



Agenda Item #:



# 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  
Daniel A. Moreno, Associate Planner

**DATE:** December 2, 2008

**SUBJECT:** Consideration of Determination that the Public Convenience or Necessity Would be Served by the Issuance of a Liquor License for the Approved Rite Aid Project Located at 1100 Manhattan Beach Boulevard

### RECOMMENDATION:

Staff recommends that the City Council **APPROVE** the request by determining that the public convenience or necessity would be served by the issuance of a liquor license for the approved Rite Aid Retail Pharmacy located at 1100 Manhattan Beach Boulevard

### FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

### BACKGROUND:

At the February 5, 2008 City Council meeting, Council approved the development of a 13,370 square foot retail use and pharmacy which included an alcohol beverage license (attached Resolution No. 6122). Condition #18 of said Resolution allows the sale of alcohol beverages for off-site consumption between the hours of 7:00 a.m. and 10:00 p.m.

On September 11, 2008, staff received a request (attached, Exhibit A) from the Rite Aid Corporation seeking approval of a Type 21 Off-Sales alcohol license for the subject site. The license, issued by the State Department of Alcohol Beverage (ABC), would permit the retailer to sell alcohol in the original package for off-site consumption. When reviewing a license application, the ABC evaluates the concentration of existing licenses in the vicinity of the new application. To ensure that a condition of "undue concentration" does not exist, the ABC may require the applicant to demonstrate that a "public convenience" or "necessity" would be served prior to the ABC's issuing of the license. The determination of public convenience is typically rendered by the City Council.

When a commercial project requires public hearing approval and includes a request for sales of Alcohol Beverages, a finding of public convenience or necessity is incorporated in the Resolution of Approval. However, because staff anticipated a simple transfer of an existing liquor license

23958.4 B & P APPLICATION WORK SHEET

Attn: J. Akers Fax 717-730-7762

PREMISES ADDRESS:

1100 Manhattan Beach  
Manhattan Beach

LICENSE TYPE: 21 Off Sale

1. 90 day rule applies: Yes /  No (if yes, no stats or PC or N required)

2. CRIME REPORTING DISTRICT

Man. Bch PD Jurisdiction unable to provide statistical data.

Reporting District: \_\_\_\_\_

Total number of reporting districts: \_\_\_\_\_

Total number of offenses: \_\_\_\_\_

Average number of offenses per district: \_\_\_\_\_

120% of average number of offenses: \_\_\_\_\_

Total offenses in district: \_\_\_\_\_

Location is within a high crime reporting district: Yes / No

3. CENSUS TRACT / UNDUE CONCENTRATION

Census Tract: 6208.00

Population: 7271 / County Ratio 1.1601

Number of licenses allowed: 5

Number of existing licenses: 8

Undue concentration exists:  Yes / No

Letter of public convenience or necessity required:  Governing Body / Applicant

Three time publication required:  Yes / No

Person Taking Application

Investigator

Supervisor

Over

EXHIBIT A

3. The General Plan designation for the properties is General Commercial. The General Plan encourages commercial development such as this that provides for businesses which serve city residents.
4. The subject site is the combination of two parcels and as a result contains severe grade changes. These include: 12.37' of drop from the N/W corner to the S/W corner; 19.25' of drop from the N/W corner to the S/E corner, and 16.41' feet of drop from the N/E corner to the S/E corner.

*Use Permit*

1. The proposed project is located within the (CG) General Commercial district. The subject proposal would replace an existing 1,736 square foot gas station (Manhattan Beach Fuel) with three service bays and surface parking on the north end of the property, and a 8,638 square foot commercial retail/office/personal service building (Mr. D's Liquor Mart, General Office Uses, Peak Fitness) at the south end of the property. The proposed retail use is in accord with the objectives of this title, and the purpose of the district in which it is located since the project is a commercial zone consistent with Section 10.16.010 of the Manhattan Beach Zoning Code which states that the district is intended to provide opportunities for commercial retail uses for a full range of retail and service businesses. With the exception of the proposed building height, the subject proposal would be in compliance with all applicable regulations as detailed in the staff report.
2. The proposed retail use poses no detrimental effects to the public health, safety, or welfare of persons residing or working on the proposed project site, or to the adjacent neighborhood; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city as the site continues to operate as a commercial use. The new use is intended to provide a better variety of services to the community.

The proposed location of the use and the proposed conditions under which it will be operated or maintained is consistent with the General Plan, since the project site is classified as General Commercial which allows for a full range of retail and service businesses.

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

*Goal LU-1.2: Encourage the use of notches, open space, setbacks, landscaping, or other architectural details to reduce building bulk.*

*Goal LU-2.1: Encourage landscaping standards for commercial areas.*

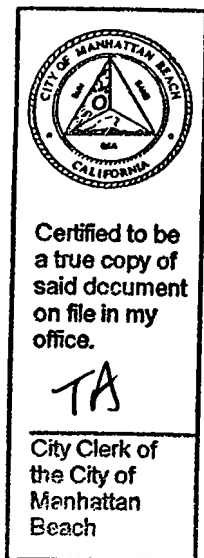
*Goal LU-3.1: Encourage quality design in all new construction.*

*Goal LU-3.2: Encourage the use of Sepulveda Boulevard Corridor Guidelines.*

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

*Goal LU-8.1: Ensure that applicable zoning regulations allow for commercial uses that serve a broad market area, including visitor-serving uses.*

3. The proposed retail use will be in compliance with applicable provisions of the (CG) General Commercial zone.
4. The proposed change in use from a service station/retail store/fitness studio/office uses will not adversely impact nearby properties due to landscaping, screening, setbacks, and the site design and layout of the parking, access and circulation, loading and trash, as well as the conditions of approval. It is not anticipated that the proposed retail use

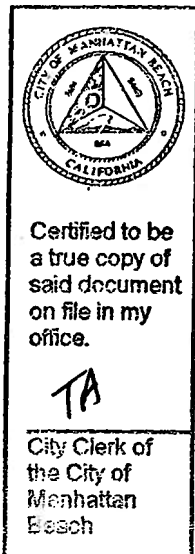


3. Granting the application is consistent with the purposes of this title and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district and area district, since the proposed building height will be in scale and compatible with the surrounding buildings.
- L. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code.
- M. This Resolution upon its effectiveness constitutes the Use Permit, Variance and CEQA approvals and the for the subject project.

SECTION 2. The City Council of the City of Manhattan Beach hereby APPROVES the subject Use Permit and Variance applications and Negative Declaration subject to the following conditions:

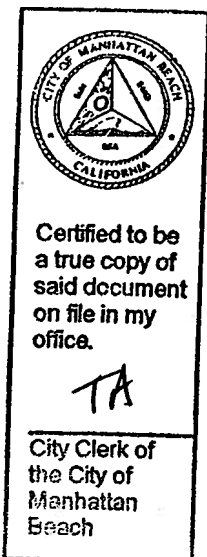
Site Preparation/Construction

1. The project shall be constructed and operated in substantial conformance with the submitted plans and project description submitted to, and approved by the Planning Commission on December 12, 2007. Any other substantial deviation from the approved plans must be reviewed and approved by the Planning Commission. Caltrans approval is required prior to the issuance of a building permit.
2. The façade of the southerly wall shall be redesigned to reduce the appearance of building mass subject to review and approved by the Planning Commission.
3. The project will provide 54 on-site parking spaces which includes; 3 disabled parking spaces, 10 compact spaces (8.5' x 15'), and 41 standard spaces.
4. A Traffic Management Plan shall be submitted in conjunction with all construction and other building plans, to be approved by the Police and Public Works Departments prior to issuance of building permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including delivery of materials and parking of construction related vehicles.
5. All 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 specification of the Public Works Department.
6. During construction of the site, the soil shall be watered in order to minimize the impacts of dust on the surrounding area.
7. 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.
8. A site landscaping plan 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. Mature shade trees shall be incorporated into the plan. Landscaping shall be installed per the approved plans prior to building final.
9. A low pressure, low-flow or drip irrigation system shall be installed in the landscaped areas, which shall not cause any surface run-off. Details of the irrigation system shall be noted on the landscape plans. The type and design shall be subject to the approval of the Public Works and Community Development Departments and shall be installed per the approved plans prior to the building final.
10. A covered enclosure(s) with adequate capacity for both trash and recycling for all tenants shall be constructed for this site. This trash enclosure must be constructed with a



the required slope setbacks behind the property line. Show slopes and cross-sections on approved plans.

23. Parking stall cross-slope shall not exceed 5%.
24. All two-way driveways and approaches shall be as wide as the aisle it serves. Both driveway approaches for the project must be at least 25 feet wide and shall be constructed in alignment with parking aisles.
25. All raised landscaping planters along the property frontages shall begin or end perpendicular to the lower portion of the drive wings.
26. Doors shall not exit directly onto a vehicle aisle or street without a landing.
27. 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 wall, columns or landscaping over 36 inches high (MBMC 10.64.150). All planters next to both driveways must conform to this requirement.
28. Provide a 25' unobstructed triangle of sight visibility on the northeast corners of Sepulveda Boulevard at Manhattan Beach Boulevard and at 11<sup>th</sup> Street behind the ultimate property line extensions without walls, columns or landscaping over 36 inches high, tree trunks accepted.
29. All parking spaces adjacent to an obstruction, except columns, must be at least one foot wider than a standard space.
30. Provide and identify the commercial loading area on site plan and label with approved signage.
31. Any compact spaces shall be labeled with a sign and a stencil marking at the back of each space.
32. Both driveways shall be restricted to Right Turn In/Right Turn Out and posted with signs as directed by the City Traffic Engineer and Caltrans.
33. Vehicle access to the property along 11<sup>th</sup> Street shall be prohibited.
34. All outside site lighting shall be directed away from the public right-of-way and shall minimize spill-over onto the sidewalk and street. Shields and directional lighting shall be used where necessary.
35. Bicycle parking shall be provided at a rate of five percent (5% - 3 spaces) of all parking spaces (MBMC 10.64.80). Location shall be shown on the plans subject to Planning review and approval.
36. A retaining walls along the parking lot shall be constructed with a pedestrian barrier or railing at least 36" high to prevent falling over the retaining wall.
37. An 8-foot dedication shall be provided along the entire length of Sepulveda Boulevard for the future widening of the right-of-way for an additional left-hand turn pocket for traffic traveling west onto Manhattan Beach Boulevard. In addition, the project is required to provide an additional corner cut-off dedication to accommodate a disabled access ramp, pedestrian access area and existing /future street furniture at the corner of Sepulveda Boulevard and Manhattan Beach Boulevard and Sepulveda Boulevard and 11<sup>th</sup> Street.
38. A disabled access ramp must be installed on the public sidewalk, See City Standard Plan ST-9. Ramp must be shown on plans.



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 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 4. This resolution shall take effect immediately. The City Clerk shall make this resolution readily available for public inspection within thirty (30) days of the date this resolution is adopted.

SECTION 5. The City Clerk shall certify to the adoption of this resolution and thenceforth and thereafter the same shall be in full force and effect.

PASSED, APPROVED and ADOPTED this 5<sup>th</sup> day of February, 2008.

Ayes: Cohen, Tell, Montgomery and Mayor Aldinger.  
Noes: Ward.  
Absent: None.  
Abstain: None.

/s/ Jim Aldinger  
Mayor, City of Manhattan Beach, California

ATTEST:

/s/ Liza Tamura  
City Clerk

