



Agenda Item #: _____



Staff Report

City of Manhattan Beach

TO: Honorable Mayor Aldinger and Members of the City Council

THROUGH: Geoff Dolan, City Manager *GD*

FROM: Richard Thompson, Director of Community Development
Esteban M. Danna, Assistant Planner *EMD* *RT*

DATE: May 6, 2008

SUBJECT: Consideration of Planning Commission Approval of a Master Use Permit Amendment to Allow the Incidental Sale of Alcoholic Beverages for Off-Site Consumption at an Existing Grocery Store Located at 1830 N. Sepulveda Boulevard.

RECOMMENDATION:

Staff recommends that the City Council **RECEIVE** and **FILE** the Planning Commission's approval of the Master Use Permit Amendment for 1830 N. Sepulveda Boulevard.

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

BACKGROUND:

In February of 2008, Staff received an application for a Master Use Permit amendment for the subject property. At its regular meeting on April 9, 2008, the Planning Commission held a Public Hearing and adopted Resolution No. PC 08-05 (Exhibit A), approving the Master Use Permit amendment. The Planning Commission had previously approved a Master Use Permit, Sign Program Amendment and Parking Reduction in May of 2000 and two subsequent Master Use Permit Amendments for the site. The current Master Use Permit does not allow sales of alcoholic beverages for off-site consumption at 1830 N. Sepulveda Boulevard.

DISCUSSION:

The subject application proposes to amend Resolution PC 05-06 to allow the sale of beer and wine for off-site consumption at Grow the Produce Shop, which is located within a multi-tenant commercial shopping center. The 36,557 square-foot shopping center offers a variety of uses such as retail, services, offices, and restaurants. The property is located in the General Commercial (CG) zone in Area District II. The surrounding properties are CG to the North, Single-Family Residential (RS) to the East across Cedar Avenue, CG and RS to the South across 18th Street, and CG to the West across Sepulveda Boulevard.

The subject business consists of an 1800 square-foot sales floor, 150 square-foot kitchen/prep area, and a 170 square-foot storage area. The space does not have any seating or dining area. Grow the Produce Shop offers a full line of produce items as well as some meat, dairy and grocery products. No other tenant in this shopping center provides for the sale of beer and wine for off-site consumption. The only alcohol sales license within the center is for beer and wine for on-site consumption with food service at the restaurant (Rubio's) located at 2000 Sepulveda Boulevard.

The Manhattan Beach Municipal Code (MBMC) Section 10.16.020(L) requires a use permit or use permit amendment when there is a new or change to an existing alcohol license. The proposed amendment would allow alcohol sales with the following conditions: 1) the sales area dedicated to alcoholic beverages would be limited to a maximum of 10% of the total floor area and 2) permanent sign modifications or additions advertising the sale of alcohol would not be permitted. Resolution PC 08-05 (Exhibit A) includes these as conditions 37-39 on page 5. All other conditions of the previous resolution will generally remain the same. The Master Use Permit findings have been expanded in the Resolution. The use cannot be changed to a "liquor store" without a new use permit amendment and public hearing.

The City's Traffic Engineer reviewed the proposal and concluded that there will not be a negative impact on parking demand as a result of the addition of sales of beer and wine. Similarly, the Manhattan Beach Police and Fire Departments, as well as Public Works and Building and Safety had no comments or concerns regarding the proposed amendment. Furthermore, the applicant submitted a petition signed by 494 customers/residents who support the subject Use Permit Amendment.

The California Department of Alcoholic Beverage Control (ABC) requires the City of Manhattan Beach to find that the incidental sales of alcoholic beverages at the subject property is a public convenience and necessity. The applicant has demonstrated a public necessity through a signed petition by residents and customers in support of the use permit amendment.

A public notice for the project was mailed to the property owners within 500 feet of the site and published in the Beach Reporter newspaper. Staff did not receive any comments regarding the application. The Planning Commission discussed the percentage of sales floor area to be dedicated to sales of alcohol and how that would change if the store expanded. The Commission also discussed changing the language in the resolution to prevent the potential for customers to purchase alcohol at the produce shop and consume it in the bakery's dining area. Signage was also discussed. One resident expressed support for the amendment during the Public Hearing.

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: Exhibit A – Resolution No. PC 08-05
Exhibit B – Planning Commission minutes excerpt 04/09/2008
Exhibit C – Planning Commission Staff Report & Attachments (Exhibits A-E)
04/09/2008

cc: Barry Fisher

RESOLUTION NO. PC 08-05

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A MASTER USE PERMIT AMENDMENT TO ALLOW SALES OF ALCOHOLIC BEVARAGES FOR OFF-SITE CONSUMPTION FOR THE EXISTING GROCERY STORE LOCATED AT 1830 N. SEPULVEDA BOULEVARD AND INCORPORATING APPROVAL OF AN EXISTING MASTER USE PERMIT, USE PERMIT AMENDMENT, SIGN PROGRAM AMENDMENT, AND PARKING REDUCTION AT 1800-2010 N. SEPULVEDA BOULEVARD AND 2007-2011 CEDAR AVENUE

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. The Planning Commission of the City of Manhattan Beach considered an application for a master use permit amendment to allow sales of alcoholic beverages for off-site consumption for the existing grocery store at the subject site, on the property legally described as Portion of Lot 6, Section 19, Partition of Property formerly of The Redondo Land Co. located at 1830 N. Sepulveda Boulevard in the City of Manhattan Beach.
- B. The applicant/tenant for the subject project is Kathleen and Barry Fisher / Grow the Produce Shop.
- C. The Planning Commission of the City of Manhattan Beach conducted a public hearing regarding the proposed Master Use Permit Amendment at its regular meeting of April 9, 2008. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- D. The Planning Commission had previously approved a Master Use Permit, Sign Program Amendment and Parking Reduction at its regular meeting of May 10, 2000 (PC 00-12), which superseded previous resolutions PC 93-5, PC 93-6, and PC 94-19. Subsequently, the Planning Commission previously approved three Master Use Permit Amendments: one to allow a health and fitness studio at 1800 N. Sepulveda Boulevard on January 10, 2001 (PC 01-02), which lapsed two years after its date of approval, one to allow a drive-up teller use for the existing bank facility on May 8, 2002 (PC 02-15), and one to allow interior/exterior remodel and redesign of an existing outdoor dining area at an existing restaurant/bakery located at 1808 Sepulveda Boulevard on April 13, 2005 (PC 05-06) which is currently the governing Resolution for the entire commercial site.
- E. Pursuant to the California Environmental Quality Act (CEQA), and the Manhattan Beach CEQA Guidelines, this application is Categorically Exempt, Class 1, Section 15301, California Environmental Quality Act (CEQA) Guidelines.
- F. The proposed change will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- G. The property is located within Area District II and is zoned CG Commercial General. The surrounding private land uses consist of general commercial to the north, west, and south; and single-family residential to the east.
- H. The General Plan designation for the property is General Commercial.
- I. Based upon State law, and MBMC Section 10.84.060, relating to the Use Permit application for the commercial center, the following findings are hereby made:
 - a) The proposed location of the uses is in accord with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located. The building is located within the CG district. The proposed uses are consistent with



RESOLUTION NO. PC 08-05

Section 10.16.010 of the Manhattan Beach Municipal Code which states that the district is intended to provide opportunities for commercial retail uses for a full range of retail and service businesses as well as professional office uses. The proposed sale of alcoholic beverages is consistent with the purpose of this section.

- b) The proposed sales of alcoholic beverages for off-site consumption at Grow the Produce Shop is consistent with the General Plan, is not detrimental to the public health, safety or welfare or persons residing or working on the proposed project site or in the adjacent neighborhood of such use; and is not detrimental to properties or improvements in the vicinity or to the general welfare of the City.

The General Plan of the City of Manhattan Beach poses certain goals and policies which reflect the expectations and wishes of the City with respect to land uses. Specifically, the project is consistent with the following Goals and Policies of the General Plan:

Goal LU-6.1: Support and encourage small businesses throughout the City.

Goal LU-6.2: Encourage a diverse mix of businesses that support the local tax base, are beneficial to residents, and support the economic needs of the community.

Goal LU-6.3: Recognize the need for a variety of commercial development types and designate areas appropriate for each. Encourage development proposals that meet the intent of these designations.

- c) The existing uses and proposed sales of alcoholic beverages will comply with the conditions required for the district in which it is located. This application follows MBMC section 10.16.020(L) which requires a use permit or use permit amendment when there is a new alcohol license issued or amended.
 - d) The sale of alcoholic beverages for off-site consumption does not adversely impact nearby resident or commercial properties as they related to traffic, parking, noise, vibration, odors, personal safety, aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated. The proposed change does not affect the required on-site parking and does not create an additional demand for public services and facilities which cannot be mitigated.
- J. The City of Manhattan Beach finds that the limited sales of beer and wine for off-site consumption at the subject property is a public convenience and necessity in accordance with California Department of Alcoholic Beverage Control (ABC) regulations.
 - K. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code.
 - L. This Resolution, upon its effectiveness, incorporates previous approvals and constitutes the Master Use Permit and Sign Program for the subject property.

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

RESOLUTION NO. PC 08-05

Site Wide Conditions

1. This Resolution includes all pertinent conditions of approval as specified in preceding Use Permits for the Manhattan Center and shall supersede previous Use Permit approvals (PC 05-06, PC 02-15, PC 01-02, PC 00-12, PC 94-19, PC 93-6, PC 93-5, and PC 93-4).
2. The project shall be operated in substantial compliance with the submitted plans and project description as approved by the Planning Commission on May 10, 2000 (Master Use Permit and Sign Program), May 8, 2002 (Master Use Permit Amendment), April 13, 2005 (Master Use Permit Amendment) and April 9, 2008 (Master Use Permit Amendment). Any substantial deviation from the approved plans and project description must be reviewed and approved by the Planning Commission.
3. The subject site shall be limited to 6,801 square feet of total restaurant space, 14,772 square feet of total retail space, 826 square feet of total personal improvement service space, 1,244 square feet of total food & beverage space, 2,310 square feet of total Dance/Music studio space, 3,204 square feet of total office space and 7,400 square feet of banking use. The subject site received approval for a series of mixed uses with a parking requirement of 176 parking spaces. Future applications to establish new uses within the multiple tenant project shall not require an amendment of the Master Use Permit provided that the new uses are permitted uses in the zoning district, do not exceed the parking requirement approved for this site and conforms to the conditions imposed on the project, subject to approval by the Director of Community Development.
4. A Traffic Management Plan shall be submitted in conjunction with any construction and other building plans, to be approved by the Police and Public Works Departments prior to issuance of building permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including delivery of materials and parking of construction related vehicles.
5. Covered trash enclosure(s), with adequate capacity shall be maintained on the site subject to the timing, specifications and approval of the Public Works Department, Community Development Department, and City's waste contractor. A trash and recycling plan shall be maintained as required by the Public Works Department.
6. The site shall maintain reciprocal vehicle access with the adjacent northerly property for any future City approved project upon which a similar reciprocal access condition is imposed. The parking lot configuration shown on the subject plans shall be modified (at the expense of the subject property owner) at the time of implementation of the reciprocal access condition of the project.
7. Parking shall be provided in conformance with the current Manhattan Beach Municipal Code, except that the automobile parking requirement may be reduced to 176 parking spaces based on site uses and submitted parking demand analysis (Linscott Law & Greenspan Engineers dated 2/15/00). Parking spaces shall not be labeled or otherwise restricted for use by any individual tenant of the project. Future parking lot modifications for the purposes of providing reciprocal access to the neighboring commercial property, and any parking requirement modifications that are necessary, shall be subject to approval of the Planning Commission in association with its review of the neighboring project.
8. Prior to the issuance of a building permit for the subject amendment, the approved parking lot re-stripping shall be completed and field inspected by staff.
9. Employees shall be prohibited from parking on the surrounding public streets. As a minimum, the owner of the site shall include prohibitions against employee parking on local streets in any future lease and/or rental agreements excluding renewals.

RESOLUTION NO. PC 08-05

10. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance.
11. Any outside sound or amplification system or equipment is prohibited.
12. Operations shall comply with all South Coast Air Quality Management District Regulations and shall not transmit excessive emissions or odors across property lines.
13. Operations shall remain in compliance with all Fire and Building occupancy requirements at all times. The project shall conform to all disabled access requirements subject to the approval of the Building Official.
14. The management of the property shall police the property and all areas immediately adjacent to the businesses during the hours of operation to keep it free of litter.
15. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject businesses.
16. No wastewater shall be permitted to be discharged from the premises. Wastewater shall be discharged into the sanitary sewer system.
17. Any future site landscaping plans shall utilize drought tolerant native plants and shall be submitted for review and approval. All plants shall be identified on the plan by the Latin and common names. The current edition of the Sunset Western Garden Book contains a list and description of drought tolerant plants suitable for this area. A low pressure or drip irrigation system shall be installed in the landscaped areas, which shall not cause any surface run-off. Details of the irrigation system shall be noted on the landscaping plans. The type and design shall be subject to the approval of the Public Works and Community Development Departments.
18. The property owner shall maintain an irrigation system within existing landscaped areas on the entire site, and shall maintain landscaping in the parkway in the Cedar Avenue public right-of-way adjacent to the project site. The Cedar Avenue improvement shall include an irrigation system, and plans shall be submitted for review and approval by the Departments of Community Development and Public Works and Public Services Department.
19. Landscaping along the perimeter of the site shall be maintained such that there shall be no sight obstructions at driveway entrances.
20. The property owner shall maintain all security lighting facing the residential neighborhood(s) so that there shall be no glare to homes or vehicular traffic. Security lighting for the site shall be provided in conformance with Municipal Code requirements including glare prevention design.
21. All curb, ramps, parking, walkways, etc. shall meet Title 24 of Disabled Access standards.
22. Fire Department will require that the access areas between Building A and B and Building A and D be painted as a "Fire Lane- No Parking". These access areas shall be maintained for Fire Department access at all times.

Banking Facility (Building D)

23. Security measures, including but not limited to cameras and lighting, shall be included in the design of the subject project subject to approval by the City of Manhattan Beach Police Department.

RESOLUTION NO. PC 08-05

24. The hours of operation shall be limited from 5:00 a.m. – 10:00 p.m. for the subject building. The drive-up teller shall be limited to the typical banking hours of 9:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 1:00 p.m. on Saturdays. The ATM machines may be permitted to operate 24 hours.
25. The existing bakery/restaurant building contains 3,655 square feet of area. With the subject proposal of adding 70 square feet of new building storefront area and 38 square feet of additional outdoor dining area, the total gross floor area for calculating the parking requirement will consist of 3,975 square feet.

Restaurant Use (Manhattan Bread Company)-1808-1812 Sepulveda Boulevard

26. A-frame or sidewalk signs and painted window signs shall be prohibited.
27. The applicant shall place a business identification sign at the rear entrance (Manhattan Bread Company). The sign shall include copy to encourage entrance at the rear as well as the front. This sign shall not exceed an area of 9 square feet.
28. The proposed business shall be developed in substantial compliance with the plans as approved by the Planning Commission on April 13, 2005.
29. The hours of operation for the restaurant shall be 5:00 a.m. to 1:00 a.m. seven days a week.
30. There shall be no alcohol served at the restaurant.
31. Live entertainment shall be strictly prohibited in the business.
32. If deemed necessary by the Public Works Department or the Building Official, the applicant shall install a grease trap in the new tenant space.
33. Access requirement in front of the existing tables and chairs (for both the Manhattan Bagel Co. and Bread Co.) must be a minimum of 4' clear.

Restaurant (Rubio's) – 2000 Sepulveda Boulevard

34. The landscaped planter area adjacent to Rubio's Sepulveda Boulevard frontage shall be retained.
35. A maximum of four video games shall be permitted.
36. The sale of beer and wine shall be solely in conjunction with the serving of food in a bona fide restaurant.

Grocery Store (Grow the Produce Shop) – 1830 Sepulveda Boulevard

37. Alcoholic beverage sales shall be limited to retail beer and wine for off-site consumption only. On-site alcoholic beverage and/or food service and/or seating are prohibited.
38. The sales floor area dedicated to the sales of alcoholic beverages shall be limited to 10% of the total sales floor area, including that area added through sales floor expansion.
39. Any temporary or permanent sign advertising the sale of alcohol are prohibited.

RESOLUTION NO. PC 08-05

Site-Wide Sign Program

40. Buildings A, B and C (1812-2010 Sepulveda Boulevard) shall be limited to a maximum of 860 square feet, which includes a maximum of 9 square feet of business identification for each tenant at the rear of Building A. Rear directional signs shall be limited to 8 square feet in area per tenant. Proposed building signs (on the south and east side of Building D-1800 Sepulveda Boulevard) identified on the approved sign plans (dated, 4/21/00) shall be incorporated into this sign program approval. No signs shall be permitted on the westerly façade of the building. The existing pole sign in front of Building D may be retained as approved by Planning Commission on May 8, 2002. No alterations shall be allowed which increase the sign's square footage or height. In lieu of the pole sign for building D, a monument sign may be installed at the front of the building so long as the dimensions of the sign do not exceed 6 feet in height and 8 feet in length. All new signs and sign changes shall be in compliance with the City's Sign Code. A sign program identifying allocation and restrictions of signs shall be submitted to and approved by the Community Development Department prior to the subject permit issuance or occupancy. The sign program shall include a prohibition of future internally illuminated awnings. All rear facing signs for all buildings shall be non-illuminated.

Procedural Requirements

41. All provisions of the Master Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
42. This Use Permit shall lapse two years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code
43. Pursuant to Public Resources Code section 21089(b) and Fish and Game Code section 11.4(c), the project is not operative, vested or final until the required filing fees are paid.
44. 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 brought against the City within 90 days after the City's final approval of the project, other than one by the Applicant, challenging the approval of this project, or any action or failure to act by the City relating to the environmental review process pursuant to the California Environmental Quality Act. In the event such a legal action is filed against the City, the City shall estimate its expenses for the litigation Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.
45. 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.

RESOLUTION NO. PC 08-05

SECTION 3. Pursuant to Government Code Section 65009 and Code of Civil Procedure 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 proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

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 **April 9, 2008** and that said Resolution was adopted by the following vote:

AYES: Lesser, Powell, Seville-Jones, Bohner, Fasola


NOES: None


ABSTAIN: None

ABSENT: None



RICHARD THOMPSON
Secretary to the Planning Commission



Sarah Borschen 
Recording Secretary

April 9, 2008

Page 9

1 Commissioner Seville-Jones commented that she would like the item to come back before the
2 Commission. She commented that they have arrived at suggestions for possibly approving the
3 massing; however, the applicant has indicated that the suggestion of removing the gable may
4 actually make the building look larger. She stated that she trusts the opinion of staff but would
5 be more comfortable having another opportunity to review any new changes.

6
7 The other Commissioners agreed with Commissioner Seville-Jones that they would also like to
8 review any new revisions.

9
10 Commissioner Seville-Jones commented that she would like for the site plan with an explanation
11 of any new changes to be available to the Commissioners before the next meeting.

12
13 The Commission agreed to **CONTINUE** the hearing regarding the southerly building façade of an
14 approved Use Permit for a Proposed Rite Aid Store Located at 1100 Manhattan Beach Blvd
15 April 23, 2008.

16
17 **08/040902 Consideration of a Master Use Permit Amendment to Allow the Incidental Sale**
18 **of Alcoholic Beverages for Off-Site Consumption at an Existing Grocery Store**
19 **Located at 1830 N. Sepulveda Blvd.**
20

21 Chairman Lesser indicated that he and his wife are customers of the applicants. He said that the
22 applicant contacted him to discuss the application, and he directed them to work with staff and
23 their neighbors. He stated that he has no financial interest in the project and feels he can consider
24 the application fairly.

25
26 Assistant Planner Danna summarized the staff report. He stated that the current Master Use
27 Permit does not allow the sale of alcohol for off site consumption at the subject site. He stated
28 that the applicant is proposing to amend the current Use Permit to allow the sale of beer and wine
29 for off site consumption. He indicated that approximately 7 to 8 percent of the total shelf area is
30 proposed to be dedicated to the sale of alcohol. He indicated that conditions are included that
31 alcohol sales shall be limited to 10 percent of the total floor area and permanent sign notifications
32 or additions to advertising the sale of alcohol will not be permitted. He commented that
33 Conditions 37 through 39 have been added to the Resolution, and all of the other conditions will
34 remain the same. He said that the Traffic Engineer has concluded that the proposal would not
35 result in a negative impact to the parking demand. He said that the Police and Fire Departments
36 as well as the Public Works and Building Safety Departments have expressed no concerns. He
37 indicated that the applicant has submitted a petition with the signature of 407 customers and
38 residents in support of the proposal. He stated that notice was mailed to property owners within
39 500 feet of the site and was published in the Beach Reporter. He said that staff did not receive
40 any public comments regarding the proposal.

April 9, 2008

Page 10

1 In response to a question from Commissioner Powell, Director Thompson pointed out that the
2 land use entitlement would remain with the property if the operation were changed. He said that
3 any new use would have to comply with the same conditions as the subject business.

4
5 Commissioner Seville-Jones asked why there is a distinction between temporary and permanent
6 signs in Condition 39 of the draft Resolution.

7
8 Director Thompson commented that the second sentence of Condition 39 is redundant because
9 temporary signs are not allowed throughout the City without a permit. He said that the wording
10 is intended to ensure that the property owner is aware of the restrictions on temporary signs.

11
12 Commissioner Seville-Jones asked whether temporary signs advertising alcohol would be
13 allowed with a permit.

14
15 Director Thompson indicated that language could be added to state that temporary signs as well
16 as permanent signs advertising alcohol sales would be prohibited.

17
18 Commissioner Seville-Jones asked if allowing alcohol on up to 10 percent of the sales floor
19 would expand to 10 percent of the square footage of any additional area if the applicants
20 expanded into the neighboring store.

21
22 Director Thompson commented that he is not certain that staff has a concern with allowing an
23 expansion of 10 percent of the total floor area to apply to the new size if the store were to grow in
24 the future. He indicated that 10 percent is very minor even if the store is doubled or tripled in
25 size.

26
27 Commissioner Seville-Jones pointed out that Manhattan Bread and Bagel has a condition
28 prohibiting the service of alcohol. She asked whether the condition would also apply to
29 prohibiting someone from purchasing a bottle of wine at the grocery store and consuming it on
30 the patio of Manhattan Bread and Bagel.

31
32 Chairman Lesser asked whether language could be added without noticing to Condition 30 of the
33 original Resolution 05-06 to clarify that there shall be no alcohol served or consumed at
34 Manhattan Bread and Bagel Company.

35
36 Director Thompson indicated that the language could be added which would clarify the concern.

37
38 Commissioner Fasola asked regarding how staff arrived at the condition of allowing 10 percent
39 of the floor area to be devoted to alcohol sales.

40
41 Director Thompson said that staff arrived at the figure after discussions with the applicant. He

1 stated that the intent was to place a reasonable limit on the amount of space that could be devoted
2 to alcohol sales while satisfying the needs of the applicant. He indicated that such a condition is
3 enforceable if a complaint is received that a larger amount of the store's floor area is devoted to
4 alcohol sales.

5
6 Barry Fisher, the applicant, submitted additional signatures of 87 people to the petition
7 supporting the proposal to staff. He indicated that they sent letters to everyone within 500 feet of
8 the site inviting them to an open forum on March 19. He indicated that none of the neighbors
9 attended the forum. He stated that they also were not certain whether 10 percent being devoted
10 for alcohol sales is typical for space of a similar type of store, but they feel it would be
11 sufficient. He said that they would want the 10 percent to also apply to any new area of the store
12 if they are to expand in the future. He asked whether the alcohol permit would apply to the new
13 address if the store were to expand.

14
15 Director Thompson said that he would have to consider **Mr. Fisher's** question further to provide
16 an answer. He said that the worst case would be that they would be required to come back to the
17 City for an amendment to the Use Permit if they were to expand to include an additional address.

18
19 Chairman Lesser opened the public hearing.

20
21 **Karol Wahlberg** said that the store is a great addition to the community and should be
22 supported. She said that 10 percent is minimal and she supports the proposal.

23
24 Chairman Lesser closed the public hearing.

25
26 Commissioner Powell stated that he is in favor of the proposal and would like for the store to
27 grow. He pointed out that typically there is concern expressed when a project is noticed
28 regarding the sale of alcohol. He indicated that in this case, however, there was a petition signed
29 by many people in support. He indicated that he feels the required findings can be met for
30 approval.

31
32 Commissioner Fasola said that he would support the proposal and would support allowing 10
33 percent of the floor area for alcohol sales to also apply to any future expansion of the store.

34
35 Commissioner Bohner said that he agrees with the comments of the other Commissioners. He
36 said that he supports the proposal. He said that he would support adding language to Condition
37 30 to clarify that there shall be no alcohol served or consumed at Manhattan Bread and Bagel
38 Company.

39
40 Commissioner Seville-Jones said that she supports the project. She commented that she would
41 like for there to be clarification that temporary signs promoting alcohol sales would be

1 prohibited.

2
3 Chairman Lesser said that he also supports the project. He said that the applicants have opened a
4 small grocery store in the face of huge competition. He said that the proposal is reasonable
5 request to help their business survive. He indicated that the applicant serves the local
6 community, as many residents prefer a small store to the larger grocery stores. He indicated that
7 they have worked with staff and have contacted and provided notice to the neighbors regarding
8 the proposal.

9
10 The Commissioners agreed not to add language to Condition 30 to clarify that there shall be no
11 alcohol served or consumed at Manhattan Bread and Bagel Company.

12
13 A motion was MADE and SECONDED (Powell/Bohner) to **APPROVE** a Master Use Permit
14 Amendment to allow the incidental sale of alcoholic beverages for off-site consumption at an
15 existing grocery store located at 1830 N. Sepulveda Blvd. with the addition that the condition
16 allowing up to 10 percent of the floor area for alcohol sales also apply to any future expansion of
17 the business.

18
19 AYES: Bohner, Fasola, Powell, Seville-Jones, Chairman Lesser

20 NOES: None

21 ABSENT: None

22 ABSTAIN: None

23
24 Director Thompson explained the 15-day appeal period and stated that the item will be placed on
25 the City Council's Consent Calendar for their meeting of May 6, 2008.

26
27 **DIRECTOR'S ITEMS** None

28
29 **PLANNING COMMISSION ITEMS**

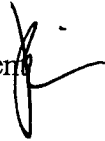
30
31 Chairman Lesser asked regarding correspondence the Commission received regarding the
32 property at 511 Pacific Avenue.


33
34 Director Thompson indicated that the City is currently in litigation with the property owner
35 regarding the issue, and the Commissioners should not communicate with the applicant regarding
36 the issue. He said that the correspondence was provided to the Commission for their
37 information.

38
39 Commissioner Bohner commented that Commissioner Powell has written an article regarding the
40 Commission and their role in the City which has been published in the Manhattan Beach Sun.

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

TO: Planning Commission

FROM: Richard Thompson, Director of Community Development 

BY: Esteban Danna, Assistant Planner 

DATE: April 9, 2008

SUBJECT: Consideration of a Master Use Permit Amendment to Allow the Incidental Sale of Alcoholic Beverages for Off-Site Consumption at an Existing Grocery Store Located at 1830 N. Sepulveda Boulevard.

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** the public hearing and adopt the attached Draft Resolution **APPROVING** the subject request.

APPLICANT

Kathleen and Barry Fisher
1830 N. Sepulveda Blvd
Manhattan Beach, CA 90266

PROPERTY OWNER

Nicholas M. Brown
8929 Wilshire Blvd, Suite 400
Beverly Hills, CA 90211

BACKGROUND

The Planning Commission had previously approved a Master Use Permit, Sign Program Amendment and Parking Reduction (Exhibit A) at its regular meeting in May of 2000 (PC 00-12) for the subject property. Subsequently, the Planning Commission approved two Master Use Permit Amendments: the first to allow a drive-up teller use for the existing bank facility on May 8, 2002 (PC 02-15), and the second, currently the governing Resolution for the entire commercial site, to allow interior/exterior remodel and redesign of an existing outdoor dining area at an existing restaurant/bakery located at 1808 Sepulveda Boulevard on April 13, 2005 (PC 05-06). The current Master Use Permit does not allow sales of alcoholic beverages for off-site consumption at 1830 N. Sepulveda Boulevard.

DISCUSSION

The subject application proposes to amend Resolution PC 05-06 to allow the sale of beer and wine for off-site consumption at Grow the Produce Shop located at 1830 N. Sepulveda Boulevard (Exhibit B), which is located within a commercial shopping center. The applicant proposes to dedicate approximately 7-8% of total shelf area to the sales of beer and wine.

EXHIBIT
C

Grow the Produce Shop is located in a 36,557 square-foot shopping center that offers a variety of uses such as retail, services, offices, and restaurants. All uses must be in compliance with Condition 3 of Section 2 in Resolution No. PC 05-06. The property is located in the General Commercial (CG) zone in Area District II. The surrounding properties are CG to the North, Single-Family Residential (RS) to the East across Cedar Avenue, CG and RS to the South across 18th Street, and CG to the West across Sepulveda Boulevard.

The subject business consists of an 1800 square-foot sales floor, 150 square-foot kitchen/prep area, and a 170 square-foot storage area. The space does not have any seating area. Grow the Produce Shop offers a full line of produce items as well as some meat, dairy and grocery products. No other tenant in this shopping center provides the sale of beer and wine for off-site consumption. The only alcohol sales license within the property is for beer and wine for on-site consumption with food service at the restaurant (Rubio's) located at 2000 Sepulveda Boulevard.

The Manhattan Beach Municipal Code (MBMC) Section 10.16.020(L) requires a use permit or use permit amendment when there is a new alcohol license issued or amended. The proposed amendment to the current resolution would allow the sale of beer and wine for off-site consumption based on the following conditions: the sales area dedicated to alcoholic beverages would be limited to a maximum of 10% of the total floor area and permanent sign modifications or additions advertising the sale of alcohol would not be permitted. Additions to the Draft Resolution (Exhibit C) include conditions 37-39 on page 5. All other conditions of the previous resolution will generally remain the same. The Master Use Permit findings have been expanded in the Draft Resolution.

The City's Traffic Engineer reviewed the proposal and concluded that there will not be a negative impact on parking demand as a result of the addition of sales of beer and wine. Similarly, the Manhattan Beach Police and Fire Departments, as well as Public Works and Building and Safety had no comments or concerns regarding the proposed amendment. Furthermore, the applicant submitted a petition signed by 407 customers/residents who support the subject Use Permit Amendment (Exhibit D).

Master Use Permit 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 purposes of the district in which the site is located.*

The building is located within the CG district. The existing uses and proposed sales of alcoholic beverages are consistent with Section 10.16.010 of the Manhattan Beach Zoning Code which states that the district is intended to provide opportunities for a full range of retail and service businesses as well as professional office uses. The proposed sale of alcoholic beverages is consistent with the purpose of this section.

- 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 existing uses and proposed sales of alcoholic beverages pose no detrimental effects to the public health, safety, or welfare of persons residing or working on the proposed project site, or to the adjacent neighborhood; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.

The General Plan of the City of Manhattan Beach poses certain goals and policies which reflect the expectations and wishes of the City with respect to land uses. Specifically, the project is consistent with the following Goals and Policies of the General Plan:

Goal LU-6.1: Support and encourage small businesses throughout the City.

Goal LU-6.2: Encourage a diverse mix of businesses that support the local tax base, are beneficial to residents, and support the economic needs of the community.

Goal LU-6.3: Recognize the need for a variety of commercial development types and designate areas appropriate for each. Encourage development proposals that meet the intent of these designations.

- 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;*

The existing uses and proposed sales of alcoholic beverages will comply with the conditions required for the district in which it is located. This application follows MBMC Ssection 10.16.020(L) which requires a use permit or use permit amendment when there is a new alcohol license issued or amended.

- 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 sale of alcoholic beverages for off-site consumption would not adversely impact nearby resident or commercial properties as they are related to traffic, parking, noise, vibration, odors, personal safety, aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated. The proposed change will not affect the required on-site parking and will not create an additional demand for public services and facilities which cannot be mitigated.

Other Findings

The California Department of Alcoholic Beverage Control (ABC) requires the City of Manhattan Beach to find that the incidental sales of alcoholic beverages at the subject property is a public convenience and necessity. Staff supports the proposed use in that it will provide a convenient community service. The applicant has demonstrated a public necessity through a signed petition by residents and customers in support of the use permit amendment.

Public Input

A public notice for the project was mailed to the property owners within 500 feet of the site and published in the Beach Reporter newspaper. Staff did not receive any comments at the writing of this report.

ENVIRONMENTAL DETERMINATION

This application is Categorically Exempt, in accordance with Class 1, Section 15301, of the California Environmental Quality Act (CEQA) Guidelines, as the subject amendment is determined to be categorically exempt from environmental review in that it is a minor change in the operation of the business and thus a negligible change of use in the existing site. The sales of beer and wine are an ancillary use to the existing produce store.

CONCLUSION

Staff recommends that the Planning Commission conduct the public hearing, consider the information presented, and approve the subject Master Use Permit Amendment.

Attachments:

- Exhibit A – Previous Resolutions
- Exhibit B – Vicinity Map
- Exhibit C – Draft Resolution
- Exhibit D – Petition
- Exhibit E – Application Materials

RESOLUTION NO. PC 05-06

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A MASTER USE PERMIT AMENDMENT TO ALLOW AN INTERIOR/ EXTERIOR REMODEL AND REDESIGN OF AN EXISTING OUTDOOR DINING AREA FOR THE EXISTING BAKERY/RESTAURANT LOCATED AT 1808 SEPULVEDA BOULEVARD (Manhattan Beach Bagel Company)

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. The Planning Commission of the City of Manhattan Beach considered an application for a master use permit amendment to allow an interior/exterior remodel and redesign of an existing outdoor dining area for the existing bakery/restaurant at the subject site, on the property legally described as Portion of Lot 6, Section 19, Partition of Property formerly of The Redondo Land Co. located at 1808 Sepulveda Boulevard in the City of Manhattan Beach.
- B. The applicant/ tenant for the subject project is Michael Keegan.
- C. The Planning Commission of the City of Manhattan Beach conducted a public hearing regarding the proposed Master Use Permit Amendment at its regular meeting of April 13, 2005. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- D. The Planning Commission had previously approved a Master Use Permit, Sign Program Amendment and Parking Reduction at its regular meeting of May 10, 2000 (PC 00-12). Subsequently the Planning Commission previously approved a Master Use Permit Amendment to allow a drive-up teller use for the existing bank facility on May 8, 2002 (PC 02-15) which is currently the governing Resolution for the entire commercial site.
- E. Pursuant to the California Environmental Quality Act (CEQA), and the Manhattan Beach CEQA Guidelines, the subject project has been determined to be exempt (Class 32) as infill development within an existing urbanized area per Section 15332 of CEQA.
- F. 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.
- G. The property is located within Area District I and is zoned CG Commercial General. The surrounding private land uses consist of general commercial to the north, west, and south; and single-family residential to the east.
- H. The General Plan designation for the property is General Commercial.
- I. Based upon State law, and MBMC Section 10.84.060, relating to the Use Permit application for the commercial center, the following findings are hereby made:
 - a) The proposed location of the use is in accord with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located. The deletion of two parking spaces and the proposed increase in outdoor dining area and building area would meet the required parking and would be in compliance with the Planning Commissions parking reduction approved in May 2000. The proposed business changes would still be based on the site's sharing of parking by multiple commercial tenants, and utilization study of low parking demand.
 - b) The proposed upgrade of the bakery/restaurant use and the proposed conditions under which it would be operated or maintained would be consistent with the General Plan, specifically, with Goal 5, Policy 5.1, which encourages high quality, appropriate private investment in areas of the City and recognizes the need for a variety of commercial development types. This project would not be



RESOLUTION NO. PC 05-06

detrimental to the public health, safety or welfare or persons residing or working on the proposed project site or in the adjacent neighborhood of such use: and would not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.

- c) The project would comply with specific conditions required for the proposed use in the district in which it would be located. The proposed interior/exterior remodel is in concert with the overall façade remodel of Building "A" as part of the property owners overall remodel of the entire shopping center. The proposed change is reflective of the upgrade of the commercial center in order to improve the look and create a more attractive business.
- d) The proposed use would not adversely impact nearby resident or commercial properties as they related to traffic, parking, noise, vibration, odors, personal safety, aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated. The proposed work would not have an impact to the existing residential neighborhood to the east and adjoining commercial properties as all the building improvements would be contained at the front of the building. The proposed project improvements would provide the required on-site parking and not create an additional demand for public services and facilities which cannot be mitigated.

J. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code.

K. This Resolution, upon its effectiveness, incorporates previous approvals and constitutes the Master Use Permit and Sign Program for the subject property.

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

Site Wide Conditions

- 1. This Resolution includes all pertinent conditions of approval as specified in preceding Use Permits for the Manhattan Center and shall supersede previous Use Permit approvals (PC 02-15, PC 01-02, PC 00-12, PC 94-19, PC 93-6, PC 93-5 and PC 93-4).
- 2. The project shall be operated in substantial compliance with the submitted plans as approved by the Planning Commission on May 10, 2000 (Master Use Permit and Sign Program and April 13, 2005 (Master Use Permit Amendment). Any substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
- 3. The subject site shall be limited to 6,801 square feet of total restaurant space, 14,772 square feet of total retail space, 826 square feet of total personal improvement service space, 1,244 square feet of total food & beverage space, 2,310 square feet of total Dance/Music studio space, 3,204 square feet of total office space and 7,400 square feet of banking use. The subject site received approval for a series of mixed uses with a parking requirement of 176 parking spaces. Future applications to establish new uses within the multiple tenant project shall not require an amendment of the Master Use Permit provided that the new uses are permitted uses in the zoning district, do not exceed the parking requirement approved for this site and conforms to the conditions imposed on the project, subject to approval by the Director of Community Development.
- 4. A Traffic Management Plan shall be submitted in conjunction with any construction and other building plans, to be approved by the Police and Public Works Departments prior to issuance of building permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including delivery of materials and parking of construction related vehicles.

RESOLUTION NO. PC 05-06

5. Covered trash enclosure(s), with adequate capacity shall be maintained on the site subject to the timing, specifications and approval of the Public Works Department, Community Development Department, and City's waste contractor. A trash and recycling plan shall be maintained as required by the Public Works Department.
6. The site shall maintain reciprocal vehicle access with the adjacent northerly property for any future City approved project upon which a similar reciprocal access condition is imposed. The parking lot configuration shown on the subject plans shall be modified (at the expense of the subject property owner) at the time of implementation of the reciprocal access condition of the project.
7. Parking shall be provided in conformance with the current Manhattan Beach Municipal Code, except that the automobile parking requirement may be reduced to 176 parking spaces based on site uses and submitted parking demand analysis (Linscott Law & Greenspan Engineers dated 2/15/00). Parking spaces shall not be labeled or otherwise restricted for use by any individual tenant of the project. Future parking lot modifications for the purposes of providing reciprocal access to the neighboring commercial property, and any parking requirement modifications that are necessary, shall be subject to approval of the Planning Commission in association with its review of the neighboring project.
8. Prior to the issuance of a building permit for the subject amendment, the approved parking lot re-stripping shall be completed and field inspected by staff.
9. Employees shall be prohibited from parking on the surrounding public streets. As a minimum, the owner of the site shall include prohibitions against employee parking on local streets in any future lease and/or rental agreements excluding renewals.
10. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance.
11. Any outside sound or amplification system or equipment is prohibited.
12. Operations shall comply with all South Coast Air Quality Management District Regulations and shall not transmit excessive emissions or odors across property lines.
13. Operations shall remain in compliance with all Fire and Building occupancy requirements at all times. The project shall conform to all disabled access requirements subject to the approval of the Building Official.
14. The management of the property shall police the property and all areas immediately adjacent to the businesses during the hours of operation to keep it free of litter.
15. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject businesses.
16. No wastewater shall be permitted to be discharged from the premises. Wastewater shall be discharged into the sanitary sewer system.
17. Any future site landscaping plans shall utilize drought tolerant native plants and shall be submitted for review and approval. All plants shall be identified on the plan by the Latin and common names. The current edition of the Sunset Western Garden Book contains a list and description of drought tolerant plants suitable for this area. A low pressure or drip irrigation system shall be installed in the landscaped areas, which shall not cause any surface run-off. Details of the irrigation system shall be noted on the landscaping plans. The type and design shall be subject to the approval of the Public Works and Community Development Departments.

RESOLUTION NO. PC 05-06

18. The property owner shall maintain an irrigation system within existing landscaped areas on the entire site, and shall maintain landscaping in the parkway in the Cedar Avenue public right-of-way adjacent to the project site. The Cedar Avenue improvement shall include an irrigation system, and plans shall be submitted for review and approval by the Departments of Community Development and Public Works and Public Services Department.
19. Landscaping along the perimeter of the site shall be maintained such that there shall be no sight obstructions at driveway entrances.
20. The property owner shall maintain all security lighting facing the residential neighborhood(s) so that there shall be no glare to homes or vehicular traffic. Security lighting for the site shall be provided in conformance with Municipal Code requirements including glare prevention design.
21. All curb, ramps, parking, walkways, etc. shall meet Title 24 of Disabled Access standards.
22. Fire Department will require that the access areas between Building A and B and Building A and D be painted as a "Fire Lane- No Parking". These access areas shall be maintained for Fire Department access at all times.

Banking Facility (Building D)

23. Security measures, including but not limited to cameras and lighting, shall be included in the design of the subject project subject to approval by the City of Manhattan Beach Police Department.
24. The hours of operation shall be limited from 5:00 a.m. – 10:00 p.m. for the subject building. The drive-up teller shall be limited to the typical banking hours of 9:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 1:00 p.m. on Saturdays. The ATM machines may be permitted to operate 24 hours.
25. The existing bakery/restaurant building contains 3,655 square feet of area. With the subject proposal of adding 70 square feet of new building storefront area and 38 square feet of additional outdoor dining area, the total gross floor area for calculating the parking requirement will consist of 3,975 square feet.

Restaurant Use (Manhattan Bread Company)-1808-1812 Sepulveda Boulevard

26. A-frame or sidewalk signs and painted window signs shall be prohibited.
27. The applicant shall place a business identification sign at the rear entrance (Manhattan Bread Company). The sign shall include copy to encourage entrance at the rear as well as the front. This sign shall not exceed an area of 9 square feet.
28. The proposed business shall be developed in substantial compliance with the plans as approved by the Planning Commission on April 13, 2005.
29. The hours of operation for the restaurant shall be 5:00 a.m. to 1:00 a.m. seven days a week.
30. There shall be no alcohol served at the restaurant.
31. Live entertainment shall be strictly prohibited in the business.

RESOLUTION NO. PC 05-06

32. If deemed necessary by the Public Works Department or the Building Official, the applicant shall install a grease trap in the new tenant space.
33. Access requirement in front of the existing tables and chairs (for both the Manhattan Bagel Co. and Bread Co.) must be a minimum of 4' clear.

Restaurant (Rubio's) – 2000 Sepulveda Boulevard

34. The landscaped planter area adjacent to Rubio's Sepulveda Boulevard frontage shall be retained.
35. A maximum of four video games shall be permitted.
36. The sale of beer and wine shall be solely in conjunction with the serving of food in a bona fide restaurant.

Site-Wide Sign Program

37. Buildings A, B and C (1812-2010 Sepulveda Boulevard) shall be limited to a maximum of 860 square feet, which includes a maximum of 9 square feet of business identification for each tenant at the rear of Building A. Rear directional signs shall be limited to 8 square feet in area per tenant. Proposed building signs (on the south and east side of Building D-1800 Sepulveda Boulevard) identified on the approved sign plans (dated, 4/21/00) shall be incorporated into this sign program approval. No signs shall be permitted on the westerly façade of the building. The existing pole sign in front of Building D may be retained as approved by Planning Commission on May 8, 2002. No alterations shall be allowed which increase the sign's square footage or height. In lieu of the pole sign for building D, a monument sign may be installed at the front of the building so long as the dimensions of the sign do not exceed 6 feet in height and 8 feet in length. All new signs and sign changes shall be in compliance with the City's Sign Code. A sign program identifying allocation and restrictions of signs shall be submitted to and approved by the Community Development Department prior to the subject permit issuance or occupancy. The sign program shall include a prohibition of future internally illuminated awnings. All rear facing signs for all buildings shall be non-illuminated.

Procedural Requirements

38. All provisions of the Master Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
39. This Use Permit shall lapse two years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code
40. Pursuant to Public Resources Code section 21089(b) and Fish and Game Code section 11.4(c), the project is not operative, vested or final until the required filing fees are paid.
41. 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 brought against the City within 90 days after the City's final approval of the project, other than one by the Applicant, challenging the approval of this project, or any action or failure to act by the City relating to the environmental review process pursuant to the California Environmental Quality Act. In the event such a legal action is filed against the City, the City shall estimate its expenses for the litigation Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

RESOLUTION NO. PC 05-06

42. 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.

SECTION 3. Pursuant to Government Code Section 65009 and Code of Civil Procedure 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 proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.


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 **April 13, 2005** and that said Resolution was adopted by the following vote:

AYES: Savikas, Kuch, Chairman O'Connor

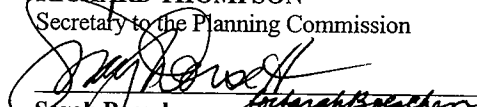
NOES:

ABSTAIN:

ABSENT: Simon



RICHARD THOMPSON
Secretary to the Planning Commission



Sarah Boeschen
Recording Secretary

RESOLUTION NO. PC 02-15

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A MASTER USE PERMIT AMENDMENT TO ALLOW A NEW DRIVE-UP TELLER USE FOR A NEW BANKING FACILITY AT 1800 SEPULVEDA BOULEVARD (First Coastal Bank.)

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. The Planning Commission of the City of Manhattan Beach considered an application for a master use permit amendment to allow a new drive-up teller for a new banking facility to replace an approved private fitness use at the subject site, on the property legally described as Portion of Lot 6, Section 19, Partition of Property formerly of The Redondo Land Co. located at 1800-2010 Sepulveda Boulevard in the City of Manhattan Beach.
- B. The applicant/ tenant for the subject project is First Coastal Bank.
- C. The Planning Commission of the City of Manhattan Beach conducted a public hearing regarding the proposed Master Use Permit Amendment at its regular meeting of May 8, 2002. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- D. The Planning Commission had previously approved a Master Use Permit, Sign Program Amendment and Parking Reduction at its regular meeting of May 10, 2000 (PC 00-12). Subsequently the Planning Commission previously approved a new fitness center at its regular meeting of January 10, 2001 (PC 01-02) which expires on 1/10/03.
- E. Pursuant to the California Environmental Quality Act (CEQA), and the Manhattan Beach CEQA Guidelines, the subject project has been determined to be exempt (Class 32) as infill development within an existing urbanized area per Section 15332 of CEQA.
- F. 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.
- G. The property is located within Area District I and is zoned CG Commercial General. The surrounding private land uses consist of general commercial to the north, west, and south; and single-family residential to the east.
- H. The General Plan designation for the property is General Commercial.
- I. Based upon State law, and MBMC Section 10.84.060, relating to the Use Permit application for the commercial center, the following findings are hereby made:
 - a) The proposed location of the use is in accord with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located. A reduction of thirty-two commercial parking spaces is approved based on the site's sharing of parking by multiple commercial tenants, and utilization study of low parking demand.
 - b) The location of proposed mixed uses and the proposed conditions under which it would be operated or maintained would be consistent with the General Plan, specifically, with Goal 5, Policy 5.1, which encourages high quality, appropriate private investment in areas of the City and recognizes the need for a variety of commercial development types. This project would not be detrimental to the public health, safety or welfare or persons residing or working on the proposed project site or in the adjacent neighborhood of such use: and would not be detrimental to properties or improvements in the vicinity or to the general welfare of the City. No building enlargements are proposed as part of this application.

RESOLUTION NO. PC 02-15

- c) The project would comply with specific conditions required for the proposed use in the district in which it would be located.
 - d) The proposed use would not adversely impact nearby resident or commercial properties as they related to traffic, parking, noise, vibration, odors, personal safety, aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated.
- J. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code.
- K. The project will not create adverse impacts on, nor be adversely impacted by, the surrounding area, or create demands exceeding the capacity of public services and facilities
- L. This Resolution, upon its effectiveness, constitutes the Master Use Permit and Sign Program for the subject property.

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

Site Wide Conditions

1. This Resolution includes all pertinent conditions of approval as specified in preceding Use Permits for the Manhattan Center and shall supersede previous Use Permit approvals (PC 01-02, PC 00-12, PC 94-19, PC 93-6, PC 93-5, PC 93-4, BZA 82-4, BZA 71-40).
2. The project shall be operated in substantial compliance with the submitted plans as approved by the Planning Commission on May 10, 2000 (Master Use Permit and Sign Program and May 8, 2002 (Master Use Permit Amendment). Any substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
3. The subject site shall be limited to 6,496 square feet of total restaurant space, 8,500 square feet of total retail space, 7,247 square feet of total personal service space, 1,244 square feet of total food & beverage space, 2,310 square feet of total personal improvement space, 3,204 square feet of total office space and 7,400 square feet of banking use. The subject site received approval for a series of mixed uses with a parking requirement of 176 parking spaces. Future applications to establish new uses within the multiple tenant project shall not require an amendment of the Master Use Permit provided that the new uses are permitted uses in the zoning district, do not exceed the parking requirement approved for this site and conforms to the conditions imposed on the project, subject to approval by the Director of Community Development.
4. A Traffic Management Plan shall be submitted in conjunction with any construction and other building plans, to be approved by the Police and Public Works Departments prior to issuance of building permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including delivery of materials and parking of construction related vehicles.
5. Covered trash enclosure(s), with adequate capacity shall be maintained on the site subject to the timing, specifications and approval of the Public Works Department, Community Development Department, and City's waste contractor. A trash and recycling plan shall be maintained as required by the Public Works Department.
6. The site shall maintain reciprocal vehicle access with the adjacent northerly property for any future City approved project upon which a similar reciprocal access condition is imposed. The parking lot configuration shown on the subject plans shall be modified (at the expense of the subject property owner) at the time of implementation of the reciprocal access

RESOLUTION NO. PC 02-15

condition of the project.

7. Parking shall be provided in conformance with the current Manhattan Beach Municipal Code, except that the automobile parking requirement may be reduced to 176 parking spaces based on site uses and submitted parking demand analysis (Linscott Law & Greenspan Engineers dated 2/15/00). Parking spaces shall not be labeled or otherwise restricted for use by any individual tenant of the project. Future parking lot modifications for the purposes of providing reciprocal access to the neighboring commercial property, and any parking requirement modifications that are necessary, shall be subject to approval of the Planning Commission in association with its review of the neighboring project.
8. Employees shall be prohibited from parking on the surrounding public streets. As a minimum, the owner of the site shall include prohibitions against employee parking on local streets in any future lease and/or rental agreements excluding renewals.
9. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance.
10. Any outside sound or amplification system or equipment is prohibited.
11. Operations shall comply with all South Coast Air Quality Management District Regulations and shall not transmit excessive emissions or odors across property lines.
12. Operations shall remain in compliance with all Fire and Building occupancy requirements at all times. The project shall conform to all disabled access requirements subject to the approval of the Building Official.
13. The management of the property shall police the property and all areas immediately adjacent to the businesses during the hours of operation to keep it free of litter.
14. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject businesses.
15. No wastewater shall be permitted to be discharged from the premises. Wastewater shall be discharged into the sanitary sewer system.
16. Any future site landscaping plans shall utilize drought tolerant native plants and shall be submitted for review and approval. All plants shall be identified on the plan by the Latin and common names. The current edition of the Sunset Western Garden Book contains a list and description of drought tolerant plants suitable for this area. A low pressure or drip irrigation system shall be installed in the landscaped areas, which shall not cause any surface run-off. Details of the irrigation system shall be noted on the landscaping plans. The type and design shall be subject to the approval of the Public Works and Community Development Departments.
17. The property owner shall maintain an irrigation system within existing landscaped areas on the entire site, and shall maintain landscaping in the parkway in the Cedar Avenue public right-of-way adjacent to the project site. The Cedar Avenue improvement shall include an irrigation system, and plans shall be submitted for review and approval by the Departments of Community Development and Public Works and Public Services Department.
18. Landscaping along the perimeter of the site shall be maintained such that there shall be no sight obstructions at driveway entrances.
19. The property owner shall maintain all security lighting facing the residential neighborhood(s) so that there shall be no glare to homes or vehicular traffic. Security lighting for the site shall be provided in conformance with Municipal Code requirements

RESOLUTION NO. PC 02-15

including glare prevention design.

20. All curb, ramps, parking, walkways, etc. shall meet Title 24 of Disabled Access standards.
21. Fire Department will require that the access areas between Building A and B and Building A and D be painted as a "Fire Lane- No Parking". These access areas shall be maintained for Fire Department access at all times.

Banking Facility (Building D)

22. Security measures, including but not limited to cameras and lighting, shall be included in the design of the subject project subject to approval by the City of Manhattan Beach Police Department.
23. The hours of operation shall be limited from 5:00 a.m. – 10:00 p.m. for the subject building. The drive-up teller shall be limited to the typical banking hours of 9:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 1:00p.m. on Saturdays. The ATM machines may be permitted to operate 24 hours.

Restaurant Uses (Manhattan Bread Company)-1808-1812 Sepulveda Boulevard

26. A-frame or sidewalk signs and painted window signs shall be prohibited.
27. The applicant shall place a business identification sign at the rear entrance (Manhattan Bread Company). The sign shall include copy to encourage entrance at the rear as well as the front. This sign shall not exceed an area of 9 square feet.
28. The proposed business shall be developed in substantial compliance with the plans as approved by the Planning Commission on June 22, 1994.
29. The hours of operation for the restaurant shall be 5:00 a.m. to 1:00 a.m. seven days a week.
30. There shall be no alcohol served at the restaurant.
31. Live entertainment shall be strictly prohibited in the business.
32. If deemed necessary by the Public Works Department or the Building Official, the applicant shall install a grease trap in the new tenant space.
33. Access requirement in front of the existing tables and chairs (for both the Manhattan Bagel Co. and Bread Co.) must be a minimum of 4' clear.

Restaurant (Rubio's)

34. The landscaped planter area adjacent to Rubio's Sepulveda Boulevard frontage shall be retained.
35. A maximum of four video games shall be permitted.
36. The sale of beer and wine shall be solely in conjunction with the serving of food in a bona fide restaurant.

RESOLUTION NO. PC 02-15

Site-Wide Sign Program

37. Buildings A, B and C (1812-2010 Sepulveda Boulevard) shall be limited to a maximum of 860 square feet, which includes a maximum of 9 square feet of business identification for each tenant at the rear of Building A. Rear directional signs shall be limited to 8 square feet in area per tenant. Proposed building signs (on the south and east side of Building D-1800 Sepulveda Boulevard) identified on the approved sign plans (dated, 4/21/00) shall be incorporated into this sign program approval. No signs shall be permitted on the westerly façade of the building. The existing pole sign in front of Building D may be retained as approved by Planning Commission on May 8, 2002. No alterations shall be allowed which increase the sign's square footage or height. In lieu of the pole sign for building D, a monument sign may be installed at the front of the building so long as the dimensions of the sign do not exceed 6 feet in height and 8 feet in length. All new signs and sign changes shall be in compliance with the City's Sign Code. A sign program identifying allocation and restrictions of signs shall be submitted to and approved by the Community Development Department prior to the subject permit issuance or occupancy. The sign program shall include a prohibition of future internally illuminated awnings. All rear facing signs for all buildings shall be non-illuminated.

Procedural Requirements

38. With the consolidation of the two contiguous commercial sites, the applicant shall record a "Certificate of Compliance" for merger of parcels with the Los Angeles County Recorder's Office prior to the issuance of any building permits. Permits may be issued prior to the completion of a "Certificate of Compliance" if the City receives a \$5,000 deposit to ensure completion. The deposit will be returned upon satisfaction of the requirement.
39. All provisions of the Master Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
40. This Use Permit shall lapse two years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code
41. Pursuant to Public Resources Code section 21089(b) and Fish and Game Code section 11.4(c), the project is not operative, vested or final until the required filing fees are paid.
42. 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 brought against the City within 90 days after the City's final approval of the project, other than one by the Applicant, challenging the approval of this project, or any action or failure to act by the City relating to the environmental review process pursuant to the California Environmental Quality Act. In the event such a legal action is filed against the City, the City shall estimate its expenses for the litigation Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.
43. 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.

RESOLUTION NO. PC 02-15

SECTION 3. Pursuant to Government Code Section 65009 and Code of Civil Procedure 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 proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.


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 **May 8, 2002** and that said Resolution was adopted by the following vote:

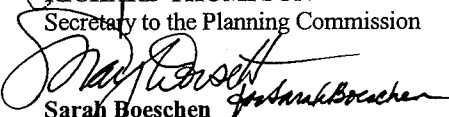
AYES: Chairman Ward, Kirkpatrick, Simon, Milam, Kuch

NOES:

ABSTAIN:

ABSENT:


RICHARD THOMPSON
Secretary to the Planning Commission


Sarah Boeschen
Recording Secretary

RESOLUTION NO. PC 01-02

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MANHATTAN BEACH APPROVING A MASTER USE PERMIT
AMENDMENT TO ALLOW A PERSONAL HEALTH/FITNESS CENTER
USE AT 1800 SEPULVEDA BOULEVARD (Axis Personal Trainers, Inc.)**

**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. The Planning Commission of the City of Manhattan Beach considered an application for a master use permit amendment to allow a private fitness club to replace an approved retail/office use at the subject site, on the property legally described as Portion of Lot 6, Section 19, Partition of Property formerly of The Redondo Land Co. located at 1800-2010 Sepulveda Boulevard in the City of Manhattan Beach.
- B. The applicant/ tenant for the subject project is Axis Personal Trainers, Inc..
- C. The Planning Commission of the City of Manhattan Beach conducted a public hearing regarding the proposed Master Use Permit Amendment at their regular meeting of January 10, 2001. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- D. The Planning Commission had previously approved a Master Use Permit, Sign Program Amendment and Parking Reduction at their regular meeting of May 10, 2000.
- E. Pursuant to the California Environmental Quality Act (CEQA), and the Manhattan Beach CEQA Guidelines, the subject project has been determined to be exempt (Class 32) as infill development within an existing urbanized area per Section 15332 of CEQA.
- F. 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.
- G. The property is located within Area District I and is zoned CG Commercial General. The surrounding private land uses consist of general commercial and single-family residential.
- H. The General Plan designation for the property is General Commercial.
- I. Based upon State law, and MBMC Section 10.84.060, relating to the Use Permit application for the commercial center, the following findings are hereby made:
 - a) The proposed location of the use is in accord with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located. A reduction of thirty-two commercial parking spaces is approved based on the site's sharing of parking by multiple commercial tenants, and utilization study of low parking demand.
 - b) The location of proposed mixed uses and the proposed conditions under which it would be operated or maintained would be consistent with the General Plan, specifically, with Goal 5, Policy 5.1, which encourages high quality, appropriate private investment in areas of the City and recognizes the need for a variety of commercial development types. This project would not be detrimental to the public health, safety or welfare or persons residing or working on the proposed project site or in the adjacent neighborhood of such use: and would not be detrimental to properties or improvements in the vicinity or to the general welfare of the City. No building enlargements are proposed as part of this application.
 - c) The project would comply with specific conditions required for the proposed use in the district in which it would be located.
 - d) The proposed use would not adversely impact nearby resident or commercial properties as they related to traffic, parking, noise, vibration, odors, personal

RESOLUTION NO. PC 01-02

safety, aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated.

- J. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code.
- K. The project will not create adverse impacts on, nor be adversely impacted by, the surrounding area, or create demands exceeding the capacity of public services and facilities
- L. This Resolution, upon its effectiveness, constitutes the Master Use Permit and Sign Program for the subject property.

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

Site Wide Conditions

1. This Resolution includes all pertinent conditions of approval as specified in preceding Use Permits for the Manhattan Center and shall supersede previous Use Permit approvals (Resolution No. PC 00-12).
2. The project shall be operated in substantial compliance with the submitted plans as approved by the Planning Commission on May 10, 2000 (Master Use Permit and Sign Program and January 10, 2001 (Master Use Permit Amendment). Any substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
3. The subject site shall be limited to 6,496 square feet of total restaurant space, 18,500 square feet of total retail space, 7,247 square feet of total personal service space, 1,244 square feet of total food & beverage space, 2,310 square feet of total personal improvement space, 3,204 square feet of total office space and 7,400 square feet of private fitness center. The restaurant uses shall conform to previous applicable permits and plans approved by the Planning Commission and Board of Zoning Adjustment. The subject site received approval for a series of mixed uses with a parking requirement of 176 parking spaces. Future applications to establish new uses within the multiple tenant project shall not require an amendment of the Master Use Permit provided that the new uses conforms to the approved mix of uses, does not exceed the parking requirement approved for this site and conforms to the conditions imposed on the project.
4. A Traffic Management Plan shall be submitted in conjunction with any construction and other building plans, to be approved by the Police and Public Works Departments prior to issuance of building permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including delivery of materials and parking of construction related vehicles.
5. Covered trash enclosure(s), with adequate capacity shall be provided on the site subject to the timing, specifications and approval of the Public Works Department, Community Development Department, and City's waste contractor. A trash and recycling plan shall be provided as required by the Public Works Department.
6. The site shall allow reciprocal vehicle access with the adjacent northerly property for any future City approved project upon which a similar reciprocal access condition is imposed. The parking lot configuration shown on the subject plans shall be modified (at the expense of the subject property owner) at the time of implementation of the reciprocal access condition of the project.

RESOLUTION NO. PC 01-02

7. Parking shall be provided in conformance with the current Manhattan Beach Municipal Code, except that the automobile parking requirement may be reduced to 176 parking spaces based on site uses and submitted parking demand analysis (Linscott Law & Greenspan Engineers dated 2/15/00). Parking spaces shall not be labeled or otherwise restricted for use by any individual tenant of the project. Future parking lot modifications for the purposes of providing reciprocal access to the neighboring commercial property, and any parking requirement modifications that are necessary, shall be subject to approval of the Planning Commission in association with its review of the neighboring project.
8. Employees shall be prohibited from parking on the surrounding public streets. As a minimum, the owner of the site shall include prohibitions against employee parking on local streets in any future lease and/or rental agreements excluding renewals.
9. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance.
10. Any outside sound or amplification system or equipment is prohibited.
11. Operations shall comply with all South Coast Air Quality Management District Regulations and shall not transmit excessive emissions or odors across property lines.
12. Operations shall remain in compliance with all Fire and Building occupancy requirements at all times. The project shall conform to all disabled access requirements subject to the approval of the Building Official.
13. The management of the property shall police the property and all areas immediately adjacent to the businesses during the hours of operation to keep it free of litter.
14. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject businesses.
15. No wastewater shall be permitted to be discharged from the premises. Wastewater shall be discharged into the sanitary sewer system.
16. Any future site landscaping plans shall utilize drought tolerant native plants and shall be submitted for review and approval. All plants shall be identified on the plan by the Latin and common names. The current edition of the Sunset Western Garden Book contains a list and description of drought tolerant plants suitable for this area. A low pressure or drip irrigation system shall be installed in the landscaped areas, which shall not cause any surface run-off. Details of the irrigation system shall be noted on the landscaping plans. The type and design shall be subject to the approval of the Public Works and Community Development Departments.
17. The property owner shall maintain an irrigation system within existing landscaped areas on the entire site, and shall maintain landscaping in the parkway in the Cedar Avenue public right-of-way adjacent to the project site. The Cedar Avenue improvement shall include an irrigation system, and plans shall be submitted for review and approval by the Departments of Community Development and Public Works and Public Services Department.
18. Landscaping along the perimeter of the site shall be maintained such that there shall be no sight obstructions at driveway entrances.
19. The property owner shall maintain all security lighting facing the residential neighborhood(s) so that there shall be no glare to homes or vehicular traffic.

RESOLUTION NO. PC 01-02

20. Security lighting for the site shall be provided in conformance with Municipal Code requirements including glare prevention design.
21. All curb, ramps, parking, walkways, etc. shall meet Title 24 of Disabled Access standards.
22. Fire Department will require that the access areas between Building A and B and Building A and D be painted as a "Fire Lane- No Parking". These access areas shall be maintained for Fire Department access at all times.

Private Fitness Center

23. As required by the City's Massage/Bodyworks Ordinance 1946, each person employed as a massage/bodywork practitioner including every person conducting, owning, or operating a massage/bodywork business, shall be required to obtain a bodyworks permit through the Community Development Department.
24. The subject operation shall be limited to one-on-one personal training, massage and skin care and ancillary retail sales. A single group class for no more than six clients is permitted at any one time.
25. The hours of operation shall be limited from 5:00 a.m. – 10:00 p.m.

Restaurant Uses (Manhattan Bread Company)-1808-1812 Sepulveda Boulevard

26. A-frame or sidewalk signs and painted window signs shall be prohibited.
27. The applicant shall place a business identification sign at the rear entrance (Manhattan Bread Company). The sign shall include copy to encourage entrance at the rear as well as the front. This sign shall not exceed an area of 9 square feet.
28. The proposed business shall be developed in substantial compliance with the plans as approved by the Planning Commission on June 22, 1994.
29. The hours of operation for the restaurant shall be 5:00 a.m. to 1:00 a.m. seven days a week.
30. There shall be no alcohol served at the restaurant.
31. Live entertainment shall be strictly prohibited in the business.
32. If deemed necessary by the Public Works Department or the Building Official, the applicant shall install a grease trap in the new tenant space.
33. Access requirement in front of the existing tables and chairs (for both the Manhattan Bagel Co. and Bread Co.) must be a minimum of 4' clear.

Restaurant (Rubio's)

34. The landscaped planter area adjacent to Rubio's Sepulveda Boulevard frontage shall be retained.
35. A maximum of four video games shall be permitted.

RESOLUTION NO. PC 01-02

Site-Wide Sign Program

36. Buildings A, B and C (1812-2010 Sepulveda Boulevard) shall be limited to a maximum of 860 square feet, which includes a maximum of 9 square feet of business identification for each tenant at the rear of Building A. Rear directional signs shall be limited to 8 square feet in area per tenant. Proposed building signs (on the south and east side of Building D-1800 Sepulveda Boulevard) identified on the approved sign plans (dated, 4/21/00) shall be incorporated into this sign program approval. No signs shall be permitted on the westerly façade of the building. The existing pole sign in front of Building D shall be retained and shall not be permitted to increase the existing sign square footage. All new signs and sign changes shall be in compliance with the City's Sign Code. A sign program identifying allocation and restrictions of signs shall be submitted to and approved by the Community Development Department prior to the subject permit issuance or occupancy. The sign program shall include a prohibition of future internally illuminated awnings. All rear facing signs for all buildings shall be non-illuminated.

Procedural Requirements

37. With the consolidation of the two contiguous commercial sites, the applicant shall record a "Certificate of Compliance" for merger of parcels with the Los Angeles County Recorder's Office prior to the issuance of any building permits.
38. All provisions of the Master Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
39. This Use Permit shall lapse two years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code
40. Pursuant to Public Resources Code section 21089(b) and Fish and Game Code section 11.4(c), the project is not operative, vested or final until the required filing fees are paid.
41. 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 brought against the City within 90 days after the City's final approval of the project, other than one by the Applicant, challenging the approval of this project, or any action or failure to act by the City relating to the environmental review process pursuant to the California Environmental Quality Act. In the event such a legal action is filed against the City, the City shall estimate its expenses for the litigation Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.
42. 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.

SECTION 3. Pursuant to Government Code Section 65009 and Code of Civil Procedure 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 proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

RESOLUTION NO. PC 01-02

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 **January 10, 2001** and that said Resolution was adopted by the following vote:

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

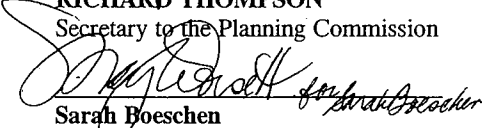
NOES: None

ABSTAIN: None

ABSENT: None



RICHARD THOMPSON
Secretary to the Planning Commission



Sarah Boeschen
Recording Secretary

AxisRes

RESOLUTION NO. PC 00-12

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A MASTER USE PERMIT, SIGN PROGRAM AMENDMENT AND PARKING REDUCTION FOR PROPOSED CONVERSION OF A VACANT BUILDING TO RETAIL/OFFICE USE, AT AN EXISTING SHOPPING CENTER AT 1800-2010 SEPULVEDA BOULEVARD (Leahy Associates, LLC)

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. The Planning Commission of the City of Manhattan Beach considered an application for a master use permit, sign program amendment and reduction of parking requirements for conversion of a vacant building to retail/office use on the property legally described as Portion of Lot 6, Section 19, Partition of Property formerly of The Redondo Land Co. located at 1800-2010 Sepulveda Boulevard in the City of Manhattan Beach.
- B. The applicant for the subject project is Nicholas Brown, Leahy Associates, LLC, owner of the property.
- C. The Planning Commission of the City of Manhattan Beach conducted a public hearing regarding the proposed Master Use Permit, Sign Program Amendment and Parking Reduction at their regular meeting of May 10, 2000. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- D. Pursuant to the California Environmental Quality Act (CEQA), and the Manhattan Beach CEQA Guidelines, the subject project has been determined to be exempt (Class 32) as infill development within an existing urbanized area per Section 15332 of CEQA.
- E. 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.
- F. The property is located within Area District I and is zoned CG Commercial General. The surrounding private land uses consist of general commercial and single-family residential.
- G. The General Plan designation for the property is General Commercial.
- H. Based upon State law, and MBMC Section 10.84.060, relating to the Use Permit application for the commercial center, the following findings are hereby made:
 - a) The proposed location of the use is in accord with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located. A reduction of thirty-two commercial parking spaces is approved based on the site's sharing of parking by multiple commercial tenants, and utilization study of low parking demand.
 - b) The location of proposed mixed uses and the proposed conditions under which it would be operated or maintained would be consistent with the General Plan, specifically, with Goal 5, Policy 5.1, which encourages high quality, appropriate private investment in areas of the City and recognizes the need for a variety of commercial development types. This project would not be detrimental to the public health, safety or welfare or persons residing or working on the proposed project site or in the adjacent neighborhood of such use: and would not be detrimental to properties or improvements in the vicinity or to the general welfare of the City. No building enlargements are proposed as part of this application.
 - c) The project would comply with specific conditions required for the proposed use in the district in which it would be located.

RESOLUTION NO. PC 00-12

- d) The proposed use would not adversely impact nearby resident or commercial properties as they related to traffic, parking, noise, vibration, odors, personal safety, aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated.
- I. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code.
- J. The project will not create adverse impacts on, nor be adversely impacted by, the surrounding area, or create demands exceeding the capacity of public services and facilities
- K. This Resolution, upon its effectiveness, constitutes the Master Use Permit and Sign Program for the subject property.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject master use permit, sign program amendment and parking reduction application subject to the following conditions:

Site Wide Conditions

- 1. This Resolution includes all pertinent conditions of approval as specified in preceding Use Permits for the Manhattan Center and shall supersede previous Use Permit approvals (Resolutions No. PC 93-4, 93-5 and 94-19).
- 2. The project shall be operated in substantial compliance with the submitted plans as approved by the Planning Commission on May 10, 2000. Any substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
- 3. The subject site shall be limited to 6,496 square feet of total restaurant space, 14,250 square feet of total retail space, 7,247 square feet of total personal service space, 1,244 square feet of total food & beverage space, 2,310 square feet of total personal improvement space and 4,854 square feet of total office space. The restaurant uses shall conform to previous applicable permits and plans approved by the Planning Commission and Board of Zoning Adjustment. The subject site received approval for a series of mixed uses with a parking requirement of 176 parking spaces. Application to establish new uses within the multiple tenant project shall not require an amendment of the Master Use Permit provided that the new uses conforms to the approved mix of uses, does not exceed the parking requirement approved for this site and conforms to the conditions imposed on the project.
- 4. A Traffic Management Plan shall be submitted in conjunction with any construction and other building plans, to be approved by the Police and Public Works Departments prior to issuance of building permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including delivery of materials and parking of construction related vehicles.
- 5. Covered trash enclosure(s), with adequate capacity shall be provided on the site subject to the timing, specifications and approval of the Public Works Department, Community Development Department, and City's waste contractor. A trash and recycling plan shall be provided as required by the Public Works Department.
- 6. The site shall allow reciprocal vehicle access with the adjacent northerly property for any future City approved project upon which a similar reciprocal access condition is imposed. The parking lot configuration shown on the subject plans shall be modified (at the expense of the subject property owner) at the time of implementation of the reciprocal access condition of the project.

RESOLUTION NO. PC 00-12

7. Parking shall be provided in conformance with the current Manhattan Beach Municipal Code, except that the automobile parking requirement may be reduced to 176 parking spaces based on site uses and submitted parking demand analysis (Linscott Law & Greenspan Engineers dated 2/15/00). Parking spaces shall not be labeled or otherwise restricted for use by any individual tenant of the project. Future parking lot modifications for the purposes of providing reciprocal access to the neighboring commercial property, and any parking requirement modifications that are necessary, shall be subject to approval of the Planning Commission in association with its review of the neighboring project.
8. Employees shall be prohibited from parking on the surrounding public streets. As a minimum, the owner of the site shall include prohibitions against employee parking on local streets in any future lease and/or rental agreements excluding renewals.
9. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance.
10. Any outside sound or amplification system or equipment is prohibited.
11. Operations shall comply with all South Coast Air Quality Management District Regulations and shall not transmit excessive emissions or odors across property lines.
12. Operations shall remain in compliance with all Fire and Building occupancy requirements at all times. The project shall conform to all disabled access requirements subject to the approval of the Building Official.
13. The management of the property shall police the property and all areas immediately adjacent to the businesses during the hours of operation to keep it free of litter.
14. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject businesses.
15. No wastewater shall be permitted to be discharged from the premises. Wastewater shall be discharged into the sanitary sewer system.
16. Any future site landscaping plans shall utilize drought tolerant native plants and shall be submitted for review and approval. All plants shall be identified on the plan by the Latin and common names. The current edition of the Sunset Western Garden Book contains a list and description of drought tolerant plants suitable for this area. A low pressure or drip irrigation system shall be installed in the landscaped areas, which shall not cause any surface run-off. Details of the irrigation system shall be noted on the landscaping plans. The type and design shall be subject to the approval of the Public Works and Community Development Departments.
17. The property owner shall install and/or maintain an irrigation system within existing landscaped areas on the entire site, and shall landscape the parkway in the Cedar Avenue public right-of-way adjacent to the project site. The Cedar Avenue improvement shall include an irrigation system, and plans shall be submitted for review and approval by the Departments of Community Development and Public Works and Public Services Department.
18. Landscaping along the perimeter of the site shall be maintained such that there shall be no sight obstructions at driveway entrances.
19. The property owner shall maintain all security lighting facing the residential neighborhood(s) so that there shall be no glare to homes or vehicular traffic.
20. Security lighting for the site shall be provided in conformance with Municipal Code requirements including glare prevention design.

RESOLUTION NO. PC 00-12

21. All curb, ramps, parking, walkways, etc. shall meet Title 24 of Disabled Access standards.
22. Fire Department will require that the access areas between Building A and B and Building A and D be painted as a "Fire Lane- No Parking". These access areas shall be maintained for Fire Department access at all times.

Restaurant Uses (Manhattan Bread Company)-1808-1812 Sepulveda Boulevard

23. A-frame or sidewalk signs and painted window signs shall be prohibited.
24. The applicant shall place a business identification sign at the rear entrance (Manhattan Bread Company). The sign shall include copy to encourage entrance at the rear as well as the front. This sign shall not exceed an area of 9 square feet.
25. The proposed business shall be developed in substantial compliance with the plans as approved by the Planning Commission on June 22, 1994.
26. The hours of operation for the restaurant shall be 5:00 a.m. to 1:00 a.m. seven days a week.
27. There shall be no alcohol served at the restaurant.
28. Live entertainment shall be strictly prohibited in the business.
29. If deemed necessary by the Public Works Department or the Building Official, the applicant shall install a grease trap in the new tenant space.
30. Access requirement in front of the existing tables and chairs (for both the Manhattan Bagel Co. and Bread Co.) must be a minimum of 4' clear.

Restaurant (Rubio's)

31. The landscaped planter area adjacent to Rubio's Sepulveda Boulevard frontage shall be retained.
32. A maximum of four video games shall be permitted.

Sign Program

33. Buildings A, B and C (1812-2010 Sepulveda Boulevard) shall be limited to a maximum of 860 square feet, which includes a maximum of 9 square feet of business identification for each tenant at the rear of Building A. Rear directional signs shall be limited to 8 square feet in area per tenant. Proposed building signs (on the south and east side of Building D-1800 Sepulveda Boulevard) identified on the approved sign plans (dated, 4/21/00) shall be incorporated into this sign program approval. No signs shall be permitted on the westerly façade of the building. The existing pole sign in front of Building D shall be retained and shall not be permitted to increase the existing sign square footage.
34. All new signs and sign changes shall be in compliance with the City's Sign Code. If the existing pole sign remains in place, any other freestanding pole signs on the site shall be removed prior to issuance of any permits or occupancy for the subject space. A sign program identifying allocation and restrictions of signs shall be submitted to and approved by the Community Development Department prior to the subject permit issuance or occupancy. The sign program shall include a prohibition of future internally illuminated awnings.

RESOLUTION NO. PC 00-12

35. All rear facing signs for all buildings shall be non-illuminated.

Procedural Requirements

36. With the consolidation of the two contiguous commercial sites, the applicant shall record a "Certificate of Compliance" for merger of parcels with the Los Angeles County Recorder's Office prior to the issuance of any building permits.
37. All provisions of the Master Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
38. This Use Permit shall lapse two years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code
39. Pursuant to Public Resources Code section 21089(b) and Fish and Game Code section 11.4(c), the project is not operative, vested or final until the required filing fees are paid.
40. 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 brought against the City within 90 days after the City's final approval of the project, other than one by the Applicant, challenging the approval of this project, or any action or failure to act by the City relating to the environmental review process pursuant to the California Environmental Quality Act. In the event such a legal action is filed against the City, the City shall estimate its expenses for the litigation Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.
41. 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.

SECTION 3. Pursuant to Government Code Section 65009 and Code of Civil Procedure 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 proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

RESOLUTION NO. PC 00-12

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 **May 10, 2000** and that said Resolution was adopted by the following vote:

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

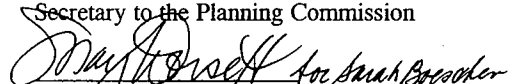
NOES:

ABSTAIN:

ABSENT:



RICHARD THOMPSON,
Secretary to the Planning Commission


Sarah Boeschen, Recording Secretary

LeahyRes

Resolution No. PC 94-19

AMENDMENT TO A PREVIOUSLY APPROVED USE PERMIT TO ALLOW THE EXPANSION OF AN EXISTING BAKERY/RESTAURANT AND A REDUCTION IN THE NUMBER OF REQUIRED PARKING SPACES AT AN EXISTING COMMERCIAL SITE LOCATED AT 1808 - 1812 N. SEPULVEDA BOULEVARD (Keegan and Olson/ Manhattan Bread)

WHEREAS, the Planning Commission of the City of Manhattan Beach conducted a public hearing pursuant to applicable law to consider an application for an Amendment to an existing Use Permit and a reduction in the number of required parking spaces, for the property legally described as Lot 6, Section 19, Partition of Property formerly of the Redondo Land Company; in the City of Manhattan Beach; and,

WHEREAS, the application was filed by Michael Keegan and Lynn Olson, tenants of the subject site; and,

WHEREAS, the public hearing was advertised pursuant to applicable law, testimony was invited and received; and,

WHEREAS, an Initial Study and a Negative Declaration have been prepared in accordance with the California Environmental Quality Act (CEQA) and City of Manhattan Beach Guidelines, finding no significant environmental impacts associated with the project. The Planning Commission hereby affirms the findings of said Initial Study and adopts said Negative Declaration; and,

WHEREAS, a "de minimis" impact finding was made by the Planning Commission in that the project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the State of California Fish and Game Code; and,

WHEREAS, the subject property is located along the Sepulveda Corridor, a commercial arterial, is designated "General Commercial" in the General Plan, and, is zoned "CG", "General Commercial"; and,

WHEREAS, the following specific findings were made with respect to this application:

1. The applicant requests approval of an Amendment to an existing Use Permit and requests relief from the required parking (deficit of one parking space).
2. The Amendment would allow the expansion of an existing bakery/restaurant into the tenant space to the south of the existing space. The proposed expansion is considered a more intense use than the prior retail use.
3. The proposed location of the use is in accord with the objectives of Title 10 (Zoning Ordinance) and the purposes of the district in which the site is located. The project site is zoned "CG - General Commercial", this district allows for a full range of retail and service businesses.
4. 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 subject site is designated "General Commercial" by the General Plan and is proposed to be developed with land uses consistent with this land use designation.
5. The proposed use will comply with the provisions of Title 10 (Zoning Ordinance) with the exception of required parking. The proposed expansion creates a deficit of one parking space on the subject site.

Resolution No. PC 94-19

Page 2 of 3

6. The proposed restaurant expansion would add 2,200 square feet to the existing 1,470 square feet, for a total square footage of 3,670 square feet.
7. The site currently provides 168 parking spaces. The current mix of uses requires 140 parking spaces. With the expansion of the take out restaurant, the use would require an additional 29 parking spaces for a total of 169 parking spaces. This is one space more than that provided on site.
8. The applicant is requesting a reduction in the number of parking spaces to accommodate the additional required space.
9. Due to the different hours of operation and different peak hours of operation of the existing businesses on the site, the requested reduction in parking would not adversely impact the existing parking supply.
10. The existing business currently provides seating for 22 people, 14 inside the business and 8 on the exterior walkway. The proposed expansion will provide 43 seats, 35 seats inside and 8 seats on the exterior walkway.

NOW, THEREFORE, BE IT RESOLVED that based on the above findings, the Planning Commission hereby APPROVES the Subject Use Permit Amendment subject to the following conditions:

1. This Resolution includes all pertinent conditions of approval as specified in the original Use Permit (Resolution No. PC 93-6) and shall supersede it.
2. A-frame or sidewalk signs and painted window signs shall be prohibited.
3. The applicant shall place a business identification sign at the rear entrance of the new space. The sign shall include copy to encourage entrance at the rear as well as the front. The sign shall not exceed an area of 8 square feet.
4. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance.
5. The proposed business shall be developed in substantial compliance with the plans as approved by the Planning Commission on June 22, 1994.
6. The hours of operation for the restaurant shall be 5:00 am to 1:00 am seven days a week.
7. There shall be no alcohol served at the restaurant.
8. Live Entertainment shall be strictly prohibited in the business.
9. If deemed necessary by the Public Works Department or the Building Official the applicant shall install a Grease Trap in the new tenant space.
10. This Resolution shall become effective on July 22, 1994 unless appealed to the City Council within the required 30 day appeal period.
11. This Use Permit Amendment shall lapse one year (June 22, 1995) after its date of approval unless implemented or renewed as specified in Section 10.84.090 of the Municipal Code.
12. Pursuant to Public Resources Code Section 21089 (b) and the Fish and Game Code Section 711.4 (c), the project is not operative, vested, or final until the required filing fees are paid.

12. 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, up to \$20,000, in defending any legal action brought against the City within 90 days after the City's final approval of the project, other than one by the Applicant, challenging the approval of this project, or any action or failure to act by the City relating to the environmental review process pursuant to the California Environmental Quality Act. In the event such a legal action is filed against the City, the City shall estimate its expenses for the litigation and Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

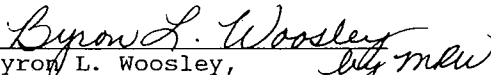
I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of June 22, 1994, and that said Resolution was adopted by the following votes:


AYES: Blanton, Fahey, Hall,
Kaprielian, Chairman Adamek

NOES: none

ABSTAIN: none

ABSENT: none


Byron L. Woosley, *by MKW*
Secretary to the Planning Commission


Sylvia Root, *by MKW*
Recording Secretary

RESOLUTION NO. PC 93-6

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MANHATTAN BEACH APPROVING A USE PERMIT TO ALLOW THE
ESTABLISHMENT OF A BAGEL BAKERY/RESTAURANT AT AN EXISTING
COMMERCIAL SITE ON THE PROPERTY LOCATED AT 1812 NORTH
SEPULVEDA BOULEVARD
(Keegan and Olson)

WHEREAS, the Planning Commission of the City of Manhattan Beach conducted a public hearing pursuant to applicable law to consider an application for a Use Permit for the property legally described as Portion of Lot 6, Section 19, Partition of Property formerly of the Redondo Land Company; in the City of Manhattan Beach; and,

WHEREAS, the applicants for said Use Permit are Michael Keegan and Lynn Olson, tenants of the subject site; and,

WHEREAS, the public hearing was advertised pursuant to applicable law, testimony was invited; and,

WHEREAS, an Initial Study and a Negative Declaration have been prepared in compliance with all respects of CEQA and the City of Manhattan Beach Guidelines, finding no significant environmental impacts associated with the project. The Planning Commission hereby affirms the findings of said Initial Study and adopts said Negative Declaration; and,

WHEREAS, a de minimis impact finding was made by the Planning Commission in that the project will not individually or cumulatively have an adverse effect on the wildlife resources, as defined in Section 711.2 of the Fish and Game Code; and,

WHEREAS, the following findings were made with respect to this application:

1. The applicant requests approval of a Use Permit to allow the operation of a bagel bakery/restaurant within an existing commercial center.
2. The proposed bagel bakery/restaurant would be replacing a retail use. The bagel bakery/restaurant is considered a more intense use than the prior retail use.
3. Based upon City law, the proposed project will meet the required findings as follows:
 - a. The subject restaurant is in accord with Section 10.16 of the Zoning Ordinance, Commercial Districts.
 - b. The proposed use will be consistent with the General Plan General Commercial designation, and will facilitate Goals 1, 4, and 5 of the Land Use Element of the General Plan.
 - c. The proposed use, with an appropriate condition which limits expansion of the use, will be consistent with the provisions and intent of the Zoning Ordinance.
 - d. The subject project will be compatible with the surrounding neighboring uses, and will not have a significant adverse impact on traffic or public services.
4. The property is located within Area District II, along the Sepulveda Boulevard Commercial Corridor, and is zoned CG, General Commercial, as are the properties to the north, south, and west. The properties to the east are zoned RS, Residential Single Family.

RESOLUTION NO. PC 93-6

Page 2 of 3

5. The site currently has seven (7) retail uses, two (2) personal services, two (2) personal improvement services, three (3) professional offices, and one (1) restaurant.
6. The entire commercial center 2.45 Acres or 106,722 square feet of lot area, with 30,611 square feet of building area. The applicant proposes no changes to the building area. No structural alterations are proposed.
7. The site uses currently require 129 parking spaces and with this use the site would need 149. The site provides 168 parking spaces on site.
8. Currently there are two existing discretionary approvals for other uses on the property. The Cimarron Cafe has a Use Permit approved for a restaurant use, as well as an amendment for general interior remodel.
9. The subject application has been filed concurrently with a Use Permit (Resolution No. PC 93-5) for a site-wide use and another for a Sign Appeal (Resolution No. PC 93-4) to allow a pole sign to exceed the maximum allowable height and the site to exceed the maximum allowable sign area.

NOW, THEREFORE, BE IT RESOLVED that based on the above findings, the Planning Commission of the City of Manhattan Beach hereby APPROVES the Use Permit subject to the following conditions:

1. All future signs and alterations to existing signs shall receive permits and shall be in compliance with the City's Sign Ordinance, except certain Code deviations as approved through Resolution PC 93-4 for amount of sign copy and placement of signs.
2. The proposed business shall be constructed in compliance with plans as approved by the Planning Commission on this date.
3. Service of alcohol shall be prohibited.
4. A grease trap shall not be required with this proposed tenant. However, if the menu or business ownership changes in the future, and the new business or menu warrants a grease trap, the business owner shall install the grease trap subject to the review and approval of the Community Development and Public Services Departments.
5. Live music or entertainment shall be prohibited.
6. The Use Permit shall become effective 30 days from the date of approval, January 13, 1993, by the Planning Commission, unless appealed.
7. The Use Permit shall lapse one year after its date of Resolution Adoption, January 13, 1993, unless implemented or renewed as specified by Section 10.84.090 of the Municipal Code.
8. Compliance with all conditions of approval are subject to annual verification by City Staff.

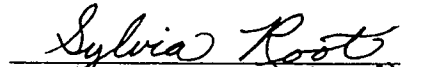
RESOLUTION NO. PC 93-6
Page 3 of 3

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 January 13, 1993, and that said Resolution was **ADOPTED** by the following votes:

AYES: Kaprielian, Ketchum, Meadors, Vargo, and
Chairperson Hall
NOES: None
ABSTAIN: None
ABSENT: None



BYRON L. WOOSLEY,
Secretary to the Planning Commission



Sylvia Root, (By B³)
Recording Secretary (Acting)

RESOLUTION NO. PC 93-5

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MANHATTAN BEACH APPROVING A USE PERMIT FOR AN EXISTING
COMMERCIAL DEVELOPMENT ON THE PROPERTY LOCATED AT 1808 -
2012 NORTH SEPULVEDA BOULEVARD
(Leahy & Assoc.)

WHEREAS, the Planning Commission of the City of Manhattan Beach conducted a public hearing pursuant to applicable law to consider an application for a Use Permit for the property legally described as Portion of Lot 6, Section 19, Partition of Property formerly of the Redondo Land Company; in the City of Manhattan Beach; and,

WHEREAS, the applicant for said Use Permit is Leahy and Associates, owner of the site; and,

WHEREAS, a public hearing was advertised pursuant to applicable law, testimony was invited and received; and,

WHEREAS, an Initial Study and a Negative Declaration have been prepared in compliance with all respects of CEQA as modified by the City of Manhattan Beach Guidelines, finding no significant environmental impacts associated with the project. The Planning Commission hereby affirms the findings of said Initial Study and adopts said Negative Declaration; and,

WHEREAS, a de minimis impact finding was made by the Planning Commission in that the project will not individually or cumulatively have an adverse effect on the wildlife resources, as defined in Section 711.2 of the Fish and Game Code; and,

WHEREAS, the following findings were made with respect to this application:

1. The applicant requests approval of a site-wide use permit for an existing 2.45 acre, mixed-use commercial center containing approximately 31,000 square feet of floor area distributed in three separate buildings. The site is non-conforming for a Use Permit due to both building size and total land area. The site is also non-conforming with respect to parking space depth, commercial loading spaces, overage of allowed compact parking spaces, and landscaping perimeter strips for the parking area(s). The applicant also requests to maintain the landscaping and parking space non-conformities which are infeasible to abate.
2. The subject Use Permit has been triggered due to a filing of a Use Permit application for a new bagel bakery/restaurant in the same center because 1) the new restaurant constitutes a land use intensification, and 2) the intensification may impact the existing site-wide parking non-conformity.
3. The subject application has been considered concurrently with two applications for the same center, including a Use Permit for a new bagel bakery/restaurant and a Sign Appeal to allow the installation of an overheight pole sign (see Resolution Nos. PC 93-6 and PC 93-4, respectively).
4. There is one active Use Permit existing for the site for the Cimarron Cafe, 2000 Sepulveda Boulevard.
5. The property is located within Area District II, along the Sepulveda Boulevard Commercial Corridor, and is zoned CG, General Commercial, as are the properties to the north, south, and west. The properties to the east are zoned RS, Residential Single Family.
6. Code Section 10.68.060 entitled "Occupancy on a Site Having Certain Non-Conforming Site Features", requires the Director of Community Development shall not require a commitment to

RESOLUTION NO. PC 93-5

Page 2 of 4

abate certain non-conformities, including planting areas, where it is shown that the non-conformity has minor impact and would be costly to eliminate due to the configuration of the site and the location of existing structures. The location of the main building near the street front (Sepulveda Boulevard) renders the site infeasible economically for the abatement of a landscaping perimeter strip non-conformity, and the impact of this lack of landscaping is minor. The Director of Community Development therefore waives the commitment for abatement.

7. The site currently has the following mix of uses: retail 7 spaces, personal improvement: 2 spaces, professional offices: 3 spaces, restaurant: 1 space, vacant spaces: 1 (proposed as a bagel restaurant, see Resolution No. PC 93-6).
8. The following findings are made pursuant to Code Section 10.84.060, Required Findings:
 - A. 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 in that the center contains uses that serve the local residential neighborhood. The center is located in the "General Commercial" zoning district, which has as its purpose the provision of "opportunities for a full range of retail and service businesses, deemed suitable in Manhattan Beach, including businesses not permitted in other commercial districts because they attract heavy vehicular traffic or have certain adverse impacts".
 - B. The proposed location of the use and the proposed conditions under which it would be operated 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 be consistent with the General Plan Commercial General designation, and will specifically facilitate Goals 1, 4 and 5 of the Land Use Element of the General Plan. These goals, respectively, seek to maintain the low profile development and small town atmosphere of Manhattan Beach, support and encourage the viability of the commercial areas of Manhattan Beach, and encourage appropriate private investment in commercial areas. The subject center is significantly below the level of intensity allowed in the CG zone both because of building size and type of uses. Appropriate conditions have been attached to the use permit.
 - C. The proposed use will comply with the provisions of this chapter (of the Zoning Code), including any specific condition required for the proposed use in the district in which it would be located. The proposed use, with appropriate conditions imposed, will be consistent with the provisions and intent of the Zoning Ordinance.
 - D. The proposed use will not create adverse impacts on traffic or create demands exceeding the capacity of public services and facilities which cannot be mitigated. The existing landscaping non-conformity has minor impact, and the size of building area, which will not be increased, is relatively small.

RESOLUTION NO. PC 93-5

Page 3 of 4

NOW, THEREFORE, BE IT RESOLVED that based on the above findings, the Planning Commission of the City of Manhattan Beach hereby APPROVES the subject Use Permit, subject to the following conditions:

1. All future signs and alterations to signs shall be in accordance with sign regulations of the Municipal Code, except as permitted by Resolution PC 93-4.
2. All existing and future landscaped area shall be provided an irrigation system and maintained with drought tolerant plants. The applicant shall submit irrigation and landscaping plans, as necessary for review and approval by the Departments of Community Development and Public Works and Public Services Department.

Within eighteen (18) months of this approval (January 13, 1993), or no later than July 13, 1994, the property owner shall install an irrigation system within existing landscaped areas on the entire site, and shall landscape the parkway in the Cedar Avenue public right-of-way adjacent to the project site. The Cedar Avenue improvement shall include an irrigation system, and plans shall be submitted for review and approval by the Departments of Community Development and Public Works and Public Services Department.

3. The parking lots on the site shall be re-stripped within 5 years from the date of approval (January 13, 1993), or no later than January 13, 1998, and in doing so, be brought into conformity with parking space dimensional and loading zone regulations, to the degree feasible. A re-stripping plan shall be submitted to the Departments of Community Development and Public Works for prior review and approval.
4. The property owner shall maintain all security lighting facing the residential neighborhood(s) so that there shall be no glare to homes or vehicular traffic.
5. Landscaping along the perimeter of the site shall be maintained such that there shall be no sight obstructions at driveway entrances.
6. The Use Permit shall lapse one year after its date if Resolution Adoption, January 13, 1993, unless implemented or renewed as specified by Section 10.84.090 of the Municipal Code. The Use Permit for the entire center shall be implemented when all conditions are met for this document and when the Use Permit for 1812 No. Sepulveda Boulevard is implemented.
7. Compliance with all conditions of approval are subject to annual verification by Staff upon implementation.

RESOLUTION NO. PC 93-5

Page 4 of 4


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 January 13, 1993, and that said Resolution was ADOPTED by the following votes:

AYES: Kaprielian, Ketchum, Meadors, Vargo,
and Chairman Hall

NOES: None

ABSTAIN: None

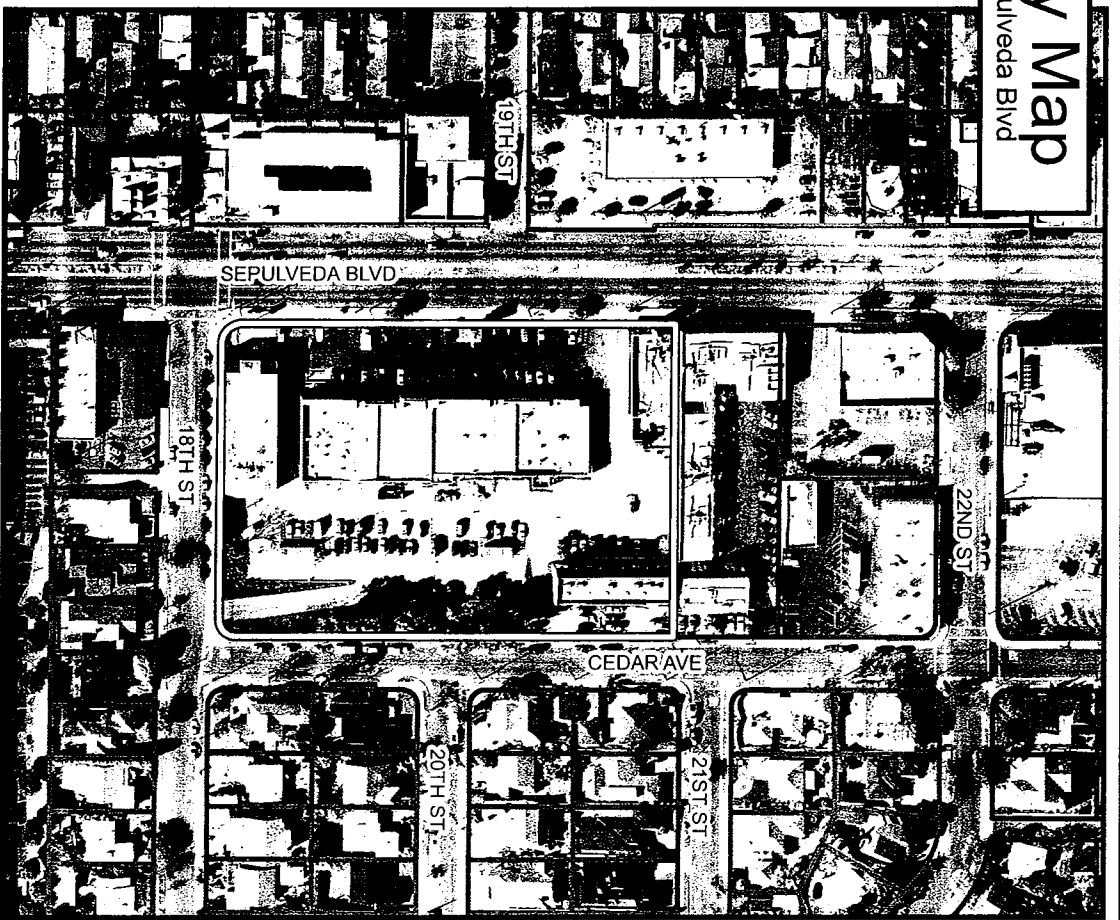
ABSENT: None


BYRON L. WOOSLEY
Secretary to the Planning Commission


Sylvia Root (BY 83)
Recording Secretary

Vicinity Map

1830 N. Sepulveda Blvd



- Legend**
- 1830 N. Sepulveda Blvd
 - Parcels
- Zoning**
- RS - Residential Single Family
 - CG - General Commercial

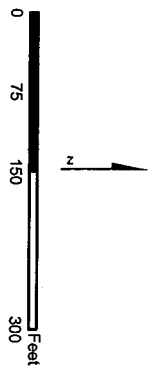


Exhibit B



City of Manhattan Beach
Community Development

RESOLUTION NO. PC 08-XX

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A MASTER USE PERMIT AMENDMENT TO ALLOW SALES OF ALCOHOLIC BEVARAGES FOR OFF-SITE CONSUMPTION FOR THE EXISTING GROCERY STORE LOCATED AT 1830 N. SEPULVEDA BOULEVARD AND INCORPORATING APPROVAL OF AN EXISTING MASTER USE PERMIT, USE PERMIT AMENDMENT, SIGN PROGRAM AMENDMENT, AND PARKING REDUCTION AT 1800-2010 N. SEPULVEDA BOULEVARD AND 2007-2011 CEDAR AVENUE

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. The Planning Commission of the City of Manhattan Beach considered an application for a master use permit amendment to allow sales of alcoholic beverages for off-site consumption for the existing grocery store at the subject site, on the property legally described as Portion of Lot 6, Section 19, Partition of Property formerly of The Redondo Land Co. located at 1830 N. Sepulveda Boulevard in the City of Manhattan Beach.
- B. The applicant/tenant for the subject project is Kathleen and Barry Fisher / Grow the Produce Shop.
- C. The Planning Commission of the City of Manhattan Beach conducted a public hearing regarding the proposed Master Use Permit Amendment at its regular meeting of April 9, 2008. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- D. The Planning Commission had previously approved a Master Use Permit, Sign Program Amendment and Parking Reduction at its regular meeting of May 10, 2000 (PC 00-12), which superseded previous resolutions PC 93-5, PC 93-6, and PC 94-19. Subsequently, the Planning Commission previously approved three Master Use Permit Amendments: one to allow a health and fitness studio at 1800 N. Sepulveda Boulevard on January 10, 2001 (PC 01-02), which lapsed two years after its date of approval, one to allow a drive-up teller use for the existing bank facility on May 8, 2002 (PC 02-15), and one to allow interior/exterior remodel and redesign of an existing outdoor dining area at an existing restaurant/bakery located at 1808 Sepulveda Boulevard on April 13, 2005 (PC 05-06) which is currently the governing Resolution for the entire commercial site.
- E. Pursuant to the California Environmental Quality Act (CEQA), and the Manhattan Beach CEQA Guidelines, this application is Categorically Exempt, Class 1, Section 15301, California Environmental Quality Act (CEQA) Guidelines.
- F. The proposed change will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- G. The property is located within Area District II and is zoned CG Commercial General. The surrounding private land uses consist of general commercial to the north, west, and south; and single-family residential to the east.
- H. The General Plan designation for the property is General Commercial.
- I. Based upon State law, and MBMC Section 10.84.060, relating to the Use Permit application for the commercial center, the following findings are hereby made:
 - a) The proposed location of the uses is in accord with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located. The building is located within the CG district. The proposed uses are consistent with



RESOLUTION NO. PC 08-XX

Section 10.16.010 of the Manhattan Beach Municipal Code which states that the district is intended to provide opportunities for commercial retail uses for a full range of retail and service businesses as well as professional office uses. The proposed sale of alcoholic beverages is consistent with the purpose of this section.

- b) The proposed sales of alcoholic beverages for off-site consumption at Grow the Produce Shop is consistent with the General Plan, is not detrimental to the public health, safety or welfare or persons residing or working on the proposed project site or in the adjacent neighborhood of such use: and is not detrimental to properties or improvements in the vicinity or to the general welfare of the City.

The General Plan of the City of Manhattan Beach poses certain goals and policies which reflect the expectations and wishes of the City with respect to land uses. Specifically, the project is consistent with the following Goals and Policies of the General Plan:

Goal LU-6.1: Support and encourage small businesses throughout the City.

Goal LU-6.2: Encourage a diverse mix of businesses that support the local tax base, are beneficial to residents, and support the economic needs of the community.

Goal LU-6.3: Recognize the need for a variety of commercial development types and designate areas appropriate for each. Encourage development proposals that meet the intent of these designations.

- c) The existing uses and proposed sales of alcoholic beverages will comply with the conditions required for the district in which it is located. This application follows MBMC section 10.16.020(L) which requires a use permit or use permit amendment when there is a new alcohol license issued or amended.
 - d) The sale of alcoholic beverages for off-site consumption does not adversely impact nearby resident or commercial properties as they related to traffic, parking, noise, vibration, odors, personal safety, aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated. The proposed change does not affect the required on-site parking and does not create an additional demand for public services and facilities which cannot be mitigated.
- J. The City of Manhattan Beach finds that the limited sales of beer and wine for off-site consumption at the subject property is a public convenience and necessity in accordance with California Department of Alcoholic Beverage Control (ABC) regulations.
 - K. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code.
 - L. This Resolution, upon its effectiveness, incorporates previous approvals and constitutes the Master Use Permit and Sign Program for the subject property.

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

RESOLUTION NO. PC 08-XX

Site Wide Conditions

1. This Resolution includes all pertinent conditions of approval as specified in preceding Use Permits for the Manhattan Center and shall supersede previous Use Permit approvals (PC 05-06, PC 02-15, PC 01-02, PC 00-12, PC 94-19, PC 93-6, PC 93-5, and PC 93-4).
2. The project shall be operated in substantial compliance with the submitted plans and project description as approved by the Planning Commission on May 10, 2000 (Master Use Permit and Sign Program), May 8, 2002 (Master Use Permit Amendment), April 13, 2005 (Master Use Permit Amendment) and April 9, 2008 (Master Use Permit Amendment). Any substantial deviation from the approved plans and project description must be reviewed and approved by the Planning Commission.
3. The subject site shall be limited to 6,801 square feet of total restaurant space, 14,772 square feet of total retail space, 826 square feet of total personal improvement service space, 1,244 square feet of total food & beverage space, 2,310 square feet of total Dance/Music studio space, 3,204 square feet of total office space and 7,400 square feet of banking use. The subject site received approval for a series of mixed uses with a parking requirement of 176 parking spaces. Future applications to establish new uses within the multiple tenant project shall not require an amendment of the Master Use Permit provided that the new uses are permitted uses in the zoning district, do not exceed the parking requirement approved for this site and conforms to the conditions imposed on the project, subject to approval by the Director of Community Development.
4. A Traffic Management Plan shall be submitted in conjunction with any construction and other building plans, to be approved by the Police and Public Works Departments prior to issuance of building permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including delivery of materials and parking of construction related vehicles.
5. Covered trash enclosure(s), with adequate capacity shall be maintained on the site subject to the timing, specifications and approval of the Public Works Department, Community Development Department, and City's waste contractor. A trash and recycling plan shall be maintained as required by the Public Works Department.
6. The site shall maintain reciprocal vehicle access with the adjacent northerly property for any future City approved project upon which a similar reciprocal access condition is imposed. The parking lot configuration shown on the subject plans shall be modified (at the expense of the subject property owner) at the time of implementation of the reciprocal access condition of the project.
7. Parking shall be provided in conformance with the current Manhattan Beach Municipal Code, except that the automobile parking requirement may be reduced to 176 parking spaces based on site uses and submitted parking demand analysis (Linscott Law & Greenspan Engineers dated 2/15/00). Parking spaces shall not be labeled or otherwise restricted for use by any individual tenant of the project. Future parking lot modifications for the purposes of providing reciprocal access to the neighboring commercial property, and any parking requirement modifications that are necessary, shall be subject to approval of the Planning Commission in association with its review of the neighboring project.
8. Prior to the issuance of a building permit for the subject amendment, the approved parking lot re-stripping shall be completed and field inspected by staff.
9. Employees shall be prohibited from parking on the surrounding public streets. As a minimum, the owner of the site shall include prohibitions against employee parking on local streets in any future lease and/or rental agreements excluding renewals.

RESOLUTION NO. PC 08-XX

10. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance.
11. Any outside sound or amplification system or equipment is prohibited.
12. Operations shall comply with all South Coast Air Quality Management District Regulations and shall not transmit excessive emissions or odors across property lines.
13. Operations shall remain in compliance with all Fire and Building occupancy requirements at all times. The project shall conform to all disabled access requirements subject to the approval of the Building Official.
14. The management of the property shall police the property and all areas immediately adjacent to the businesses during the hours of operation to keep it free of litter.
15. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject businesses.
16. No wastewater shall be permitted to be discharged from the premises. Wastewater shall be discharged into the sanitary sewer system.
17. Any future site landscaping plans shall utilize drought tolerant native plants and shall be submitted for review and approval. All plants shall be identified on the plan by the Latin and common names. The current edition of the Sunset Western Garden Book contains a list and description of drought tolerant plants suitable for this area. A low pressure or drip irrigation system shall be installed in the landscaped areas, which shall not cause any surface run-off. Details of the irrigation system shall be noted on the landscaping plans. The type and design shall be subject to the approval of the Public Works and Community Development Departments.
18. The property owner shall maintain an irrigation system within existing landscaped areas on the entire site, and shall maintain landscaping in the parkway in the Cedar Avenue public right-of-way adjacent to the project site. The Cedar Avenue improvement shall include an irrigation system, and plans shall be submitted for review and approval by the Departments of Community Development and Public Works and Public Services Department.
19. Landscaping along the perimeter of the site shall be maintained such that there shall be no sight obstructions at driveway entrances.
20. The property owner shall maintain all security lighting facing the residential neighborhood(s) so that there shall be no glare to homes or vehicular traffic. Security lighting for the site shall be provided in conformance with Municipal Code requirements including glare prevention design.
21. All curb, ramps, parking, walkways, etc. shall meet Title 24 of Disabled Access standards.
22. Fire Department will require that the access areas between Building A and B and Building A and D be painted as a "Fire Lane- No Parking". These access areas shall be maintained for Fire Department access at all times.

Banking Facility (Building D)

23. Security measures, including but not limited to cameras and lighting, shall be included in the design of the subject project subject to approval by the City of Manhattan Beach Police Department.

RESOLUTION NO. PC 08-XX

24. The hours of operation shall be limited from 5:00 a.m. – 10:00 p.m. for the subject building. The drive-up teller shall be limited to the typical banking hours of 9:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 1:00 p.m. on Saturdays. The ATM machines may be permitted to operate 24 hours.
25. The existing bakery/restaurant building contains 3,655 square feet of area. With the subject proposal of adding 70 square feet of new building storefront area and 38 square feet of additional outdoor dining area, the total gross floor area for calculating the parking requirement will consist of 3,975 square feet.

Restaurant Use (Manhattan Bread Company)-1808-1812 Sepulveda Boulevard

26. A-frame or sidewalk signs and painted window signs shall be prohibited.
27. The applicant shall place a business identification sign at the rear entrance (Manhattan Bread Company). The sign shall include copy to encourage entrance at the rear as well as the front. This sign shall not exceed an area of 9 square feet.
28. The proposed business shall be developed in substantial compliance with the plans as approved by the Planning Commission on April 13, 2005.
29. The hours of operation for the restaurant shall be 5:00 a.m. to 1:00 a.m. seven days a week.
30. There shall be no alcohol served at the restaurant.
31. Live entertainment shall be strictly prohibited in the business.
32. If deemed necessary by the Public Works Department or the Building Official, the applicant shall install a grease trap in the new tenant space.
33. Access requirement in front of the existing tables and chairs (for both the Manhattan Bagel Co. and Bread Co.) must be a minimum of 4' clear.

Restaurant (Rubio's) – 2000 Sepulveda Boulevard

34. The landscaped planter area adjacent to Rubio's Sepulveda Boulevard frontage shall be retained.
35. A maximum of four video games shall be permitted.
36. The sale of beer and wine shall be solely in conjunction with the serving of food in a bona fide restaurant.

Grocery Store (Grow the Produce Shop) – 1830 Sepulveda Boulevard

37. Alcoholic beverage sales shall be limited to retail beer and wine for off-site consumption only. On-site alcoholic beverage and/or food service and/or seating are prohibited.
38. The sales floor area dedicated to the sales of alcoholic beverages shall be limited to 10% of the total sales floor area.
39. Permanent sign modifications and/or additions advertising the sale of alcohol are prohibited. Any temporary signage requires a Temporary Sign Permit.

RESOLUTION NO. PC 08-XX

Site-Wide Sign Program

40. Buildings A, B and C (1812-2010 Sepulveda Boulevard) shall be limited to a maximum of 860 square feet, which includes a maximum of 9 square feet of business identification for each tenant at the rear of Building A. Rear directional signs shall be limited to 8 square feet in area per tenant. Proposed building signs (on the south and east side of Building D-1800 Sepulveda Boulevard) identified on the approved sign plans (dated, 4/21/00) shall be incorporated into this sign program approval. No signs shall be permitted on the westerly façade of the building. The existing pole sign in front of Building D may be retained as approved by Planning Commission on May 8, 2002. No alterations shall be allowed which increase the sign's square footage or height. In lieu of the pole sign for building D, a monument sign may be installed at the front of the building so long as the dimensions of the sign do not exceed 6 feet in height and 8 feet in length. All new signs and sign changes shall be in compliance with the City's Sign Code. A sign program identifying allocation and restrictions of signs shall be submitted to and approved by the Community Development Department prior to the subject permit issuance or occupancy. The sign program shall include a prohibition of future internally illuminated awnings. All rear facing signs for all buildings shall be non-illuminated.

Procedural Requirements

41. All provisions of the Master Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
42. This Use Permit shall lapse two years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code
43. Pursuant to Public Resources Code section 21089(b) and Fish and Game Code section 11.4(c), the project is not operative, vested or final until the required filing fees are paid.
44. 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 brought against the City within 90 days after the City's final approval of the project, other than one by the Applicant, challenging the approval of this project, or any action or failure to act by the City relating to the environmental review process pursuant to the California Environmental Quality Act. In the event such a legal action is filed against the City, the City shall estimate its expenses for the litigation Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.
45. 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.

RESOLUTION NO. PC 08-XX

SECTION 3. Pursuant to Government Code Section 65009 and Code of Civil Procedure 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 proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

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 **April 9, 2008** 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



Petition of those in favor of Grow The Produce Shop's Change of Use permit to allow grow to sell beery & wine.

	Name	Address
1	<u>RUTH NELSON</u>	<u>421 20th Pl MB</u>
2	<u>Hilary Rosen</u>	<u>3901 Highland Ave #2 MB</u>
3	<u>Jane Waxman</u>	<u>612 35th St MB CA 90266</u>
4	<u>Cleely Bray</u>	<u>20 Westport MB 90266</u>
5	<u>Larry Inouye</u>	<u>93 Village Circle MB 90266</u>
6	<u>Bill Charlawyne</u>	<u>1721 ELM AVE, MB 90266</u>
7	<u>Eileen Neill</u>	<u>611 Larson St. MB 90266</u>
8	<u>Kat Hogan</u>	<u>8103 Redlands St. #47 PDR 90293</u>
9	<u>Susan Portudex</u>	<u>2230 Nelson Ave. Redondo Beach, CA 90278</u>
10	<u>Todd Chapman</u>	<u>2230 Nelson Redondo MB 90278</u>
11	<u>[Signature]</u>	<u>3220 Sawdelle Blvd #302 LA, CA 90066</u>
12	<u>Richard Neff</u>	<u>425 27th St, MB 90266</u>
13	<u>Chris Bremer</u>	<u>1410 10th St, MB CA 90266</u>
14	<u>Kim Digilio</u>	<u>668 35th St " " "</u>
15	<u>Chris Hoffmann</u>	<u>419 28th, MB</u>
16	<u>JOHN HOREBI J.H.</u>	<u>2012 MAGNOLIA HWY MB 90266</u>
17	<u>Lisa Beroud</u>	<u>217 39th St. MB CA 90266</u>
18	<u>Aron Beroud</u>	<u>217 39th St. MB CA 90266</u>
19	<u>DIANE ISGUR</u>	<u>1853 S. BENTLEY AVE #103</u>
20	<u>Stuart Brody</u>	<u>3919 Lompoc Ave, Culver City, CA 90232</u>
21	<u>Barbara Brody</u>	<u>3988 LAMARR AV CULVER CITY 90232</u>
22	<u>KARIN FURE</u>	<u>3525 Walnut, MB 90266</u>
23	<u>Heidi Scheid</u>	<u>502 21st. St. MB 90266</u>

EXHIBIT D

24	Tricia Ryan	222 S. Frena Ave RB, CA 90277
25	Elise Gura	
26	Lisa Myers	
27	Ken GANLADZ	
28	Jennifer Meanley	
29	Susan Ruberman	
30	Amy Champ	
31	Anthony Milton	
32	Kate Broun	
33	Christi Hill	
34	Leslie Hildes	
35	Fred R. Grant	
36	Nick Mey	
37	Sara Robinson	
38	Nicole Badgley	
39	Shirley	
40	Shirley	
41	Johnnie	
42	Fredrick Key	
43	Gregg Kildgutter	
44	Nancy Kolb	
45	Laura Hollis	MB
46	Kevin Kubliis	489 5 th MB 90266
47	Louise Williams	
48	Dalia Viera	20 Geneva Court MB CA 90266
49	DIANE MORSE	744 12 th St. MB.
50	Kathlene Rullo	1608 Elm Ave MB 90266
51	JOE RULLO	SAME
52	Ilene Ziff	2112 Chestnut Ave MB 90266

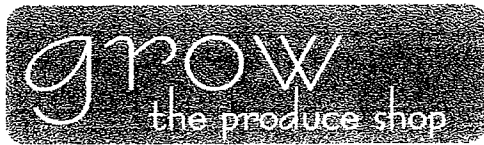
NAME

Address

53		
54	Laura Stout	464 31 st Manhattan Beach
55	Jennifer Williams	1724 Walnut MB 90266
56	Jenn Wells	118 Whiting St ES 90284
57	Joy Hign	2208 Elm Ave, MB 90266
58	Erin Snippay	2000 Palm, MB 90266
59	Seyal Sozd	1825 Parsetta MB 90266
60	Tiffany Trana	417 23rd Place, MB 90266
61	Mahe Hmon	1726 2 nd St MB 90266
62	Tom Anderson	3015 Agnew Ave 90045
63	Mauricette Blaney	1507 21st MB 90266
64	Alison Maden	1638 Armour Ln, Redondo Beach 90278
65	Alicia Kling	2900 Pacific Ave MB 90266
66	Don Samarillo	556 3 rd St N.B 90266
67	Julie Donald	811 10 th St MB 90266
68	Karen Tomiyaga	221 24 th St. MB 90266
69	Sandy Schuff	417 20 th St, MB. 90266
70	Claudia Pellier	720 24 th St, HB 90254
71	Tommy (circled)	1305 Amherst St Apt D Redondo Beach 90277
72	Anna Schutte	2010 N. Sepulveda Blvd 90266
73	Carl Bernstein	1717 Walnut MB 90266
74	Teresa White	3501 Laurel Ave MB 90266
75	Madeline Frey	2600 HIGHLAND AVE. M.B. 90266
76	Jeri Putnam	413 6 th St. MB 90266
77	Blade	6350 Regis P. W. CA 90045
78	Chris S. Klein	3609 OAK AVE MB, CA 90266
79	Allen	" " " "
80	Karen Mantoy	3113 Laurel Ave, MB.

81	Tina Steck	865 11th St., MB 90266
82	Bacca Dalton	2623 Palm Ave MB 90266
83	Fabert	6039 W 75 th St CA 90045
84	CLARE BENDERLI	3508 Pacific Ave, Manhattan Beach 90261
85	Anne Smith	537 Amer St. MB, CA 90266
86	Nancy Young	4 Fairway Dr. mb, ca 90266
87	Rebecca Weber	64 Larsson Street MB CA 90264
88	Madeline	2804 Faber St. Redondo Beach CA 90278
89	Carol Hatley	916 N Rowell Ave MB 90266
90	Laura Spencer	2604 Elm Ave MB 90266
91	Krishna Berkes	1460 18th St, MB 90266
92	Susan Leavitt	2204 The Strand 90266
93	Vickie Mc Cordendale	2501 Walnut Ave, MB 90266
94	Kari Estrin	910 14th St, MB 90266
95	Donna	22 Fairway Dr 90266
96	Marion Hamilton	1215 17th Street MB 90266
97	Heri Grae	2925 Longwood Dr MB
98	Christa Colvin	1905 Poinsettia Ave MB
99	Jerry Osler	1222 21st St. M.B.
100	Mona Foster	901 N. Dinahus St. M.B.
101	Cynthia Wheeler	1410 23rd St MB
102	Debra	4216 The Strand MB
103	Brad Friedman	4216 The Strand MB
104	Andy Ferguson	R.B., 90278
105	Michelle Matali	HB 90254.
106	Justin Fresser	1400 Magnolia Ave MB
107	Ryan Lee	1400 Magnolia Ave MB
108	Olson	1103 6th St Hermosa Beach
109	Chapman	2407 N Sepulveda MB

110		
111		
112		
113	Origi McDull	1421 9th St MB 90266
114	Elizabeth Aunt James	825 1st St. MB 90266
115	Dora McCormick	1733 Oak Ave. Man. Bch.
116	Clare Barker	425 9th Man Bch 90266
117	Meg Russell	228 9th St man Bch 90266
118	Marie Cullen	2004 Laurel A MB 90266
119	List 2, 1923	1211 14th St. HB CA 90251
120	David Wilson	1911 Everest Ave RB 90278
121	John	2208 5th Street MB 90266
122	John	Palmside Court, CA 90078
123	Cynthia Amy	2211A Warfield RB, 90278
124	W	1155 Wollcott St RB 90278
125	Elizabeth Bailey	593 27th St MB 90266
126	Tim Sured	821 Highland Ave MB
127	Mel Hall	1804 Elm MB CA 90266
128	Eric Baker	2523 N Valle, Drive, MB CA 90266
129	John	1316 15th St MB 90266
130	Paul	137 34th St Hermosa Beach CA
131	Frank	1729 Oak Ave Hermosa Beach CA 90284
132	John	1729 Oak MB 90266
133	John	2105 Westnut Ave MB 90266
134	Janisha Karjan	473 32nd St, MB 90266
135	Georgia Tracy	2216 Nelson Ave, #3, RB 90278
136	Derrick Tracy	2216 Nelson Ave, #3, RB 90278
137	Lon Baker	609 John St MB



Petition of those in favor of Grow The Produce Shop's Change of Use permit to allow grow to sell beery & wine.

	Name	Address
1	Melinda Arntsen	2908 Alma Ave. MB 90266
2	Chris Alexiades	3613 Oak Ave MB 90266
3	Mary TOMSICK	3612 Palm Ave MB 90266
4	Linda Fige	533 4 th St. MB 90266
5	ALETTE BOYCE	1105 HARKNESS LN RB 90278
6	Lisa Honea	1623 Goodman Ave, RB 90278
7	CINDY LOCKEN	1601 Meadows Ave M.B. 90278
8	CAROL ROGERS CAROL ROGERS	2532 HERMOSEA AVE APT C HB 90251
9	Glenn Stebbins	1409 Lynngrove Dr MB CA 90266
10	Cheryl DeSisto	208 N Panzetta Ave Manhattan
11	J.m DeSisto	" "
12	DAYA PILLAN	569 29 th ST, M.B. CA 90266
13	Anne Harris Dyer	1430 5th St MB CA 90266
14	Ben Armstrong	660 29 th St. MB 90266
15	Derek Carter	2618 Curtis Ave. #B Redondo Beach
16	Karla Mendelson	408 5 th St. M.B.
17	Scott Myers	1216 Beryl St RB, CA 90277
18	Susan Dietz	839 17 th St. M.B. - 90266
19	Melanie Busik	708 7 th St HB 90251
20	GAYE SIMMONS	1301 Pine Ave MB 90266
21	Tricia Shea	2601 Walnut Ave MB 90264
22	Dea Lanke	746 - 27 th St. M.B
23	Deborah Price	1408 Elm MB

24	Judy Hammond	
25	Valerie Saut	720 33rd MB
26	Wendy	
27	DA Chaffin	584 25th MB
28	Ela Barro	2319 Grandview Ave. MB
29	Dexter Taylor	457 32nd St.
30	Cristi Duka	529 21st St.
31	Cathy Strauss	113 35th St
32	Kamala Horwitz	645 33rd St, MB
33	Nancy Skute	878 6th St. MB, CA 90266
34	Hilary Combs	2209 Vista Drive M&CA 90266
35	Monique	
36	Maria Elena Villegas	1161 2nd St. M.B. 90266
37	Gillian Van Cooney	1545 Silver Street HB 90254
38	Tim Piniak	1328 S. Redondo Blvd. LA 90019
39	Nancy Humberger	591-26th St. MB
40	Jennifer Agliozzo	632 Marjorie Av. MB, 90266
41	Judy Hammond	3409 Pine Ave, MB, 90266
42	Katie Chambers	609 31st Street MB 90266
43	Pamela Littlewood	2400 Laurel Ave MB 90266
44	Darlene Ferri	426 Manhattan Ave HB 9025f
45	Dr P	1724 Nassau Ave MB, CA 90266
46	Tracy Munk	1202 Stanford Ave RB
47	Libby Renshaw	522 24th St. MB CA 90266
48	Ellen Beatty	1325 18th MB CA 90266
49	Katey	591 33rd MB 90266
50	Gary	425 4th Street MB
51	Gunny Soper	301 Carriage Pl MB
52	Mittie Journell	594 27th St. MB.

	NAME	Address
53	Gina Ruben	1324 9th St, MB
54	Jo Ann Conlin	1421 Pine MB
55	Tina Martin	1500 Lynnhaven
56	Shelley Theodore	332 9th St., MB
57	Stephanie Sibbett	401 15th St, MB
58	Philip Reuter	915 Portola Ave Tor
59	Suzanne Sharer	641 35th St., MB
60	Steve Schmitt STEVE WITSITT	445 28th St, MB
61	Kami Nathan	2000 The Strand MB
62	Aronell Ogden	3456 32nd St MB
63	Ame Tala	1641 8th St. 90200
64	Steve Taylor	1315 17th Street MB
65	Lia Lamb	332 17th St MB 90266
66	Marene Swann	2421 Via Anja P.E.C.A 90271
67	Nina HeSpa	4505 W 14th St HB 90262
68	Kay Smith	2708 Pacific, MB 90266
69	Jen Cunningham	14021 Marquesas Way. Marina del Rey 90292
70	Vanessa Bland	3613 Poinsettia Ave. MB 90266
71	Angela Eisenacher	2813 Carlsbad Street Redondo Beach 90278
72	Debbie Holden	3000 Oak Ave MB 90266
73	Vivian Yasutake	339 27th St HB 90254
74	GREG HARRIS	433 8th St MB 90266
75	Danise Eisenhauer	2400 Pine Av MB 90266
76	Dominic Hegarty	P.O. Box 1065 R.B 90278
77	Don Yamashita	1900 Wilmet Ave. MB 90266
78	Rachelle Scarpin	Long Beach, CA
79	Joe Hiller	225 33rd St HB CA 90254
80	Carol Hiller	Hermosa Bch CA 90254

- 81 Marisa Atthoff _____
- 82 Summer Price _____
- 83 Bruce W Powell _____
- 84 Christi Wyle _____
- 85 Jay M. Powell _____
- 86 Debra Crowell _____
- 87 Mark _____
- 88 Jean Stone _____
- 89 Jim _____
- 90 Paul _____
- 91 Matt Kengel _____
- 92 Bob _____
- 93 Bernie _____
- 94 Nanette Borden _____
- 95 Eric Stearns 121 32nd Street / Manhattan Beach CA
- 96 Marra Borda _____
- 97 CHRIS SUTTER ~~CA~~ _____
- 98 Kimberly Baxter _____
- 99 Sally Thomas 2760 W. 28th St Lombard CA
- 100 Maria Middleton _____
- 101 CHRIS PATTON ADDRESS 3304 PACIFIC, MB, CA
- 102 Jeanne Black 1625 10th St MB, CA
- 103 Denise Young 510 Prospect HBA CA
- 104 Dana Kelly 450 N. PACIFIC AVE, RB, CA
- 105 Andra Williams 224 W Oak Ave ES CA 90245
- 106 DENISE Young 11607 1st St, MB 90266
- 107 Taji Marie Higley MB
- 108 Joy Rocker 850 Avenue C RB.
- 109 _____

- 110 Linda King Fiedky 1341 23rd St. Manhattan Beach
- 111 Camela Bell 3200 Laurel Ave MB
- 112 Terri Hansen 1800 Agnes Rd MB 90266
- 113 Judy Giss 1707 10th Street Manhattan Beach, CA 90266
- 114 Kande Grabiner 437 33rd St. MB 90266
- 115 Amy Hageman 1154 23rd St MB
- 116 SUE MACKAY 763 29th St. M.B 90266
- 117 Meredith Lakewood 180 Sepulveda Blvd. MB 90266
- 118 Greg Curran 2464 Man Ave, HB
- 119 Kath Keenan 3515 Vista Way
- 120 M. GERTZ 703 Sierra St, El Segundo 90245
- 121 Heather Hall 633 MARINE AVE, MAN BEACH 90266
- 122 Johann Kraus 1805 Hankness MB CA 90266
- 123 George Merrick 3200 Poinsettia Av MB 90266
- 124 Kelly ENTZ 811 20th ST MB 90254
- 125 Jen Berlinger 919 Dunceen Ave. MB 90266
- 126 MATT BARTHAN 522 24th ST MB 90266
- 127 Anne Zedro 1004 7th Street (Hermosa Beach
- 128 Deborah 1324 21st St MB 90266 90254
- 129 Wili McLean 1715 Golden Ave. HB 90254
- 130 Tom Jonkows 1230 Rosecrans #100, MB CA 90266
- 131 CAZOLE BEN 1031 BOUNDARY PL MB 90266
- 132 Joni Ramallo 433 26th St. MB CA 90266
- 133 ELIZABETH HIGBY 1813 N. MEADOWS AVENUE MB CA 90266
- 134 BILL PALMER 1211 E. ACACIA AVE EL SEGUNDO 90245
- 135 Nail Carrier 656 26th St, MB 90266
- 136 Ruben Saldana Lomita, CA.
- 137 Celine Anderson 1206 Stanford ave. RB, CA, 90278



Petition of those in favor of Grow The Produce Shop's Change of Use permit to allow Grow to sell beer & wine.

	Name	Address
1	<u>Dana Maier</u>	<u>1317 1st Street MB 90266</u>
2	<u>Lorraine Fellows</u>	<u>219 Aricatum Pl MB 90266</u>
3	<u>martha Rudas</u>	<u>2 Sausalito circle E. 90266</u>
4	<u>Colleen Calkins</u>	<u>598 3/5th St MB 90264</u>
5	<u>Jessica King</u>	<u>3600 Walnut Ave. MB 90266</u>
6	<u>ANTHONY SALVAGGIO</u>	<u>2705 LAUREL AVE, MB 90266</u>
7	<u>Bill Stout</u>	<u>464 31st Street MB 90266</u>
8	<u>Elsie Gordon</u>	<u>729-33rd Street MB 90266</u>
9	<u>Shannon Coyle</u>	<u>1638 9th St MB 90266</u>
10	<u>ADAM BAIN</u>	<u>612 10th St HB 90254</u>
11	<u>Nancy Danore</u>	<u>617 26th St MB 90266</u>
12	<u>SARAH PUCCI</u>	<u>1736 REED ST R.B. 90270</u>
13	<u>JOHN UTLEY</u>	<u>1230 23rd St MB 90266</u>
14	<u>Neil Saldana</u>	<u>1206 Stanford ave. Redondo Beach, CA 90278</u>
15	<u>MARK McLENNAN</u>	<u>2004 MAGNOLIA AVE MB 90266</u>
16	<u>Barry Fisher</u>	<u>591 33rd St MB 90266</u>
17	<u>Aaren Hunt</u>	<u>2613 Pine Ave, MB 90266</u>
18	<u>Aimee Shramko</u>	<u>6321 W 89th Pl, LA 90045</u>
19	<u>Lestie Carlin</u>	<u>704 Pacific Ave MB 90266</u>
20	<u>Joe Caputo</u>	<u>3463 Canehill Av IB CA 90280</u>
21	<u>Andrew Hunter</u>	<u>1201 magnolia Ave MB 90266</u>
22	<u>JAMES CURNITT</u>	<u>1706 MANHATTAN Ave. Hermosa Beach 90254</u>
23	<u>Bruce Jacobs</u>	<u>505 N Dionthus Street MB, CA 90266</u>

- | | | |
|----|----------------------------------------|---------------------------------------------|
| 24 | <u>Maggie Movius</u> | <u>1804 Elm Avenue MB 90266</u> |
| 25 | <u>CHRIS Carreon</u> | <u>2416 Elm Ave MB 90266</u> |
| 26 | <u>Kathy Thomson</u> | <u>1505 Lynngrove Dr.</u> |
| 27 | <u>Jan Dunbar</u> | <u>477 30th St MB 90266</u> |
| 28 | <u>Peter Nachman</u> | <u>122 Neptune Ave Haines 90254</u> |
| 29 | <u>Susan Lemman</u> | <u>1209 Oak Ave MB 90266</u> |
| 30 | <u>[Signature]</u> | <u>509 N. DIMITRIEVS MB 90266</u> |
| 31 | <u>Spettekle</u> | <u>620 13th St. MB 90266</u> |
| 32 | <u>Walter Krogg</u> | <u>1505 Lepuveda Bl MB 90266</u> |
| 33 | <u>Kevin [Signature]</u> | <u>1900 Walnut Ave. MB 90266</u> |
| 34 | <u>Margot [Signature]</u> | <u>3604 Walnut MB 90266</u> |
| 35 | <u>[Signature]</u> | <u>629 10th St. M.B. "</u> |
| 36 | <u>[Signature]</u> | <u>(JD) 606 N. DIMITRIEVS ST MB 90266</u> |
| 37 | <u>[Signature]</u> | <u>606 N. DIMITRIEVS ST. MB 90266</u> |
| 38 | <u>Roy Boy</u> | <u>1325 8th Street MB 90266</u> |
| 39 | <u>Carol Kease</u> | <u>214 John St. MB 90266</u> |
| 40 | <u>Ellen Regenstey</u> | <u>818 18th St, MB 90266</u> |
| 41 | <u>Jean Ruseleng</u> | <u>1405 Pine Ave. M.B. 90266</u> |
| 42 | <u>Eric Hart</u> | <u>4540 1/2 W. 160th St Larchdale 90260</u> |
| 43 | <u>Ann Robbins</u> | <u>616 Maine Ave MB.</u> |
| 44 | <u>[Signature]</u> | <u>917 8th St MB 90266</u> |
| 45 | <u>[Signature]</u> | <u>725 10TH ST MB 90266</u> |
| 46 | <u>Luisa Power</u> | <u>1500 6th St. MB 90266</u> |
| 47 | <u>[Signature]</u> | <u>1408 OAK MB 90266</u> |
| 48 | <u>[Signature] (Lambert)</u> | <u>937 27th St 90266</u> |
| 49 | <u>[Signature] (WILKINSON NEWLAND)</u> | <u>716 35th ST MB 90266</u> |
| 50 | <u>[Signature] (JESSE F. OCKNER)</u> | <u>716 35th ST MB 90266</u> |
| 51 | <u>[Signature]</u> | <u>905 MANHATTAN TERRACE MB</u> |
| 52 | <u>[Signature]</u> | <u>420 29th Pl MB 90266</u> |

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Jan McMillan
Lisa Martinez
Kim Weller
JOHN ZAYLOR
Vicki Neumann
Greene Saldana
John Becker
Lisa Anahoshi
Debbie Goldberg
ADAM Goldberg
Joey Johnson
LAURA Kiely
Lena Sapitulla
SUNNI WON
Jack Mathey
Stephanie Buckley
Bernadette Schlee
Donna Imhoff
Jessica Baker
Debbie Clein
Bony Frisk
Patricia Stone
Ann Meyers
Mykel Jeddell
Kristen Mehta
Katie VanHarten
Susan Brady Henry

1505 LYNNGROVE DR MB 90266
845 9th St, Manhattan 90266
586 27th St Manhattan Bch 90266
1731 Voorhees Ave MB CA 90266
460 35th STREET, MANHATTAN MB
3208 LAUREL Ave Manhattan Bch CA
1206 Stanford Ave Redondo Bch
1600 Gales, MO CA. 90271
13 Santa Rosa Ct M.B. CA. 90266
3021 Crest Dr, MB CA 90266
3021 Crest Dr. MB CA 90266
931 Montgomery Dr. HB CA 90254
321 7th Street, M.B., CA 90266
1913 Grant Ave Unit C, RB, CA 90278
1601 N. SEPULVEDA BLDG #148 MB CA
90266
2005 Chestnut Ave MB, CA 90266
3904 The Strand, MB, CA 90266
917 Harkness St M.B. CA 90266
217 Marine Pl MB 90266
2100 Agnes Rd, MB 90266
591 33rd St MB CA 90266
113 34th Pl MB CA 90266
4370 Huntley CG 90230
2413 Oak Avenue CA. 90266
1301 21st, MB 90266
763 31st MB 90266
1401 Oak Ave, MB 90266

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Mr Jimmy
Sandy Francini
Bill Francini
Michele Taylor
Samantha Martin
Lupe Sandoval
Steffany Canty
CHRIS FARRIA
Mimi Sakaguchi
Carol Ann
Stacie Reeve
Gaule McQuinn
Bridgette Young
GOEBO TENSEP
Joan Krull
DAN WILKINSON
Whitney Mann
Debra Frank
Pamela
Denise McGrath
Christina Moon
Leanne Hill
Kathy Fogarty
Cliff Hallinan
Jim Sneyd
Paula J. Davis
W. J.
Just Ernesto
Donald Gonzales

592 33rd St MB 90266
" " "
1544 5th St MB 90264
1347 N. Park ave, Inglewood - 90302
530 Rama Dr. La Puente 91740
647 Longfellow Ave HB 90254
2935 W 235th St TORRANCE 90501
861 11th St. MB 90266
3512 VISTA DR, MB 90266
1525 3rd St. MB 90266
1737 8th St MB
1826 HAGER AVE RS 90278
941 DUNCAN PLACE, 90266
1808 Elm Ave. MB 90266
2508 ELM AVE MB 90266
1000 North St LA MESA
1817 Agnes rd MB 90266
408 5th St. MB 90266
1400 9th St MB 90266
709 W. Manchester Ave TORRANCE 90293
2608 Oak Ave MB 90266
1327 17th St. MB 90266
448 27th St. MB 90266
604 Manhattan Beach Blvd. MB 90264
915 Ocean Dr MB 90264
1811A Fullman Lane KB 90278
PO Box 3027 MB CA 90266
904 Silver Spar Rd RHE 90274

110	<u>Chris Gonzalez</u>	<u>409 N. PCH. R.B Ca 90275</u>
111	<u>Livia Gaspar</u>	<u>1816 N Sepulveda Blvd</u>
112	<u>Jim Huron</u>	<u>2417 Oak Ave 90266</u>
113	<u>Tracy Huron</u>	<u>2417 Oak Ave 90266</u>
114	<u>Jim Keel</u>	<u>3116 Elm Ave 90266</u>
115	<u>Amend Wilson</u>	<u>5634 W 134th Street 90260</u>
116	<u>Albert Yoon</u>	<u>1727 ARMOUR LANE 90278</u>
117	<u>Louise Rose</u>	<u>310 32nd St. 90266</u>
118	<u>Mohammed Khan</u>	<u>936 10th St 90266</u>
119	<u>Ann Potts</u>	<u>861 3rd St 90266</u>
120	<u>Amber Johnson</u>	<u>14516 Grinnell Ave LA 90260</u>
121	<u>R. A. Wisler</u>	<u>1138 18th St. MB 90266</u>
122	<u>Rose</u>	<u>116 32nd St. MB 90266</u>
123	<u>Jennifer Langley</u>	<u>2607B Grant Ave #B MB, CA 90278</u>
124	<u>Michelle</u>	<u>1730 6th St, MB 90266</u>
125	<u>Michelle</u>	<u>703 Sierra St, E.S. 90285</u>
126	<u>Amber</u>	<u>P.O. Box 3834 MB 90266</u>
127	<u>Janette Trayvand</u>	<u>524 13th St M.B 90266</u>
128	<u>Teresa Gussberg</u>	<u>151 MANHATTAN AVE LA, CA 90254</u>
129	<u>KAROL RENTZ</u>	<u>1915 ROCKEFELLER R.B 90278</u>
130	<u>MERRILEE MCDONALD</u>	<u>1915 ROCKEFELLER R.B 90278</u>
131	<u>Stephanie Pool</u>	<u>2016 Mathews Ave Unit B PB 90278</u>
132	<u>David Sands</u>	<u>524 4th St, MB, CA 90266</u>
133	<u>Susie Froemel</u>	<u>524 4th St, MB, CA 90266</u>
134	<u>Charlotte Rick</u>	<u>1730 3rd St, MB, CA 90266</u>
135	<u>Daniel & Zimsky</u>	<u>1736 3rd St MB, CA 90266</u>
136	<u>Patricia Fast</u>	<u>1460 21st St MB 90266</u>
137	<u>Gregory Fast</u>	<u>1460 21st St MB 90266</u>



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Petition of those in favor of Grow The Produce Shop's Change of Use permit to allow grow to sell beery & wine.

	Name	Address
1	Susan Henry	1601 Oak Ave MB 90266
2	Tami Brothers	1521 8th St MB 90266
3	JEFF SCHWEDOCK	1829 WALNUT AVE MB 90266
4	Salvane Marchetti	416 Highland Ave MB 90266
5	Beverly Baird	45-14th ST HB 90254
6	Johna Stone	216 34th St MB 90266
7	Carolyn Gould	2901 Pacific Ave MB. EIAS
8		
9	Laura Chas	2308 Via Rivera PV 90274
10	Angela Bennett	917 8th St MB 90266
11	Lara Howard	316 Winnipeg Plce #B, Long Beach 90814
12	MARCIA LEVIN GORDON	300 Larsson ST, MB CA 90266
13	J. Lersch	2950 Hermosa MB
14	J. Grant	1601 N. Sepulveda Blvd.
15	Jill Mosteller	1500 Poinsettia Ave, MB 90266
16	Brent R. R.	1100 JOHN STREET MB CA 90266
17	Susan Boies	1100 John St MB, CA 90266
18	Jan Gable	437 3rd St, MB 90266
19	Theresa Gable	437 3rd St MB, CA 90266
20	Nate Flory	1448 Monterey Blvd HB 90254
21	Kelly Kennel	1121 Goodman Ave RB 90278
22	Rick Sowers	429 25th St. H.B. CA 90254
23	Mitce KING	1341 23rd St. Manhattan Beach 90266

24	<u>Mania Middleton</u>	<u>23701 S Western Torrance</u>
25	<u>Adam McAtee</u>	<u>" " 90501</u>
26	<u>Virginia M.</u>	<u>644 W. Maple Ave ES.</u>
27	<u>Samantha Hall</u>	<u>1304-D 12th St MB 90266</u>
28	<u>Ryan Krauch</u>	<u>2305 PINE AVE MB 90266</u>
29	<u>ANTONIO GORTIZ</u>	<u>22822 ANZA AVE TORRANCE</u>
30	<u>Diane Casen</u>	<u>5842 E PARADISE ST. LB 90806</u>
31	XXXXXXXXXX	<u>440 Thrift St MB 90266</u>
32	<u>Kevin McDermott</u>	<u>P.O. BOX 3041, MB 90266</u>
33	<u>Tracy French</u>	<u>2912 Elm Avenue, MB</u>
34	<u>Olivia Roth</u>	<u>2916 N. Poinsettia Ave MB 90266</u>
35	<u>Bernadette Schlee</u>	<u>3904 The Strand, MB 90266</u>
36	<u>Bonnie Huntington</u>	<u>1210 17th St HB CA 90254</u>
37	<u>Dolores Gamble</u>	<u>2402 N. Laurel Ave MB CA 90266</u>
38	<u>Bruce Powell</u>	<u>1008 Ninth St Man. Bch 90288</u>
39	<u>My Schaffer</u>	<u>6407 W. 80th St LA 90045</u>
40	<u>Judy Stanton</u>	<u>1508 Renee Ave, MB 90266</u>
41	<u>Sue Deary</u>	<u>34 16th St HERMOSA.</u>
42	XXXXXXXXXX	<u>2705 Laurel Ave, M.B. 90266</u>
43	<u>Ray</u>	<u>2603 Maple MB 90266</u>
44	<u>Krista Jacobs</u>	<u>505 N. Dianthus MB 90266</u>
45	<u>Jason Corbett</u>	<u>1600 Clark Ave, Palmdale 90278</u>
46	<u>Amy Janeta</u>	<u>319 Whiting Ave, El Segundo 90245</u>
47	<u>Nancy Miller</u>	<u>524 14th St Manhattan Bch CA 90266</u>
48	<u>Jim Miller</u>	<u>524 14th St, MB Ca. 90266</u>
49	<u>MARK VELARDE</u>	<u>1237 9th St, MB 90266</u>
50	<u>R. Jefferson-Carey</u>	<u>269 S. Beverly Dr 90212</u>
51	<u>Louise Hilby</u>	<u>2200 Laurel Ave MB. 90266</u>
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Philip DeFesch

1140 5th St. M.B., CA 90266

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Petition of those in favor of Grow The Produce Shop's Change of Use permit to allow grow to sell beery & wine.

	Name	Address
1	Irene White	586 33rd St. MB 90266
2	Dennis White	586 33rd St. MB 90266
3	April Morehead	1237 6th St. MB 90266
4	FELEN RISTAM	3508 STRONG - MB 90266
5	Sharon King	1510 11th St. - MB 90266
6	Camela Ott	3200 Laurel Ave MB 90266
7	Joseph Dyer	217-40th St MB 90266
8	Shirley Banks	1533 Steubart Ave, M.B. 90278
9	TAMAKUWA	1914 FARRIS AVE B.S. RB 90277
10	Steph Rudy	2404 Bingham MB 90266
11	John Kunesch	1825 Flannoy Rd MB 90266
12	Kimberly McIntyre	2203 W. 78th St Inglewood 90305
13	Margaret Musante	621 19th St. M.B. 90266
14	KEVIN FORD	2216 NASON #2 RB 90278
15	Dennis Moritz	1417 18th St M.B. 90266
16	Genie Litman	32 Cayman Ct., M.B. 90266
17	GAROL HEINRICHS	905 MANHATTAN BEACH BLVD. 90266
18	John Pilonak	1631 18th St, Manhattan Beach, 90266
19	Katie Bryan	1720 Hermosa Ave., Hermosa Beach CA
20	Shanna Wheeler	1254 28th Pl, MB, CA 90252 90254
21	Lori Keenan	725 10th St MB CA 90266
22	Kristine Schumacher	2101 Palm Ave MB CA 90266
23	DEIDRE HUNTER	1653 MANHATTAN Bch Blvd. MB 90266



MASTER APPLICATION FORM

CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT

Office Use Only
Date Submitted: 8/8/08
Received By: [Signature]
F&G Check Submitted:

1830 N Sepulveda Blvd MB 90266
Project Address

Assessor ID 4166 020 034
Legal Description

General Plan Designation _____
Zoning Designation General Commercial Area District _____

For projects requiring a Coastal Development Permit, select one of the following determinations¹:

- | | | | |
|----------------------------------------------------------------------|--------------------------------------------------------------------------|---------------------------------------------------------------------------|-----------------------------------------------------|
| Project located in Appeal Jurisdiction | | Project <u>not</u> located in Appeal Jurisdiction | |
| <input type="checkbox"/> Major Development (Public Hearing required) | <input type="checkbox"/> Public Hearing Required (due to UP, Var., etc.) | <input type="checkbox"/> Minor Development (Public Hearing, if requested) | <input type="checkbox"/> No Public Hearing Required |

Submitted Application (check all that apply)

- | | |
|-------------------------------------------------------------------------|-------------------------------------------------------------------------|
| <input type="checkbox"/> Appeal to PC/PWC/BBA/CC _____ | <input type="checkbox"/> Subdivision (Lot Line Adjustment) _____ |
| <input type="checkbox"/> Coastal Development Permit _____ | <input type="checkbox"/> Use Permit (Residential) _____ |
| <input checked="" type="checkbox"/> Environmental Assessment <u>124</u> | <input checked="" type="checkbox"/> Use Permit (Commercial) <u>1209</u> |
| <input type="checkbox"/> Minor Exception _____ | <input checked="" type="checkbox"/> Use Permit Amendment <u>65</u> |
| <input type="checkbox"/> Subdivision (Map Deposit) 4300 _____ | <input type="checkbox"/> Variance _____ |
| <input type="checkbox"/> Subdivision (Tentative Map) _____ | <input checked="" type="checkbox"/> Public Notification Fee _____ |
| <input type="checkbox"/> Subdivision (Final) _____ | <input type="checkbox"/> Park/Rec Quimby Fee 4425 _____ |
| | <input type="checkbox"/> Other _____ |

Fee Summary: Account No. 4225 (calculate fees on reverse)

Pre-Application Conference: Yes _____ No _____ Date: _____ Fee: _____
Amount Due: \$ 1398.00 (less Pre-Application Fee if submitted within past 3 months)
Receipt Number: _____ Date Paid: _____ Cashier: _____

Applicant(s)/Appellant(s) Information

Grow The Produce Shop
Name

1830 N. Sepulveda Blvd MB CA 90266
Mailing Address

Tenant
Applicant(s)/Appellant(s) Relationship to Property

Kathleen & Barry Fisher Owners 310 545-2904 barrya@growtps.com
Contact Person (include relation to applicant/appellant) Phone number / e-mail

same
Address

[Signature] 310 545-2904
Applicant(s)/Appellant(s) Signature Phone number

Complete Project Description- including any demolition (attach additional pages if necessary)

Change of use permit to allow Grow to sell wine and beer.
ABC License Code 20- Off-Sale Beer & Wine

EXHIBIT E

An Application for a Coastal Development Permit shall be made prior to, or concurrent with, an application for any other permit or approvals required for the project by the City of Manhattan Beach Municipal Code. (Continued on reverse)

OWNER'S AFFIDAVIT

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

We LEAHY ASSOCIATES LLC being duly sworn,
depose and say that ~~I am~~ we are the owner(s) of the property involved in this application and
that the foregoing statements and answers herein contained and the information herewith
submitted are in all respects true and correct to the best of my/our knowledge and belief(s).

Nicholas M. Brown, Managing Member

Signature of Property Owner(s) - (Not Owner in Escrow or Lessee)

NICHOLAS M. BROWN

Print Name

8929 WILSHIRE BLVD, SUITE 400, BEV. HILLS, CA 90211

Mailing Address

(310) 652-8288

Telephone

Subscribed and sworn to before me,

this _____ day of _____, 20____

in and for the County of _____

State of _____

Notary Public

~~OUT DATE~~

Fee Schedule Summary

Below are the fees typically associated with the corresponding applications. Additional fees not shown on this sheet may apply - refer to current City Fee Resolution (contact the Planning Department for assistance.) Fees are subject to annual adjustment in January of each year.

Submitted Application (circle applicable fees, apply total to Fee Summary on application)

Coastal Development Permit

Filing Fee (public hearing - no other discretionary approval required): \$ 1,824 ☒
Filing Fee (public hearing - other discretionary approvals required): \$ 124 ☒
Filing Fee (no public hearing required): \$ 124

Use Permit (Master)

Residential Filing Fee: \$ 2,420 ☒
Commercial Filing Fee: \$ 3,005 ☒
Amendment Filing Fee: \$ 1,209 ☒

Variance

Filing Fee: \$ 3,005 ☒

Minor Exception

Filing Fee: \$ 966 ☒

Subdivision

Tentative Parcel/Tract Map Filing Fee: \$ 585 ☒
Final Parcel Map/Tract Map Filing Fee: \$ 585
Mapping Deposit: \$ 473
Quimby Parks and Recreation Fee (new lot/unit): \$ 1,817
Certificate of Compliance Filing Fee: \$ 564.50

Environmental Review (contact Planning Division for applicable fee)

Environmental Assessment: \$ 124
Environmental Assessment (if Initial Study is prepared): \$ 1,557
Fish and Game County Clerk Fee²: \$ 50

☒ Public Notification Fee applies to all projects with public hearings and covers the city's costs of envelopes, postage and handling the mailing of public notices. Add this to filing fees above, as applicable.

\$ 65

JANUARY 17, 2008

² Make \$50 check payable to LA County Clerk, (DO NOT PUT DATE ON CHECK)



ENVIRONMENTAL INFORMATION FORM

(to be completed by applicant)

CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT

Date Filed: 2/8/08

APPLICANT INFORMATION

Name: Grow The Produce Shop
Address: 1830 N. Sepulveda Blvd
Phone number: 310 545-2904
Relationship to property: Tenant

Contact Person: Barry Fisher
Address: 591 33rd St
Phone number: 310 908-1388
Association to applicant: Owner

PROJECT LOCATION AND LAND USE

Project Address: 1830 N. Sepulveda Blvd
Assessor's Parcel Number: 4166 020 034

Legal Description: RF 140 FOR DEFC SEE ASSESSOR'S MAPS POR OF LOT 687 IN SEC 19 T3S R14W

Area District, Zoning, General Plan Designation: General Commercial

Surrounding Land Uses:

North Commercial

West Commercial

South Commercial

East Residential

Existing Land Use: Commercial

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: _____

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: _____

Grocer, 8am-8pm Mon-Sat + 8am-6pm Sun, 7 employees, no fixed seats,
kitchen/prep area 150 sq', seating 0 sq', sales 1800 sq', storage 170 sq'

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

Removed/

	<u>Existing</u>	<u>Proposed</u>	<u>Required</u>	<u>Demolished</u>
Project Site Area:	<input checked="" type="checkbox"/>			
Building Floor Area:	<input checked="" type="checkbox"/>			
Height of Structure(s)	<input checked="" type="checkbox"/>			
Number of Floors/Stories:	<input checked="" type="checkbox"/>			
Percent Lot Coverage:	<input checked="" type="checkbox"/>			
Off-Street Parking:	<input checked="" type="checkbox"/>			
Vehicle Loading Space:	<input checked="" type="checkbox"/>			
Open Space/Landscaping:	<input checked="" type="checkbox"/>			

Proposed Grading:
 Cut _____ Fill _____ Balance _____ Imported _____ Exported _____

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

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

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

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: 

Prepared For: Grow The Produce Shop

Date Prepared: 2/5/08

Revised 7/97



Grow The Produce Shop is a full line produce supplier. In addition we offer our customers, meat, dairy and select grocery items.

Hours:

Fall/Winter- Monday-Saturday 8:00am-7:00pm, Sunday 8:00am-6:00pm

Spring/Summer- Monday-Saturday 8:00am-8:00pm, Sunday 8:00am-6:00pm

Peak Hours.

Fall/Winter-

Monday-Friday- 11am-1:00pm, 4:00pm-6:00pm

Saturday 10:00am-5:00pm

Sunday 12:00pm-4:00pm

Spring/Summer

Same

Unique characteristics. Grow has become to several clients their local grocer. Grow selects products based on quality as well as by recommendation of our customers. Grow listens to its customers, and many have recommended the addition of a small selection of wine and beer. This has motivated Grow to seek a Change of Use permit with the City of Manhattan Beach to allow for off sale ABC license 20.



10.84.060 Required Findings:

1. Yes, 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. Grow and its owners are members of the Manhattan Beach community. Living in Manhattan Beach, and having children who attend Grand View Elementary, we feel it is vital that what Grow does is a benefit to the community. Therefore, the Change of Use permit which Grow seeks is in line with the General Plan.
3. Yes, 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 is located.
4. The impact of Grow's Change of Use, will not adversely impact nor be adversely impacted by nearby properties. Grow's structure with the City of Manhattan Beach is that of a grocer. The location of our shop exceeds the necessary parking requirements set by the city to insure no undue impact of traffic, parking, noise, resident security or personal safety. Due to the extensive parking within Manhattan Center our Change of Use will not exceed the capacity of public service and facilities.