

ATTACHMENT D

RESOLUTION NO. PC 18-12

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A PLANNED DEVELOPMENT PERMIT AMENDMENT ALLOWING ON-SITE DINING WITH BEER AND WINE SERVICE TO BE ADDED TO FOOD AND BEVERAGE SALES WITHIN AN EXISTING RETAIL AND INDUSTRIAL DEVELOPMENT LOCATED AT 1700 ROSECRANS AVENUE (CONTINENTAL DEVELOPMENT/MOTHER'S MARKET)

THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Manhattan Beach hereby makes the following findings:

- A. The Planning Commission of the City of Manhattan Beach conducted a public hearing on June 13, 2018, received testimony, and considered an application for a planned development permit amendment to add eating and drinking establishment use with beer and wine service to a food and beverage sales use on the property legally described as a portion of Section 19, Township 3 South, Range 14 West located at 1700 Rosecrans Avenue in the City of Manhattan Beach.
- B. The applicant for the subject project is Continental 1700 Rosecrans Corp., the owner of the property.
- C. The existing commercial and industrial site is currently governed by Planned Development Permits (Resolution Nos. 5203 & PC 08-12) that permit the existing industrial use, and 46,000 square feet of existing retail/ food and beverage sales use. The proposal to add approximately 968 square feet of eating and drinking establishment use to the site requires Planning Commission approval of an amendment to the existing Planned Development Permit.
- D. The existing parcel is 298,271 sf in area and includes 3 separate buildings. Two buildings at the rear (#66-36,000 sf and #67-30,000 sf) provide 66,000 sf of warehouse space. The building at the front includes 3 retail/food beverage sales spaces (19,999 sf, - Office Depot, 10,008 sf - BevMo, and 16,603 sf- proposed Mother's Market). There are approximately 288 parking spaces on site with the subject proposal.
- E. The project is Categorically Exempt (Class 1 & 2, Sections 15301 & 15303) from the requirements of the California Environmental Quality Act (CEQA) since it involves conversion of an existing facility to a smaller size facility of similar intensity.
- 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 Manhattan Village Commercial. The project is consistent with the General Plan, and specifically supports Goal LU-8, encouraging maintenance of Rosecrans Avenue as a regional-serving commercial district, Goal LU-2 regarding increased landscaping, Goal LU-3, and Policy LU-3.1 related to positive aesthetics, Policy LU-6.2 by providing a diverse tax base, and Policy LU-8-2 related to upgrading and remodeling to meet business needs.
- H. The property is located within Area District II and is zoned PD, Planned Development. The surrounding private land uses consist of commercial and industrial uses. The PD zone does not establish permitted uses or development standards, however, the project is compatible with the previous site development and the surrounding area. The subject amendment and the existing PD permits establish the use and development regulations for the site. The proposal is consistent with the PD district intentions for General Plan Compliance, quality design, and adequate public services.
- I. Approval of on-site dining with beer and wine service, subject to the conditions below, 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 since these activities will have limited night hours, serve a regional customer base, and be insulated from residential and other sensitive uses.

- J. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code as well as specific conditions contained herein further regulating the project.
- K. A determination of public convenience and necessity is made for the proposed Type 20 and 41 alcohol licenses (as conditioned below), which shall be forwarded to the California Department of Alcohol Beverage Control upon City Council acceptance of the decision.
- L. A de minimis impact finding is hereby made that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- M. This Resolution, upon its effectiveness, together with existing Planned Development Resolution Nos. 5203 and PC 08-12, constitute the Planned Development Permit/Plan for the subject site, and the State required Determination of Public Convenience and Necessity for the currently proposed Type 20 and Type 41 alcohol licenses.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Planned Development Permit Amendment for an on-site dining component with beer and wine service within a grocery store operation, subject to the following conditions (*indicates a site specific condition):

Site Preparation / Construction

- 1. The project shall be constructed and operated in substantial compliance with the submitted project description and plans as approved by the Planning Commission on June 13, 2018, except that substantial planting area, as determined by the Community Development Director, shall be provided in, and/or adjacent to, the proposed dining patio. Any other substantial deviation from the approved plans must be reviewed and approved by the Planning Commission. The subject property shall be in compliance with any previous permit requirements that remain effective.
- 2. A Traffic Management Plan shall be submitted in conjunction with all construction and other building plans, to be approved by the Community Development Department prior to issuance of building permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including delivery of materials and parking of construction related vehicles.

Prior to the commencement of any construction activity that would cause a disruption to traffic or lane closure on Rosecrans Avenue; the applicant shall submit plans which shall minimize traffic impacts associated with the proposed development for review and approval by the Community Development Department.

- 3. Utility improvements such as property line cleanouts, backwater valves, mop sinks, drain lines, grease interceptors, etc., shall be installed and maintained as required by the Public Works Department.
- 4. Modifications and improvements to the tenant space shall be in compliance with applicable requirements of the Building Division, Health Department, and State Department of Alcohol Beverage Control.
- 5. A trash/recyclables storage area shall be provided and maintained on the site subject to the requirements of the Community Development and Public Works Departments.
- 6. All new electrical, telephone, cable television system, and similar service wires and cables shall be installed underground to the appropriate utility connections in compliance with all applicable Building and Electrical Codes, safety regulations, and orders, rules of the Public Utilities Commission, the serving utility company, and specifications of the Public Works Department.

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7. During building construction, measures shall be implemented to minimize the impacts of dust on the surrounding area.
 8. The siting of construction related equipment (job site offices, trailers, materials, etc.) shall be subject to the approval from the Director of Community Development prior to the issuance of any building permits.
 9. A site landscaping plan, for all landscape work, utilizing drought tolerant native plants shall be submitted for review and approval concurrent with the building permit application. All plants shall be identified on the plan by the Latin and common names. The current edition of the Sunset Western Garden Book contains a list and description of drought tolerant plants suitable for this area. This plan shall be prepared by a licensed landscape architect, as required by state law.
 10. A low pressure or drip irrigation system shall be installed in any modified landscape areas, which shall not cause any surface run-off under normal operating conditions. Details of the irrigation system shall be noted on the landscaping plans. The type and design shall be subject to the approval of the Public Works and Community Development Departments.
 11. Project driveway entrances shall be constructed or modified in conformance with the requirements of the Public Works Department.
 12. Final circulation, traffic visibility, pedestrian, bicycle, and parking design shall be subject to the review and requirements of the City's Traffic Engineer and Director of Community Development.
 13. Property line clean outs, mop sinks, erosion control, and other sewer and storm water items shall be installed and maintained as required by the Department of Public Works. Oil clarifiers and other post construction SUSMP items may be required for the project.
 14. Backflow prevention valves shall be installed as required by the Department of Public Works, and the locations of any such valves or similar devices shall be subject to approval by the Community Development Department prior to issuance of building permits.

Operational Restrictions

15. The subject tenant space shall operate as a food and beverage sales, retail, or similar use as to determined by the Community Development Director. Entertainment, dancing, and alcohol licenses other than Type 20 or Type 41 shall be prohibited. Dining, beer, or wine consumption shall not be separated from retail operations beyond the extent required by Alcohol Beverage Control. Full retail sales operations to the public shall be conducted at all times that dining, beer or wine consumption is available. A full menu and service of food items, as determined by the Community Development Director, shall be available at any time that beer or wine service is available.
16. Hours of operation for the proposed use shall be limited to 7am to 10pm daily. Beer or wine consumption shall be limited to 11 am to 10 pm daily. Future tenants that are retail, or more traditional food and beverage sales uses, may be open until midnight, subject to review and approval of the Director of Community Development.
17. Parking quantities, locations, and design shall be provided in conformance with the Manhattan Beach Municipal Code. Parking allocations, locations, and access to different tenants and uses within the 6.8 acre site shall be as determined to be appropriate by the Community Development Director.
18. All signs shall be in compliance with the City's Sign Code. Pole signs and internally illuminated awnings shall be prohibited for the entire site. A sign program for the site shall be maintained with the approval of the Community Development Department.

19. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance. Any outside sound or amplification system or equipment is prohibited.
20. The operation shall comply with all South Coast Air Quality Management District Regulations and shall not transmit excessive emissions or odors across property lines.
21. The operation shall remain in compliance with all Fire and Building occupancy requirements at all times.
22. The management of the facility shall police the property and all areas immediately adjacent to the business during the hours of operation to keep it free of litter.
23. The operator of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject business as determined to be appropriate by the Chief of Police.
24. No waste water shall be permitted to be discharged from the premises. Waste water shall be discharged into the sanitary sewer system.

Procedural

25. All provisions of the PD Permit are subject to review by the Community Development Department. The operator shall cooperate with the Department of the Community Development in its conduct of periodic reviews for compliance of conditions approval.
26. This PD Permit shall lapse two years after its date of approval, unless implemented or extended consistent with use permit time limits of Section 10.84.090 of the Municipal Code.
27. 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.
28. 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.
29. Terms and Conditions are Perpetual; Recordation of Covenant. The provisions, terms and conditions set forth herein are perpetual, and are binding on the Applicant, its successors-in-interest, and, where applicable, all tenants and lessees of the site. Further, the Applicant shall record a covenant indicating its consent to the conditions of approval of this Resolution with the Office of the County Clerk/Recorder of Los Angeles. The covenant is subject to review and approval by the City Attorney. APPLICANT shall deliver the executed covenant, and all required recording fees, to the Department of Community Development within 30 days of the adoption of this Resolution. If APPLICANT fails to deliver the executed covenant within 30 days, this Resolution shall be null and void and of no further effect. Notwithstanding the foregoing, the Director may, upon a request by APPLICANT, grant an extension to the 30-day time limit.
30. Indemnity, Duty to Defend and Obligation to Pay Judgments and Defense Costs, Including Attorneys' Fees, Incurred by the City. APPLICANT 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. APPLICANT 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 APPLICANT of any claim, action, or proceeding and the City shall reasonably cooperate in the defense. If the City fails to promptly notify APPLICANT of any claim, action, or proceeding, or if the City fails to reasonably cooperate in the defense, APPLICANT 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. APPLICANT 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 APPLICANT 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. APPLICANT 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 foregoing is a full, true, and correct copy of the Resolution as **ADOPTED** by the Planning Commission at its regular meeting of **June 13, 2018** and that said Resolution was adopted by the following vote:

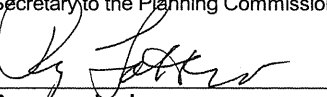
AYES: Burkhalter, Fournier, Morton,
Thompson, Chair Seville-Jones

NOES: None

ABSTAIN: None

ABSENT: None


Anne McIntosh,
Secretary to the Planning Commission


Rosemary Lackow,
Recording Secretary