

**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