


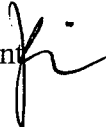



Staff Report

City of Manhattan Beach

TO: Honorable Mayor Montgomery and Members of the City Council

THROUGH: Geoff Dolan, City Manager 

FROM: Richard Thompson, Director of Community Development 
Eric Haaland, Associate Planner 

DATE: September 16, 2008

SUBJECT: Consideration of a Planned Development Permit Amendment for the Conversion of an Existing Warehouse to Food and Beverage Sales with Sales and Sampling of Alcoholic Beverages Located at 1700 Rosecrans Avenue

RECOMMENDATION:

Staff recommends that the City Council receive and file the decision of the Planning Commission approving the project subject to certain conditions.

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

DISCUSSION:

The Planning Commission, at its regular meeting of August 27, 2008, **APPROVED** (4-0, 1 absent) a planned development (PD) permit amendment allowing an existing warehouse space to be converted to a retail/food and beverage sales use within an existing multi-tenant commercial and industrial development. The project is in conformance with all of the City's applicable requirements including parking, signs, and landscaping. The PD district provides that most standards be established by the PD permit approving the development under consideration. The existing PD permit provides only for the existing 36,000 square feet of retail use (Office Depot, Fresh & Easy) on the site since the viability of demolishing floor area to increase parking quantities needed for retail use was not anticipated at that time. The PD District does not have the same regulation found in commercial districts that requires use permit approval specifically for alcohol sales, however, the approved PD permit amendment incorporates the same types of findings and conditions typical of alcohol use permits.

The Planning Commission supported the project since it continues the ongoing pattern of converting previous industrial uses fronting on Rosecrans Avenue to commercial uses. The subject space represents the last of such industrial frontages to be converted in Manhattan Beach. The design and character of the proposal are also consistent with the surrounding recent development in the area. The Planning Commission received no comments opposing the project. The Commission primarily discussed issues of alcohol sales and traffic related to the project.

The tenant specifically proposed at this time is a beverage sales business (BevMo) that includes substantial alcohol sales in a large supermarket style operation. While this type of operation, in a location well buffered from distant residential properties, was generally believed to be appropriate, hours of operation for alcohol sales were limited compared to non-alcohol oriented business hours. The Commission felt that beer and wine sampling should begin no earlier than 11am, and end by 7pm nightly. Sales of alcohol for off-site consumption were limited to 9am to 9pm daily. Conditions imposed upon beer and wine sampling are consistent with previous similar approvals in the City.

The Planning Commission discussed traffic concerns that have been common for this segment of Rosecrans Avenue since the mid-1990's. The City's traffic engineer concurred with preliminary analysis determining that traffic increases resulting from the proposed change of uses would not be significant. The reduced floor area and more dispersed trip generation patterns of the proposed retail use compared to the existing warehouse use are actually expected to slightly decrease traffic during morning peak hours.

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:

Resolution No. PC 08- 12
P.C. Minutes excerpt, dated 8/27/08
P.C. Staff Report, dated 8/27/08
Plans (separate/NAE)

(NAE) – not available electronically

C: Continental Development, Applicant
BevMo, Tenant.

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RESOLUTION NO. PC 08-12

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A PLANNED DEVELOPMENT PERMIT AMENDMENT ALLOWING CONVERSION OF EXISTING WAREHOUSE SPACE TO FOOD AND BEVERAGE SALES WITH BEER AND WINE SAMPLING WITHIN AN EXISTING RETAIL AND INDUSTRIAL DEVELOPMENT LOCATED AT 1700 ROSECRANS AVENUE (Continental Development / BevMo)

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 conducted a public hearing on August 27, 2008, received testimony, and considered an application for a planned development permit amendment to allow conversion of an existing warehouse space to retail food and beverage sales including general alcohol sales, and on-site sale and consumption of beer and wine samples on the property legally described as a portion of Section 19, Township 3 South, Range 14 West located at 1700 Rosecrans Avenue in the City of Manhattan Beach.
- B. The applicant for the subject project is Continental 1700 Rosecrans Corp., the owner of the property.
- C. The existing commercial and industrial site is currently governed by a Planned Development Permit (Resolution No. 5203) that permits the existing industrial use, and 36,000 square feet of existing retail use. The proposal to add approximately 10,000 square feet of commercial use to the site requires Planning Commission approval of an amendment to the existing Planned Development Permit.
- D. The existing parcel is 298,271 sf in area and includes 3 separate buildings. Two buildings at the rear (#66-36,000 sf and #67-30,000 sf) provide 66,000 sf of warehouse space. The building at the front includes 3 retail/food beverage sale spaces (19,999 sf retail and 16,603 food and beverage sales existing) and one 10,008 sf food and beverage sales (subject proposal). There are approximately 288 parking spaces on site with the subject proposal.
- E. The project is Categorically Exempt (Class 1 & 2, Sections 15301 & 15303) from the requirements of the California Environmental Quality Act (CEQA) since it involves conversion of an existing facility to a smaller size facility of similar intensity.
- 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 General Plan designation for the property is Manhattan Village Commercial. The project is consistent with the General Plan, and specifically supports Goal LU-8, encouraging maintenance of Rosecrans Avenue as a regional-serving commercial district, Goal LU-2 due to increased landscaping, Goal LU-3, and Policy LU-3.1 related to positive aesthetics, Policy LU-6.2 by providing a diverse tax base, and Policy LU-8-2

related to upgrading and remodeling to meet business needs.

- H. The property is located within Area District II and is zoned PD, Planned Development. The surrounding private land uses consist of commercial and industrial uses. The PD zone does not establish permitted uses or development standards, however, the project is compatible with the previous site development and the surrounding area. The subject amendment and the existing PD permit establish the use and development regulations for the site. The proposal is consistent with the PD district intentions for General Plan Compliance, quality design, and adequate public services.
- I. Approval of retail sales of alcohol and on-site sampling of beer and wine, subject to the conditions below, 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 since these activities will have limited night hours, serve a regional customer base, and be insulated from residential and other sensitive uses.
- J. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code as well as specific conditions contained herein further regulating the project.
- K. A determination of public convenience and necessity is made for the proposed Type 42 alcohol license (as conditioned below), which shall be forwarded to the California Department of Alcohol Beverage Control upon City Council acceptance of this project approval.
- L. A de minimis impact finding is hereby made that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- M. This Resolution, upon its effectiveness, together with existing Planned Development Resolution No. 5203 constitutes the Planned Development Permit/Plan for the subject site, and the State required Determination of Public Convenience and Necessity for the currently proposed Type 21 and Type 42 alcohol licenses.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Planned Development Permit Amendment subject to the following conditions (*indicates a site specific condition):

Site Preparation / Construction

- 1. The project shall be constructed and operated in substantial compliance with the submitted project description and plans as approved by the Planning Commission on August 27, 2008. Any substantial deviation from the approved plans must be reviewed and approved by the Planning Commission. The subject property shall be in compliance with any previous permit requirements that remain effective.
- 2. A Traffic Management Plan shall be submitted in conjunction with all construction and other building plans, to be approved by the Community Development Department prior to issuance of building permits. The plan shall provide for the

1 management of all construction related traffic during all phases of construction,
2 including delivery of materials and parking of construction related vehicles.

3 Prior to the commencement of any construction activity that would cause a
4 disruption to traffic or lane closure on Rosecrans Avenue; the applicant shall submit
5 plans which shall minimize traffic impacts associated with the proposed development
6 for review and approval by the Community Development Department.

7 3. Utility improvements such as property line cleanouts, backwater valves, mop sinks,
8 drain lines, etc., shall be installed and maintained as required by the Public Works
9 Department.

10 4. Modifications and improvements to the tenant space shall be in compliance with
11 applicable requirements of the Building Division, Health Department, and State
12 Department of Alcohol Beverage Control.

13 5. A trash/recyclables storage area shall be provided and maintained on the site subject
14 to the requirements of the Community Development and Public Works Departments.

15 6. All new electrical, telephone, cable television system, and similar service wires and
16 cables shall be installed underground to the appropriate utility connections in
17 compliance with all applicable Building and Electrical Codes, safety regulations, and
18 orders, rules of the Public Utilities Commission, the serving utility company, and
19 specifications of the Public Works Department.

20 7. During building construction of the site, the soil shall be watered in order to
21 minimize the impacts of dust on the surrounding area.

22 8. The siting of construction related equipment (job site offices, trailers, materials, etc.)
23 shall be subject to the approval from the Director of Community Development prior
24 to the issuance of any building permits.

25 9. A site landscaping plan, consistent with the project rendering on file with the
26 Community Development Department, utilizing drought tolerant native plants shall
27 be submitted for review and approval concurrent with the building permit
28 application. All plants shall be identified on the plan by the Latin and common
29 names. The current edition of the Sunset Western Garden Book contains a list and
30 description of drought tolerant plants suitable for this area. This plan shall be
31 prepared by a licensed landscape architect, as required by state law.

32 10. A low pressure or drip irrigation system shall be installed in the landscaped areas,
which shall not cause any surface run-off under normal operating conditions. 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.

11. Project driveway entrances shall be constructed or modified in conformance with the
requirements of the Public Works Department.

12. * Final circulation, traffic visibility, pedestrian, bicycle, and parking design shall be
subject to the review and requirements of the City's Traffic Engineer and Director of
Community Development.

13. * Property line clean outs, mop sinks, erosion control, and other sewer and storm water items shall be installed and maintained as required by the Department of Public Works. Oil clarifiers and other post construction SUSMP items shall be required for the project.
14. Backflow prevention valves shall be installed as required by the Department of Public Works, and the locations of any such valves or similar devices shall be subject to approval by the Community Development Department prior to issuance of building permits.
15. * Plans shall incorporate sustainable building components into the building and site design as determined to be appropriate by the Public Works and Community Development Departments such as: LEED (leadership in Energy and Environmental Design) and Build-it-Green components, permeable pavement, energy efficient plumbing mechanical and electrical systems, and storm water retention.

Operational Restrictions

16. * The subject tenant space (space B) shall operate as a food and beverage sales, retail, or similar use as determined by the Community Development Director. Primary kitchen equipment such as stoves, convection ovens, and commercial kitchen hoods shall be prohibited. Entertainment, dancing, and alcohol licenses other than Type 21 or Type 42 shall be prohibited. Beer or wine consumption shall not be separated from retail operations beyond the extent required by Alcohol Beverage Control. Full retail sales operations to the public shall be conducted at all times that on-site beer or wine consumption is available.
17. * In the event that the business known as BevMo should vacate the premises, the tenant space at 1700 B Rosecrans Avenue, may be occupied by another similar use, if upon its review, the Department of Community Development determines that the replacement use has the same use characteristics as BevMo including type of service provided, and peak hours of activity. The intent of this condition is to ensure that any replacement retail tenant, if exercising a Type 42 ABC license for on-site consumption of beer or wine, would be a use similar to BevMo.
18. * The on-site alcohol consumption shall be conducted only in designated areas (maximum area of 100 square feet) in conformance with the submitted floor plan. Beer and wine tasting shall be limited to maximum 1 ounce size samples, and a maximum of five samples of wine or beer per person. The wine and beer sampling area shall be limited to 100 square feet, shall have no seating, furniture or fixtures, and shall be separated by a physical barrier from other store areas. Sampling shall be limited to patrons at least 21 years in age. No exterior signage advertising wine or beer tasting will be permitted.
19. * Hours of operation for the proposed use shall be limited to 9am to 10 pm daily. Beer or wine tasting shall be limited to 11 am to 7 pm daily. Future tenants that are retail, or more traditional food and beverage sales uses, may be open until midnight, subject to review and approval of the Director of Community Development.
20. * Parking quantities and design shall be provided in conformance with the Manhattan Beach Municipal Code. Parking allocations to different tenants and uses within the

1 site shall be as determined to be appropriate by the Community Development
2 Director.

3 21. * All signs shall be in compliance with the City's Sign Code. Pole signs and internally
4 illuminated awnings shall be prohibited for the entire site. A sign program for the site
5 shall be provided for the approval of the Community Development Department.

6 22. * Noise emanating from the site shall be in compliance with the Municipal Noise
7 Ordinance. Any outside sound or amplification system or equipment is prohibited.

8 23. The operation shall comply with all South Coast Air Quality Management District
9 Regulations and shall not transmit excessive emissions or odors across property lines.

10 24. The operation shall remain in compliance with all Fire and Building occupancy
11 requirements at all times.

12 25. The management of the facility shall police the property and all areas immediately
13 adjacent to the business during the hours of operation to keep it free of litter.

14 26. * The operator of the facility shall provide adequate management and supervisory
15 techniques to prevent loitering and other security concerns outside the subject
16 business as determined to be appropriate by the Chief of Police.

17 27. * No waste water shall be permitted to be discharged from the premises. Waste water
18 shall be discharged into the sanitary sewer system.

19 **Procedural**

20 28. All provisions of the PD Permit are subject to review by the Community
21 Development Department 6 months after occupancy and yearly thereafter. The
22 operator shall cooperate with the Department of the Community Development in its
23 conduct of periodic reviews for compliance with conditions of approval.

24 29. This PD Permit shall lapse two years after its date of approval, unless implemented
25 or extended consistent with use permit time limits of Section 10.84.090 of the
26 Municipal Code.

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

30 31. The applicant agrees, as a condition of approval of this project, to pay for all
31 reasonable legal and expert fees and expenses of the City of Manhattan Beach, in
32 defending any legal actions associated with the approval of this project brought
against the City. In the event such a legal action is filed against the project, the
City shall estimate its expenses for the litigation. Applicant shall deposit said
amount with the City or enter into an agreement with the City to pay such
expenses as they become due.

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 Department of Community Development shall send a 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.

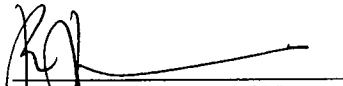
I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of August 27, 2008 and that said Resolution was adopted by the following vote:

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

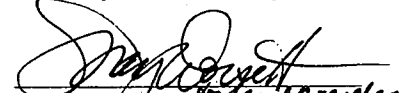
NOES: None

ABSTAIN: None

ABSENT: Paralusz



RICHARD THOMPSON,
Secretary to the Planning Commission


Sarah Boesch, *Sarah Boesch*
Recording Secretary

**CITY OF MANHATTAN BEACH
[DRAFT] PLANNING COMMISSION
MINUTES OF REGULAR MEETING
AUGUST 27, 2008**

The Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 27th day of August, 2008, at the hour of 6:35 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

A. ROLL CALL

Present: Fasola, Powell, Seville-Jones and Chair Lesser
Absent: Paralusz
Staff Present: Richard Thompson, Eric Haaland
Recording Secretary: Sarah Boesch

B. APPROVAL OF MINUTES – August 13, 2008

Commissioner Seville-Jones requested that a hyphen be added to her name on page 12, paragraph 35 of the August 13 minutes.

Commissioner Fasola requested that the language on page 9, line 5 be revised to read: "He commented that the vapor extracting equipment ~~would~~ could be present for a long period of time . . ."

Chairman Lesser requested that the wording of paragraph 5 on page 11 be revised to read: "Chairman Lesser said that the Commission considered an issue for the 818 Manhattan Beach Boulevard at the last hearing meeting which raised broader procedural questions issues and sought input from staff now that the project had been approved by Council. He said those issues include regarding the size of projects which require a traffic study; regarding whether it is appropriate to ask the Traffic Engineer to attend Planning Commission meetings in instances where Commissioners have further questions concerning traffic issues; and regarding the extent to which a prospective development of an adjoining property should have an impact on consideration of a project that is being considered by the Commission."

A motion was MADE and SECONDED (Powell/Fasola) to approve the minutes of August 13, 2008, as amended.

AYES: Fasola, Powell, Seville-Jones and Chair Lesser
NOES: None.
ABSENT: Paralusz
ABSTAIN: None.

C. AUDIENCE PARTICIPATION

None.

E. PUBLIC HEARINGS

1. **Consideration of a Planned Development Permit Amendment for Conversion of an Existing Warehouse to Food and Beverage Sales With Sales and Samples of Alcoholic Beverages, Located at 1700 Rosecrans Avenue (Continental Development Co./BevMo)**

Associate Planner Haaland said that the proposal is for a 10,008 square foot retail space formerly used as 21,922 square feet of warehouse space. He indicated that the new retail use is

proposed to include an off-sale general liquor license and a 100 square-foot enclosed beer and wine tasting area. He commented that the property is located in the Planned Development (PD) zone which allows more flexibility for projects and is a prominent zoning designation in the surrounding area bounded by Rosecrans Avenue, Aviation Boulevard, Sepulveda Boulevard and Marine Avenue. He indicated that the project does comply with general requirements for parking and landscaping. He indicated that the highest portion of the structure would be 43 feet for a tower element that would be consistent with two other existing towers on the site and consistent with the height of other structures in the area. He stated that the height of the majority of the structure is proposed to be below 29 feet. He said that it has been determined by the City's Traffic Engineer that the proposal would not result in a significant increase in traffic and that a formal traffic study was not required. He stated that the existing driveways and parking circulation for the site would not change as a result of the proposal. He commented that a new parking area would be added with a U-shape traffic pattern in front of the retail space. He stated that there is an existing sign program for the previous tenants that has been expanded to provide for the third new tenant space in compliance with the City's Sign Code. He stated that no pole signs are proposed, and there is a condition that no pole signs be permitted. He indicated that two monument signs are proposed.

Associate Planner Haaland said that staff is recommending an allowance of hours of operation between 6:00 a.m. and 10:00 p.m. daily, which is a reasonable closing time for the type of use. He commented that the subject property is isolated from residential areas, and the store would be a large supermarket style of operation. He stated that the proposed tenant does have extensive and stringent self-policing policies to prevent problems that are sometimes associated with retail sales of alcohol. He commented that three other applications for wine tasting have been approved in the City. He indicated that staff is recommending the proposed beer and wine tasting be contained within an isolated 10' by 10' area; be permitted between 9:00 a.m. to 7:00 p.m. daily; and be limited to five 1 ounce size samples per customer. He said that other conditions regarding wine tasting that have been included with other similar uses are also included for the subject proposal.

Chairman Lesser commented that the second finding under the Zoning Code that must be met for approval of the project reads: "The PD Plan or specific plan will enhance the potential for superior urban design in comparison with the development under the base district regulations that would apply if the plan were not approved." He indicated that the wording is rather confusing and asked if there is further guidance from staff in how it is to be determined whether the finding is met.

Associate Planner Haaland commented that the wording of the finding is intended to apply to new projects and the rezoning of properties from a standard commercial zone or industrial zone to Planned Development. He said that the intent of the finding is to determine that the flexibility provided by the PD zone is appropriate for the subject project. He indicated that flexibility provided in the PD zone allows, for example, the taller tower elements proposed rather than requiring that a rigid continuous height, which could be considered superior design by being more interesting and less monotonous.

Chairman Lesser also asked for further guidance from staff in making the third finding which reads: "Deviation from the base district regulations that otherwise would apply are justified by compensating benefits of the PD Plan or Specific Plan."

Associate Planner Haaland said that the wording of the third finding also relates to whether there is a benefit to the project in providing the flexibility allowed in the PD zone that is not allowed, for example, in the general commercial zone.

Chairman Lesser said that the staff report states that it was determined that the project would result in an insignificant change in traffic generation, and he asked whether that is a standard by which a further traffic study is required or determined to be necessary regardless of the square footage or nature of the project.

Associate Planner Haaland pointed out that it is common for the Traffic Engineer to determine that a project would not result in a significant increase of traffic relative to the existing use on a site and that a more detailed study is not required.

Chairman Lesser said that the cumulative impact of traffic on Rosecrans Avenue is a concern. He commented that because there is a concrete median along the center of Redondo Avenue, drivers traveling westbound on Rosecrans Avenue that wish to access the site would need to make a left turn southbound onto Redondo Avenue and then make a U-turn further down on Redondo Avenue in order to pull into the project.

Associate Planner Haaland said that the primary driveway at the northeast corner of the site would be used most frequently by cars traveling westbound on Rosecrans Avenue to access the development, and Redondo Avenue has very low traffic volumes to conflict with cars that mistakenly choose that route.

Chairman Lesser requested a condition that any disruption of traffic on Rosecrans Avenue during construction be approved by staff.

In response to a question from Commissioner Powell, Associate Planner Haaland said that Condition 20 prohibiting the use of disposable cups, plates or utensils is specific for the previous application for Bacchus which had limited capacity for trash storage. He said that it may not be necessary to impose the condition on the subject applicant. He indicated that staff would defer to the opinion of the Commission regarding the applicant's request to change the requirements included in Condition 18 that samples shall be poured by store employees and that the number of samples be limited to five servings per customer.

Commissioner Powell commented that allowing hours of operation until midnight for future tenants as stated in Condition 19 could allow for a convenience store in the future if BevMo leaves the site.

Director Thompson pointed out that staff included the wording of Condition 19 to provide for more flexibility in order to prevent a future applicant from being required to amend the Use Permit. He said that staff also would suggest adding the word "retail" to the traditional types of uses that would be permitted if the subject applicant leaves the site.

Commissioner Fasola said that he finds it unlikely that there would not be a significant increase in trips to the site with the new use as retail as opposed to being used as a warehouse.

Commissioner Fasola asked whether there is a long term strategy for determining the limit for traffic on Rosecrans Avenue. He commented that even with the improvements that have been completed, traffic is still much worse currently on Rosecrans Avenue than ten years ago.

Director Thompson said that environmental review requires that staff evaluate the cumulative impact to traffic as well as the impact that is associated with the project itself. He said that the

Traffic Engineer did not find the impact to be significant in this particular case.

Commissioner Seville-Jones asked the reason that staff has proposed hours of operation to be permitted between 6:00 a.m., and 10:00 p.m. in Condition 19 when the applicant is requesting hours between 9:00 a.m. and 9:00 p.m.

Director Thompson said that staff is sensitive to placing restrictions on a Use Permit to match a particular proposal. He indicated that allowing for additional hours beyond the applicant's current proposal prevents the need for them or a future applicant to come back before the Commission later in order to amend the Use Permit.

Commissioner Seville-Jones commented that she has a concern with encouraging a store that sells liquor to open at 6:00 a.m.

Director Thompson said that staff would not object to requiring that the hours of operation begin at 9:00 a.m.

Commissioner Seville-Jones also asked regarding the hours for wine tasting proposed to start at 9:00 a.m., as hours for wine tasting are not permitted at Ralph's until 11:00 a.m. and Sepulveda Wine Company until 10:00 a.m.

Associate Planner Haaland said that the applicant proposed hours for wine tasting to begin at 9:00 a.m., and staff does not have concerns with morning hours for wine tasting. He said that staff wanted to avoid the need for the applicant to come back for a Use Permit amendment if they later found a need for earlier hours if those hours are clearly not a concern.

Commissioner Seville-Jones said that the applicant has indicated in their materials that they do not intend to sell cigarettes as well as other items that were listed, and she asked whether staff would have an objection to including a condition that the establishment would not be permitted to sell such items.

Associate Planner Haaland said that staff would not have an objection to such a condition.

In response to a question from Chairman Lesser, Director Thompson stated that the Commission is not to include the impact that the use would have to other smaller businesses that sell alcohol in the area in their consideration.

Bob Tarnofsky, representing Continental Development Corporation, indicated that the proposal would help to complete the transition of the area from old aerospace industrial buildings to new vibrant retail development. He said that the subject building was previously used by TRW. He indicated that the existing structure is 50 years old and in great need of renovation, which has been started with the other two tenants. He commented that the proposal would reduce the amount of development on the site from 22,000 square feet of space to 10,000 square feet of space for the retail component. He said that reducing the size of the structure allows them to create more parking to meet the parking demands for a retail use. He pointed out that Office Depot is the largest retail tenant in the development, which has a lower parking demand than most other retail uses. He commented that Continental Development oversees multiple tenants in the Rosecrans Corridor, and they scrutinize every prospective retailer very carefully. He indicated that they are very pleased with BevMo and feel they will be a great addition to the development.

Joel Weiss, representing BevMo, said that they are basically happy with the wording of the

conditions. He said, however, that they are requesting changes to Condition 18 which states that beer and wine tasting shall be limited to five 1 oz samples per customer and that samples be served by employees only. He indicated that they are requesting that the requirement that samples must be poured by store employees be deleted. He pointed out that the regulations of the Alcoholic Beverage Commission (ABC) require that a store employee be present during tastings. He said that many times wine and beer vendors will pour samples while an employee of BevMo is present. He stated that they also are requesting that the number of 1 ounce samples allowed per customer not be restricted. He commented that he is not aware of such a restriction regarding the number of samples per person on the licenses for any of their other stores. He said that allowing only five samples per person would restrict their business. He pointed out that the tasting area would be enclosed with no seating or counters, and it is strictly for tasting. He also requested that they not be required to use reusable glasses for tasting as stated in Condition 20. He indicated that they use plastic cups for their tastings, and requiring reusable glasses would require additional dishwashing and kitchen facilities for health reasons. He pointed out that they have a recycling program.

In response to a question from Commissioner Seville-Jones, **Mr. Weiss** said that they have signs at the front of their store stating that minors under the age of 21 are not permitted without an adult, which allows their associates to ask anyone who is under 21 and unaccompanied by an adult to leave the store. He indicated that their registers and tasting bar are equipped with a magnetic scanner for licenses which provide the customer's age and birthday. He indicated that they also self-police their stores to make sure the regulations are being followed. He indicated that they would not object to being restricted from selling cigarettes; however, they would have a concern with being restricted from selling other types of items. He pointed out that they would not want to be restricted from selling wines that have screw caps, as many table wines now come with screw caps rather than corks. He indicated that they would not have an objection to the hours permitted for wine tasting beginning at 10:00 a.m. or 11:00 a.m. rather than 9:00 a.m. He said that they also would not have an objection to the hours of operation for the store from 9:00 a.m. to 10:00 p.m.

In response to a question from Commissioner Powell, **Mr. Weiss** said that he would not have an objection to wording for Condition 18 stating that samples must be poured in the presence of a store employee and prohibiting patrons from pouring their own samples.

Mr. Tarnofsky said that they feel the massing of the space as proposed is appropriate for the scale of the building. He pointed out that the largest tower element for the Office Depot is 54 feet and the tower proposed for BevMo would be 43 feet.

Chairman Lesser opened the public hearing.

There being no one wishing to speak Chairman Lesser closed the public hearing.

Discussion

Director Thompson pointed out that many of the restrictions which have been discussed are regulated by the ABC. He said that he would agree with removing the restriction that a store employee pour the samples, as it is regulated by the ABC. He stated that staff feels allowing five samples per person is appropriate as it is consistent with approvals for previous applicants. He said that staff would support the applicant's request to remove Condition 20 which restricts the use of disposable cups.

Commissioner Seville-Jones commended Continental Development for their work with the City

in the development of the Rosecrans Corridor. She said that she supports the proposal and feels it would enhance the City's tax base and would be a welcome addition to the City's businesses. She stated that the site is located away from residences, which reduces many of the concerns that exist with other operations that sell alcohol and are located close to residential neighborhoods. She commented that she also feels the applicant's request for hours of operation are reasonable. She said that she does feel BevMo is a responsible company and takes pride in their business. She commented that she would agree with striking the sentence in Condition 18 that requires samples to be poured only by a store employee and would support removing Condition 20 restricting the use of disposable cups. She stated that she would support limiting the number of samples to five per customer because it was determined appropriate for previous applicants. She said that she would support the applicant working with staff to arrive at language to ban the sale of certain items such as cigarettes. She indicated that she would support hours of operation for the store between 9:00 a.m. and 10:00 p.m. and would support restricting tasting until after 11:00 a.m.

Commissioner Powell also commended Continental Development on the development of the Rosecrans Corridor. He indicated that the project continues the trend away from industrial towards a vibrant retail corridor, and the design is consistent with the existing uses within the development. He stated that the towers as proposed are compatible with the existing development. He commented that the subject property is in an area that is removed from residences and would not result in adverse impacts to neighbors. He commented that BevMo is an upscale operation and would add to the existing retail tenants in the area. He said that he would support striking the requirement included in Condition 18 that an employee be required to pour samples and would support the removal of Condition 20. He said that a limit of five servings per person would be consistent with previous approvals. He commented that it would most likely be very difficult to enforce allowing more samplings of ½ ounce each. He said that the project is compatible with the General Plan and particularly the Land Use Element. He stated that he can support the project with the modifications as stated. He indicated that he would also support the hours of operation as suggested by Commissioner Seville-Jones.

Commissioner Fasola pointed out that he is not certain whether the Commission has the authority to restrict the store from selling certain items such as cigarettes.

Director Thompson said that a condition has never been imposed on any project to restrict the sale of certain items, and he is not sure that it is appropriate in this case. He indicated that the sale of cigarettes has never been restricted for other businesses in the City.

Commissioner Fasola said that he can support the proposal, although he has a concern with the impact on traffic with the additional number of cars that would visit the establishment. He said that he has a concern with whether a limit should be placed on the overall development on Rosecrans Avenue, although he is not certain whether the subject proposal is the appropriate means of attempting to regulate traffic. He said that he also would support the proposed change to Condition 18 and the removal of Condition 20.

Chairman Lesser said that he supports the project, although he also is very concerned with the cumulative impact to traffic on Rosecrans Avenue. He pointed out that the Traffic Engineer has indicated that the project would not have a significant impact on the amount of traffic. He commented that he is intrigued by the basis for the Traffic Engineer not requiring a traffic study and reaching the conclusion that there would be an insignificant increase in the number of trips generated by the proposal. He indicated, however, that he will defer to the recommendations of the Traffic Engineer. He said that he would like the Commission to seek ways to restrict the cumulative addition of traffic on Rosecrans Avenue, although he also does not necessarily feel

this is the appropriate project to attempt to regulate traffic. He indicated that he feels the change of use from a warehouse to a retail establishment would increase the number of trips to the site; however, he will defer to the opinion of the Traffic Engineer that the proposal would not result in a significant increase in the amount of traffic.

Chairman Lesser stated that he appreciates that Continental Development has been responsible regarding their choice of tenants. He indicated that he does feel the proposal is consistent with the Land Use Element of the General Plan. He said that the landscaping plan appears to be well designed and the massing would be consistent with other structures in the area. He indicated that the proposal meets the standard of good urban design consistent with the PD zone, although he is not certain whether it would qualify as superior urban design. He said that the deviations from the base district regulation are justified by the compensating benefits that a retail use would have. He said that there could potentially be a different type of retail use on the site that would result in more trips than the subject proposal. He indicated that aside from the issue he raised about the median on Redondo Avenue, he feels the PD Plan includes adequate provisions for utilities, services and emergency vehicle access. He indicated that access would also be provided to the site from Continental Circle. He said that he also would support the proposed change to Condition 18 and the removal of Condition 20. He said that he would personally like to see restrictions on the sale of cigarettes, but he would not support such a condition for the applicant if it has not been imposed on other businesses. He pointed out that the applicant has indicated that they do not intend to sell cigarettes, although they may sell cigars. He indicated that he is concerned with setting a precedent.

Commissioner Seville-Jones said that placing a restriction on the sale of cigarettes may set a precedent; however, their sale is restricted through vending machines in bars. She indicated that she agrees that limiting the sale of screw cap wines may not be appropriate, as screw caps could become more popular and used instead of corks. She said that it was also suggested to ban the selling of lottery tickets and newspapers. She said that the selling of such items can be the difference between having the appearance of an upscale establishment rather than a liquor store. She said that she does not feel that such a restriction is necessary for her to support the application; however, she would support such a condition since it would be agreeable to the applicant and it would become part of the vested entitlement for future uses.

Commissioner Fasola commented that there are many businesses such as gas stations where cigarettes can be purchased currently, and he is not certain that it is appropriate to determine that they cannot be sold with this particular application.

Director Thompson suggested that the Commission should consider the overall project and the proposed use but not place too many restrictions on the types of items that can be sold.

Action

A motion was MADE and SECONDED (Powell/Fasola) to approve a Planned Development Permit Amendment for Conversion of an Existing Warehouse to Food and Beverage Sales With Sales and Samples of Alcoholic Beverages, Located at 1700 Rosecrans Avenue with the removal of the requirement in Condition 18 of the draft Resolution that samples shall be poured by employees only; with the change in Condition 19 that hours of operation shall be from 9:00 am. to 10:00 p.m. daily and wine tasting shall be permitted to begin at 11:00 a.m.; and with the removal of Condition 20.

AYES: Fasola, Powell, Seville-Jones and Chair Lesser
NOES: None.

ABSENT: Paralusz
ABSTAIN: None.

Director Thompson explained the 15-day appeal period and indicated that the item will be placed on the City Council's Consent Calendar for their meeting of September 16, 2008.

F. DIRECTORS ITEMS

Director Thompson said that the joint meeting with the Planning Commission and City Council is scheduled at the Police Fire Facility on September 9, 2008, at 6:30 p.m. He indicated that ethics training is scheduled for September 11, 2008, also at the Police and Fire Facility between 6:30 p.m. and 8:30 p.m.

G. PLANNING COMMISSION ITEMS

Commissioner Fasola pointed out that he received a notice that the Manhattan Beach LCP regarding Mansionization will be discussed before the Coastal Commission in Eureka, California on September 10, 2008.

H. TENTATIVE AGENDA

1. Consideration of a Use Permit and Variance for Construction of Two Commercial Buildings Located at the Northwest Corner of Sepulveda and Manhattan Beach Boulevards at 1129 North Sepulveda Boulevard

I. ADJOURNMENT

The meeting was adjourned at 8:00 p.m. to Wednesday, September 10, 2008 in the City Council Chambers, City Hall, 1400 Highland Avenue

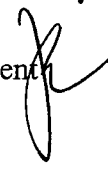
SARAH BOESCHEN
Recording Secretary

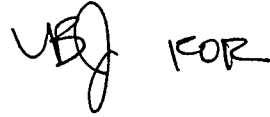
ATTEST:

RICHARD THOMPSON
Community Development Director

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

TO: Planning Commission

FROM: Richard Thompson, Director of Community Development 

BY: Eric Haaland, Associate Planner 

DATE: August 27, 2008

SUBJECT: Consideration of a Planned Development Permit Amendment for the Conversion of an Existing Warehouse to Food and Beverage Sales with Sales and Sampling of Alcoholic Beverages Located at 1700 Rosecrans Avenue. (Continental Development Co.- BevMo)

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** the Public Hearing and **ADOPT** the attached resolution **APPROVING** the proposed project subject to certain conditions.

APPLICANT/OWNER

Continental 1700 Rosecrans Corp.
2041 Rosecrans Ave., Ste. 200
El Segundo, CA 90245

PROJECT OVERVIEW

LOCATION

<u>Location</u>	1700 Rosecrans Ave. at the southeast corner of Rosecrans and Redondo Ave. – private - (See Site Location Map).
<u>Legal Description</u>	Portion of Section 19, Township 3 South, Range 14 West
<u>Area District</u>	II

LAND USE

<u>General Plan</u>	Manhattan Village Commercial	
<u>Zoning</u>	PD, Planned Development	
<u>Land Use</u>	<u>Existing</u> Vacant Warehouse Space Retail/ Food & Bev. Sales Industrial/R&D	<u>Proposed</u> Food&Bev Sales Retail/Food&Bev Industrial/R&D
<u>Neighboring Zoning/Land Uses</u>		
North (across Rosecrans)	El Segundo Office/Retail	
South	IP/Industrial (Northrup)	
East	PD/Retail (Manhattan Gateway)	
West (across Redondo Ave.)	IP/Entertainment Studios	

PROJECT DETAILS

	<u>Proposed</u>	<u>Requirement (Staff Rec)</u>
Parcel Size:	298,271 sq. ft.	22,500 sq. ft. min
Building Floor Area:	<u>112,610 sq. ft. total</u> 10,008 BevMo 16,603 Fresh and Easy 19,999 Office Depot 66,000 Warehouse	Per PD Plan
Height	43 ft.	Per PD Plan
Parking:	288 spaces	260 spaces
Hours of Operation:		
Bev Mo:	10am-9pm	Per PD Plan
Other Retail	No Limit	No Existing Limit
Industrial:	No Limit	No Existing Limit
Landscape Area	25,910 sq. ft.	23,861 sq. ft.
Vehicle Access	1 Rosecrans dwy. 2 Redondo Ave. dwys. 1 reciprocal access dwy.	Per PD Plan

BACKGROUND

The proposed project is to convert an existing warehouse space in an existing multi-tenant commercial and industrial development to a retail/food and beverage sales use. The tenant planned to initially occupy the space is Beverages & More (BevMo), which sells beer, wine, distilled spirits, non-alcoholic beverages, related items, and beer and wine samples. The site's existing Planned Development (PD) Permit limits the amount of retail on the site to the area occupied by two existing retail tenants (Fresh and Easy and Office Depot). Planning Commission approval of an amendment to that existing PD permit is required for the proposed increase in commercial use of the property. A Use Permit is not required as the PD Plan establishes all of the uses and development standards on the site.

DISCUSSION

Overview

The submitted plans show an existing 4.5 acre corner site developed with two industrial buildings at the rear, and one commercial building at the front, each surrounded by surface parking and landscaping. The front building, which also was originally used for industrial purposes, is proposed for modification by converting the remaining industrial use to commercial use. The modification includes 11,914 square feet of demolition for additional parking area on the west side, and conversion of the remaining 10,008 square-foot warehouse space to retail use. This change would complete a transformation of this segment of Rosecrans Avenue's frontages from a historically industrial character to commercial. The modified tenant space would be recessed somewhat behind the site's corner landscape/palm tree statement, and provided with a decorative storefront consistent with the recently enhanced existing retail spaces in the same building. Project architecture includes tower features, tile roof elements, and a trellis walkway cover.

Planned Development (PD) District and Plan

The PD Zone (Chapter 10.32 MBMC) that governs the site is intended to provide more flexibility in development of designated areas compared to the conventional commercial districts. The subject portion of the City along Rosecrans Avenue is largely designated for "planned developments" due to its initial use as expansive industrial facilities (e.g., tank farm), and subsequent expectations for larger, more comprehensive developments there than the other more traditional areas of the city. The PD zone leaves the primary development standards to the PD permit that is required for any development within that district.

Section 10.32.060 of the Zoning Code establishes the findings that the Planning Commission is required to consider and approve with the PD Plan as follows:

- A. Required Findings. The Planning Commission shall approve or conditionally approve a PD Plan or recommend approval or conditional approval of a Specific Plan upon finding that:
 1. The PD Plan or Specific Plan is consistent with the adopted Land Use Element of the General Plan and other applicable policies and is compatible with surrounding development;

2. The PD Plan or Specific Plan will enhance the potential for superior urban design in comparison with the development under the base district regulations that would apply if the Plan were not approved;
3. Deviations from the base district regulations that otherwise would apply are justified by compensating benefits of the PD Plan or Specific Plan; and
4. The PD Plan or Specific Plan includes adequate provisions for utilities, services, and emergency vehicle access; and public service demands will not exceed the capacity of existing and planned systems.

These required findings are addressed in the project application (Attachment D) as well as the draft Resolution. Section 10.32.070 of the Zoning Code requires a noticed public hearing before the Planning Commission for a revision or Amendment to the PD Plan. All of the required findings, noticing and public hearing requirements for the PD Plan Amendment have been met.

The PD permit currently governing the site requires conformance with the approved plan and limits the amount of retail space to 36,000 square feet. This Amendment to the PD Plan is required since the retail space will be increased. The project does conform to the City's requirements for signs, parking, and landscaping. The project issues that warrant discussion include the following:

Height:

The existing unenhanced warehouse space is roughly 22 feet tall. The proposed taller tower element for the project is approximately 43 feet, while the majority of the building would be no more than 29 feet in height. These heights are consistent with existing commercial portions of the building, and compatible with the buildings of the surrounding area. Roof equipment shall be located behind and below the new mansard roof element.

Traffic:

The conversion from warehouse use to retail use less the demolished area results in no significant increase in traffic generation from the site. The City's Traffic Engineer has determined that a formal traffic study is not required for the proposal due to its insignificant change in traffic generation. A memo from the applicants' traffic engineer is included as Attachment D, as well as a memo from the City's Traffic Engineer as Attachment F. The site's driveways and other aspects of circulation are not proposed to change other than the added parking aisles to be located in the partial demolition area. A right-turn pocket planned to access the site's main driveway from Rosecrans Avenue has previously been dedicated, and construction of that improvement will occur in the future at a time unrelated to this project. Temporary sidewalk improvements on Rosecrans Avenue also will be upgraded at that future time. Side-street Redondo Avenue is accessed by the subject site, but is a private

street owned by neighboring Northrup Grumman Corporation, and is not within direct control of the applicant or the City. A sidewalk on this street only occurs on the opposite side of Redondo Avenue.

The City Traffic Engineer's review of the project is summarized in the comments and recommended conditions in the attached memorandum. A condition included in the proposed project Resolution requires compliance with these detailed recommendations.

Signs:

The applicant has an existing approved sign program (excerpts attached) that provides for adequate signs for this third commercial tenant for the site, and is in compliance with the City's sign code. The program includes two wall signs for the proposed tenant, and two monument signs shared by the three commercial tenants. No pole signs are existing or proposed for the site.

Alcohol Sales:

The applicant requests approval of a Type 21 alcohol license for sales of beer, wine, and distilled spirits for off-site consumption (off-sale), and a Type 42 license for on-site beer and wine tasting, for its proposed tenant. This tenant is a food and beverage sales use specializing in beverage sales, the majority of which are alcoholic beverages.

BevMo differentiates itself from typical liquor and convenience stores by: having a larger supermarket type of size, having a 9pm closing time, prohibiting sale of cigarettes, prohibiting sale of beverages with specific concerns for abuse, prohibiting other adult material, and self policing for sales to minors and other violations. The earlier closing time, tenant commitment to minimize nuisance risks, and lack of residential neighbors, appear to satisfy concerns related to the proposed off-sale alcohol license. The Police Department has not identified any concerns for this proposal. Staff would suggest a closing time of 10pm to allow some flexibility for this particularly use since it is located on an arterial street and is not near any residential uses. If in the future the use changes to more of a typical retail food and beverage sales, staff would suggest a closing time of 12 midnight, subject to review and approval of the Director of Community Development.

The proposed Type 42 alcohol license for on-site consumption allows for sampling of beer and wine offered as store merchandise. This service appears to be becoming common among retail beverage sales operations, and is approved for at least three existing establishments in the City of Manhattan Beach. Recent approvals for wine tasting include Sepulveda Wine Company which has hours of 10:00 am to 8:00 pm Tuesday through Saturday, and 12:00 pm to 5:00 pm Sunday and Monday. Limited private wine tasting events are also allowed when the retail business is closed, 5:00 pm to 8:00 pm Sunday and/or Monday. Ralphs also allows wine tasting, limited to 11:00 am to 9:00 pm Monday through Saturday, and 11:00 am to 8:00 pm, Sunday. For both uses tastings are limited to five one-ounce sips per person and they must be poured by store employees. Similar conditions have been incorporated into the draft Resolution for BevMo.

The submitted plans show a dedicated area for tasting at the rear of the store with a railing separating it from the remainder of the store. The area is approximately 100 square feet with no seating, furniture, or similar features. The applicant indicates tasting to be limited to early weekday evenings, Saturday afternoons, six special holiday afternoons per year, and one full grand opening weekend. Sampling is proposed to stop no later than 7pm in all cases. Samples must be purchased and would be 1 ounce each, and staff proposes a maximum of five samples consistent with other approvals. Staff believes that the beer and wine tasting shall be adequately limited as proposed.

Miscellaneous Conditions

As the proposed PD Permit amendment Resolution is drafted, the existing PD Permit containing conditions regarding remaining industrial uses, public improvements, etc., shall remain in effect. Additional conditions proposed in the attached draft Resolution include the following: sign ordinance compliance, prohibition of pole signs, provision of storm water quality measures, provisions for sustainable building components, traffic and circulation, operational restrictions, trash/recycling programs, required on-site employee parking, Public Works approval of driveway designs, construction controls, and Police approval of security measures.

Public Comments

Staff has not received any responses to the project hearing notice.

ENVIRONMENTAL DETERMINATION

Pursuant to the California Environmental Quality Act (CEQA), and the Manhattan Beach CEQA Guidelines, the subject project has been determined to be exempt (Class 1 & 2) as a conversion of an existing facility of similar intensity per Sections 15301 and 15302 of CEQA.

CONCLUSION

Staff believes that the proposed Planned Development Permit would comply with the City's Municipal Code/General Plan, would adequately provide the necessary protection against adverse impacts to the surrounding area, would not impact public services, meets the findings and intentions of the PD district, and recommends approval subject to the findings and conditions specified in the proposed draft resolution.

ALTERNATIVES

The alternatives available to the Planning Commission include:

1. **APPROVE** the project with revised findings or conditions, and **ADOPT** a modified version of the attached draft Resolution.
2. **DENY** the project subject to public testimony received, based upon appropriate findings, and **DIRECT** Staff to return a new draft Resolution.

Attachments:

- A. Draft Resolution PC 08-
- B. Site Location Map
- C. Existing PD Permit (Resolution No. 5203)
- D. Applicant request
- E. Sign program excerpts
- F. Traffic Engineer Memo
- G. Lists of alcohol licenses- Citywide and Downtown
- H. Plans (separate – half size scale)

cc: Continental Development, Applicant
BevMo, Tenant

RESOLUTION NO. PC 08-

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A PLANNED DEVELOPMENT PERMIT AMENDMENT ALLOWING CONVERSION OF EXISTING WAREHOUSE SPACE TO FOOD AND BEVERAGE SALES WITH BEER AND WINE SAMPLING WITHIN AN EXISTING RETAIL AND INDUSTRIAL DEVELOPMENT LOCATED AT 1700 ROSECRANS AVENUE (Continental Development / BevMo)

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 conducted a public hearing on August 27, 2008, received testimony, and considered an application for a planned development permit amendment to allow conversion of an existing warehouse space to retail food and beverage sales including general alcohol sales, and on-site sale and consumption of beer and wine samples on the property legally described as a portion of Section 19, Township 3 South, Range 14 West located at 1700 Rosecrans Avenue in the City of Manhattan Beach.
- B. The applicant for the subject project is Continental 1700 Rosecrans Corp. The owner of the property is Continental Development Corporation.
- C. The existing commercial and industrial site is currently governed by a Planned Development Permit (Resolution No. 5203) that permits the existing industrial use, and 36,000 square feet of existing retail use. The proposal to add approximately 10,000 square feet of commercial use to the site requires Planning Commission approval of an amendment to the existing Planned Development Permit.
- D. The existing parcel is 298,271 sf in area and includes 3 separate buildings. Two buildings at the rear (#66-36,000 sf and #67-30,000 sf) provide 66,000 sf of warehouse space. The building at the front includes 3 retail/food beverage sale spaces (19,000 retail and 16,603 food and beverage sales existing) and one 10,008 food and beverage sales (subject proposal). There are approximately 288 parking spaces on site with the subject proposal.
- E. The project is Categorically Exempt (Class 1 & 2, Sections 15301 & 15303) from the requirements of the California Environmental Quality Act (CEQA) since it involves conversion of an existing facility to a smaller size facility of similar intensity.
- 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 General Plan designation for the property is Manhattan Village Commercial. The project is consistent with the General Plan, and specifically supports Goal LU-8, encouraging maintenance of Rosecrans Avenue as a regional-serving commercial district, Goal LU-2 due to increased landscaping, Goal LU-3, and Policy LU-3.1 related to positive aesthetics, Policy LU-6.2 by providing a diverse tax base, and Policy LU-8-2 related to upgrading and remodeling to meet business needs.
- H. The property is located within Area District II and is zoned PD, Planned Development. The surrounding private land uses consist of commercial and industrial uses. The PD zone does not establish permitted uses or development standards, however, the project is compatible with the previous site development and the surrounding area. The subject amendment and the existing PD permit establish the use and development regulations for the site. The proposal is consistent with the PD district intentions for General Plan Compliance, quality design, and adequate public services.
- I. Approval of retail sales of alcohol and on-site sampling of beer and wine, subject to the

conditions below, 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 since these activities will have limited night hours, serve a regional customer base, and be insulated from residential and other sensitive uses.

- J. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code as well as specific conditions contained herein further regulating the project.
- K. A determination of public convenience and necessity is made for the proposed Type 42 alcohol license (as conditioned below), which shall be forwarded to the California Department of Alcohol Beverage Control upon City Council acceptance of this project approval.
- L. A de minimis impact finding is hereby made that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- M. This Resolution, upon its effectiveness, together with existing Planned Development Resolution No. 5203 constitutes the Planned Development Permit/Plan for the subject site, and the State required Determination of Public Convenience and Necessity for the currently proposed Type 21 and Type 42 alcohol licenses.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Planned Development Permit Amendment subject to the following conditions:

Site Preparation / Construction

- 1. The project shall be constructed and operated in substantial compliance with the submitted project description and plans as approved by the Planning Commission on August 27, 2008. Any substantial deviation from the approved plans must be reviewed and approved by the Planning Commission. The subject property shall be in compliance with any previous permit requirements that remain effective.
- 2. A Traffic Management Plan shall be submitted in conjunction with all construction and other building plans, to be approved by the Community Development Department 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.
- 3. Utility improvements such as property line cleanouts, backwater valves, mop sinks, drain lines, etc., shall be installed and maintained as required by the Public Works Department.
- 4. Modifications and improvements to the tenant space shall be in compliance with applicable requirements of the Building Division, Health Department, and State Department of Alcohol Beverage Control.
- 5. A trash/recyclables storage area shall be provided and maintained on the site subject to the requirements of the Community Development and Public Works Departments.
- 6. All new electrical, telephone, cable television system, and similar service wires and cables shall be installed underground to the appropriate utility connections in compliance with all applicable Building and Electrical Codes, safety regulations, and orders, rules of the Public Utilities Commission, the serving utility company, and specifications of the Public Works Department.
- 7. During building construction of the site, the soil shall be watered in order to minimize the impacts of dust on the surrounding area.

8. The siting of construction related equipment (job site offices, trailers, materials, etc.) shall be subject to the approval from the Director of Community Development prior to the issuance of any building permits.
9. A site landscaping plan, consistent with the project rendering on file with the Community Development Department, utilizing drought tolerant native plants shall be submitted for review and approval concurrent with the building permit application. 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. This plan shall be prepared by a licensed landscape architect, as required by state law.
10. A low pressure or drip irrigation system shall be installed in the landscaped areas, which shall not cause any surface run-off under normal operating conditions. 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.
11. Project driveway entrances shall be constructed or modified in conformance with the requirements of the Public Works Department and Caltrans.
12. * Final circulation, traffic visibility, pedestrian, bicycle, and parking design shall be subject to the review and requirements of the City's Traffic Engineer and Director of Community Development.
13. * Property line clean outs, mop sinks, erosion control, and other sewer and storm water items shall be installed and maintained as required by the Department of Public Works. Oil clarifiers and other post construction SUSMP items shall be required for the project.
14. Backflow prevention valves shall be installed as required by the Department of Public Works, and the locations of any such valves or similar devices shall be subject to approval by the Community Development Department prior to issuance of building permits.
15. * Plans shall incorporate sustainable building components into the building and site design as determined to be appropriate by the Public Works and Community Development Departments such as: LEED (leadership in Energy and Environmental Design) and Build-it-Green components, permeable pavement, energy efficient plumbing mechanical and electrical systems, and storm water retention.

Operational Restrictions

16. * The subject tenant space (space C) shall operate as a food and beverage sales, retail, or similar use as determined by the Community Development Director. Primary kitchen equipment such as stoves, convection ovens, and commercial kitchen hoods shall be prohibited. Entertainment, dancing, and alcohol licenses other than Type 21 or Type 42 shall be prohibited. Beer or wine consumption shall not be separated from retail operations beyond the extent required by Alcohol Beverage Control. Full retail sales operations to the public shall be conducted at all times that on-site beer or wine consumption is available.
17. * In the event that the business known as BevMo should vacate the premises, the tenant space at 1700 C Rosecrans Avenue, may be occupied by another similar use, if upon its review, the Department of Community Development determines that the replacement use has the same use characteristics as BevMo including type of service provided, and peak hours of activity. The intent of this condition is to ensure that any replacement retail tenant, if exercising a Type 42 ABC license for on-site consumption of beer or wine, would be a use similar to BevMo.
18. * The on-site alcohol consumption shall be conducted only in designated areas (maximum area of 100 square feet) in conformance with the submitted floor plan. Beer and wine tasting

Resolution No. PC 08-

shall be limited to maximum 1 ounce size samples, and a maximum of five samples of wine or beer per person. Samples shall be poured only by store employees. The wine and beer sampling area shall be limited to 100 square feet, shall have no seating, furniture or fixtures, and shall be separated by a physical barrier from other store areas. Sampling shall be limited to patrons at least 21 years in age. No exterior signage advertising wine or beer tasting will be permitted.

19. * Hours of operation for the proposed use shall be limited to 6am to 10 pm daily. Beer or wine tasting shall be limited to 9 am to 7 pm daily. Future tenants that are more traditional food and beverage sales uses, may be open until midnight, subject to review and approval of the Director of Community Development.
20. * Containers and utensils shall be washable and intended for long term use. Use of disposable cups, plates, or utensils shall be prohibited.
21. * Parking quantities and design shall be provided in conformance with the Manhattan Beach Municipal Code. Parking allocations to different tenants and uses within the site shall be as determined to be appropriate by the Community Development Director.
22. * All signs shall be in compliance with the City's Sign Code. Pole signs and internally illuminated awnings shall be prohibited for the entire site. A sign program for the site shall be provided for the approval of the Community Development Department.
23. * Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance. Any outside sound or amplification system or equipment is prohibited.
24. The operation shall comply with all South Coast Air Quality Management District Regulations and shall not transmit excessive emissions or odors across property lines.
25. The operation shall remain in compliance with all Fire and Building occupancy requirements at all times.
26. The management of the facility shall police the property and all areas immediately adjacent to the business during the hours of operation to keep it free of litter.
27. * The operator of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject business as determined to be appropriate by the Chief of Police.
28. * No waste water shall be permitted to be discharged from the premises. Waste water shall be discharged into the sanitary sewer system.

Procedural

29. All provisions of the PD Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter. The operator shall cooperate with the Department of the Community Development in its conduct of periodic reviews for compliance of conditions approval.
30. This PD Permit shall lapse two years after its date of approval, unless implemented or extended consistent with use permit time limits of Section 10.84.090 of the Municipal Code.
31. Pursuant to Public Resources Code section 21089(b) and Fish and Game Code section 711.4(c), the project is not operative, vested or final until the required filing fees are paid.
32. The applicant agrees, as a condition of approval of this project, to pay for all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal

actions associated with the approval of this project brought against the City. In the event such a legal action is filed against the project, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

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 Department of Community Development shall send a 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 August 27, 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

1700 Rosecrans Ave.

Vicinity

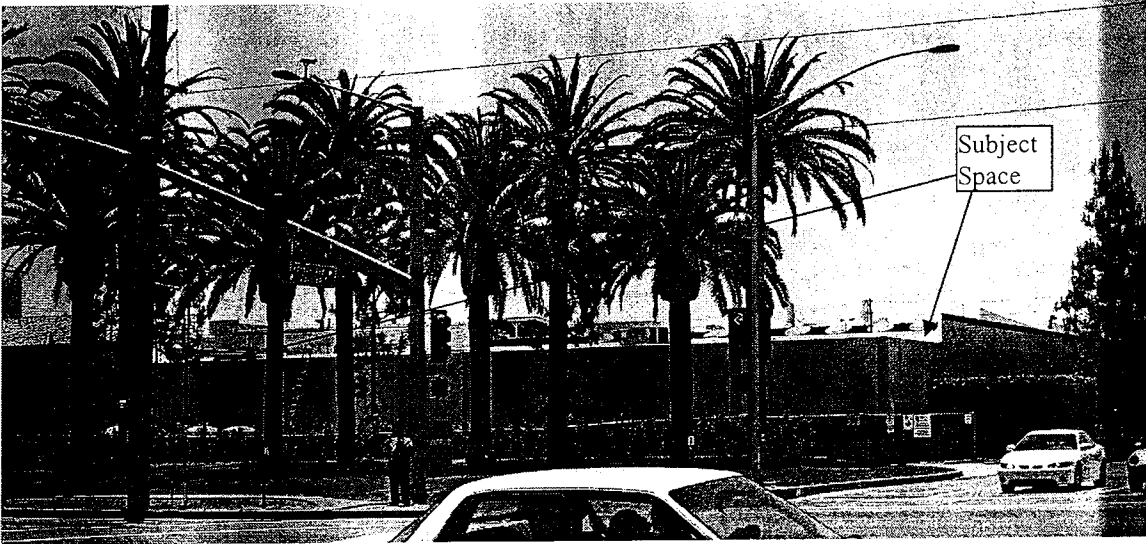
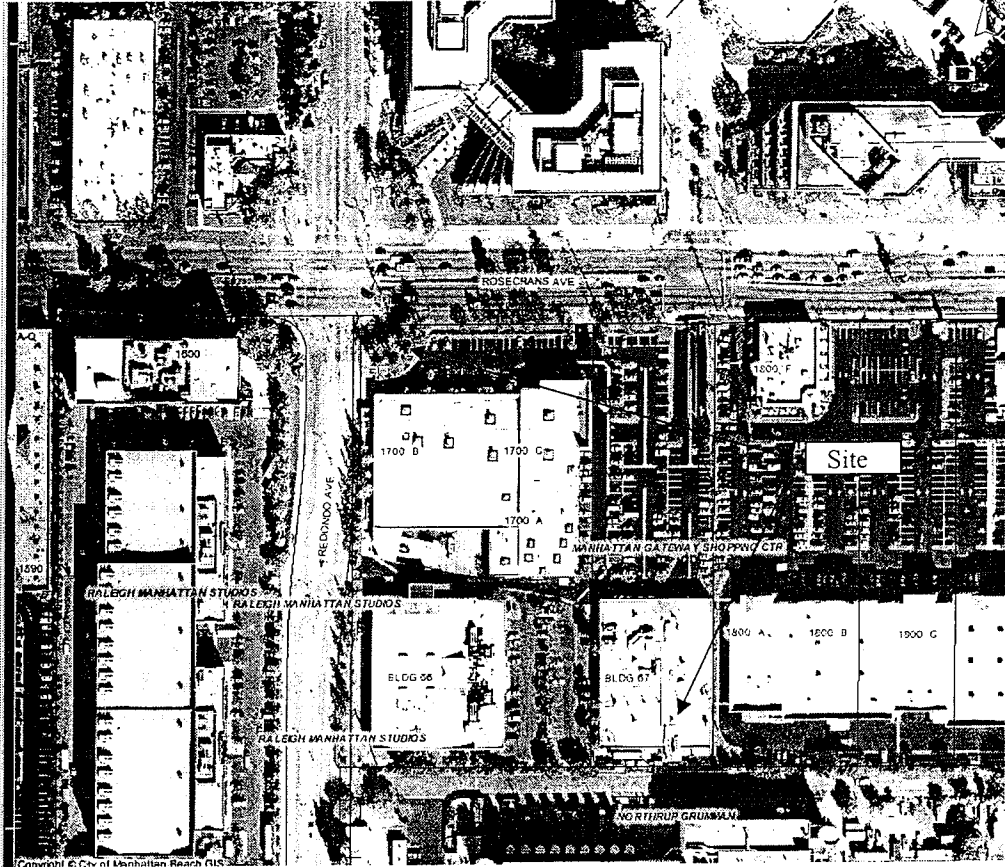


EXHIBIT
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RESOLUTION NO. 5203

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, APPROVING A PLANNED DEVELOPMENT PROJECT TO ALLOW THE ADAPTIVE RE-USE OF A PORTION OF AN EXISTING INDUSTRIAL BUILDING FOR GENERAL COMMERCIAL PURPOSES, AND TO ALLOW THE CONTINUED UTILIZATION OF EXISTING INDUSTRIAL BUILDINGS ON SITE FOR INDUSTRIAL USE FOR THE PROPERTY LOCATED AT 1700 ROSECRANS AVENUE IN THE CITY OF MANHATTAN BEACH (CONTINENTAL DEVELOPMENT CORPORATION)

WHEREAS, pursuant to applicable law, the Planning Commission of the City of Manhattan Beach, California, conducted a public hearing at the request of the property owner (Continental Development Corporation), to consider the proposed amendment to Chapter 10.01.020 B (Zoning Map) of Title 10 of the City of Manhattan Beach Municipal Code for the property legally described as follows and located at 1700 Rosecrans Avenue:

- 1) A portion of the north half of the northeast quarter of the northeast quarter of Section 19, Township 3 South, Range 14 west, in the City of Manhattan Beach, County of Los Angeles, State of California, being also known as the north quarter of Lot 1 as shown upon partition of the lands of Redondo Land Company, Rancho Sausal, Redondo, known as Recorder's file map No. 140, in the office of the County Recorder; and,
- 2) A portion of parcel 2 of that real property situated in the City of Manhattan Beach, County of Los Angeles, State of California shown on a map entitled "Record of Survey in the City of Manhattan Beach, State of California" which map was filed in the office of the Recorder of the County of Los Angeles on March 27, 1967 in Book 83 of Records of Survey at pages 53 and 54, the same being a portion of Section 19, Township 3, South, Range 14 West, San Bernardino Base and Meridian.

WHEREAS, Section 10.32.060 of the Manhattan Beach Municipal Code requires that a proposed reclassification to a "PD" (Planned Development) Zoning District be accompanied by a "PD" plan; and,

WHEREAS, the applicant has submitted a "PD" Plan for approval; and,

WHEREAS, the applicant for the Planned Development is



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the Continental Development Corporation, owners of the subject property; and,

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

WHEREAS, the Planning Commission at the hearing of October 25, 1995 voted to indefinitely continue the hearing on the application; and,

WHEREAS, the Planning Commission's decision effectively constitutes a denial without prejudice of the application; and,

WHEREAS, within the time period allowed by law, on October 31, 1995, there was filed with the City Council of the City of Manhattan Beach, California, an appeal of the Planning Commission's decision to indefinitely continue an application for a proposed Planned Development Project for the property located at 1700 Rosecrans Avenue; and

WHEREAS, the purpose of the proposed Planned Development is to provide for the underlying zoning designation to accommodate a request to allow the re-use of a 36,000 square foot portion of an existing industrial building for general retail use, and to allow for the continued industrial use of the remaining 22,000 square foot portion of this existing building; and

WHEREAS, the purpose of the proposed Planned Development is to further provide for the underlying zoning designation to allow the continued industrial use of the existing 36,000 square foot and 30,000 square foot industrial buildings; and,

WHEREAS, a Mitigated Negative Declaration was prepared for the proposal to address the potential environmental impacts which might result from approval of the proposal, and has been circulated and filed, pursuant to the California Environmental Quality Act (CEQA) and the City of Manhattan Beach CEQA

Guidelines. Based upon the analyses it was determined, that subject to recommended mitigation measures, there will be no significant environmental impacts associated with the project; and,

WHEREAS, the Mitigated Negative Declaration has been filed and previously approved in conjunction with a related (General Plan Amendment) application, pursuant to the California Environmental Quality Act (CEQA) and the City of Manhattan Beach CEQA Guidelines; and,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, FIND, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That the City Council does hereby make the following findings:

1. The applicant appealed the decision of the Planning Commission, rendered on October 25, 1995 by minute resolution, which continued the hearing on the application pending certification of the Project Environmental Impact Report (EIR).
2. The action of the Planning Commission is an indefinite continuation of the hearing, which effectively constitutes a Denial Without Prejudice of the project application.
3. The City Council held a duly noticed public hearing on the appeal on November 21, 1995.
4. The applicant requests approval of a Planned Development Project to allow the re-use of a 36,000 square foot portion of an existing industrial building for general retail use, and to allow for the continued industrial use of the remaining 22,000 square foot portion of this existing building; and, to further to allow the continued industrial use of the existing 36,000 square foot and 30,000 square foot industrial buildings on site.
5. The City Council has considered an amendment to the General Plan Land Use Element and Land Use Policy Map redesignating the subject site from "Industrial" to "Manhattan Village Commercial".
6. The City Council has considered a Zone Change for the subject site from "Industrial Park" (IP) to "Planned Development" (PD) consistent with the requirements of Section 10.32.060 of the Manhattan Beach Municipal Code.

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7. The Planned Development is consistent with the goals and policies of the City of Manhattan Beach General Plan, specifically Goal 8 of the Land Use Element which encourages high quality commercial and industrial development along Rosecrans Avenue between Sepulveda and Aviation Boulevards.
8. The Planned Development will allow the re-use of a vacant industrial building for General Commercial purposes, and will enhance the site design of the subject property.
9. The proposed use of the site is compatible with surrounding development which includes general commercial, service commercial, office, and industrial usage.
10. The proposed utilization of the site will not exceed the capacity to provide adequate public services, emergency vehicle access, or utility provision.

SECTION 2. That the City Council does hereby approve the subject Planned Development Project to allow the following: re-use of a 36,000 square foot portion of an existing industrial building (Building No. 65) for general retail use; allow the continued industrial use of the remaining 22,000 square foot portion of this existing building (Building No. 65); and, to allow the continued industrial use of the remaining two (2) industrial buildings (Building Nos. 66 and 67) on the site, for the property located at 1700 Rosecrans Avenue subject to the following conditions:

LAND USE / ENTITLEMENTS

1. The applicant (Continental Development Corporation) shall pay their "fair share" of the cost of any off-site improvements deemed necessary by the City to mitigate cumulative impacts associated with the TRW, Inc. / Continental Development Corp. / Manhattan Beach Holding Company Planned Development. The allocation of "fair share" responsibility for each of the subject property owner(s) shall be determined by the City. Contingent upon certification of the Environmental Impact Report (Case No. 8-95, SCH. No. 95081010), and adoption of the TRW, Inc. / Continental Development Corporation / Manhattan Beach Holding Company Planned Development, no building permits shall be issued for any development projects implementing the Planned Development until such "fair share" costs have been provided to the satisfaction of the City. (Environmental Mitigation)
2. Future industrial uses proposed for Buildings Nos. 65, 66, and 67 shall be limited to those types of activities as defined in Section 10.08.060 D "Industry, Research and Development", and Section 10.08.050 V "Research and

Development Services" of the City's Municipal Code. Such activities within Buildings 66, 67, and the non-retail portion of Building 65 shall be, in the opinion of the Community Development Director, reasonably compatible with the adjacent retail use of Building No. 65. (Environmental Mitigation)

3. Any proposed industrial usage, including research and development service usage, of Buildings Nos. 65, 66, and 67 shall be subject to the review and determination of the City's Community Development Director and Fire Chief. The Community Development Director shall have the authority to prohibit any such uses as may be deemed objectionable for the reasons of production of offensive odors, dust, noise, or vibration. The City's Fire Chief shall have the authority to prohibit any such uses as may be deemed objectionable for the reasons of the storage of hazardous materials. (Environmental Mitigation)
4. An amendment to the Planned Development will be required for any new industrial or accessory use, major addition or alteration to an existing use, that involves the manufacture, storage, handling, or processing of hazardous substances in sufficient quantities that would require permit as hazardous chemicals under the Uniform Fire Code adopted by the City. Hazardous substances in container sizes of 10 gallons or less that are stored or maintained for the purposes of retail or wholesale sales are exempt from this requirement. (Environmental Mitigation)

SITE REQUIREMENTS

5. A Traffic Management Plan shall be submitted in conjunction with the building plans, to be approved by the Police and Public Works Departments prior to issuance of the building and / or demolition 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.
6. During the construction phases of the development, a daily clean-up program for the site shall occur, including the pick-up of all debris, utilizing an approved trash dumpster from the Right of Way Division.

TRASH

7. A trash enclosure(s), with adequate capacity for all site tenants, shall be provided on the site which is accessible from the exterior of the building for tenant trash disposal and City pick-up, subject to the specifications and approval of the Public Works and Community Development Departments, and the City's waste contractor.
8. A trash and recycling plan shall be approved by the Public Works and Community Development Departments. All trash receptacles shall be provided with lids that close tightly at all times. All trash and waste material shall be removed from around the receptacles on a daily basis.

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2 **UTILITIES AND LIGHTING**

- 3 9. The Southern California Gas Company shall be consulted and
4 involved throughout the construction phase to ensure that
5 underground pipelines are completely purged and monitored for
6 residual gas prior to relocation, in accordance with
7 applicable Public Utilities Commission (PUC) requirements and
8 regulations. (Environmental Mitigation)
9 10. The applicant shall submit a parking lot lighting plan which
identifies parking lot lights and any proposed decorative
lighting. Outdoor parking lot lighting shall be designed in
such a manner to avoid direct illumination onto an adjacent
street. (Environmental Mitigation)

10 **SIGNS**

- 11 11. The applicant shall submit a comprehensive sign program, for
12 the purposes of establishing uniform sign design guidelines
13 for all uses and/or buildings on the site, for the review and
14 approval of the Community Development Department.
15 12. The applicant shall obtain sign permits issued by the
Community Development Department for all signs, including
temporary and permanent signs erected on the site, consistent
with the approved comprehensive sign program.
16 13. All outdoor illuminated signage shall comply with the
17 provision of Section 10.72.060 of the Manhattan Beach
Municipal Code regarding allowed illumination standards.
(Environmental Mitigation)

18 **LANDSCAPING**

- 19 14. A site landscaping plan, including elevation drawings,
20 prepared by a licensed Landscape Architect shall be submitted
21 for review and approval concurrent with the Building Permit
22 application. The applicant shall utilize drought tolerant
23 materials wherever feasible based on water, light, drainage,
24 and soil conditions. All plants shall be identified on the
25 plan by the Latin and common names. The current edition of
26 the Sunset Western Garden Book contains a list and
27 description of drought tolerant plants suitable for this
28 area. (Environmental Mitigation)
29 15. All landscaped areas shall be provided with a permanent
30 irrigation system that is capable of delivering the minimum
31 volume of water required to sustain the plan growth after it
32 has become established. All irrigation systems shall be
placed on automatic timers. (Environmental Mitigation)

32 **CIRCULATION / PARKING**

16. Emergency vehicles will continue to have 24-hour unobstructed
access to all buildings on the site from Rosecrans Avenue and
Redondo Avenue. (Environmental Mitigation)
17. Passenger and delivery vehicles to the retail and/or office
uses will have access from Rosecrans Avenue and Redondo

Avenue but will have signs directing vehicles to parking and loading/delivery areas separate from the parking areas for Buildings 66 and 67. (Environmental Mitigation)

18. Passenger vehicles and delivery vehicles to the industrial uses that remain on the site after the introduction of retail and/or office uses will have access from Redondo Avenue only. (Environmental Mitigation)

19. City-required parking for retail and/or office uses will be separated from parking provided on-site for any industrial uses that remain on-site concurrent with retail and/or office uses. (Environmental Mitigation)

20. The applicant shall re-stripe north bound Redondo Avenue at Rosecrans Avenue to provide one (1) exclusive left turn lane, one (1) left / through lane, and one (1) right turn only lane. (Environmental Mitigation)

21. The applicant shall document the total parking requirement for the three buildings (Nos. 65, 66, and 67) and show the location of the parking spaces uses to satisfy the combined parking demand. This analysis shall demonstrate that the size and location of the intended parking areas are adequate and that parking spaces required for other nearby buildings are not displaced. (Environmental Mitigation)

NOISE

22. All construction related activity will comply with the provisions of the City's Noise Ordinance (Ordinance No. 1875). Hours of construction shall be limited to the following: 7:30 am - 6:00 pm, Monday thru Friday; 9:00 am - 6:00 pm, Saturday; and, 10:00 am - 4:00 pm, Sunday. (Environmental Mitigation)

23. Noise emanating from the property shall be within the limitations prescribed by the City's Noise Ordinance.

FIRE AND SAFETY

24. Paint, insulation, coatings and other products causing air particulate emission should be applied according to manufacturer's specifications and applicable Occupational Safety and Health Administration (OSHA) regulations. (Environmental Mitigation)

25. All labor related activities shall be conducted in compliance with the California State Labor Code relating to the handling of hazardous materials and/or waste (per OSHA and California Title 22). (Environmental Mitigation)

26. Equipment fuels should be stored and handled according to the City's Fire Department regulations to minimize the potential for spills, leaks, and fires. (Environmental Mitigation)

27. If Underground Storage Tanks (UST's) are encountered during excavation, area excavation shall be immediately halted, the City Fire Department shall be contacted immediately, and appropriate UST removal procedures must be followed.

(Environmental Mitigation)

PROCEDURAL

28. The Planned Development shall not become effective until the effective date of the General Plan Amendment redesignating the site from "Industrial" to "Manhattan Village Commercial".
29. The Planned Development shall become effective on the same date as the Ordinance creating the "Planned Development" (PD) zoning district.
30. The project shall be developed and operated in substantial conformance with the plans and related documents as submitted to the Community Development Department on March 15, 1995.
31. The applicant agrees, as a condition of approval of this Planned Development, 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 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.
32. The Planned Development may be reviewed at the discretion of the Community Development Department for compliance.
33. The Planned Development shall expire 2 years after the effective date unless a building permit has been issued and a vesting right established.
34. At any time in the future, the Planning Commission or City Council may review the Planned Development Resolution 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. The City Council hereby certifies the accompanying environmental assessment, including a Mitigated Negative Declaration, for the proposed General Plan Amendment, Zoning Map Amendment, and Planned Development Project.

SECTION 4. Pursuant to Government Code Section 65907 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 of 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.

SECTION 5. This resolution shall not become effective prior to the effective date of the General Plan Amendment redesignating the site from "Industrial" to "Manhattan Village Commercial"; and, shall become effective on the same date as the Ordinance creating the "Planned Development" (PD) zoning district.

SECTION 6. The City Clerk shall certify to the passage and adoption of this resolution; shall cause the same to be entered among the original resolutions of said City; and shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council of said City in the minutes of the meeting at which the same is passed and adopted.

PASSED, APPROVED, and ADOPTED this 21st day of November, 1995.

Ayes: Lilligren, Barnes, Jones, Cunningham, Mayor Napolitano
Noes: None
Absent: None
Abstain: None

/s/ Steven A. Napolitano
Mayor, City of Manhattan Beach,
California

ATTEST:

/s/ Win Underhill
City Clerk

Attachment "A"
Project Description

Application for an Amendment to a Planned Development Permit (PD Amendment)
For 1700 Rosecrans Avenue, Manhattan Beach, CA 90266
April 16, 2008

Background

The subject property is zoned "PD" (Planned Development). The 6.8 acre site is improved with three buildings commonly known as Building Nos. 65, 66, and 67:

Building 65: 58,524 SF retail and industrial
Building 66: 36,000 SF Industrial
Building 67: 30,000 SF Industrial

The current PD plan was approved and adopted by the City Council on November 21, 1995 via Resolution No. 5203. The approved Planned Development allows for re-use of a 36,000 square foot portion of the 58,000 square foot building (Building 65) for retail use and for continued industrial use of the remaining 22,000 square foot portion of the building. The current PD permit also provides for the continued industrial use of the existing 36,000 square foot (Building 66) and 30,000 square foot (Building 67). An amendment to the current PD plan is required to modify the current 36,000 square foot cap on retail use in Building 65. The construction activity currently in progress at the site is to accommodate the upcoming occupancy by a Fresh & Easy Neighborhood Market in Building 65, as permitted under the current PD plan.

Project Description

The applicant requests an amendment to the existing PD permit for the proposed project. The proposed project consists of the conversion of 22,000 sq. ft. of industrial use in Building No. 65 to 10,008 sq. ft. of retail use for a new specialty retail store, and demolition of the remaining enclosed area at the northwest corner of Building 65 to create additional parking area for the retail use of Building 65. As detailed below, total building area would be reduced by 10% and total parking would be increased by 13%.

Existing and proposed building area and uses:

Building	Existing SF	Proposed SF	Demolition SF
Bldg. 65			
Retail Use	36,524	46,610	0
Industrial Use	22,000	0	11,914
Bldg. 65 Total	58,524	46,610	0
Bldg. 66 - Industrial	36,000	36,000	0
Bldg. 67 - Industrial	30,000	30,000	0
Total	124,524	112,610	11,914



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The project proposes 10,008 sq. ft. of new retail use and demolition of 11,914 sq. ft. of existing building area in Building No. 65. Total building area is reduced from 58,524 sq. ft. to 46,610 sq. ft. The proposed project does not propose any modifications or change in use to Building Nos. 66 and 67. Please see the accompanying site plan for details.

The existing area proposed for demolition is the northwest corner of Building No. 65. This area will be converted to surface parking area. Please see the parking summaries presented below for the existing and proposed project parking detail information. Required parking for the proposed project is calculated at 258 parking spaces. The project will provide 294 parking spaces, which exceeds the City's requirements by 36 parking spaces.

Parking Summary: Existing PD Plan 1700 Rosecrans Avenue

	Spaces Required	Use	Parking Ratio	Spaces Provided
Building 65	25	Retail	5,000 SF @ 1 per 200	
Building 65	126	Retail	31,602 SF @ 1 per 250	
Building 65	43	Industrial	21,751 SF @ 1 per 500	
Building 66	36	Industrial	36,000 SF @ 1 per 1,000	
Building 67	30	Industrial	30,000 SF @ 1 per 1,000	
Total	260			261

Parking Summary: Proposed PD Plan 1700 Rosecrans Avenue

	Spaces Required	Use	Parking Ratio	Spaces Provided
Building 65	25	Retail	5,000 SF @ 1 per 200	
Building 65	167	Retail	41,610 SF @ 1 per 250	
Building 65	0	Industrial		
Building 66	36	Industrial	36,000 SF @ 1 per 1,000	
Building 67	30	Industrial	30,000 SF @ 1 per 1,000	
Total	258			294

No new access driveways are proposed at the site. The development will continue to utilize the three existing access driveways: one on Rosecrans Avenue and two on Redondo Avenue.

The proposed exterior modifications to Building No. 65 will incorporate and continue the Mediterranean-style building design features already completed and those currently under construction at the site. Please see the accompanying elevations for details.

The proposed project incorporates 25,910 square feet of landscaping. The applicant will submit a landscape plan for the new project area for review and approval.

The proposed retail occupant for tenant space 'B' is the specialty retail chain Beverages & More! (BevMo), sellers of premium wines, spirits, imported and specialty beers, non-perishable food items and gifts. Estimated store hours are 10:00 a.m. – 9:00 p.m. Monday through Sunday. It is anticipated that the store will have 15 – 20 employees. The typical employee schedule calls for 4-8 employees working in the store at one time on weekdays and 10-12 on weekends.

BevMo typically operates with a Type 21 alcohol license (authorizes the sale of beer, wine and spirits for off site consumption) and a Type 42 license (authorizes on site consumption for tasting. BevMo will obtain all required licenses and approvals for the sale and consumption of alcohol.

Findings

Following is the Applicant’s written description of how the proposed PD Plan amendment for 1700 Rosecrans Avenue meets the required Findings as set forth in 10.32.060 of the Manhattan Beach Municipal Code.

- 1. The PD Plan or Specific Plan is consistent with the adopted Land Use Element of the General Plan and other applicable policies and is compatible with surrounding developments;**

Land Use Element of General Plan:

The Zoning Designation for 1700 Rosecrans Avenue is PD (Planned Development). The site is situated in General Plan Area District II, within the Manhattan Village Commercial land use category. The proposed PD amendment proposes continuance of a mix of retail and industrial uses on the site. The table below illustrates how the proposed PD amendment is consistent with the adopted Land Use Element of the General Plan and applicable policies.

Goal/Policy		Compatibility
Goal LU-2	Encourage the provision and retention of landscaped open space.	Landscaped area will increase. Existing landscaped area: 17,749 sf. Proposed landscaped area: 25,910 sf.
Goal LU-3	Achieve a strong, positive community aesthetic.	The building modifications and additional landscaping proposed by the PD amendment will serve to enhance the visual appeal of the site.
Policy LU-	Continue to encourage quality	Modified/remodeled Building 65

3.1	design in all new construction	will incorporate quality design.
Goal LU-6	Maintain the viability of the commercial areas of Manhattan Beach	The proposed PD amendment serves the stated goal of maintaining and enhancing the diversity and vitality of the Manhattan Village Commercial area.
Policy 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.	The PD provides a mix of commercial uses that meet the stated policy objective.
Goal LU-8	Maintain Sepulveda Blvd., Rosecrans Ave., and the commercial areas of Manhattan village as regional-serving commercial districts.	The intended uses are local and regional-serving uses.
Policy LU-8.1	Ensure that applicable zoning regulations allow for commercial uses that serve a broad market area, including visitor-serving uses	The amended PD encourages commercial uses that serve a broad market area.
Policy LU-8.2	Support the remodeling and upgrading needs of businesses as appropriate within these regional-serving districts.	The proposed PD amendment includes modification/upgrade of Building 65 that will enhance the Rosecrans Avenue streetscape.

Compatibility with surrounding development: The retail and industrial uses proposed under the PD amendment are compatible with the character and scale of the surrounding development which includes office and restaurant to the north, industrial to the south, restaurant and retail to the east, and film studio and office to the west.

2. The PD Plan or Specific Plan will enhance the potential for superior urban design in comparison with the development under the base district regulations that would apply if the Plan were not approved.

The proposed amendment to the current PD Plan will further enhance the character of the high quality commercial development along the Rosecrans Avenue Corridor. The proposed remodel of Building 65 incorporates design features such as varied rooflines, a clay tile roof, towers, and trellises. Building floor area on the site will be reduced by 11,914 square feet and open space/landscaping and parking area will increase.

3. Deviations from the base district regulations that otherwise would apply are justified by compensating benefits of the PD Plan or Specific Plan.

This application proposes an amendment to an existing PD plan. The proposed PD plan amendment is fully compatible with the base district regulations. Benefits of the current PD plan will be enhanced by the improvements proposed by the PD plan amendment.

4. The PD Plan or Specific Plan includes adequate provisions for utilities, services, and emergency vehicle access, and public service demands will not exceed the capacity of existing and planned systems.

Under the amended PD Plan, the development will continue to include adequate provisions for utilities, services, and emergency vehicle access. All utilities requirements and emergency vehicle access requirements will be met. The conversion of 22,000 sq. ft. of industrial space to 10,008 sq. ft. of retail space as proposed under the PD Plan amendment will not exceed the capacity for public service demands or the capacity of current and planned systems.

For your reference, the following plans accompany this application:

- A-1 Existing Site Plan
- A-2 Preliminary Site Plan
- A-3 Preliminary Floor Plan
- A-4 Proposed Exterior Elevation (North)
- A-5 Proposed Exterior Elevation (West)
- A-6 Proposed Building Sections

TR 4/16/08



ENVIRONMENTAL INFORMATION FORM

(to be completed by applicant)

CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT

Date Filed: April 17, 2008

APPLICANT INFORMATION

Name: Continental 1700 Rosecrans Corp. Contact Person: Toni Reina, Planning Mgr.
 Address: 2041 Rosecrans Ave., El Segundo CA 90245 Address: 2041 Rosecrans Ave., El Segundo, CA 90245
 Phone number: 310-640-1520 Phone number: 310-640-1520
 Relationship to property: Owner Association to applicant: Agent

PROJECT LOCATION AND LAND USE

Project Address: 1700 Rosecrans Avenue, Manhattan Beach, CA 90266
 Assessor's Parcel Number: 4138-017-012
 Legal Description: A portion of the North Half of the Northeast Quarter of Section 19, Township 3 South, Range 14 West
 Area District, Zoning, General Plan Designation: II, PD, Manhattan Village Commercial
 Surrounding Land Uses:
 North Office West Film studio, office
 South Industrial East Restaurant, retail
 Existing Land Use: Retail, Industrial

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: Specialty retail store (Beverages & More!) has a citywide orientation. Estimated number of employees: 20. Estimated hours of operation: 10:00 AM - 9:00 PM Monday - Sunday.

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

Removed/

	<u>Existing</u>	<u>Proposed</u>	<u>Required</u>	<u>Demolished</u>
Project Site Area:	298,271	298,271	22,500 min.	N/A
Building Floor Area:	124,524	112,610	-	11,914
Height of Structure(s)	54'	54'	-	-
Number of Floors/Stories:	1	1	-	1 partial
Percent Lot Coverage:	42	38	-	-
Off-Street Parking:	261	294	258	-
Vehicle Loading Space:	4	4	2	-
Open Space/Landscaping:	173,747	185,678	-	-

Proposed Grading:

Cut 500 cy Fill 0 Balance No Imported 0 Exported 500 cy

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

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

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

See Attachment "A".

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

Signature: Joni Runa

Prepared For: Continental 1700 Rosecrans Corp.

Date Prepared: 4/10/08

Revised 7/97

Attachment "A"
To Environmental Information Form

Application for an Amendment to a Planned Development Permit (PD Amendment)
For 1700 Rosecrans Avenue, Manhattan Beach, CA 90266
April 16, 2008

Explanation of "Yes" responses:

An increase in existing noise levels? The proposed project will involve construction activities which would result in short term noise impacts during project demolition and construction. Construction activities may cause minor disturbances to nearby businesses, but would only be temporary. It is estimated that duration of project construction will be 9 months. The project shall comply with applicable City of Manhattan Beach Noise Ordinance regulations. Once completed, the proposed project would not generate any significant noise. The proposed project will generate noise levels comparable to other commercial retail uses in the vicinity.

Transportation

As indicated in the trip generation assessment for the proposed project prepared by Kaku Associates (Attachment "B"), the proposed project will not result in significant traffic impacts on surrounding intersections.

The ITE trip generation estimates (Table 2) determined that there will be a reduction of two AM peak hour trips, a net increase of 14 PM peak hour trips, and a net increase of 291 new weekday trips when compared with the existing project.

Attachment "B"

MEMORANDUM

TO: Erik Zandvliet, City of Manhattan Beach
CC: Gino Polizzotto, Continental Development Corporation
FROM: Pat Gibson and Eugene Tang
DATE: April 15, 2008
SUBJECT: Trip Generation Assessment for 1700 Rosecrans
Manhattan Beach, California

REF: LA08-2258

Fehr & Peers/Kaku Associates analyzed the trip generation for Continental Development Corporation's proposed re-tenanting of its existing project at 1700 Rosecrans Avenue, replacing warehouse space with retail space. This analysis tested the likely trip generation of the reconfigured project to see if the project generates enough traffic to result in a potential traffic impact at intersections serving the site.

PROPOSED PROJECT

The project site is located at 1700 Rosecrans Avenue on the southeast corner of Rosecrans Avenue & Redondo Avenue in the City of Manhattan Beach. The existing on-site land uses consist of a 20,000 square foot (sf) Office Depot store, a 16,600 sf Fresh & Easy (Tesco) market (under construction), and 87,750 sf of warehouse space. Figure 1 illustrates the existing site.

The project proposes to remove 21,750 sf of warehouse space and replace it with a 10,000 sf Beverages & More! Store. The result is a total of 112,600 sf on-site, or an overall reduction of 11,750 sf compared to the existing uses. Table 1 summarizes the development density of the existing site and proposed project and Figure 2 illustrates the proposed site.

To: Mr. Erik Zandvliet
April 15, 2008
Page 2

TABLE 1
LAND USES FOR 1700 ROSECRANS
EXISTING VS PROPOSED

Existing	Landuse	Proposed
20,000 sf	Office Depot	20,000 sf
16,600 sf	Fresh & Easy	16,600 sf
-	Beverages & More!	10,000 sf
87,750 sf	Warehouse	66,000 sf
124,350 sf	Total	112,600 sf

TRIP GENERATION

Trip generation estimates for both the existing uses and the proposed project were prepared for this analysis.

Trip Generation Rates

Trip Generation, 7th Edition (Institute of Transportation Engineers [ITE], 2003) is the nationally accepted reference for the development of trip generation estimates and provides a brief description of land uses and trip rates on a daily and peak hour basis.

The existing Office Depot can be categorized as an office supply store by ITE land use code 867. Only the p.m. peak hour rate is provided; the daily and a.m. trip rates were derived from the proportional relationship between the p.m. trip rates of the office supply store and shopping center (ITE 820). The office supply store trip rate is approximately 90% of the shopping center rate; the proportion was applied to the daily and a.m. rates of the shopping center. The resulting daily rate is 38.9 trips/thousand square feet (ksf); the a.m. rate is 0.93 trips/ksf with 61% inbound and 39% outbound; and the p.m. rate is 3.4 trips/ksf with 53% inbound and 47% outbound.

The existing Fresh & Easy can be categorized as a supermarket by ITE landuse code 850. The daily trip rate is 102.24 trips/ksf; the a.m. rate is 3.25 trips/ksf with 61% inbound and 39% outbound; the p.m. rate is 10.45 trips/ksf with 51% inbound and 49% outbound.

The existing warehouses can be categorized as warehousing by ITE land use code 150. The daily trip rate is 4.96 trips/ksf; the a.m. rate is 0.45 trips/ksf with 82% inbound and 18% outbound; the p.m. rate is 0.47 trips/ksf with 25% inbound and 75% outbound.

To: Mr. Erik Zandvliet
April 15, 2008
Page 3

The proposed Beverages & More! store can be categorized as specialty retail by ITE land use code 814. The a.m. peak hour rate is not provided; the a.m. rate was derived from the proportional relationship between the p.m. trip rates of specialty retail and shopping center (ITE 820). The specialty retail trip rate is approximately 70% of the shopping center rate; the proportion was applied to the a.m. rate of the shopping center. The resulting trip rates are 44.32 trips/ksf daily; the a.m. rate is 0.74 trips/ksf with 61% inbound and 39% outbound; and the p.m. rate is 2.71 trips/ksf with 44% inbound and 56% outbound.

Trip Credits

Trip credits are applied to trip generation estimates to account for factors that reduce trips and/or to ensure that traffic is not double-counted. The type of trip credit applied in this study includes pass-by trip credit.

Pass-by reductions represent those trips on the roadway system expected to be attracted to the site once the proposed project is implemented. Previous studies have indicated that retail establishments are likely to have a pass-by component to their trip generation estimates. These pass-by trips were not specifically attracted to the area by the retail facility but were in the vicinity and diverted to the site. They are not new to the roadway system and should be deducted from the calculations to avoid double-counting these trips.

Previous studies in Manhattan Beach have indicated that a pass-by credit of 10% for specialty retail uses and 35% for supermarkets can be reasonably applied. Therefore, the Office Depot and proposed Beverages & More! have a 10% pass-by reduction and a 35% pass-by credit is applied to the Fresh & Easy.

TRIP ESTIMATES

Trip generation estimates for the existing and proposed project were developed based on the rates and trip credits discussed above. The trip estimates were evaluated in a side-by-side comparison of the existing trip estimates and the proposed trip estimates.

The existing land uses are estimated to generate 2,238 daily trips, 91 a.m. peak hour trips (64 inbound and 27 outbound), and 214 p.m. peak hour trips (99 inbound and 115 outbound).

The proposed reconfiguration of the project site would result in an estimated 2,529 daily trips, 89 a.m. peak hour (61 inbound and 28 outbound), and 228 p.m. peak hour trips (108 inbound and 120 outbound).

A side-by-side comparison between the existing conditions and the proposed project conditions reveals that there is an overall increase of 291 daily trips. The a.m. peak hour experiences a reduction of two total trips and the p.m. experiences an increase of 14 total trips.

To: Mr. Erik Zandvliet
April 15, 2008
Page 4

The net new trips added to the street network during the a.m. and p.m. peak hours are not likely to result in significant intersection impacts.

The trip generation estimates and comparison are summarized in Table 2.

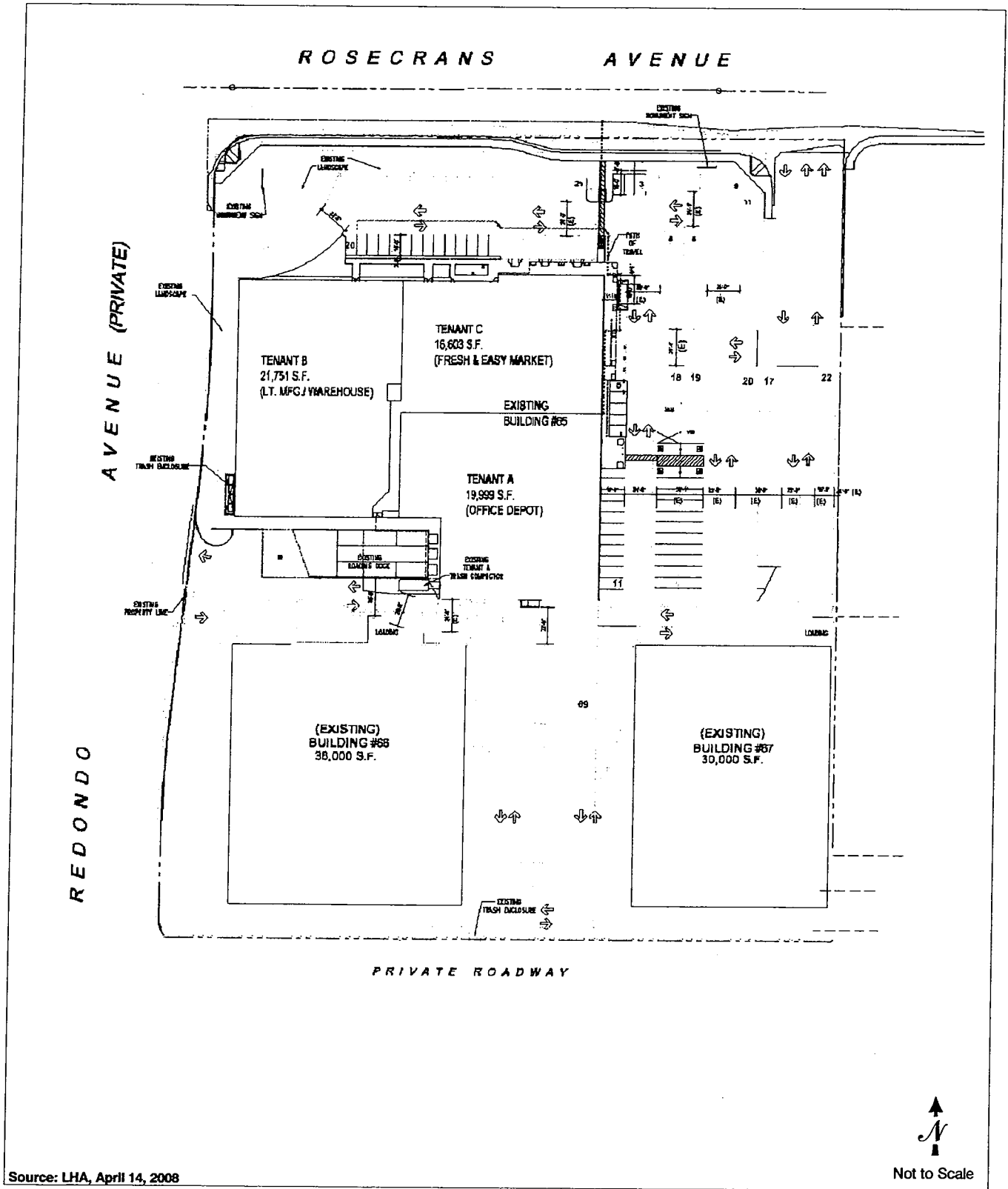
CONCLUSION

The project proposes to convert a portion of an existing warehouse use into a Beverages & More! store. The trip generation estimates for the proposed project and the existing land uses were prepared using the standard ITE trip rates. The comparison revealed net new trips of 291 daily trips and -2 and 14 new trips in the a.m. and p.m. peak hours, respectively.

It can be seen that the proposed project would result in a small net addition of traffic on a daily basis and during the p.m. peak hour. The morning peak hour would actually see a net reduction in trips as a result of replacing warehouse space (that generates commute trips in the morning) with retail space (that is not likely to be open during the morning peak hour).

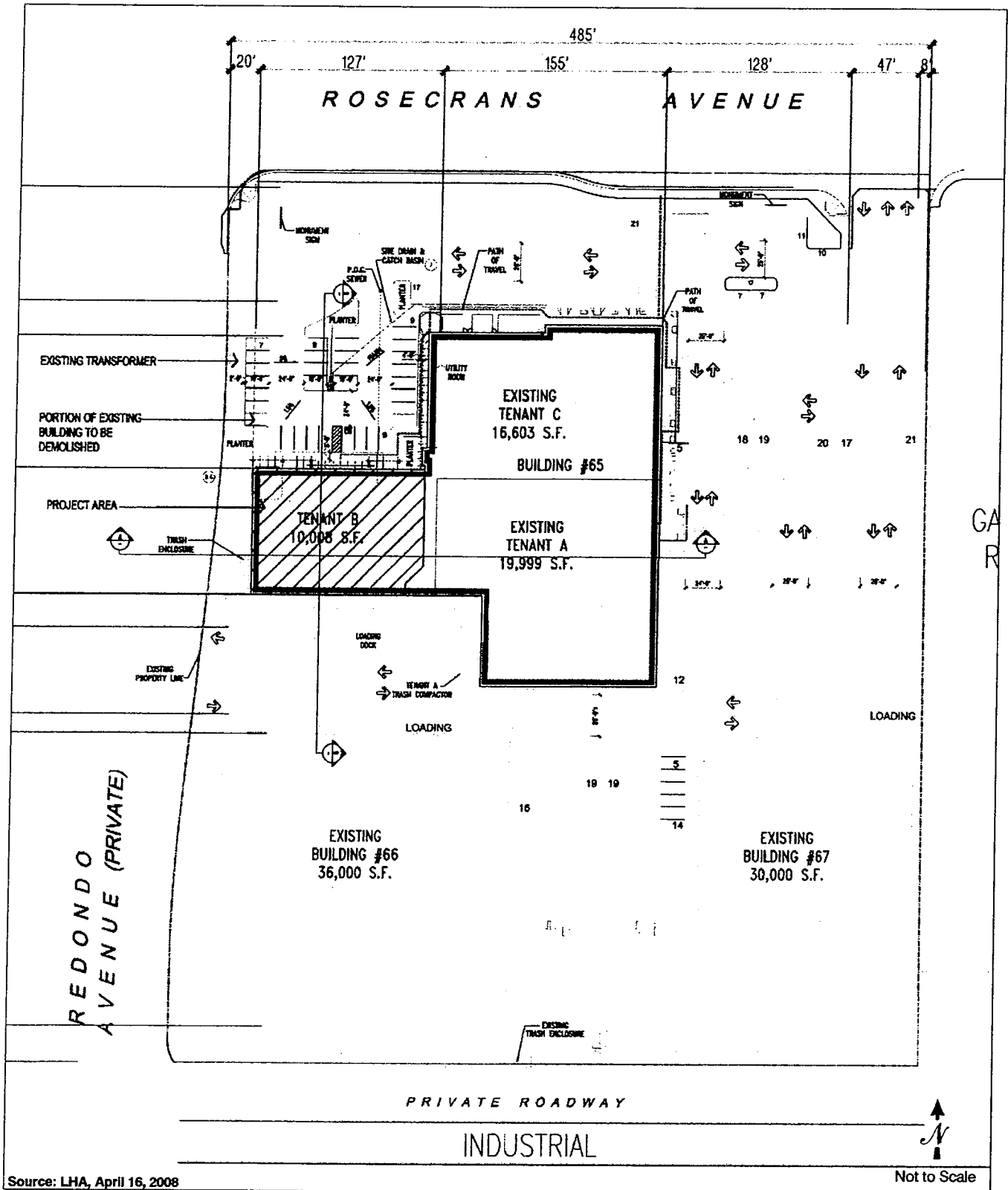
The level of the net new afternoon peak hour trips is not likely to result in significant impacts at adjacent intersections. With only 14 new trips added to the street system and with multiple driveways to distribute the project traffic, the project cannot add enough traffic to any single traffic movement to create a significant impact at the adjacent intersections. Based on this analysis, a full traffic study is not warranted for the proposed project.

Please call us at (310) 458-9916 if there are any questions.



Source: LHA, April 14, 2008

Not to Scale



**TABLE 2
TRIP GENERATION ESTIMATES FOR 1700 ROSECRANS
EXISTING VS PROPOSED**

Existing	Size	Units	Weekday		AM Peak Hour			PM Peak Hour		
			Daily		In	Out	Total	In	Out	Total
Office Depot [a]	20,000	sf	778		12	7	19	36	32	68
	Pass-by credit 10%		(78)		(1)	(1)	(2)	(4)	(3)	(7)
Fresh & Easy [b]	16,600	sf	1,697		33	21	54	88	85	173
	Pass-by credit 35%		(594)		(12)	(7)	(19)	(31)	(30)	(61)
Warehouse [c]	87,750	sf	435		32	7	39	10	31	41
Total			2,238		64	27	91	99	115	214
Proposed	Size	Units	Weekday		AM Peak Hour			PM Peak Hour		
			Daily		In	Out	Total	In	Out	Total
Office Depot [a]	20,000	sf	778		12	7	19	36	32	68
	Pass-by credit 10%		(78)		(1)	(1)	(2)	(4)	(3)	(7)
Fresh & Easy [b]	16,600	sf	1,697		33	21	54	88	85	173
	Pass-by credit 35%		(594)		(12)	(7)	(19)	(31)	(30)	(61)
Beverages & More! [a]	10,000	sf	443		4	3	7	12	15	27
	Pass-by credit 10%		(44)		0	0	0	(1)	(2)	(3)
Warehouse [c]	66,000	sf	327		25	5	30	8	23	31
Total			2,529		61	28	89	108	120	228
Net New Trips			291		(3)	1	(2)	9	5	14

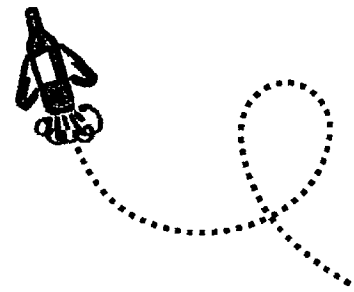
Rates: Trip Generation, 7th Edition (Institute of Transportation Engineers, 2003).

[a] - ITE 867 (Office Supply Store), only PM rate available. The daily and AM rates derived from the proportional relationship between office supply store and shopping center (ITE 820). The relationship of approximately 90% was applied to the daily and AM shopping center rates to develop rates for this landuse.

[b] - ITE 850 (Supermarket)

[c] - ITE 150 (Warehousing)

[d] - ITE 814 (Specialty Retail), only daily and PM rates available. The AM rate is derived from the proportional relationship between specialty retail and shopping center (ITE 820). The relationship of approximately 70% was applied to the AM shopping center rate to develop rate for this landuse.



1470 Enea Circle, Suite 1600 Concord, California 94520 T 925.609.6000 F 925.609.7712 www.bevmo.com

July 17, 2008

Eric Haaland
City of Manhattan Beach
Associate Planner
1400 Highland Avenue
Manhattan Beach, CA 90266

RE: 1700 Rosecrans, Suite B, Manhattan Beach, CA

Dear Mr. Haaland:

Beverages & More, Inc. dba BevMo! hereby requests the City of Manhattan Beach approve the positive findings of Public Convenience or Necessity (PCN).

BevMo! is the largest specialty retailer in California and was awarded Retailer of the Year in 2006 by Wine Enthusiast. BevMo! will complement the retail uses in the area by providing a convenient and unique place for the local residents to acquire an extensive inventory of beer, wine, spirits, gourmet food and related items, such as glassware, and accessories, etc., which are not easily found elsewhere. BevMo! offers over 3000 brands of premium wines, 1000 different gourmet food items, 600 brands of specialty beers and 1200 brands of specialty spirits. The store will provide the residents with a convenient new place to shop in a well-maintained facility.

The store will have a positive influence on the local economy by providing jobs and retail tax revenue to the City of Manhattan Beach, as well as competitive pricing to the consumer.

BevMo! will employ approximately 15 local residents, additional help may be hired during the holidays.

BevMo! is committed to the responsible marketing of alcoholic beverage products which is demonstrated by:

1) Hours of operation being limited to: 9 a.m. - 9 p.m. Sunday through Saturday (holiday hours may vary).

2) Company policy prohibiting the sale of cigarettes and products of abuse (such as 40 oz. of malt liquor, low-priced, screw-top fortified wines and pints or half-pints of spirits).

3) Company policy prohibiting the use of video or pinball games, sales of pornographic videos and magazines, pay telephones, lottery tickets, newspaper stands and other items that would encourage loitering or minors patronizing the store (unlike some convenience stores).

4) Company provides an in house Minor Sting Program. Every store is shopped every month by a minor decoy. These policies are not required by law, but enforced to insure compliance.

5) Company posts and maintains a professional quality sign stating "No Loitering. No public drinking of alcoholic beverages", and "Stop you must be 21 to enter unless accompanied by an adult".

BevMo! requires license type 42 On-Sale Beer and Wine, Public Premises for educational beer and wine tastings. The area is will be located against the back wall of the store and is separated from the license type 21 premises by 42" high walls. The size of the tasting is 10x10, and there are no furnishings or counters in the area.

Beer and wine tastings will be offered in-store on Friday evenings from 4 p.m. to 7 p.m., Saturdays from 12 p.m. to 6:00 p.m. and during our Grand Opening Friday through Sunday 9 a.m. to 7 p.m. Service in the area is by winemakers, vendor representatives and trained store staff.

Special tastings will be offered for special holidays from 12 p.m. to 7 p.m. such as:

- Valentine's Day
- St Patrick's Day
- Cinco de Mayo
- Halloween
- Day before Thanksgiving
- New Year's Eve

Samples are approximately 1 oz in size and, a fee is charged for each sample as required by the ABC. Disposable plastic tasting cups are used; all samples must take place within the boundaries of the tasting area.

A sign is posted stating that no one under 21 is allowed in the tasting area. Customers are also not allowed to bring in spirits or shopping carts of any kind into the area.

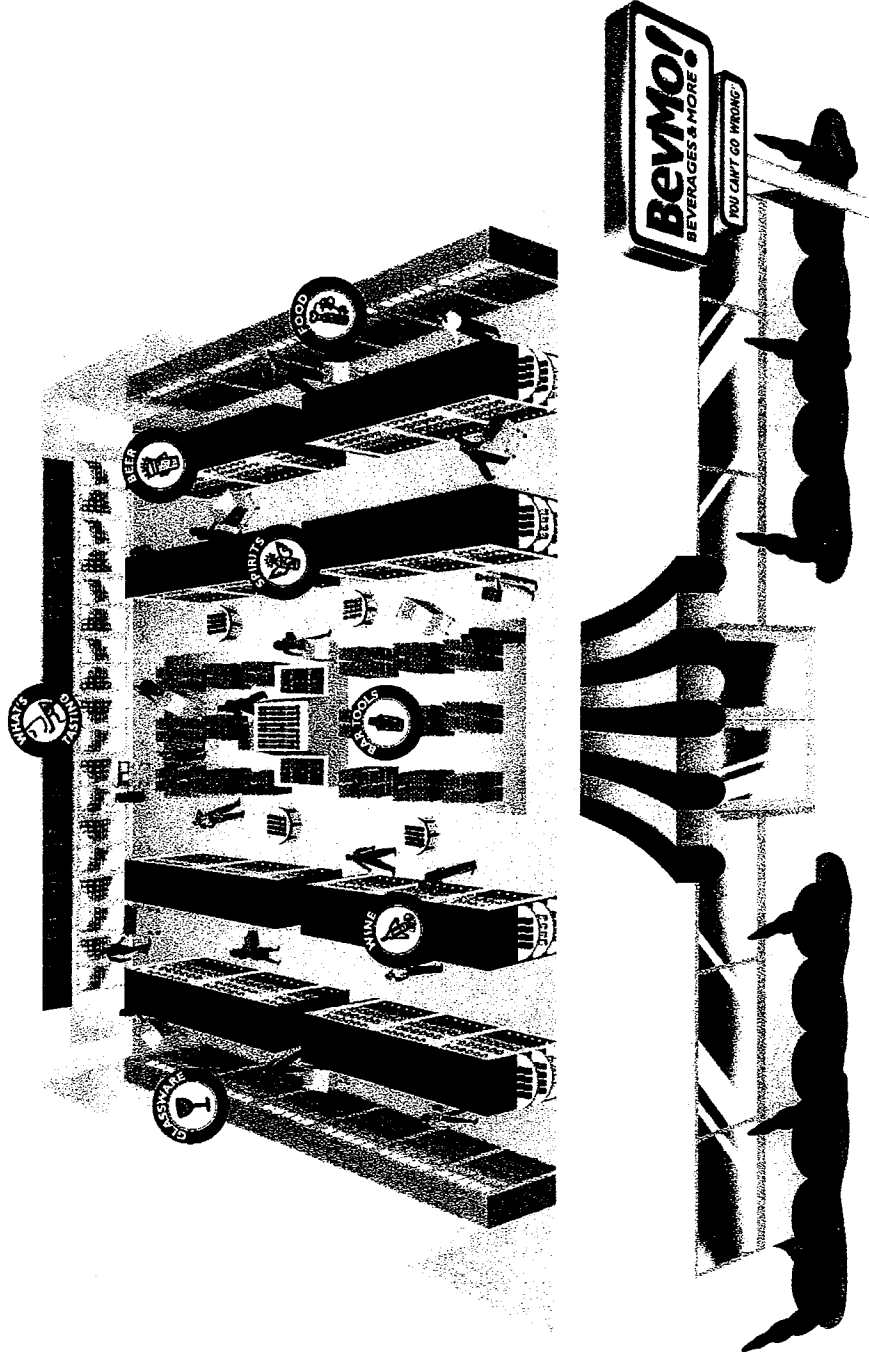
Permitting the sale of alcoholic beverages and offering tastings at this location will provide residents with a convenient, well-maintained facility with reasonable prices that will have a positive impact on the local economy and community.

In conclusion, Beverages and More! respectfully request the City of Manhattan Beach grant a finding of Public Convenience or Necessity for the alcoholic beverage licenses.

If you have further questions, please contact me at 925-609-6074.

Sincerely,


Rocio Clough
New Store Coordinator



WINE

Step into beer central. 1,100 of your favorite national brands, imports & the hottest craft brews in the market today. Plus 150 different keg beers to quench a thirsty crowd.

BEER HERE

Step into beer central. 1,100 of your favorite national brands, imports & the hottest craft brews in the market today. Plus 150 different keg beers to quench a thirsty crowd.

WINE

Step into beer central. 1,100 of your favorite national brands, imports & the hottest craft brews in the market today. Plus 150 different keg beers to quench a thirsty crowd.

BEER HERE

Step into beer central. 1,100 of your favorite national brands, imports & the hottest craft brews in the market today. Plus 150 different keg beers to quench a thirsty crowd.

RAISE YOUR SPIRITS

From Scotland's finest single malts to Polish vodkas, great Martini gins, Irish whiskeys & Mexico's specialty Añejo tequilas, you'll find 1,500 spirits—old favorites plus exciting new discoveries from around the world.

& MORE!

Pistachios, chips, olives, salsa, a variety of fresh cheeses, candy—every kind of snack for every kind of drink! Plus gifts & gadgets, old-fashioned sodas, ready-to-eat hors d'oeuvres, light entrées and delicious desserts that make hosting a party a breeze. P.S. We have fresh caviar, too!

BAR APPLIANCES & ACCESSORIES

Blenders, popcorn makers, Margarita makers, wine coolers & more! Every machine to make your party perfect.

GORGEOUS GLASSWARE

We've done some traveling and brought back some fine stemware, barware and decanters from Riedel, Waterford, Schott, Zwiesel and Bormioli.

Distinctive Concept

Site Sign Area Calculations for 1700 Rosecrans

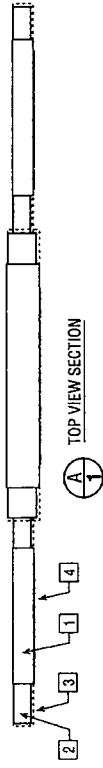
Property Frontage = 475 x 2 = 950 Aggregate Site Sign Area Allowed

Proposed Signs	Approved Sign Area	Adjusted Sign Area	Proposed Total
Sign Type A1 – Project Monument Sign (DF)			
Office Depot panel	84 sq. ft.	2 x 42 sq. ft.	84 sq. ft.
Fresh & Easy panel	32 sq. ft.	2 x 20 sq. ft.	40 sq. ft.
Beverages & More panel		2 x 20 sq. ft.	40 sq. ft.
Sign Type A2 – Project Monument Sign (SF)			
Office Depot panel	42 sq. ft.	28 sq. ft.	28 sq. ft.
Fresh & Easy panel	16 sq. ft.	13 sq. ft.	13 sq. ft.
Beverages & More panel		13 sq. ft.	13 sq. ft.
Sign Type B – Tenant Wall Signs			
Office Depot	150 sq. ft.	150 sq. ft.	150 sq. ft.
Fresh & Easy	250 sq. ft.	2 x 125 sq. ft.	250 sq. ft.
BevMo!		75 + 50 sq. ft.	125 sq. ft.
Total Sign Area =	574 sq. ft.		743 sq. ft.

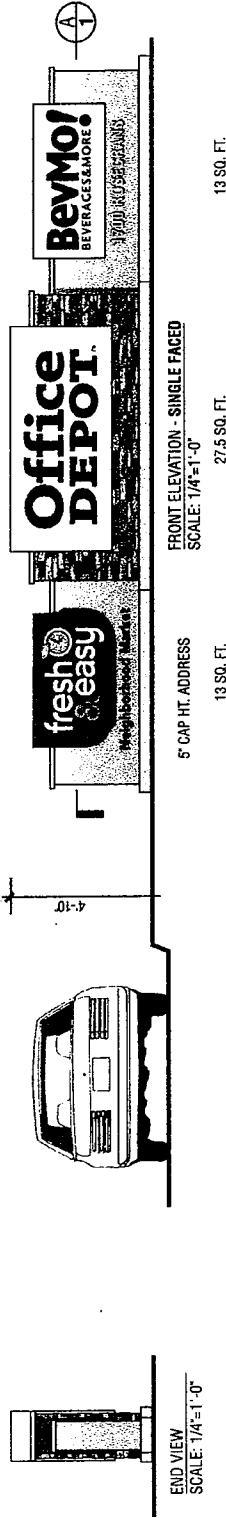
EXHIBIT
E

P.C. 8/27/08

- 1 SIGN CABINET EXTENDS THROUGH MONUMENT
- 2 MONUMENT
- 3 CAP
- 4 POP-THROUGH LETTERS

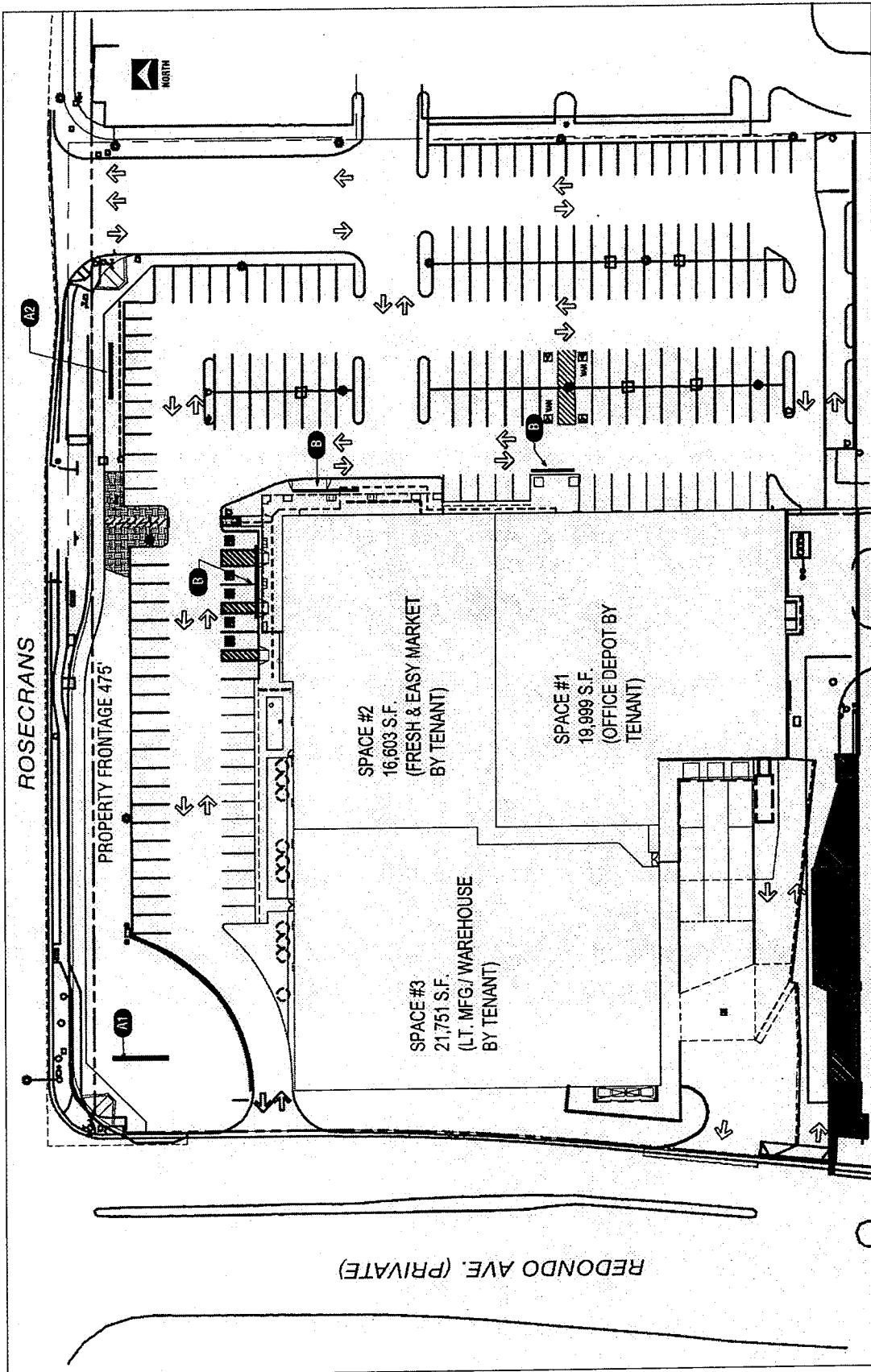


24'-9"



4'-10" SINGLE FACED

SIGN LOCATION PLAN



- SITE PLAN
- A1 PROJECT MONUMENT SIGN (DOUBLE FACED)
 - A2 PROJECT MONUMENT SIGN (SINGLE FACED)
 - B TENANT WALL SIGN

CITY OF MANHATTAN BEACH

DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Eric Haaland, Associate Planner

FROM: Erik Zandvliet, Traffic Engineer

DATE: April 29, 2008 *EBZ*

SUBJECT: **Development Review-1700 Rosecrans Avenue
Beverages & More Store
Traffic Engineering Comments**

The following comments have been prepared to address traffic engineering concerns for the proposed amendment to the Planned Development at 17000 Rosecrans Avenue consisting of conversion of industrial space into retail use based site plans prepared by Continental Development Corporation and the Trip Generation Assessment prepared by Fehr & Peers / KAKU Associates April 15, 2008. The project is expected to generate approximately 291 additional daily vehicle trips and 14 new vehicle trips in the PM peak hour. Therefore, the proposed project is NOT expected to generate significantly traffic impacts.

Trip Generation Assessment

1. The Trip Generation Assessment has been reviewed and deemed to be complete and acceptable.

Site Plan Comments

2. All two-way driveways and approaches shall be as wide as the aisle it serves. **The westerly driveway approach for the project shall be at least 30 feet wide to provide sufficient turning access to/from the public streets.** (COA)
3. All raised landscaping planters along the property frontages shall begin or end perpendicular to the lower portion of the driveway wings. (COA)
4. Provide unobstructed triangle of sight visibility (5' x 15') adjacent to each driveway and behind the ultimate property line when exiting the parking areas without walls, columns or landscaping over 36 inches high. (MBMC 10.64.150) All planters next to both driveways on Redondo Avenue must conform to this requirement. (COA and show on plans.)
5. All parking spaces adjacent to a vertical obstruction, except columns, must be at least one foot wider than a standard space. (COA)
6. Wheel stops or 6-inch high raised curbs are required for all parking spaces adjacent to a wall, fence or walkway. A 2.5-foot overhang shall be included in the stall length when calculating walkway widths across the front and side of the building. (MBMC 10.64.100D) (COA)

**EXHIBIT
F**

P.C. 8/27/08

7. Disabled parking must comply with current standards. One or more van size spaces may be required in parking structure with sufficient height clearance. See CBC Chapter 11B, Div II and other ADA requirements. (COA)
8. An accessible walkway shall be provided between the main doors and public sidewalk (See ADA requirements).
9. All unused driveways shall be reconstructed with curb, gutter and sidewalk. (COA)
10. Provide and identify commercial loading area on site plan. (COA and shown on plans.)
11. Any compact spaces shall be labeled with a sign and a stencil marking at the back of each space. (COA)
12. A lighting illumination plan shall be submitted for the surface parking lot for approval by the Community Development Department. (MBMC 10/64.170) (COA-Submitted)
13. All outside site lighting shall be directed away from the public right-of-way and shall minimize spill-over onto the sidewalks and street. Shields and directional lighting shall be used where necessary. (COA)
14. Bicycle parking shall be provided at a rate of five percent (5%) of all parking spaces. (MBMC 10.64.80) (COA)
15. The parking lot shall be signed and marked to the satisfaction of the City Traffic Engineer. (COA).

COA – Condition of Approval

G:\1 TRAFFIC & ROW DIVISION\TRAFFIC ENGINEER\Planning\Memo-1700 rosecrans-bev and more.doc

EXISTING ALCOHOL LICENSES IN THE CITY OF MANHATTAN BEACH

ADDRESS	BUSINESS_N	TYPE	LIC_TYPE
4103 Highland Avenue	El Porto Liquor Market	21	Off-Sale
1550 Rosecrans Avenue	Houston's Restaurant	47	On-Sale
2900 Sepulveda Boulevard	Savon Drugs	21	Off-Sale
1590 Rosecrans Avenue	Pachanga Mexican Grill	41	On-Sale
302 12th Street	Trio	47	On-Sale
1138 Highland Avenue	Kettle, The	41	On-Sale
1209 Highland Avenue	Le Creperie	41	On-Sale
2201 Highland Avenue	Mac's Liquor	21	Off-Sale
3301 Highland Avenue	Beach Pizza	41	On-Sale
3307 Highland Avenue	Moon's Market	21	Off-Sale
3414 Highland Avenue	Local Yolk, The	41	On-Sale
3416 Highland Avenue	Sloopy's Beach Cafe	41	On-Sale
3504 Highland Avenue	Beach Shop, The	20	Off-Sale
3505 Highland Avenue	Hilary's Hole in the Wall	41	On-Sale
3600 Highland Avenue	Harry O's	47	On-Sale
3610 Highland Avenue	OB's Bar and Grill	47	On-Sale
3610 Highland Avenue	OB's Bar and Grill	58	Catering or Club
3615 Highland Avenue	Pancho's	47	On-Sale
3713 Highland Avenue	Beach Nut	41	On-Sale
3770 Highland Avenue	Summers	47	On-Sale
3801 Highland Avenue	Baja Sharkeez	47	On-Sale
3804 Highland Avenue	Players Liquor	21	Off-Sale
117 Manhattan Beach Boulevard	Beaches	47	On-Sale
133 Manhattan Beach Boulevard	Manhattan Pizzeria	41	On-Sale
309 Manhattan Beach Boulevard	Shark's Cove	47	On-Sale
309 Manhattan Beach Boulevard	Shark's Cove	58	Catering or Club
313 Manhattan Beach Boulevard	Hennessey's Tavern	47	On-Sale
317 Manhattan Beach Boulevard	Cafe Pierre	47	On-Sale
317 Manhattan Beach Boulevard	Cafe Pierre	58	Catering or Club
1150 Manhattan Beach Boulevard	Fushion Sushi	47	On-Sale
401 Manhattan Beach Boulevard	Pasta Pomodoro	58	On-Sale
1131 Manhattan Avenue	Sun and Moon Cafe	41	On-Sale
1142 Manhattan Avenue	Towne	41	On-Sale
302 Rosecrans Avenue	Vacant	41	On-Sale
401 Rosecrans Avenue	Verandas	47	On-Sale
1019 Manhattan Beach Boulevard	Manhattan Bar & Grill	47	On-Sale
1129 Sepulveda Boulevard	Manhattan Beach Shell	20	Off-Sale
1501 Sepulveda Boulevard	Grunions	47	On-Sale
2401 Sepulveda Boulevard	Castle, The	47	On-Sale
2620 Sepulveda Boulevard	Cocos Restaurant	47	On-Sale
2700 Sepulveda Boulevard	Ralph's Grocery Company	21 & 42	Off-Sale
1120 22nd Street	Schooner, The	47	On-Sale
1821 Manhattan Beach Boulevard	Trader Joes Company	21	Off-Sale
1700 Sepulveda Boulevard	Residence Inn, The	41	On-Sale
2640 Sepulveda Boulevard	Reeds Restaurant	41	On-Sale
3280 Sepulveda Boulevard	California Pizza Kitchen	47	On-Sale
3282 Sepulveda Boulevard	Chongs China Grill	41	On-Sale
1330 Parkview Avenue	Parkview Properties Inc.	47	On-Sale
1400 Parkview Avenue	Marriott Hotel	47	On-Sale
1550 Rosecrans Avenue Ave, S	Lido Di Manhattan Beach	47	On-Sale
1570 Rosecrans Avenue	Bristol Farms	21	Off-Sale
1570 Rosecrans Avenue	Bristol Farms	41	On-Sale
1570 Rosecrans Avenue	Lee's Dragon	41	On-Sale
1570 Rosecrans Avenue	Long's Drugs	21	Off-Sale
1570 Rosecrans Avenue	Rice Road, The	41	On-Sale
2000 Sepulveda Boulevard	Rubios Baja Grill	41	On-Sale
2610 Sepulveda Boulevard	Olive Garden	47	On-Sale
3200 Sepulveda Boulevard, D1	Islands Fine Burgers & Drinks	47	On-Sale
3290 Sepulveda Boulevard	El Torito Restaurants	47	On-Sale
3400 Sepulveda Boulevard	Bullocks Inc. (Macy's)	20	Off-Sale
3501 Sepulveda Boulevard	Belamar Hotel	47	On-Sale
1157 Artesia Boulevard	El Sombrero	41	On-Sale
1157 Artesia Boulevard	Manhattan Liquor	21	Off-Sale
1221 Artesia Boulevard	7 Eleven Store	20	Off-Sale
1727 Artesia Boulevard	Mobil Gas Station	20	Off-Sale
1751 Artesia Boulevard	K&S Tobacco & Wine	20	Off-Sale
1751 Artesia Boulevard	V&Y Liquor Store Market	21	Off-Sale
207 Aviation Place	S&S Market	20	Off-Sale
975 Aviation Boulevard	Speedi Mart	20	Off-Sale
230 Aviation Boulevard	Petrellis Bar & Grill	48	On-Sale
1053 Aviation Boulevard	Gifted Basket, The	20	Off-Sale
350 Sepulveda Boulevard	El Tarasco Restaurant	41	On-Sale
516 Sepulveda Boulevard	Mr. Pockets	47	On-Sale
914 Sepulveda Boulevard	Back Home of Lahaina	47	On-Sale
924 Sepulveda Boulevard	Sch Restaurant	47	On-Sale



P.C. 8/27/08

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

SURVEY OF DOWNTOWN EATING AND DRINKING ESTABLISHMENTS

Establishment	Address	Hours of Operation	Alcohol License	Date
900 Manhattan Club/Sidedoor	900 Manhattan Ave.	M-Th 11am-12 am F 11am-1 am Sat 9am-12am Sun 9am-12am	Full Liquor	
Coco Noche	1140 Highland Ave.	Su-Th 6am-10pm F-Sa 6am-11pm	Beer and Wine	
Beaches	117 Manhattan Beach Blvd.	M-F 10am-1am Sa-Sun 8 am-1am	Full Liquor	
Café Pierre	317 Manhattan Beach Blvd.	Su-Sa 9am-1am	Full Liquor	
Pasta Pomodoro	401 Manhattan Beach Blvd.	Sun-Wed 9am-11pm Thu-Sat 7am-12am	Beer and Wine	03/05
Ebizio	229 Manhattan Beach Blvd.	M-Th 6am - 11pm F-Sa 6am-12am	Beer and Wine	
El Sombrero	1005 Manhattan Ave.	Su-Th 7am-11pm F-Sa 7am-12am	Beer and Wine	
Ercoles	1101 Manhattan Ave.	Su-Sa 11am-2am	Full Liquor	
Fonzs	1017 Manhattan Ave.	Su 9am-9pm M-Th 5:30am-10pm F-Sa 5:30am-11pm	Full Liquor	
Creperie	1209 Highland Ave.	Sun-Th 7am-11pm F-Sat 7am-12am	Beer and Wine	05/07
Hennesseys	313 Manhattan Beach Blvd.	Su-Sa 11am-2am	Full Liquor	
Fusion Sushi	1150 Morningside Dr.	Su-W 9am -11pm Th-Sa 7am-12am	Full Liquor	
Kettle	1138 Highland Ave.	Su-Sa 24 Hours	Beer and Wine	
Le Pain Quotidien	451 Manhattan Beach Blvd.	M-Sun 7 am -7:30 PM- (alcohol 10 am)	Limited beer and wine	5/08
Mama D's	1125 A Manhattan Ave.	Su-Sa 7am-2am	Beer and Wine	
Mangiamo	128 Manhattan Beach Blvd.	Su-Sa 8am-12am	Full Liquor	
Manhattan Brewing Company	124 Manhattan Beach Blvd.	Su-Sa 7am-12am F-Sat 7am-1am	Full Liquor	
Sharks Cove	309 Manhattan Beach Blvd.	Su-Sa 7am-2am	Full Liquor	
Manhattan Pizzeria	133 Manhattan Beach Blvd.	No Reso	Beer and Wine	
Mucho	903 Manhattan Ave.	Su-T 11am-12am F-Sat 11am-2am	Full Liquor	
Octopus	1133 Highland Ave.	M-F 11:30am-2:30pm to 5:30pm-11pm F-Sa 5:30pm-12am	Beer and Wine	
Old Venice/El Sombrero	1001 Manhattan Ave.	Sun-Thu 7am-11pm Fri-Sat 7am-12am	Beer and Wine	07/07
Penny Lane	820 Manhattan Ave.	Su-Th 7am-10:30pm F-Sa 7am-11:30pm	Beer and Wine	
Rock N Fish	120 Manhattan Beach Blvd.	Su-Th 7am-12am F-Sa 7am-1am	Full Liquor	
Shellback	116 Manhattan Beach Blvd.	No Reso	Full Liquor	

Sun & Moon Café	1131 Manhattan Ave.	Su-Th 6am-11pm F-Sa 6am-12am	Beer and Wine	
Talia's	1148 Manhattan Ave.	Su-W 7am-11pm Th-Sa 7am-12am	Full Liquor	11/01
Towne	1142 Manhattan Ave.	M-W 11am-11pm Th-F 11am-12am Sa 7am-12am Su 7am-11pm	Full Liquor	
12th+Highland	304 12th Street	Su-Th 10am-12am F-Sa 10am-1am	Full Liquor	
Wahoo's	1129 Manhattan Ave.	Su-Th 6am-11pm F-Sa 6am-12am	Beer and Wine	
Avenue	1141 Manhattan Ave.	Su-Th 11am-11pm F-Sa 11am-12am	Full Liquor	
Shade Hotel	1221 Valley Drive	Lobby Bar- daily 5pm-11pm Courtyard Su-Th 6am-11pm F-Sat 6am-12am Roofdeck daily 6am-10pm	Full Liquor	
Petro's	451 Manhattan Beach Blvd Suite B-110	Su-Th 6am-12 am F-Sa 6am-1am Off-site specialty wine	Full Liquor	12/06
Sashi	451 Manhattan Beach Blvd Suite D-126 1200 Morningside	Su-Th 6am-11pm F-Sa 6am-12am	Full Liquor	

G:/Planning/Ledger/Downtown Alcohol & Hrs List
06/03/08