



Agenda Item #: _____

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Montgomery and Members of the City Council

THROUGH: David N. Carmany, City Manager

FROM: Richard Thompson, Director of Community Development
Michael P. Rocque, Assistant Planner

DATE: April 19, 2011

SUBJECT: Consideration of the Planning Commission Approval of a Use Permit Amendment to Allow the Sale of Beer and Wine at Walgreens located at 2400 North Sepulveda Boulevard

RECOMMENDATION:

Staff recommends that the City Council receive and file the decision of the Planning Commission to approve a Use Permit Amendment to allow the sale of beer and wine for off-site consumption (Type 20-Off-sale beer and wine license) at Walgreens located at 2400 North Sepulveda Boulevard and determine that the public convenience and necessity convenience would be served by the issuance of a beer and wine license.

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

BACKGROUND:

The Planning Commission, at its regular meeting of March 23, 2011, conducted a public hearing and adopted Resolution PC 11-04 (4-0), approving an amendment to a Use Permit allowing the sale of beer and wine only. The applicant is currently allowed to operate 24 hours a day, 7-days a week, with alcoholic beverage sales prohibited. The applicant is requesting to amend the existing Use Permit to allow for a Type 20 (Off-sale beer and wine) license from the State Department of Alcoholic Beverage Control (ABC).

When approving alcohol licenses, the Department of Alcohol Beverage Control (ABC) reviews other alcohol licenses in the surrounding vicinity to insure that a condition of "undue concentration" does not exist. The determination of public convenience and necessity is required by ABC when issuing alcohol licenses.

DISCUSSION:

The Commission had no objections to the proposed Use Permit Amendment and no public comments or testimony was received. The Commission felt that the proposal was straight-forward and that the proposed change met the necessary legal findings for approval as well as the finding for public convenience and necessity which is required by the ABC for the alcohol license.

The Planning Commission approved (4-0) the subject application with conditions and adopted Resolution No. PC 11-04 at its regular meeting on March 23, 2011.

The staff report and draft minute excerpts from the Planning Commission's proceedings are attached to this report for reference.

ALTERNATIVES:

The alternatives to the staff recommendation include:

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

Attachments:

A: Resolution No. PC 11-04

B: Planning Commission Minute excerpt, dated 3/23/11

C: Planning Commission Staff Report and attachments, dated 3/23/11

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RESOLUTION NO. PC 11-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT AMENDMENT, TO ALLOW THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION (TYPE 20-OFF-SALE BEER AND WINE) FOR A RETAIL DRUG STORE AT 2400 SEPULVEDA BOULEVARD (Walgreens)

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 March 23, 2011, to consider an Amendment to the approved Use Permit (Resolution PC 08-06) for the property legally described as Partition Map Showing Property formerly of Redondo Land Company, Lot 6, Sec. 19T, 3S, R. 14W., at 2400 Sepulveda Boulevard in the City of Manhattan Beach.
- B. The March 23, 2011, Planning Commission public hearing was advertised pursuant to applicable law, testimony was invited and received. The Planning Commission adopted Resolution PC 11-04 on March 23, 2011 approving the subject project.
- C. The applicant for said use permit amendment is Robert M. Silverman, agent for Walgreens.
- D. Section 10.16.020L of the Manhattan Beach Municipal Code (MBMC) requires that a Use Permit Amendment when there is a new alcohol license being issued.
- E. The Planning Commission of the City of Manhattan Beach conducted public hearings pursuant to applicable law on April 23, 2008 and May 14, 2008, to consider an application for a Use Permit to allow construction of a 14,820 square foot Walgreens retail pharmacy; for the property legally described as Partition Map Showing Property formerly of Redondo Land Company, Lot 6, Sec. 19T, 3S, R. 14W., at 2400 Sepulveda Boulevard in the City of Manhattan Beach.
- F. The April 23, 2008, Planning Commission public hearing was advertised pursuant to applicable law, testimony was invited and received. At this meeting the Planning Commission, on a (5-0-0) vote, continued the public hearing to the May 14, 2008 meeting in order that staff to prepare a resolution of approval. On May 14, 2008 the Planning Commission adopted PC 08-06 for a Use Permit approving construction of a new 14,820 square foot retail pharmacy.
- G. The proposed use is permitted in the CG (General Commercial) Zone subject to a Use Permit approval as the project exceeds 5,000 square feet of buildable floor area and is greater than 10,000 square feet of land area (69,260 square feet existing lot area).
- H. An Initial Study was prepared in compliance with the provisions of the California Environmental Quality Act (CEQA). Based upon this study it was determined that the project is not an action involving any significant impacts upon the environment, and a Negative Declaration was prepared and is hereby adopted.
- I. 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.
- J. The applicant is requesting an amendment to the existing Use Permit Resolution PC 08-06 which governs the use of this site. Once Resolution PC 11-04 is adopted and approved it will supersede previous resolution PC 08-06.

EXHIBIT A
CCMH. 4/19/11

K. The Planning Commission made the following findings with respect to this application:

1. The project consists of 14,820 square feet of retail area including a drive-thru pharmacy, operating 24-hours a day, 7-days a week and allows for the sale of beer and wine for off-site consumption only (Type 20 License).
2. The project is located in Area District II and is zoned (CG) General Commercial. The use is permitted by the zoning code and is appropriate as conditioned for the general commercial area. The properties to the north, south and west are similarly zoned; the properties to the east are zoned (RS) Residential Single Family. The property is located on the northeast corner of Sepulveda Boulevard and 22nd Street.
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 contains severe grade changes including a 20-foot drop from the northeast corner to the sidewalk at the southwest corner, therefore creating a constraint on the placement of the structure. Additionally, the topography dictated the location of the driveway approaches as they are located at the most level areas of the site.
5. The placement of the building at the center of the property for the subject site is the optimal location as it promotes a safer pedestrian entrance, site drainage, site circulation and visual presence in scale with the surrounding buildings, which effectively addresses the intent of the Sepulveda Corridor Guidelines.
6. Lucky and then Albertsons supermarkets previously approved occupied this site and they had a license to sell full alcohol for off-site consumption.

Use Permit Findings

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

The proposed amendment to the use permit is consistent with the Commercial General (CG) zoning designation. The use to the sales of alcoholic beverages are consistent with Section 10.16.010 of the Manhattan Beach Zoning Code which states that the district is intended to provide opportunities for a full range of retail and service businesses including retail and the sale of alcoholic beverages.

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

The existing use and proposed amendment pose no detrimental effects to public health, safety, or welfare of persons residing or working at the 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, due to the conditions of approval and the fact that the site will continue to operate as a drug retail store. Walgreens proposes to offer a limited selection of beer and wine that will make up a small portion of the existing floor area. The store will not sell distilled spirits, malt liquor, single servings, or any other variation.

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. The proposed amendment is consistent with these goals and policies.

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

The request to amend the existing Use Permit to allow for a Type 20 (Off-sale beer and wine) license is consistent with the existing use as a drug retail store at this location. This application follows MBMC Section 10.16.020 (L) which requires a use permit amendment when there is new alcohol license being issued or amended. Specific conditions of approval are incorporated into the amended resolution to ensure safe and responsible sales of beer and wine.

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

The proposed amendment will not alter the fundamental use, purpose or character of the existing business and due to the fact that there will be a negligible change in the existing space and layout of the store. The proposed amendment will not create any adverse impacts of the above mentioned.

Other Findings

1. A determination of public convenience and necessity is made for the proposed off sale beer and wine license (as conditioned below) which shall be forwarded to the California Department of Alcoholic Beverage Control upon the effectiveness of this project approval.
2. The findings stated in Resolution PC 08-06 are still applicable.

General Plan

1. 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:

Policy LU-1.2: Encourage the design of all new construction to utilize notches or other architectural details to reduce building bulk.

Policy LU-1.3: Require the use of landscaping and setbacks to reduce the bulk in new buildings and add visual interest to the streetscape.

Policy LU-2.1: Develop landscaping standards for commercial areas that unify and humanize each district.

Policy LU-3.1: Continue to encourage quality design in all new construction.

Policy LU-3.2: Promote the use of adopted design guidelines for new construction along Sepulveda Boulevard.

Policy LU.3.5: Ensure that the sign ordinance provides for commercial signage that is attractive, non-intrusive, safe, and consistent with overall City aesthetic goals.

Policy LU-6: Support and encourage small businesses throughout the City.

PolicyLU-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.

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

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

Policy LU-9.1: Provide zoning regulations that encourage neighborhood-oriented businesses within these areas.

Policy LU-9.2: Encourage and support ground floor retail and service uses on properties designated for commercial use.

Policy I-2.7: Monitor and minimize traffic issues associated with construction activities.

Policy I-3.8: Monitor and minimize parking issues associated with construction activities.

Policy I-4.2: Carefully review commercial development proposals with regard to planned ingress/egress, and enforce restrictions as approved.

Sepulveda Corridor Design Guidelines

1. The project will be in compliance with following Sepulveda Corridor Design Guideline Goals:

- Establish standards for low-rise commercial arterial development such as retail uses.
- Site and building design should focus and relate to the street and create a more attractive, comfortable and interesting environment for the Boulevard.
- Visually less desirable elements such as large parking areas, parking structures, vehicle service areas, blank walls, storage areas, and trash areas should be hidden or made less prominent along Sepulveda Boulevard.
- The building design should take into consideration extreme noise, and odor generating activities near residential boundaries.
- Safe pedestrian access to buildings should be provided through parking lots, particularly from public sidewalks.
- Landscaping should enhance the property with the following: 1) install landscaping in areas that would otherwise be unused pavement, and 2) use landscape planters and other decorative treatments around buildings to avoid direct building-to-asphalt contact areas.
- Proposed signs and sign copy should be compatible with their related building(s) and not be crowded within their locations or backgrounds. Harsh plastic or illuminated backgrounds should be avoided.

2. Additionally, the project will satisfy the Sepulveda Corridor requirements for the following reasons:

- The proposed structure and location is designed to create minimal bulk and impact on the neighboring residential area to the east by providing adequate open space for light, air and fire safety through increased setbacks and innovative building design.
- The proposed project includes convenient off-street parking facility which is enhanced by an effective on-site traffic circulation system.
- The efficiently designed parking areas are comprised of full size parking spaces, which provides ample parking and excellent vehicular flow that minimizes impact to the residential neighborhood to the east.

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 Amendment and CEQA approvals for the subject project and supersedes all previous use permit approvals for the subject site (PC Resolution No.08-06).

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SECTION 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Use Permit and Negative Declaration subject to the following conditions:

Alcohol License- New conditions

1. Beer and wine sales shall be limited to retail beer and wine sales for off-site consumption only. On-site alcoholic beverage service is prohibited. No singles shall be sold.
2. Temporary or permanent signs, visible from the outside of the building, advertising the sale of alcohol is prohibited.
3. The sale area for all beer and wine sales shall be limited to four (4) product display shelves/coolers. The display shelves/coolers shall occupy no more than 1 percent of store sales area.
4. Alcohol sales shall be limited to the following hours: 7am-12 midnight.

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 May 14, 2008 and March 23, 2011. 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 project will provide 75 standard parking spaces and 4 disabled access spaces for a total of 79 spaces (no compact spaces proposed).

3. A Traffic Management Plan shall be submitted in conjunction with all construction and other building plans, to be approved by the Traffic Engineer and 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.

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

4. 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.
5. During construction of the site, the soil shall be watered in order to minimize the impacts of dust on the surrounding area.
6. The location 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.
7. 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.
8. 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.

9. 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 concrete, asphalt, or similar base and must have drainage to the sanitary sewer system. The enclosure is subject to specifications and approval of the Public Works Department, Community Development Department, and the City's waste contractor. A trash and recycling plan shall be required to be submitted to the Public Works Department. Applicant shall also provide information of how medical waste is handled and disposed of.
10. Commercial establishments are required, in accordance with Municipal Code 5.24.030 (C)(2) to have a sufficient refuse and recycling storage space to enclose a commercial lift container(s). The refuse storage space or facility must be screened from public view and be either constructed within the building structure or in a screened enclosure on private property.
11. Management of the retail use shall police the property and all areas immediately adjacent to the business during the hours of operation to keep it free of litter.
12. The operator of the retail pharmacy shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject business.
13. The property owner(s) shall be responsible for prohibiting employees from parking personal vehicles on the surrounding public streets. Owners and employees must park on-site while visiting the site.
14. The existing pole sign located on Sepulveda Boulevard shall be removed and replaced with a monument sign at the southwest corner of the project and shall not be located within the sight visibility triangle.
15. All signs shall be in compliance with the Sign Code. A comprehensive sign program must be submitted to the Community Development Department for review and approval prior to the issuance of a building permit.
16. The applicant shall submit a lighting and photometric plan which shows the location of the proposed light poles, existing public right-of-way lights and maximum foot candles to the Department of Community Development prior to the issuance of a building permit. These plans shall be in compliance with all provisions of the parking lot lighting regulations. Due to the proximity of the proposed project to the residential properties to the southeast, the maximum pole heights shall not exceed 20 feet. Security lighting for the site shall be provided in conformance with Municipal Code requirements including glare prevention design.
17. 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.
18. The proposed retail store/pharmacy use may operate 24-hours, 7-days a week.
19. Deliveries shall be prohibited between the hours of 7:00 p.m. and 7:00 a.m.
20. In the future, should the drive-thru window cease to operate, the current business operator shall remove all associated structures and shall submit a plan for review and approval by the Community Development Department.
21. Prior to the issuance of a building permit, the applicant shall provide a detailed explanation of how deliveries are handled for the subject site, for review and approval by the Community Development Department.

- 1 22. All mechanical equipment visually on the building roof shall not be visible from the public
 2 right-of-way and visual screening shall be provided. Antenna dishes or similar items shall
 3 be restricted to the same requirements. The building roof shall have a gravel or
 4 comparable decorative treatment.
- 5 23. Plans shall incorporate sustainable building components into the building and site design.
 6 The plans may include, but not limited to LEED (Leadership in Energy and Environmental
 7 Design) and other recognized sustainable building components, permeable pavement,
 8 energy efficient plumbing, mechanical and electrical systems, and retention of storm water
 9 on the site. Plans shall require review and approval by the Community Development and
 10 Public Works Departments.

11 Parking Related Conditions

- 12 24. Slopes and transitions for all vehicle ramps shall not exceed 15 percent grade and shall
 13 conform to City standards, subject to City review and approval. All ramps over 8 percent
 14 grade must include transition slopes at the beginning and end of the ramp and must meet
 15 the required slope setbacks behind the property line. Show slopes and cross-sections on
 16 approved plans.
- 17 25. Parking stall cross-slope shall not exceed 5%.
- 18 26. All two-way driveways and approaches shall be as wide as the aisle it serves. Both
 19 driveway approaches for the project shall be widened to at least 30-feet to provide sufficient
 20 turning access to/from the public streets.
- 21 27. All raised landscaping planters along the property frontages shall begin or end
 22 perpendicular to the lower portion of the drive wings.
- 23 28. Provide unobstructed triangle of sight visibility (5' x 15') adjacent to each driveway and
 24 behind the ultimate property line when exiting the parking areas without wall, columns or
 25 landscaping over 36 inches high (MBMC 10.64.150). All planters next to both driveways
 26 must conform to this requirement.
- 27 29. Provide a 25' unobstructed triangle of sight visibility on the northeast corners of Sepulveda
 28 Boulevard and 22nd Street behind the ultimate property line extensions without walls,
 29 columns or landscaping over 36 inches high.
- 30 30. The driveway on Sepulveda Boulevard shall be restricted to Right Turn In/Right Turn Out
 31 and posted with signs subject to approval by the City Traffic Engineer and Caltrans.
- 32 31. 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.
- 33 32. The parking lot shall be signed and marked to the satisfaction of the City Traffic Engineer.
 One-way and Do Not Enter signs shall be posted on the pharmacy drive-thru aisle.

34 Public Works Requirements

- 35 33. This is a SUSMP project and an Operating and Maintenance Agreement Form regarding
 36 on-site storm water pollution BMP's and mitigation devices must be completed and
 37 submitted to the City before a building or grading permit is issued.
- 38 34. A property line cleanout must be installed on the sanitary sewer lateral (See City Standard
 39 Plan ST-5). Cleanout must be added to the plumbing plan.

35. A backwater valve is required on the sanitary sewer lateral if the discharges from fixtures with flood level rims are located below the next upstream manhole cover of the public sewer (See Standard Plan ST-24). Must be shown on approved plans.
36. If an existing sewer lateral is used, it must be televised to check its structural integrity. The tape must be made available for review by the Public Works Department. The Public Works Department will review the tape and determine at that time if the sanitary sewer lateral needs repairing, replaced, or that it is structurally sound and can be used in its present condition. The lateral must not be cleaned before it is video taped.
37. Commercial enterprises must comply with the National Pollution Discharge Elimination System (NPDES) clean water requirements. Discharge of mop water, floor mat washing, and trash can cleaning and washing out trash enclosures into the street or storm drain system is prohibited.
38. Any unused water or sanitary sewer laterals must be shown on the plans and abandoned at the City main.
39. Sidewalk, driveway, curb and gutter repairs or replacement must be completed per Public Works specifications (See City Standard Plans ST-1, ST-2 and ST-3). The plans must have a profile of the driveway, percent of slope and driveway elevations.
40. Weekly sweeping of the parking lot is required.
41. The sidewalk on Sepulveda Boulevard must be replaced from the north property line to the south property line and shown on the plans to the satisfaction of the Public Works Department.
42. A disabled access ramp must be protected on the public sidewalk (See City Standard Plan ST-9). Ramp must be shown on plans as required by the Public Works Department.
43. Erosion and sediment control devices BMPS (Best Management Practices) must be implemented around the construction site to prevent discharges to the street and adjacent properties. BMPs must be identified and shown on the approve plans. Control measures must also be taken to prevent street surface water entering the site.
44. Any new storm water, nuisance water, etc. and drain lines installed within the street right-of-way must be constructed of ductile iron pipe. Drains must be shown on approved plans.
45. Required mop sinks must be installed and shown on the plumbing plans.
46. Plan holder must have the plans rechecked and stamped for approval by the Public Works Department before the building permit is issued.

Building Division

47. Project shall comply with all Disabled Access regulations.
48. All work shall comply with all current California Building Codes which includes: California Electrical Code, Mechanical Code, Plumbing Code and Fire Code, at the time of submittal.

Procedural

49. *Interpretation.* Any questions of intent or interpretation of any condition will be resolved by the Planning Commission.

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- 50. *Terms and Conditions are Perpetual.* These terms and conditions shall be perpetual, and it is the intention of the Director of Community Development and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.
- 51. *Effective Date.* This Resolution shall become effective when all time limits for appeal as set forth in MBCM Section 10.100.030 have expired.
- 52. This Use Permit shall lapse two years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.
- 53. At any time in the future, the Planning Commission or City Council may review the Use Permit for the purposes of revocation or modification. Modification may consist of conditions deemed reasonable to mitigate or alleviate impacts to adjacent land uses.
- 54. 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 City Clerk shall send a certified copy of this resolution to the applicant, and if any, the appellant at the address of said person set forth in the record of the proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of **March 23, 2011** and that said Resolution was adopted by the following vote:

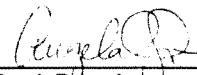
AYES: Paralusz, Fasola, Seville-Jones, Andreani

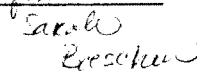
NOES:

ABSTAIN:

ABSENT:


 Richard Thompson
 Secretary to the Planning Commission


 Sarah Bueschen
 Recording Secretary



**CITY OF MANHATTAN BEACH
[DRAFT] PLANNING COMMISSION
MINUTES OF REGULAR MEETING
MARCH 23, 2011**

A Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 23rd day of March, 2011, at the hour of 6:30 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

1. ROLL CALL

Present: Andreani, Fasola, Seville-Jones, Chairperson Paralusz
Absent: None
Staff Present: Richard Thompson, Director of Community Development
Laurie Jester, Planning Manager
Angelica Ochoa, Assistant Planner
Michael Rocque, Assistant Planner
Recording Secretary, Sarah Boeschen

2. CEREMONIAL CALENDAR

03/23/11-1 Presentation of a Certificate Commending David Lesser for his Years of Service on the Planning Commission

Chairperson Paralusz presented David Lesser with a plaque commending him for his six years of service on the Planning Commission.

Commissioner Seville-Jones commented that Councilman Lesser has been a beacon on the Commission over the past six years. She commended him for his wisdom and grace in serving on the Commission.

Commissioner Fasola thanked Councilman Lesser for his guidance on the Commission.

Commissioner Andreani said that she looks forward to Councilman Lesser's work on the City Council. She commended him for his inquisitiveness, thoughtfulness and fairness in considering issues.

Chairperson Paralusz indicated that she echoes the comments of the other Commissioners. She commented that Councilman Lesser has served as her model as a public servant. She indicated that he has always displayed integrity and grace and dedication to the community.

Councilman Lesser thanked the Commissioners and staff for their service to the community. He indicated that he hopes the Commissioners will come to him as a member of the Council with their comments.

3. APPROVAL OF MINUTES – March 9, 2011

Commissioner Seville-Jones requested that the language of the first sentence of paragraph 8 on page 5 of the March 9 minutes be revised to read: "Commissioner Seville-Jones suggested requiring that one solution would be to require a height limit of 29 feet for new construction . . ."

Commissioner Fasola requested that language be added to the beginning of paragraph 8 on page 9 of the minutes to read: "Explaining why he does not support this Resolution, Commissioner Fasola

commented that the proposed standards do not address the most significant issues regarding energy conservation . . .”

Commissioner Andreani commented that Chairman Paralusz’ name is listed twice as present under the roll call.

A motion was MADE and SECONDED (Fasola/Andreani) to **APPROVE** the minutes of March 9, 2011, as amended.

AYES: Andreani, Fasola, Seville-Jones, Chairperson Paralusz
NOES: None
ABSENT: None
ABSTAIN: None

4. AUDIENCE PARTICIPATION

Elaine Turner, a resident of the 1700 block of Oak Avenue, asked if there are any proposals to regulate the traffic on Oak Avenue. She commented that there is a permanent speed sign on El Segundo Boulevard which displays the speed of vehicles traveling on the street. She suggested that a permanent speed monitoring unit be placed on Oak Avenue. She commented that she knows that speed bumps were not pursued because of fire and police requirements for access. She also suggested the possibility of adding a speed limit sign. She commented that she supports the City providing the smaller half-sized trash cans.

Director Thompson said that he can have someone from the City contact **Ms. Turner** regarding her concerns.

Chairperson Paralusz pointed out that there is a smaller charge for trash collection with the use of the smaller trash cans.

5. PUBLIC HEARINGS

03/23/11-3 Consideration of a Use Permit Amendment to Allow the Sale of Beer and Wine at Walgreens Located at 2400 North Sepulveda Boulevard

Director Thompson pointed out that there is an error in the subject line on the first page of the staff report which indicates that the proposal is to allow the sale of beer at Walgreens. He indicated that the proposal is to allow the sale of beer and wine.

Assistant Planner Rocque summarized the staff report.

In response to a question from Commissioner Seville-Jones, Assistant Planner Rocque said that staff has not received any complaints regarding Walgreens.

In response to a question from Commissioner Seville-Jones, Assistant Planner Rocque stated that the drive-thru window is restricted to the pharmacy only, and alcohol would only be purchased inside of the store.

In response to a question from Commissioner Andreani, Assistant Planner Rocque stated that the Red Carpet Carwash does not sell alcohol.

In response to a question from Commissioner Andreani, Assistant Planner Rocque indicated that according to the Police Department records, there was one reported theft of alcohol at the

CVS drug store location on Rosecrans and two at the location on Sepulveda Boulevard since January of 2010.

Chairperson Paralusz opened the public hearing.

Matt Zurich, representing the applicant, stated that the application is modest with a request for beer and wine sales only. He pointed out that they are proposing to sell a limited amount of beer and wine with no distilled spirits or hard liquor. He indicated that they would not sell single beers or small bottles of wine. He stated that the space dedicated to alcohol sales would be very small in relation to the entire store. He commented that Walgreens is a trusted company. He said that they have security cameras at the store. He also stated that the employees are required to have corporate training before they can sell alcohol. He pointed out that the police do not have a concern with the proposal. He indicated that CVS sells a full line of liquor. He said that they agree with the conditions suggested by staff.

In response to a question from Commissioner Seville-Jones, **Mr. Zurich** indicated that Walgreens is beginning to sell beer and wine at their locations throughout the country. He commented that the proposal for the sale of beer and wine is in response to customer demand. He said that many people prefer to buy wine at a drug store or grocery store because it is more convenient when they are shopping for other items.

Chairman Paralusz closed the public hearing.

Commissioner Seville-Jones indicated that she supports the application, as it is consistent with a corporate directive of Walgreens in response to the request of customers. She pointed out that the site was previously occupied by Albertsons which had a license for the sale of full alcohol. She said that she does not feel that the residents located behind the subject site would be impacted by the sale of beer and wine. She commented that she feels Walgreens has been very responsible. She commented that a very limited amount of square footage would be dedicated to alcohol sales, and the hours are limited. She commented that she feels the findings can be met and that the proposal would be consistent with the General Plan.

Commissioner Fasola said that he can support the proposal. He indicated that it is consistent with other grocery stores in the City.

Commissioner Andreani stated that she concurs with the statements of the other Commissioners and does not have an objection to the proposal.

Chairperson Paralusz said that she also supports the proposal. She indicated that the applicant has been a good neighbor and a great addition to the Sepulveda corridor.

A motion was MADE and SECONDED (Seville-Jones/Fasola) to **APPROVE** a Use Permit Amendment to allow the sale of beer and wine at Walgreens located at 2400 North Sepulveda Boulevard

AYES: Andreani, Fasola, Seville-Jones, Chairperson Paralusz
NOES: None
ABSENT: None
ABSTAIN: None

Director Thompson explained the 15-day appeal period and stated that the item will be placed on the City Council's consent calendar for their meeting of April 19, 2011.

03/23/11-4 Consideration of a Use Permit for an Existing Restaurant to Allow On-Site Consumption of Beer and Wine and Outdoor Dining for Hotdoggers Located at 1605 North Sepulveda Boulevard

Assistant Planner Ochoa summarized the staff report.

In response to a question from Commissioner Fasola, Assistant Planner Ochoa indicated that there are 18 existing parking spaces for the site which are allowed to remain as nonconforming. She commented that four additional spaces are proposed to accommodate the outdoor patio area. She indicated that the requirement for the patio area as proposed would be five parking spaces.

In response to a question from Commissioner Fasola, Assistant Planner Ochoa stated that staff's understanding is that the applicant would like to proceed with the alternative site plan that they have provided. She indicated that it was provided just prior to the distribution of the staff report and staff has not had an opportunity to review the revised plans and the applicant would address any questions.

In response to a question from Commissioner Andreani, Assistant Planner Ochoa commented that a site plan that was approved for a prior restaurant on the site in 2002 includes 18 parking spaces. She indicated that 17 parking spaces are on the site currently since the parking area has been restriped. She indicated that the last parking space on the Sepulveda Boulevard lot is a substandard space and was restriped incorrectly.

In response to a question from Commissioner Seville-Jones, Assistant Planner Ochoa stated that the existing building is non-conforming for parking and the parking can remain and that only new parking needs to be provided for the new patio. She indicated that the size of the proposed outdoor patio could be reduced to address the current proposal for 22 parking spaces. She indicated that staff is recommending that the plan for the patio area should be reduced to allow for 22 parking spaces rather than 23 as would be required with the current plans.

In response to a question from Commissioner Seville-Jones, Director Thompson said that there are conditions of approval that are required for the alcohol license. He indicated that the Commission can make the determination as to whether they can support the required findings for allowing alcohol service. He indicated that the determination of allowing beer and wine service is on a case by case basis.

In response to a question from Commissioner Fasola, Assistant Planner Ochoa commented that the parking spaces for the site located off of Sepulveda Boulevard will need to meet the minimum standards of the Code for parking dimensions and backup as shown on the plans.

Chairperson Paralusz opened the public hearing.

Sandy Seaman, the applicant, introduced the architect for the project, **Louis Skelton**.

Louis Skelton, the project architect, said that the establishment would be a prototype for other locations of Hotdoggers. He indicated that Kentucky Fried Chicken opened on the subject site in 1972. He pointed out that the requirement for 23 parking spaces is under the guidelines for fast food establishments, which is a higher requirement than for sit-down restaurants that have a slower turnover in parking. He commented that they are closer to a sit-down establishment than fast food establishment. He said that Kentucky Fried Chicken and the subsequent uses on the site did not provide sufficient seating for customers. He indicated that after studying the site

and design and because of noise on Sepulveda Boulevard they decided to eliminate the front patio and enlarge the patio on the rear, which is the new alternative site plan. He pointed out that they intend to comply with the City's parking requirements without requesting a reduction. He said that the reason for the application is to include the outdoor dining area and the request for alcohol service. He indicated that the intent was for the proposed hours of operation to apply for the use of the patio and for alcohol service and not for the main restaurant. He commented that the intent is to allow operation of the restaurant as currently is operating (24 hours a day) and for the hours of operation to apply to the use of the patio and alcohol service only.

Mr. Skelton said that his interpretation of the Code language is that any use that existed prior to the Code would be permitted to have ingress and egress off of Oak Avenue between 10:00 p.m. and 6:00 a.m. as an existing use. He indicated that staff's interpretation is that the use (as parking) is allowed as proposed but the access off of Oak Avenue between 10:00 p.m. and 6:00 a.m. is prohibited. He said that there would not be an intrusion into the neighborhood from cars entering or exiting the proposed establishment. He commented that they are proposing to have a sign to state "Right Turn to 17th Street Only." He said that there also would not be an entrance to the site from Oak Avenue, only an exit. He stated that there would be a 6-foot high wall around the perimeter of the patio to mitigate noise, and the patio is 4 feet below the level of 17th Street. He commented that they would take any additional mitigation measures to minimize the impact of noise to the adjacent neighbors if it does create an issue.

In response to a question from Commissioner Fasola, **Mr. Skelton** commented that the intent of the establishment is to provide a family restaurant where birthday parties could be held. He said that they would allow for their customers to show their own pictures on the video screens. He stated that there would not be a video screen on the patio. He indicated that he would estimate that beer and wine sales would be in the range of 5 to 8 percent of the total sales. He indicated that the focus would be on the food and not alcohol.

Commissioner Fasola said that he would have a concern that the patio could become a late night drinking area and result in noise issues.

Mr. Skelton commented that the only access to the patio would be through the restaurant, and the patio would be an extension of the interior dining area.

In response to a question from Commissioner Seville-Jones, **Mr. Skelton** indicated that the intent of the patio is to provide an area to accommodate birthday parties.

Commissioner Seville-Jones commented that the patio area is proposed to be enclosed by a 6-foot wall with a covering on top, which would seem to be more of an enclosed area than a patio.

In response to a question from Commissioner Seville-Jones, **Mr. Skelton** stated that they are defining the establishment as a restaurant rather than a fast food operation. He stated that they intend to comply with the parking requirement.

In response to a question from Commissioner Seville-Jones, **Mr. Skelton** indicated that Code Section 10.68.070 allows an exception for parking on parking lots that existed prior to the time that the Code section was enacted.

Commissioner Seville-Jones commented that her understanding is that signs restricting right turns out of driveways are not very effective in directing traffic.

Mr. Skelton said that they are proposing the same signage that currently is in place for the driveways of other commercial businesses on the other side of Oak Avenue. He pointed out that Grunions, which is located on the other side of Oak Avenue, is open until 2:00 a.m.

Commissioner Seville-Jones commented that noise could have more of an impact during later hours when the noise from traffic on Sepulveda Boulevard decreases.

In response to a question from Commissioner Andreani, **Mr. Skelton** stated that alcohol would be served on the patio.

In response to a question from Commissioner Andreani, **Mr. Skelton** indicated that the videos from customers would probably not have sound. He said, however, that they would not restrict sound with the videos.

Commissioner Andreani said that she would have a concern that having sound with videos would encourage people to sit longer at the restaurant and drink.

In response to a question from Commissioner Andreani, **Mr. Skelton** stated that the environmental information form that was provided to the City should not indicate 96 seats for the interior of the restaurant, and 46 seats would be the maximum number they would be able to provide. He commented that most likely the interior will include 42 or 43 seats.

In response to a question from Chairperson Paralusz, **Mr. Skelton** said that alcohol service would begin at 11:00 a.m. until closing. He commented that the intent is not to create an atmosphere for drinking.

Mr. Seaman indicated that the establishment is about the food and not about alcohol. He said that many people want to have a beer along with their hot dog. He commented that it would not be a bar, and people would not be served drinks at tables; they have to order and pick-up from the counter. He indicated that the video screens would show pictures of sporting activities that are submitted by customers. He said that there would not be sound with the video. He said that he has a long history of running businesses in the City and South Bay. He indicated that he wants the first Hotdoggers to be located in Manhattan Beach. He commented that the establishment needs to become a sit down establishment rather than fast food in order for it to be successful at the subject site.

Mr. Seaman pointed out that he has no violations over 30 years of holding Alcoholic Beverage Control licenses. He indicated that the alcohol is a compliment to the food. He stated that Hotdoggers would be a restaurant where people sit and eat their food rather than a fast food establishment. He indicated that their menu would have a variety of items. He pointed out that they would be five spaces above the parking requirement if they are classified as a restaurant rather than a fast food establishment. He indicated that as an operator he does not allow people to get drunk or spend hours drinking beer at his establishments. He stated that he would like the ability to serve alcohol until midnight. He commented that the landscaping as proposed would be very attractive. He said that there are no direct neighbors to the subject site that are opposed to the proposal. He commented that their changes of being successful depend on allowing alcohol to be served with their food.

In response to a question from Commissioner Fasola, **Mr. Seaman** indicated that he has shown the plans to the adjacent residents. He indicated that the adjacent neighbors are in support of a well run restaurant. He commented that they would not object to the patio closing at midnight. He indicated that he would like for the establishment to remain open past midnight to allow

people who are out late or work late hours to have a place to have food. He pointed out that currently there are no restrictions on the hours for the site.

In response to a question from Commissioner Andreani, **Mr. Seaman** stated that they are requesting that the restaurant itself not be restricted in hours (24-hour operation) but would agree to restrict alcohol service and service on the patio at midnight. He commented that the site has not previously had restrictions on operating hours.

Assistant Planner Ochoa pointed out that there is not an existing Use Permit for the site, and that is why there are currently no restrictions on the hours.

In response to a question from Commissioner Andreani, **Mr. Seaman** said that they would not serve alcohol alone without food also being ordered.

In response to a question from Commissioner Seville-Jones, **Mr. Seaman** indicated that the economy and popularity of the restaurant would dictate their operating hours. He commented that he believes there is a need for a restaurant that is open late hours on Sepulveda Boulevard. He said that the noise of traffic on Sepulveda Boulevard would be greater than any noise from the restaurant.

Chairperson Paralusz commented that she is concerned with noise from the establishment impacting the adjacent neighbors during late hours. She indicated that she would have a concern with having alcohol service and people on the patio after 10:00 p.m. particularly during the week.

In response to a question from Chairperson Paralusz, **Mr. Seaman** stated that the hours of alcohol service and for the patio is at the discretion of the Commission, but he feels he has shown over the years that he is able to control noise and issues with alcohol service. He commented that outdoor dining is common. He said that he would request that the patio remain open until midnight on Fridays and Saturdays. He indicated that the atmosphere that is established for the restaurant would control it from becoming a drinking establishment.

Elaine Turner, a resident of the 1700 block of Oak Avenue, said that the restaurant belongs on The Strand rather than off of Oak Avenue. She commented that she is concerned about the ingress and egress onto Oak Avenue from the parking lot of the subject establishment. She indicated that she is concerned about the noise from the patio area impacting the adjacent residents. She stated that the hours of operation and alcohol service are a concern. She commented that many of her neighbors have small children.

Mr. Seaman said that a condition can be placed in the Use Permit for periodic review of the operation, and greater restrictions can be imposed if there are complaints. He indicated that it is preconceived to assume that there will be noise issues. He commented that more neighbors would be at the hearing speaking in opposition to the proposal if there were a concern regarding noise. He said that he is very concerned with the control of alcohol. He pointed out that the subject site is located on the highway next to other commercial businesses. He said that there is no control currently of people turning right onto Oak Avenue for other businesses, and his business should not be singled out for regulating traffic on Oak Avenue. He commented that the only reason for cars to turn into the neighborhood is if they are going to their homes in the area rather than onto Sepulveda Boulevard.

Mr. Skelton commented that Chicago for Kids was required to use the 25 parking spaces exiting onto Oak Avenue which was permitted because the parking lot existed prior to the Ordinance being enacted.

Chairperson Paralusz closed the public hearing.

In response to a question from Commissioner Fasola, Assistant Planner Ochoa indicated that the adjacent neighbors were noticed, and the only comments received prior to the hearing were from **Ms. Turner**.

In response to a question from Commissioner Fasola, Director Thompson indicated that staff does have a concern with noise from the establishment impacting the adjacent residents after 10:00 p.m. He indicated that the previous uses on the site did not have limited hours of operation but also did not have outdoor patios. He indicated that the use of the patio could be restricted to 10:00 p.m. and the applicant could ask for additional hours if there are no concerns.

In response to a question from Commissioner Seville-Jones, Director Thompson commented that the applicant has agreed to comply with the parking requirements. He indicated that establishments where food is ordered at the counter are considered to be fast food and establishments that have table service are considered to be restaurants under the Code. He stated that the Code language is very clear that access must not be allowed from driveways of businesses onto Oak Avenue between the hours of 10:00 p.m. and 6:00 a.m. daily. He indicated that it is a Code requirement regardless of when the parking or use was originally established. He commented that staff is not concerned with allowing a beer and wine license for the subject establishment as proposed. He indicated that staff evaluated the proposal for operating hours until 10:00 p.m. on weeknights and midnight on weekends, and those are the hours that were specified on the notice to the residents. He said that any additional operating hours would need to be requested by the applicant and evaluated by staff. He commented that staff does feel that the applicant's changes to the plans to enclose the patio with a wall and roof and move it to the rear of the site are good suggestions, as it is larger, closer to the residents and would have more use at late hours if covered.

Commissioner Fasola said that he is pleased that there will be a new establishment at the site. He stated that he would want the parking to comply with the Code requirements. He indicated that he would also want the ingress and egress from the parking lot to comply with the Code requirements. He commented that he would like for the City to have the ability to restrict the patio hours further if there is determined to be a problem with noise. He said that he does not have a concern with allowing beer and wine service. He commented that he does not have an objection to the hours of 7:00 a.m. to 10:00 p.m. on weeknights and 7:00 a.m. to midnight on Fridays and Saturdays as included with the current proposal. He commented that he would not be concerned with restricting alcohol on the patio to 10:00 p.m. on weekends.

Commissioner Andreani stated that she is pleased with the proposal but does have concerns. She commented that she would like for the applicant to meet the parking requirement to mitigate any impact to residential parking in the area. She said that her understanding is that there would be a requirement of 23 spaces, as the establishment would be considered a fast food operation under the definition in the Code. She stated that she would like for the hours to remain for some period of time as proposed 7:00 a.m. to 10:00 Sunday through Thursday and 7:00 a.m. to midnight on Friday and Saturday. She indicated that she does not have a concern with granting the alcohol license but would like for alcohol service to stop on the patio at 10:00 p.m. every night. She indicated that she agrees with the decision of the applicant to move the patio to the rear of the site. She commented that there is potential for noise to reach the

neighborhood from the patio with the open space between the wall surrounding the patio and the roof. She commented that she appreciates the landscaping that is proposed.

Commissioner Seville-Jones indicated that she appreciates the information that the applicant has provided regarding the concept for the establishment. She indicated that staff has explained the distinction in determining a fast food operation as opposed to a sit-down restaurant in establishing the parking requirement. She stated that the ingress and egress issue onto Oak Avenue is important to the neighborhood, particularly in allowing for later hours for the establishment. She said that it is important to the residents that cars not drive through the neighborhood after 10:00 p.m. on weekends. She indicated that she would support having the patio close at 10:00 p.m. every night because she is concerned about the noise impact to the neighbors. She commented that she would support the hours otherwise as proposed.

Chairperson Paralusz stated that she is supportive of the concept of the proposal and feels it would be a great addition to the Sepulveda Corridor and the City. She commented that it was extremely helpful to have the plans and to have the concept of the restaurant explained by the applicant. She commented that she is certain that the applicant's excellent record of responsibly holding alcohol licenses would continue with the subject establishment. She said that her main concern is regarding noise impacts to the adjacent neighbors. She said that she would support the hours as proposed of 7:00 a.m. to 10:00 p.m. Sunday through Thursday and 7:00 a.m. to midnight on Fridays and Saturdays. She indicated that she agrees with Commissioners Andreani and Seville-Jones that alcohol service on the patio should be limited to 10:00 p.m. every night. She commented that she does have a concern with noise escaping from the patio and impacting the adjacent residences particularly after 10:00 p.m. She stated that the applicant could come to the Commission for an extension of hours once it is demonstrated that the noise is contained. She pointed out that it is more difficult to restrict hours after they are granted. She indicated that she would also want the applicant to comply with the parking requirement and for the egress from the parking lot to be restricted from Oak Avenue between 10:00 p.m. and 6:00 a.m. She said that she would not support closing the patio every night at 10:00 p.m. but would support restricting alcohol service on the patio.

Director Thompson indicated that staff can come back to the Commission with a draft Resolution approving the project with various conditions.

Commissioner Seville-Jones commented that it would be difficult to enforce that people on the patio are not drinking alcohol when it is still allowed to be served in the main dining area, and the patio is open for two more hours.

Chairperson Paralusz indicated that she would trust that the operator could enforce a condition restricting alcohol service on the patio after 10:00 p.m.

Commissioner Seville-Jones said that she would not want restrictions to be places on the operation that would be difficult to meet. She indicated that the conditions would be a vested right once they are granted as part of the Use Permit and would be difficult to revoke.

Commissioner Andreani stated that she also would support limiting the ingress and egress from the subject parking lot to Oak Avenue between 10:00 p.m. and 6:00 a.m.

Chairman Paralusz reopened the public hearing.

Mr. Seaman commented that he appreciates the comments of the Commissioners. He stated that he would like for consideration to allowing later hours for the main restaurant with the

hours for the patio and alcohol service ending earlier. He commented that he would not be able to sustain the business if it is required to close at 10:00 p.m.

Commissioner Seville-Jones indicated that it would be important for the applicant to have any additional requests to staff for the project well before the next meeting regarding the issue. She said that staff will also need to renotice the neighbors regarding any additional requests for hours.

Chairperson Paralusz reopened the public hearing and continued the hearing to the meeting of April 27, 2011.

6. AUDIENCE PARTICIPATION

7. DIRECTORS ITEMS

8. PLANNING COMMISSION ITEMS

Commissioner Seville Jones commented that she enjoyed serving on the panel in Pasadena at the American Planning Association Conference on March 11, 2011. She stated that the panel included discussion regarding how to run a meeting.

In response to a question from Chairperson Paralusz, Director Thompson indicated that any resident who is interested should apply for the open position on the Planning Commission right away. He said that the City Council will make a selection for the position as part of the regular process after City elections of making appointments to the City's various Commissions.

9. TENTATIVE AGENDA April 13, 2011

A. Cultural Landmark Designation of Historic Homes- Code Amendment

10. ADJOURNMENT

The meeting was adjourned at 8:45 p.m. to Wednesday, April 13, 2011, in the City Council Chambers, City Hall, 1400 Highland Avenue

SARAH BOESCHEN
Recording Secretary

ATTEST:

RICHARD THOMPSON
Community Development Director

**CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Planning Commission

THROUGH: Richard Thompson, Director of Community Development

FROM: Michael P. Rocque, Assistant Planner

DATE: March 23, 2011

SUBJECT: Consideration of a Use Permit Amendment to allow the sale of beer at Walgreens located at 2400 North Sepulveda Boulevard.

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT THE PUBLIC HEARING** and adopt the attached Draft Resolution **APPROVING** the subject request with conditions.

APPLICANT

Robert M. Silverman
The Walgreen Company
104 Wilmot Road MS 1420
Deerfield, IL 60015

PROPERTY OWNER

Union Bank of California
PO Box 85816
San Diego, CA 92186

SURROUNDING LAND USES

North: CG-Commercial/Car Wash
South: CG-Medical Office/Retail (Across 22nd Street)
East: RS-Single Family Residential (Across Cedar Avenue)
West: CG-Commercial Retail (Across Sepulveda Boulevard)

BACKGROUND

The Planning Commission previously approved a Use Permit in 2008 (PC 08-06 Exhibit B), allowing for a new retail drug store with drive thru pharmacy at the subject property. The Planning Commission approval allowed for the store to operate 24 hours a day, 7-days a week, with alcoholic beverage sales prohibited (Condition No. 18). The applicant is requesting to amend the existing Use Permit to allow for a Type 20 (Off-sale beer and wine) license from the State Department of Alcoholic Beverage Control (ABC).

DISCUSSION

The Walgreens Company is a full service, retail store including a full pharmacy which opened in June of 2010 and is located within the City's General Commercial district (CG zone). The subject application proposes to amend Resolution PC 08-06 to allow for the sale of beer and wine for off-site consumption only. The Walgreens Company has always operated and will continue to operate as a full service retail store. The reason and intent behind the offering of beer and wine is to allow Walgreens customers the convenience of one-stop shopping and being able to provide more options while shopping. There will be no selling of distilled spirits or malt liquor of any kind. The applicant is not proposing to expand the existing space. The project involves no structural changes to the building and minimal cost (other than some minor internal rearrangement of merchandise, shelving and coolers). The applicant is proposing to utilize the existing coolers for the sale of beer and wine and using only four (4) product display shelves/coolers located between the photo center and pharmacy along the south building wall as seen on the floor plan (Exhibit C). The display shelves area will occupy less than 1 percent of the 14,820 square foot store sales area or 148 square feet. Lucky and then Albertsons supermarkets previously occupied the site and they had a license to sell full alcohol for off-site consumption.

The Manhattan Beach Municipal Code (MBMC) Section 10.16.020 (L) requires a Use Permit or Use Permit Amendment when there is a new alcohol license issued or amended. The existing Use Permit contains many conditions which ensure that the location remains a full service retail pharmacy. The Amendment would revise condition No. 18 and include new conditions to address the sale of beer and wine as described below and in Section 2 of the Draft resolution PC 11-04. All other conditions of the previous Resolution PC 08-06 will generally remain the same. Prior to City action on the Use Permit Amendment, the ABC pre-maturely issued Walgreens their Alcohol license in error. Staff was made aware of this, and informed Walgreens and they promptly removed all alcohol.

A chart of all the existing businesses in town with off-sale alcohol licenses businesses hours of operations has been provided in this report (Exhibit D). The Chart provides a list of other similar businesses with off-site alcohol sales and allowed hours of alcohol sales along with their normal operating hours. Some of the businesses either do not have a Use Permit or do not have conditions for specific hours related to alcohol sales and operation in the resolution. Most of the businesses in the chart generally stop selling alcohol between 10pm-12am.

The Manhattan Beach Police, Fire, and Pubic Works Departments, as well as the Building and Safety Division, had no comments or concerns regarding the proposed amendment.

Alcohol License Conditions

The following conditions have been added to the Draft Resolution PC 11-04 (Exhibit A) as it pertains to the sales of beer and wine at the subject site:

1. *Beer and wine sales shall be limited to retail beer and wine sales for off-site consumption only. On-site alcoholic beverage service is prohibited. No singles shall be sold.*
2. *Temporary or permanent signs, visible from the outside of the building, advertising the sale of alcohol is prohibited.*
3. *The sale area for all beer and wine sales shall be limited to four (4) product display shelves/coolers. The display shelves/coolers shall occupy no more than 148 square feet.*
4. *Alcohol sales shall be limited to the following hours: 7am-12 midnight.*

Use Permit Findings

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

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

The proposed amendment to the use permit is consistent with the Commercial General (CG) zoning designation. The addition of limited sales of beer and wine is consistent with Section 10.16.010 of the Manhattan Beach Zoning Code which states that the district is intended to provide opportunities for a full range of retail and service businesses.

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

The existing use and proposed amendment pose no detrimental effects to public health, safety, or welfare of persons residing or working at the 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, due to the conditions of approval and the fact that the site will continue to operate as a drug retail store. Walgreens proposes to offer a limited selection of beer and wine that will make up a small portion of the existing floor area. The store will not sell distilled spirits, malt liquor, single servings, or any other variation.

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. The proposed amendment is consistent with the following goals and policies:

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.

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

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

The request to amend the existing Use Permit to allow for a Type 20 (Off-sale beer and wine) license is consistent with the existing use as a drug retail store at this location. This application follows MBMC Section 10.16.020 (L) which requires a use permit amendment when there is new alcohol license being issued or amended. Specific conditions of approval are incorporated into the amended resolution to ensure safe and responsible sales of beer and wine.

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

The proposed amendment will not alter the fundamental use, purpose or character of the existing business as there will be a negligible change in the existing space and layout of the store. The proposed amendment will not create any adverse impacts of the above mentioned.

Other Findings

The California Department of Alcoholic Beverage Control (ABC) requires the City Council finds that the issuance of an alcohol license at the subject property is a public convenience and necessity. Staff believes the finding can be met in that it is limited sales of beer and wine that will provide a convenient community service to the existing retail use.

Public Input

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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

CONCLUSION

Staff recommends that the Planning Commission conduct the public hearing, consider the information presented, and adopt the attached draft resolution approving the subject Use Permit Amendment with conditions.

ALTERNATIVES

Other than the stated recommendation, the Planning Commission may:

1. **DENY** the project subject to public testimony received, based upon appropriate findings, and **DIRECT** Staff to return with a draft Resolution.

EXHIBITS:

- A. Draft Resolution PC 11-04
- B. PC Resolution No. 08-06
- C. Floor plan of beer and wine sales area
- D. Chart of businesses with Off-sale Alcohol Licenses
- E. Project application

**DRAFT
RESOLUTION NO. PC 11-04**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT AMENDMENT, TO ALLOW THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION (TYPE 20-OFF-SALE BEER AND WINE) FOR A RETAIL DRUG STORE AT 2400 SEPULVEDA BOULEVARD (Walgreens)

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 March 23, 2011, to consider an Amendment to the approved Use Permit (Resolution PC 08-06) for the property legally described as Partition Map Showing Property formerly of Redondo Land Company, Lot 6, Sec. 19T, 3S, R. 14W., at 2400 Sepulveda Boulevard in the City of Manhattan Beach.
- B. The March 23, 2011, Planning Commission public hearing was advertised pursuant to applicable, law, testimony was invited and received. The Planning Commission adopted Resolution PC 11-04 on March 23, 2011 approving the subject project.
- C. The applicant for said use permit amendment is Robert M. Silverman, agent for Walgreens.
- D. Section 10.16.020L of the Manhattan Beach Municipal Code (MBMC) requires that a Use Permit Amendment when there is a new alcohol license being issued.
- E. The Planning Commission of the City of Manhattan Beach conducted public hearings pursuant to applicable law on April 23, 2008 and May 14, 2008, to consider an application for a Use Permit to allow construction of a 14,820 square foot Walgreens retail pharmacy; for the property legally described as Partition Map Showing Property formerly of Redondo Land Company, Lot 6, Sec. 19T, 3S, R. 14W., at 2400 Sepulveda Boulevard in the City of Manhattan Beach.
- F. The April 23, 2008, Planning Commission public hearing was advertised pursuant to applicable law, testimony was invited and received. At this meeting the Planning Commission, on a (5-0-0) vote, continued the public hearing to the May 14, 2008 meeting in order that staff to prepare a resolution of approval. On May 14, 2008 the Planning Commission adopted PC 08-06 for a Use Permit approving construction of a new 14,820 square foot retail pharmacy.
- G. The proposed use is permitted in the CG (General Commercial) Zone subject to a Use Permit approval as the project exceeds 5,000 square feet of buildable floor area and is greater than 10,000 square feet of land area (69,260 square feet existing lot area).
- H. An Initial Study was prepared in compliance with the provisions of the California Environmental Quality Act (CEQA). Based upon this study it was determined that the project is not an action involving any significant impacts upon the environment, and a Negative Declaration was prepared and is hereby adopted.
- I. 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.
- J. The applicant is requesting an amendment to the existing Use Permit Resolution PC 08-06 which governs the use of this site. Once Resolution PC 11-04 is adopted and approved it will supersede previous resolution PC 08-06.

K. The Planning Commission made the following findings with respect to this application:

1. The project consists of 14,820 square feet of retail area including a drive-thru pharmacy, operating 24-hours a day, 7-days a week and allows for the sale of beer and wine for off-site consumption only (Type 20 License).
2. The project is located in Area District II and is zoned (CG) General Commercial. The use is permitted by the zoning code and is appropriate as conditioned for the general commercial area. The properties to the north, south and west are similarly zoned; the properties to the east are zoned (RS) Residential Single Family. The property is located on the northeast corner of Sepulveda Boulevard and 22nd Street.
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 contains severe grade changes including a 20-foot drop from the northeast corner to the sidewalk at the southwest corner, therefore creating a constraint on the placement of the structure. Additionally, the topography dictated the location of the driveway approaches as they are located at the most level areas of the site.
5. The placement of the building at the center of the property for the subject site is the optimal location as it promotes a safer pedestrian entrance, site drainage, site circulation and visual presence in scale with the surrounding buildings, which effectively addresses the intent of the Sepulveda Corridor Guidelines.

Use Permit Findings

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

The proposed amendment to the use permit is consistent with the Commercial General (CG) zoning designation. The use to the sales of alcoholic beverages are consistent with Section 10.16.010 of the Manhattan Beach Zoning Code which states that the district is intended to provide opportunities for a full range of retail and service businesses including retail and the sale of alcoholic beverages.

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

The existing use and proposed amendment pose no detrimental effects to public health, safety, or welfare of persons residing or working at the 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, due to the conditions of approval and the fact that the site will continue to operate as a drug retail store. Walgreens proposes to offer a limited selection of beer and wine that will make up a small portion of the existing floor area. The store will not sell distilled spirits, malt liquor, single servings, or any other variation.

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. The proposed amendment is consistent with these goals and policies.

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

The request to amend the existing Use Permit to allow for a Type 20 (Off-sale beer and wine) license is consistent with the existing use as a drug retail store at this location. This application follows MBMC Section 10.16.020 (L) which requires a use permit amendment when there is new alcohol license being issued or amended. Specific conditions of approval are incorporated into the amended resolution to ensure safe and responsible sales of beer and wine.

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

The proposed amendment will not alter the fundamental use, purpose or character of the existing business and due to the fact that there will be a negligible change in the existing space and layout of the store. The proposed amendment will not create any adverse impacts of the above mentioned.

Other Findings

1. A determination of public convenience and necessity is made for the proposed off sale beer and wine license (as conditioned below) which shall be forwarded to the California Department of Alcoholic Beverage Control upon the effectiveness of this project approval.
2. The findings stated in Resolution PC 08-06 are still applicable.

General Plan

1. 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:

Policy LU-1.2: Encourage the design of all new construction to utilize notches or other architectural details to reduce building bulk.

Policy LU-1.3: Require the use of landscaping and setbacks to reduce the bulk in new buildings and add visual interest to the streetscape.

Policy LU-2.1: Develop landscaping standards for commercial areas that unify and humanize each district.

Policy LU-3.1: Continue to encourage quality design in all new construction.

Policy LU-3.2: Promote the use of adopted design guidelines for new construction along Sepulveda Boulevard.

Policy LU.3.5: Ensure that the sign ordinance provides for commercial signage that is attractive, non-intrusive, safe, and consistent with overall City aesthetic goals.

Policy LU-6: Support and encourage small businesses throughout the City.

PolicyLU-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.

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

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

Policy LU-9.1: Provide zoning regulations that encourage neighborhood-oriented businesses within these areas.

Policy LU-9.2: Encourage and support ground floor retail and service uses on properties designated for commercial use.

Policy I-2.7: Monitor and minimize traffic issues associated with construction activities.

Policy I-3.8: Monitor and minimize parking issues associated with construction activities.

Policy I-4.2: Carefully review commercial development proposals with regard to planned ingress/egress, and enforce restrictions as approved.

Sepulveda Corridor Design Guidelines

1. The project will be in compliance with following Sepulveda Corridor Design Guideline Goals:
 - Establish standards for low-rise commercial arterial development such as retail uses.
 - Site and building design should focus and relate to the street and create a more attractive, comfortable and interesting environment for the Boulevard.
 - Visually less desirable elements such as large parking areas, parking structures, vehicle service areas, blank walls, storage areas, and trash areas should be hidden or made less prominent along Sepulveda Boulevard.
 - The building design should take into consideration extreme noise, and odor generating activities near residential boundaries.
 - Safe pedestrian access to buildings should be provided through parking lots, particularly from public sidewalks.
 - Landscaping should enhance the property with the following: 1) install landscaping in areas that would otherwise be unused pavement, and 2) use landscape planters and other decorative treatments around buildings to avoid direct building-to-asphalt contact areas.
 - Proposed signs and sign copy should be compatible with their related building(s) and not be crowded within their locations or backgrounds. Harsh plastic or illuminated backgrounds should be avoided.
2. Additionally, the project will satisfy the Sepulveda Corridor requirements for the following reasons:
 - The proposed structure and location is designed to create minimal bulk and impact on the neighboring residential area to the east by providing adequate open space for light, air and fire safety through increased setbacks and innovative building design.
 - The proposed project includes convenient off-street parking facility which is enhanced by an effective on-site traffic circulation system.
 - The efficiently designed parking areas are comprised of full size parking spaces, which provides ample parking and excellent vehicular flow that minimizes impact to the residential neighborhood to the east.
- 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 Amendment and CEQA approvals for the subject project and supersedes all previous use permit approvals for the subject site (PC Resolution No.08-06).

SECTION 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Use Permit Amendment and subject to the following conditions:

Alcohol License-* New conditions

1. Beer and wine sales shall be limited to retail beer and wine sales for off-site consumption only. On-site alcoholic beverage service is prohibited. No singles shall be sold.
2. Temporary or permanent signs, visible from the outside of the building, advertising the sale of alcohol is prohibited.
3. The sale area for all beer and wine sales shall be limited to four (4) product display shelves/coolers. The display shelves/coolers shall occupy no more than 148 square feet.
4. Alcohol sales shall be limited to the following hours: 7am-12 midnight.

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 May 14, 2008 and March 23, 2011. 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 project will provide 75 standard parking spaces and 4 disabled access spaces for a total of 79 spaces (no compact spaces proposed).
3. A Traffic Management Plan shall be submitted in conjunction with all construction and other building plans, to be approved by the Traffic Engineer and 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.

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

4. 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.
5. During construction of the site, the soil shall be watered in order to minimize the impacts of dust on the surrounding area.
6. The location 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.
7. 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.

8. 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.
9. 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 concrete, asphalt, or similar base and must have drainage to the sanitary sewer system. The enclosure is subject to specifications and approval of the Public Works Department, Community Development Department, and the City's waste contractor. A trash and recycling plan shall be required to be submitted to the Public Works Department. Applicant shall also provide information of how medical waste is handled and disposed of.
10. Commercial establishments are required, in accordance with Municipal Code 5.24.030 (C)(2) to have a sufficient refuse and recycling storage space to enclose a commercial lift container(s). The refuse storage space or facility must be screened from public view and be either constructed within the building structure or in a screened enclosure on private property.
11. Management of the retail use shall police the property and all areas immediately adjacent to the business during the hours of operation to keep it free of litter.
12. The operator of the retail pharmacy shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject business.
13. The property owner(s) shall be responsible for prohibiting employees from parking personal vehicles on the surrounding public streets. Owners and employees must park on-site while visiting the site.
14. The existing pole sign located on Sepulveda Boulevard shall be removed and replaced with a monument sign at the southwest corner of the project and shall not be located within the sight visibility triangle.
15. All signs shall be in compliance with the Sign Code. A comprehensive sign program must be submitted to the Community Development Department for review and approval prior to the issuance of a building permit.
16. The applicant shall submit a lighting and photometric plan which shows the location of the proposed light poles, existing public right-of-way lights and maximum foot candles to the Department of Community Development prior to the issuance of a building permit. These plans shall be in compliance with all provisions of the parking lot lighting regulations. Due to the proximity of the proposed project to the residential properties to the southeast, the maximum pole heights shall not exceed 20 feet. Security lighting for the site shall be provided in conformance with Municipal Code requirements including glare prevention design.
17. 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.
18. The proposed retail store/pharmacy use may operate 24-hours, 7-days a week.
19. Deliveries shall be prohibited between the hours of 7:00 p.m. and 7:00 a.m.

20. In the future, should the drive-thru window cease to operate, the current business operator shall remove all associated structures and shall submit a plan for review and approval by the Community Development Department.
21. Prior to the issuance of a building permit, the applicant shall provide a detailed explanation of how deliveries are handled for the subject site, for review and approval by the Community Development Department.
22. All mechanical equipment visually on the building roof shall not be visible from the public right-of-way and visual screening shall be provided. Antenna dishes or similar items shall be restricted to the same requirements. The building roof shall have a gravel or comparable decorative treatment.
23. Plans shall incorporate sustainable building components into the building and site design. The plans may include, but not limited to LEED (Leadership in Energy and Environmental Design) and other recognized sustainable building components, permeable pavement, energy efficient plumbing, mechanical and electrical systems, and retention of storm water on the site. Plans shall require review and approval by the Community Development and Public Works Departments.

Parking Related Conditions

24. Slopes and transitions for all vehicle ramps shall not exceed 15 percent grade and shall conform to City standards, subject to City review and approval. All ramps over 8 percent grade must include transition slopes at the beginning and end of the ramp and must meet the required slope setbacks behind the property line. Show slopes and cross-sections on approved plans.
25. Parking stall cross-slope shall not exceed 5%.
26. All two-way driveways and approaches shall be as wide as the aisle it serves. Both driveway approaches for the project shall be widened to at least 30-feet to provide sufficient turning access to/from the public streets.
27. All raised landscaping planters along the property frontages shall begin or end perpendicular to the lower portion of the drive wings.
28. 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.
29. Provide a 25' unobstructed triangle of sight visibility on the northeast corners of Sepulveda Boulevard and 22nd Street behind the ultimate property line extensions without walls, columns or landscaping over 36 inches high.
30. The driveway on Sepulveda Boulevard shall be restricted to Right Turn In/Right Turn Out and posted with signs subject to approval by the City Traffic Engineer and Caltrans.
31. 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.
32. The parking lot shall be signed and marked to the satisfaction of the City Traffic Engineer. One-way and Do Not Enter signs shall be posted on the pharmacy drive-thru aisle.

Public Works Requirements

33. This is a SUSMP project and an Operating and Maintenance Agreement Form regarding on-site storm water pollution BMP's and mitigation devices must be completed and submitted to the City before a building or grading permit is issued.
34. A property line cleanout must be installed on the sanitary sewer lateral (See City Standard Plan ST-5). Cleanout must be added to the plumbing plan.
35. A backwater valve is required on the sanitary sewer lateral if the discharges from fixtures with flood level rims are located below the next upstream manhole cover of the public sewer (See Standard Plan ST-24). Must be shown on approved plans.
36. If an existing sewer lateral is used, it must be televised to check its structural integrity. The tape must be made available for review by the Public Works Department. The Public Works Department will review the tape and determine at that time if the sanitary sewer lateral needs repairing, replaced, or that it is structurally sound and can be used in its present condition. The lateral must not be cleaned before it is video taped.
37. Commercial enterprises must comply with the National Pollution Discharge Elimination System (NPDES) clean water requirements. Discharge of mop water, floor mat washing, and trash can cleaning and washing out trash enclosures into the street or storm drain system is prohibited.
38. Any unused water or sanitary sewer laterals must be shown on the plans and abandoned at the City main.
39. Sidewalk, driveway, curb and gutter repairs or replacement must be completed per Public Works specifications (See City Standard Plans ST-1, ST-2 and ST-3). The plans must have a profile of the driveway, percent of slope and driveway elevations.
40. Weekly sweeping of the parking lot is required.
41. The sidewalk on Sepulveda Boulevard must be replaced from the north property line to the south property line and shown on the plans to the satisfaction of the Public Works Department.
42. A disabled access ramp must be protected on the public sidewalk (See City Standard Plan ST-9). Ramp must be shown on plans as required by the Public Works Department.
43. Erosion and sediment control devices BMPS (Best Management Practices) must be implemented around the construction site to prevent discharges to the street and adjacent properties. BMPs must be identified and shown on the approve plans. Control measures must also be taken to prevent street surface water entering the site.
44. Any new storm water, nuisance water, etc. and drain lines installed within the street right-of-way must be constructed of ductile iron pipe. Drains must be shown on approved plans.
45. Required mop sinks must be installed and shown on the plumbing plans.
46. Plan holder must have the plans rechecked and stamped for approval by the Public Works Department before the building permit is issued.

Building Division

47. Project shall comply with all Disabled Access regulations.
48. All work shall comply with all current California Building Codes which includes: California Electrical Code, Mechanical Code, Plumbing Code and Fire Code, at the time of submittal.

Procedural

49. *Interpretation.* Any questions of intent or interpretation of any condition will be resolved by the Planning Commission.
50. *Terms and Conditions are Perpetual.* These terms and conditions shall be perpetual, and it is the intention of the Director of Community Development and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.
51. *Effective Date.* This Resolution shall become effective when all time limits for appeal as set forth in MBCM Section 10.100.030 have expired.
52. This Use Permit shall lapse two years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.
53. At any time in the future, the Planning Commission or City Council may review the Use Permit for the purposes of revocation or modification. Modification may consist of conditions deemed reasonable to mitigate or alleviate impacts to adjacent land uses.
54. 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 City Clerk shall send a certified copy of this resolution to the applicant, and if any, the appellant at the address of said person set forth in the record of the proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of **March 23, 2011** 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

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT, AND NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACTS, FOR A RETAIL DRUG STORE WITH A DRIVE-THRU PHARMACY, LOCATED AT 2400 SEPULVEDA BOULEVARD (Walgreens)

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 public hearings pursuant to applicable law on April 23, 2008 and May 14, 2008, to consider an application for a Use Permit to allow construction of a 14,820 square foot Walgreens retail pharmacy; for the property legally described as Partition Map Showing Property formerly of Redondo Land Company, Lot 6, Sec. 19T, 3S, R. 14W., at 2400 Sepulveda Boulevard in the City of Manhattan Beach.
- B. The April 23, 2008 Planning Commission public hearing was advertised pursuant to applicable law, testimony was invited and received. At this meeting the Planning Commission, on a (5-0-0) vote, continued the public hearing to the May 14, 2008 meeting in order that staff prepare a resolution of approval.
- C. The applicant is Sharon L. Douglas, agent for Walgreens.
- D. The proposed use is permitted in the CG (General Commercial) Zone subject to a Use Permit approval as the project exceeds 5,000 square feet of buildable floor area and is greater than 10,000 square feet of land area (69,260 square feet existing lot area).
- E. An Initial Study was prepared in compliance with the provisions of the California Environmental Quality Act (CEQA). Based upon this study it was determined that the project is not an action involving any significant impacts upon the environment, and a Negative Declaration was prepared and is hereby adopted.
- 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 Planning Commission made the following findings with respect to this application:
 1. The project consists of 14,820 square feet of retail area including a drive-thru pharmacy, operating 24-hours a day, 7-days a week. No alcohol beverage sales are proposed for this retail use.
 2. The project is located in Area District II and is zoned (CG) General Commercial. The use is permitted by the zoning code and is appropriate as conditioned for the general commercial area. The properties to the north, south and west are similarly zoned; the properties to the east are zoned (RS) Residential Single Family. The property is located on the northeast corner of Sepulveda Boulevard and 22nd Street.
 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 contains severe grade changes including a 20-foot drop from the northeast corner to the sidewalk at the southwest corner, therefore creating a constraint on the placement of the structure. Additionally, the topography dictated the location of the driveway approaches as they are located at the most level areas of the site.

EXHIBIT B
PC MH. 3/23/11

5. The placement of the building at the center of the property for the subject site is the optimal location as it promotes a safer pedestrian entrance, site drainage, site circulation and visual presence in scale with the surrounding buildings, which effectively addresses the intent of the Sepulveda Corridor Guidelines.

Use Permit

1. The proposed location of the 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.

The proposed project is located within the (CG) General Commercial district, and would replace a vacant supermarket.

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

The proposed one-story 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.

General Plan

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:

Policy LU-1.2: Encourage the design of all new construction to utilize notches or other architectural details to reduce building bulk.

Policy LU-1.3: Require the use of landscaping and setbacks to reduce the bulk in new buildings and add visual interest to the streetscape.

Policy LU-2.1: Develop landscaping standards for commercial areas that unify and humanize each district.

Policy LU-3.1: Continue to encourage quality design in all new construction.

Policy LU-3.2: Promote the use of adopted design guidelines for new construction along Sepulveda Boulevard.

Policy LU.3.5: Ensure that the sign ordinance provides for commercial signage that is attractive, non-intrusive, safe, and consistent with overall City aesthetic goals.

Policy LU-6: Support and encourage small businesses throughout the City.

PolicyLU-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.

RESOLUTION NO. PC 08-06

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

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

Policy LU-9.1: Provide zoning regulations that encourage neighborhood-oriented businesses within these areas.

Policy LU-9.2: Encourage and support ground floor retail and service uses on properties designated for commercial use.

Policy I-2.7: Monitor and minimize traffic issues associated with construction activities.

Policy I-3.8: Monitor and minimize parking issues associated with construction activities.

Policy I-4.2: Carefully review commercial development proposals with regard to planned ingress/egress, and enforce restrictions as approved.

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

The 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.

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

The existing site has historically been used as a retail use and the proposed retail pharmacy use will not adversely impact nearby properties. The proposed change from a supermarket to a pharmacy retail use will require a slight increase in the parking demand; however it will be accommodated as part of the proposed use. It is not anticipated that the proposed retail use will exceed the capacity of public services and facilities. Minor comments from the Building Division, Fire Department, Police Department, Engineering and Public Works Department will be addressed during regular plan check.

Sepulveda Corridor Design Guidelines

The project will be in compliance with following Sepulveda Corridor Design Guideline Goals:

- Establish standards for low-rise commercial arterial development such as retail uses.
- Site and building design should focus and relate to the street and create a more attractive, comfortable and interesting environment for the Boulevard.
- Visually less desirable elements such as large parking areas, parking structures, vehicle service areas, blank walls, storage areas, and trash areas should be hidden or made less prominent along Sepulveda Boulevard.
- The building design should take into consideration extreme noise, and odor generating activities near residential boundaries.
- Safe pedestrian access to buildings should be provided through parking lots, particularly from public sidewalks.

RESOLUTION NO. PC 08-06

- Landscaping should enhance the property with the following: 1) install landscaping in areas that would otherwise be unused pavement, and 2) use landscape planters and other decorative treatments around buildings to avoid direct building-to-asphalt contact areas.
- Proposed signs and sign copy should be compatible with their related building(s) and not be crowded within their locations or backgrounds. Harsh plastic or illuminated backgrounds should be avoided.

Additionally, the project will satisfy the Sepulveda Corridor requirements for the following reasons:

- The proposed structure and location is designed to create minimal bulk and impact on the neighboring residential area to the east by providing adequate open space for light, air and fire safety through increased setbacks and innovative building design.
 - The proposed project includes convenient off-street parking facility which is enhanced by an effective on-site traffic circulation system.
 - The efficiently designed parking areas are comprised of full size parking spaces, which provides ample parking and excellent vehicular flow that minimizes impact to the residential neighborhood to the east.
- H. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code.
- I. This Resolution upon its effectiveness constitutes the Use Permit and CEQA approvals for the subject project.

SECTION 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Use Permit 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 May 14, 2008. 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 project will provide 75 standard parking spaces and 4 disabled access spaces for a total of 79 spaces (no compact spaces proposed).
3. A Traffic Management Plan shall be submitted in conjunction with all construction and other building plans, to be approved by the Traffic Engineer and 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.

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

4. 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.
5. During construction of the site, the soil shall be watered in order to minimize the impacts of dust on the surrounding area.

RESOLUTION NO. PC 08-06

6. The location 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.
7. 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.
8. 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.
9. 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 concrete, asphalt, or similar base and must have drainage to the sanitary sewer system. The enclosure is subject to specifications and approval of the Public Works Department, Community Development Department, and the City's waste contractor. A trash and recycling plan shall be required to be submitted to the Public Works Department. Applicant shall also provide information of how medical waste is handled and disposed of.
10. Commercial establishments are required, in accordance with Municipal Code 5.24.030 (C)(2) to have a sufficient refuse and recycling storage space to enclose a commercial lift container(s). The refuse storage space or facility must be screened from public view and be either constructed within the building structure or in a screened enclosure on private property.
11. Management of the retail use shall police the property and all areas immediately adjacent to the business during the hours of operation to keep it free of litter.
12. The operator of the retail pharmacy shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject business.
13. The property owner(s) shall be responsible for prohibiting employees from parking personal vehicles on the surrounding public streets. Owners and employees must park on-site while visiting the site.
14. The existing pole sign located on Sepulveda Boulevard shall be removed and replaced with a monument sign at the southwest corner of the project and shall not be located within the sight visibility triangle.
15. All signs shall be in compliance with the Sign Code. A comprehensive sign program must be submitted to the Community Development Department for review and approval prior to the issuance of a building permit.
16. The applicant shall submit a lighting and photometric plan which shows the location of the proposed light poles, existing public right-of-way lights and maximum foot candles to the Department of Community Development prior to the issuance of a building permit. These plans shall be in compliance with all provisions of the parking lot lighting regulations. Due the proximity of the proposed project to the residential properties to the southeast, the maximum pole heights shall not exceed 20 feet. Security lighting for the site shall be provided in conformance with Municipal Code requirements including glare prevention design.

RESOLUTION NO. PC 08-06

17. 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.
18. The proposed retail store/pharmacy use may operate 24-hours, 7-days a week. Alcohol beverage sales shall be prohibited.
19. Deliveries shall be prohibited between the hours of 7:00 p.m. and 7:00 a.m.
20. In the future, should the drive-thru window cease to operate, the current business operator shall remove all associated structures and shall submit a plan for review and approval by the Community Development Department.
21. Prior to the issuance of a building permit, the applicant shall provide a detailed explanation of how deliveries are handled for the subject site, for review and approval by the Community Development Department.
22. All mechanical equipment visually on the building roof shall not be visible from the public right-of-way and visual screening shall be provided. Antenna dishes or similar items shall be restricted to the same requirements. The building roof shall have a gravel or comparable decorative treatment.
23. Plans shall incorporate sustainable building components into the building and site design. The plans may include, but not limited to LEED (Leadership in Energy and Environmental Design) and other recognized sustainable building components, permeable pavement, energy efficient plumbing, mechanical and electrical systems, and retention of storm water on the site. Plans shall require review and approval by the Community Development and Public Works Departments.

Parking Related Conditions

24. Slopes and transitions for all vehicle ramps shall not exceed 15 percent grade and shall conform to City standards, subject to City review and approval. All ramps over 8 percent grade must include transition slopes at the beginning and end of the ramp and must meet the required slope setbacks behind the property line. Show slopes and cross-sections on approved plans.
25. Parking stall cross-slope shall not exceed 5%.
26. All two-way driveways and approaches shall be as wide as the aisle it serves. Both driveway approaches for the project shall be widened to at least 30-feet to provide sufficient turning access to/from the public streets.
27. All raised landscaping planters along the property frontages shall begin or end perpendicular to the lower portion of the drive wings.
28. 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.
29. Provide a 25' unobstructed triangle of sight visibility on the northeast corners of Sepulveda Boulevard and 22nd Street behind the ultimate property line extensions without walls, columns or landscaping over 36 inches high.
30. The driveway on Sepulveda Boulevard shall be restricted to Right Turn In/Right Turn Out and posted with signs subject to approval by the City Traffic Engineer and Caltrans.

31. 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.
32. The parking lot shall be signed and marked to the satisfaction of the City Traffic Engineer. One-way and Do Not Enter signs shall be posted on the pharmacy drive-thru aisle.

Public Works Requirements

33. This is a SUSMP project and an Operating and Maintenance Agreement Form regarding on-site storm water pollution BMP's and mitigation devices must be completed and submitted to the City before a building or grading permit is issued.
34. A property line cleanout must be installed on the sanitary sewer lateral (See City Standard Plan ST-5). Cleanout must be added to the plumbing plan.
35. A backwater valve is required on the sanitary sewer lateral if the discharges from fixtures with flood level rims are located below the next upstream manhole cover of the public sewer (See Standard Plan ST-24). Must be shown on approved plans.
36. If an existing sewer lateral is used, it must be televised to check its structural integrity. The tape must be made available for review by the Public Works Department. The Public Works Department will review the tape and determine at that time if the sanitary sewer lateral needs repairing, replaced, or that it is structurally sound and can be used in its present condition. The lateral must not be cleaned before it is video taped.
37. Commercial enterprises must comply with the National Pollution Discharge Elimination System (NPDES) clean water requirements. Discharge of mop water, floor mat washing, and trash can cleaning and washing out trash enclosures into the street or storm drain system is prohibited.
38. Any unused water or sanitary sewer laterals must be shown on the plans and abandoned at the City main.
39. Sidewalk, driveway, curb and gutter repairs or replacement must be completed per Public Works specifications (See City Standard Plans ST-1, ST-2 and ST-3). The plans must have a profile of the driveway, percent of slope and driveway elevations.
40. Weekly sweeping of the parking lot is required.
41. The sidewalk on Sepulveda Boulevard must be replaced from the north property line to the south property line and shown on the plans to the satisfaction of the Public Works Department.
42. A disabled access ramp must be protected on the public sidewalk (See City Standard Plan ST-9). Ramp must be shown on plans as required by the Public Works Department.
43. Erosion and sediment control devices BMPS (Best Management Practices) must be implemented around the construction site to prevent discharges to the street and adjacent properties. BMPs must be identified and shown on the approve plans. Control measures must also be taken to prevent street surface water entering the site.
44. Any new storm water, nuisance water, etc. and drain lines installed within the street right-of-way must be constructed of ductile iron pipe. Drains must be shown on approved plans.

RESOLUTION NO. PC 08-06

45. Required mop sinks must be installed and shown on the plumbing plans.
46. Plan holder must have the plans rechecked and stamped for approval by the Public Works Department before the building permit is issued.

Building Division

47. Project shall comply with all Disabled Access regulations.
48. All work shall comply with all current California Building Codes which includes: California Electrical Code, Mechanical Code, Plumbing Code and Fire Code, at the time of submittal.

Procedural

49. *Interpretation.* Any questions of intent or interpretation of any condition will be resolved by the Planning Commission.
50. *Terms and Conditions are Perpetual.* These terms and conditions shall be perpetual, and it is the intention of the Director of Community Development and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.
51. *Effective Date.* This Resolution shall become effective when all time limits for appeal as set forth in MBCM Section 10.100.030 have expired.
52. This Use Permit shall lapse two years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.
53. At any time in the future, the Planning Commission or City Council may review the Use Permit for the purposes of revocation or modification. Modification may consist of conditions deemed reasonable to mitigate or alleviate impacts to adjacent land uses.
54. 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 City Clerk shall send a certified copy of this resolution to the applicant, and if any, the appellant at the address of said person set forth in the record of the proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

RESOLUTION NO. PC 08-06



I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of **May 14, 2008** and that said Resolution was adopted by the following vote:

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

NOES:

ABSTAIN:

ABSENT:


Richard Thompson
Secretary to the Planning Commission

Sarah Boeschen
Recording Secretary

WalgreensPharmacyPCRes 5-14-08

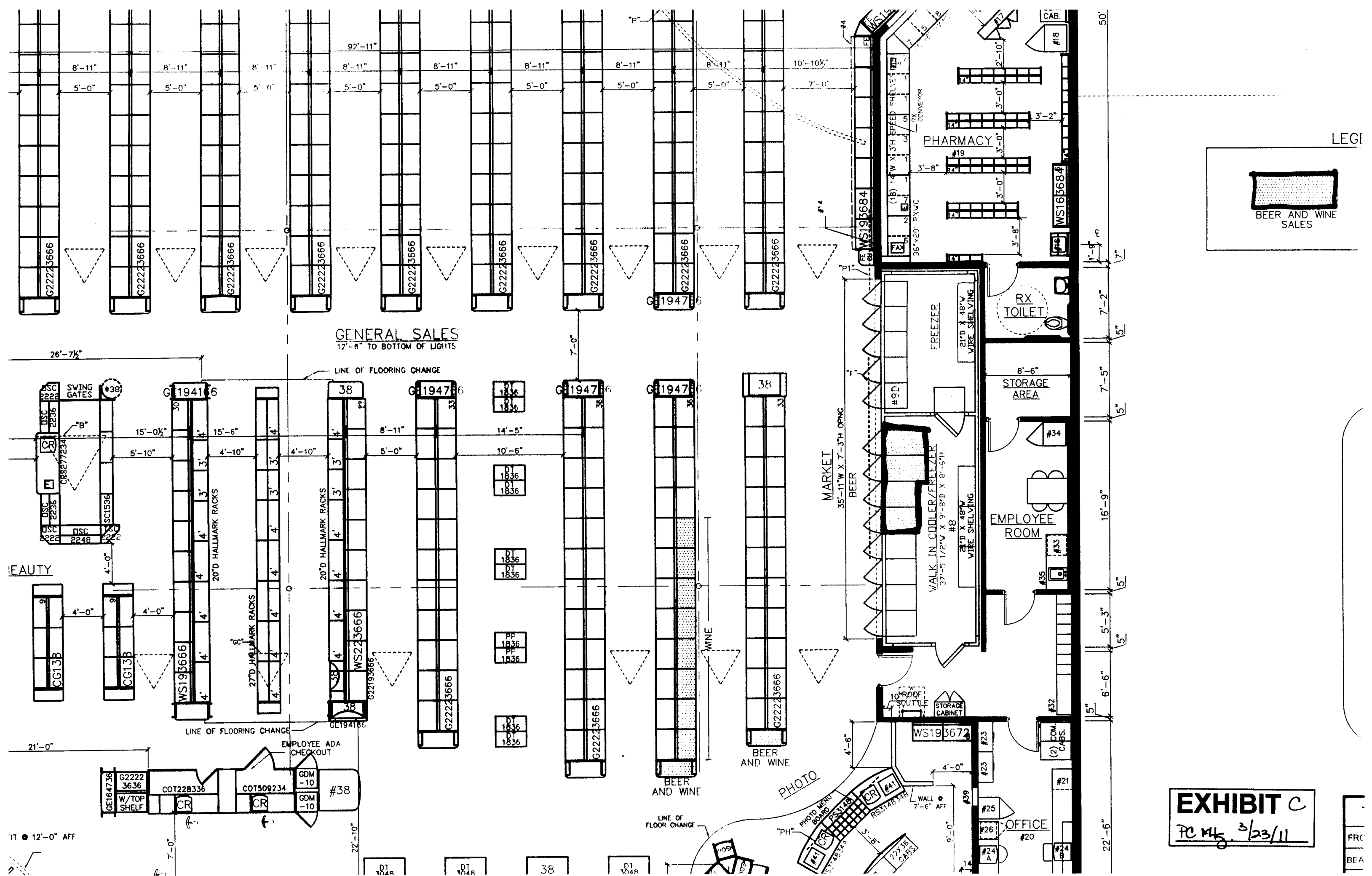


EXHIBIT C
 PC #45 3/23/11

FRC
 BEA

CITYWIDE SURVEY OF OFF SITE LIQUOR SALES

	Establishment	Address	Allowed Hours of Alcohol Sales	Operating Hours	Use Permit	Notes	Type of Licence
	Manhattan Fine Wines	1157 ARTESIA BLVD, A	-		No UP		Full Alcohol
	7-11 Convenience Store	1221 ARTESIA BLVD	-	-		No UP that discusses off-site alcohol sales	Beer/Wine
	Smart Store	1727 ARTESIA BLVD, A	6am - 12am Daily	24/7	CC 6055 (2006)		Beer/Wine
	E & A Wine & Cigar	1751 ARTESIA BLVD, D	-	-	No UP		Beer/Wine
	Speedi Mart	975 N AVIATION BLVD	-	-	No UP		Beer/Wine
	Chevron Gas Station	2301 N AVIATION BLVD	7am - 10pm Daily	Food Mart: 6am - 10pm Daily Limited Sales through Window: 10pm - 6am Fueling: 24/7	PC 09-05		Beer/Wine
	Moon's Market	3307 HIGHLAND AVE	-	-	No UP	-	Full Alcohol
	Beach Shop, The	3504 HIGHLAND AVE	-	-	No UP	-	Beer/Wine
	Player's Liquor	3804 HIGHLAND AVE	-	-	No UP		Full Alcohol
	El Porto Liquor Market Deli	4103 HIGHLAND AVE	Hours for Alcohol Sales Not Specified		PC 85-10 PC 85-11		Full Alcohol
	Bacchus Wine Shop	1000 MANHATTAN AVE	Sun - Wed 11am - 8 pm Thur - Sat 11am - 9pm	Sun - Wed, 11am - 8pm Thur - Sat, 11am - 9pm	PC 05-02	-	Beer/Wine
	Manhattan Beach Market	1111 MANHATTAN AVE	-	-	No UP		Full Alcohol
	VONS	410 MANHATTAN BEACH BLVD	6am - 10pm Daily	6am - 10pm Daily	No UP	-	Full Alcohol
	ARCO	1002 MANHATTAN BEACH BLVD	-	7am-10pm	CC 77-32 (1985)	Hours for Alcohol Sales Not Specified	Beer/Wine
	Trader Joes	1821 MANHATTAN BEACH BLVD	-	-	No UP		Full Alcohol
	Mobil Gas Station	1865 MANHATTAN BEACH BLVD	6am - 12am Daily	Mini Market: 6am - 12am Daily Fueling: 24/7	CC 4505 (1988)	Hours for Alcohol Sales Not Specified	Beer/Wine

CITYWIDE SURVEY OF OFF SITE LIQUOR SALES

Establishment	Address	Allowed Hours of Alcohol Sales	Operating Hours	Use Permit	Notes	Type of Licence
Bristol Farms	1570 ROSECRANS AVE, H	-	-	PC 90-29 PC 89-61	Operating/Alcohol Sales Hours Not Specified	Full Alcohol
CVS	1570 ROSECRANS AVE, L	-	-	PC 89-61	Operating/Alcohol Sales Hours Not Specified	Full Alcohol
Fresh & Easy	1700 ROSECRANS AVE, C	-	-	CC 5203 (1995)	Operating/Alcohol Sales Hours Not Specified	Full Alcohol
BevMo	1700 ROSECRANS AVE, B	9am - 10pm Daily	9am - 10pm Daily	PC 08-12		Full Alcohol
Trader Joes	1800 ROSECRANS AVE	10am - 12am Daily	10am - 12am Daily	PC 98-25		Full Alcohol
Sepulveda Wine Co	917 N SEPULVEDA BLVD	Tues - Sat: 10am - 8pm Sun - Mon: 12pm - 5pm	Tues - Sat: 10am - 8pm Sun - Mon: 12pm - 5pm	PC 04-11		Full Alcohol
Mr. D's Liquor Market	1100 N SEPULVEDA BLVD	-	-	No UP	-	Full Alcohol
Ralphs	2700 N SEPULVEDA BLVD	6am - 2am Daily	24/7	PC 01-27 and PC 07-12	Hours restricted for wine tasting only	Full Alcohol
CVS	2900 N SEPULVEDA BLVD	6am - 2am Daily	24/7	PC 01-27		Full Alcohol
Macy's	3400 N SEPULVEDA BLVD	6am - 2am Daily	24/7	PC 01-27	-	Beer/Wine
Chevron Gas Station	3633 N SEPULVEDA BLVD	6am - 12am Daily	Mini Market: 6am - 2am Daily Fueling: 24/7	PC 06-13		Beer/Wine
Manhattan Car Wash	300 S SEPULVEDA BLVD	-	-	No UP	-	Beer/Wine



MASTER APPLICATION FORM

CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT

Office Use Only

Date Submitted: 10/21/10

Received By:

F&G Check Submitted:

2400 North Sepulveda Boulevard

Project Address

See attached Exhibit 'A' for legal description

Legal Description

General Commercial

C-G

Area II

General Plan Designation

Zoning Designation

Area District

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

Project located in Appeal Jurisdiction

Project not located in Appeal Jurisdiction

Major Development (Public Hearing required)

Public Hearing Required (due to UP, Var., etc.)

Minor Development (Public Hearing, if requested)

No Public Hearing Required

Submitted Application (check all that apply)

Appeal to PC/PWC/BBA/CC

Use Permit (Residential)

Coastal Development Permit

Use Permit (Commercial)

Environmental Assessment \$215

Use Permit Amendment \$4,720

Minor Exception

Variance

Subdivision (Map Deposit)4300

Public Notification Fee / \$65 \$65

Subdivision (Tentative Map)

Park/Rec Quimby Fee 4425

Subdivision (Final)

Lot Merger/Adjustment/\$15 rec. fee

Subdivision (Lot Line Adjustment)

Other

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

Pre-Application Conference: Yes _____ No _____ Date: _____ Fee: _____

Amount Due: \$ 5,010 (less Pre-Application Fee if submitted within past 3 months)

Receipt Number: _____ Date Paid: _____ Cashier: _____

Applicant(s)/Appellant(s) Information

Robert M. Silverman, The Walgreen Co.

Name

104 Wilmot Rd, MS 1420 Deerfield, IL 60015

Mailing Address

Walgreen Co. leases the site from the Property Owner

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

Matt Dzurec, Armbruster Goldsmith & Delvac (Applicant Representative)

310-254-9052

Contact Person (include relation to applicant/appellant)

Phone number / e-mail

11671 San Vicente Boulevard, Los Angeles, CA 90049

Name

(847) 315-4574

Applicant(s)/Appellant(s) Signature

Phone number

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

Applicant requests a Conditional Use Permit to allow for the sale of beer and wine for off-site

consumption at an existing Walgreens store. See Exhibit 'B' for detailed project description.

EXHIBIT E

¹ An Application for a Coastal Development Permit shall be made prior to, or concurrent with, an application for any other permit or approvals required for the project by the City of Manhattan Beach Municipal Code. (Continued on reverse)

PC Mtg. 3/23/11

#91085

OWNER'S AFFIDAVIT

STATE OF CALIFORNIA
 COUNTY OF LOS ANGELES

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

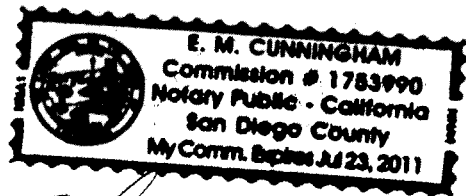
James A. Seelamp V.P.
 Signature of Property Owner(s) - (Not Owner in Escrow or Lessee)

JAMES A. SEELAMP V.P. UNION BANK AS TRUSTEE
 Print Name

PO BOX 85552 SAN DIEGO, CA. 92186 - 5552
 Mailing Address

619-230-4652
 Telephone

Subscribed and sworn to before me, this 30th day of Sept, 2010 in and for the County of San Diego State of CALIFORNIA



E. M. Cunningham Notary Public

Fee Schedule Summary

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

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

<i>Coastal Development Permit</i>	
Filing Fee (public hearing - no other discretionary approval required):	\$ 4,275 <input checked="" type="checkbox"/>
Filing Fee (public hearing - other discretionary approvals required):	\$ 815 <input checked="" type="checkbox"/>
Filing Fee (no public hearing required):	\$ 560 <input type="checkbox"/>
<i>Use Permit</i>	
Use Permit Filing Fee:	\$ 5,200 <input checked="" type="checkbox"/>
Master Use Permit Filing Fee:	\$ 8,145 <input checked="" type="checkbox"/>
Amendment Filing Fee:	\$ 4,730 <input checked="" type="checkbox"/>
Master Use Permit Conversion	\$ 4,080 <input checked="" type="checkbox"/>
<i>Variance</i>	
Filing Fee:	\$ 4,925 <input checked="" type="checkbox"/>
<i>Minor Exception</i>	
Filing Fee (with notice):	\$ 1,095 <input checked="" type="checkbox"/>
Filing Fee (without notice):	547.50 <input type="checkbox"/>
<i>Subdivision</i>	
Certificate of Compliance	\$1,505 <input type="checkbox"/>
Final Parcel Map / Final Tract Map	585 <input type="checkbox"/>
Lot Line Adjustment or Merger of Parcels	1,010 <input type="checkbox"/>
Mapping Deposit (paid with Final Map application)	473 <input type="checkbox"/>
Quimby (Parks & Recreation) fee (per unit/lot)	1,817 <input type="checkbox"/>
Tentative Parcel Map (less than 4 lots / units) No Public Hearing	805 <input type="checkbox"/>
Tentative Parcel Map (less than 4 lots / units) Public Hearing	3,180** <input checked="" type="checkbox"/>
Tentative Tract Map (more than 4 lots / units)	3,770** <input checked="" type="checkbox"/>
<i>Environmental Review (contact Planning Division for applicable fee)</i>	
Environmental Assessment:	\$ 215 <input type="checkbox"/>
Environmental Assessment (if Initial Study is prepared):	\$ 2,210 <input type="checkbox"/>
Fish and Game County Clerk Fee ² :	\$ 75 <input type="checkbox"/>

Public Notification Fee applies to all projects with public hearings and covers the city's costs of envelopes, postage and handling the mailing of public notices. Add this to filing fees above, as applicable. \$ 65

² Make \$75 check payable to LA County Clerk, (DO NOT PUT DATE ON CHECK)
 G:\Planning\Counter Handouts\Master Application Form .doc Rev.5/09

#0106

EXHIBIT "A"

LEGAL DESCRIPTION

File No: 06156640

EXHIBIT "A"

All that certain real property situated in the County of Los Angeles, State of California, described as follows:

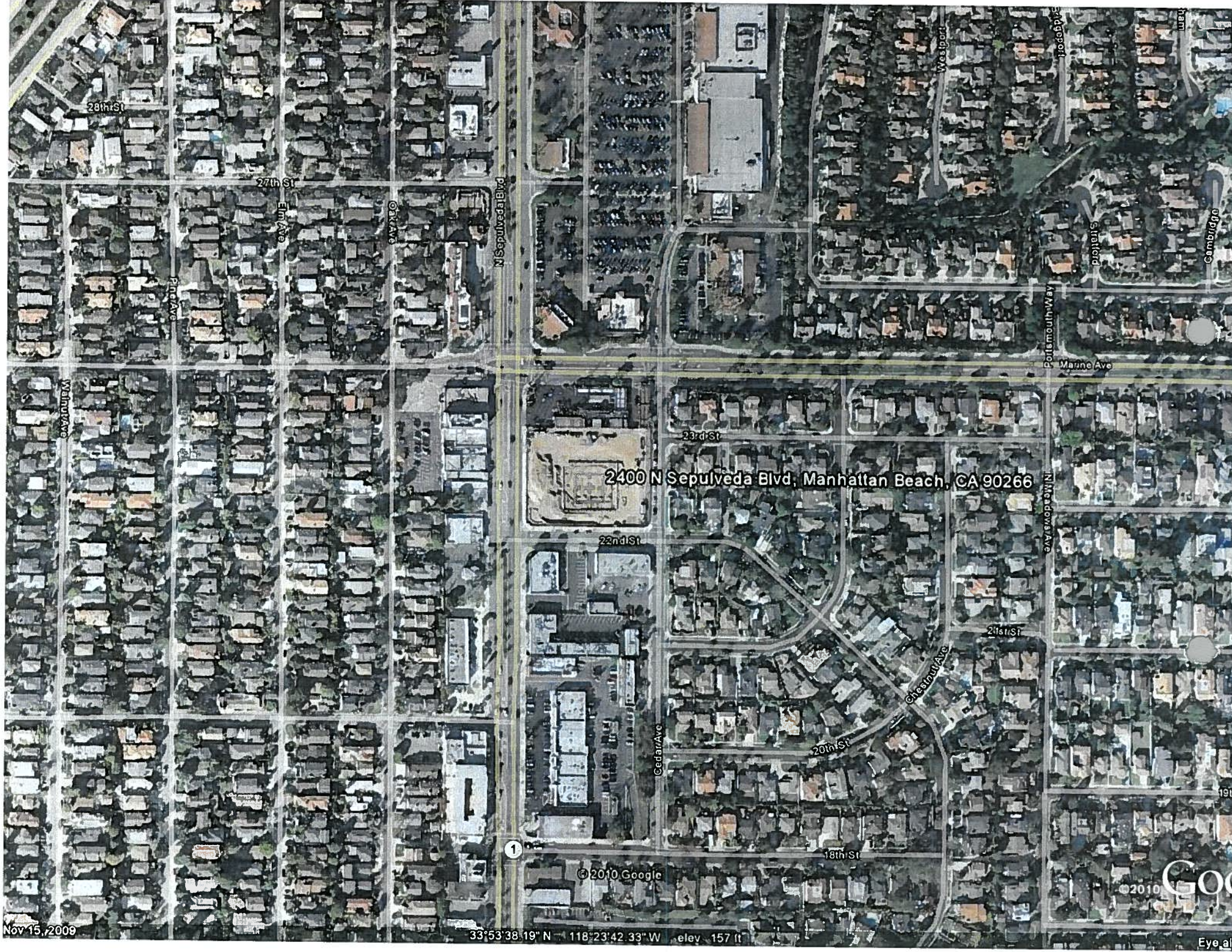
Parcel 1:

That portion of Section 19, Township 3 South, Range 14 West, Rancho Sausal Redondo, in the City of Manhattan Beach, County of Los Angeles, State of California, bounded on the West by the Easterly line of Sepulveda Boulevard, 90 feet wide, on the East by the Westerly line of Cedar Avenue, as shown on map of Tract No. 14123, recorded in Book 294, Page(s) 44 et seq., of Maps, Records of said County, on the Southeast, South and Southwest, by the Northwesterly, Northerly and Northeasterly line of Twenty Second Street, as shown on map of said Tract No. 14123, and on the North, by a line parallel with and distant Northerly 185 feet (measured parallel with said Cedar Avenue), from the tangent portion and its prolongations of the Northerly line of that portion of said Twenty Second Street extending from Cedar Avenue to Sepulveda Boulevard.

Parcel 2:

That portion of Section 19, Township 3 South, Range 14 West, Rancho Sausal Redondo, in the City of Manhattan Beach, County of Los Angeles, State of California, bounded on the West by the Easterly line of Sepulveda Boulevard, 90 feet wide on the East, by the Westerly line of Cedar Avenue as shown on map of Tract No. 14123, recorded in Book 294, Page(s) 44 et seq., of Maps, in the Office of the County Recorder of said County, on the North by a line parallel with and distant Northerly 235 feet (measured parallel with said Cedar Avenue), from the tangent portion and its prolongation of the Northerly line of that portion of 22nd Street as shown on map of said Tract No. 14123; extending from Cedar Avenue to Sepulveda Boulevard, and on the South by the North line of the land conveyed to Max Ray by deed dated October 4, 1949, and recorded November 23, 1949, in Book 31548, Page 151, Official Records.

Assessor's Parcel Number: **4166-019-024; 4166-019-025**



2400 N Sepulveda Blvd, Manhattan Beach, CA 90266

1

© 2010 Google

© 2010 Google

Nov 15, 2009

33°53'38.19" N 118°23'42.33" W elev 157 ft

Eye al

EXHIBIT B
CONDITIONAL USE PERMIT FOR OFF-SITE SALES OF BEER AND WINE
WALGREENS
2400 SEPULVEDA BOULEVARD

THE APPLICANT

This application is made by The Walgreen Company ("Walgreens"). Walgreens is the second largest drugstore chain in the country and operates 7,000 stores in all 50 states, the District of Columbia and Puerto Rico and provides access to consumer goods and services and pharmacy, health and wellness services through its retail drugstores, Walgreens Health Services division and Walgreens Health and Wellness division. These drugstores sell prescription and non-prescription drugs, and general merchandise. Walgreens general merchandise comprises beauty care, personal care, household items, candy, photofinishing, greeting cards, seasonal items, and convenience food. Walgreens is an active member in each community performing outreach that revolves around access to health services and education. In 2008, Walgreens worked with the nation's largest network of food banks to provide \$24 million worth of products and provided more than a million free health screenings as part of the Take Care Health Tour 2008. Walgreens was founded in 1901 and is based in Deerfield, Illinois.

PROJECT DESCRIPTION

Walgreens seeks an amendment to its existing Use Permit pursuant to Municipal Code Sec. 17.44.025 for the existing store located at 2400 Sepulveda Boulevard. In 2008, the City of Manhattan Beach (the "City") approved a Use Permit for a Walgreens store with drive-thru pharmacy by Resolution No. PC 08-06. Walgreens proposes to offer a limited selection of beer and wine that will make up a small portion of the existing Store floor area (the "Project"). The modest selection will be tailored to provide a safe, convenient alternative to meet the needs existing customers. Walgreens will not sell distilled spirits, malt liquor, single servings or any other variation. Storage and display areas for beer and wine will occupy less than 1 percent 14,820 square foot store. The Project involves no structural change to the interior space (other than some minor internal rearrangement of merchandise, shelving and coolers) nor to the building envelope, building exterior, parking or landscaping. These minor interior changes will involve no grading or construction.

LOCATION

The store is a freestanding building with associated parking, physically located northeast of the intersection of North Sepulveda Boulevard and 22nd Street.

ZONING AND GENERAL PLAN DESIGNATION

The Store is zoned CG General Commercial. The CG zoning permits retail sales and a use permit is required for any new alcohol license or modification to an existing alcohol license. MMC Sec. 17.44.025.

SURROUNDING ZONING/LAND USE

- North – Zoned CG and consists of a car wash.

- West – Zoned and CG and consists of a church, bike shop, doggy day care and car rental agency along Sepulveda Boulevard
- South – Zoned CG and consists of a radiology center, Repo center, restaurant, and silk screening business
- East – Zoned RS and consists of single family residential units.

SALES POLICIES AND SECURITY MEASURES

As in hundreds of locations across the country where Walgreens currently sells beer and wine, beer and wine will be merchandised and sold with a high degree of responsibility and conscientiousness. As a pharmacy, Walgreens possesses significant experience selling regulated products and complying with laws governing them. This expertise will ensure lawful and responsible beer and wine sales. Detailed policies and procedures are already in place and are strictly enforced without exception. Walgreens employees for each eligible store must undergo extensive training prior to beer and wine availability at an individual location. Once trained, all employees regardless of age must sign a Sale of Alcoholic Beverages Policy acknowledgement letter at the beginning of each shift. All employees will also complete any local or state required training before they can sell beer or wine. Alcohol sales training and policy acknowledgements are conducted annually every March. Employees are automatically enrolled in these training courses and new employees also will complete the alcohol sales training and policy procedures on their first day of employment. Walgreens established policy states that employees must request identification for any customer attempting to purchase alcohol who appears to be under the age of 40. The register prompts the employee before proceeding with the transaction and all under age employees are required to seek the assistance of a manager.

Walgreens uses a variety of security strategies at other store with sales of alcohol to ensure the safety of their customers as well as the security of their merchandise. Security cameras and public view monitors are installed to deter criminal activity and promote a safe environment. The digital images captured from these devices are stored for up to 90 days on a Digital Video Recorder and give Loss Prevention the capability to share images of thieves with the stores and local law enforcement agencies. Additionally, beer and wine will be positioned a significant distance from where the store entrance is located. This will force customers to walk the length of the store serving as an additional deterrent.

USE PERMIT FINDINGS

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

The existing Walgreens store is zoned CG, General Commercial which allows for a wide range of neighborhood and community serving commercial uses. The store is located on Sepulveda Boulevard which is a significant commercial corridor that is comprised of a wide range of community and neighborhood-supporting retail and commercial services that includes the existing Walgreens. The immediate surrounding area is characterized by a variety of commercial development with single-family residences to the east across Cedar Avenue.

A Use Permit was recently approved for the store and has already been determined not detrimental to the character of development in the immediate neighborhood. The modest addition of wine and beer

will provide an additional amenity for the neighborhood in a safe, convenient location operated by a trusted brand. The addition of beer and wine will not contain any type of use which may typically be associated with adverse effects upon the economic health of a neighborhood, such as a liquor store, stand-alone bar or nightclub.

The selling of a limited selection of beer will make up a small portion of the overall store floor area and sales and is tailored to provide a safe, convenient alternative to meet the needs for existing customers of the store. The safest and most desirable manner of selling beer and wine is from within a larger store whose merchandise is varied, thereby precluding some of the loitering and public safety issues that can arise with liquor sales. The modest selection of beer and wine will add to the variety of products available to customers that include non-prescription and prescription drugs, and general merchandise that includes beauty care, personal care, household items, candy and convenience food, photofinishing, and greeting cards. The addition of beer and wine will add a desired amenity sold in a safe, convenient location by a trusted brand with over 100 years of experience.

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

The modest addition of beer and wine to the existing Walgreens will not adversely affect the health, peace, comfort or welfare to the people living or working in the surrounding area. Walgreens proposes to offer a limited selection of beer and wine that will make up a small portion of the existing floor area. The modest selection will be tailored to provide a safe, convenient alternative to meet the needs of the Applicant's existing customers. The store will not sell distilled spirits, malt liquor, single servings or any other variation. Beer and wine storage and display areas will comprise less than 1% of the total floor area in the existing store. Walgreens has adopted extensive Sales and Security Measures that are designed to protect the customers and the general public in the vicinity of the Store. Detailed policies and procedures are already in place and are strictly enforced without exception. Employees for each eligible store must undergo extensive training prior to beer and wine availability at an individual location. Once trained, all employees regardless of age must sign a Sale of Alcoholic Beverages Policy acknowledgement letter at the beginning of each shift. All employees will also complete any local or state required training before allowed to sell beer or wine. Alcohol sales training and policy acknowledgements are conducted annually every March. Employees are automatically enrolled in these training courses and new employees also will complete the alcohol sales training and policy procedures on their first day of employment. Walgreens established policy states that employees must request identification for any customer attempting to purchase alcohol who appears to be under the age of 40. The register prompts the employee before proceeding with the transaction and all under age employees are required to seek the assistance of a manager.

Walgreens uses a variety of security strategies at other store with sales of alcohol to ensure the safety of their customers as well as the security of their merchandise. Security cameras and public view monitors are installed to deter criminal activity and promote a safe environment. The digital images captured from these devices are stored for up to 90 days on a Digital Video Recorder and give Loss Prevention the capability to share images of thieves with the stores and local law enforcement agencies. Additionally, beer and wine will be positioned on the opposite end of the store from where the entrance is located. This will force customers to walk the length of the store serving as an additional deterrent.

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

Walgreens proposes to offer off-sales of beer and wine at an established store located at 2400 Sepulveda Boulevard. The store is located in a significant commercial area that offers a wide range of community and neighborhood-supporting retail, commercial and services. The Use Permit is proper in relation to adjacent uses and the development of the community in that it will be located entirely within a carefully controlled, existing Walgreens already found to be appropriate for the area. Walgreens is a retail drugstore selling prescription and over-the-counter medicines as well as a variety of general merchandise, sundries and grocery items to the public. The selling of a limited selection of beer and wine will make up a small portion of the overall store floor area and sales and is tailored to provide a safe, convenient alternative to meet the needs for existing customers. The store will continue to serve the public convenience and is compatible with the character of the surrounding uses. Conditions of approval are incorporated to ensure safe and responsible sales of beer and wine.

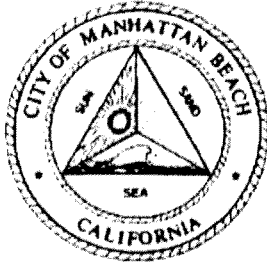
4. The proposed use will not adversely impact nor be adversely impacted by nearby properties. Potential impacts are related but not necessarily limited to: traffic, parking, noise, vibration, odors, resident security and personal safety, and aesthetics, or create demands exceeding the capacity of public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

The modest addition of beer and wine will not adversely impact the nearby residential area east of the store that is buffered from the store by fencing and Cedar Avenue. The proposed off-site sales of beer and wine will be conducted within the store and will be positioned a significant distance from where the entrance is located. This will force customers to walk the length of the store serving as an additional deterrent. There will be no external evidence that alcoholic beverages are sold at the store. Otherwise, there will be no on-site consumption, loitering or littering permitted in connection with the sales of alcoholic beverages. Walgreens has in place strict security measure and sales policies that will ensure safe and responsible sales of beer and wine.

The minor addition of beer and wine involves no structural change to the interior space (other than some minor internal rearrangement of merchandise, shelving and coolers) nor to the building envelope, building exterior, parking or landscaping. These minor interior changes will involve no grading, construction or construction equipment to the exterior of the store. It is likely that no one will notice any change without actually entering the Store to shop. The store abuts streets and highways that are properly designed and adequate in width and pavement type to carry the type and quantity of traffic generated by the proposed off-site sales of beer and wine use.

The intent behind offering beer and wine at this store fulfills Walgreens commitment to save its customers time and money with the convenience of one-stop shopping. Thus, the same customers who currently shop at the store will continue to shop there, with the new option of being able to purchase beer and wine at the Store as opposed to some other possibly more distant and inconvenient location. As such, the sale of beer and wine for off-site consumption will not change the existing numbers of customers at the store and because of the volume of goods sold on a daily basis, devoting this small amount of shelf and refrigerator space to sell beer and wine will not materially increase the number of truck deliveries or vehicles that currently come to the store. In addition, there will be no additional traffic generated by the addition of beer and wine, and as a result, there will be no need for additional parking or loading spaces.

There are no proposed changes to the existing floor area or the intensity of uses for the store that would cause any additional traffic generation and therefore necessitate any changes to the streets and highways that abut the store as originally approved. The proposed use does not require any special public or private facilities because for the proposed off-site sales of beer and wine will be incorporated into the existing store and will require no changes to any of the existing service facilities which were deemed to be adequate at the time the store was built.



ENVIRONMENTAL INFORMATION FORM

(to be completed by applicant)

CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT

Date Filed: _____

APPLICANT INFORMATION

Name: Robert M. Silverman, The Walgreen Co.

Contact Person: Matt Dzurec, Armbruster Goldsmith & Delvac

Address: 104 Wilmot Rd, MS 1420 Deerfield, IL 60015

Address: 11611 San Vicente Boulevard, Los Angeles, CA 90049

Phone number: 847-315-4574

Phone number: 310-254-9052

Relationship to property: Lessee

Association to applicant: Representative

PROJECT LOCATION AND LAND USE

Project Address: 2400 North Sepulveda Boulevard

Assessor's Parcel Number: 4166-019-024-025

Legal Description: See Exhibit 'A'

Area District, Zoning, General Plan Designation: Area III, CG, Commercial General

Surrounding Land Uses:

North car wash

West church, bike shop, doggy day care and car rental agency

South radiology center, Repo center, restaurant, and silk screening business

East single family residences

Existing Land Use: Walgreens drugstore

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: _____

Walgreens proposes the off-site sale of beer and wine from an existing store. Sales area for beer and wine would occupy 97 square feet and storage area for beer and wine (stock room) would occupy 22 square feet of the total floor area.

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

See attached Exhibit B

Removed/

	<u>Existing</u>	<u>Proposed</u>	<u>Required</u>	<u>Demolished</u>
Project Site Area:	69,188	No change	_____	_____
Building Floor Area:	14,820	No change	_____	_____
Height of Structure(s)	23.2 feet	No change	_____	_____
Number of Floors/Stories:	1	No change	_____	_____
Percent Lot Coverage:	21%	No change	_____	_____
Off-Street Parking:	69	No change	_____	_____
Vehicle Loading Space:	2	No change	_____	_____
Open Space/Landscaping:	N/A	No change	_____	_____

Proposed Grading:

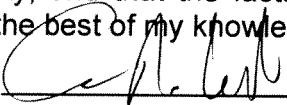
Cut None Fill None Balance None Imported None Exported None

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

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

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

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

Signature:  Prepared For: WALGREENS

Date Prepared: 9/30/10

Revised 7/97