



Staff Report

City of Manhattan Beach

TO: Honorable Mayor Tell and Members of the City Council

THROUGH: David N. Carmany, City Manager

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

DATE: July 19, 2011

SUBJECT: Consideration of the Planning Commission Decision to Approve a Use Permit Amendment to Allow a Revision From Off-Site Beer and Wine Only Sales to Full Alcohol at an Existing Target Store Located at 1200 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 and determine that the public convenience or necessity would be served by the issuance of a liquor license.

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

BACKGROUND:

The Planning Commission, at its regular meetings of May 25, 2011 and June 22, 2011, conducted public hearings and discussed the project (Exhibit A). One of the issues that was raised included allowing the selling of refrigerated full alcohol. Currently, there is a restriction in the existing Resolution No. PC 05-01, Condition No. 5 (Exhibit B) to not allow the selling of cold beer and wine. Another issue that was discussed was the approved location of alcohol in the store and the limitation of the alcohol sales area as shown on the plans submitted with this application. At the direction of the Planning Commission, staff worked with the applicant to arrive at a designated location for alcohol sales and to continue prohibition of refrigerated alcohol, and approved the project at their regular meeting of June 22, 2011.

DISCUSSION:

The subject applicant, Target, wanted the opportunity to expand their existing grocery section, offer a wider selection of full alcohol and include a cooler area. The Planning Commission supported the request to revise off-site beer and wine sales to full alcohol as part of Target's grocery market section. However, the Planning Commission continued the restriction of refrigerated alcohol because of the recommendation from the Police Department. The Police Department felt that due to the large size of the store, the variety of merchandise and the current incidents of thefts of general merchandise at this store that the restriction be continued.

Another issue that was discussed at the Planning Commission meetings was the location and area of alcohol. Specifically, the Planning Commission discussed limiting the amount of area for alcohol sales based on square footage, linear feet or number of aisles. The applicant's representative stated that Target wanted the flexibility of displaying alcohol in alternate locations based on future sales and market demand. Staff worked with the applicant and mutually agreed to limit the alcohol sales based on the number of aisles and a location in the store per the plans approved by the Planning Commission. The associated language is provided in Condition No. 4 in the attached Resolution No. PC 11-08.

After conducting the public hearing, the Planning Commission stated that since no comments or objections were received by residents for the subject application, it showed that Target is a good neighbor and is supported by the community. The Commission felt that the conditions placed on the restriction of the location and area of alcohol sales, which are stated in Resolution No. PC 11-08, would assist in enforcement and ensure that future tenants also comply with the restriction. Based on these conditions, the Planning Commission approved the subject application.

Although there are other retailers that sell alcohol for on and off-site consumption, staff does not believe that the proposed use would create a condition of "undue concentration" as Target is a general merchandise store with a grocery section. Therefore, staff supports the proposed use in that it will provide a convenient community service and that the applicant demonstrated a public necessity.

The Planning Commission approved (5-0) the subject application and adopted Resolution No. PC 11-08 at its regular meeting on June 22, 2011.

Staff reports and draft minutes 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 11-08
- B. Planning Commission 'Draft' Minutes excerpt, dated 06/22/11
- C. Planning Commission Staff Report and attachments, dated 06/22/11
- D. Plans approved 06/22/11

cc: Beth Aboulafia, Representative for Target

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RESOLUTION NO. PC 11-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT AMENDMENT, TO ALLOW THE SALE OF FULL ALCOHOL FOR OFF-SITE CONSUMPTION (TYPE 21-OFF SALE GENERAL) FOR AN EXISTING RETAIL STORE (TARGET) AT 1200 SEPULVEDA BOULEVARD (Target Corporation)

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 on May 25, 2011 and June 22, 2011, to consider an Amendment to an approved Use Permit (Resolution No. PC 11-07) for the property legally described as a Portion of Lot 7, Section 19, and Partition of Property formerly of Redondo Land Co., located at 1200 Sepulveda Boulevard in the City of Manhattan Beach.
- B. The Planning Commission conducted a public hearing on May 25, 2011, advertised the meeting pursuant to applicable law, and testimony was invited and received. The Planning Commission continued the public hearing to the meeting of June 22, 2011 to allow the applicant to revise the details of the layout of the alcohol sales area.
- C. The applicant for said use permit amendment is Target Corporation.
- D. Section 10.16.020 (L) of the Manhattan Beach Municipal Code (MBMC) requires a Use Permit Amendment when there is a new alcohol license (Type 21, Off-Sale) being issued.
- E. The Planning Commission conducted public hearings on December 8, 2004 and January 12, 2005, to consider an application for a variance to allow new parking lot poles and lights that do not meet current Code requirement for height and illumination foot standards for the property legally described as a Portion of Lot 7, Section 19, and Partition of Property formerly of Redondo Land Co., located at 1200 Sepulveda Boulevard in the City of Manhattan Beach.
- F. The Planning Commission public hearing on December 8, 2004 was advertised pursuant to applicable law, testimony was invited and received. At this meeting, the Planning Commission on a (4-0-1) vote, directed staff to prepare a Resolution of approval for review at the Planning Commission meeting of January 12, 2005. On January 12, 2005, the Planning Commission adopted Resolution No. 05-01 for a variance to allow parking lot light poles and lights that exceed the maximum allowable height and maximum allowable lighting level. Also included are conditions for beer and wine, restaurant and pharmacy use and other conditions.
- G. The proposed use is permitted in the CG (General Commercial) Zone and Sepulveda Boulevard Development Guidelines, subject to approval of a Use Permit.

**EXHIBIT A
CC MTG 7-19-11**

- H. The project is located in Area District II along the Sepulveda Boulevard commercial corridor and is zoned (CG) General Commercial. The surrounding adjacent properties to the north, south, and west are similarly zoned. The properties to the east are zoned (RS) Residential Single Family.
- I. The General Plan designation for the property is General Commercial.
- J. Pursuant to the California Environmental Quality Act (CEQA), and Manhattan Beach CEQA Guidelines, the proposed change is exempt based on a determination that it has no potential for having a significant effect on the environment.
- K. 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.
- L. The applicant is requesting an amendment to the existing Use Permit, Resolution PC 05-01. This Resolution incorporated and superseded the previous Use Permit Amendments to allow beer and wine (Resolution No. 03-19) and for the establishment of a pharmacy use (Resolution No. 04-06 – pharmacy addition not implemented).
- M. Once Resolution No.11-08 is adopted and approved; it will incorporate and supersede previous Resolution No. 05-01. Governing Resolution No. 5292 will also remain in full force for the approved Target retail store and warehouse area and the separate 10,000 square foot retail building.
- N. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code.
- O. The Planning Commission makes the following findings with respect to this application:

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

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

1 *not be detrimental to properties or improvements in the vicinity or to the general*
2 *welfare of the City.*

3 The sale of distilled spirits, as proposed to an existing retail store, poses no detrimental
4 effects to the public health, safety, or welfare of persons residing or working on the
5 proposed project site, or to the adjacent or neighborhood; and will not be detrimental to
6 properties or improvements in the vicinity or to the general welfare of the city as the site
7 continues to operate as a commercial retail use, the sales are a very limited portion of the
8 retail sales area, no refrigerated alcohol sales are provided and no on-site consumption is
9 proposed.

10 The General Plan of the City of Manhattan Beach poses certain goals and policies which
11 reflect the expectations and wishes of the City with respect to land uses. The proposed
12 amendment is consistent with the following goals and policies:

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

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

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

20 The request to amend the existing Use Permit to allow for a Type 21 (Off-Sale General)
21 license is consistent with the existing use as a retail store at this location. The proposed
22 sale of distilled spirits on an existing commercial retail use shall be in compliance with
23 applicable provisions of the (CG) General Commercial zone. This application follows
24 MBMC Section 10.16.020 (L) which requires a use permit amendment when there is
25 new alcohol license being issued or amended. Specific conditions of approval are
26 incorporated into the amended resolution to ensure safe and responsible sales of distilled
27 spirits.

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

32 ***Other Findings***

- 1 1. A determination of public convenience and necessity is made for the proposed off-sale
2 full alcohol license (as conditioned below) which shall be forwarded to the California
3 Department of Alcoholic Beverage Control upon the effectiveness of this project
4 approval.
- 5 2. The findings in Resolution No. 05-01 are still applicable.

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

1. The project shall be in substantial conformance with the plans and project descriptions submitted to, and approved by the Planning Commission on June 22, 2011. Any substantial deviation from the approved plans and/or project description must be reviewed and approved by the Planning Commission.

Alcohol License – New Conditions

2. The property owner shall obtain approval from the Alcoholic Beverage Control Board and shall be in compliance with all conditions of approval.
3. The sale of beer, wine and distilled spirits shall be for off-site consumption only and shall not be refrigerated when sold. No sales or consumption of alcohol shall take place in the existing restaurant area. On-site alcoholic beverage service is prohibited.
4. Temporary or permanent signs, visible from the outside of the building, advertising the sale of alcohol is prohibited.
5. The sale area for all beer, wine and distilled spirits sales shall be limited to two (2) aisles, approximately 32 feet in length each aisle, with 2 sides (4 sides total), of multi-tiered shelving and the end caps associated with those aisles, as shown on the approved plans.

Pharmacy Use

6. The hours of operation for the pharmacy shall be limited to 7:00 am to 11:00 pm seven days a week.
7. Any new signs advertising the pharmacy shall be compatible with the existing signage and architecture on the site and subject to review and approval of the Director of Community Development. Only new signage on the Target building will be permitted, no new signage on the existing pole sign is allowed.

Restaurant Use

8. The continued hours of operation for the food service use shall be from 8:00 a.m. to 10:00 p.m.
9. No food service deliveries shall take place at the front of the store at any time of the day.
10. The management of the store shall police the property and all areas immediately adjacent to the business during all hours of operation to keep it free of litter.

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Operational Restrictions

- 11. No outdoor storage containers shall be permitted on the subject site at any time unless used for construction purposes and approval by the Community Development Department.
- 12. No parking of delivery vehicles in "Fire Lanes" or overnight parking on the north and east side of the building shall be permitted.
- 13. The hours of construction shall be Monday-Friday 7:30 a.m. to 6:00 p.m., Saturday 9:00 a.m. to 6:00 p.m. Construction is prohibited on Sundays.
- 14. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance.
- 15. The applicant shall continue to work with staff and the neighbors to further refine the proposed Operational Plan dated March 15, 2004, to address on-going operational issues associated with, outdoor storage containers, rooftop equipment enclosure, deliveries/loading, overnight parking, parking lot maintenance, use of rear driveway, construction staging area, loading dock sound wall, and other issues related to noise and other impacts on the adjacent neighbors. The revised Operational Plan shall be reviewed and approved by the Community Development Director.

Building Division

- 16. All paths of travel areas for the remodel/addition shall meet the Disabled Access requirements.

Procedural

- 17. This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030 have expired.
- 18. Pursuant to Public Resources Code Section 21089 (b) and the Fish and Game Code Section 711.4 (c), the project is not operative, vested, or final until the requiring filing fees are paid.
- 19. Applicant agrees, as a condition of approval of this project, to pay all reasonable legal and expert fees and expenses of the City of Manhattan Beach in defending any legal action associated with the approval of the project brought against the City. In the event such a legal action is filed against the project, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

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


I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of **June 22, 2011** and that said Resolution was adopted by the following vote:

**AYES: Paralusz, Andreani, Conway,
Gross and Seville-Jones**

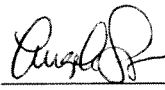
NOES:

ABSTAIN:

ABSENT:



Richard Thompson
Secretary to the Planning Commission



Sarah Boeschen *for Sarah Boeschen*
Recording Secretary

**CITY OF MANHATTAN BEACH
[DRAFT] PLANNING COMMISSION
MINUTES OF REGULAR MEETING
JUNE 22, 2011**

A Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 22nd day of June, 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, Conaway, Gross, Seville-Jones, Chairperson Paralusz
Absent: None
Staff Present: Richard Thompson, Director of Community Development
Angelica Ochoa, Assistant Planner
Recording Secretary, Sarah Boeschen

2. APPROVAL OF MINUTES – May 25, 2011

A motion was MADE and SECONDED (Seville-Jones/Andreani) to **APPROVE** the minutes of May 25, 2011.

Commissioner Andreani requested that the second paragraph under “Approval of Minutes” on page 1 of the May 25 minutes be revised to read: “. . . Arndt further stated staff is recommending the City increase the AYSO participation fee to so as to assist with replacement costs . . .”

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

3. AUDIENCE PARTICIPATION

4. PUBLIC HEARINGS

05/25/11-2 Consideration of a Use Permit Amendment to allow a Revision from Off-Site Beer and Wine Only Sales to Full Alcohol at an Existing Target Store Located at 1200 North Sepulveda Boulevard.

Director Thompson pointed out that Condition 5 on page 4 of the draft Resolution has been revised since the staff report was distributed to further clarify that the sale area for all beer, wine and distilled spirits sales shall be limited to two aisles, approximately 32 feet in length with two sides (four sides total) of multi-tiered shelving and the end caps associated with those aisles, as shown on the approved plans. He stated that the Commissioners have been provided with copies of the revised plans, which show a highlighted area that would be permitted for alcohol sales. He stated that staff is comfortable with the proposed restrictions and feels they could be easily enforced. He indicated that the applicant is in support of Condition 5 as written.

In response to a question from Commissioner Andreani, Director Thompson said that each of the two aisles is 32 feet long.

Commissioner Andreani suggested clarifying in Condition 5 that the aisles are 32 feet in length each.

Commissioner Conaway indicated that he reviewed the minutes and was in attendance at the last meeting regarding the issue. He pointed out that the rear of the store is also outlined on the revised plans. He asked for clarification that the only area permitted for alcohol sales would be the two aisles as indicated by staff.

Director Thompson said that the area permitted for alcohol sales would not include the rear area of the store. He stated that the only area permitted for alcohol sales would be the aisles as indicated on the approved plans.

Chairperson Paralusz opened the public hearing.

Beth Abolathia, representing the applicant, stated that they are in agreement with Condition 5 as has been revised. She indicated that she hopes the Commission will approve the draft Resolution as revised.

Chairperson Paralusz closed the public hearing.

Commission Discussion

Commissioner Seville-Jones commented that there was discussion at the previous hearing regarding the reason for selling hard alcohol as part of including a larger grocery section for Target. She indicated that the Commissioners indicated at the previous hearing that they wanted staff and the applicant to be in agreement with the area that is identified for allowing alcohol sales. She stated that she supports the proposal.

Commissioner Andreani thanked the applicant for reaching an agreement with staff and understanding that the Use Permit transfers with the property. She indicated that she supports the proposal.

Commissioner Conaway commented that he is comfortable with the draft Resolution as written and feels that it addresses the issue regarding defining the area specified for alcohol sales.

Commissioner Gross stated that he also heard the discussion from the previous meeting regarding the issue and has reviewed the minutes. He also commended staff and the applicant and stated that he is in favor of approving the proposed draft Resolution. He commented that the applicant has done a wonderful job in the community and has not created any issues in the adjacent neighborhood. He indicated that there have been no comments from the neighboring residents regarding the proposal, which attests to the fact that Target is supported by the community. He said that there are many empty stores along Sepulveda Boulevard, and it is important for the City to help its businesses be successful. He said that he is concerned with the restrictions that have been placed on the applicant, such as not allowing cold storage of alcohol. He said that by incorporating a larger grocery section, the applicant is in competition with Ralph's and Vons. He stated that he would not want businesses to be overly restricted, although attention must be given in cases when concern has been expressed by neighboring residents. He indicated that he is in support of the draft Resolution as proposed. He commented, however, that he does have a concern with over restricting good businesses within the City.

Commissioner Seville-Jones said that her understanding is that the Police Department recommended restricting allowing cold storage for alcohol as part of the proposal because

Target has a higher rate of shoplifting than Vons or Ralph's. She commented that she is concerned with over regulation of businesses, but she appreciates the basis for the recommendation by the Police Department. She commented that the Police Department does not often recommend restrictions on businesses.

Chairperson Paralusz said that there is more of a potential problem for shoplifting at Target than at regular grocery stores because they also sell merchandise other than groceries that may be more attractive for shoplifters.

Chairperson Paralusz stated that she is in favor of the Resolution. She thanked the applicant for being a good neighbor in the community and for working with staff to clarify the space that would be allowed for alcohol sales. She indicated that the fact that that no neighboring residents attended the hearings is an indication that the applicant has been a good neighbor.

Action

A motion was MADE and SECONDED (Andreani/Gross) to **APPROVE** a Use Permit Amendment to allow a revision from off-site beer and wine only sales to off-site full alcohol sales and continue restriction of not allowing refrigerated full alcohol at an existing Target Store located at 1200 North Sepulveda Boulevard with the plans and draft Resolution as amended and presented to the Commissioners at the hearing.

AYES: Andreani, Conaway, Gross, 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 July 19, 2011.

5. DIRECTORS ITEMS

6. PLANNING COMMISSION ITEMS

Commissioner Conaway said that he attended a community workshop hosted by the South Bay Bicycle Coalition, where the draft South Bay Bicycle Master Plan for the region was presented. He encouraged the public to visit their website at www.southbaybicyclecoalition.org. He said that the public comment period regarding the draft plan is open through July 13, 2011. He stated that another workshop is scheduled for Thursday, June 23, 2011, in Hermosa Beach at 861 Valley at 7:30 p.m.

Chairperson Paralusz welcomed new commissioners Christopher Conaway and Paul Gross.

7. TENTATIVE AGENDA July 13, 2011

8. ADJOURNMENT

The meeting was adjourned at 6:55 p.m. to Wednesday, July 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: Angelica Ochoa, Assistant Planner

DATE: June 22, 2011

SUBJECT: Consideration of a Use Permit Amendment to Allow a Revision From Off-Site Beer and Wine Only Sales to Full Alcohol at an Existing Target Store Located at 1200 North Sepulveda Boulevard.

RECOMMENDATION

Staff recommends that the Planning Commission conduct the continued public hearing and adopt Draft Resolution No. 11-08 (EXHIBIT A) approving with conditions.

PROJECT BACKGROUND

The applicant, Target Corporation applied for a Use Permit amendment on January 20, 2011 for an existing Target retail store located at 1200 North Sepulveda Boulevard. Specifically, the applicant is requesting approval of an amendment to an existing Use Permit (Resolution No. 05-01) to allow a Type 21, Off –Sale General (distilled spirits) alcohol license. The applicant currently has a beer and wine alcohol license (Type 20, Off-Sale) that was approved on November 12, 2003. The existing Target retail store underwent a full remodel last year of their entire store that included adding an extensive grocery/produce area within their existing square footage. With this application, the applicant proposes no expansion or modifications to the existing retail store.

The Planning Commission, at its regular meeting of May 25, 2011, conducted a public hearing and discussed the project (Exhibit B). One of the issues that were raised included allowing the selling of refrigerated full alcohol. Currently, there is a restriction in the existing Resolution No. 05-01, Condition No. 5 to not allow the selling of cold beer and wine. Another issue that was discussed was the approved location of alcohol in the store and the limitation of the alcohol sales area as shown on the plans submitted with this application.

The Planning Commission requested that the applicant work with staff on the designated space for alcohol sales and return with a proposed location and area of alcohol sales. The Planning Commission continued the public hearing to the meeting of June 22, 2011.

DISCUSSION

The Planning Commission heard public testimony and discussed the subject item at their regular meeting of May 25, 2011. Overall, the Planning Commission was in support of approving full alcohol sales as a result of their grocery expansion. The following issues were discussed at the meeting.

Refrigerated Alcohol

The applicant requested to amend their existing Resolution PC 05-01, Condition No. 5 to allow refrigerated alcoholic beverages. Target wanted the opportunity to expand their grocery section and offer a wider selection of alcohol by including a cooler section. However, the Planning Commission felt that because of the recommendation from the Police Department to not allow refrigerated alcohol based on the increase in incidents of thefts of general merchandise, that the restriction be continued.

Location of Alcohol

Another issue that was discussed at the Planning Commission meeting, was the location and limitation of alcohol in the store. The applicant stated that Target wanted the flexibility of displaying the alcohol in alternate locations based on future sales and market demand. The Planning Commission felt that limiting the amount of area for alcohol sales based on either square footage, linear feet or number of aisles would provide clarity and ensure that future tenants also comply with the restriction. The Planning Commission stated that this restriction is consistent when regulating design aspects of projects and being in substantial conformance with the associated Use Permit.

Staff spoke with the applicant and it was mutually agreed to limit the alcohol sales based on the number of aisles and a location in the store per the plans approved by the Planning Commission on June 22, 2011. The associated language is written in Condition No. 4 in the attached draft Resolution PC 11-08.

This Resolution will include and supersede the previous conditions from Resolution No. 05-01, although previously completed conditions have been deleted, or modified. All other conditions of the previous Resolution No. 5292, the governing Resolution for the overall site, will remain the same.

Alcohol License Conditions

The following conditions have been added to the Draft Resolution PC 11-08 (Exhibit A) as it pertains to the sales of full alcohol at the subject site:

- 1. The property owner shall obtain approval from the Alcoholic Beverage Control Board and shall be in compliance with all conditions of approval.*
- 2. The sale of beer, wine and distilled spirits shall be for off-site consumption only and shall not be refrigerated when sold. No sales or consumption of alcohol shall take place in the existing restaurant area. On-site alcoholic beverage service is prohibited.*

3. *Temporary or permanent signs, visible from the outside of the building, advertising the sale of alcohol is prohibited.*
4. *The sale area for all beer, wine and distilled spirits sales shall be limited to two (2) aisles, approximately 32 feet in length, of multi-tiered shelving and the end caps associated with those aisles, as shown on the approved plans.*

CONCLUSION

Staff recommends that the Planning Commission conduct the continued public hearing and adopt the attached draft Resolution approving the subject Use Permit Amendment with conditions.

EXHIBITS:

- A. Draft Resolution PC 11-08
- B. PC Draft Minutes, staff report and related attachments from PC Meeting of 05/25/2011
- C. Revised floor plan

cc: Beth Aboulafia, Applicant's Representative

Resolution No. PC 11-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT AMENDMENT, TO ALLOW THE SALE OF FULL ALCOHOL FOR OFF-SITE CONSUMPTION (TYPE 21-OFF SALE GENERAL) FOR AN EXISTING RETAIL STORE (TARGET) AT 1200 SEPULVEDA BOULEVARD (Target Corporation)

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 on May 25, 2011 and June 22, 2011, to consider an Amendment to an approved Use Permit (Resolution No. PC 11-07) for the property legally described as a Portion of Lot 7, Section 19, and Partition of Property formerly of Redondo Land Co., located at 1200 Sepulveda Boulevard in the City of Manhattan Beach.
- B. The Planning Commission conducted a public hearing on May 25, 2011, advertised the meeting pursuant to applicable law, and testimony was invited and received. The Planning Commission continued the public hearing to the meeting of June 22, 2011 to allow the applicant to revise the details of the layout of the alcohol sales area.
- C. The applicant for said use permit amendment is Target Corporation.
- D. Section 10.16.020 (L) of the Manhattan Beach Municipal Code (MBMC) requires a Use Permit Amendment when there is a new alcohol license (Type 21, Off-Sale) being issued.
- E. The Planning Commission conducted public hearings on December 8, 2004 and January 12, 2005, to consider an application for a variance to allow new parking lot poles and lights that do not meet current Code requirement for height and illumination foot standards for the property legally described as a Portion of Lot 7, Section 19, and Partition of Property formerly of Redondo Land Co., located at 1200 Sepulveda Boulevard in the City of Manhattan Beach.
- F. The Planning Commission public hearing on December 8, 2004 was advertised pursuant to applicable law, testimony was invited and received. At this meeting, the Planning Commission on a (4-0-1) vote, directed staff to prepare a Resolution of approval for review at the Planning Commission meeting of January 12, 2005. On January 12, 2005, the Planning Commission adopted Resolution No. 05-01 for a variance to allow parking lot light poles and lights that exceed the maximum allowable height and maximum allowable lighting level. Also included are conditions for beer and wine, restaurant and pharmacy use and other conditions.

Resolution No. PC 11-08

- G. The proposed use is permitted in the CG (General Commercial) Zone and Sepulveda Boulevard Development Guidelines, subject to approval of a Use Permit.
- H. The project is located in Area District II along the Sepulveda Boulevard commercial corridor and is zoned (CG) General Commercial. The surrounding adjacent properties to the north, south, and west are similarly zoned. The properties to the east are zoned (RS) Residential Single Family.
- I. The General Plan designation for the property is General Commercial.
- J. Pursuant to the California Environmental Quality Act (CEQA), and Manhattan Beach CEQA Guidelines, the proposed change is exempt based on a determination that it has no potential for having a significant effect on the environment.
- K. 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.
- L. The applicant is requesting an amendment to the existing Use Permit, Resolution PC 05-01. This Resolution incorporated and superseded the previous Use Permit Amendments to allow beer and wine (Resolution No. 03-19) and for the establishment of a pharmacy use (Resolution No. 04-06 – pharmacy addition not implemented).
- M. Once Resolution No.11-08 is adopted and approved; it will incorporate and supersede previous Resolution No. 05-01. Governing Resolution No. 5292 will also remain in full force for the approved Target retail store and warehouse area and the separate 10,000 square foot retail building.
- N. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code.
- O. The Planning Commission makes the following findings with respect to this application:

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

Resolution No. PC 11-08

- 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 sale of distilled spirits, as proposed to an existing retail store, poses no detrimental effects to the public health, safety, or welfare of persons residing or working on the proposed project site, or to the adjacent or neighborhood; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city as the site continues to operate as a commercial retail use, the sales are a very limited portion of the retail sales area, no refrigerated alcohol sales are provided and no on-site consumption is proposed.

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.

- 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 21 (Off-Sale General) license is consistent with the existing use as a retail store at this location. The proposed sale of distilled spirits on an existing commercial retail use shall be in compliance with applicable provisions of the (CG) General Commercial zone. 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 distilled spirits.

- 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.*

Other Findings

Resolution No. PC 11-08

1. A determination of public convenience and necessity is made for the proposed off-sale full alcohol 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 in Resolution No. 05-01 are still applicable.

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

1. The project shall be in substantial conformance with the plans and project descriptions submitted to, and approved by the Planning Commission on June 22, 2011. Any substantial deviation from the approved plans and/or project description must be reviewed and approved by the Planning Commission.

Alcohol License – New Conditions

2. The property owner shall obtain approval from the Alcoholic Beverage Control Board and shall be in compliance with all conditions of approval.
3. The sale of beer, wine and distilled spirits shall be for off-site consumption only and shall not be refrigerated when sold. No sales or consumption of alcohol shall take place in the existing restaurant area. On-site alcoholic beverage service is prohibited.
4. Temporary or permanent signs, visible from the outside of the building, advertising the sale of alcohol is prohibited.
5. The sale area for all beer, wine and distilled spirits sales shall be limited to two (2) aisles, approximately 32 feet in length, of multi-tiered shelving and the end caps associated with those aisles, as shown on the approved plans.

Pharmacy Use

6. The hours of operation for the pharmacy shall be limited to 7:00 am to 11:00 pm seven days a week.
7. Any new signs advertising the pharmacy shall be compatible with the existing signage and architecture on the site and subject to review and approval of the Director of Community Development. Only new signage on the Target building will be permitted, no new signage on the existing pole sign is allowed.

Restaurant Use

Resolution No. PC 11-08

8. The continued hours of operation for the food service use shall be from 8:00 a.m. to 10:00 p.m.
9. No food service deliveries shall take place at the front of the store at any time of the day.
10. The management of the store shall police the property and all areas immediately adjacent to the business during all hours of operation to keep it free of litter.

Operational Restrictions

11. No outdoor storage containers shall be permitted on the subject site at any time unless used for construction purposes and approval by the Community Development Department.
12. No parking of delivery vehicles in "Fire Lanes" or overnight parking on the north and east side of the building shall be permitted.
13. The hours of construction shall be Monday-Friday 7:30 a.m. to 6:00 p.m., Saturday 9:00 a.m. to 6:00 p.m. Construction is prohibited on Sundays.
14. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance.
15. The applicant shall continue to work with staff and the neighbors to further refine the proposed Operational Plan dated March 15, 2004, to address on-going operational issues associated with, outdoor storage containers, rooftop equipment enclosure, deliveries/loading, overnight parking, parking lot maintenance, use of rear driveway, construction staging area, loading dock sound wall, and other issues related to noise and other impacts on the adjacent neighbors. The revised Operational Plan shall be reviewed and approved by the Community Development Director.

Building Division

16. All paths of travel areas for the remodel/addition shall meet the Disabled Access requirements.

Procedural

17. This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030 have expired.
18. Pursuant to Public Resources Code Section 21089 (b) and the Fish and Game Code Section 711.4 (c), the project is not operative, vested, or final until the requiring filing fees are paid.

Resolution No. PC 11-08

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

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

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of **June 22, 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

**CITY OF MANHATTAN BEACH
[DRAFT] PLANNING COMMISSION
MINUTES OF REGULAR MEETING
MAY 25, 2011**

A Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 25th day of May, 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
Angelica Ochoa, Assistant Planner
Recording Secretary, Sarah Boeschen

2. CEREMONIAL CALENDAR

05/25/11-1 Presentation of a Certificate Commending Jim Fasola for his Years of Service on the Planning Commission

Chairperson Paralusz presented Commissioner Fasola with a certificate of recognition for his service on the Commission from January of 2008 through May of 2011.

The Commissioners thanked Commissioner Fasola for his service and contribution to the Commission and community.

Commissioner Fasola commented that it has been a pleasure to serve on the Commission. He stated that the Commissioners in Manhattan Beach have been the most articulate and fair minded that he has known in coming before Commissions.

3. APPROVAL OF MINUTES – May 11, 2011

Commissioner Andreani requested that Item B on page 1 of the minutes be changed to reflect that she rather than Commissioner Seville-Jones seconded the motion to approve the minutes.

Commissioner Andreani requested that the sixth sentence of the fourth paragraph on page 2 of the minutes be revised to read: “Arndt further stated staff is recommending the City increase ~~their~~ the AYSO participation fee to as to assist with replacement costs. . .”

Commissioner Fasola requested that the second sentence of the third paragraph on the second page of the minutes be revised to read: “Finton went on to state that Commissioner Fasola’s request to install turn targets would be noted.”

Commissioner Seville-Jones she requested that the third sentence in Item G on page 4 of the minutes be corrected to read: “She ~~sated~~ stated she was proud to be a resident of such a fine city.”

Chairperson Paralusz requested that the first sentence of the first paragraph on page 3 be revised to read: “Chairman Paralusz commented that the Commission’s role is to review the items and determine whether the projects are consistent with the General ~~Fund~~ Plan.”

Commissioner Andreani requested that the first sentence of the fourth paragraph on page 2, of the minutes be revised to read: “In response to a question from ~~Commission~~ Commissioner Fasola . . .”

A motion was MADE and SECONDED (Andreani/Seville-Jones) to **APPROVE** the minutes of May 11, 2011.

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

4. AUDIENCE PARTICIPATION

5. PUBLIC HEARING

05/25/11-2 Consideration of a Use Permit Amendment to Allow a Revision from Off-Site Beer and Wine Only Sales to Full Alcohol at an Existing Target Store Located at 1200 North Sepulveda Boulevard.

Assistant Planner Ochoa summarized the staff report.

In response to a question from Commissioner Fasola, Director Thompson indicated that the type of operation and location are factors that staff considers in determining whether or not to support allowing full alcohol sales or service. He stated that staff does not have a concern with allowing full alcohol sales in this case in conjunction with the full service supermarket at Target.

Commissioner Andreani suggested that the applicant be restricted from selling single serving sizes of alcoholic beverages. She also suggested a condition requiring tamper resistant caps for the bottles of hard alcohol.

Director Thompson pointed out that there would be a condition that alcoholic beverages would not be permitted to be sold out of coolers. He commented that a condition restricting the selling of single serving of alcoholic beverages could be included.

Director Thompson said that he has not seen a condition requiring that alcohol bottles include tamper resistant caps.

Commissioner Andreani commented that her understanding is that the use of tamper resistant caps is a result of people drinking out of bottles and placing the bottles back on the shelves.

Commissioner Seville-Jones said that she would think that the applicant would be motivated to sell bottles with tamper resistant caps if there was a problem with people drinking out of the bottles on the shelves.

Commissioner Seville-Jones asked if there is a difference between the applicant and other full service grocery stores that would be a reason for prohibiting them from selling alcohol out of coolers when it is permitted for other stores.

Assistant Planner Ochoa indicated that staff’s understanding is that Target has had problems with theft of general merchandise, and the Police Department felt that allowing the sale of alcohol from coolers could add to the number of thefts. She stated that there were also two

incidents in 2006 of alcohol being sold to a minor. She indicated that the police felt that the applicant should continue to be restricted from selling alcoholic beverages from a cooler.

Chairperson Paralusz opened the public hearing.

Audience Participation

Beth Aboulafia, representing the applicant, said that they are making the request to sell a small amount of distilled spirits in conjunction with the expansion of the grocery section of the store. She commented that Target is making similar changes to many of their other stores. She commented that hard alcohol would be a very small portion of the store's merchandise. She stated that they are proposing to have hard alcohol in addition with beer and wine on a total of two sides of an aisle including the endcaps and some of the cooler section. She requested that Condition 5 on page 4 of the draft Resolution be removed. She commented that the language of Condition 5 limiting alcohol sales to two 25 foot product display shelves is not accurate as to their current operation, as the shelving on each of the aisles has several tiers. She indicated that she understands the intent of the condition to prevent the grocery section from becoming more of a liquor store. She indicated, however, that Target has been selling beer and wine since 2003 and has not had an excessive amount of alcohol sales. She pointed out that there is a condition that the alcohol sales be implemented in substantial conformance with the proposed plans as submitted. She stated that the Police Department has stated that they are not opposed to the request.

In response to a question from Commissioner Fasola, **Ms. Aboulafia** said that they have been selling beers for several years without a restriction on selling single servings, and the subject proposal would not change their beer sales. She commented that they would not sell small single serving liquor bottles. She said that they would not object to a condition restricting them from selling of single serving bottles of hard liquor.

In response to a question from Commissioner Fasola, **Pricilla Ariano**, representing the applicant, stated that they sell six packs and do not sell single beers. She indicated that they sell six packs of wine.

In response to a question from Commissioner Seville-Jones, **Ms. Aboulafia** pointed out that that the violation in 2003 for selling alcohol to a minor referenced in the staff report is in error, as Target did not receive their license to sell beer and wine until December of 2003. She said that Target began to scan driver licenses for every purchase of alcohol after the violation of their license in 2006. She pointed out that there was no restriction on the amount of area for beer and wine sales when they received their permit in 2003.

In response to a question from Commissioner Seville-Jones, **Ms. Ariano** stated that there are currently no plans to reopen the garden center. She said that the area is currently being used for storage. She indicated that the garden center will most likely be converted to an extension of their warehouse.

In response to a question from Commissioner Seville-Jones, **Ms. Aboulafia** commented that the plans indicate that the alcohol display area would include two sides of an aisle with the endcaps and a portion of the area of the cooler section. She pointed out that Condition 1 in Section 2 on page 4 of the draft Resolution requires that the project be in substantial conformance with the plans and project description submitted to the Planning Department. She indicated that expanding the alcohol sales beyond conformance with the plans as submitted would be a violation of the condition. She pointed out that there was no restriction previously

placed on the amount of display space for beer and wine sales, and the only condition was that the sales be in conformance with the plans as submitted.

Commissioner Seville-Jones pointed out that Use Permits often articulate aspects of designs that are included in project plans. She indicated that she is not certain of the reason why the applicant would object to including a condition with wording that articulates the design that has been submitted.

Ms. Aboulafia said that the wording of Condition 5 is not accurate as to the current operation of the store. She indicated that they would like the flexibility to possibly add 4 feet of shelving for wine sales in the future if sales are very successful and the selling of alcohol has not resulted in any problems.

Commissioner Seville-Jones commented that if a condition is not included in the Use Permit, the applicant could include additional space for liquor sales which they may feel is in substantial conformance with the submitted plans but which extends beyond the amount of area for alcohol sales that was reviewed by staff and the Commission.

Ms. Aboulafia indicated that they do not feel there is a reason to place a strict limit on Target of one aisle of 25 feet for alcohol sales if there are no problems that arise from the proposal. She asked if they would be permitted to have an additional amount of shelving for alcohol sales if they are not permitted to have alcohol in the cooler section.

Commissioner Seville-Jones suggested that the applicant further articulate their request before the Use Permit is approved. She indicated that relying on the applicant to be in substantial conformance with the approved plans would be subjective and would not provide certainty.

Commissioner Fasola commented that it would be difficult to rely on substantial conformance with the approved plans, as the highlighted area may not be visible if the plans are copied. He indicated that there should be a limit of the area for alcohol sales specified in the Use Permit.

Chairperson Paralusz suggested the possibility of limiting the amount of area for alcohol sales by square footage rather than to one aisle. She commented that she would want to allow the applicant some flexibility in where they display the alcohol. She stated, however, that she does feel that it is important for a limit to be placed to prevent Target from expanding the area for alcohol sales beyond what has been reviewed. She pointed out that the Use Permit would stay with the property and would apply to future owners who could choose to include additional area for alcohol sales.

Ms. Aboulafia commented that limiting the area by square footage would be preferable to having a limit of one aisle for alcohol sales. She indicated that it would allow some flexibility rather than having a strict limit of 2 shelves of 25 feet.

Commissioner Andreani said that she is concerned with the applicant proposing to eliminate a condition that has been added with a lot of thought. She indicated that she would not want to impose on the applicant's business plan; however, the applicant has indicated that the alcohol sales would add a negligible amount to their total sales. She said that without a condition, the garden center could potentially become additional space for alcohol sales. She commented that she feels a limit should be placed in the Use Permit on the amount of space designated for alcohol sales.

Ms. Aboulafia clarified that they are not proposing to double the amount of space for alcohol sales. She commented that the sale of alcoholic beverages provide 1 to 3 percent of the

revenue for Target stores. She stated that the sale of beer and wine at the subject store currently provides 1 percent of the revenue for the store, and they are expecting only a slight increase to 1.2 percent with the additional sales of hard alcohol. She said that they currently are using both sides of one aisle for the sale of beer and wine and are proposing to use both sides of one aisle with the endcaps and some space in the coolers with the addition of hard alcohol sales.

In response to a question from Chairperson Paralusz, **Ms. Aboulafia** indicated that Target has been upgrading stores to sell hard alcohol for the past year. She stated that 60 or 70 stores have been approved to sell hard alcohol, and 60 stores are in the process of applying to sell hard alcohol. She indicated that she is not aware of any applications that have been denied.

Chairperson Paralusz closed the public hearing.

Commission Discussion

In response to a question from Commissioner Seville-Jones, Director Thompson commented that staff agrees that a limit needs to be included in the Use Permit regarding the area that can be used for liquor sales. He said that staff would not have a concern of allowing two or three aisles for alcohol sales but would want to ensure that a limitation is specified. He said that staff would like for the area for liquor sales to be defined in a manner that can be easily enforced. He stated that staff feels that the easiest method for defining the area for alcohol sales is to limit it to a single aisle or two aisles and endcaps. He said that staff would want the restrictions to be clear to any future operators on the property.

In response to a comment from Commissioner Fasola, Commissioner Seville-Jones said that she does not think that the Commission is over regulating the applicant, as the sales of alcohol is a property right that would pass to future operators of the property.

Commissioner Andreani said that there needs to be a limitation in the Use Permit regarding the amount of space that is permitted for alcohol sales. She said that limiting the alcohol sales to aisles would be an easy method to regulate the amount of space. She suggested the possibility of limiting alcohol sales to a certain number of linear feet rather than requiring a certain amount of square footage or number of shelves. She commented that she is in support of the proposal with the conditions that are included in the draft Resolution. She stated that she does not feel it is necessary to include a condition restricting the sale of single servings.

In response to a question from Commissioner Andreani regarding Condition 16 on page 5 of the draft Resolution, Director Thompson indicated that the condition was taken from a previous Use Permit approval. He stated that the issues addressed in the condition have been resolved. He indicated that neighboring residents may have more concerns with a store that sold a significantly larger amount of alcohol than is proposed. He said that he would suggest that the hearing be readvertised if the Commission felt it were appropriate to consider allowing a greater amount of space for alcohol sales.

Commissioner Seville-Jones commended the applicant for their contribution to the community. She commented that the additional sale of hard alcohol is consistent with the expansion of the grocery section. She indicated that she is supportive of allowing the sale of hard alcohol. She said, however, that the alcohol license remains with the property for future operators of the site. She commented that it is important for the Commissioners to understand the property rights that are being granted with the proposal. She indicated that she would not feel comfortable allowing the additional alcohol sales to be in substantial conformance with the plans without clarifying language being included in the Use Permit. She said that she feels language needs to

be included in Condition 5 that specifies the limitations that are placed on Target and allows some flexibility for them to operate as they wish. She commented that she does not feel that the applicant's preference is clear at this point. She commented that she does feel that it is important to have language for Condition 5 that is acceptable to staff and the applicant. She said that she also feels that the hearing should be renoticed if the request is for a greater amount of alcohol sales than was referenced in the previous notice. She suggested that the hearing be continued to allow staff and the applicant to come to an agreement on language for Condition 5.

Commissioner Seville-Jones indicated that she would like for a condition to be included restricting the sale of single servings of alcohol, although she is not adamant that such a condition be added. She commented that she is supportive of the recommendation by the Police Department to restrict the sale of alcoholic beverages from the coolers.

Commissioner Fasola said that he does not feel that the area for alcohol sales should be regulated by the amount of linear feet. He said that a restriction on the number of aisles that is permitted for alcohol sales is very clear and could be more easily enforced. He commented that he would like the plans to show the area that is to be designated for alcohol sales with some other reference than by using a highlighter, which would not be shown on a copy. He clarified that the Commissioners are not supportive of allowing alcohol to be sold from the coolers. He commented that he would not support adding a condition to restrict the sale of single servings of alcohol. He stated that he does not believe Target would sell small single servings of hard alcohol, and he is not aware that such a restriction has been placed on other operations in the City.

Commissioner Seville-Jones said that she would be satisfied with restricting the applicant from selling alcohol from coolers, as it would not be likely that single servings of alcohol would be sold that were not refrigerated.

Chairperson Paralusz commented that she supports the application and agrees with the comments of the other Commissioners. She suggested continuing the item to allow staff and the applicant the opportunity to reach an agreement on the language of Condition 5.

Chairperson Paralusz reopened the public hearing.

Ms. Aboulafia said that she would prefer to continue the item and have an opportunity to work with staff on the language of Condition 5.

Chairperson Paralusz closed the public hearing

Director Thompson suggested that the item be continued to the meeting of June 22, 2011.

Chairperson Paralusz reopened the public hearing.

Action

A motion was MADE and SECONDED (Fasola/Seville-Jones) to **CONTINUE** the hearing regarding a Use Permit Amendment to allow a revision from off-site beer and wine only sales to full alcohol at an existing Target Store located at 1200 North Sepulveda Boulevard to the meeting of June 22, 2011.

AYES: Andreani, Fasola, Seville-Jones, Chairperson Paralusz

NOES: None

ABSENT: None
ABSTAIN: None

6. DIRECTORS ITEMS

Director Thompson said that the Commissioners have been provided with the current Title 10 Zoning Code.

7. PLANNING COMMISSION ITEMS

Commissioner Seville-Jones indicated that she attended Chief Uyeda's retirement party along with Director Thompson and Commissioner Gross. She said that it was a wonderful event, and many people he had worked with in his career were in attendance.

In response to a question from Commissioner Fasola, Director Thompson indicated that staff's work plan includes a determination regarding the definition of open space, regulations regarding mobile food trucks, and an Ordinance regarding tattoo parlors.

Chairperson Paralusz commented that the funeral for Officer Mark Vasquez will be held on May 12, 2011, and she requested that everyone give their best thoughts to his friends and family.

8. TENTATIVE AGENDA June 8, 2011

9. ADJOURNMENT

The meeting was adjourned at 7:40 p.m. to Wednesday, June 8, 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: Angelica Ochoa, Assistant Planner

DATE: May 25, 2011

SUBJECT: Consideration of a Use Permit Amendment to Allow a Revision From Off-Site Beer and Wine Only Sales to Full Alcohol at an Existing Target Store Located at 1200 North Sepulveda Boulevard.

**RECOMMENDATION
CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION APPROVING WITH
CONDITIONS**

APPLICANT

Target Corporation
1000 Nicollet Mall
Minneapolis, MN 55403

PROPERTY OWNER

Cypress Creek Company, LP, By: Sunbelt
Corporate Center II, Inc., ITS: General Partner
San Diego, CA 92111

APPLICANT'S REPRESENTATIVE

Beth Aboulafia
Hinman & Carmichael, LLP
260 California Street, Suite 1001
San Francisco, CA 94111

PROJECT OVERVIEW

Location: 1200 Sepulveda Boulevard, northeast corner of
Sepulveda Boulevard and Manhattan Beach Boulevard
Vicinity Map, Exhibit B)

Legal Description: Portion of Lot 7, Section 19, Partition of Property formerly
of Redondo Land Co.

APN: 4166-024-021

Area District: II (Sepulveda Commercial Corridor)

LAND USE

<u>General Plan Designation:</u>	General Commercial	
<u>Zoning Designation:</u>	(CG) General Commercial and Sepulveda Boulevard Development Guidelines	
<u>Land Use:</u>	<u>Existing</u> Retail Store	<u>Proposed</u> no change
<u>Neighboring Land Uses:</u>		
North	(CG) General Commercial (Manhattan Toyota)	
East	(RS) Residential Single Family	
South, across MBB	(CG) General Commercial, (RH) High Density Residential, RM (Medium Density Residential)	
West, across Sepulveda Blvd.	(CG) General Commercial	
<u>Building Area:</u>	<u>Existing</u> 116,807 sq. ft. (retail)	<u>Proposed</u> no change
<u>Parking:</u>	534 spaces	no change
<u>Hours of Operation:</u>	7:00 a.m. – 11:00 p.m. daily	no change
<u>Alcohol Service:</u>	Beer and Wine (Type 20, Off-Sale)	Full Alcohol (Type 21, Off-Sale)

BACKGROUND

On January 20, 2011, an application was received for a Use Permit amendment for an existing Target retail store located at 1200 North Sepulveda Boulevard. The applicant, Target Corporation, is requesting approval of an amendment to an existing Use Permit (Resolution No. 05-01) to allow a Type 21, Off –Sale General (distilled spirits) alcohol license. The applicant currently has a beer and wine alcohol license (Type 20, Off-Sale) that was approved on November 12, 2003.

Last year, 2010, the existing Target retail store underwent a full remodel of their entire store that included adding an extensive grocery/produce area within their existing square footage. With this application, the applicant proposes no expansion or modifications to the existing retail store.

The Manhattan Beach Municipal Code, Section 10.16.020 (L), Commercial District Land Use Regulations, requires a Use Permit amendment and approval for any new alcohol license.

DISCUSSION

The Target store located at 1200 North Sepulveda Boulevard is a full service, retail store including a pharmacy and fresh grocery area. The construction and warehouse addition/remodel of the Target store was allowed under Resolution No. 5292 approved on November 5, 1996. Additionally, Resolution No. 05-01, was approved on January 12, 2005. This resolution allowed parking lot light poles and includes conditions for the sale of beer and wine, restaurant use, pharmacy use and other conditions that were part of the original 1993 approval. These Resolutions are attached as Exhibit C and remain as the current entitlements for the subject site.

The subject application proposes to amend Resolution PC 05-01 to allow full alcohol for off-site consumption only and to allow refrigerated alcoholic beverages. Since Target completed a major remodel, including expansion of the market section, they would like to offer customers a full range of products, including alcoholic beverages, such as beer, wine and distilled spirits. This will allow customers the convenience of one-stop shopping and more options while shopping. All alcohol sold will be for off-site consumption only. The alcoholic beverages will be displayed and located in a specific area of the store. Currently, Target has one (1) shelf of beer and wine and is proposing a total of two (2) shelves for beer, wine, and distilled spirits. They are also proposing using 4 existing wall coolers for cold beer, wine and distilled spirits. No alcoholic sales or consumption will occur in the existing dining area or consumed anywhere on site. (Exhibit D)

The project involves no structural changes to the existing building and the operation of the retail store will remain the same. The addition of full alcohol will provide customers the convenience of eliminating the need for an additional shopping trip. Target projects that the sale of alcoholic beverages will account for approximately 1.1% of total sales (Exhibit F).

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 store. The Amendment would revise condition No. 5 and include new conditions to address the sale of full alcohol as described below and in Section 2 of the Draft Resolution PC 11-08. This Resolution will include and supersede the previous conditions from Resolution No. 05-01 and previously completed conditions have been deleted, or modified. All other conditions of the previous Resolution No. 5292 will remain the same.

A chart of all the existing businesses in town with off-sale alcohol licenses including the businesses hours of operations has been provided in this report (Exhibit E). 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.

Department Comments

The Manhattan Beach Police Department had no objection to allowing full alcohol but wanted the existing condition which prohibits the selling of refrigerated alcoholic beverages to remain.

This condition has been included in No. 5, Section 2 of the Draft Resolution. According to the Police Department, Target has many incidents of general merchandise theft and felt that allowing refrigerated alcoholic beverages would increase the probability of incidents of theft. Additionally, in 2003 Target was cited for one (1) incident and in 2006, two (2) incidents of selling alcohol to a minor. The Fire and Public Works Departments, as well as the Building and Safety Division, had no comments or concerns regarding the proposed amendment (Exhibit G).

Alcohol License Conditions

The following conditions have been added to the Draft Resolution PC 11-08 (Exhibit A) as it pertains to the sales of full alcohol at the subject site:

1. *The property owner shall obtain approval from the Alcoholic Beverage Control Board and shall be in compliance with all conditions of approval.*
2. *The sale of beer, wine and distilled spirits shall be for off-site consumption only and shall not be refrigerated when sold. No sales or consumption of alcohol shall take place in the existing restaurant area. On-site alcoholic beverage service is prohibited.*
3. *Temporary or permanent signs, visible from the outside of the building, advertising the sale of alcohol is prohibited.*
4. *The sale area for all beer, wine and distilled spirits sales shall be limited to two (2) product display shelves, approximately 25 feet in length each as shown on the approved plans.*

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

2. *The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working on the proposed*

project site or in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.

The sale of distilled spirits, as proposed to an existing retail store, poses no detrimental effects to the public health, safety, or welfare of persons residing or working on the proposed project site, or to the adjacent or neighborhood; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city as the site continues to operate as a commercial retail use, the sales are a very limited portion of the retail sales area, no refrigerated alcohol sales are provided and no on-site consumption is proposed.

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 21 (Off-Sale General) license is consistent with the existing use as a retail store at this location. The proposed sale of distilled spirits on an existing commercial retail use shall be in compliance with applicable provisions of the (CG) General Commercial zone. 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 distilled spirits.

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 distilled spirits that will provide a convenient community service to the existing retail use. Additionally, no store modification or additional signage regarding the subject proposal is being proposed.

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 11-08
- B. Vicinity Map
- C. Resolution No. 5292 and PC Resolution No. 05-01
- D. Floor plan of alcohol area
- E. Chart of businesses with Off-sale Alcohol Licenses
- F. Applicant's application and documentation
- G. Department Comments

Resolution No. PC 11-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT AMENDMENT, TO ALLOW THE SALE OF FULL ALCOHOL FOR OFF-SITE CONSUMPTION (TYPE 21-OFF SALE GENERAL) FOR AN EXISTING RETAIL STORE (TARGET) AT 1200 SEPULVEDA BOULEVARD (Target Corporation)

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 May 25, 2011, to consider an Amendment to an approved Use Permit (Resolution No. PC 11-07) for the property legally described as a Portion of Lot 7, Section 19, and Partition of Property formerly of Redondo Land Co., located at 1200 Sepulveda Boulevard in the City of Manhattan Beach.
- B. The Planning Commission public hearing of May 25, 2011 was advertised pursuant to applicable law, testimony was invited and received.
- C. The applicant for said use permit amendment is Target Corporation.
- D. Section 10.16.020 (L) of the Manhattan Beach Municipal Code (MBMC) requires a Use Permit Amendment when there is a new alcohol license (Type 21, Off-Sale) being issued.
- E. The Planning Commission conducted public hearings on December 8, 2004 and January 12, 2005, to consider an application for a variance to allow new parking lot poles and lights that do not meet current Code requirement for height and illumination foot standards for the property legally described as a Portion of Lot 7, Section 19, and Partition of Property formerly of Redondo Land Co., located at 1200 Sepulveda Boulevard in the City of Manhattan Beach.
- F. The Planning Commission public hearing on December 8, 2004 was advertised pursuant to applicable law, testimony was invited and received. At this meeting, the Planning Commission on a (4-0-1) vote, directed staff to prepare a Resolution of approval for review at the Planning Commission meeting of January 12, 2005. On January 12, 2005, the Planning Commission adopted Resolution No. 05-01 for a variance to allow parking lot light poles and lights that exceed the maximum allowable height and maximum allowable lighting level. Also included are conditions for beer and wine, restaurant and pharmacy use and other conditions.
- G. The proposed use is permitted in the CG (General Commercial) Zone and Sepulveda Boulevard Development Guidelines.

Resolution No. PC 11-08

- H. The project is located in Area District II along the Sepulveda Boulevard commercial corridor and is zoned (CG) General Commercial. The surrounding adjacent properties to the north, south, and west are similarly zoned. The properties to the east are zoned (RS) Residential Single Family.
- I. The General Plan designation for the property is General Commercial.
- J. Pursuant to the California Environmental Quality Act (CEQA), and Manhattan Beach CEQA Guidelines, the proposed change is exempt based on a determination that it has no potential for having a significant effect on the environment.
- K. 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.
- L. The applicant is requesting an amendment to the existing Use Permit, Resolution PC 05-01. This Resolution incorporated and superseded the previous Use Permit Amendments to allow beer and wine (Resolution No. 03-19) and for the establishment of a pharmacy use (Resolution No. 04-06 – pharmacy addition not implemented).
- M. Once Resolution No.11-08 is adopted and approved; it will incorporate and supersede previous Resolution No. 05-01. Governing Resolution No. 5292 will also remain in full force for the approved Target retail store and warehouse area and the separate 10,000 square foot retail building.
- N. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code.
- O. The Planning Commission makes the following findings with respect to this application:

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

2. *The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health , safety or welfare of persons residing or working on*

Resolution No. PC 11-08

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 sale of distilled spirits, as proposed to an existing retail store, poses no detrimental effects to the public health, safety, or welfare of persons residing or working on the proposed project site, or to the adjacent or neighborhood; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city as the site continues to operate as a commercial retail use, the sales are a very limited portion of the retail sales area, no refrigerated alcohol sales are provided and no on-site consumption is proposed.

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 21 (Off-Sale General) license is consistent with the existing use as a retail store at this location. The proposed sale of distilled spirits on an existing commercial retail use shall be in compliance with applicable provisions of the (CG) General Commercial zone. 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 distilled spirits.

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.*

Other Findings

1. A determination of public convenience and necessity is made for the proposed off-sale full alcohol license (as conditioned below) which shall be forwarded to the California Department of Alcoholic Beverage Control upon the effectiveness of this project approval.

Resolution No. PC 11-08

2. The findings in Resolution No. 05-01 are still applicable.

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

1. The project shall be in substantial conformance with the plans and project descriptions submitted to, and approved by the Planning Commission on May 25, 2011. Any substantial deviation from the approved plans and/or project description must be reviewed and approved by the Planning Commission.

Alcohol License – New Conditions

2. The property owner shall obtain approval from the Alcoholic Beverage Control Board and shall be in compliance with all conditions of approval.
3. The sale of beer, wine and distilled spirits shall be for off-site consumption only and shall not be refrigerated when sold. No sales or consumption of alcohol shall take place in the existing restaurant area. On-site alcoholic beverage service is prohibited.
4. Temporary or permanent signs, visible from the outside of the building, advertising the sale of alcohol is prohibited.
5. The sale area for all beer, wine and distilled spirits sales shall be limited to two (2) product display shelves, approximately 25 feet in length each as shown on the approved plans.

Pharmacy Use

6. The hours of operation for the pharmacy shall be limited to 7:00 am to 11:00 pm seven days a week.
7. Any new signs advertising the pharmacy shall be compatible with the existing signage and architecture on the site and subject to review and approval of the Director of Community Development. Only new signage on the Target building will be permitted, no new signage on the existing pole sign is allowed.

Restaurant Use

8. The continued hours of operation for the food service use shall be from 8:00 a.m. to 10:00 p.m.
9. No food service deliveries shall take place at the front of the store at any time of the day.

Resolution No. PC 11-08

10. The management of the store shall police the property and all areas immediately adjacent to the business during all hours of operation to keep it free of litter.

Operational Restrictions

11. No outdoor storage containers shall be permitted on the subject site at any time unless used for construction purposes and approval by the Community Development Department.
12. Prior to issuance of building permit, a construction management plan, relative to construction equipment and storage container(s), shall be provided and approved by the Community Development Department.
13. No parking of delivery vehicles in "Fire Lanes" or overnight parking on the north and east side of the building shall be permitted.
14. The hours of construction for the project shall be Monday-Friday 7:30 a.m. to 6:00 p.m., Saturday 9:00 a.m. to 6:00 p.m. Construction is prohibited on Sundays.
15. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance.
16. The applicant shall continue to work with staff and the neighbors to further refine the proposed Operational Plan dated March 15, 2004, to address on-going operational issues associated with, outdoor storage containers, rooftop equipment enclosure, deliveries/loading, overnight parking, parking lot maintenance, use of rear driveway, construction staging area, loading dock sound wall, and other issues related to noise and other impacts on the adjacent neighbors. The revised Operational Plan shall be reviewed and approved by the Community Development Director.

Building Division

17. All paths of travel areas for the remodel/addition shall meet the Disabled Access requirements.

Procedural

18. This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030 have expired.
19. Pursuant to Public Resources Code Section 21089 (b) and the Fish and Game Code Section 711.4 (c), the project is not operative, vested, or final until the requiring filing fees are paid.
20. Applicant agrees, as a condition of approval of this project, to pay all reasonable legal and expert fees and expenses of the City of Manhattan Beach in defending

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any legal action associated with the approval of the 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.

21. An annual review of these conditions of approval will be conducted by the Planning Division within one year of the initial date of this approval.
22. The applicant/business owner shall cooperate with the Department of the Community Development in its conduct of periodic reviews for compliance of conditions of approval.
23. Any questions of intent or interpretation of any conditions will be resolved by the Planning Commission.

SECTION 3. Pursuant to Government Code Section 65009 and Code of Civil Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution. The Department of Community Development

Resolution No. PC 11-08

shall send a copy of this resolution to the applicant, and if any, the appellant at the address of said person set forth in the record of the proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of **May 25, 2011** and that said Resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

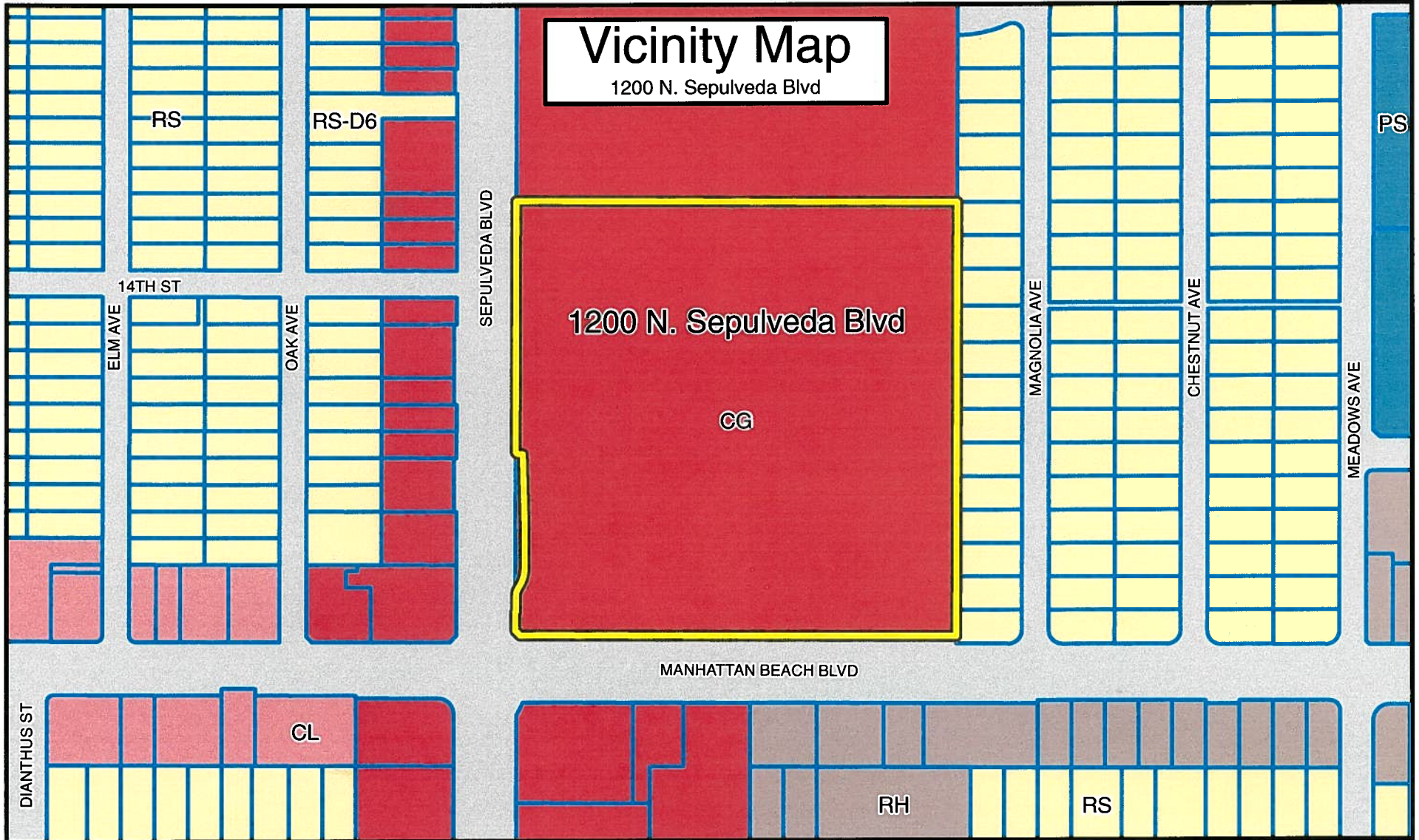
ABSENT:

Richard Thompson
Secretary to the Planning Commission

Sarah Boeschen
Recording Secretary

Vicinity Map

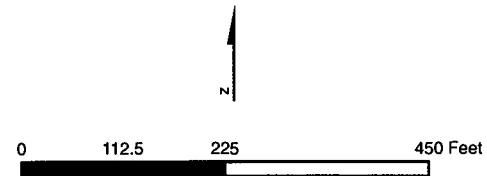
1200 N. Sepulveda Blvd



Legend

- 1200 N. Sepulveda Blvd
- Parcels
- CG - General Commercial
- CL - Local Commercial
- RH - Residential High Density
- RM - Residential Medium Density
- RS - Residential Single Family
- RS-D6 - Residential Single Family Design Review

Exhibit B



**City of Manhattan Beach
Community Development**

1 RESOLUTION NO. 5292

2 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
3 MANHATTAN BEACH APPROVING A MASTER USE PERMIT
4 AMENDMENT TO ALLOW THE CONSTRUCTION OF A
5 10,000 SQUARE FOOT RETAIL BUILDING WHICH
6 WOULD REPLACE AN EXISTING 6,700 SQUARE FOOT
7 TIRE SHOP ON THE PROPERTY LOCATED AT 1200 N.
8 SEPULVEDA BOULEVARD IN THE CITY OF MANHATTAN
9 BEACH (Latigo/West Development Company)

10 WHEREAS, this Resolution shall amend, supersede, and
11 replace Resolution No. PC 95-29 adopted by the Planning Commission
12 on September 27, 1995; and,

13 WHEREAS, the Planning Commission of the City of
14 Manhattan Beach conducted a public hearing on June 26, August 14,
15 and August 28, 1996, pursuant to applicable law, to consider an
16 Amendment to an approved Master Use Permit (Resolution PC No. 95-
17 29), for the property legally described as That portion of Lot 7,
18 in Section 19, as shown on the Partition Map showing property
19 formerly of the Redondo Land Company, and located at 1200 N.
20 Sepulveda, in the City of Manhattan Beach; and,

21 WHEREAS, the Planning Commission approved the subject
22 Master Use Permit Amendment and adopted Resolution No. PC 96-23 at
23 their hearing of August 28, 1996; and,

24 WHEREAS, the City Council of the City of Manhattan
25 Beach appealed the decision of the Planning Commission, pursuant
26 to Section 10.100.040 (B) of the Manhattan Beach Municipal Code
27 (MBMC), at their regular meeting of September 17, 1996; and,

28 WHEREAS, the City Council presented findings consistent
29 with the provisions of Section 10.100.040 (B) of the MBMC as the
30 basis for the appeal; and,

31 WHEREAS, the City Council conducted an appeal hearing
32 on October 1, 1996 and November 5, 1996, pursuant to applicable
law, to consider Resolution No. PC 96-23; and,

EXHIBIT C
PC Mtg. 5/25/11

1 WHEREAS, on November 5, 1996, the City Council affirmed
2 the decision of the Planning Commission with modifications; and,

3 WHEREAS, the applicant for said project is Latigo/West
4 Development Company, property owner's representative; and,

5 WHEREAS, all public hearings were advertised pursuant
6 to applicable law, testimony was invited and received; and,

7 WHEREAS, an Initial Study was prepared, and a Negative
8 Declaration was issued in accordance with the California
9 Environmental Quality Act (CEQA), as amended by the City of
10 Manhattan Beach CEQA Guidelines, finding no significant
11 environmental impacts associated with the project; and,

12 WHEREAS, the City Council finds that, based upon the
13 Initial Study and hearing record, the project will not
14 individually or cumulatively have an adverse effect on wildlife
15 resources, as defined in Section 711.2 of the Fish and Game Code;
16 and,

17 WHEREAS, the subject property is located along the
18 Sepulveda Boulevard corridor, a commercial arterial, and is zoned
19 (CG) General Commercial and is designated "General Commercial" in
20 the General Plan.

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

24 SECTION 1. That the City Council does hereby make the
25 following findings:
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- 27 1. The applicant requests approval of a Master
28 Use Permit Amendment to allow the construction of a new
29 10,000 square foot single story retail building, which would
30 replace an existing 6,700 square foot tire shop.

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1 2. The Planning Commission approved the Master
2 Use Permit Amendment at a duly noticed public hearing on
3 August 28, 1996 and adopted Resolution No. PC 96-23.

4 3. The City Council appealed the decision of the
5 Planning Commission, pursuant to the provisions of Section
6 10.100.040 of the MBMC, at their regular meeting of September
7 17, 1996.

8 4. The City Council conducted a duly noticed
9 appeal hearing on October 1, 1996 and November 5, 1996.

10 5. The City Council affirmed the decision of the
11 Planning Commission subject to the following modifications:

12 A. Require the construction of a right turn
13 lane along Sepulveda Boulevard and sufficient land
14 dedication to accommodate said lane; and,

15 B. The applicant shall enter into a
16 Development Bond agreement with the City of Manhattan
17 Beach for the construction of the right turn lane prior
18 to the issuance of any building permits. The bond
19 agreement shall be reviewed and approved subject to the
20 satisfaction of the City of Manhattan Beach; and,

21 C. The siting of construction related
22 equipment (job site offices, trailers, materials, etc.)
23 shall be subject to the approval from the Director of
24 Community Development prior to the issuance of any
25 building permits.
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27 6. Based on testimony from the City's Traffic
28 Engineer, construction of a right turn lane would improve
29 commuter traffic along Sepulveda Boulevard and improve access
30 to the subject site.

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7. The condition to require a right turn lane is consistent with the Goals and Policies of the General Plan, specifically Policy 2.1 which requires, where applicable, additional traffic lanes at the entry of new developments along Sepulveda Boulevard to improve traffic flow and safety.

8. The previous approval for the subject property allowed the primary tenant on the site, Target Greatland, to remodel and increase square footage. The Target building contains 135,957 square feet of building area, of which 104,482 square feet is used for retail and incidental food and beverage sales (1,395 square feet), 19,150 square feet is used as storage area and 12,325 square feet is used for a garden center area. No change in use, or enlargement/alteration to interior/exterior conditions are proposed for the Target Greatland establishment.

9. The property is located in Area District II along the Sepulveda Boulevard corridor, and is zoned General Commercial (CG) as are the properties to the north and west. The properties to the east are zoned (RS) Residential Single Family; and the properties to the south are zoned (CG) General Commercial and (RH) Residential High Density.

10. The project will not result in any significant adverse impacts to traffic, including access to site and circulation, as mitigated by the conditions of this Resolution and based upon the review of the project by the City's Traffic Engineer.

11. Based upon State law, the proposed project will meet the required findings as follows:

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A. The proposed project is consistent with the development standards of Title 10 (Zoning Ordinance), and is in accordance with the objectives of the "CG" zoning district (Chapter 10.16) and Area District II.

B. The proposed project is consistent with the Land Use Element of the General Plan which identifies retail as a desired use in the General Commercial district.

C. The proposed project is consistent with similar uses in the "CG" zoning district, and along the Sepulveda Boulevard corridor.

D. The proposed project will comply with all applicable provisions of Title 10, and with all applicable conditions of this Resolution.

E. The proposed project, as mitigated by the conditions of this Resolution, will not create any significant adverse impacts upon public services/facilities, nor upon traffic circulation, and new demand can be adequately met by existing and proposed public facilities.

SECTION 2. The City Council does hereby approve the subject Master Use Permit Amendment for the property located at 1200 N. Sepulveda Boulevard, subject to the following conditions: (*Denotes conditions of approval specifically applicable to this project).

Site Preparation

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

1 **Traffic/Circulation**

2 2. A Traffic Management Plan shall be submitted by
3 the applicant or contractor, subject to approval from the Director
4 of Community Development, in conjunction with the building plan
5 check. The plan shall provide for the management of all
6 construction related traffic during all phases of the project,
7 including delivery of materials and parking.

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

12 4. As part of this project, the applicant shall be
13 required to upgrade the traffic signal on Manhattan Beach
14 Boulevard to a hard-wire interconnect with the existing traffic
15 signal on Sepulveda Boulevard and Manhattan Beach Boulevard. This
16 provision will synchronize both traffic signals to improve traffic
17 flow on both eastbound and westbound traffic on Manhattan Beach
18 Boulevard (PC 95-29, Condition #3).

19 5.* The property owner shall remove the two most
20 southerly driveway entrances adjacent to the Sepulveda Boulevard
21 property line and the two most westerly driveway entrances
22 adjacent to Manhattan Beach Boulevard and reconstruct the curb and
23 sidewalk subject to approval from the City Engineer.

24 6.* In order to provide greater driveway accessibility
25 on Sepulveda Boulevard, the northerly most driveway (located at
26 14th Street) shall provide a twenty-five (25) foot radius; the
27 southerly driveway (second driveway south from the north property
28 line) shall provide a twenty five (25) foot radius (PC 95-29,
29 Condition #4, modified by Condition #7 below).

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1 7.* The applicant shall be responsible for all public
2 improvements associated with the project, as diagrammed on Exhibit
3 A-1 (attached -- formerly known as Scheme 2). Such improvements
4 include, but are not limited to, the construction of a right turn
5 lane subject to Caltrans specifications and approval, alignment of
6 the northern curb cut and circulation aisle (south of the 14th
7 Street curb cut), and an increased curb radius to twenty five (25)
8 feet for the subject curb cut.

9 8.* The applicant shall enter into a Development Bond
10 agreement with the City of Manhattan Beach for the construction of
11 the right turn lane and associated improvements prior to the
12 issuance of any building permits. The Bond agreement shall
13 establish a time frame for the initial construction and ultimate
14 completion of the proposed improvements. The Development Bond
15 agreement shall be subject to the approval of the City Attorney
16 and the City Engineer.

17 9. Prior to being issued building permits for the
18 project, the property owner shall dedicate property sufficient in
19 the opinion of the City Engineer to build the required right turn
20 lane regardless of its specific design. At the time the
21 dedication and improvements are formally accepted by the City, the
22 City shall only accept dedication of the property on which the
23 right turn lane has been constructed and shall formally reject the
24 offer of dedication for property unnecessary for the improvement.
25

26 10.* The property owner shall be responsible for
27 providing a "Right Turn Only" sign at the southern driveway (south
28 of the 14th Street driveway), subject to the review of the
29 Community Development Department.
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1 **Lighting**

2 11. The applicant shall be responsible for the design
3 and construction of a parking lot lighting system which shall be
4 in compliance with Section 10.64.170 of the Municipal Code for
5 parking lot lighting. The approved lighting system shall be
6 installed and operational prior to the issuance of the Certificate
7 of Occupancy for the development. The plan shall indicate
8 compliance with zoning code requirements, mitigation of light and
9 glare impacts upon residential neighbors, and security concerns in
10 a manner that is non-intrusive into adjacent residential
11 properties.

12 12. All parking lot lights shall have hoods installed
13 to direct the glare away from the residential areas, meeting the
14 approval of the Community Development Department.

15 **Landscaping**

16 13. A site landscaping plan utilizing drought tolerant
17 native plants shall be submitted for review and approval
18 concurrent with the building permit application. All plants shall
19 be identified on the plan by the Latin and common names. The
20 current edition of the Sunset Western Garden Book contains a list
21 and description of drought tolerant plants suitable for this area.

22 This plan shall be prepared by a licensed landscape architect, as
23 required by state law.

24 14. A low pressure or drip irrigation system shall be
25 installed in the landscaped areas. Details of the irrigation
26 system shall be noted on the landscaping plans. The type and
27 design shall be subject to the approval of the Public Works and
28 Community Development Departments.

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1 15. Erosion of the existing landscaped area along the
2 easterly property line shall be controlled by proper landscaping
3 and irrigation (PC 95-29, Condition #10).

4 16.* The landscaped area along Sepulveda Boulevard, and
5 between Sepulveda Boulevard and the first driveway, east along
6 Manhattan Beach Boulevard, shall be sufficient in height in order
7 to mask out the parking lot asphalt subject to the approval of the
8 Community Development Department (PC 95-29, Condition #11,
9 modified by this Resolution).

10 **Signage**

11 17. All signs (permanent or temporary) must obtain a
12 permit prior to installation and shall be subject to the governing
13 Comprehensive Sign Program (PC 96-13).

14 **Business Operation**

15 18.* The hours of operation shall be between 7:00 a.m.
16 and 11:00 p.m., seven days a week for Target Greatland (PC 95-29
17 Condition #14) and between 7:00 am and 12 Midnight for the 10,000
18 square foot retail building.

19 19.* Deliveries to the Target building shall be
20 conducted after 7:30 a.m. and before 12:00 midnight (on a six-
21 month trial basis). If complaints are received six months after
22 completion of the work, the delivery hours may be reduced to 10:00
23 p.m. Deliveries to the 10,000 square foot retail building shall
24 only be permitted between 7:30 a.m. and 6 p.m. (PC 95-29,
25 Condition #15, modified by this Resolution).

26 20.* The proposed building shall be used for retail use
27 only. Any future change of use, other than retail, shall be
28 subject to review and approval by the Planning Commission.

29 21. Noise emanating from the site shall be in
30 compliance with the Municipal Noise Ordinance.
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1 22. A trash bin enclosure shall be constructed of a
2 size and location subject to the approval of the Public Services
3 Department.

4 23. Any future proposal for a Satellite Dish shall
5 meet the current Code requirement for setbacks, maximum height,
6 maximum dish dimension, screening, undergrounding and surface
7 material and finishes, subject to the approval of the Community
8 Development Department.

9 24. The back of all raised parapets shall be provided
10 with finished materials.

11 25. During the Christmas Holiday Season all sales of
12 Christmas trees and related items shall be contained within the
13 proposed "garden center". No parking, pedestrian or automobile
14 access areas shall be utilized (PC 95-29, Condition #20).

15 **Procedural**

16 26. The project shall be constructed and maintained in
17 substantial compliance with the plans as approved by the City
18 Council on November 5, 1996.

19 27. The Master Use Permit shall lapse one year
20 (November 5, 1997) after its effective date unless implemented or
21 renewed as specified in Section 10.84.090 of the Municipal Code.

22 28. Applicant agrees, as a condition of approval of
23 this project, to pay all reasonable legal and expert fees and
24 expenses of the City of Manhattan Beach, up to \$20,000, in
25 defending any legal action brought against the City within 90 days
26 after the City's final approval of the project, other than one by
27 the applicant, challenging the approval of this project, or any
28 action or failure to act by the City relating to the environmental
29 review process pursuant to the California Environmental Act. In
30 the event such a legal action is filed against the City, the City
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1 shall estimate its expenses for the litigation and Applicant shall
2 deposit said amount with the City or enter into an agreement with
3 the City to pay such expenses as they become due (PC 95-29,
4 Condition #24).

5 29. The applicant/business owner shall cooperate with
6 the Department of Community Development in its conduct of periodic
7 reviews of the subject use permit.

8 SECTION 3. Pursuant to Government Code Section 65907
9 and Code of Civil Procedure Section 1094.6, any action or
10 proceeding to attack, review, set aside, void or annul this
11 decision, or concerning any of the proceedings, acts, or
12 determinations taken, done or made prior to such decision or to
13 determine the reasonableness, legality or validity of any
14 condition attached to this decision shall not be maintained by any
15 person unless the action or proceeding is commenced within 90
16 days of the date of this resolution and the City Council is served
17 within 120 days of the date of this resolution. The City Clerk
18 shall send a certified copy of this resolution to the applicant,
19 and if any, the appellant at the address of said person set forth
20 in the record of the proceedings and such mailing shall constitute
21 the notice required by Code of Civil Procedure Section 1094.6.

22 SECTION 4. The City Clerk shall make this Resolution
23 reasonably available for public inspection within thirty (30)
24 days of the date this Resolution is adopted.

25 SECTION 5. The City Clerk shall certify to the
26 adoption of this Resolution and thenceforth and thereafter the
27 same shall be in full force and effect.
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Res. 5292

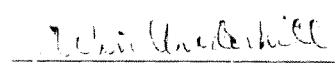
PASSED, APPROVED, and ADOPTED this 5th day of November,
1996.

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



Mayor, City of Manhattan Beach,
California

ATTEST



City Clerk

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A VARIANCE TO ALLOW NEW PARKING LOT LIGHT POLES AND LIGHTS IN THE FRONT PARKING LOT TO EXCEED MAXIMUM ALLOWABLE HEIGHT AND MAXIMUM ALLOWABLE LIGHTING LEVEL AT 1200 SEPULVEDA BOULEVARD
(Target Corporation/Pacific Land Services)**

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 pursuant to applicable law on December 8, 2004, to consider an application for a Variance for the property legally described as a Portion of Lot 7, Section 19, and Partition of Property formerly of Redondo Land Co., located at 1200 Sepulveda Boulevard in the City of Manhattan Beach.
- B. At the December 8, 2004 meeting, the Planning Commission, on a 4-0-1 vote, passed a motion to direct Staff to prepare a 'Draft' Resolution of approval for review at the Planning Commission meeting of January 12, 2005.
- C. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- D. The applicant for the Use Permit Amendment is Pacific Land Services, Target representatives.
- E. The proposed use is permitted in the CG (General Commercial) Zone and Sepulveda Boulevard Development Guidelines but subject to a Variance approval for proposed light poles that do not meet current Code requirement for height and illumination foot candle standards.
- F. Pursuant to the California Environmental Quality Act (CEQA), and Manhattan Beach CEQA Guidelines, the proposed change is exempt based on a determination that it has no potential for having a significant effect on the environment.
- G. The Planning Commission made the following findings with respect to this Variance application:
 1. The applicant requests approval of a Variance application to allow: 1) the replacement of existing nonconforming 35-foot high light poles with new 35-foot poles, which exceed the maximum allowable height of 12 feet, 2) lights with illumination levels which exceed the maximum 3-foot candle commercial illumination standard and 3) new 35-foot light poles which exceed the maximum structure height of 30 feet.
 2. The applicant proposes to replace all nine 35-foot tall light poles with new poles at their present height. The existing 6 light poles located in the main parking area (in front of the building) would be removed and replaced with 8 new poles and concrete footings. The three 35-foot poles located along Manhattan Beach Boulevard would be replaced with new poles and will remain in the same location with the same concrete footings. The four existing 12-foot high light poles adjacent to the separate retail building would not be altered or relocated.
 3. The project is located in Area District II along the Sepulveda Boulevard commercial corridor and is zoned (CG) General Commercial. The surrounding adjacent properties to the north, south, and west are similarly zoned. The properties to the east are zoned (RS) Residential Single Family.

Resolution No. 05-01

4. The General Plan designation for the property is General Commercial.
5. Based upon State law, the proposed project will meet the required findings as follows:

Variance

- a) The special circumstance applicable to this property is the large size of the property which is not conducive for providing the shorter 12 foot tall light fixtures. The applicant's proposal to maintain the existing 35-foot pole height for all 11 new light poles would provide improved lighting to the site and provide a safe and secure environment for their customers. Having to meet the current maximum Code requirement of 12-foot high poles would create a hardship for the applicant because it would create the need for substantial increase of approximately 40 light poles, which increases the light source for glare due increase lighting. The proposed eleven (11) 35-foot light poles would cast no light across any of the adjoining property lines particularly to the residential properties to the east. The proposed plan would use new full cutoff fixtures (the bulb and lens are recessed inside the fixture) which would eliminate the visibility of the lamp elements (bulbs) from location off the Target property.
 - b) The relief may be granted without substantial detriment to the public good and the project would not be detrimental or injurious to property or improvements in the vicinity of the development. The size of the property and the number of visits by employees and guest makes this site extraordinary and exceptional for granting relief for taller light poles and light levels higher than is presently permitted by Code. The proposed light pole locations would be located away from the residential neighborhood to the east and will be designed to minimize glare by replacing the existing sag lens fixtures with cutoff fixtures that provide shields and skirts, which further minimize glare and off-site spillage. The off-site foot-candles dissipate dramatically as it gets closer to the property lines particularly to the east and west. Additionally, the existing Target store structure also acts as a buffer to the residential properties which are situated at a higher elevation on Magnolia Avenue.
 - c) Granting the request is consistent with the purpose of Title 10 of the MBMC and would not constitute a granting of a special privilege because the proposal consists of replacing existing 30 year old 35-foot high light poles with new 35-foot light poles with updated light fixtures. Maintaining the existing pole height provides a more efficient and safe environment for team members and patrons.
- H. This Resolution is intended to incorporate and supersede the previous Use Permit Amendments to allow beer and wine (Resolution No. 03-19) and for the establishment of a pharmacy use (Resolution No. 04-06 – pharmacy addition not implemented). Governing Resolution No. 5292 will also remain in full force for the approved Target retail store and warehouse area and the separate 10,000 square foot retail building.

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

1. The project shall be in substantial conformance with the plans and project descriptions submitted to, and approved by the Planning Commission on January 12, 2005 (for the light poles) and pharmacy plans and project description (approved 11/12/03). Any substantial deviation from the approved plans and/or project description must be reviewed and approved by the Planning Commission.

Resolution No. 05-01

Pharmacy Use

2. The hours of operation for the pharmacy shall be limited to 7:00 am to 11:00 pm seven days a week.
3. Any new signs advertising the pharmacy shall be compatible with the existing signage and architecture on the site and subject to review and approval of the Director of Community Development. Only new signage on the Target building will be permitted, no new signage on the existing pole sign is allowed.

Beer and Wine License

4. The property owner shall obtain approval from the Alcoholic Beverage Control Board and shall be in compliance with all conditions of approval.
5. The sale of beer and wine shall be for off-sale consumption only and shall not be refrigerated when sold. No sales or consumption of alcohol shall take place in the existing restaurant area.
6. No permanent sign modification and/or additions advertising the sale of alcohol is proposed.

Restaurant Use

7. The outdoor dining area will be removed and the remaining indoor food service use will now contain approximately 1,216 sq. ft. (495 square feet. dining area and 721 square feet. equipment area).
8. The continued hours of operation for the food service use shall be from 8:00 a.m. – 10:00 p.m.
9. No food service deliveries shall take place at the front of the store at any time of the day.
10. The management of the store shall police the property and all areas immediately adjacent to the business during all hours of operation to keep it free of litter.

Light Poles

11. The total height of all proposed light poles shall not exceed a height of 35-feet which includes the concrete base, pole and light fixture.
12. The applicant shall submit comprehensive plans, including photometric study, for review and approval by both the Building and Planning Divisions.

Operational Restrictions

13. No outdoor storage containers shall be permitted on the subject site at any time unless used for construction purposes and approval by the Community Development Department.
14. Prior to issuance of building permit, a construction management plan, relative to construction equipment and storage container(s), shall be provided and approved by the Community Development Department.
15. No parking of delivery vehicles in "Fire Lanes" or overnight parking on the north and east side of the building shall be permitted.
16. The hours of construction for the project shall be Monday-Friday 7:30 a.m. to 6:00 p.m., Saturday 9:00 a.m. to 6:00 p.m. Construction is prohibited on Sundays.

Resolution No. 05-01

17. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance.
18. The applicant shall continue to work with staff and the neighbors to further refine the proposed Operational Plan dated March 15, 2004, to address on-going operational issues associated with, outdoor storage containers, rooftop equipment enclosure, deliveries/loading, overnight parking, parking lot maintenance, use of rear driveway, construction staging area, loading dock sound wall, and other issues related to noise and other impacts on the adjacent neighbors. The revised Operational Plan shall be reviewed and approved by the Community Development Director, and the approved Plan shall be implemented prior to the issuance of a building permit for the proposed pharmacy.

Public Works

19. A grease interceptor must be installed and placed into a maintenance program with regular inspections and removal of grease buildup.

Building Division

20. All paths of travel areas for the remodel/addition shall meet the Disabled Access requirements.
21. All work shall comply with the 2001 California Codes which includes: 1999 National Electrical Code, 1997 Uniform Building Code, 2000 Uniform Mechanical Code and Uniform Plumbing Code.

Fire Department

22. All food heat-processing equipment that produces grease-laden vapors shall have hood, duct and fire extinguishing systems according to 2001 California Fire Code Section 1006.

Procedural

23. This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030 have expired.
24. Pursuant to Public Resources Code Section 21089 (b) and the Fish and Game Code Section 711.4 (c), the project is not operative, vested, or final until the requiring filing fees are paid.
25. Applicant agrees, as a condition of approval of this project, to pay all reasonable legal and expert fees and expenses of the City of Manhattan Beach in defending any legal action associated with the approval of the 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.
26. An annual review of these conditions of approval will be conducted by the Planning Division within one year (January 12, 2005) of the initial date of this approval.
27. The applicant/business owner shall cooperate with the Department of the Community Development in its conduct of periodic reviews for compliance of conditions of approval.
28. Any questions of intent or interpretation of any conditions will be resolved by the Planning Commission.

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

Resolution No. 05-01

decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution. The Department of Community Development shall send a copy of this resolution to the applicant, and if any, the appellant at the address of said person set forth in the record of the proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

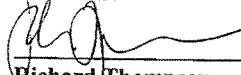
I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of **January 12, 2005** and that said Resolution was adopted by the following vote:

AYES: Montgomery, Kuch, Simon,
Chairman O'Connor

NOES:

ABSTAIN: Savikas

ABSENT:



Richard Thompson
Secretary to the Planning Commission



Sarah Boesch
Recording Secretary

Starget.resPC1-12-05

Rear of Store

Proposed Alcohol

Warehouse

Garden Center

Entrance

C.1

F.6

E.7

E.3

D.4

C.6

C.1

WHERE INDICATED BY HEAVY LINES TO HAVE 22 GA SHEET METAL BARRIERS BACK-TO-BACK LIGHT DUTY SHELVING. NOTE:



EXHIBIT D
PC Mtg. 5/25/11

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

EXHIBIT E
PC MH. 5/25/11

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
Walgreens	2400 N. SEPULVEDA BLVD	7am-12am Daily	24/7	PC 11-04		Beer/Wine

TARGET
USE PERMIT AMENDMENT – ATTACHMENT

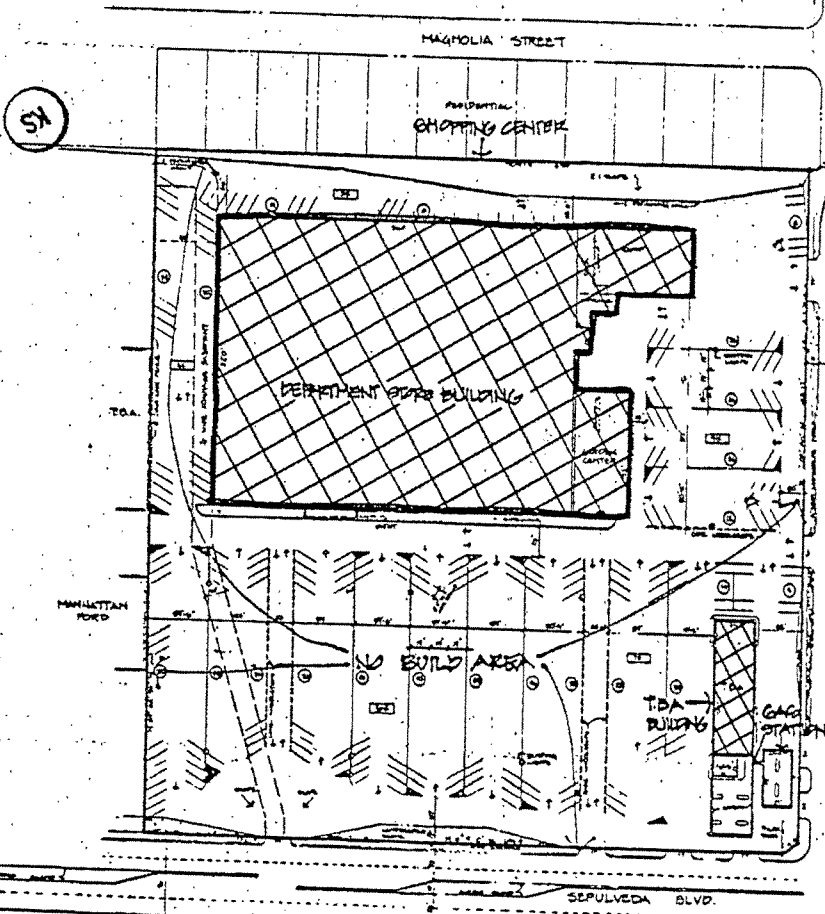
The Target store recently completed a remodel which included a significant expansion of the market section. The new market section occupies the entire south end of the store, with additional aisles of grocery products and refrigeration cases. The new market section offers a full-range of grocery products, including fresh meats, fresh vegetables and produce and fresh bakery items, along with an expanded selection of dry goods.

In conjunction with the expansion of the market section, Target would like to be able to offer customers a full-range of alcoholic beverage products, including distilled spirits, and would also like to be able to offer customers the convenience of refrigerated alcoholic beverages. Target is already selling beer and wine as part of its grocery offerings. Adding distilled spirits will offer customers a more complete shopping experience and will provide a convenience to Target's customers by eliminating the need for an additional shopping trip. With its new, improved market section, Target expects to be a one-stop destination for grocery and beverage purchases.

The addition of distilled spirits sales will not change the character of the existing use. The operations of the store will remain essentially the same as they are now. The hours of operation, types of vehicular traffic, number of people involved (both as employees and as customers), outdoor activities and other operational aspects of the store will be unchanged. Alcoholic beverage sales will account for a small part of overall sales revenue at the store. Target projects that sales of alcoholic beverages, even with the addition of spirits, will account for less than 1-3% of sales at the licensed premises. Adding distilled spirits sales, therefore, will not have any adverse effect on the general welfare of the surrounding neighborhood.



Exhibit B



PURPOSE OF EXHIBIT IS TO LOCATE LEASE PREMISES

THIS EXHIBIT IS SOLELY FOR THE PURPOSE OF SHOWING THE GENERAL LOCATION OF THE LEASED PREMISES, NOT A SURVEY OF THE EXACT LOCATION FOR THE LEGAL DESCRIPTION OF THE PERIMETER OF THE SHOPPING CENTER WITHIN WHICH THE LEASED PREMISES IS LOCATED.

82- 809993

LEASED PREMISES

TARGET

226 MANHATTAN BEACH MANHATTAN BEACH CALIF 91221

EXHIBIT B

Handwritten signatures and initials

INFORMATION ON PLAN CONTAINED... 10/1/82

- GERMANS RESTAURANT
- MULLAGE AUTO SHOP
- TELEPHONE TECHNIQUES
- HAIR DESIGN
- BOOKS & RECORDS
- TV SAN RESTAURANT
- VILLAGE VEST BUILDING
- M.E. STREET
- D&B CENTER CO.
- CARLO MOTOR CAR WASH
- TANHAM PERFORM
- FULL PET SALON
- CARD PAUSE SANIT CENTER
- HARPER TARGET
- MAN BEACH CENTRAL CENTER
- AGATE SHOP
- SMALL TUNNEL



ENVIRONMENTAL INFORMATION FORM

(to be completed by applicant)

CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT

Date Filed: _____

APPLICANT INFORMATION

Name: <u>Target Corporation</u>	Contact Person: <u>Beth Aboulafia</u>
Address: <u>1000 Nicollet Mall, TPN-0910</u>	Address: <u>260 California St., Ste. 1001</u>
<u>Minneapolis, MN 55403</u>	<u>San Francisco CA 94111</u>
Phone number: <u>(612) 761-1015</u> <u>Carole Helmin</u>	Phone number: <u>(415) 362-1215, ext. 104</u>
Relationship to property: <u>Lessee</u>	Association to applicant: <u>Attorney</u>

PROJECT LOCATION AND LAND USE

Project Address: 1200 N Sepulveda Blvd., Manhattan Beach CA 90266

Assessor's Parcel Number: 4166-024-021

Legal Description: See attached

Area District, Zoning, General Plan Designation: Area District II: Zoning CG-Commercial General

Surrounding Land Uses:

North <u>Commercial</u>	West <u>Commercial</u>
South <u>Commercial/Some Residential</u>	East <u>Residential</u>

Existing Land Use: Commercial/Retail

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: _____

See attachment

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

Removed/

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

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

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

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

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

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: Patricia A. Johnson Prepared For: Target Corporation
 Patricia A. Johnson, Vice President

Date Prepared: _____

Revised 7/97

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

TO: See distribution below

FROM: Angela Soo, Executive Secretary
(Planner to be determined)

DATE: JANUARY 24, 2011

SUBJECT: Review Request for Proposed Project at:
1200 N. Sepulveda Blvd. (TARGET)

**(Use Permit Amendment / to allow sale of distilled spirits in
addn. to beer & wine)**

The subject application has been submitted to the Planning Division. Please review the attached material(s) and provide specific comments and/or conditions you recommend to be incorporated into the draft Resolution for the project. Conditions should be primarily those which are not otherwise addressed by a City Ordinance.

If no response is received by **JANUARY 31, 2011** we will conclude there are no conditions from your department.

Comments/Conditions (attach additional sheets as necessary):

- NO OBJECTION TO SELLING DISTILLED SPIRITS
 - MAINTAIN RESTRICTION OF SELLING REFRIGERATED ALCOHOLIC BEVERAGES.
 - ONE DISCIPLINARY ACTION FOR FURNISHING ALCOHOL TO MINOR (2003)
15 DAY SUSPENSION (STAFFER) & 3000- FINE - SEE ATTACHED ABL REPORT
- | | |
|---------------------------------------|------------------------------------|
| <u>Yes / No</u> Building Div. | <u>Yes / No</u> City Attorney |
| <u>Yes / No</u> Fire Dept | <u>Yes / No</u> Police Dept.: |
| <u>Yes / No</u> Public Works (Roy) | ___ Traffic |
| <u>Yes / No</u> Engineering (Steve F) | ___ Detectives |
| <u>Yes / No</u> Waste Mgmt (Anna) | ___ Crime Prevention |
| <u>Yes / No</u> Traffic Engr.(Jack) | ___ Alcohol License (Chris Vargas) |



**California Department of Alcoholic
Beverage Control**
*License Query System Summary
as of 1/29/2011*

License Information
License Number: 402341
Primary Owner: TARGET CORPORATION
ABC Office of Application: 03 - LB/LAKEWOOD
Business Name
Doing Business As: TARGET 199
Business Address
Address: 1200 N SEPULVEDA BLVD Census Tract: 6204.00
City: MANHATTAN BEACH County: LOS ANGELES
State: CA Zip Code: 90266
Licensee Information
Licensee: TARGET CORPORATION
<i>Company Officer Information</i>
Officer: JOHNSON, JAMES A (CHAIRMAN)
Officer: KOVACEVICH, RICHARD M (CHAIRMAN)
Officer: MULCAHY, ANNE M (CHAIRMAN)
Officer: SANGER, STEPHEN W (CHAIRMAN)
Officer: STALEY, WARREN R (CHAIRMAN)
Officer: TRUJILLO, SOLOMONO (CHIEF EXECUTIVE OFFICER)
Officer: ULRICH, ROBERT J (CHIEF EXECUTIVE OFFICER)
Officer: AUSTIN, ROXANNE S (DIRECTOR/GENERAL MANAGER)
Officer: DARDEN, CALVIN (DIRECTOR/GENERAL MANAGER)
Officer: TAMKE, GEORGE W (DIRECTOR/GENERAL MANAGER)
Officer: ANDERSEN, STACIA J (PRESIDENT)
Officer: NITSCHKE, DALE (PRESIDENT)
Officer: SCULLY, TERRENCE J (PRESIDENT)
Officer: STEINHAFEL, GREGG W (PRESIDENT)
Officer: DONLIN, DAVID L (SECRETARY/ASST SEC)
Officer: SIMARD, TERRI (SECRETARY/ASST SEC)
Officer: REIF, JACK N (TREASURER)
Officer: ROSS, SARA J (TREASURER)
Officer: ADAMS, PATRICIA (VICE PRESIDENT)
Officer: BERG, BRYAN (VICE PRESIDENT)
Officer: BUTZER, BART (VICE PRESIDENT)

Officer: DUPPLER, GREGORY J (VICE PRESIDENT)
Officer: FIALA, BRIAN (VICE PRESIDENT)
Officer: FRANCIS, MICHAEL R (VICE PRESIDENT)
Officer: GARVIS, NATHAN K (VICE PRESIDENT)
Officer: GRIFFITH, JOHN D (VICE PRESIDENT)
Officer: JENKINS, DEREK L (VICE PRESIDENT)
Officer: JOHNSON, PATRICIA A (VICE PRESIDENT)
Officer: KAHN, SUSAN D (VICE PRESIDENT)
Officer: KOFSKI, TRACY (VICE PRESIDENT)
Officer: KOZLAK, JODEEN A (VICE PRESIDENT)
Officer: MAGUIRE, RICHARD N (VICE PRESIDENT)
Officer: MINNICK, MARY E (VICE PRESIDENT)
Officer: SCHIEL, TINA M (VICE PRESIDENT)
Officer: SPRENGER, GINA (VICE PRESIDENT)
Officer: STOVER, MITCHELL L (VICE PRESIDENT)
Officer: TESIJA, KATHRYN A (VICE PRESIDENT)
Officer: THOMPSON, ROBERT K (VICE PRESIDENT)
Officer: WARD, LAYSHA (VICE PRESIDENT)
Officer: WINDMEIER, JANE (VICE PRESIDENT)
Officer: BAER, TIMOTHY R (VICE PRESIDENT/SECRETARY)
Officer: HAALAND, COREY L (VICE PRESIDENT/TREASURER)
Officer: SCHALK, JANET M (VICE PRESIDENT/TREASURER)
Officer: SCOVANNER, DOUGLAS A (VICE PRESIDENT/TREASURER)
License Types
1) License Type: 20 - OFF-SALE BEER AND WINE
License Type Status: ACTIVE
Status Date: 19-DEC-2003 Term: 12 Month(s)
Original Issue Date: 19-DEC-2003 Expiration Date: 30-NOV-2011
Master: Y Duplicate: 0 Fee Code: P20
License Type was Transferred On: 19-DEC-2003 FROM: 20-310730
Current Disciplinary Action
<i>... No Active Disciplinary Action found ...</i>
Disciplinary History
Reg. Number: 06064637
1) Section: 25658(a)
2) Section: 24200(a)(b)
Proceeding Status: CLOSED Decision: ALL STAYED
Suspension Days: 15 Stayed Days: POIC/Fine: 3000
Suspension Start Date: Suspension End Date:
Hold Information
<i>... No Active Holds found ...</i>

<i>. . . No Escrow found . . .</i>

- - - End of Report - - -

For a definition of codes, view our [glossary](#).

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

TO: See distribution below

FROM: Angela Soo, Executive Secretary
(Planner to be determined)

DATE: JANUARY 21, 2011

SUBJECT: Review Request for Proposed Project at:
1200 N. Sepulveda Blvd. (TARGET)

AS

**(Use Permit Amendment / to allow sale of distilled spirits in
addn. to beer & wine)**

The subject application has been submitted to the Planning Division. Please review the attached material(s) and provide specific comments and/or conditions you recommend to be incorporated into the draft Resolution for the project. Conditions should be primarily those which are not otherwise addressed by a City Ordinance.

If no response is received by JANUARY 31, 2011 we will conclude there are no conditions from your department.

Comments/Conditions (attach additional sheets as necessary):

COMPLY w/ 2010 CALIFORNIA CODES

Dz

Yes / No Building Div.
Yes / No Fire Dept
Yes / No Public Works (Roy)
Yes / No Engineering (Steve F)
Yes / No Waste Mgmt (Anna)
Yes / No Traffic Engr.(Jack)

Yes / No City Attorney
Yes / No Police Dept.:
___ Traffic
___ Detectives
___ Crime Prevention
___ Alcohol License (Chris Vargas)

Rear of Store

Maximum of Two Aisles
with Endcaps within this
location per Resolution No.
11-08, Condition No. 5

Proposed Alcohol

Warehouse

Entrance

**Garden
Center**

N

**EXHIBIT D
CC MTG 7-19-11**

EXHIBIT C

PC Mtg. 6/22/11
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