

**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

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

Landuse

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

BACKGROUND

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.

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:

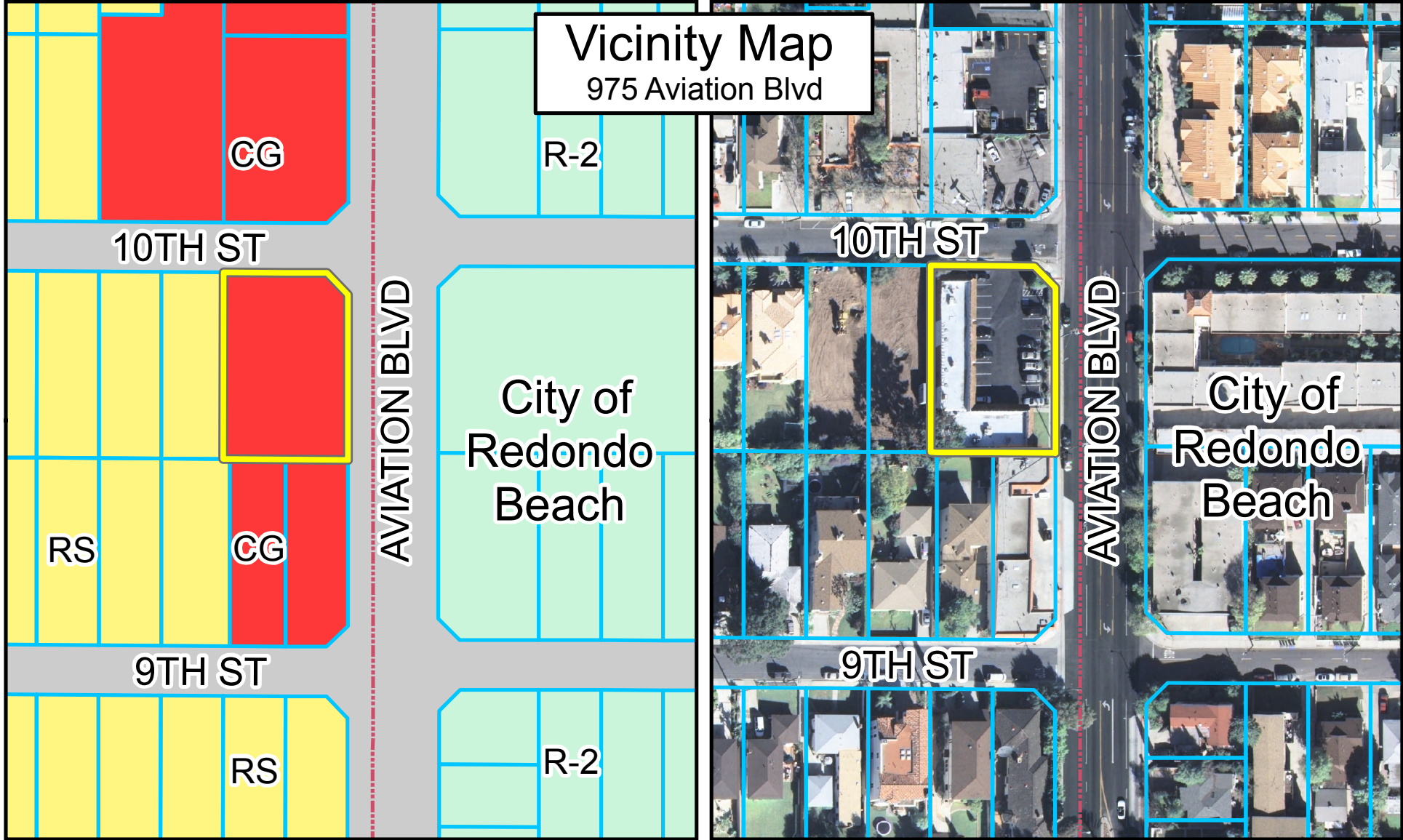
ABSTAIN:

ABSENT:

RICHARD THOMPSON,
Secretary to the Planning Commission

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)

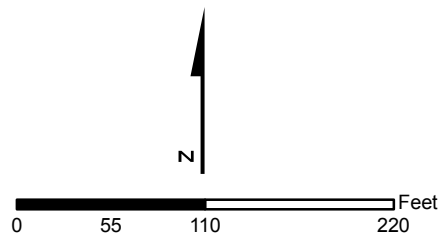


Exhibit B



**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.

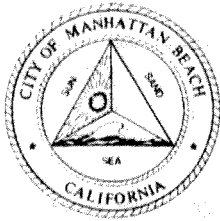
Public Comments: Anyone wishing to provide written comments for inclusion in the Staff Report must do so by July 20, 2011. Written comments received after this date will be forwarded to the Planning Commission at, or prior to, the public hearing, but will not be addressed in the Staff Report. Oral and 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 determinations¹:

Project located in Appeal Jurisdiction

- Major Development (Public Hearing required)
- Minor Development (Public Hearing, if requested)

Project not located in Appeal Jurisdiction

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

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

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

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).

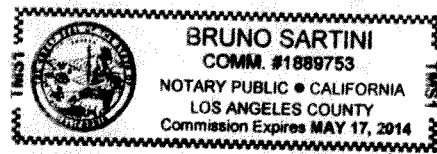
Lawrence T. Ha
Signature of Property Owner(s) - (Not Owner in Escrow or Lessee)

LAWRENCE T. HA
Print Name

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

(714) 244-0504
Telephone

Subscribed and sworn to before me,
this 14 day of December, 2010
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)

Coastal Development Permit

Filing Fee (public hearing - no other discretionary approval required): \$ 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 (paid with Final Map application) 473
Quimby (Parks & Recreation) fee (per unit/lot) 1,817
Tentative Parcel Map (less than 4 lots / units) No Public Hearing 805
Tentative Parcel Map (less than 4 lots / units) Public Hearing 3,180**
Tentative Tract Map (more than 4 lots / units) 3,770**

Environmental Review (contact Planning Division for applicable fee)

Environmental Assessment: \$ 215
Environmental Assessment (if Initial Study is prepared): \$ 2,210
Fish and Game County Clerk Fee²: \$ 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)

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.

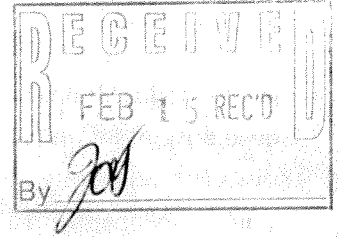
The fact that the California Department of Alcoholic Beverage Control is allowing Aamir to upgrade his license is a testament to Aamir's pristine track record with the Agency, as well as to his understanding of the rules and conditions associated with the sale of beer, wine & spirits products.

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*

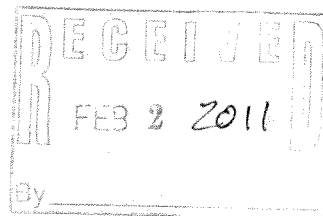
Signature: *[Handwritten Signature]*

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Sincerely,

EDWARD P. FULLER

Name:

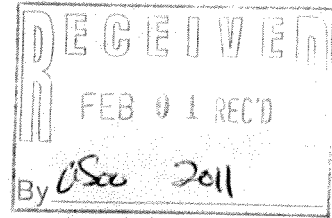
1731 5TH ST, MANHATTAN BEACH, CA 90262

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 HELPFULL & COURTEOUS. I HAVE BEEN IN THE STORE AT ALL TIMES DURING THE DAY + EVENING, I HAVE NEVER SEEN ANY TROUBLE SUCH AS FIGHTS, INTOXIATED PEOPLE OR ANY OUT OF LINE INCIDENTS. I PLAN ON SHOPPING AT THE STORE FOR MANY YEARS IN THE FUTURE.



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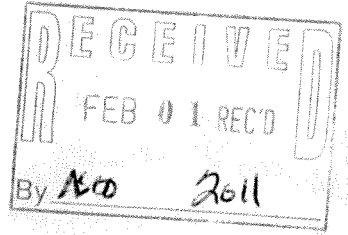
Sincerely,

A handwritten signature in black ink, appearing to read "Robert Williams".

Name: ROBERT WILLIAMS

Address: 514 HARNESSEY ST / MB CA 90266

Signature:



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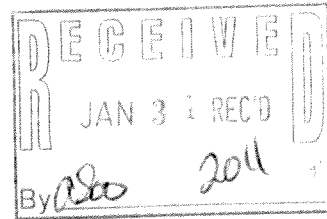
Sincerely,

Name: Darla Kushiner

Address: 1800 5th ST MB CA 90266

Signature:

Darla Kushiner



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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*

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Sincerely,

Rick B. Pastor

Name:

Address: *1709 FAYMONT AVE*

Signature:

R. B. Pastor

