,
29 he would also defer to staff's opinion that they feel it is adequate. He indicated that he is
30 sensitive to the concern with the addition of opportunities to obtain liquor in the City. He
31 indicated, however, that he does not believe such a concern applies in this situation because the
32 store currently sells alcohol. He said that he could support granting the subject draft Resolution.

33
34 Commissioner Powell said that he concurs with the comments of the other Commissioners. He
35 indicated that he would support hours for wine tasting of 12:00 p.m. until 8:00 p.m. Monday
36 through Saturday and 12:00 p.m. to 6:00 p.m. on Sundays. He said that he would also like to
37 know the hours of the other businesses that offer wine tasting.

38
39 Chairman Bohner commented that he has no problem with allowing wine tasting from 10:00 a.m.
40 to 10:00 p.m., which he feels is reasonable. He indicated that he does not believe that the wine

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1 tasting would be heavily advertised. He said that the intent of the request is not for people to
2 become drunk but rather simply to sample wine. He indicated that he believes the conditions
3 would be strictly enforced.

4
5 Commissioner Seville-Jones said that she feels the issue regarding the permitted hours is not that
6 people would become drunk but rather that the community standard for appropriate hours of
7 drinking alcohol is maintained. She indicated that she does not believe 10:00 a.m. is an hour that
8 wine tasting needs to be available.

9
10 Commissioner Schlager said that he does not feel morning or afternoon hours are appropriate for
11 drinking alcohol, but someone else may wish to sample wines during those hours. He indicated
12 that he feels allowing people to sample wine at 10:00 a.m. to 10:00 p.m. is reasonable.

13
14 Commissioner Lesser requested that his feeling is that there should be consistency between the
15 hours permitted for wine tasting at the subject store and the hours permitted for wine tasting at
16 other businesses in the City. He asked that staff provide further information regarding the hours
17 permitted for wine tasting for other locations that have been approved by Council.

18
19 Director Thompson commented that staff would be willing to determine the hours permitted for
20 wine tasting for other stores in the City during a recess of the meeting. He pointed out that every
21 location is unique, and this is a very large supermarket where wine tasting is clearly ancillary.

22
23 Commissioner Schlager commented while there is some consistency, there are different hours for
24 businesses that serve and sell alcohol within the City. He said that he does not feel there is a
25 concern with a grocery store allowing a sip of wine between 10:00 a.m. and 10:00 p.m.

26
27 At 8:30 p.m., a 10-minute recess was taken.

28
29 Director Thompson indicated that the other approvals are for wine stores. Bacchas is permitted to
30 serve five 1 ounce servings per customer between 11:00 a.m. to 8:00 p.m. He indicated that wine
31 tasting is permitted at Sepulveda Wine Company from 10:00 a.m. to 8:00 p.m. Tuesday through
32 Saturday and noon to 5:00 p.m. Sundays and Mondays. He stated that the Sepulveda Wine
33 Company is also permitted hours for private events between 5:00 p.m. to 8:00 p.m.

34
35 Commissioner Lesser suggested allowing increasing the number of samples to three or five per
36 person.

37
38 Director Thompson suggested possibly permitting 1 ounce rather than 2 ounce samples.

39
40 Commissioner Powell said that he would agree with permitting three to five 1 ounce samples per

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1 person and hours for wine tasting of Monday through Saturday between 11:00 and 8:00 p.m. and
2 Sunday between 12:00 p.m. and 6:00 p.m.

3
4 Commissioner Seville-Jones indicated that allowing five 1 ounce servings is a reasonable
5 compromise and would be consistent with other businesses that offer wine tasting in the City.

6
7 **Mr. Rodriguez** commented that although Ralph's is open 24 hours, customers generally shop
8 between 10:00 a.m. and 10:00 p.m. which is the reason for the requested hours. He commented
9 that the intent is for people to taste the wine and not to sit and drink. He indicated that he does
10 not feel the proposal would hurt the City or impact the neighborhood. He said that they would
11 accept 1 ounce servings if it is felt appropriate by the Commission.

12
13 Commissioner Schlager said that he would support allowing five 1 ounce servings, and he would
14 support the hours of 10:00 a.m. to 10:00 p.m. as originally proposed. He commented that he
15 does not feel there is any real basis for mandating the hours.

16
17 Chairman Bohner said that he would support hours of 10:00 a.m. to 10:00 p.m. for wine tasting,
18 and changing the hours would be arbitrary. He indicated that he could support permitting five 1
19 ounce servings.

20
21 Commissioner Lesser commented that the subject business is a supermarket as opposed to a wine
22 store, and he does feel there is a connection with buying wine as opposed to a place to gather. He
23 said that he would like for some restriction to be placed on the hours. He said that he would
24 support of hours for tasting beginning at 11:00 a.m. and ending at 8:00 p.m., although he has no
25 specific rationale other than it seems to him to be reasonable.

26
27 A motion was MADE and SECONDED (Lesser/Powell) to **APPROVE** a Master Use Permit
28 Amendment for proposed on-site wine tasting within an existing supermarket located at 2700
29 Sepulveda Boulevard with the hours limited to between 11:00 a.m. and 9:00 p.m. Monday through
30 Saturday and between 11:00 a.m. and 8:00 p.m. on Sundays, and with five one ounce glasses being
31 permitted per person.

32
33 AYES: Lesser, Powell, Schlager, Seville-Jones, Chairman Bohner

34 NOES: None

35 ABSENT: None


36 ABSTAIN: None

37
38 Director Thompson explained the 15 day appeal period and stated that the item will be placed on
39 the City Council's Consent Calendar for their meeting of September 4, 2007.

40

**CITY OF MANHATTAN BEACH
DEPARTMENT OF COMMUNITY DEVELOPMENT
STAFF REPORT**

TO: Planning Commission

FROM: Richard Thompson, Director of Community Development
Angelica Ochoa, Assistant Planner 

DATE: August 8, 2007

SUBJECT: Consideration of a Master Use Permit Amendment for Proposed On-Site Wine Tasting Within an Existing Supermarket Located at 2700 Sepulveda Boulevard (Ralph's)

RECOMMENDATION

Staff recommends that the Commission **CONDUCT** the **PUBLIC HEARING**, **ADOPT** the attached **RESOLUTION** and **APPROVE** the subject application

APPLICANT

Art Rodriguez and Associates
709 E. Colorado Blvd., Suite 200
Pasadena, CA 91101

PROPERTY OWNER

Ralphs Grocery Company
2700 Sepulveda Boulevard
Manhattan Beach, CA 90266

BACKGROUND

On June 25, 2007, Art Rodriguez and Associates on behalf of Ralphs Grocery Company submitted an application for an amendment to a master use permit (PC 01-27, Exhibit B) to allow wine tasting at an existing grocery store located at 2700 Sepulveda Boulevard within the Manhattan Village Shopping Center. Currently, Ralphs Grocery operates under a Type-21 alcohol license, allowing the sale of beer, wine and spirits for off-site consumption. The applicant requests approval for a Type-42 license to allow consumption of beer and wine on-site. Manhattan Beach Municipal Code Section 10.16.020 (L), Commercial District Land Use Regulations, requires a Use Permit amendment and approval for any new alcohol license.

PROJECT OVERVIEW

LOCATION

Location

2700 Sepulveda Blvd., in multi-tenant center known as the Manhattan Village Shopping Center (Vicinity Map, Exhibit C)

Legal Description

Map Book 122, pages 33-35 of Parcel Map, Lot 3

Area District

II (Community Commercial)



LAND USE

<u>General Plan</u>	Manhattan Village	
<u>Zoning</u>	CC (Community Commercial)	
<u>Land Use</u>	<u>Existing</u> Grocery store in commercial- retail site for off-premise alcohol consumption	<u>Proposed</u> Same, with limited on-site wine tasting
<u>Neighboring Land Uses/Zoning</u>		
North	Commercial (CC)	
South	Commercial/Restaurants (CC), across Marine Ave., Commercial General (CG) and Residential (RS-D4)	
East	Residential (RPD)	
West	Commercial (CG)	

PROJECT DETAILS

<u>Parcel Size</u>	43,034 square feet	
<u>Building Size</u> 2700 Sepulveda Blvd.	<u>Existing</u> 47,571 sf	<u>Proposed</u> no change
<u>Parking</u> Total site (2600 through 3562 Sepulveda Blvd.)	<u>Existing</u> 2,193 spaces	<u>Proposed</u> no change
<u>Hours of operation</u> 2700 Sepulveda Blvd.	<u>Existing</u> 24 hours	<u>Proposed</u> no change
<u>Alcohol Service</u>	<u>Existing</u> Type 21- beer, wine and spirits, off-site consumption	<u>Proposed</u> Type 42 - beer, wine on-site consumption

DISCUSSION

The multi-tenant shopping center known as Manhattan Village Shopping Center, 2600 through 3562 Sepulveda Boulevard, is approximately 40 acres in size per the attached Resolution PC 01-27. The uses adjoining the subject site (approximately 522,723 square feet) consist of commercial, retail, restaurants, theaters, and offices. The subject business, Ralphs Grocery, occupying 43,034 square feet, operates as a 24-hour supermarket.

Ralphs supermarket is utilized by local residents, employees from surrounding businesses, and visitors to the Manhattan Village Shopping Center. Ralphs provides a variety of produce, meats, dairy, and dry and frozen foods. The subject site also provides a well-stocked deli, sushi and soup selections, specialty cheeses and a wide selection of fine wines. The supermarket is open 24 hours, seven days a week.

The applicant, Art Rodriguez and Associates representing Ralphs are requesting a modification to the site's existing master use permit to allow the application for a Type-42 License. This Type-42 Alcohol License would allow on-site sales and consumption in the form of wine tasting. Ralphs currently has a Type-21 license that only allows the sale of beer and wine for off-site consumption. The applicant's narrative (Exhibit D) states that Ralphs would like to give customers the opportunity to sample wines and choose a suitable wine before making a purchase. The tastings will be held in an existing 131 square foot room (wine cellar, Exhibit F) located in the rear of the supermarket. The wine sampling will not exceed two (2) ounces per glass or container per person. All pouring of wine will be done by a Ralphs employee. The hours of wine tasting will be 10:00am to 10:00pm. Tastings will only be available to patrons who prove to be of legal age, and conducted only within the "wine cellar" room. This application does not result in a change of square footage and therefore no new development standards are required.

REQUIRED FINDINGS

Section 10.84.060 of the Manhattan Beach Zoning Code, provides the findings that are necessary to approve a Use Permit. Staff believes all findings can be met as follows:

- 1. The proposed location of the use is in accord with the objectives of this title and the purpose of the district in which the site is located;*

The proposed project is located within the (CC) Community Commercial district. The project does not encompass a change in classification of use, rather a change in the operational characteristics to include limited on-site consumption of alcohol (mainly wine). The business is in accord with the objectives of this title, and the purpose of the district in which it is located since the project is a commercial zone consistent with Section 10.16.010 of the Manhattan Beach Zoning Code which states that the district is intended to provide opportunities for commercial retail uses for a full range of retail and service businesses.

- 2. The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working on the proposed project site or in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city;*

The on-site consumption of alcohol, as proposed, poses no detrimental effects to the public health, safety, or welfare of persons residing or working on the proposed project

site, or to the adjacent or neighborhood; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city as the site continues to operate as a commercial retail use and the wine sampling would be accessory or incidental to the retail sales.

The proposed location of the use and the proposed conditions under which it will be operated or maintained will be consistent with the General Plan, since the project site is classified as Manhattan Village which allows for a diverse mix of complementary commercial and business uses. Specifically, the project is consistent with the following Goals of the General Plan:

Goal 4: Support and encourage the viability of the commercial areas of Manhattan Beach.

Goal 5: Encourage high quality, appropriate private investment in commercial areas of Manhattan Beach.

3. *The proposed use will comply with the provisions of this title, including any specific condition required for the proposed use in the district in which it would be located; and*

The proposed sale of beer and wine on an existing commercial retail use is determined to be in compliance with applicable provisions of the (CC) Community Commercial zone, and the required notice, hearing and findings for the amendment to the Master Use Permit.

4. *The proposed use will not adversely impact nor be adversely impacted by nearby properties. Potential impacts are related but not necessarily limited to: traffic, parking, noise, vibration, odors, resident security and personal safety, and aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated.*

The proposed change in operational use will not adversely impact nearby properties as the use currently exists at the site. The proposed operational change to include wine tasting poses no increase to the parking demand in the Community Commercial zone. It is not anticipated that the addition of beer and wine consumption in the existing retail/grocery use will exceed the capacity of public services and facilities.

PUBLIC INPUT

A notice of the public hearing for this application was mailed to all owners of property within 500 feet of the project site boundaries and was published in the Beach Reporter on July 26, 2007. A letter of approval, dated March 13, 2007 from the property owner of the Manhattan Village Shopping Center (Exhibit G) is attached. Staff is not aware of any opposition to the project.

DEPARTMENT COMMENTS

The Building Division did not oppose approval of subject request provided that they adhere to all current Building Codes, which will be addressed in plan check. There were no conditions or opposition from the Fire Department, Public Works Department, and the Police Department.

CONCLUSION

Staff feels that the subject application to allow wine tasting in the existing subject site supermarket, Ralphs, is a relatively low intensity of use and there are no anticipated adverse impacts such as odor, noise or vibration that would affect the nearby neighborhoods or adjoining commercial properties. The project site is a multi-tenant commercial center that has sufficient disparity in pedestrian and vehicle traffic due to the variety of uses in the Manhattan Village Shopping Center. Therefore, staff believes that the introduction of this new use would be in accord with the Community Commercial (CC) zoning standards and enhance the services that the Manhattan Village Shopping Center already provides.

Examples of Type-42 License approvals with similar conditions are the Sepulveda Wine Company (retail use) located at 917 N. Sepulveda Boulevard and Bacchus (retail use) at 1000 Manhattan Avenue. These establishments were requesting a Type-42 License to add wine sampling to their existing use. The applications included private wine tasting classes, special wine events and food service. Conditions were implemented by the City that were appropriate to the site, use and surrounding properties. However, the wine tasting application for the subject site will be limited to a designated area with limited hours and conditions will be set forth as appropriate.

A list of approved alcohol licenses is attached for retail and commercial businesses located in the City of Manhattan Beach (Exhibit E).

Staff has included these conditions in the attached resolution:

- The project shall be in conformance with the plans and project description submitted to, and approved by the Planning Commission on August 8, 2007.
- In the event that the business known as Ralphs supermarket should vacate the premises, the tenant space at 2700 Sepulveda Boulevard, may be occupied by another similar use, if upon its review, the Department of Community Development determines that the replacement use has the same use characteristics as Ralphs supermarket, including type of service provided, and peak hours of activity. The intent of this condition is to ensure that any replacement retail tenant, if exercising a Type-42 ABC license for on-site consumption of wine, would be a use similar to Ralphs supermarket.
- The on-site wine tasting shall be conducted only in the designated area, (maximum area of 131 square feet), "wine cellar"; as per the submitted floor plan, from 10am to 10pm

and shall have no seating furniture or fixtures. Wine tasting shall be limited to a maximum of two (2) ounces per glass or container per person. Sips shall be poured only by store employees.

- The wine tasting will be restricted only to patrons at least 21 years in age. Persons under 21 years of age are not allowed within the wine cellar.
- No exterior sign modification and/or additions advertising wine tasting is permitted.
- The property owner shall obtain approval from the State Department of Alcoholic Beverage Control and shall comply with all related conditions of approval.
- Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance. Any outside sound or amplification system or equipment is prohibited.
- The project will comply with all other conditions and remain effective as stated in the existing Master Use Permit (PC 01-27) approved December 12, 2001.

ENVIRONMENTAL DETERMINATION

Pursuant to the California Environmental Quality Act (CEQA), Class I, the subject amendment is determined to be categorically exempt from environmental review in that it is a minor alteration within an existing facility and will not be expanding any uses.

ALTERNATIVES

1. **APPROVE** the project and adopt the attached Resolution, or:
2. **DENY** the project subject to public testimony received, based upon appropriate findings, and **DIRECT** Staff to return a new draft Resolution.
3. **DIRECT** Staff accordingly.

ATTACHMENTS

Exhibit A: Draft Resolution No. PC 07-
Exhibit B: Master Use Permit PC 01-27
Exhibit C: Vicinity Map
Exhibit D: Applicant's Narrative
Exhibit E: List of Alcohol Licenses
Exhibit F: Photos
Exhibit G: Letter from Property Owner
Plans (not available electronically)

c: Art Rodriguez and Associates, Applicant for Ralphs

RESOLUTION NO. PC 07-

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MANHATTAN BEACH APPROVING AN AMENDMENT TO A MASTER
USE PERMIT ALLOWING ON-SITE WINE TASTING TO AN EXISTING
SUPERMARKET LOCATED AT 2700 SEPULVEDA BOULEVARD
(RALPHS)**

**THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DOES
HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. The Planning Commission of the City of Manhattan Beach hereby makes the following findings:

- A. On August 8, 2007, the Planning Commission of the City of Manhattan Beach reviewed an application to amend a master use permit (PC 01-27) to add wine tasting to an existing 47,571 square feet grocery store located at 2700 Sepulveda Boulevard in the City of Manhattan Beach.
- B. The subject property located at 2700 Sepulveda Boulevard is legally described as parcel map per book 122, pages 33-35, lot 3 in the City of Manhattan Beach, County of Los Angeles.
- C. The subject property is located in Area District II and is zoned CC, Community Commercial, as are all of the adjoining properties in the Manhattan Village Shopping Center (2600 through 3562 Sepulveda Boulevard). The subject property is classified Manhattan Village in the Manhattan Beach General Plan.
- D. The applicant for said use permit amendment is Art Rodriguez and Associates representing Ralphs Grocery Company. The business objective is to enhance the shopping experience by providing wine sampling to customers. The proposed hours of operation are between 10:00 am and 10:00 pm., 7 days a week. The proposed occupancy will not involve any structural modification to the existing tenant space.
- E. The subject property is located in a multi-tenant commercial center. The entire site includes restaurants, retail shops, theaters, and offices. The existing parking spaces are 2,143 for the entire Manhattan Village Shopping Center. There will be no change in square footage and therefore does not require any additional development standards.
- F. The project is determined to be a Categorical Exemption (Class 1) from the requirements of the California Environmental Quality Act in that it is a minor alteration within an existing facility and will not be expanding any uses.
- G. A de minimis impact finding is hereby made that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- H. Pursuant to Section 10.84.060 the following findings are made with respect to the subject amendment to a Master Use Permit:
 1. The subject property, 2700 Sepulveda Boulevard (Ralphs) is in accord with the objectives of the Zoning Ordinance and purposes of the General Commercial zoning district in that the subject business provides a desired service catering to the local and nearby community within an existing commercial center.
 2. The project site is classified Manhattan Village in the Manhattan Beach General Plan. The project is in accord with the goals and policies of the General Plan, and Manhattan Village district in that the project supports and encourages the viability of the Sepulveda commercial corridor, and supports a high quality and appropriate private investment in the city's commercial district and centers. (Goals 4 and 5, Land Use Element).
 3. The proposed additional use of wine tasting will comply with all applicable provisions of the Zoning Ordinance.

EXHIBIT A

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4. The proposed additional use will not adversely impact nor be adversely impacted by nearby properties. The proposed additional use will be compatible with other existing uses on the same and nearby properties. The proposed additional use is small scale, consists of activities that will be conducted indoors, and will not produce significant traffic, parking, noise, vibration, or create demands that would exceed the capacity of public services and facilities that cannot be mitigated.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject application subject to the following conditions:

Operational

1. The project shall be in conformance with the plans and project description submitted to, and approved by the Planning Commission on August 8, 2007.
2. In the event that the business known as Ralphs supermarket should vacate the premises, the tenant space at 2700 Sepulveda Boulevard, may be occupied by another similar use, if upon its review, the Department of Community Development determines that the replacement use has the same use characteristics as Ralphs supermarket, including type of service provided, and peak hours of activity. The intent of this condition is to ensure that any replacement retail tenant, if exercising a Type-42 ABC license for on-site consumption of wine, would be a use similar to Ralphs supermarket.
3. The on-site wine tasting shall be conducted only in the designated area (maximum area of 131 square feet), "wine cellar" as per the submitted floor plan from 10am to 10pm and shall have no seating furniture or fixtures. Wine tasting shall be limited to a maximum of two (2) ounces per glass or container per person. Sips shall be poured only by store employees.
4. The wine tasting will be restricted only to patrons at least 21 years in age. Persons under 21 years of age are not allowed within the "wine cellar".
5. No exterior sign modification and/or additions advertising wine tasting is permitted.
6. The property owner shall obtain approval from the State Department of Alcoholic Beverage Control and shall comply with all related conditions of approval.
7. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance. Any outside sound or amplification system or equipment is prohibited.
8. The project will comply with all other conditions and remain effective as stated in the existing Master Use Permit (PC 01-27) approved December 12, 2001.

Building Department

9. All work shall comply with the California Codes which includes: 2001 Uniform Building Code, 2001 Uniform Mechanical Code, 2001 Uniform Plumbing Code and 2004 Electrical Code

Procedural

10. This Resolution shall become effective within fifteen days unless 1) an appeal is filed previously by a party other than the City Council, or 2) an appeal is made by the City Council subsequently at a regularly scheduled meeting.
11. The applicant/business owner shall cooperate with the Department of the Community Development in its conduct of periodic reviews for compliance of conditions of approval.

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12. Pursuant to Public Resources Code Section 21089 (b) and Fish and Game Code Section 711.4 (c), the project is not operative, vested or final until the required filing fees are paid.

SECTION 3. Pursuant to Government Code Section 65009 and Code of Civil Procedures Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution. The City Clerk shall send a certified copy of this resolution to the applicant and if any, the appellant at the address of said person set forth in the record of the proceeding required by Code of Civil Procedure Section 1094.6.

I hereby certify that the following is a full, true, and correct copy of the Resolution as **ADOPTED** by the Planning Commission at its regular meeting on August 8, 2007 and that said Resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Richard Thompson
Secretary to the Planning Commission

Sarah Boeschen
Recording Secretary

RESOLUTION PC 01-27

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A MASTER USE PERMIT AND HEIGHT VARIANCE FOR THE RENOVATION AND REMODELLING OF AN EXISTING ENCLOSED MALL AND PARKING LOT WITHIN THE MANHATTAN VILLAGE SHOPPING CENTER, LOCATED AT 3200 SEPULVEDA BOULEVARD AVENUE (MADISON MARQUETTE)

SECTION 1. The Planning Commission of the City of Manhattan Beach hereby makes the following findings:

- A. The Planning Commission of the City of Manhattan Beach conducted a public hearing on November 28, and December 12, 2001 to consider applications for a Master Use Permit and Variance on the property commonly known as the Manhattan Village Shopping Center. Said hearing was advertised pursuant to applicable law, testimony was invited and received.
- B. The subject shopping center property is legally described as Lots 1 – 23, of Parcel Map 12219, Map Book 122, pages 33-35 and is addressed as 2600 through 3562 Sepulveda Boulevard (3200 Sepulveda being the enclosed mall) and 1220 Rosecrans Avenue, in the City of Manhattan Beach. The project applicant and property owner is Madison Marquette.
- C. The project consists of the following: 1) conversion of approximately 16,000 square feet of food court area to retail area within the enclosed mall (square foot increase from 266,168 to 282,168 for enclosed mall and from 509,410 to 525,410 square feet for total center); 2) general remodel and refurbishment of enclosed mall, including roof and exterior architectural elements, these being maximum 34-foot high trellis features at north and south mall entrances, and a 38-foot high, 2,500 square foot clerestory skylight over fountain court; 3) re-striping of mall parking lots (including leased city-owned lot) to increase the number of large car versus compact parking spaces and bring all other compact spaces into conformity with stall dimensions; 4) provision of 4.1 per 1,000 gfa parking standard for entire shopping center; 5) construction and/or reconfiguring of traffic calming features along “Magnolia Way” private roadway located adjacent to the east property line, 6) construction/implementation of improvements or operational measures intended to address existing noise problems near the rear of the existing grocery/drug stores near the south end of the center and 7) future potential conversion of up to 13,005 square feet of existing retail or vacant space to restaurant.
- D. The Master Use Permit is required because the proposed actions would result in: 1) increase in leased square feet; 2) re-striping of parking lot and change in total number of parking spaces serving the site and 3) establishment of parking requirement of 4.1 parking spaces per 1,000 square feet gla. A Variance is required because proposed roof elements at two entries and above the fountain court exceed the applicable height limit of 22 feet.
- E. The Manhattan Village Shopping Center planning/zoning entitlement history is as follows:
 1. On March 6, 1979 the Manhattan Beach City Council adopted Resolution 3685, establishing the Commercial Planned Development (CPD) District for the First Phase construction and operation of a community shopping center (Manhattan Village Mall) consisting of approximately 150,000 square feet of retail establishments providing community convenience goods and services, and approximately 300,000 square feet of retail establishments providing goods and services customarily found in malls associated with department stores.
 2. On December 18, 1979 the Manhattan Beach City Council adopted Resolution 3757, approving the Second Phase construction and operation of a community shopping center (Manhattan Village Mall).



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3. Subsequent use permits were approved for individual uses within the shopping center.
 4. On December 18, 1990 the Manhattan Beach City Council adopted Ordinance 1832, repealing the CPD zoning District and establishing the CC (Community Commercial) zoning district for the subject property.
 5. On (date) the Manhattan Beach City Council adopted Ordinance 1902, establishing a provision for a Master Use Permit for multiple tenant projects to replace obsolete Commercial Planned Development (CPD) Permits.
 6. On January 3, 1995 the Manhattan Beach City Council adopted Resolution 5142, approving the conversion of all previous Commercial Planned Development and individual Use Permit entitlements for the subject property to a Master Use Permit consistent with provisions of Ordinance 1902.
- F. An Environmental Impact Report (EIR) was prepared (1978) and certified for a phased project, of which Manhattan Village Shopping Center was a part. Mitigation measures were identified and adopted in several issue areas. .
- G. An Initial Study has been prepared in compliance with the California Environmental Quality Act (CEQA) and City of Manhattan Beach CEQA Guidelines to determine whether the project would have adverse effects on the environment. The study concluded that the project would not have any significant adverse effects, and a Proposed Negative Declaration has been prepared that finds that the project will not have significant environmental effects. The Planning Commission has reviewed the Initial Study and approves the Negative Declaration together with comments received in the public hearing and finds that there is no substantial evidence that the project will have a significant effect on the environment. Any non-compliance with the City's Noise Ordinance will be addressed through proposed actions and implementation of appropriate conditions of approval.
- H. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- I. This Resolution, upon its effectiveness, constitutes the Master Use Permit for the project and replaces all previous site-wide (Ordinances 3685, 3757, City Council Resolution 5142 and Planning Commission PC 92-14) and individual land use approvals. This Resolution incorporates all relevant conditions of approval and operational requirements of all past approvals.
- J. Pursuant to Section 84.060 A. of the Manhattan Beach Zoning Ordinance, the following findings are made regarding the Use Permit application:
1. The property is located within Area District II and is zoned CC, Community Commercial. The proposed location is in accord with the purpose of this zoning district, which is to provide sites for planned commercial centers, such as Manhattan Village, which contain a wide variety of commercial establishments, including businesses selling home furnishings, apparel, durable goods and specialty items generally having a citywide market area. The additional leased floor area will be devoted to retail uses, which are permitted by the existing Master Use Permit and underlying Community Commercial zoning district. The additional floor area will assist in attracting high-quality tenants, therefore helping to ensure the success of the renovation of the mall which is being undertaken concurrently with this project. Accordingly, the proposed location of the use is in accord with the objectives of this title and the purposes of the district in which the site is located.
 2. The General Plan designation for the property is Manhattan Village Commercial. This designation reflects the unique nature of the subject property as the largest retail development in the City. The proposed addition of new retail area is consistent with Goal Number 4 of the Land Use Element, which is to support and encourage the viability of the commercial areas of Manhattan Beach and Goal Number 5, which is to encourage

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high quality, appropriate investment in commercial areas. The additional floor area will be within the enclosed mall in the Manhattan Village Shopping Center, is consistent with the existing uses of the site and other nearby commercial properties and is well within the maximum development capacity of the property. The proposed project is a significant upgrade of a major component of the city's retail environment, which will also by design, blend with the city's unique small beach town identity. The proposed modifications to the site's main parking lot will result in a more effective use of the parking supply. Therefore the project will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city. By attracting high quality tenants the project will ensure the success of the mall renovation, which is being undertaken concurrently with the floor area addition.

3. The additional floor area will be devoted to retail uses, which are permitted by the existing Master Use Permit for the center and underlying zoning district. The proposed renovation and remodel/floor area addition will comply with applicable performance and development standards with the exception of height (subject of an accompanying variance). Therefore the proposed use will comply with the provisions of Title 10 of the Municipal Code (Zoning Ordinance), I including any specific condition required for the proposed use in the CC zoning district in which it is located. standards including but not limited to containment of glare and noise in that the new area will
4. The proposed use will not adversely impact nor be adversely impacted by nearby properties, which are a mix of commercial and residential uses. The additional proposed area will be located within the existing mall building footprint, and the proposed roof clerestory windows will be located sufficient distance (approximately 200 feet) and out of line-of-sight of the nearest residential use and therefore is not expected to cause any noise, glare or aesthetic visual impacts. The proposed conversion from food court and public seating areas to retail will not result in any significant traffic impacts, the project will provide adequate parking to serve the additional floor area and the parking lot re-striping to provide standard sized parking stalls will more effectively serve the center customers.

K. Pursuant to Section 84.060 B. of the Manhattan Beach Zoning Ordinance, the following findings are made regarding the Variance application:

1. The project site is developed with a regional shopping center that is unique in that it is the largest retail building in the City. The project site, approximately 40 acres in size makes it one of the largest properties in the City. The site is appropriately zoned Community Commercial due to its size, variety of uses and market area. The increase in height for the specific roof and entry elements will define the character and aid access to the mall stores and will have no adverse impacts on adjoining properties. As such the absence of such architectural elements, due to an unusually constraining height limit would result in a peculiar hardship and difficulty for the property owner who seeks to renovate and improve the site.
2. The height of the existing anchor department stores at the north and south ends are approximately 40 feet tall and the central portion of the mall is approximately 27 feet tall. The current height limit for structures in the Community Commercial district is 22 feet, where the roof slope is less than 4: 12 (vertical rise to horizontal distance). The project proposes the construction of two new architectural elements at the existing flat-roofed north and south entrances to the mall, adjacent to the anchor department stores. These elements will be at a height of between 31.5 feet and 34 feet. In addition the project proposes to construct a new 2,500 square foot clerestory window/skylight feature on the mall roof approximately 38 feet above the ground, or 8 feet above the existing mall roofline. All of the new elements will be below the

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height of the existing anchor department store buildings. The new entrance elements will be adjacent to the taller department stores and will serve as a transition between them and the lower mall roofline.

The granting of the variance to allow the three roof elements will not be a substantial detriment to the public good, or impairment of affected natural resources, or be injurious to property or improvements in the vicinity of the site, or to the public health safety or general welfare in that the proposed roof/entry structures will not obstruct views or result in shadow impacts on surrounding properties, and there will be no new exterior lighting fixtures producing glare to nearby residential units.

3. The subject property is the largest single retail oriented development in the City. There are no other similar properties in the same zoning and area district. The additional height needed for these three minor structures is an integral part of the mall renovation. Therefore, approval of the application is consistent with the purposes of Title 10 of the City's Municipal Code and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning area district.

Section 3. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Master Use Permit and Variance subject to the following conditions:

General/procedural Conditions

1. *Compliance.* The Master Use Permit is based upon the site area analysis and site plan dated November 28, 2001 as submitted by the applicant. (The site area analysis is attached hereto as Exhibit A). Said plans shall become part of the Master Use Permit and are incorporated herein by reference. All development must occur in strict compliance with the proposal as set forth in the application for said permit, subject to any special conditions set forth below. Any substantial deviation from the approved plans and proposed site area analysis, except as provided in this approval shall require an amendment to the Master Use Permit.
2. *Lapse of Approval.* The Use Permit and Variance shall lapse two (2) years after its date of approval unless implemented or extended in accordance with Manhattan Beach Municipal Code (MBMC) Section 10.84.090.
3. *Terms and Conditions are Perpetual.* These terms and conditions shall be perpetual, and it is the intention of the Director of Community Development and the permittee to bind all future owners and possessors of the subject property to the terms and conditions. Further, the applicant shall record the conditions of approval of this Resolution with the Office of the County Clerk/Recorder of Los Angeles. The format of the recording instrument shall be reviewed and approved by the City Attorney.
4. *Effective Date.* Unless appealed to the City Council, the subject Use Permit and Variance shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030 have expired.
5. *Review.* At any time in the future, the Planning Commission or City Council may review the Use Permit for the purposes of revocation or modification. Modification may consist of conditions deemed reasonable to mitigate or alleviate impacts to adjacent land uses.
6. The applicant agrees, as a condition of approval of this project, to pay all reasonable legal and expert fees and expenses of the City of Manhattan Beach in defending any legal action associated with the approval of this project brought against the City. In the event such a legal action is filed against the project, the City shall estimate its expenses for the litigation. The Applicant shall deposit said amount with the City or enter into an

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agreement with the City to pay such expenses as they become due.

Land Use

7. The land uses approved for the Manhattan Village Mall shall include:
 - a) Retail Sales;
 - b) Personal Services;
 - c) Personal Improvement Services;
 - d) Travel Services;
 - e) Food and Beverage Sales (including Grocery Stores);
 - f) Offices, Business and Professional;
 - g) Commercial Recreation and Entertainment (including Indoor Movie Theaters);
 - h) Banks, Savings and Loans; and,
 - i) Eating and Drinking Establishments (restaurants).
 - j) Uses identified as permitted (by right) in the underlying zoning district (CC) which are not included in this Master Use Permit shall be left to the discretion of the Planning Commission.
8. Uses identified as conditionally permitted (use permit required) in the underlying zoning district (CC) shall require an amendment to the Master Use Permit at a duly noticed public hearing, unless otherwise permitted in this Resolution.
9. Upon submittal of any request for business license, or application for building permit, which involves the alteration or enlargement of any tenant space, or the introduction of any new business within an existing tenant space, the applicant shall provide a site-wide tenant space study, including detailed area breakdown subject to the review and approval of the Director of Community Development. The required space study shall be consistent in format, and information provided, with Exhibit A attached hereto. The information shall include tenant street addresses, existing and proposed tenants, and evidence that the proposed alteration / tenant will provide adequate on-site parking as required by applicable parking standard.
10. Under the provisions of this Master Use Permit the Shopping Center may convert up to 13,005 square feet of vacant, retail, or office space to restaurant use, for a total of 75,000 square feet gross leasable area of restaurant uses on the site. (75,000 square feet is the maximum restaurant square footage given an overall parking supply of 4.1 stalls per 1,000 square feet gla.) Conversion to restaurant uses in excess of 75,000 square feet will require amendment of the Master Use Permit.
11. Once there is a total of 68,000 square feet of restaurant usage on-site providing alcohol service (as specified in conditions 13 and 14), no additional restaurants may seek to provide full alcohol service without approval obtained in a duly noticed public hearing before the Planning Commission.

Eating and Drinking Establishments (Restaurants)

12. There shall be no drive-through service allowed in conjunction with any existing or proposed Eating and Drinking Establishment.
13. Any restaurant may provide service of beer and wine which is incidental to, and in conjunction with, the service of food provided that such use does not include full alcohol service or a retail bar, to a maximum area of 68,000 square feet site-wide as set forth in condition 11. This approval shall operate within all applicable State, County and City regulations governing the sale of alcohol. Any violation of the regulations of the Department of Alcohol and Beverage Control as they pertain to the subject location, or of the City of Manhattan Beach, as they relate to the sale of alcohol, may result in the revocation and/or modification of the subject Master Use Permit.

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14. Any existing restaurant currently providing beer and wine service may expand to provide full alcohol service without a public hearing if said restaurant maintains its current size. An existing restaurant currently providing beer and wine service shall not be able to expand to full alcohol service without a duly noticed public hearing if said restaurant:
 - (a) seeks to expand beyond its present square footage; and,
 - (b) if the 68,000 square foot limit described in condition No. 11 has been reached.
15. No outside cleaning of kitchen floor mats or shopping carts will be permitted on the site. All kitchen floor mats shall be cleaned in such a manner that the run-off wastewater drains only to a private sewer drain on the premises.
16. Restaurant uses, including the service of alcoholic beverages, shall be limited in their operation to the hours between 6:00 a.m. to 2:00 a.m., seven days a week.
17. Any entertainment proposed in conjunction with a restaurant use (with exception of background music, television and no more than 3 games or amusements) shall require approval obtained in a duly noticed public hearing before the Planning Commission; and, shall be required to obtain a Class I entertainment Permit consistent with the provision of Section 4.20.050 of the Manhattan Beach Municipal Code.

Site-wide Operational

18. Delivery activities to the businesses contiguous to residentially zoned and improved properties shall be limited to between 7:00 a.m. and 10:00 p.m. Monday through Friday and between 8:00 a.m. and 10:00 p.m. on Saturdays, Sundays and major holidays, including New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. Delivery operations shall be conducted in such a manner so as not to exceed applicable residential noise standards. The term "delivery activities" shall include, but not be limited to the presence of workers or delivery trucks at the business site even if not actual delivery work or unloading is being done. It shall also include vehicles or delivery equipment being started or idled, playing of radios, tape players or other devices, loud talking, and unloading of materials. Business delivery doors shall not be opened before hours of permitted deliveries as specified herein. Delivery vehicles shall park in designated commercial loading areas only and shall not obstruct designated fire lanes.
19. Landscaping and maintenance activities (including, but not limited to parking lot cleaning, grounds-keeping and outdoor equipment and shopping cart cleaning) shall occur in accordance with a Landscape Maintenance Plan ("The Maintenance Plan") approved by the Director of Community Development. The Maintenance Plan shall establish permitted hours of operation for specific maintenance activities and areas of the shopping center, based on compatibility with nearby land uses, both on and adjacent to the center.
20. All landscaping materials shall be maintained to the satisfaction of the Director of Community Development.
21. Routine trash collection on the entire site shall occur after 9:00 a.m. and before 10:00 p.m. Construction material trash collection activities (drop off and pick-up) shall be limited to hours of permitted construction as specified in the City's Noise Ordinance, or between 7:30 and 6:00 p.m. Mondays through Fridays, and between 9:00 a.m. and 6:00 p.m. on Saturdays.
22. All trash storage areas shall be screened, secured and maintained in a sanitary condition and all tenants/business owners shall take appropriate measures to prevent prohibited or undesirable activities as defined in the Municipal Code (Sec. 5.24.060) including but not

RESOLUTION PC 01-27

limited to, scavenging, excessive accumulation of refuse, and allowing any portion of the property to become a breeding ground for flies, wild rodents or other pests. Trash storage areas shall be designated and bins shall be maintained within the designated areas.

Fire Department and Public Works

23. Commercial establishments are required (MBMC 5.24.030 (C)(2) to have sufficient refuse storage space to enclose a commercial lift container(s). Refuse storage spaces or facilities must be screened from public view and be either constructed within the building structure or in a screened enclosure subject to review and approval of the Public Works Department and Community Development Department.
24. There shall be no discharge of construction wastewater, building materials, debris or sediment from the site.
25. The applicant shall consider various SUSMP (Standard Urban Stormwater Mitigation Plan for Los Angeles County) measures and/or improvements as suggested by the Department of Public Works in its memorandum dated October 31, 2001 as determined to be relevant and reasonable based on the proposed construction.
26. The applicant shall replace displaced sidewalk adjacent to the site on Village Drive. All sidewalk, curb and gutter or driveway construction on public property shall be completed per Public Works Department specifications. (See Public Works Standard Plans ST1, ST-2, and ST-3.)
27. Backflow preventers for fire and domestic water services shall be installed per Public Works Department requirements.
28. Sandbags shall be placed around the construction site to prevent erosion from the site and street surface water from entering the site.
29. The applicant shall work cooperatively with the Fire Department to implement as feasible, several suggested improvements for public safety, including, but not necessarily limited to: 1) smoke evacuation (e.g. automated atrium window/clerestory opening system in fountain area); 2) addition of an additional standpipe for fire connection near the east passageway into the central mall area; 3) updating of existing mall fire alarm system; 4) activation of public address system currently in place for mall personnel and City Fire Department use; 5) upgrading fire/life safety components within individual mall tenant spaces as condition of occupancy as improvements occur (eventually bringing all tenant spaces into conformity), and 6) provision of pedestrian ramp or at-grade access at the rear of the mall to facilitate the safe removal of patients from that location.

Parking and Circulation

30. Minimum parking shall be provided at a ratio of 4.1 spaces per 1,000 square feet of gross leasable floor area (gla). A total of 2,154 parking spaces shall be provided for the development program shown on Exhibit A.
31. Prior to issuance of the mall remodeling permit, the applicant shall submit a detailed site-wide parking lot striping plan that shall comply with all applicable ADA (American Disabilities Act) requirements and that will result in a more effective parking supply. The parking layout shall be designed to 1) maximize available on-site space for parking; 2) convert compact to large-car stalls as shown on a plan dated October 25, 2001 prepared by Kaku Associates, Inc. and 3) increase the width of all other on-site compact spaces to 8.0 feet (located in the south sector of the center). The purpose of this condition is to provide a more efficient and effective on-site parking supply.
32. The minimum amount of parking required for the project shall be located on the subject site

RESOLUTION PC 01-27

or may be located off-premise on a suitably located parcel. Project required parking shall not be located on the parcel of land owned by the City that is leased on a short-term basis to the applicant. The subject City parcel shall function as an "over flow" parking lot and not part of the required parking due to its location, several feet below the grade of and at the rear of the mall, away from the main public entrances. The applicant shall record a parking covenant to maintain required parking on an off-premise lot, subject to review and approval of the Director of Community Development.

33. Any deviation from the provisions of the approved parking plan, as established in the Master Use Permit (see condition 31), shall require review by the Planning Commission to determine if the proposed change necessitates an Amendment to the Master Use Permit.
34. Under the provisions of this Master Use Permit no action which involves the alteration or enlargement of any tenant space, or the introduction of any new business within an existing tenant space, which exceeds the total number of on-site parking spaces shall be approved without an amendment to the Master Use Permit.
35. Any action that alters the number of required parking spaces shall be reviewed by the Building Division of the Community Development Department for compliance with the requirements for disabled access parking. Such review shall include the number, size and location of disabled access parking spaces.
36. The applicant shall implement proposed traffic-calming measures as identified in the October 2001 Traffic and Parking Analysis prepared by the firm Kaku and Associates, Inc. prior to issuance of a Certificate of Occupancy for the new tenant space that replaces the food court. The applicant shall conduct a test of the proposed "neck-down" and a test of Alternative 2 (roadway with adjacent parking) to determine their effectiveness prior to their construction, subject to review and approval of the City of Manhattan Beach, Community Development Department and Fire Department.
37. All existing speed "bumps" shall be removed and no new speed bumps installed along "Magnolia Way", the private drive located at the rear of the mall. Stop signs may be implemented, subject to review and approval of the City Department of Community Development, Fire Department and Police Department. The applicant shall implement pedestrian safety improvements as determined by the Department of Community Development on the subject site at the intersection of "Magnolia Way" and "30th Way" where a pedestrian gate provides access to Manhattan Village homes (at the rear of 2970 Sepulveda Boulevard).

Signage

38. All permitted exterior signage existing as of the effective date of this permit shall be regarded as approved and consistent with the Master Use Permit. All new proposed signage shall conform to all applicable requirements of Title 10 of the Manhattan Beach Municipal Code. New signage shall be submitted as a Master Sign Program subject to the review and approval of the Planning Commission. Pursuant to the "Sepulveda Boulevard Development Guide" dated January 27, 1998, signs and sign copy should be compatible with their related buildings and not be crowded within their locations or backgrounds. Harsh plastic or illuminated backgrounds shall be avoided, and low profile (less than 6-feet in height) monument signs are encouraged.

Special Conditions

39. The applicant shall dedicate and convey to the city in fee simple title, a strip of land approximately 12.5 feet in width, running parallel to Marine Avenue, for a distance of approximately 178 feet from the property corner at Sepulveda Boulevard. This dedication,

RESOLUTION PC 01-27

subject to review of the City Engineer, will facilitate a future widening of Marine Avenue to relieve traffic congestion on Marine Avenue adjacent to the project. The dedication will offset project-related debits that the City will incur in the County of Los Angeles Congestion Management Program. This condition shall be met prior to issuance of Certificate of Occupancy.

40. All outdoor mobile storage containers shall be permanently removed within six months of the date of this approval.
41. Noise emanating from the property shall be within the limitations prescribed by the City of Manhattan Beach Noise Ordinance and shall not create a nuisance to nearby property owners. This would include construction and activity hours (MBMC 5.48.060). See also condition #19 regarding Landscaping and Maintenance activity (MBMC 5.48.275). To reduce existing noise:
 - a) The applicant shall commission an acoustical engineering firm to study noise issues and recommend measures to bring the shopping center site into compliance with the City's Noise Ordinance, both in terms of applicable levels of noise, and nuisance noise as based on a "reasonable person" standard (the "Noise Study"). The Noise Study shall focus on the noise issues along the project site's easterly property line, adjacent to "RPD" zoned properties within the Manhattan Village residential community. Staff shall determine the parameters of the Noise Study, and the applicant shall bear the cost of the Noise Study and also fund a peer review performed by an acoustical engineer retained by the City of Manhattan Beach. The Noise Study and a noise reduction plan shall be completed and approved by the City prior to the issuance of a Certificate of Occupancy for the mall renovation. Noise reduction measures set forth in the Noise Study and noise reduction plan may include, but not necessarily be limited to, the installation of a sound wall as specified in Condition No. 41 (c). Construction and/or implementation of all noise reduction measures shall be completed no later than one year from the date of Master Use Permit approval.
 - b) To confirm that compliance with the City's Noise Ordinance is achieved, the applicant shall fund a noise monitoring program (the "Noise Monitoring Program"), whose implementation shall occur under the direction of an acoustical engineer retained by the City. The Noise Monitoring Program will consist of 24-hour noise measurements at the most affected locations identified in the Noise Study. The Noise Monitoring Program shall be implemented on a quarterly basis for minimally a one-year time period. The Noise Monitoring Program concludes once compliance with the City's Noise Ordinance is demonstrated for a period of four continuous quarters.
 - c) The applicant shall post a bond with the City in the amount of \$125,000 (one hundred twenty five thousand) for the cost to construct 640 lineal feet of a maximum 12-foot tall solid sound wall between the shopping center car gate and pedestrian gate located on the project site east property line to the rear of the grocery and drug stores. The construction shall include replacement of an existing open-wrought-iron fence on the east property line in the vicinity of the aforementioned pedestrian gate. The purpose of the bond is to ensure that minimally a sound wall or other recommended noise reduction measures will be constructed should such measures not be undertaken by the applicant in a timely fashion. The bond shall be subject to review by the City Attorney.
42. A Traffic Management and Construction Plan shall be submitted in conjunction with the building plans, to be approved by the Police, Public Works and Community Development Departments prior to issuance of building permits. The plan shall provide for the management of all construction traffic during all phases of construction, including delivery

RESOLUTION PC 01-27

of materials and parking of construction related vehicles. Driver-less vehicles blocking neighbors' driveways without written authorization, and overnight storage of materials in the roadway shall be prohibited. This plan may also regulate and limit the hours of construction deliveries on weekend mornings where such activities including driving, parking and loading/unloading in areas adjacent to residential uses.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of December 12, 2001 and that said Resolution was adopted by the following vote:

**AYES: Kirkpatrick, Kuch, Milam, Ward,
Chairman Simon**

NOES:None

ABSTAIN: None

ABSENT: None

RICHARD THOMPSON
Secretary to the Planning Commission

Sarah Boeschen
Recording Secretary

Manhattan Village Shopping Center Area Analysis

09/23/2003

<u>Tenant</u>	<u>Address/ Tenant Space</u>	<u>Permit No.</u>	<u>Area</u>	<u>Comments</u>
<i>Large Retail</i>				
Macy's Women's	3400		108,977	
Macy's Men/Home	3100		67,077	
Sub-Total			176,054	
<i>Mid Size Retail</i>				
Ralphs	2700		43,400	
Savon	2900		25,500	
Sub-Total			68,900	
<i>Small Retail</i>				
MV Florist	3292A		1,500	
South shell	3208	02-01929		owner work - 8,490 total
North shell	3212	02-01929		owner work - 8,500 total
Tommy Bahama	3208-A	02-00232	3,643	sign prmit 03-00992
Corner Bakery (see restar)	3208-B	02-04008		
Coach store	3208-C	03-01507	2,580	combined 2 spaces
LA Food Show (see restar)	3212-A			
vacant	3212-B		600	
MALL SHOPS				
T-Mobile	3200/A1	03-00721	1,910	gla from li plan
Sam Goody Musicland	3200/A2		2,149	
Wolf Camera	3200/A4		1,074	
Secret to Beauty	3200/A5	03-01679	2,145	
Express/Ltd.	3200/A6		6,592	
Williams-Sonoma	3200/A9-A/10	01-06074	5,365	
Pottery Barn	3200/B1	02-00878	10,452	
Pottery Barn Kids	3200/B2	02-00879	7,291	
B. Dalton Bookseller	3200/C2		4,420	
Harry and David	3200/C3	02-02237	2,127	lease 2111
Lucy's	3200/C4	02-03085	2,200	lease 2,111
Baby Style	3200/C5	02-03167	2,158	lease plan 7/24/02
Ann Taylor Loft	3200/C8	01-05729	5,428	
Victoria's Secret	3200/C10		6,000	
Walking Store	3200/C12	03-00255	1,382	
Geri's Hallmark	3200/C14		3,021	
Matt & Allie	3200/C15	02-03656	1,637	lease plan/childrens store
Kiosk - Sunglass Hut	3200/C300	01-06172	216	gla: 18' x 12' lease lines
Gigi	3200/D3		955	
Lerner's	3200/D6		7,500	
Bath & Body	3200/D8		2,000	
Lady Foot Locker	3200/D9		1,709	
Francesca's Collection	3200/D10	03-00506	873	
Corner Cottage	3200/D11		582	
Origins	3200/D12		900	
Village Shoe Repair	3200/D13		309	not on 7/25/02 lease plan
Thee Cutlery	3200/E1		294	
Prestige Jewelers	3200/E2	03-02168	812	confirm gla
Dr. Stein Optometric	3200/E4		1,885	
Godiva Chocolatiers	3200/E3	02-02402	635	
Clair's Boutique	3200/E5		726	
White House/Black Market	3200/E6	02-01319	1,491	
Bombay Trading Company	3200/E8	02-01316	3,577	new location
Gap	3200/E10		8,431	
Chicos	3200/E14	02-02012	2,563	
Vacant	3200/E15			merged with E18 Talbots
Vacant	3200/E16			merged with E18 Talbots
Talbots	3200/E18	02-03266	6,401	gfa by permit
Great Earth Vitamins	3010		608	

Manhattan Village Shopping Center Area Analysis

09/23/2003

See's Candy	3004		1,216	
Jenny Craig	2970		2,000	
Super Sports	2930		4,973	
Supercuts	2920		1,220	
Fazio Cleaners	2660		2,042	
Sub-Total			127,592	
<i>Medical Office</i>				
Sub-Total			19,066	
<i>Financial/General Office</i>				
Haagen Building	3500		18,758	
Pacific Century Bank	3300		5,000	
Wells Fargo	3110		8,000	
Bank of America	3016		7,650	
Union Bank	2910		6,250	
Glendale Federal	2710		4,661	
Hawthorne Savings	2600		4,590	
Sub-Total			54,909	
<i>Theater</i>	3560			
Sub-Total			17,500	
<i>Restaurant</i>				
Surf City Squeeze	3564		1,210	no alcohol
Ban. Fresh	3562		1,323	alcohol
Koo Koo Roo	3294		2,869	no alcohol
China Grill	3282		2,416	alcohol
California Pizza Kitchen	3280		7,260	alcohol
Island	3200/D1		5,910	alcohol
Tacone restaurant	3200/B-3	02-01316	441	200-sf remote storage
L.A. Food Show	3212-A	02-04119	7,000	type 47 alcohol/outdoor din
East Coast Bagel	3012		1,406	no alcohol, outdoor dining
Coffee Bean & Tea Leaf	3008		608	no alcohol
Robeks	3000		1,106	no alcohol
Reed's Restaurant	2640	03-01717	2,217	alcohol
Chilli's	2620-B	02-03363	6,520	type 47 alcohol
Coco's	2620		6,927	alcohol
Olive Garden	2610		8,500	alcohol
Corner Bakery	3208-B	02-04008	2,999	outdoor dining, no alcohol
Sub-Total			58,702	
TOTAL ACTUAL			522,723	
TOTAL PERMITTED BY MUP			525,410	
BALANCE REMAINING			2,687	

Parking for Total Actual:

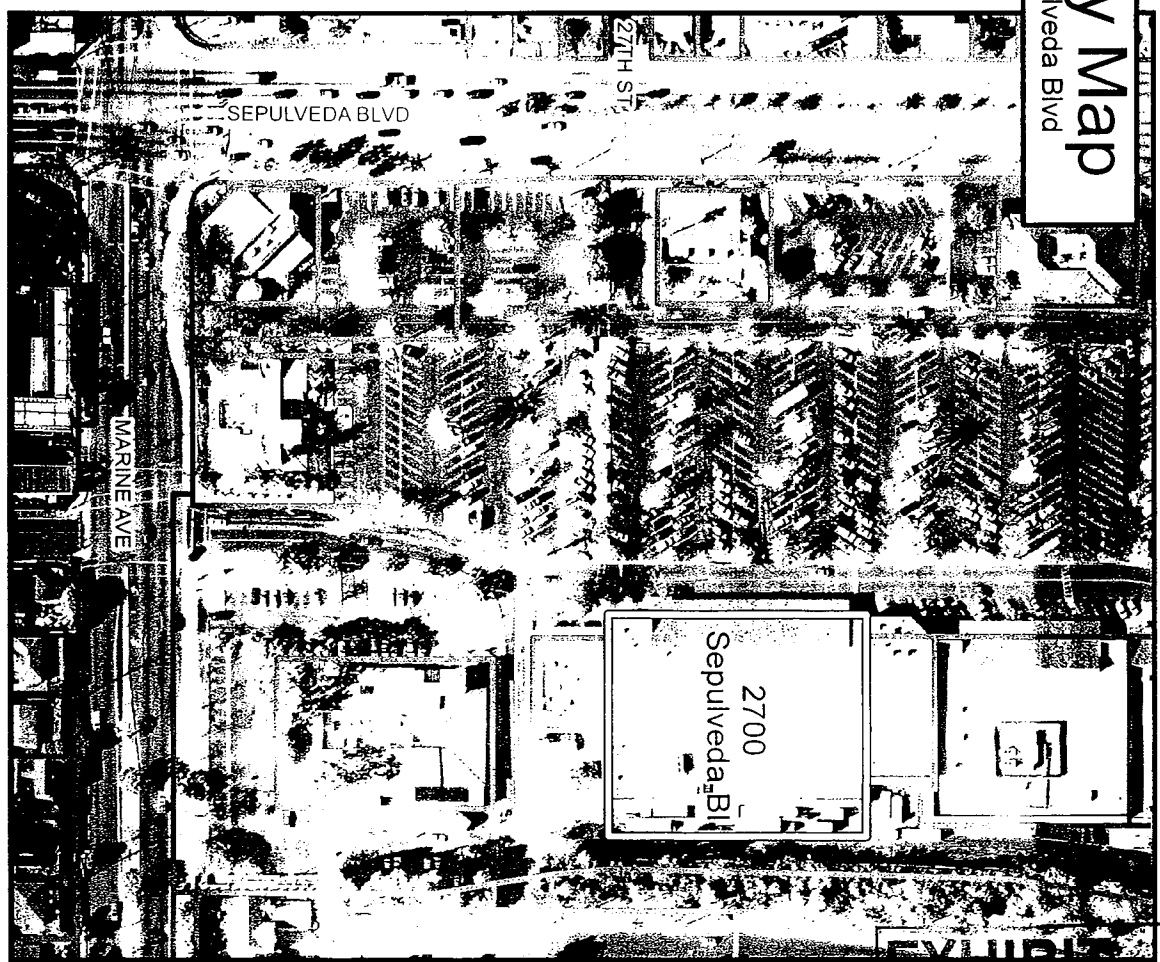
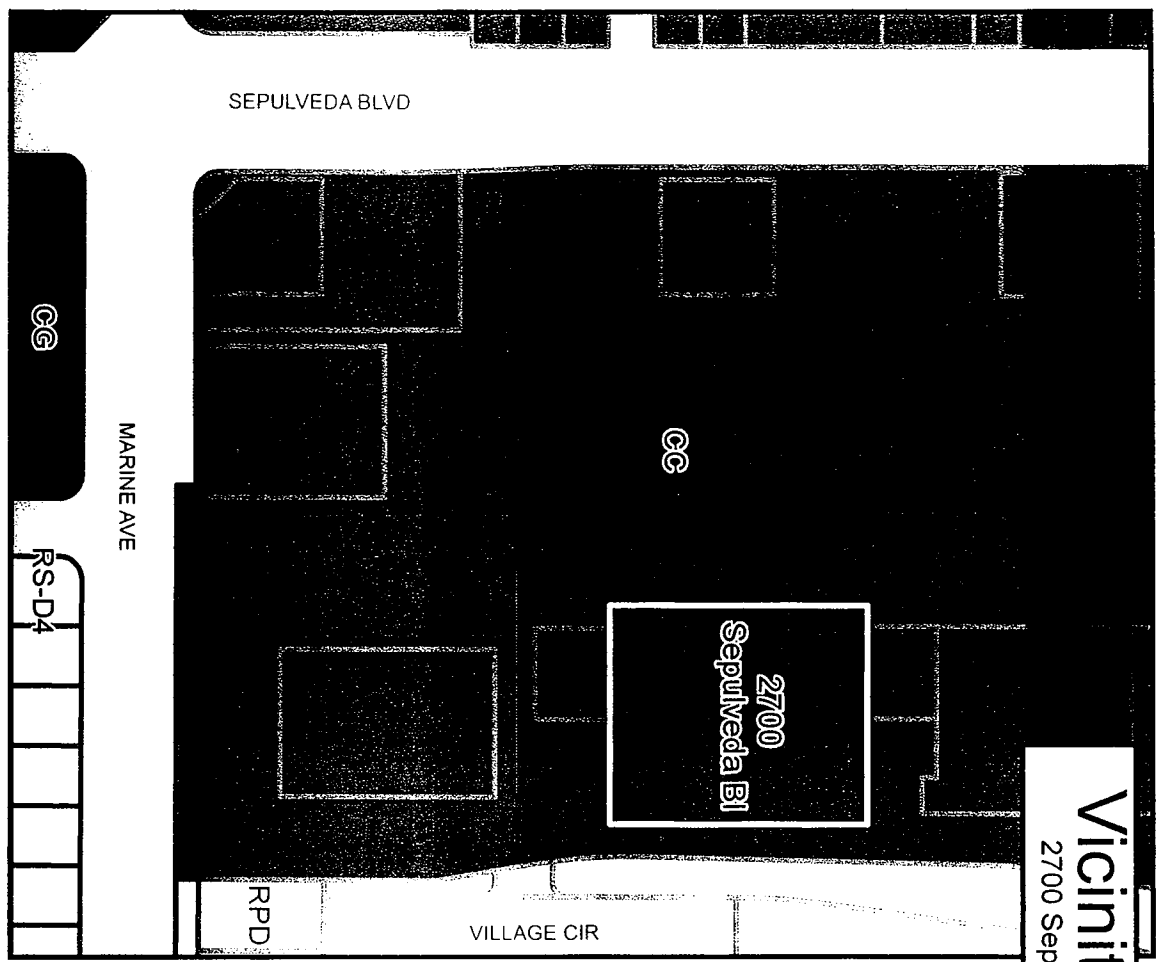
522,723	@ 4.1/1000 =	2143
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Psomas Parking plan "As-built"
2,193 spaces, including 212 on

(1,981 on main lot)







Vicinity Map

2700 Sepulveda Blvd



EXHIBIT

Legend

-  2700 Sepulveda Blvd
-  Parcels
-  CC - Community Commercial
-  CG - General Commercial
-  RPD - Residential Planned Development
-  RS-D4 - Residential Single Family (Design Review)

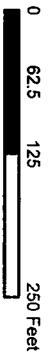


Exhibit _____



**City of Manhattan Beach
Community Development**

PROJECT DESCRIPTION

APPLICANT: RALPHS GROCERY COMPANY
STORE 166

PROJECT ADDRESS: 2700 SEPULVEDA BLVD.
MANHATTAN BEACH, CA 90266

PROJECT DESCRIPTION: The applicant is requesting a Modification of a Conditional Use Permit to allow the application for an Alcohol Beverage Control Type-42 License, for on-site sales and consumption in the form of wine tasting within an existing and operating supermarket. The supermarket is an existing 43,034 sq. ft. operation, including a 31,226 s.f. sales floor, 3,305 s.f. mezzanine level, and a 1,232 s.f. dock/utility area. The supermarket is open 24 hours a day, seven days a week. The wine tasting service will only be available from 10:00AM to 10:00PM.

This Ralphs Supermarket currently caters to the residents, workers & visitors of the Manhattan Village area. It is already utilized by local residents & visitors to purchase the items needed for everyday living, including fresh produce, meats, dairy, frozen and dry goods. This supermarket also caters to a more refined patron by offering a well-stocked deli area, sushi and soup selections, a specialty cheese area and an extensive selection of fine wines. As the selection a suitable wine for a given occasion may be a daunting task for most, Ralphs would like to make it easier for the customer to determine a suitable wine. To assist its patrons in making knowledgeable decisions about their wine purchases, Ralphs would like to offer a small sampling of a perspective purchase. These tastings would be limited, and the entire process would be done in an upscale and professional manner abiding by all applicable laws and regulations. Tastings will be available only to those patrons that are able to prove they are of legal age, and only within the "Wine Cellar." This is a small 131s.f. room located within in the alcohol area in the corner of the store. Patrons will not be allowed to travel outside this area while sampling wines.

EXHIBIT **D**



ENVIRONMENTAL INFORMATION FORM

(to be completed by applicant)

CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT

Date Filed: _____

APPLICANT INFORMATION

Name: Ralphs Grocery Company

Contact Person: Art Rodriguez and Associates

Address: 1100 W. Artesia Blvd., Compton, Ca

Address: 709 E. Colorado Blvd., Pasadena, CA 91104

Phone number: (310) 884-9000 90220

Phone number: (626) 683-9777

Relationship to property: Lessee

Association to applicant: Agent

PROJECT LOCATION AND LAND USE

Project Address: 2700 Sepulveda Blvd., Manhattan Beach, CA

Assessor's Parcel Number: 4138-020-005

Legal Description: BK 122 P 33-35 of PM Lot 3

Area District, Zoning, General Plan Designation: 2, Community Commercial, Sepulveda Blvd.

Surrounding Land Uses:

North Commercial

West Commercial

South Commercial

East Residential

Existing Land Use: Supermarket located in a commercial-retail complex.

PROJECT DESCRIPTION

Type of Project: Commercial Residential _____ Other _____

If Residential, indicate type of development (i.e.; single family, apartment, condominium, etc.) and number of units: N/A

If Commercial, indicate orientation (neighborhood, citywide, or regional), type of use anticipated, hours of operation, number of employees, number of fixed seats, square footage of kitchen, seating, sales, and storage areas: Neighborhood, Wine tasting within an operating 43,034 s.f. supermarket. Store hours of operation are 24 hours a day, 7 days a week, wine tasting from 10:00AM to 10:00PM.

If use is other than above, provide detailed operational characteristics and anticipated intensity of the development: N/A

Removed/

	<u>Existing</u>	<u>Proposed</u>	<u>Required</u>	<u>Demolished</u>
Project Site Area:	43,034	same		
Building Floor Area:	47,571	same		
Height of Structure(s)	Approx. 29'	same		
Number of Floors/Stories:	one, part. mezz.	same		
Percent Lot Coverage:	Approx. 7.5%	same		
Off-Street Parking:	624 shared	same		
Vehicle Loading Space:		same		
Open Space/Landscaping:		same		

Proposed Grading: N/A
 Cut _____ Fill _____ Balance _____ Imported _____ Exported _____

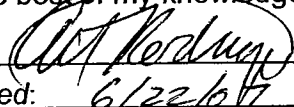
Will the proposed project result in the following (*check all that apply*):

- | <u>Yes</u> | <u>No</u> | |
|------------|-----------|--|
| _____ | <u>x</u> | Changes in existing features or any bays, tidelands, beaches, lakes, or hills, or substantial alteration of ground contours? |
| _____ | <u>x</u> | Changes to a scenic vista or scenic highway? |
| _____ | <u>x</u> | A change in pattern, scale or character of a general area? |
| _____ | <u>x</u> | A generation of significant amount of solid waste or litter? |
| _____ | <u>x</u> | A violation of air quality regulations/requirements, or the creation of objectionable odors? |
| _____ | <u>x</u> | Water quality impacts (surface or ground), or affect drainage patters? |
| _____ | <u>x</u> | An increase in existing noise levels? |
| _____ | <u>x</u> | A site on filled land, or on a slope of 10% or more? |
| _____ | <u>x</u> | The use of potentially hazardous chemicals? |
| _____ | <u>x</u> | An increased demand for municipal services? |
| _____ | <u>x</u> | An increase in fuel consumption? |
| _____ | <u>x</u> | A relationship to a larger project, or series of projects? |

Explain all "Yes" responses (*attach additional sheets or attachments as necessary*):

N/A

CERTIFICATION: I hereby certify that the statements furnished above and in attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature: 
 Date Prepared: 6/22/17
 Revised 7/97

Prepared For: Ralphs Grocery Company
 Represented by Art Rodriguez
 and Associates

MANHATTAN BEACH MUNICIPAL CODE

EXCERPT REGARDING FINDINGS

APPLICANT: RALPHS GROCERY COMPANY
STORE 166

PROJECT ADDRESS: 2700 SEPULVEDA BLVD.
MANHATTAN BEACH, CA 90266

1. The proposed location of the use is in accord with the objectives of this title and the purposes of the district in which the site is located;

The proposed location and use is within a popular shopping center, which contains a collection of retail operations. The offering of wine tasting within the existing and operating supermarket will be done in a responsible and professional manner, and in accord with all applicable regulations in this Community Commercial Zone within District Area 2.

2. The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city;

The proposed use will not adversely affect the adjoining land uses or the growth and development of the area because the approval of the conditional use permit will simply allow area workers, visitors, nearby residents and tourists the opportunity to sample different wines prior to making a purchase. The proposed site is adequate to allow the full development of the proposed use in a manner not detrimental to the particular area or to health and safety as this project is within an existing and fully operating supermarket, which has always operated in a conscientious and thoughtful manner.

3. The proposed use will comply with the provisions of this title, including any specific condition required for the proposed use in the district in which it would be located; and

The proposed use is within an existing and operating supermarket in the Manhattan Village complex and the operation is allowable within this Community Commercial Zone and under the General Plan.

4. The proposed use will not adversely impact nor be adversely impacted by nearby properties. Potential impacts are related but not necessarily limited to: traffic, parking, noise, vibration, odors, resident security and personal safety, and aesthetics, or create demands exceeding the capacity of public services and facilities, which cannot be mitigated.

Traffic generated by the proposed use will not impose an undue burden upon the streets and highways because the project is located within a large shopping center and will not interfere with the efficient use of the streets or highways. Modification of the Conditional Use Permit will not be detrimental to health and safety of the citizens of Manhattan Beach because the proposed wine tasting within the supermarket will be operated in a conscientious and thoughtful manner, always with sensitivity to any possible detrimental affect on the area. There will not be any substantial increase in the amount of noise, vibration or odors.

ART RODRIGUEZ AND ASSOCIATES

709 E. Colorado Blvd., Suite 200 • Pasadena, CA 91101 • Tel (800) 553-7272 • Fax (626) 683-9991

March 19, 2007

Laurie Jester
Senior Planner
1400 Highland Ave.
Manhattan Beach, CA 90266

Re: Ralphs Wine Tasting
 2700 Sepulveda Blvd.

Dear Ms. Jester:

Ralphs, a well-known and successful grocery chain, is looking to enhance the shopping experience of its patrons by offering wine tasting within its existing stores. Our inquiry is whether they may conduct this wine tasting venture under an existing Conditional Use Permit.

Ralphs currently operates a store in Manhattan Beach, which is located at 2700 Sepulveda Blvd. It operates with all necessary and applicable permits and licenses, including a Conditional Use Permit from the City of Manhattan Beach and a type 21 license from the Department of Alcohol Beverage Control.

The wine tasting will be offered adjacent to the existing wine department, in a small area usually less than 100 sq. ft.

Ralphs will offer this wine tasting in accordance with all applicable ABC regulations. Individual servings of alcoholic beverages shall not exceed two (2) ounces per glass or container. This condition shall not be construed to provide a patron from sampling more than one (1) glass and/or container of an alcoholic beverage for the purpose of comparative tasting(s).

Ralphs will also be certain to demand suitable identification from all prospective tasters to ensure that only those of legal drinking age may participate. While exact hours of operation have not been established, this will not be full time operation. More than likely it will only conduct tastings during the periods of higher foot traffic.

Ralphs prides itself on conducting business in a manner that establishes itself as upstanding member of its community. It has every intention of operating the proposed wine tasting in an upscale and respectable manner, abiding by all necessary rules and regulations.

We thank you in advance for consideration in this manner, and look forward to speaking with you further.

Sincerely,
Brett Engstrom

EXISTING ALCOHOL LICENSES IN THE CITY OF MANHATTAN BEACH

ADDRESS	BUSINESS_N	TYPE	LIC_TYPE
4103 Highland Avenue	El Porto Liquor Market	21	Off-Sale
1550 Rosecrans Avenue	Houston's Restaurant	47	On-Sale
2900 Sepulveda Boulevard	Savon Drugs	21	Off-Sale
1590 Rosecrans Avenue	Pachanga Mexican Grill	41	On-Sale
302 12th Street	Trio	47	On-Sale
1138 Highland Avenue	Kettle, The	41	On-Sale
1209 Highland Avenue	Le Creperie	41	On-Sale
2201 Highland Avenue	Mac's Liquor	21	Off-Sale
3301 Highland Avenue	Beach Pizza	41	On-Sale
3307 Highland Avenue	Moon's Market	21	Off-Sale
3414 Highland Avenue	Local Yolk, The	41	On-Sale
3416 Highland Avenue	Sloopy's Beach Cafe	41	On-Sale
3504 Highland Avenue	Beach Shop, The	20	Off-Sale
3505 Highland Avenue	Hilary's Hole in the Wall	41	On-Sale
3600 Highland Avenue	Harry O's	47	On-Sale
3610 Highland Avenue	OB's Bar and Grill	47	On-Sale
3610 Highland Avenue	OB's Bar and Grill	58	Catering or Club
3615 Highland Avenue	Pancho's	47	On-Sale
3713 Highland Avenue	Beach Nut	41	On-Sale
3770 Highland Avenue	Summers	47	On-Sale
3801 Highland Avenue	Baja Sharkeez	47	On-Sale
3804 Highland Avenue	Players Liquor	21	Off-Sale
117 Manhattan Beach Boulevard	Beaches	47	On-Sale
133 Manhattan Beach Boulevard	Manhattan Pizzeria	41	On-Sale
309 Manhattan Beach Boulevard	Shark's Cove	47	On-Sale
309 Manhattan Beach Boulevard	Shark's Cove	58	Catering or Club
313 Manhattan Beach Boulevard	Hennessey's Tavern	47	On-Sale
317 Manhattan Beach Boulevard	Cafe Pierre	47	On-Sale
317 Manhattan Beach Boulevard	Cafe Pierre	58	Catering or Club
1150 Manhattan Beach Boulevard	Fushion Sushi	47	On-Sale
401 Manhattan Beach Boulevard	Pasta Pomodoro	58	On-Sale
1131 Manhattan Avenue	Sun and Moon Cafe	41	On-Sale
1142 Manhattan Avenue	Towne	41	On-Sale
302 Rosecrans Avenue	Vacant	41	On-Sale
401 Rosecrans Avenue	Verandas	47	On-Sale
1019 Manhattan Beach Boulevard	Manhattan Bar & Grill	47	On-Sale
1129 Sepulveda Boulevard	Manhattan Beach Shell	20	Off-Sale
1501 Sepulveda Boulevard	Grunions	47	On-Sale
2401 Sepulveda Boulevard	Castle, The	47	On-Sale
2620 Sepulveda Boulevard	Cocos Restaurant	47	On-Sale
2700 Sepulveda Boulevard	Ralph's Grocery Company	21	Off-Sale
1120 22nd Street	Schooner, The	47	On-Sale
1821 Manhattan Beach Boulevard	Trader Joes Company	21	Off-Sale
1700 Sepulveda Boulevard	Residence Inn, The	41	On-Sale
2640 Sepulveda Boulevard	Reeds Restaurant	41	On-Sale
3280 Sepulveda Boulevard	California Pizza Kitchen	47	On-Sale
3282 Sepulveda Boulevard	Chongs China Grill	41	On-Sale
1330 Parkview Avenue	Parkview Properties Inc.	47	On-Sale
1400 Parkview Avenue	Marriott Hotel	47	On-Sale
1550 Rosecrans Avenue Ave, S	Lido Di Manhattan Beach	47	On-Sale
1570 Rosecrans Avenue	Bristol Farms	21	Off-Sale
1570 Rosecrans Avenue	Bristol Farms	41	On-Sale
1570 Rosecrans Avenue	Lee's Dragon	41	On-Sale
1570 Rosecrans Avenue	Long's Drugs	21	Off-Sale
1570 Rosecrans Avenue	Rice Road, The	41	On-Sale
2000 Sepulveda Boulevard	Rubios Baja Grill	41	On-Sale
2610 Sepulveda Boulevard	Olive Garden	47	On-Sale
3200 Sepulveda Boulevard, D1	Islands Fine Burgers & Drinks	47	On-Sale
3290 Sepulveda Boulevard	El Torito Restaurants	47	On-Sale
3400 Sepulveda Boulevard	Bullocks Inc. (Macy's)	20	Off-Sale
3501 Sepulveda Boulevard	Belamar Hotel	47	On-Sale
1157 Artesia Boulevard	El Sombrero	41	On-Sale
1157 Artesia Boulevard	Manhattan Liquor	21	Off-Sale
1221 Artesia Boulevard	7 Eleven Store	20	Off-Sale
1727 Artesia Boulevard	Mobil Gas Station	20	Off-Sale
1751 Artesia Boulevard	K&S Tobacco & Wine	20	Off-Sale
1751 Artesia Boulevard	V&Y Liquor Store Market	21	Off-Sale
207 Aviation Place	S&S Market	20	Off-Sale
975 Aviation Boulevard	Speedi Mart	20	Off-Sale
230 Aviation Boulevard	Petrellis Bar & Grill	48	On-Sale
1053 Aviation Boulevard	Gifted Basket, The	20	Off-Sale
350 Sepulveda Boulevard	El Tarasco Restaurant	41	On-Sale
516 Sepulveda Boulevard	Mr. Pockets	47	On-Sale
914 Sepulveda Boulevard	Back Home of Lahaina	47	On-Sale
924 Sepulveda Boulevard	Sch Restaurant	47	On-Sale



ADDRESS	BUSINESS_N	TYPE	LIC_TYPE
1100 Sepulveda Boulevard	Mr. D's Liquor Market	21	Off-Sale
1001 S. Aviation Boulevard	Hanger Inn, The	40	On-Sale
224-1/2 S. Sepulveda Boulevard	Knights of Columbus, 4567 Club	51	Catering or Club
224-1/2 S. Sepulveda Boulevard	Knights of Columbus, 4567 Club	58	Catering or Club
300 S. Sepulveda Boulevard	Manhattan Car Wash	20	Off-Sale
500 S. Sepulveda Boulevard	Brooklyn Brick Oven Pizza	41	On-Sale
600 S Sepulveda Boulevard	El Torito Restaurants	47	On-Sale
1000 Sepulveda Boulevard	Versailles Restaurant	41	On-Sale
1002 Manhattan Beach Boulevard	Ilker Mart	20	Off-Sale
235 Sepulveda Boulevard	Sions Mexican Restaurant	41	On-Sale
913 Sepulveda Boulevard	Osho Restaurant	41	On-Sale
917 Sepulveda Boulevard	Sepulveda Wine Company	21 & 42	Off and On-Sale
1015 Sepulveda Boulevard	Thai Dishes	41	On-Sale
1119 Sepulveda Boulevard	Mobil Gas Station	20	Off-Sale
921 Sepulveda Boulevard	El Gringo	41	On-Sale
1133 Highland Avenue	Octopus	41	On-Sale
116 Manhattan Beach Boulevard	Shellback Tavern	47	On-Sale
120 Manhattan Beach Boulevard	Rock & Fish	47	On-Sale
124 Manhattan Beach Boulevard	Manhattan Beach Brewing Co.	75	On-Sale
128 Manhattan Beach Boulevard	Mangiamo	47	On-Sale
410 Manhattan Beach Boulevard	Vons Companies Inc, The	21	Off-Sale
820 Manhattan Avenue	Penny Lane	41	On-Sale
900 Manhattan Avenue	900 Manhattan Avenue	47	On-Sale
903 Manhattan Avenue	Michi	47	On-Sale
1001 Manhattan Avenue	Old Venice	41	On-Sale
1005 Manhattan Avenue	El Sombrero	41	On-Sale
1017 Manhattan Avenue	Fonzs Restaurant	41	On-Sale
1101 Manhattan Avenue	Ercoles	48	On-Sale
1125 Manhattan Avenue	Original Mama D's Italian kitche	41	On-Sale
1129 Manhattan Avenue	Wahoos Fish Taco	41	On-Sale
1141 Manhattan Avenue	Avenue	41	On-Sale
1148 Manhattan Avenue	Talia's	41	On-Sale
1000 Manhattan Avenue	Bacchus Wine Shop	20 & 42	Off and On-Sale
2417 Manhattan Farms	Manhattan Farms	21	Off-Sale
1865 Manhattan Beach Boulevard	Mobile Service Station	20	Off-Sale
1140 Highland Avenue	Coco's	0	On-Sale

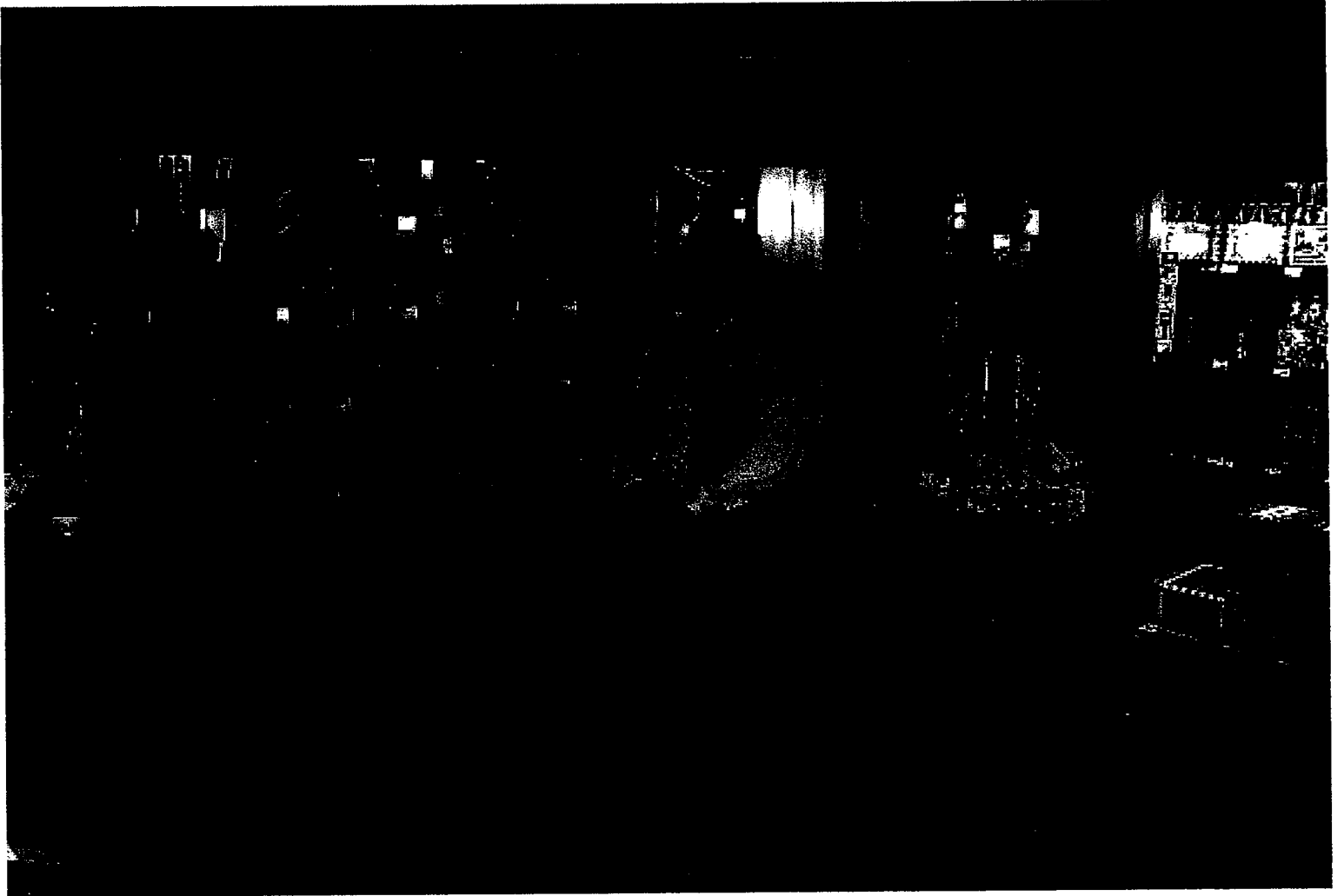
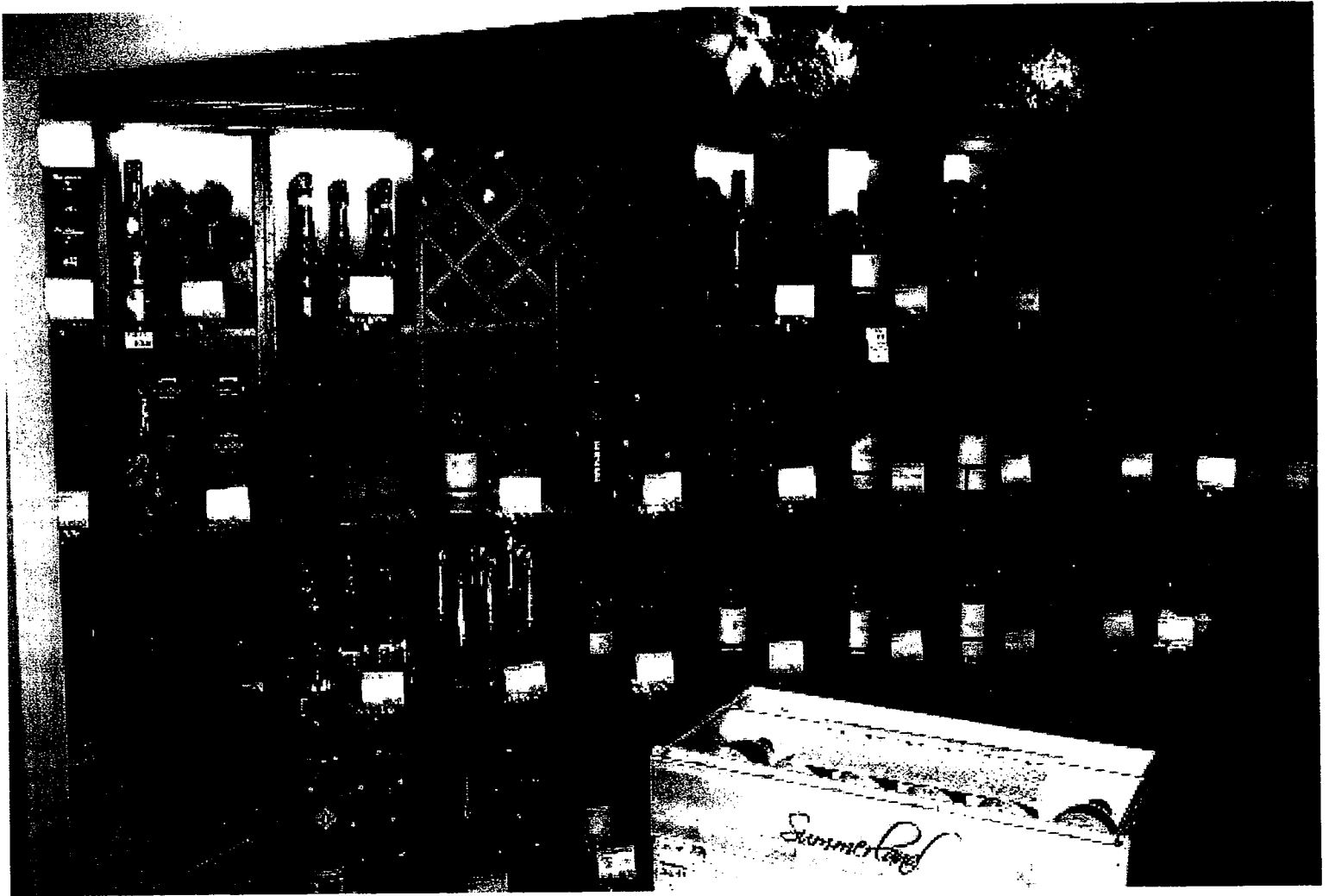


EXHIBIT F





**FOOD4LESS.**

CORPORATE OFFICES

P.O. BOX 54143 • Los Angeles, California 90054

March 13, 2007

Monica Frey
RREEF Management Company
1200 Rosecrans Ave., Suite 104
Manhattan Village, CA 90266

VIA FAX: 310/426-6313

Re: Ralphs #166 Manhattan Beach - Wine Tasting

Ralphs Grocery Company desires to enhance the shopping experience of its patrons by offering wine tasting within many of its existing stores and would like to include the market located at 2700 Sepulveda Blvd., Manhattan Beach, CA 90266, in our selection of locations offering this new customer program.

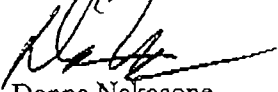
The wine tasting will be offered under a Type 42 Liquor License and will utilize a small area of approximately 100 square feet or less of floor space utilized from our existing premises. Hours of operation will be limited and tailored to time periods of highest foot traffic. The wine tasting will be offered in accordance with all applicable ABC regulations. Said tasting will not exceed two ounces each, so only suitable containers will be used. Ralphs will also stringently require proper identification from all prospective tasters to ensure that only those of legal drinking age may participate.)

Ralphs Grocery Company prides itself on conducting business in a manner that establishes itself as an upstanding member of its community and will operate the proposed wine tasting in an upscale and reputable manner, carefully abiding by all applicable rules and regulations.


We thank you in advance for consideration and approval of this very exciting addition to the services we offer our customers. Your approval can be indicated by signing in the area provided below and return of this original signed letter to my attention.

Should you have any questions, I can be reached at 310/900-3580.

Sincerely,


Donna Nakasone
Property Management

ACKNOWLEDGED AND APPROVED

By: 
Title: Vice President, District Mgr.
Date: 3.20.07

cc: Yoshko Prebanda
Jeff Magaro/Maggie Kilgore