

1 RESOLUTION NO. PC 16-05

2 RESOLUTION OF THE MANHATTAN BEACH PLANNING COMMISSION APPROVING  
3 A USE PERMIT ALLOWING ON-SITE INSTRUCTIONAL ALCOHOL TASTINGS AT AN  
4 EXISTING SUPERMARKET LOCATED AT 2700 SEPULVEDA BOULEVARD (RALPHS -  
5 MANHATTAN VILLAGE MALL)

6 THE PLANNING COMMISSION DOES HEREBY RESOLVE AS FOLLOWS:

7 SECTION 1. The Planning Commission hereby makes the following findings:

- 8 A. On September 28, 2016, the Planning Commission reviewed an application for a use permit to add  
9 instructional alcohol tastings of beer, wine, and distilled spirits (Type 86) to an existing 43,278 square  
10 foot grocery store with an existing full alcohol off-site sales license (Type 21) located at 2700 Sepulveda  
11 Boulevard in the City of Manhattan Beach.
- 12 B. On August 8, 2007, the Planning Commission approved an application to add wine tasting only (Type  
13 42) within Ralphs (PC 07-12). The City Council approved the project proposal on September 4, 2007.  
14 Ralphs withdrew the application for the wine tasting license (Type 42) with the Alcoholic Beverage  
15 Control (ABC) on December 12, 2008.
- 16 C. The subject property located at 2700 Sepulveda Boulevard is legally described as Parcel Map P.M.  
17 122, pages 33-35, Lot 3 in the City of Manhattan Beach, County of Los Angeles.
- 18 D. The subject property is located in Area District II and is zoned CC, Community Commercial, as are all  
19 of the adjoining properties in the Manhattan Village Shopping Center (2600 through 3562 Sepulveda  
20 Boulevard). The subject property is classified Manhattan Village in the Manhattan Beach General Plan.
- 21 E. The applicant for the use permit is Art Rodriguez and Associates representing Ralphs Grocery  
22 Company (Ralphs). The stated business objective is to enhance the shopping experience by  
23 providing instructional alcohol tastings to customers. The proposed occupancy will not involve any  
24 structural modification to the existing tenant space. The instructional tastings will be conducted within a  
25 designated area on the approved floor plan.
- 26 F. The subject property is located in a multi-tenant commercial center, which include restaurants, retail  
27 shops, services, and offices. The existing parking spaces are 2,393 for the entire Manhattan Village  
28 Shopping Center. There will be no change in square footage and therefore does not require any  
29 additional development standards.
- 30 G. The proposed project is Categorically Exempt from the provisions of the California Environmental  
31 Quality Act (CEQA), under Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines  
32 because it is a minor alteration to the operational characteristics within an existing facility and will not  
significantly expand any uses. The requested Use Permit to allow on-site instructional alcohol tastings  
would not alter the existing facility or change the underlying use because the tastings would occur  
within the existing supermarket.
- H. Pursuant to Section 10.84.060 the following findings are made with respect to the subject Use Permit:

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

The proposed project is located within the (CC) Community Commercial district. The project  
does not encompass a change in classification of use, rather a change in the operational  
characteristics to include limited on-site consumption of alcohol at instructional tastings. The  
business is in accord with the objectives of this title, and the purpose of the district in which it is  
located since the project is a commercial zone consistent with Section 10.16.010 of the  
Manhattan Beach Zoning Code which states that the district is intended to provide  
opportunities for commercial retail uses for a full range of retail and service businesses.

Support facilities such as retail, entertainment and eating and dining establishments are permitted, subject to certain limitations to avoid adverse effects on adjacent uses. With conditions the application is consistent with the purpose of the district and zone. The proposed location of the use is in accord with the objectives of Title 10 of the Municipal Code and the purposes of the district in which the site is located, as conditioned.

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 on-site consumption of alcohol, as proposed, poses no detrimental effects to the public health, safety, or welfare of persons residing or working on the proposed project site, or to the adjacent or neighborhood; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city as the site continues to operate as a commercial retail use and the alcohol sampling would be accessory or incidental to the retail sales.

The General Plan designation for the property is Manhattan Village Commercial. This designation reflects the unique nature of the subject property as a portion of the largest retail development in the City. The modifications, as conditioned, are consistent with the following General Plan Goals and Policies:

**Goal LU-4: Support and encourage the viability of the commercial areas of Manhattan Beach.**

The proposed project is consistent with offering a wide variety of services and supporting the mix of commercial uses.

**Goal LU-5: Encourage high quality, appropriate private investment in commercial areas of Manhattan Beach.**

The proposed project will provide a desired service to customers therefore supporting the continued success of the Manhattan Village Mall.

**Goal LU-8: Maintain Sepulveda Boulevard, Rosecrans Avenue, and the commercial areas of Manhattan Village as regional-serving commercial districts.**

The proposed project will enhance the Manhattan Village Mall and is consistent with providing goods and services throughout the main commercial areas of the City.

**Policy LU- 8.2: Support the remodeling and upgrading needs of businesses as appropriate within these regional-serving commercial districts.**

The proposed project will be within the existing floor area and is consistent with the existing uses on the site and other nearby commercial properties.

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

The proposed renovation will comply with applicable performance and development standards. Therefore the proposed use will comply with the provisions of Title 10 of the Municipal Code (Zoning Ordinance), including any specific condition required for the proposed use in the CC zoning district in which it is located. A Use Permit is required for on-site instructional alcohol tastings Type 86 License. The proposed instructional tasting of beer, wine and spirits on an existing commercial retail use is determined to be in compliance with applicable provisions of the (CC) Community Commercial zone, and the required notice, hearing and findings for the Use Permit.

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 proposed change in operational use will not adversely impact nearby properties as the use currently exists at the site. The proposed operational change to include beer, wine and spirits tasting poses no significant increase to the parking demand in the Community Commercial zone. It is not anticipated that the addition of limited beer, wine and distilled spirits consumption in the existing retail/grocery use will exceed the capacity of public services and facilities.

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

*Operational*

1. The project shall be in substantial conformance with the plans and project description submitted to, and approved by the Planning Commission on September 28, 2016. Any substantial deviation from the approved plans or project description shall require approval from the Planning Commission.
2. In the event that the business known as Ralphs supermarket should vacate the premises, the tenant space at 2700 Sepulveda Boulevard, may be occupied by another similar use, and retain the benefits of this Use Permit, if upon its review, the Department of Community Development determines that the replacement use has the same use characteristics as Ralphs supermarket, including type of service provided, and peak hours of activity. The intent of this condition is to ensure that any replacement retail tenant, if exercising a Type-86 ABC license for on-site instructional tastings of alcoholic beverages, would be a use similar to Ralphs supermarket.
3. The on-site alcohol tasting shall be conducted only in the designated area and shall have no seating. The hours of tasting will be limited to 10am to 9pm daily per ABC regulations. Tastings shall be limited to a maximum of eight (8) ounces of beer, a maximum of three (3) ounces of wine or a maximum of three-quarters (¾) ounce of distilled spirits per person. Tastings shall be poured by Ralph's employees or the authorized licensee, or designated agents in accordance with ABC regulations. Only one tasting shall be provided to any person on any day.
4. The tastings will be restricted only to patrons at least 21 years in age. Persons under 21 years of age are not allowed within the "designed area" as shown on the approved project floor plan.
5. No exterior signage advertising tastings will be permitted.
6. The property owner shall obtain approval for the proposed instructional alcohol tastings from the State Department of Alcoholic Beverage Control (ABC) and shall comply with all ABC conditions of approval.
7. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance. Any outside sound or amplification system or equipment is prohibited.

*Building Department*

8. All work shall comply with the California Codes which includes: 2013 Uniform Building Code, 2013 Uniform Mechanical Code, 2013 Uniform Plumbing Code and 2013 Electrical Code.

*Procedural*

9. This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030 have expired.
10. This Use Permit shall lapse two years after its date of approval, unless implemented or renewed pursuant to 10.84.090 of the Municipal Code.
11. The applicant/business owner shall cooperate with the Department of the Community Development in its conduct of periodic reviews for compliance of conditions of approval.
12. The applicant must submit in writing to the City of Manhattan Beach acceptance of all conditions within 30 days of approval of Use Permit.
13. *Indemnity, Duty to Defend and Obligation to Pay Judgments and Defense Costs, Including Attorneys' Fees, Incurred by the City.* Ralphs shall defend, indemnify, and hold harmless the City, its elected officials, officers, employees, volunteers, agents, and those City agents serving as independent contractors in the role of City officials (collectively "Indemnitees") from and against any claims, damages, actions, causes of actions, lawsuits, suits, proceedings, losses, judgments, costs, and expenses (including, without limitation, attorneys' fees or court costs) in any manner arising out of or incident to this approval, related entitlements, or the City's environmental review thereof. Ralphs shall pay and satisfy any judgment, award or decree that may be rendered against City or the other Indemnitees in any such suit, action, or other legal proceeding. The City shall promptly notify Ralphs of any claim, action, or proceeding and the City shall reasonably cooperate in the defense. If the City fails to promptly notify Ralphs of any claim, action, or proceeding, or if the City fails to reasonably cooperate in the defense, Ralphs shall not thereafter be responsible to defend, indemnify, or hold harmless the City or the Indemnitees. The City shall have the right to select counsel of its choice. Ralphs shall reimburse the City, and the other Indemnitees, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Nothing in this Section shall be construed to require Ralphs to indemnify Indemnitees for any Claim arising from the sole negligence or willful misconduct of the Indemnitees. In the event such a legal action is filed challenging the City's determinations herein or the issuance of the approval, the City shall estimate its expenses for the litigation. Ralphs shall deposit that amount with the City or enter into an agreement with the City to pay such expenses as they become due.

I hereby certify that the following is a full, true, and correct copy of the Resolution as **ADOPTED** by the Planning Commission at its regular meeting on September 28, 2016 and that the Resolution was adopted by the following vote:

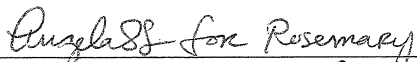
**AYES:** Ortmann, Conaway, Chair Hersman, Apostol.

**NOES:** None.

**ABSTAIN:** None.

**ABSENT:** Bordokas.

  
**Marisa Lundstedt**  
 Secretary to the Planning Commission

  
**Rosemary Lackow**  
 Recording Secretary