



Agenda Item # \_\_\_\_\_




# 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  
Esteban Danna, Assistant Planner 

**DATE:** September 6, 2011

**SUBJECT:** Consideration of Planning Commission Approval of a Use Permit to Change the Existing Beer and Wine Sales for Off-Site Consumption (Type 20) License to a Full Alcohol Sales for Off-Site Consumption (Type 21) License at Speedi Mart, Located at 975 N. Aviation Boulevard.

### RECOMMENDATION:

Staff recommends that the City Council receive and file the Planning Commission's approval of a Use Permit and determine that public convenience and necessity would be served by the change in type of the alcohol license.

### FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

### BACKGROUND:

The subject property is located within the CG (General Commercial) zone and is currently developed with a commercial building consisting of three tenant spaces; Valentino's Pizza, Suds and Duds, and Speedi Mart. The subject property does not currently have a use permit. Speedi Mart is a full-service market currently operating 24 hours a day and seven days a week and has been at this location for over 20 years. The current owner has operated the business for 15 years.

### DISCUSSION:

Currently, Speedi Mart operates with a Type 20 Alcoholic Beverage Control license which allows the sales of beer and wine for off-site consumption. The applicant intends to change the license to a Type 21, which allows the sales of beer, wine, and distilled spirits for off-site consumption. The Department of Alcoholic Beverage Control prohibits the sale of alcohol between the hours of 2 am and 6 am. The City's Police Department reviewed the application and did not have objections to the proposed change in alcohol sales license with the conditions as proposed. Other City departments did not express concerns for the proposed change.

At its regular meeting of July 27, 2011, the Planning Commission reviewed the application, received public testimony, and approved Resolution No. PC 11-03 (5-0 vote) allowing the subject business to a change the existing Type 20 license to Type 21 license. The Commission discussed limiting the food market's 24-hour operation but decided that there was not a significant concern to the safety and welfare of the community to restrict of the hours of operation. The Commission, however, amended the proposed resolution to include a prohibition of the sale of single-serving distilled spirits. Staff report and Planning Commission minutes excerpts are attached to this report for reference.

The applicant proposes to stock all alcoholic beverages towards the rear walls of the store and the alcohol display area will be partitioned with an aisle to minimize any visual impact of such products when looking into the store through the front door or windows. Distilled spirits will be stocked against the east wall behind the cashier's counter and will only be available upon request from the store attendant.

***Public Input***

A public notice for the Planning Commission meeting was mailed to the property owners within 500 feet of the site and published in the Beach Reporter newspaper. Along with the application, six letters were submitted from neighbors and customers supporting the proposed change. Two neighbors spoke in favor of the application at the public hearing. No letters or comments were received in opposition to the proposed change.

**ENVIRONMENTAL REVIEW:**

The project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Class 1, Section 15301 based on staff's determination that the use on the property does not change and thus will not have a significant impact on the environment.

**CONCLUSION:**

Staff recommends that the City Council receive and file the Planning Commission's approval of Resolution No. PC 11-09 for a new Use Permit approving the request to change the existing Type 20 (beer and wine) ABC license to a Type 21 (beer, wine, and distilled spirits) license for Speedi Mart located at 975 N. Aviation Boulevard.

**ALTERNATIVES:**

The alternatives to Staff recommendation includes:

1. Remove item form the Consent Calendar, appeal Planning Commission decision, and direct a public hearing to be scheduled.

Attachments: A. Resolution No. PC 11-09  
B. Planning Commission Staff Report and Attachments dated July 27, 2011  
C. Planning Commission Minutes dated July 27, 2011

cc: Blue Jet Corporation, Operator

RESOLUTION NO. PC 11-09

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT TO CHANGE THE EXISTING TYPE 20 (BEER AND WINE FOR OFF-SITE CONSUMPTION) ALCOHOL LICENSE TO A TYPE 21 (FULL ALCOHOL FOR OFF-SITE CONSUMPTION) LICENSE AT 975 N. AVIATION BOULEVARD (Speedi Mart).

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. Pursuant to applicable law, the Planning Commission of the City of Manhattan Beach conducted a public hearing on July 27, 2011, received testimony, and considered an application for a use permit to allow the existing Type 20 Department of Alcoholic Beverage Control license (sales of beer and wine sales for off-site consumption) to be changed to a Type 21 license (sales of beer, wine, and distilled spirits for off-site consumption) at a convenience store located on the property legally described as Lots 1 and 2, Block 5, Redondo Villa Tract No. 3, located at 975 N. Aviation Boulevard in the City of Manhattan Beach.
- B. The applicant for the subject project is Blue Jet Corporation. The owner of the property is Lawrence T. Ha.
- C. Pursuant to Manhattan Beach Municipal Code (MBMC) Section 10.16.020, a use permit is required for the modification to an existing alcohol license.
- D. The subject property or uses therein are currently not under a use permit.
- E. The project is Categorically Exempt (Class 1, Section 15301) from the requirements of the California Environmental Quality Act (CEQA) since it involves minor modification of an existing use.
- F. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- G. The General Plan designation for the property is General Commercial. The General Plan encourages commercial uses such as this that serve City residents.
- H. The zoning designation for the property is CG (General Commercial).
  - i. The zoning districts surrounding the property are CG (General Commercial) to the north and south, RS (Single-family Residential) to the west, and R-2 (Multi-family Residential in the City of Redondo Beach across Aviation Blvd) to the east.
- J. The existing land use for the property is commercial (restaurant, service and retail uses).
- K. Per the California Department of Alcoholic Beverage Control, sales of alcoholic beverages are prohibited during the hours of 2 am and 6 am, or as restricted by the alcohol license issued by said agency.
- L. The Planning Commission recommends that the City Council make a determination of public convenience and necessity for the proposed license for the sales of full alcohol for off-site consumption (as conditioned below) which shall be forwarded to the California Department of Alcoholic Beverage Control upon the effectiveness of this approval.
- M. Pursuant to Section 10.84.060 of the Manhattan Beach Municipal Code, the following findings for the Use Permit are made:

**EXHIBIT A  
CC MTG 9-6-11**

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

The existing convenience store is located in a General Commercial district. The existing uses and proposed change in type of alcoholic beverage sales license are consistent with MBMC Section 10.16.010 which states that the district is intended to provide opportunities for a full range of retail and service businesses.

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

The existing uses and proposed change in type of alcoholic beverage sales license pose no detrimental effects to the public health, safety, or welfare of persons working on the proposed project site or on the adjacent properties. The proposed change will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.

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

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

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

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

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

The existing uses and proposed change in type of alcoholic beverage sales license will comply with the conditions required for the district in which it is located.

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

The change in type of alcoholic beverage sales license would not adversely impact nearby residential or commercial properties as they are related to traffic, parking, noise, vibration, odors, personal safety, or aesthetics, or create demands exceeding the capacity of public services and facilities. The proposed change will not affect the required on-site parking and will not create an additional demand for public services and facilities which cannot be mitigated. Speedi Mart has operated on the site for approximately twenty years and the proposed change will not significantly change the operational characteristics of the business.

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

1. The project shall be in substantial compliance with the submitted plans and project description as approved by the Planning Commission on July 27, 2011. Any substantial deviation from the approved plans and project description must be reviewed and approved by the Planning Commission.



- 1 2. Modifications and improvements to the tenant space shall be in compliance with applicable Building
- 2 Division and Health Department regulations when applicable.
- 3 3. Entertainment other than background music or television is prohibited. Any outside sound or
- 4 amplification system or equipment is prohibited. Noise emanating from the establishment shall be
- 5 in compliance with the Municipal Noise Ordinance.
- 6 4. The management of the property shall police the property and all areas adjacent to the
- 7 business during hours of operation to keep it free of litter and debris.
- 8 5. The operator of the facility shall provide adequate management and supervisory techniques to
- 9 prevent loitering and other security concerns outside the subject business.
- 10 6. The operation shall remain in compliance with all Fire and Building occupancy requirements at all
- 11 times.
- 12 7. Alcoholic beverage sales shall be limited to retail for off-site consumption only. On-site
- 13 consumption of alcoholic beverages and/or seating is prohibited.
- 14 8. Any display of alcoholic beverages must be in substantial conformance with the approved plans.
- 15 Distilled spirits may only be displayed behind the counter as shown on the approved plans and
- 16 customers must request products from the store attendant.
- 17 9. The applicant shall obtain approval from the Department of Alcoholic Beverage Control
- 18 and shall comply with all required conditions of approval.
- 19 10. Sales of alcoholic beverages are allowed only during the hours allowed by the alcohol license
- 20 issued by the Department of Alcoholic Beverage Control. Sales of single servings of distilled
- 21 spirits are prohibited.
- 22 11. Store windows must remain clear of obstructions as to allow interior visibility of store from the
- 23 outside for safety and security purposes. Any temporary or permanent sign visible from the
- 24 outside of the building shall be minimized and must be in conformance with submitted sign
- 25 plans. Prior approval for additional signage must be obtained from the Community Development
- 26 Department.
- 27 12. A security and lighting plan shall be submitted to the Police and Community Development
- 28 Departments for review and approval.
- 29  
**Procedural**
- 30 13. All provisions of the Use Permit are subject to review by the Community Development Department
- 31 6 months after occupancy and yearly thereafter.
- 32 14. This Use Permit shall lapse two years after its date of approval, unless implemented or extended
- 15 pursuant to 10.84.090 of the Municipal Code.
- 16 15. Pursuant to Public Resources Code section 21089(b) and Fish and Game Code section 711.4(c),
- 17 the project is not operative, vested or final until the required filing fees are paid.
- 18 16. The applicant agrees, as a condition of approval of this project, to pay for all reasonable legal
- 19 and expert fees and expenses of the City of Manhattan Beach, in defending any legal actions
- 20 associated with the approval of this project brought against the City. In the event such a legal
- 21 action is filed against the project, the City shall estimate its expenses for the litigation. Applicant
- 22 shall deposit said amount with the City or enter into an agreement with the City to pay such
- 23 expenses as they become due.

17. At any time in the future, the Planning Commission or City Council may review the Use Permit for the purposes of revocation or modification. Modification may consist of conditions deemed reasonable to mitigate or alleviate impacts to adjacent land uses.

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

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of July 27, 2011 and that said Resolution was adopted by the following vote:



**AYES:** Andreani, Conaway, Gross, Seville-Jones, Paralusz

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None


  
\_\_\_\_\_  
**RICHARD THOMPSON,**  
Secretary to the Planning Commission

  
\_\_\_\_\_  
**Sarah Boesch**  
Recording Secretary 

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

**TO:** Planning Commission

**FROM:** Richard Thompson, Director of Community Development

**BY:** Esteban Danna, Assistant Planner 

**DATE:** July 27, 2011

**SUBJECT:** Consideration of a new Use Permit to change the existing beer and wine sales for off-site consumption (Type 20) license to a full alcohol sales for off-site consumption (Type 21) license at Speedi Mart, located at 975 N. Aviation Boulevard.

**RECOMMENDATION**

Staff recommends that the Planning Commission **CONDUCT** the Public Hearing and **ADOPT** Resolution PC 11-XX approving the request to change the existing Type 20 ABC license (sales of beer and wine sales for off-site consumption) to a Type 21 license (sales of beer, wine, and distilled spirits for off-site consumption).

**APPLICANT**

Blue Jet Corporation  
975 N. Aviation Blvd  
Manhattan Beach, CA 90266

**OWNER**

Lawrence T. Ha  
P.O. Box 4982  
Palos Verdes Peninsula, CA 90274

**PROJECT OVERVIEW**

***Location***

Location 975 N. Aviation Blvd  
Area District I  
Legal Description Lots 1 and 2, Block 5, Redondo Villa Tract No. 3

***Landuse***

General Plan General Commercial  
Zoning CG – General Commercial  
Existing Land Use Commercial Building with restaurant, service and retail uses  
Neighboring Zoning  
North CG – General Commercial  
South CG – General Commercial  
East R-2 – Multi-family Residential (Redondo Beach across  
Aviation Blvd)  
West RS – Single-family Residential

**EXHIBIT B  
CC MTG 9-6-11**

The subject property is located within the CG (General Commercial) zone. The CG zone provides opportunities for a full range of retail and service uses, as well as providing opportunities for offices and certain limited industrial uses that have impacts comparable to those of permitted retail and service uses. The property to the south is also zoned CG. The properties to the east and west are residentially zoned; RS (Residential Single-Family) to the west and multi-family residential to the east across Aviation Boulevard in the City of Redondo Beach.

The subject property is currently developed with a commercial building consisting of three tenant spaces; Valentino's Pizza (Food Take-out), Suds and Duds (Personal Services), and Speedi Mart (Food and Beverage Sales). The subject property does not currently have a use permit. Speedi Mart currently operates 24 hours a day and seven days a week and has been at this location for over 20 years. The current owner has operated the business for fifteen years. The applicant applied for the same change of ABC license in 2007 but withdrew their application prior to the Planning Commission's review. The property currently provides 22 parking spaces. With the current uses on the property, the Zoning Code requires a minimum of 29 spaces. Parking is therefore legal non-conforming and is allowed to continue. To date, Staff has not received any complaints in regards to parking.

## **DISCUSSION**

Currently, Speedi Mart operates with a Type 20 ABC license which allows the sales of beer and wine for off-site consumption. The applicant intends to change the license to a Type 21, which allows the sales of beer, wine, and distilled spirits for off-site consumption. The ABC prohibits the sale of alcohol between the hours of 2 am and 6 am. Pursuant to Manhattan Beach Municipal Code (MBMC) 10.16.020(L), a use permit is required for any modification to an existing alcohol license. The subject property does not currently have a use permit and a new use permit is required for any new alcohol license.

The City's Police Department reviewed the application and did not have objections to the proposed change in alcohol sales license with the conditions as proposed (comments attached as Exhibit C). Other City departments did not express concerns for the proposed change.

### ***Determination of Public Convenience and Necessity***

The Planning Commission shall recommend that the City Council make a determination of public convenience and necessity for the proposed license for the sales of full alcohol for off-site consumption as required by the California Department of Alcoholic Beverage Control.

### ***Proposed Conditions***

The proposed use permit establishes certain standard and site specific conditions for the existing business. Additional ABC license conditions may apply. These conditions include the following, among others:

- Alcoholic beverage sales shall be limited to retail for off-site consumption only. On-site consumption of alcoholic beverages and/or seating is prohibited.
- Any display of alcoholic beverages must be in substantial conformance with the approved plans. Distilled spirits may only be displayed behind the counter as shown on the approved plans and customers must request products from the store attendant.
- The applicant shall obtain approval from the Department of Alcoholic Beverage Control and shall comply with all required conditions of approval.
- Sales of alcoholic beverages are allowed only during the hours allowed by the alcohol license issued by the Department of Alcoholic Beverage Control.
- Store windows must remain clear of obstructions as to allow interior visibility of store from the outside for safety and security purposes. Any temporary or permanent sign visible from the outside of the building shall be minimized and must be in conformance with submitted sign plans. Prior approval for additional signage must be obtained from the Community Development Department.
- A security and lighting plan shall be submitted to the Police and Community Development Departments for review and approval.

### ***Proposed Floor Plan***

The applicant proposes to rearrange the store's floor layout to comply with the aforementioned conditions (Exhibit F). Among the changes, the applicant proposes to stock all alcoholic beverages towards the rear walls of the store. The proposed plans show that beer will be stocked in the coolers towards the southwest corner of the store. Wine (both cold and at room temperature) will be stocked against the south wall of the store and will be partitioned with an aisle to minimize any visual impact of such products when looking into the store through the front door or windows. Distilled spirits will be stocked against the east wall behind the cashier's counter and will only be available upon request from the store attendant.

The rest of the store's floor area will be dedicated to general merchandise and groceries typically found in convenience stores, such as milk, snacks, toiletries, soft drinks, and candy. The submitted plans also show the location of the building's exterior security features such as lighting and security cameras.

### ***Use Permit Findings***

In order to approve a Use Permit or an amendment to a Use Permit the following findings must be made by the Planning Commission in accordance with MBMC Section 10.84.060. The findings are met as follows:

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

The existing convenience store is located in a General Commercial district. The existing uses and proposed change in type of alcoholic beverage sales license are consistent with MBMC Section 10.16.010 which states that the district is intended to provide opportunities for a full range of retail and service businesses.

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

The existing uses and proposed change in type of alcoholic beverage sales license pose no detrimental effects to the public health, safety, or welfare of persons working on the proposed project site or on the adjacent properties. The proposed change will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.

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

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

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

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

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

The existing uses and proposed change in type of alcoholic beverage sales license will comply with the conditions required for the district in which it is located.

4. *The proposed use will not adversely impact nor be adversely impacted by nearby properties.*

*Potential impacts are related but not necessarily limited to: traffic, parking, noise, vibration, odors, resident security and personal safety, and aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated.*

The change in type of alcoholic beverage sales license would not adversely impact nearby residential or commercial properties as they are related to traffic, parking, noise, vibration, odors, personal safety, or aesthetics, or create demands exceeding the capacity of public services and facilities. The proposed change will not affect the required on-site parking and will not create an additional demand for public services and facilities which cannot be mitigated. Speedi Mart has operated on the site for approximately twenty years and the proposed change will not significantly change the operational characteristics of the business.

### ***Planning Commission Authority***

In accordance with Chapter 10.84 of the MBMC, the Planning Commission conducts a public hearing and has the authority to approve, approve with conditions or deny the Use Permit Amendment. With any action the Use Permit findings must be considered (10.84.060 A), and conditions (10.84.070) may be placed on an application. The Commission has the ability modify the proposal to meet the Use Permit purpose, findings, and criteria.

### ***Public Input***

A public notice for the project was mailed to the property owners within 500 feet of the site and published in the Beach Reporter newspaper. Along with the application, six letters of were submitted from neighbors and customers supporting the proposed change. Staff did not receive any additional comments at the writing of this report.

### **ENVIRONMENTAL REVIEW**

The Project is Categorically Exempt from the requirements of the Department of Environmental Quality Act (CEQA), pursuant to Class 1, Section 15301 based on staff's determination that the use on the property does not change and thus will not have a significant impact on the environment.

### **CONCLUSION**

Staff recommends that the Planning Commission conduct the public hearing and adopt the draft Resolution approving the project with conditions.

#### **Attachments:**

- A. Draft Resolution No. PC 11-XX
- B. Vicinity Map
- C. Police Department Comments
- D. Citywide Survey of Off-site Liquor Sales
- E. Public Notice and Application Materials
- F. Plans (not available electronically)

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

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT TO CHANGE THE EXISTING TYPE 20 (BEER AND WINE FOR OFF-SITE CONSUMPTION) ALCOHOL LICENSE TO A TYPE 21 (FULL ALCOHOL FOR OFF-SITE CONSUMPTION) LICENSE AT 975 N. AVIATION BOULEVARD (Speedi Mart).**

**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. Pursuant to applicable law, the Planning Commission of the City of Manhattan Beach conducted a public hearing on July 27, 2011, received testimony, and considered an application for a use permit to allow the existing Type 20 Department of Alcoholic Beverage Control license (sales of beer and wine sales for off-site consumption) to be changed to a Type 21 license (sales of beer, wine, and distilled spirits for off-site consumption) at a convenience store located on the property legally described as Lots 1 and 2, Block 5, Redondo Villa Tract No. 3, located at 975 N. Aviation Boulevard in the City of Manhattan Beach.
- B. The applicant for the subject project is Blue Jet Corporation. The owner of the property is Lawrence T. Ha.
- C. Pursuant to Manhattan Beach Municipal Code (MBMC) Section 10.16.020, a use permit is required for the modification to an existing alcohol license.
- D. The subject property or uses therein are currently not under a use permit.
- E. The project is Categorically Exempt (Class 1, Section 15301) from the requirements of the California Environmental Quality Act (CEQA) since it involves minor modification of an existing use.
- F. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- G. The General Plan designation for the property is General Commercial. The General Plan encourages commercial uses such as this that serve City residents.
- H. The zoning designation for the property is CG (General Commercial).
- I. The zoning districts surrounding the property are CG (General Commercial) to the north and south, RS (Single-family Residential) to the west, and R-2 (Multi-family Residential in the City of Redondo Beach across Aviation Blvd) to the east.
- J. The existing land use for the property is commercial (restaurant, service and retail uses).
- K. The Planning Commission recommends that the City Council make a determination of public convenience and necessity for the proposed license for the sales of full alcohol for off-site consumption (as conditioned below) which shall be forwarded to the California Department of Alcoholic Beverage Control upon the effectiveness of this approval.

**EXHIBIT A  
PC MTG 7-27-11**

L. Pursuant to Section 10.84.060 of the Manhattan Beach Municipal Code, the following findings for the Use Permit are made:

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

The existing convenience store is located in a General Commercial district. The existing uses and proposed change in type of alcoholic beverage sales license are consistent with MBMC Section 10.16.010 which states that the district is intended to provide opportunities for a full range of retail and service businesses.

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

The existing uses and proposed change in type of alcoholic beverage sales license pose no detrimental effects to the public health, safety, or welfare of persons working on the proposed project site or on the adjacent properties. The proposed change will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.

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

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

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

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

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

The existing uses and proposed change in type of alcoholic beverage sales license will comply with the conditions required for the district in which it is located.

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

The change in type of alcoholic beverage sales license would not adversely impact nearby residential or commercial properties as they are related to traffic, parking, noise, vibration, odors, personal safety, or aesthetics, or create demands exceeding the capacity of public services and facilities. The proposed change will not affect the required on-site parking and will not create an additional demand for public services and facilities which cannot be mitigated. Speedi Mart has operated on the site for approximately twenty years and the proposed change will not significantly change the

operational characteristics of the business.

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

1. The project shall be in substantial compliance with the submitted plans and project description as approved by the Planning Commission on July 27, 2011. Any substantial deviation from the approved plans and project description must be reviewed and approved by the Planning Commission.
2. Modifications and improvements to the tenant space shall be in compliance with applicable Building Division and Health Department regulations when applicable.
3. Entertainment other than background music or television is prohibited. Any outside sound or amplification system or equipment is prohibited. Noise emanating from the establishment shall be in compliance with the Municipal Noise Ordinance.
4. The management of the property shall police the property and all areas adjacent to the business during hours of operation to keep it free of litter and debris.
5. The operator of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject business.
6. The operation shall remain in compliance with all Fire and Building occupancy requirements at all times.
7. Alcoholic beverage sales shall be limited to retail for off-site consumption only. On-site consumption of alcoholic beverages and/or seating is prohibited.
8. Any display of alcoholic beverages must be in substantial conformance with the approved plans. Distilled spirits may only be displayed behind the counter as shown on the approved plans and customers must request products from the store attendant.
9. The applicant shall obtain approval from the Department of Alcoholic Beverage Control and shall comply with all required conditions of approval.
10. Sales of alcoholic beverages are allowed only during the hours allowed by the alcohol license issued by the Department of Alcoholic Beverage Control.
11. Store windows must remain clear of obstructions as to allow interior visibility of store from the outside for safety and security purposes. Any temporary or permanent sign visible from the outside of the building shall be minimized and must be in conformance with submitted sign plans. Prior approval for additional signage must be obtained from the Community Development Department.
12. A security and lighting plan shall be submitted to the Police and Community Development Departments for review and approval.

**Procedural**

13. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
14. This Use Permit shall lapse two years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.

- 15. Pursuant to Public Resources Code section 21089(b) and Fish and Game Code section 711.4(c), the project is not operative, vested or final until the required filing fees are paid.
- 16. The applicant agrees, as a condition of approval of this project, to pay for all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal actions associated with the approval of this project brought against the City. In the event such a legal action is filed against the project, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.
- 17. At any time in the future, the Planning Commission or City Council may review the Use Permit for the purposes of revocation or modification. Modification may consist of conditions deemed reasonable to mitigate or alleviate impacts to adjacent land uses.

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

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of July 27, 2011 and that said Resolution was adopted by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

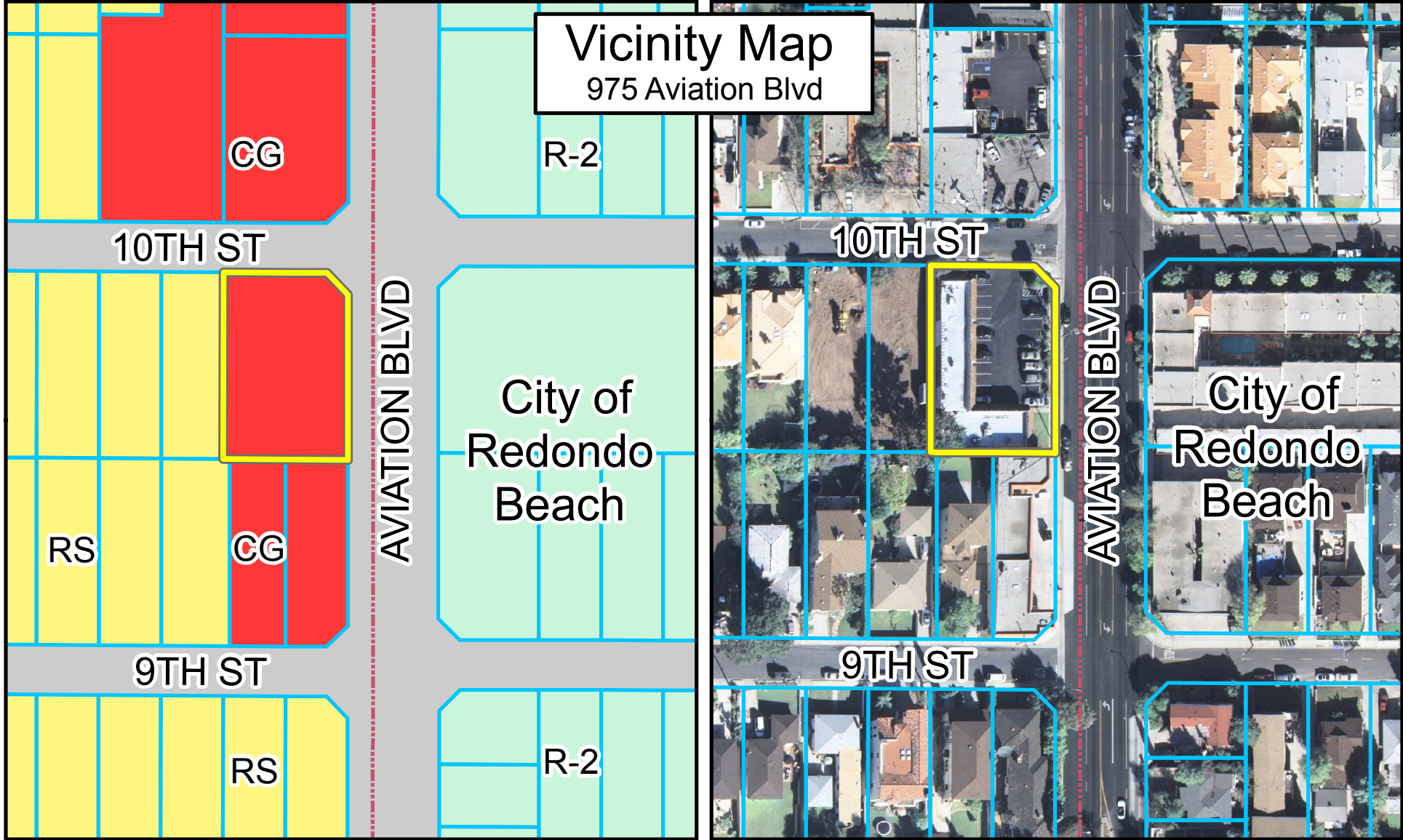
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**RICHARD THOMPSON,**  
Secretary to the Planning Commission

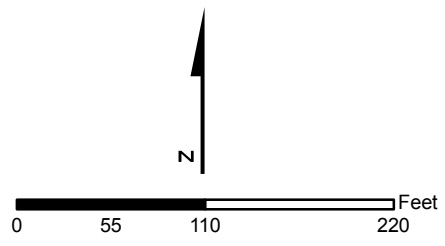
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**Sarah Boeschen**  
Recording Secretary

Vicinity Map  
975 Aviation Blvd



- Legend**
- 975 Aviation Blvd
  - Parcels
  - City Boundary
  - CG - General Commercial
  - RS - Residential Single Family
  - R-2 (City of Redondo Beach)



**Exhibit B**



**City of Manhattan Beach  
Community Development**

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**Manhattan Beach Police Department**  
**MEMORANDUM**

July 13, 2011

**To: Esteban Danna, Assistant Planner**

**From: Chris Vargas, Sergeant**

**Subject: Speedi Mart, 975 N. Aviation**

As part of the review process for proposed changes to the Use Permit for the Speedi Mart located at 975 N. Aviation Blvd., the Police Department was asked to evaluate the request.

The applicant is requesting the City to approve a change in the Use Permit to allow a change in their Alcoholic Beverage License from a Type 20, which permits the sale of beer and wine, to a Type 21, which allows for the sale of distilled spirits in addition to beer and wine.

It is Staff's opinion that if the request is approved, the number of customers will not increase measurably, the change will not have an impact on traffic, parking or the quality of life in the adjoining residential or commercial area.

An inquiry with the Department of Alcoholic Beverage Control revealed that the business has not had any alcohol related violations since November of 2004. This business does not have a record of being detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood.

Based on the above, the Manhattan Beach Police Department does not oppose the approval of the proposed application for Speedi Mart and does recommend any changes to the proposed use permit.



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**CITYWIDE SURVEY OF OFF SITE LIQUOR SALES**

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

**CITYWIDE SURVEY OF OFF SITE LIQUOR SALES**

	Establishment	Address	Allowed Hours of Alcohol Sales	Operating Hours	Use Permit	Notes	Type of Licence
	Marriot Travel Traders Hotel Store	1400 PARKVIEW AVE	-	-	-	City Council 07/20/10	Beer/Wine
	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
	Target	1200 N SEPULVEDA BLVD	-	-	PC 11-08	No Refrigerated Alcohol Sales/ Limited Sales Space	Full Alcohol
	Grow	1830 N SEPULVEDA BLVD	-	-	PC 08-05	Operating/Alcohol Sales Hours Not Specified	Beer/Wine
	Walgreens	2400 N SEPULVEDA BLVD	7am - 12am	24/7	PC 11-04		Beer/Wine
	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
	The Vintage Shoppe	3500 N SEPULVEDA BLVD	6am - 2am Daily	24/7	PC 10-03	Hours restricted for wine tasting only	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

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CITY OF MANHATTAN BEACH

NOTICE OF A PUBLIC HEARING BEFORE THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH TO CONSIDER AN APPLICATION FOR A NEW USE PERMIT TO CHANGE EXISTING TYPE 20 ALCOHOL SALES LICENSE (SALES OF BEER AND WINE SALES FOR OFF-SITE CONSUMPTION) TO A TYPE 21 ABC LICENSE (SALES OF BEER, WINE, AND DISTILLED SPIRITS FOR OFF-SITE CONSUMPTION) FOR THE EXISTING CONVENIENCE STORE (SPEEDI MART) LOCATED AT 975 N. AVIATION BLVD

**Applicant:** Blue Jet Corporation  
**Filing Date:** January 7, 2011

**Project Location:** 975 N. Aviation Blvd

**Project Description:** Application for a new Use Permit to change the existing Type 20 alcohol sales license (sales of beer and wine for off-site consumption) to a Type 21 license (sales of beer, wine, and distilled spirits for off-site consumption) at Speedi Mart, located at 975 N. Aviation Boulevard.

**Environmental Determination:** This project is Categorically Exempt, Class 1, Section 15301, California Environmental Quality Act (CEQA) Guidelines.

**Project Planner:** Esteban Danna, 310-802-5514, edanna@citymb.info

**Public Hearing Date:** Wednesday, July 27, 2011  
**Time:** 6:30 p.m.  
**Location:** Council Chambers, City Hall, 1400 Highland Avenue, Manhattan Beach

**Further Information:** Proponents and opponents may be heard at that time. For further information contact project Planner. The project file is available for review at the Community Development Department at City Hall.

A Staff Report will be available for public review at the Civic Center Library on Saturday, July 23, 2011, or at the Community Development Department on Monday, July 25, 2011, or City website: <http://www.citymb.info> on Friday July 22, 2011 after 5 p.m.

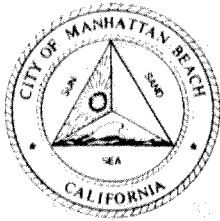
**Public Comments:** Anyone wishing to provide written comments for inclusion in the Staff Report must do so by July 20, 2011. Written comments received after this date will be forwarded to the Planning Commission at, or prior to, the public hearing, but will not be addressed in the Staff Report. Oral and written testimony will be received during the public hearing.

**Appeals:** The Planning Commission's decision is appealable to the Manhattan Beach City Council within 15 days from the date of the Planning Commission's decision, of the City's final action. Appeals to the City Council shall be accompanied by a fee in the amount of \$500.

*If you challenge the proposed actions in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this Notice, or in correspondence delivered to the Planning Commission at, or prior to the public hearing.*

**Mail:** July 12, 2011  
**Publish:** July 14, 2011 – Beach Reporter





# MASTER APPLICATION FORM

CITY OF MANHATTAN BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT

Office Use Only	
Date Submitted:	1/7/11
Received By:	SD
F&G Check Submitted:	

975 N. Aviation Blvd., Manhattan Beach  
Project Address

Legal Description

General Plan Designation

CG  
Zoning Designation Area District

For projects requiring a Coastal Development Permit, select one of the following determinations<sup>1</sup>:

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

### Submitted Application (check all that apply)

- |   |  |
|---|--|
| <input type="checkbox"/> Appeal to PC/PWC/BBA/CC                        | <input type="checkbox"/> Use Permit (Residential)                            |
| <input type="checkbox"/> Coastal Development Permit                     | <input checked="" type="checkbox"/> Use Permit (Commercial) <u>5200</u>      |
| <input checked="" type="checkbox"/> Environmental Assessment <u>245</u> | <input type="checkbox"/> Use Permit Amendment                                |
| <input type="checkbox"/> Minor Exception                                | <input type="checkbox"/> Variance  |
| <input type="checkbox"/> Subdivision (Map Deposit) 4300                 | <input checked="" type="checkbox"/> Public Notification Fee / \$65 <u>65</u> |
| <input type="checkbox"/> Subdivision (Tentative Map)                    | <input type="checkbox"/> Park/Rec Quimby Fee 4425                            |
| <input type="checkbox"/> Subdivision (Final)                            | <input type="checkbox"/> Lot Merger/Adjustment/\$15 rec. fee                 |
| <input type="checkbox"/> Subdivision (Lot Line Adjustment)              | <input checked="" type="checkbox"/> Other                                    |

**Fee Summary:** Account No. 4225 (calculate fees on reverse) \$5480  
 Pre-Application Conference: Yes \_\_\_ No \_\_\_ Date: \_\_\_ Fee: \$5480  
 Amount Due: \$ \_\_\_ (less Pre-Application Fee if submitted within past 3 months)  
 Receipt Number: \_\_\_ Date Paid: \_\_\_ Cashier: \_\_\_

### Applicant(s)/Appellant(s) Information

Blue Jet CORPORATION  
Name  
975 N. Aviation Boulevard, Manhattan Beach, CA 90266  
Mailing Address  
Tenant  
Applicant(s)/Appellant(s) Relationship to Property  
Aamir A. Bhamani cell 310 628-3032, nasreenla@yahoo.com  
Contact Person (include relation to applicant/appellant) Phone number / e-mail  
2005 GATES Ave #A, Redondo Beach, CA 90278  
Address  
Sherrif Olson home 310-376-5789  
Applicant(s)/Appellant(s) Signature Phone number  
(909) 519-1899 sherrif

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

upgrading alcohol type 20 OFF-SALE License to type 21-OFF-SALE License

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

OWNER'S AFFIDAVIT

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

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

Signature of Property Owner(s) - (Not Owner in Escrow or Lessee)
Lawrence T. Ha

Print Name
LAWRENCE T. HA

Mailing Address
P.O. Box 4982, Palos Verdes Peninsula, CA 90274

Telephone
(714) 244-0504

Subscribed and sworn to before me,
this 14 day of December 20 10
in and for the County of Los Angeles
State of CA



Notary Public

Fee Schedule Summary

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

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

Table listing various permit fees: Coastal Development Permit (Filing Fee public hearing: \$4,275; Filing Fee public hearing - other discretionary approvals required: \$815; Filing Fee no public hearing required: \$560), Use Permit (Use Permit Filing Fee: \$5,200; Master Use Permit Filing Fee: \$8,145; Amendment Filing Fee: \$4,730; Master Use Permit Conversion: \$4,080), Variance (Filing Fee: \$4,925), Minor Exception (Filing Fee with notice: \$1,095; Filing Fee without notice: \$547.50), Subdivision (Certificate of Compliance: \$1,505; Final Parcel Map / Final Tract Map: 585; Lot Line Adjustment or Merger of Parcels: 1,010; Mapping Deposit: 473; Quimby fee: 1,817; Tentative Parcel Map (no public hearing): 805; Tentative Parcel Map (public hearing): 3,180; Tentative Tract Map: 3,770), Environmental Review (Environmental Assessment: \$215; Environmental Assessment (if Initial Study is prepared): \$2,210; Fish and Game County Clerk Fee: \$75).

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

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

## COMPLETE WRITTEN DESCRIPTION OF BUSINESS AND USE PERMIT

Speedi Mart, a convenience store located in Manhattan Beach, has been serving the local community for over two decades, and has been owned and operated by Aamir Bhamani for fifteen of those years.

The establishment operates seven days a week, 24 hours a day. There are no significant peak hours, as customers spontaneously arrive at the store whenever it is best for their schedules.

As part of its ongoing efforts to provide its customers with a complete product offering, Speedi Mart has applied for a use permit to upgrade its existing alcohol license. Speedi Mart has already been serving beer and wine for off-premise consumption for more than two decades, and an upgrade to the license would allow the business to also provide spirits for off-premise consumption.

The store's owner and operator, Aamir Bhamani, has significant experience with beer, wine & spirits convenience stores, as he has operated ten such stores during his career. One of those stores (Mac's Liquor) was located in Manhattan Beach, and Aamir successfully ran that operation from 1999-2004. In addition to experience with operating beer, wine & spirits convenience stores in Manhattan Beach, Aamir also has significant experience in managing business operations after receiving an upgraded alcohol license from a city. Aamir has received upgraded alcohol licenses from the city of Ontario (license upgraded in 2010), and from the city of Santa Barbara (license upgraded in 2002).

Given that Speedi Mart already has an existing beer & wine license, and given Aamir's significant experience with upgrading, owning, and operating beer, wine & spirits convenience stores (in Manhattan Beach and other cities), we are confident that the upgrade of the license will not require any changes in the operations of the business or in surrounding land uses.

Our mission is to provide Manhattan Beach residents with a complete product offering in a fast, friendly, and convenient manner. As part of that mission, we aim to expand our product offering by upgrading our existing alcohol license. Given that the store already has an existing alcohol license, given that the owner and operator has significant experience in such businesses, and given that the owner and operator has been involved in similar businesses in the city of Manhattan Beach itself, we feel confident that the upgraded license will be a positive step for the establishment, as well as for the patrons it serves in Manhattan Beach.

## FINDINGS



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

Response:

The management team of Speedi Mart has reviewed Title 10 and Commercial District objectives, and feels confident that upgrading an existing alcohol license is in accordance with the stated purposes.

As reviewed, Title 10 and the Commercial District objectives aim to provide a guide for physical development, protect economic stability of land use, prevent overcrowding, ensure adequate space for fire safety, strengthen the city's economic base, require adequate loading facilities, ensure proper service demands, conserve key visual features of Manhattan Beach, and provide opportunities for the full range of retail and services businesses deemed suitable for Manhattan Beach.

As a business that has served Manhattan Beach for over two decades, Speedi Mart is already in compliance with all Title 10 and Commercial District Objectives. Moreover, Speedi Mart has had an existing beer & wine license since its inception, and is only seeking an upgrade to this license. The owner and operator of Speedi Mart has successfully operated a beer, wine & spirits convenience store in Manhattan Beach in the past. Moreover, he has received similar alcohol license upgrades from various other cities, including Santa Barbara and Ontario recently. The owner therefore has significant experience in running beer, wine & spirits convenience stores, and foresees none of the city's objectives as being hampered by this use permit.

The only objective of this use permit is to allow Speedi Mart to provide a more complete product offering to its patrons, and the management team therefore feels that it is in line with the city's purposes.

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

Response:

Speedi Mart is an established retail operation that has been serving the city for over two decades. The business does not engage in activities that would be detrimental to the public health.

The entire mission of the business is simply to more conveniently provide products that can be found in a grocery store. The upgrade of the existing alcohol license will further complete the product offering, and result in added convenience for city residents.

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."

Response:

Given that Aamir Bhamani, the owner and operator of Speedi Mart, has two decades of experience in these businesses and has successfully owned and operated multiple stores that serve beer, wine & spirits (including one such store in Manhattan Beach previously), we are confident that Speedi Mart will be in compliance with all provisions of the title and the conditions required for proposed use.

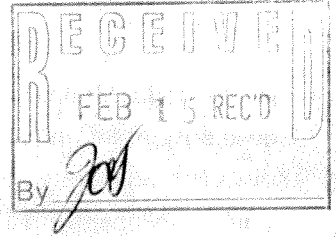
The fact that the California Department of Alcoholic Beverage Control is allowing Aamir to upgrade his license is a testament to Aamir's pristine track record with the Agency, as well as to his understanding of the rules and conditions associated with the sale of beer, wine & spirits products.

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

Response:

Speedi Mart, an established retail operation, has thousands of products that it offers to its patrons. The company is simply seeking to add an additional product line by upgrading this license. Aamir has upgraded two other alcohol licenses recently in different cities (Santa Barbara and Ontario), and has personally witnessed that there have been no adverse impacts.

The patrons of the store will now simply have one more product to choose from as they try to purchase relevant household items. Speedi Mart believes that having a complete product offering is crucial to its mission of providing Manhattan Beach residents with household products in a fast, friendly, and convenient manner.



**LETTER of SUPPORT for Speedi Mart**

January 17, 2011

**City of Manhattan Beach**  
Planning Department  
1400 Highland Ave  
Manhattan Beach, CA 90266

Re: Speedi Mart  
975 N Aviation Blvd  
Manhattan Beach, CA 90266

Dear City of Manhattan Beach,

I would like to provide my support for Speedi Mart Conditional Use permit to allow them to upgrade their existing beer and wine license to include distilled spirits at the above referenced location.

The proposed use will provide a variety of goods that cater to a variety of needs of consumers. With a selection of goods such as medicines, pre packaged food items, beauty products, and dairy products, meats, breads, soda, Danishes and a pleasant atmosphere to shop in. Residents of the immediate area will continued to benefit from a full service market in this area.

I support the inclusion for Beer and Wine, as I frequent the market for many needs for my family.

Sincerely,

Name: *Nasser Tawil*

Address: *2002 Winfield Ave, Redondo Beach, CA 90278*

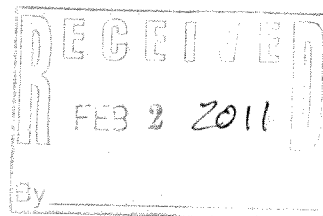
Signature: *[Handwritten Signature]*

**LETTER of SUPPORT for Speedi Mart**

January 17, 2011

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Planning Department  
1400 Highland Ave  
Manhattan Beach, CA 90266

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Sincerely,

EDWARD P. FULLER

Name:

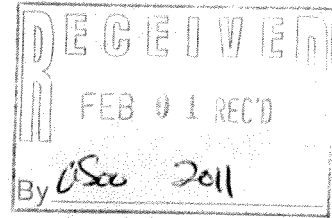
1731 5TH ST, MANHATTAN BEACH, CA 90262

Address:

Edward P. Fuller

Signature:

I HAVE BEEN SHOPPING AT THE SPEEDI-MART STORE ON AVIATION BLVD FOR MANY YEARS. I REALLY ENJOY GOING THERE, BECAUSE THE EMPLOYEES ARE VERY HELPFUL & COURTEOUS. I HAVE BEEN IN THE STORE AT ALL TIMES DURING THE DAY & EVENING, I HAVE NEVER SEEN ANY TROUBLE SUCH AS FIGHTS, INTOXICATED PEOPLE OR ANY OUT OF LINE INCIDENTS. I PLAN ON SHOPPING AT THE STORE FOR MANY YEARS IN THE FUTURE.



**LETTER of SUPPORT for Speedi Mart**

January 17, 2011

**City of Manhattan Beach**  
Planning Department  
1400 Highland Ave  
Manhattan Beach, CA 90266


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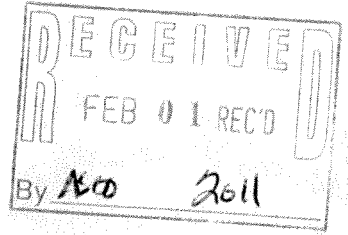
I support the inclusion for Beer and Wine, as I frequent the market for many needs for my family.

Sincerely, 

Name: ROBERT WILLIAMS

Address: 514 HARNNESS ST / MB CA 90266

Signature:



**LETTER of SUPPORT for Speedi Mart**

January 17, 2011

**City of Manhattan Beach**  
Planning Department  
1400 Highland Ave  
Manhattan Beach, CA 90266

Re: Speedi Mart  
975 N Aviation Blvd  
Manhattan Beach, CA 90266

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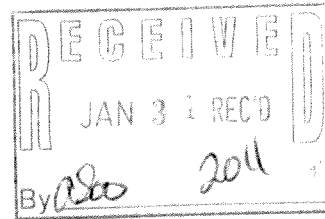
Sincerely,

Name: Darla Kushiner

Address: 1800 5<sup>th</sup> ST MB CA 90266

Signature:

Darla Kushiner



**LETTER of SUPPORT for Speedi Mart**

January 17, 2011

**City of Manhattan Beach**  
Planning Department  
1400 Highland Ave  
Manhattan Beach, CA 90266

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975 N Aviation Blvd  
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I support the inclusion for Beer and Wine, as I frequent the market for many needs for my family.

Sincerely,

Name: *Stephen Ferguson* (Stephen Ferguson)

Address: *1817 11th St Apt B Manhattan Beach CA 90266*

Signature: *Stephen Ferguson*

**LETTER of SUPPORT for Speedi Mart**

January 17, 2011

**City of Manhattan Beach**  
Planning Department  
1400 Highland Ave  
Manhattan Beach, CA 90266

Re: Speedi Mart  
975 N Aviation Blvd  
Manhattan Beach, CA 90266

Dear City of Manhattan Beach,

I would like to provide my support for Speedi Mart Conditional Use permit to allow them to upgrade their existing beer and wine license to include distilled spirits at the above referenced location.

The proposed use will provide a variety of goods that cater to a variety of needs of consumers. With a selection of goods such as medicines, pre packaged food items, beauty products, and dairy products, meats, breads, soda, Danishes and a pleasant atmosphere to shop in. Residents of the immediate area will continued to benefit from a full service market in this area.

I support the inclusion for Beer and Wine, as I frequent the market for many needs for my family.

Sincerely,

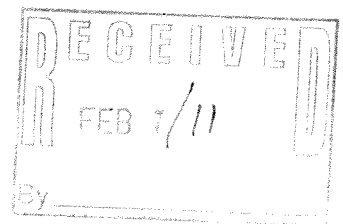
*Rick B. Pastor*

Name:

Address: *1709 FAYMONT AVE*

Signature:

*R. B. Pastor*





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 September 6, 2011.

## **5. PUBLIC HEARING**

### **05/25/11-2 Consideration of a New Use Permit to Change the Existing Beer and Wine Sales for Off-Site Consumption (Type 20) License to a Full Alcohol Sales for Off-Site Consumption (Type 21) License at Speedi Mart Located at 975 North Aviation Boulevard.**

Assistant Planner Danna summarized the staff report.

In response to a question from Commissioner Conaway, Assistant Planner Danna said that the entitlement for the alcohol license transfers with the property. He commented that the new owner must have the license transferred to their name.

In response to a question from Commissioner Conaway, Assistant Planner Danna said that an old business in existence before the current Code was in effect must apply for a Use Permit if any significant changes are made to the operation.

In response to a question from Commissioner Seville-Jones, Assistant Planner Danna said that the Department of Alcoholic Beverage Control (ABC) considers factors such as overconcentration of liquor licenses and crime rates in issuing liquor licenses. He commented that there is no set number of liquor licenses that would be considered an overconcentration. He commented that the subject establishment functions as a convenience store, and the other two establishments near the subject site that sell alcohol function as a liquor store and a bar.

In response to a question from Commissioner Seville-Jones, Assistant Planner Danna indicated that based on the comments of the Police Department, staff did not have concerns with limiting alcohol sales from 2:00 a.m. to 6:00 a.m. as restricted by the ABC.

Commissioner Andreani commented that Valentino's has on-site seating and is located in the same center as the subject establishment. She pointed out that on-site seating generally means that three of the parking spaces for the center would be used by patrons for a longer period of time. She asked whether the on site service would impact the parking for the subject use.

Assistant Planner Danna indicated that there is an allowance for some on-site seating at Valentino's is factored into the parking requirement.

Commissioner Andreani said that she does understand that the proposal would provide a convenience, but she is not certain about making a determination that the request would provide a public necessity.

Assistant Planner Danna commented that the intent of the finding is not necessarily that the use must provide a public necessity but rather a convenience.

In response to a question from Commissioner Gross, Assistant Planner Danna commented that the parking would be reviewed if one of the uses in the center were proposed to be changed.

Chairperson Paralusz commented that she would like further information regarding the actual hours of operation of businesses that sell alcohol which have been in operation before the requirement for a Use Permit.

In response to a question from Commissioner Paralusz, Assistant Planner Danna said that the subject establishment would continue to operate 24 hours every day. He commented that staff did not feel a need to restrict the hours of operation for the entire store with the proposed sale of hard liquor. He pointed out that the basic change with the proposal is for the sale of hard alcohol from behind the counter.

In response to a question from Commissioner Gross, Director Thompson commented that staff's opinion is that alcohol permits should be considered on a case by case basis, with consideration being given to the location in which the use is proposed. He indicated that the subject market has been at the location for 20 years and has been under the same operator for 15 years. He commented that the Police Department also had a very positive report regarding the management of the operation. He indicated that staff takes into consideration any concerns of the Police Department and the neighbors. He stated that staff feels the conditions as proposed are sufficient to regulate the operation of the subject site under any future operators.

Commissioner Gross said that he also shares the concerns of Commissioner Seville-Jones as to determining whether too many alcohol licenses may be granted by the City in the future.

Director Thompson said that the licenses are considered on an individual basis, and the City Council would need to raise the issue and provide direction as to whether they feel the issue needs to be addressed. He indicated that the applications have been reviewed by the City Council, and no direction has been provided to staff to consider limiting the number of alcohol licenses that are granted. He pointed out that the sale of alcohol for on site consumption is different than for off site consumption.

In response to a question from Commissioner Conaway, Assistant Planner Danna pointed out that the amount of area that would be permitted for the sale of hard alcohol would be limited to behind the counter as shown in the plans. He said that any change to the plans as approved would require an amendment to the Use Permit.

Director Thompson pointed out that a condition would be included in the Resolution which states that any display of alcoholic beverages must be in substantial conformance with the approved plans. He indicated that the condition also includes that distilled spirits may only be displayed behind the counter as shown on the approved plans and customers must request the products from the store attendant.

In response to a question from Commissioner Seville-Jones, Assistant Planner Danna commented that the sale of single servings of hard alcoholic beverages would not be prohibited as proposed. He indicated that the store currently sells single bottles of beer, but no concerns have been expressed by the Police Department or the neighbors.

Chairperson Paralusz opened the public hearing.

### **Public Input**

**Sherrie Olsen**, representing the applicant, indicated that the notice from the ABC was sent to properties within 500 feet of the subject site, and no opposition from neighboring residents was received. She commented that they sent out a notice for a meeting regarding the subject

proposal to the adjacent residents, and no residents attended to raise any concerns. She commented that they have received letters of support for the proposal. She pointed out that hard alcohol would only be displayed in a small area behind the counter. She said that they sell wines of all price ranges at the request of the neighbors. She indicated that they have not had concerns raised by the Police Department for selling single servings of beer. She indicated that they agree with the conditions as recommended by staff. She provided the Commissioners with letters of support for the proposal from adjacent residents.

Commissioner Andreani pointed out that there is not very much space on the east wall of the store behind the counter to display distilled spirits.

**Ms. Olsen** said that they will only carry a very limited amount of distilled spirits. She stated that they would only carry those brands that are most requested by the neighbors, mainly for mixed drinks. She commented that their intent is to become a franchisee of 7-Eleven in the future.

Commissioner Andreani commented that the entitlement to operate 24 hours and to sell alcohol could be marketable to a potential buyer of the operation.

In response to a question from Commissioner Andreani, **Ms. Olsen** stated that most of their sales are from grocery items and not alcohol. She commented that they keep a stock of regular grocery items as a convenience to the nearby residents.

In response to a question from Commissioner Andreani, **Ms. Olsen** indicated that it is important for their business to operate 24 hours, as it is a requirement for eventually becoming a franchisee of 7-Eleven.

**Amir Farmani**, the property owner, said that there have not been any complaints from residents or the Police Department regarding the establishment. He stated that there have not been any concerns expressed by the Police Department or the ABC.

**Ed Foler**, a resident of the 1700 block of 5th Street, said that he is good friends with **Mr. Farmani**. He indicated that he visits the store regularly, and he has never seen any problems. He commented that there have been no problems with the business, and he hopes the application is granted.

**Dennis Fernandez**, a resident of the 1800 block of 10<sup>th</sup> Street, said that he concurs with the comments of **Mr. Foler** that the store is very well managed. He indicated that he visits the store regularly, and it provides a great convenience. He indicated that he supports the proposal and supporting the business.

Chairperson Paralusz closed the public hearing.

### **Commissioner Discussion**

In response to a question from Commissioner Seville-Jones, Director Thompson indicated that the position of the City Attorney is that the City does not have the ability to further restrict alcohol sales beyond the hours imposed by the ABC. He said that staff's practice, however, has been that the Commission and City Council has limited the hours further than those established by the ABC if concern is expressed regarding a project by the community. He commented that there have been no concerns raised regarding the subject establishment to warrant further restrictions in the hours.

Commissioner Conaway said that he is pleased that there is community support for the subject establishment. He commented that he can support the application, as there is an existing beer and wine license and the amount of area for alcohol sales would be limited. He indicated that he does have a concern regarding the hours. He commented that he does have a concern with determining the appropriate number of alcohol licenses in the City, as the alcohol licenses remain with the property. He indicated that it is important to provide parity in granting alcohol licenses. He said that he downloaded information regarding the alcohol licenses for other cities in the area from the ABC website. He indicated that Manhattan Beach currently has 17 alcohol licenses, and Hermosa Beach has 12 alcohol licenses. He said that there recently was a letter to the editor complaining about the number of liquor licenses in Hermosa Beach. He commented that he does not believe that the tipping point for the maximum number of alcohol licenses has yet been exceeded for the City, as there have not been public complaints. He said that he can support the subject proposal, as there has been support by the community. He commented that the appropriate number of alcohol licenses is an important question for the Commission to discuss as part of adhering with the intent of the General Plan.

Chairperson Paralusz suggested that discussion regarding the number of alcohol licenses in the City could be included as an item for the next joint meeting with the Commission and City Council.

Commissioner Andreani said that she shares the concerns of the other Commissioners regarding providing parity in granting alcohol licenses. She indicated that she supports considering applications on a case by case basis and appreciates that the subject applicant has been a good neighbor. She stated that she feels a real reluctance to deny the proposed hours because of the potential of the applicant to have a franchise with 7-Eleven. She said that she would suggest adding language to item 10 in Section 2 of the draft Resolution to specify that the hours for alcohol sales would be prohibited between 2:00 a.m. and 6:00 a.m. She suggested prohibiting the sales of single servings of hard alcohol.

Chairperson Paralusz said she would not support limiting the sales of singles because there has not been a history of problems at the subject establishment. She indicated that she would be more in support of such a restriction if a concern were expressed by the Police Department.

Commissioner Seville-Jones pointed out that drinking single servings of hard alcohol has more of an impact than drinking a single beer.

Chairperson Paralusz reopened the public hearing.

**Ms. Olsen** indicated that they would not object to a condition prohibiting the sale of single servings of distilled spirits.

Chairperson Paralusz closed the public hearing.

Commissioner Andreani said that she would support having a discussion regarding the number of alcohol licenses in the City at the joint meeting with the City Council.

Commissioner Gross said that there has not been a history of problems with the establishment, and there is support expressed from the community. He commented that he would support adding language for clarification that alcohol may not be sold between the hours of 2:00 a.m. and 6:00 a.m. as suggested by Commissioner Andreani. He stated that there have only been positive comments received by the neighbors and no opposition has been expressed. He

commented that there has been a lot of support for the subject establishment in this case. He commented that he would support the draft Resolution.

In response to a comment from Commissioner Gross, Director Thompson commented that it is difficult for an entitlement to be revoked once it is granted. He indicated that staff feels there are appropriate restrictions and conditions in the draft Resolution to allow the entitlement for the sale of hard alcohol for the subject use. He said that it is possible to revoke a Use Permit if proof is demonstrated that the business is not in compliance with conditions of approval.

Commissioner Seville-Jones said that she supports the subject application. She indicated that the applicant has been a good neighbor, and it is a credit to the applicant that there have been no members of the community to have expressed opposition. She commented that the service offered by the store is a convenience to the community, and she appreciates that hard alcohol would only be sold from a small area behind the counter. She said that she also appreciates that the Police Department and ABC have expressed no concerns regarding the proposal. She commented that she is concerned with hours until 2:00 a.m. because of the Hanger Inn located across the street from the subject establishment. She stated that she is concerned that patrons from the Hanger Inn would visit the store to buy more alcohol after the bar closes at 2:00 a.m. She indicated that she would like for the hours permitted for alcohol sales to end earlier for the store in order to be staggered from the closing hours of the bar. She commented that she appreciates that the applicant does not plan to sell single servings of distilled spirits.

Commissioner Seville-Jones asked about the process by which the Commission could send a letter to the City Council requesting that consideration be given to the number of alcohol licenses that are approved for the City and requesting that information be gathered regarding how Manhattan Beach currently compares with other cities. She stated that there are 17 alcohol permits for full alcohol and 15 permits for beer and wine in the City, which has a population of approximately 33,000. She commented that more permits are being issued without an understanding of how the number of alcohol licenses in Manhattan Beach compares with other cities. She said that a proliferation of alcohol licenses can result in an increase in crime and violence and increase use of alcohol by young people. She said that she would be willing to move forward with the subject application, as the establishment already has a permit to sell beer and wine.

Chairperson Paralusz indicated that she would not anticipate that the subject proposal would result in a problem with patrons from the Hanger Inn visiting the subject store to buy hard alcohol after the closing hours of the bar.

Director Thompson pointed out that the Hanger Inn only serves beer and wine and does not serve hard alcohol.

In response to a question from Chairperson Paralusz, Director Thompson commented that he would think about the best way for the Commission to communicate with the Council. He indicated that he is not certain that the Commission needs the approval of the City Council in order to request information from staff regarding the number of alcohol licenses for other cities.

Commissioner Seville-Jones indicated that there are metrics by which other cities may use to determine the appropriate number of alcohol licenses. She stated that the information could possibly be sent to the Council for them to possibly consider establishing a policy.

Commissioner Gross indicated that he feels any letter to the City Council from the Commission should serve to ask the Council if they feel the issue regarding the number of alcohol licenses

for onsite and offsite consumption being granted by the City should be addressed further. He indicated that he would not be in favor of asking staff to prepare a study unless the Council feels there is a policy issue.

Commissioner Seville-Jones suggested that Director Thompson provide direction to the Commission at the next meeting regarding their recommendation for moving the issue forward.

Chairperson Paralusz commented that the Council will also be made aware that the Commission has a concern through the minutes.

Director Thompson suggested that the City's police chief could possibly give a presentation regarding the impact of liquor licenses in the City.

Commissioner Seville-Jones commented that she has a concern that there is no basis by which to measure the appropriate number of alcohol licenses being granted for the City.

Chairperson Paralusz thanked the applicant for being a good citizen in the community. She said that it is a credit to the applicant that there is no opposition to the proposal. She stated that she is in favor of the application. She indicated that proposals for selling alcohol are considered on an individual basis. She said that the subject business has been in operation 24 hours without complaints. She commented that she is concerned with the proliferation of alcohol licenses in the City, but it is a broader issue that is separate from the current proposal. She pointed out that the subject business already has an alcohol license to sell beer and wine. She said that she is also concerned with parity in granting alcohol licenses. She pointed out that Hotdoggers is different than the subject application, in that they are a sit-down restaurant with onsite consumption rather than a store that sells alcohol for off-site consumption. She said that the neighboring residents on Oak Avenue also had a concern with the impact of noise from Hotdoggers.

The Commissioners agreed to add wording to specify that the sale of alcohol would be prohibited between 2:00 a.m. and 6:00 a.m.

Assistant Planner Danna pointed out that Condition 10 was written with general language to specify that the hours of alcohol would be limited as required by the ABC in order to allow for flexibility if the regulations of the ABC change.

Director Thompson indicated that the findings could include language to state that the sale of alcohol currently is restricted by the ABC between the hours of 2:00 a.m. and 6:00 a.m.

The Commissioners agreed to include the language in the findings as suggested by Director Thompson.

The Commissioners agreed to include a condition restricting the sale of single servings of distilled spirits.

Commissioner Conaway commented that he would be concerned that such a condition restricting the sale of single servings of hard alcohol would be overly restrictive on the applicant; however he would not object to such language because the applicant is not opposed.

Commissioner Gross indicated that he agrees with the comments of Commissioner Conaway.

A motion was MADE and SECONDED (Gross/Andreani) to **APPROVE** a Use Permit to change the existing beer and wine sales for off-site consumption (Type 20) license to a full alcohol sales for off-site consumption (Type 21) license at Speedi Mart located at 975 North Aviation Boulevard with the addition of language in the findings to state that the sale of alcohol currently is restricted by the ABC between the hours of 2:00 a.m. and 6:00 a.m.; and with a condition restricting the sale of single servings of distilled spirits.

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 September 6, 2011.

## **6. DIRECTORS ITEMS**

Director Thompson said that a joint Commissioners workshop to discuss the bicycle plan is scheduled for August 25 and will be held at the Police and Fire facility.

Director Thompson commented that the application for Hotdoggers was approved by the City Council. He said that the entitlement was approved to add an enclosed building. He indicated, however, that the applicant has chosen to remodel the building to allow them to operate 24 hours under the existing entitlement. He indicated that they will not be able to serve beer and wine or have a patio under the existing entitlement to operate 24 hours.

## **7. PLANNING COMMISSION ITEMS**

Commissioner Seville-Jones suggested that Director Thompson provide further information at the next meeting regarding his suggestion for recommending that the Council consider the issue regarding the appropriate number of alcohol licenses for the City.

Director Thompson indicated that the staff report to the City Council will include the discussion of the Commissioners regarding their concerns of approving an overconcentration of alcohol licenses.

Commissioner Gross pointed out that the Commissioners are not stating that they feel that there currently is an overconcentration of alcohol licenses but rather are raising a question as to how to determine whether too many licenses are being issued in the future.

Chairperson Paralusz also asked for further clarification as to whether it is the role of the Commission to determine whether there is an overconcentration of liquor licenses.

Commissioner Conaway commented that he would be happy to share the information with staff and the Commissioners that he gathered from the internet regarding the number of liquor licenses in other neighboring cities. He said that it is not clear why alcohol service is limited to 10:00 p.m. or midnight for some businesses and not restricted for others. He indicated that it would also be helpful for the Commissioners to have information regarding the specific restrictions that are placed on individual businesses such as limiting the space for alcohol sales and restricting the sale of single servings of alcohol.

Commissioner Seville-Jones indicated that she is concerned regarding the broader policy issue