

**CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Planning Commission

FROM: Marisa Lundstedt, Director of Community Development *UBJ FOR ML*

THROUGH: Laurie B. Jester, Planning Manager *UBJ*

BY: Ted Faturros, Assistant Planner

DATE: June 24, 2015

SUBJECT: Consideration of a Use Permit Amendment to Allow a Revision From On-Site Beer and Wine Only Service to Full Alcohol Service at an Existing Indoor Café and to Allow Instructional Alcohol Tastings Within the Bristol Farms Grocery Store Located at 1570 Rosecrans Avenue, Suite H.

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** the Public Hearing and **ADOPT** the attached resolution (Exhibit A) **APPROVING** the request **WITH CONDITIONS**.

APPLICANT

Bristol Farms
915 E. 230th Street
Carson, CA 90745

PROPERTY OWNER

St. Paul Fire and Marine Insurance Co.
385 Washington Street, Mail Code NB512A
St. Paul, MN 55102

APPLICANT'S REPRESENTATIVE

Beth Aboulaflia
Hinman & Carmichael, LLP
260 California Street, Suite 700
San Francisco, CA 94111

PROJECT OVERVIEW

Location: 1570 Rosecrans Avenue, Suite H, southeast corner of Rosecrans Avenue and Market Place (See Site Location Map- Exhibit B)

Legal Description: Lot 2, P.M. 226 - 7 - 8.

APN: 4138-018-040

Area District: II (Rosecrans Commercial Corridor)

LAND USE

General Plan Designation: Manhattan Village Commercial

Zoning Designation: (PD) Planned Development

| <u>Land Use:</u> | <u>Existing</u> | <u>Proposed</u> |
|------------------|--------------------------------|-----------------|
| | Retail Food and Beverage Sales | no change |
| | Incidental Restaurant Use | no change |

Neighboring Land Uses:

| | |
|---------------------------|--|
| North (across Rosecrans) | City of El Segundo (Office/Restaurant/Bank) |
| East | (IP) Industrial Park (MBS Media Campus) |
| South | (OS) Open Space (Golf Course) |
| West, across Market Place | (PD) Planned Development (Office Building/Gym) |

| <u>Building Area:</u> | <u>Existing</u> | <u>Proposed</u> |
|-----------------------|---------------------------------------|-----------------|
| | 200 sq. ft. (Indoor Dining) | no change |
| | 1,500 sq. ft. (Outdoor Patio- Shared) | no change |
| | ~35,000 sq. ft. (Total Bristol Farms) | no change |

Parking: 658 spaces no change

Hours of Operation:

| | | |
|---------------|------------------------------|-----------|
| Café | 7:00 a.m. – 10:00 p.m. daily | no change |
| Grocery Store | 7:00 a.m. – 10:00 p.m. daily | no change |

Alcohol Licenses:

| | |
|--|---|
| Off-Sale General (Type 21) | no change |
| On-Sale Beer & Wine (Type 41) | On-Sale General (Type 47) |
| | Instructional Tastings (Type 86) |

BACKGROUND

On December 9th, 2014 an application was received for a Use Permit Amendment for an existing Bristol Farms grocery store. The applicant is requesting approval for an amendment to an existing Use Permit (Resolution No. PC 90-29 Exhibit C) to allow a Type 47, On-Sale General alcohol license and a Type 86, Instructional Tasting license. The applicant currently has an On-Sale Beer and Wine license (Type 41) for their indoor café, which was approved in 1990; and an Off-Sale General license for the grocery store (Type 21). The applicant proposes no expansion or modification to the existing grocery store and no expansion of the café area.

A Use Permit amendment and approval is needed as there is a deviation from the previously approved Resolution governing alcohol consumption and sales on the subject site.

DISCUSSION

Bristol Farms is a full service grocery store with a small indoor café that offers beer and wine in conjunction with food service. Bristol Farms also operates a full-service catering department from its café for off site catering orders. The café use was approved with beer and wine service under Resolution PC 90-29 (Exhibit C) on October 10, 1990, and is incidental to the supermarket's primary food and beverage sales use. The overall Manhattan Marketplace site, which Bristol Farms is a tenant of, is governed by the original Commercial Development Permit (Resolution No. PC 89-61) and the 2012 Planned Development Amendment (Resolution No. PC 12-06- Exhibit D).

The subject application proposes to amend Resolution PC 90-29 to allow Bristol Farms to serve distilled spirits in addition to beer and wine in its café, as well as the ability to provide instructional alcohol tastings on site.

Bristol Farms has stated that it is seeking approval to expand On-Sale alcohol service in the café for the benefit of both on site café customers as well as off site catering orders that are fulfilled from the café. The type of alcohol that they are allowed to serve at their off-site catering events is tied to the establishment's On-Sale license in accordance with the ABC regulations. Bristol Farms would need an On-Sale General (Type 47) license in order to meet the needs of some catering customers who ask for distilled spirits as part of their off-site catered events.

Bristol Farms is also seeking to offer instructing alcohol tastings (Type 86) within the grocery store. Bristol Farms' existing On Sale Beer and Wine license (Type 41) allows for only beer and/or wine tastings to occur on site with the tastings limited to the café space. For alcohol tastings anywhere else inside the grocery store besides the café area, a separate Instructional Alcohol Tastings (Type 86) license is required by the ABC. Furthermore, the Type 86 license would allow Bristol Farms to conduct instructional tastings of distilled spirits in addition to beer and wine.

The project involves no structural changes to the existing building and the operation of the grocery store's food and beverage sales will remain the same. Bristol Farms has indicated that the distilled spirits being served to café patrons will be stored within the café kitchen and will not significantly alter the layout of the café. The instructional alcohol tastings will often be held in the aisles where the alcohol is located, but Bristol Farms desires flexibility to hold the tastings throughout the grocery store, subject to the Use Permit and ABC requirements.

Department Comments

The Police, Fire, and Public Works Departments, as well as the Building and Safety Division, had no comments or concerns regarding the proposed amendment.

Alcohol License Conditions

The Amendment will replace PC Resolution 90-29 while incorporating the Resolution's relevant conditions. The following conditions have been added to the Draft Resolution PC 15-XX (Exhibit A) as it pertains to the sales of full alcohol at the subject site. These are consistent with conditions for other sites with tastings, such as the Wine Shoppe at Manhattan Village Shopping Center.

- The property owner shall obtain approval from the State Department of Alcoholic Beverage Control and shall comply with all related conditions of approval.
- The physical area where instructional alcohol tastings take place will be restricted to only patrons at least 21 years in age during the actual instructional alcohol tasting session. Instructional alcohol tastings cannot take place on the outdoor patio and must take place inside the grocery store. The location of the tastings are subject to ABC, Planning, and Building & Safety regulations to maintain ADA and emergency access, as well as conformance with other criteria.
- Alcoholic beverages, including alcohol spirits, beer, and wine, purchased for on-site consumption in the café will not be allowed on the outdoor patio and must be consumed in the café. Bristol Farms will post signage that states "No Alcohol Beyond This Point" on the door leading from the café to the outdoor patio and the other café exits to ensure that no alcohol is taken beyond the café by patrons.
- The on-site instructional alcohol tastings shall be conducted in a designated area (maximum area of 100 square feet) with no seating, furniture, tables, or fixtures. Tasting hours are limited to 11am – 9pm seven days a week. The drink counter shall be the only level surface for placing glasses and other alcohol tasting items. The "alcohol sampling designated area" shall include customers, employees, serving, sampling, and associated support use. Alcohol tasting shall be limited to a maximum of five (5) one ounce sips per person. Sips shall be poured only by store employees. No direct exterior access from the alcohol sampling shall be allowed. No special events, alcohol tastings parties or similar functions will be allowed

Use Permit Findings

Section 10.84.060 of the Manhattan Beach Zoning Code provides the findings that are necessary to approve a Use Permit. Staff believes all findings can be met as follows:

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

The proposed project is located within the (PD) Planned Development district. The project does not encompass a change in classification of use, rather a change in the operational characteristics to include sales of distilled spirits for on-site consumption within the café, as well as the addition of instructional alcohol tastings within the store. The changes are still in accord with the commercial nature of the use previously approved.

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.*

Instructional alcohol tastings and the sale of distilled spirits for on-site consumption in an existing café that already serves beer and wine will not be detrimental since these activities will have limited night hours, serve a regional customer base, and be insulated from residential and other sensitive uses. Beer and wine has been served in the café since 1990 and there is no record of any ABC violations or alcohol-related problems with the Manhattan Beach Police Department. The applicant's request will service the needs of the community, including the residents and employees who work in businesses located near Rosecrans Avenue.

Furthermore, 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. The proposed amendment is consistent with the following goals and policies:

Policy 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.

Policy Goal LU 8: Maintain Rosecrans Avenue as a regional-serving commercial district.

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 request to amend the existing Use Permit to allow full alcohol consumption and instructional alcohol tastings is consistent with the existing use as a grocery store and café. The proposed will be in compliance with applicable provisions of the (PD) Planned Development zone, as well as Resolution No. PC 89-61 and Resolution No. PC 12-06; both of which govern the site. Specific conditions of approval are incorporated into the draft Resolution to ensure safe and responsible instructional alcohol tastings and on-site sale of alcohol in the café.

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, personal safety, and aesthetic, or create demands exceeding the capacity of public services and facilities which cannot be migrated.*

The proposed amendment will not alter the fundamental use, purpose or character of the existing business as there will be a negligible change in the existing space and layout of the store. The proposed amendment will not create any adverse impacts as it is a minor change to the existing use.

Public Input

A public notice for the project was mailed to property owners within 500 feet of the site and published in the Beach Reporter newspaper. Staff did not receive any comments at the writing of this report.

ENVIRONMENTAL DETERMINATION

This application is Categorical Exempt in accordance with Class 1, Section 15301, of the California Environmental Quality Act (CEQA) Guidelines, as the subject amendment is determined to be categorically exempt from environmental review in that it is a minor change in the operation of the business and thus a negligible change of use on the existing site.

CONCLUSION

Staff recommends that the Planning Commission conduct the public hearing, consider the information presented, and adopt the attached draft resolution approving the subject Use Permit Amendment with conditions.

ALTERNATIVES

Other than the stated recommendation, the Planning Commission may:

1. **DENY** the project subject to public testimony received, based upon appropriate findings, and **DIRECT** Staff to return with a draft Resolution.
2. **APPROVE** the project, subject to additional conditions and revisions.

EXHIBITS:

- A. Draft Resolution PC 15-XX
- B. Vicinity Map
- C. Resolution No. PC 90-29
- D. Resolution No. PC 89-61 and Resolution No. PC 12-06
- E. Bristol Farms Floor Plan

RESOLUTION NO. PC 15-XX

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT AMENDMENT TO ALLOW INSTRUCTIONAL ALCOHOL TASTINGS (TYPE 86- INSTRUCTIONAL TASTINGS) AND THE SALE OF FULL ALCOHOL FOR ON-SITE CONSUMPTION (TYPE 47-ON SALE GENERAL) FOR AN EXISTING CAFÉ AT 1570 ROSECRANS AVENUE, SUITE H (Bristol Farms)

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 24, 2015, received testimony, and considered an application for a Use Permit Amendment to allow instructional alcohol tastings in a grocery store (Bristol Farms) as well as full alcohol service on-site in the grocery store's café for the property legally described as Lot 2, P.M. 226-7-8, located at 1570 Rosecrans Avenue, Suite H in the City of Manhattan Beach.
- B. The applicant for said Use Permit Amendment is Bristol Farms.
- C. A Use Permit Amendment is needed in order to allow instructional alcohol tastings as well as the service of alcoholic spirits in the grocery store's café, as the current Use Permit that governs the site (Resolution No. PC 90-29) only allows for beer and wine to be served in the café.
- D. The proposed use is permitted by the Commercial Development Permit and Planned Development Permit Amendment that govern the property, Resolution No. PC 89-61 and Resolution No. PC 12-06, respectively.
- E. The project is located in Area District II along the Rosecrans Avenue commercial corridor and is zoned (PD) Planned Development. The surrounding adjacent properties consist of commercial, industrial, and open space uses.
- F. The project is Categorically Exempt (Class 1, Sections 15301) from the requirements of the California Environmental Quality Act (CEQA) as the proposal has no potential for having a significant effect on the environment.
- G. 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.

- H. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code.
- I. A determination of public convenience and necessity is made for the proposed Type 47 alcohol license and Type 86 alcohol license (as conditioned below), which shall be forwarded to the California Department of Alcohol Beverage Control upon City Council acceptance of this project approval.
- J. The applicant is requesting an amendment to the existing Use Permit, Resolution PC 90-29. Once Resolution No. PC 15-XX is adopted and approved; it will incorporate and supersede previous Resolution No. PC 90-29. Governing Resolution No. PC 89-61 and Governing Resolution No. PC 12-06 will also remain in full force for the Manhattan Marketplace site, of which Bristol Farms is a tenant.
- K. The Planning Commission makes the following findings with respect to this application:

Use Permit Findings

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

The proposed project is located within the (PD) Planned Development district. The project does not encompass a change in classification of use, rather a change in the operational characteristics to include sales of distilled spirits for on-site consumption within the café, as well as the addition of instructional alcohol tastings within the store. The changes are still in accord with the commercial nature of the use previously approved.

- 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.*

Instructional alcohol tastings and the sale of distilled spirits for on-site consumption in an existing café that already serves beer and wine will not be detrimental since these activities will have limited night hours, serve a regional customer base, and be insulated from residential and other sensitive uses. Beer and wine has been served in the café since 1990 and there is no record of any ABC violations or alcohol-related problems with the Manhattan Beach Police Department. The applicant's request will service the needs of the community, including the residents and employees who work in businesses located near Rosecrans Avenue.

Furthermore, 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. The proposed amendment is consistent with the following goals and policies:

Policy 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.

Policy Goal LU 8: Maintain Rosecrans Avenue as a regional-serving commercial district.

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 request to amend the existing Use Permit to allow full alcohol consumption and instructional alcohol tastings is consistent with the existing use as a grocery store and café. The proposed will be in compliance with applicable provisions of the (PD) Planned Development zone, as well as Resolution No. PC 89-61 and Resolution No. PC 12-06; both of which govern the site. Specific conditions of approval are incorporated into the draft Resolution to ensure safe and responsible instructional alcohol tastings and on-site sale of alcohol in the café.

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, personal safety, and aesthetic, or create demands exceeding the capacity of public services and facilities which cannot be migrated.*

The proposed amendment will not alter the fundamental use, purpose or character of the existing business as there will be a negligible change in the existing space and layout of the store. The proposed amendment will not create any adverse impacts as it is a minor change to the existing use.

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

Alcohol Licenses

1. The project shall be constructed and operated in substantial compliance with the submitted project description and plans as approved by the Planning Commission June 24th, 2015. Any 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. The property owner shall obtain approval from the Alcoholic Beverage Control Board and shall be in compliance with all conditions of approval.
3. The primary use of the tenant space shall be for the purpose of retail food and beverage sales; the restaurant/café use, including the kitchen, shall operate incidental to the retail use at all times.
4. The permitted hours of the grocery store and the restaurant/café operation shall be between 7:00am and 10:00pm.
5. The physical area where instructional alcohol tastings take place will be restricted to only patrons at least 21 years in age during the actual instructional alcohol tasting session. Instructional alcohol tastings cannot take place on the outdoor patio and must take place inside the grocery store. The location of the tastings are subject to ABC, Planning, and Building & Safety regulations to maintain ADA and emergency access, as well as conformance with other criteria.
6. The on-site instructional alcohol tastings shall be conducted in a designated area (maximum area of 100 square feet) with no seating, furniture, tables, or fixtures. Tasting hours are limited to 11am – 9pm seven days a week. The drink counter shall be the only level surface for placing glasses and other alcohol tasting items. The “alcohol sampling designated area” shall include customers, employees, serving, sampling, and associated support use. Alcohol tasting shall be limited to a maximum of five (5) one ounce sips per person. Sips shall be poured only by store employees. No direct exterior access from the alcohol sampling shall be allowed. No special events, alcohol tastings parties or similar functions will be allowed.
7. The service of alcoholic beverages in the café shall be in conjunction with food service at all times.
8. Alcoholic beverages, including alcoholic spirits, beer, and wine, purchased for on-site consumption in the café will not be allowed on the outdoor patio and must be consumed in the café. Bristol Farms will post signage that states “No Alcohol Beyond This Point” on the door leading from the café to the outdoor patio and at other café exits to ensure that no alcohol is taken beyond the café by Bristol Farms patrons.

Operational Restrictions

9. The permitted hours of commercial deliveries to the rear of the store shall be between 7:00am and 10:00 pm only. “Light” trucks (one ton or less) may deliver to the rear between 10:00pm and 7:00am. Deviation from this delivery schedule (with the exception of light trucks as noted) may occur in the event of special legal or other constraints, over which the tenant has no control.

10. A grease interceptor shall be continuously maintained, subject to the review and approval of the Department of Public Works.
11. The project shall comply with all conditions of approval of the master Commercial Planned Development Permit approved for the “Manhattan Marketplace” retail site, per Resolution No. PC 89-61 and the Planned Development Permit Amendment Resolution No. PC 12-06.
12. All signage shall comply with a comprehensive sign program approved for the retail center.

Procedural

13. This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030 have expired.
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 the Fish and Game Code Section 711.4 (c), the project is not operative, vested, or final until the requiring filing fees are paid.
16. The applicant must submit in writing to the City of Manhattan Beach acceptance of all conditions within 30 days of approval of Use Permit.
17. The applicant agrees as a condition of approval of this project to pay all reasonable legal and expert fees and expenses of the City of Manhattan Beach in defending any legal brought against the City within 90 days after the city’s final approval, other than one by the Applicant, challenging the approval of the project or any action or failure to act by the City relating to the environmental review process pursuant to the California Environmental Quality Act. In the event such a legal action is filed against the City, the City shall estimate its expenses for the litigation. The applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

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 **June 24, 2015** and that said Resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

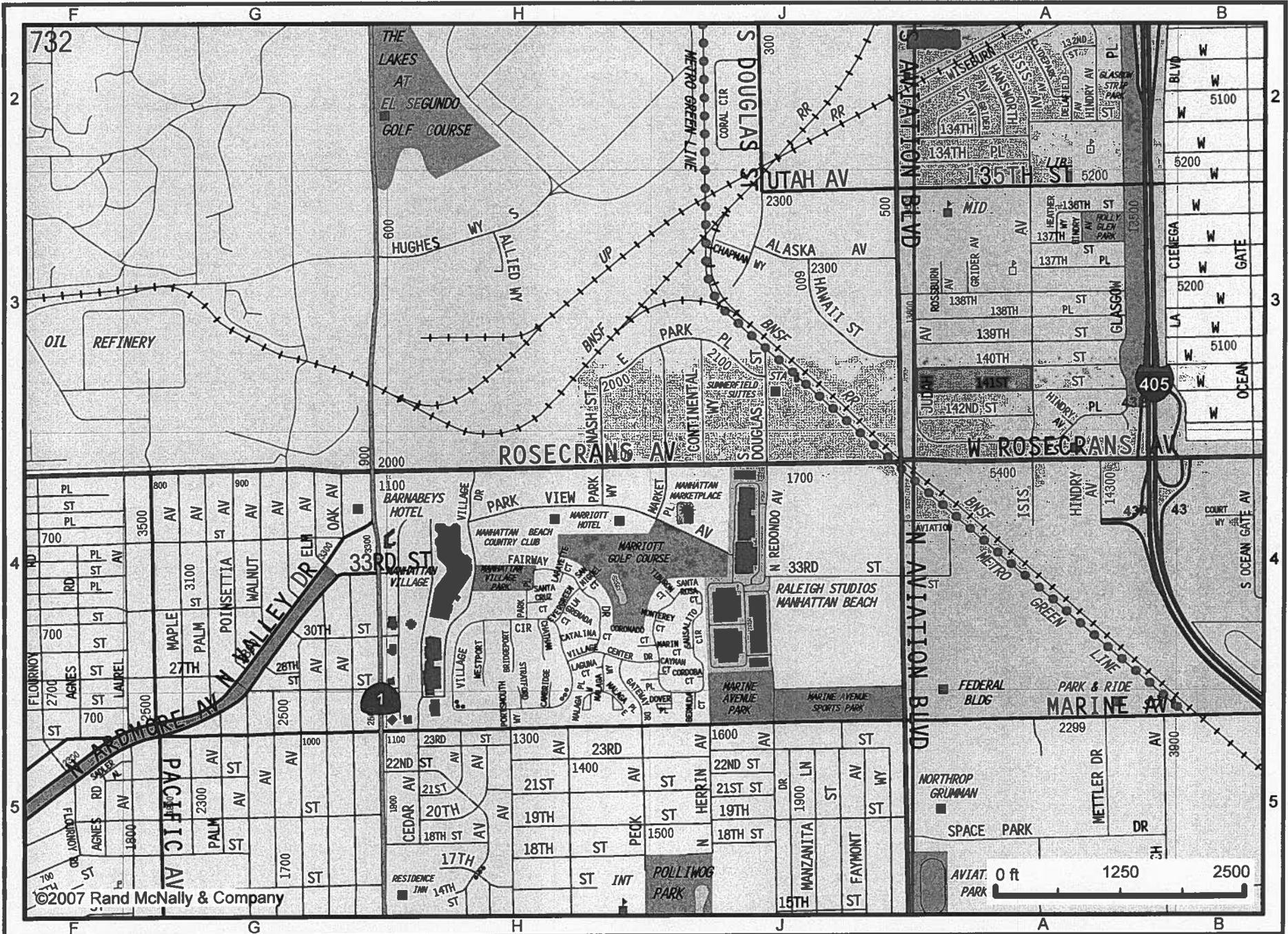
ABSENT:

Marisa Lundstedt

Secretary to the Planning Commission

Rosemary Lacklow

Recording Secretary



*: SITE: 1570 Rosecrans Ave, Manhattan Beach, CA 90266, 732 - J4

ATTACHMENT B
PC MTG 6-24-15

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RESOLUTION NO. PC 90-29

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW ESTABLISHMENT OF A RESTAURANT WITH ON-SALE ALCOHOLIC BEVERAGES, INCIDENTAL TO RETAIL USE IN A NEW MARKET WITHIN A RETAIL COMPLEX LOCATED AT 1570-H ROSECRANS AVENUE (BRISTOL FARMS, INC.)

WHEREAS, the Planning Commission of the City of Manhattan Beach conducted a public hearing pursuant to applicable law to consider an application for a Conditional Use Permit for the property legally described as Parcel 2, Parcel Map 21281, located at 1570-H Rosecrans Avenue, within a portion of "Building C" as shown on the project master site development plan, in the City of Manhattan Beach; and,

WHEREAS, the applicant for said Conditional Use Permit is Bristol Farms, Inc., lessee of the subject premises; and,

WHEREAS, the public hearing was advertised pursuant to applicable law, testimony was invited; and,

WHEREAS, the following findings were made with respect to this application:

1. The property owner has secured entitlement of a Commercial Planned Development Permit, authorizing the construction of approximately 104,500 square feet of retail space, including restaurant uses, approved by the Planning Commission Resolution No. PC 89-61. A separate Conditional Use Permit is necessary for the service of beer and wine, and restaurant operation, which includes a 200 square foot indoor dining area, and an outdoor take-out patio restaurant containing 1,500 square feet.
2. The proposed development is consistent with the findings and conditions of approval of the Master Commercial Planned Development Permit approved for the property.
3. The property is designated as Manhattan Village in the City's General Plan and the proposed development is consistent with the General Plan.
4. The property is zoned Commercial Planned Development, sub-zone 3 (CPD-3) and the proposed development will be consistent with the City's Zoning Ordinance, given approval of a reduction in parking requirement for the total retail center. A separate request for the reduction in parking is the subject of a Commercial Planned Development Permit Amendment which has been submitted by the property owner.

WHEREAS, a Negative Declaration has been filed, incorporating by reference a prior Environmental Impact Report, and additional environmental information and, based on these documents, it is determined that the proposed project will have no significant impacts on surrounding areas.

NOW, THEREFORE, BE IT RESOLVED that based on the above findings, the Planning Commission hereby APPROVES the subject Conditional Use Permit, subject to the following conditions:

1. The permitted hours of commercial deliveries to the rear of the store shall be between 7:00 a.m. and 10:00 p.m. only. "Light" trucks (one ton or less) may deliver to the rear between 10:00 p.m. and 6:00 a.m. Deviation from this delivery schedule (with the exception of light trucks as noted) may occur only in the event of special legal or other constraints, over which the tenant has no control.
2. A grease interceptor shall be installed and continuously maintained, subject to review and approval of the Department of Public Services.
3. The primary use of the tenant space shall be for the purpose of retail food and beverage sales; the restaurant uses, including kitchen, shall operate incidental to the retail use at all times.
4. The service of alcoholic beverages shall be limited to a beer and wine license only, and shall be in conjunction with food service at all times.

ATTACHMENT C
PC MTG 6-24-15

5. The project shall comply with all conditions of approval of the master Commercial Planned Development Permit approved for the "Manhattan Marketplace" retail/office site, per Resolution No. PC 89-61.
6. All signage shall comply with a comprehensive sign program as approved for the retail center.
7. Approval of the Conditional Use Permit is contingent upon approval of a reduction in parking requirements for a common facility.
8. The project shall be constructed in substantial compliance with the plans as approved by the Planning Commission on October 10, 1990.
9. The permitted hours of the take-out restaurant operation shall be between 7:00 a.m. and 10:00 p.m.

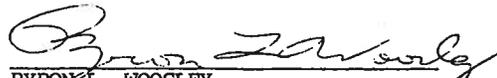
I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of October 10, 1990, and that said Resolution was adopted by the following votes:

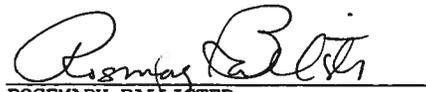
AYES: Golik, Gonzalez, Hankwitz, Kaprielian, Chairperson Vargo

NOES: None

ABSTAIN: None

ABSENT: None


BYRON L. WOOSLEY
Director of Community Development


ROSEMARY BALLISTER
(Acting) Recording Secretary

RESOLUTION NO. PC 89-61

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, APPROVING A TENTATIVE COMMERCIAL PLANNED DEVELOPMENT PERMIT FOR THE DEVELOPMENT OF A FIVE-STORY OFFICE BUILDING, A SEVEN-STORY PARKING STRUCTURE, RETAIL AND RESTAURANT SPACE, IN ADDITION TO AN EXISTING FIVE-STORY OFFICE BUILDING ON A 14.9 ACRE PARCEL ZONED CPD-3 (COMMERCIAL PLANNED DEVELOPMENT, SUB-ZONE III), LOCATED AT 1500 ROSECRANS AVENUE (COMSTOCK, CROSSER & HICKEY)

WHEREAS, the Planning Commission of the City of Manhattan Beach conducted a public hearing pursuant to applicable law to consider an application for a Tentative Commercial Planned Development Permit for the property legally described as being a Subdivision of Parcel 3, Parcel Map No. 12010 as shown on a map filed in Book 116, Pages 75 and 76 of parcel maps in the Office of the County Recorder of Los Angeles, California, located at 1500 Rosecrans Avenue, in the City of Manhattan Beach; and,

WHEREAS, the applicant and owners for said Tentative Commercial Planned Development is Comstock, Crosser & Hickey; and,

WHEREAS, the public hearing was advertised pursuant to applicable law, testimony was invited; and,

WHEREAS, the following findings were made with respect to this application:

1. The property has an approved Commercial Planned Development Permit issued by the Planning Commission Resolution No. 781 and approved by the City Council on July 9, 1980.
2. The property is designated as Manhattan Village in the City's General Plan and the proposed development is consistent with the General Plan.
3. The property is zoned Commercial Planned Development, sub-zone 3 (CPD-3) and the proposed development will be consistent with the City's Zoning Ordinance.
4. Based on the Manhattan Beach Marketplace and Business Center Supplemental Environmental Information submitted, the proposed project will have no significant impacts on surrounding areas.

NOW, THEREFORE, BE IT RESOLVED that based on the above findings, the Planning Commission hereby APPROVES the Tentative Commercial Planned Development Permit for Comstock, Crosser, and Hickey subject to the following conditions:

1. That the developer participate in an off-site transportation improvement program based on a fair share contribution fee of \$50,000. This fee is based upon the traffic impacts identified within the supplemental environmental documents.
2. In lieu of acceleration/deceleration lanes on Rosecrans Avenue per City Council Resolution No. 3756, deceleration lanes shall be constructed at Continental Way and Apollo Street. The developer shall also construct a right turn pocket at Parkway Avenue.
3. Full curb, gutter, pavement, street lighting, and landscaping improvements for Parkview Avenue shall be submitted for approval by the Public Works Director prior to construction.
4. The developer shall demonstrate to the satisfaction of the Public Works Director that existing drainage facilities were designed for a fully improved development site. If not, the developer shall make the appropriate drainage improvements.

ATTACHMENT D
PC MTG 6-24-15

L

DRAFT RESOLUTION NO. PC 89-61
(page 2 of 3)

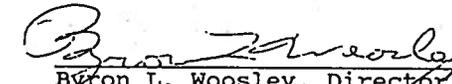
5. Left hand turns onto Rosecrans Avenue will be precluded at Continental Way. Final location of the Apollo Way alignment at the development site shall be relocated easterly to match more closely the existing segment of Apollo Street north of Rosecrans subject to the approval of the Director of Public Works.
6. The developer shall provide a signal and left turn pocket (westbound traffic) at Apollo Street and Rosecrans Avenue.
7. Conditions applicable to the Retail Development:
 - a. Provide the minimum required parking spaces as required by Code.
 - b. Submit the complete signage design specifications that will be used for all tenants. (To be approved by the Community Development Department)
 - c. The lot coverage on the retail portion shall be limited to 25% and a covenant agreement reflecting this shall be recorded by the applicant.
8. Conditions applicable to the Office Development:
 - a. Provide the minimum number of trees required by Code.
 - b. Submit a proposed signage plan.
 - c. All uses are limited to office/professional.
9. That all office buildings contain a minimum setback of 1:1 (one foot of setback for each foot of height) from Rosecrans.
10. That the applicant submit a Circulation Plan which addresses vehicular circulation and pedestrian/bicycle traffic.
11. That the applicant submit a lighting plan which identifies parking lot lights and any proposed decorative lighting. These plans shall include energy consumption and calculations on the proposed lighting.
12. That these conditions be met to the satisfaction of the Department of Community Development and the Department of Public Works.
13. That the plans meet all applicable Fire Codes as required by the Fire Department.
14. The applicant shall submit a scaled site plan that shows:
 - a. All proposed uses for the property, including dimensions and locations of all proposed structures, parking spaces, streets, open spaces, buffers, and traffic circulation.
 - b. Location and exterior dimensions of mains and accessory buildings.
 - c. Types of commercial establishments contemplated which are consistent with the zoning code.
 - d. Location, arrangement and dimensions of automobile parking areas, including width of aisles, width of bays, and angle of parking.
 - e. Location, arrangement and dimensions of truck loading and unloading spaces and docks.

DRAFT RESOLUTION NO. PC 89-61
(page 3 of 3)

- f. Location and dimensions of pedestrian entrances, exits, walks and walkways.
 - g. Location and dimensions of vehicular entrances, exits, and drives.
 - h. Location and materials of walls and fences.
 - i. Location, size, height and orientation of all signs and lights.
15. This Commercial Planned Development permit will expire five (5) years from the date of Tentative approval.

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 November 29, 1989, and that said Resolution was adopted by the following votes:

AYES: Cunningham, Golik, Graw,
Kaprielian, and Chairperson Vargo
NOES: None
ABSTAIN: None
ABSENT: None


Byron L. Woosley, Director
Department of Community Development


Janet Loreh, Recording Secretary

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1 RESOLUTION NO. PC 12-06

2 RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN
3 BEACH APPROVING A PLANNED DEVELOPMENT PERMIT AMENDMENT
4 ALLOWING REVISION OF AN EXISTING SHARED PARKING PROGRAM FOR AN
EXISTING COMMERCIAL CENTER, AND A USE PERMIT FOR A NEW RESTAURANT
5 USE WITHIN AN EXISTING RETAIL SPACE LOCATED AT 1550-1590 ROSECRANS
6 AVENUE (St. Paul Fire and Marine Insurance Co./ Coffee Bean)

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

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

- 11 A. The Planning Commission of the City of Manhattan Beach conducted a public hearing on August 8,
12 2012, received testimony, and considered an application for a planned development permit amendment
13 to allow revision of an existing parking reduction for an existing commercial center, and conversion of
14 an existing retail space to restaurant use on the property legally described as a Portion of Lot 2, Parcel
15 Map 226 located at 1550-1590 Rosecrans Avenue in the City of Manhattan Beach.
- 16 B. The applicant for the subject project is St. Paul Fire and Marine Insurance Co., the owner of the
17 property.
- 18 C. The existing commercial site is currently governed by a Commercial Planned Development Permit
19 (Resolution No. PC 89-61) that permits the existing commercial center, and an Amendment (Resolution
20 No. 4770) permitting a 7% parking reduction and a maximum of 22,000 square feet of restaurant use.
21 Each existing restaurant is authorized by a subsequent use permit approval. The proposal to add
22 approximately 2,300 square feet of restaurant use to the maximum total permitted for the site requires
23 Planning Commission approval of an additional amendment to the existing Planned Development
24 Permit, and the proposed new restaurant use (Coffee Bean) requires use permit approval.
- 25 D. The existing parcel is 328,161 square feet in area and includes 3 separate buildings totaling 115,394
26 square feet including existing and proposed restaurant outdoor dining area. There are 658 parking
27 spaces on site.
- 28 E. The proposal to increase the amount of restaurant use on the site to 25,208 square feet results in a
29 Zoning Code parking requirement of 700 spaces and a 6% parking code reduction, which remains
30 consistent with the approved 7% shared parking reduction for the Planned Development. The
31 submitted parking study determines that the site's existing parking supply is adequate for the proposal.
- 32 F. The project is Categorically Exempt (Class 1 & 2, Sections 15301 & 15302) from the requirements of
the California Environmental Quality Act (CEQA) since it involves conversion and modification of an
existing facility.
- G. 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.
- H. 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-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.
- I. The property is located within Area District II and is zoned PD, Planned Development. The surrounding
private land uses consist of commercial, industrial, and open space 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
permit 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.

- J. The Planning Commission made findings required to approve the PD Plan Amendment pursuant to MBMC Section 10.32.060 as follows:
1. The PD Plan Amendment is consistent with the adopted Land Use Element of the General Plan and other applicable policies and is compatible with surrounding development;
 2. The PD Plan Amendment will enhance the potential for superior urban design in comparison with the development under the base district regulations that would apply if the Plan were not approved, in that the commercial center's visual interest and functionality will be increased without a detriment to parking availability;
 3. Deviations from the base district regulations that otherwise would apply are justified by compensating benefits of the PD Plan as established by the original project approval; and
 4. The PD Plan includes adequate provisions for utilities, services, and emergency vehicle access; and public service demands will not exceed the capacity of existing and planned systems.
- K. The Planning Commission made findings required to approve the Use Permit pursuant to MBMC Section 10.84.060 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, in that the area is developed commercially including other restaurant uses;
 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 the public health, safety or welfare of persons residing or working on the proposed project site or in 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, in that the site and area already support restaurant use and parking supplies are adequate;
 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 as the supporting parking analysis determines; and
 4. The proposed use will not adversely impact or 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, in that the restaurant use is compatible with the area and parking supplies are adequate.
- L. 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.
- M. 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.
- N. This Resolution, upon its effectiveness, together with existing Commercial Planned Development Resolution No. PC 89-61 constitutes the Planned Development Permit/Plan for the subject site, and the Use Permit for the restaurant use located at 1590 Rosecrans Avenue, Suite "T". Resolution No. 4770 is superseded by this Resolution.
- Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Planned Development Permit Amendment and restaurant Use Permit subject to the following conditions (*indicates a site specific condition):

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Planned Development Site Conditions (supplemental to Resolution No. PC 89-61)

1. (*) The total amount of parking reduction shall be limited to 7% of the total parking requirement, based on computation of individual tenant requirements. The total amount of restaurant use, including indoor and outdoor dining, shall not exceed 25,208 square feet of total area.
2. (*) The applicant shall implement the revised parking layout which was presented to the City Council on December 18, 1990, as revised to reflect the retention of a convenience driveway aisle near Building "F/G", at the discretion of the applicant. The minimum amount of parking to be provided on site shall be 658 spaces, which supports a maximum reduction of 7%.
3. (*) All commercial truck deliveries and loading at the rear (south side) of the project shall be limited to between 7:00 a.m. and 10:00 p.m. only. "Light" trucks (one ton or less weight) may deliver to the rear between 10:00 p.m. and 7:00 a.m. Deviation from this delivery schedule (with the exception of light trucks as noted) may occur only in the event of special legal or other constraints, over which the tenant has no control.
4. (*) Existing trees on the site proposed for removal shall be relocated or replaced as determined to be appropriate by the Community Development Director.
5. (*) Bicycle parking shall be installed in the commercial center in conformance with MBMC Section 10.84.080 as determined to be appropriate by the Community Development Director.

Restaurant Use - 1590 Rosecrans Avenue, Suite T (Coffee Bean)

1. The project shall be constructed and operated in substantial compliance with the submitted project description and plans (Plan A or B) as approved by the Planning Commission on August 8, 2012. Any 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.
3. 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.
4. Utility improvements such as property line cleanouts, backwater valves, mop sinks, drain lines, etc., shall be installed and maintained as required by the Public Works Department.
5. Modifications and improvements to the tenant space shall be in compliance with applicable requirements of the Building Division and Los Angeles County Health Department.
6. 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.
7. 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.
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, consistent with the existing commercial center, 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.
10. A low pressure or drip irrigation system shall be installed in the landscaped 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. * 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.
12. 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

13. * The facility shall operate as an eating and drinking establishment use.
14. * Hours of operation shall be limited to 4:30 am to 11:00 pm Monday through Friday, and 5:00 am to 11:00 pm Saturday and Sunday.
15. * Alcohol service shall be prohibited.
16. * Entertainment other than background music or television is prohibited.
17. A trash storage area, with adequate capacity shall be available on the site subject to the specifications and approval of the Public Works Department, Community Development Department, and City's waste contractor. A trash and recycling plan shall be provided and implemented as required by the Public Works Department.
18. * Parking quantities and design shall be provided in conformance with the Manhattan Beach Municipal Code and Approved PD Plan for the site.
19. * The restaurant operator shall prohibit employees from parking personal vehicles on the surrounding residential streets. Employees must park on-site or be transported to the site from other off-street parking facilities subject to Community Development Department approval. The operator shall provide written instructions to all employees identifying where parking is appropriate and where street parking is prohibited. Prior to use permit implementation, a written employee parking program shall be submitted for Community Development Department approval.
20. All signs shall be in compliance with the City's Sign Code and approved sign program for the site.
21. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance. Any outside sound or amplification system or equipment is prohibited.
23. The operation shall comply with all South Coast Air Quality Management District Regulations and shall not transmit excessive emissions or odors across property lines.
24. The operation shall remain in compliance with all Fire and Building occupancy requirements at all times.
25. 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.

- 1 26. The operator of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject business.
- 2 27. No waste water shall be permitted to be discharged from the premises. Waste water shall be discharged into the sanitary sewer system.

3 Procedural

- 4 28. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter. The operator shall cooperate with the Department of the Community Development in its conduct of periodic reviews for compliance of conditions approval.
- 5 29. This PD Permit Amendment and Use 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.
- 6 30. 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.
- 7 31. 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.

14 **SECTION 3.** Section 1094.6 of the California Code of Procedure governs the time within which judicial review, if available, of the decision reflected in this resolution must be sought, unless a shorter time is provided by other applicable law. 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 California Code of Civil Procedure Section 1094.6.

18 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 August 8, 2012 and that said Resolution was adopted by the following vote:

20 **AYES:** Conaway, Gross, Ortmann,
21 Paralusz, Chairperson Andreani

22 **NOES:** None

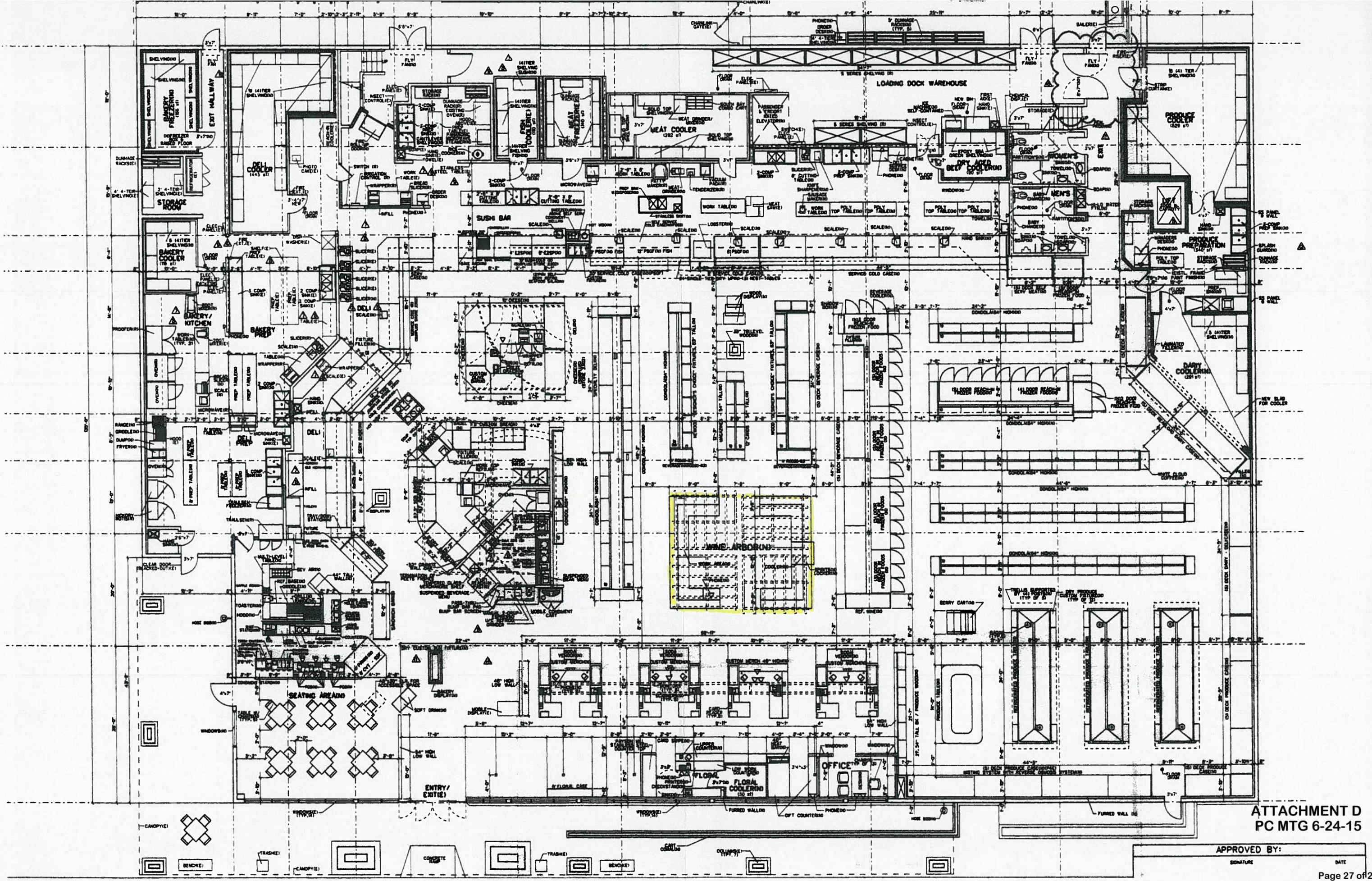
23 **ABSTAIN:** None

24 **ABSENT:** None

25 
26 **RICHARD THOMPSON,**
Secretary to the Planning Commission

27  for
28 **Sarah Boeschen,** Sarah Boeschen
Recording Secretary

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ATTACHMENT D
PC MTG 6-24-15

APPROVED BY: _____
SIGNATURE DATE

Late Attachment

Red Line Strike Out Version of the Bristol Farms PC Resolution distributed to the Planning Commission *after* the PC Agenda Packet was released to the public on Friday, June 19th, 2015.

Ted Faturos

From: Laurie B. Jester
Sent: Wednesday, July 08, 2015 9:54 AM
To: Ted Faturos
Subject: FW: Bristol Farms- Revised Draft Resolution
Attachments: Exhibit A PC Reso No 15-XX Bristol Farms final- STRIKEOUT.pdf

Laurie B. Jester
Planning Manager

P: (310) 802-5510

E: ljester@citymb.info



From: Laurie B. Jester
Sent: Wednesday, June 24, 2015 12:41 PM
To: List - Planning Commission
Cc: Michael Estrada (MEstrada@rwglaw.com); Ted Faturos; Rosemary Lackow (rlackow53@gmail.com)
Subject: Bristol Farms- Revised Draft Resolution

Planning Commission-

The draft Resolution has been revised based on input from the City Attorney and for consistency with ABC regulations. The applicant also requested some language clarification and this addresses their comments, although our understanding is that they would like additional changes that they will present at tonight's meeting.

For our quorum tonight we have Nancy, Chris and George confirmed.

Penny and Steve are out.

Also our minutes secretary will not be at the meeting but will do the minutes from the tape

Thank you!

Ted-

Please forward the revised Resolution to the applicant

RESOLUTION NO. PC 15-XX

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT AMENDMENT TO ALLOW INSTRUCTIONAL ALCOHOL TASTINGS (TYPE 86- INSTRUCTIONAL TASTINGS) AND ~~THE SALE OF~~ FULL ALCOHOL SERVICE FOR ON-SITE CONSUMPTION (TYPE 47-ON SALE GENERAL) FOR AN EXISTING CAFÉ AT 1570 ROSECRANS AVENUE, SUITE H (Bristol Farms)

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 24, 2015, received testimony, and considered an application for a Use Permit Amendment to allow instructional alcohol tastings in a grocery store (Bristol Farms) as well as full alcohol service on-site in the grocery store's café for the property legally described as Lot 2, P.M. 226-7-8, located at 1570 Rosecrans Avenue, Suite H in the City of Manhattan Beach.
- B. The applicant for ~~the said~~ Use Permit Amendment is Bristol Farms.
- C. A Use Permit Amendment is needed-in order to allow instructional alcohol tastings as well as the service of alcoholic spirits in the grocery store's café, as the current Use Permit that governs the site (Resolution No. PC 90-29) only permits ~~allows for~~ beer and wine to be served in the café.
- D. The proposed use is permitted by the Commercial Development Permit and Planned Development Permit Amendment that govern the property, Resolution No. PC 89-61 and Resolution No. PC 12-06, respectively.
- E. The project is located in Area District II along the Rosecrans Avenue commercial corridor and is zoned (PD) Planned Development. The surrounding adjacent properties consist of commercial, industrial, and open space uses.
- F. The project is Categorically Exempt (Class 1, Sections 15301) from the requirements of the California Environmental Quality Act (CEQA) as the proposal has no potential for having a significant effect on the environment.

- G. 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.
- H. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code.
- I. A determination of public convenience and necessity is made for the proposed Type 47 alcohol license and Type 86 alcohol license (as conditioned below), which shall be forwarded to the California Department of Alcohol Beverage Control upon City Council acceptance of this project approval.
- J. The applicant is requesting an amendment to the existing Use Permit, Resolution PC 90-29. ~~Once This Resolution No. PC 15-XX is adopted and approved; it will~~ incorporate and supersedes previous Resolution No. PC 90-29. Governing Resolution No. PC 89-61 and Governing Resolution No. PC 12-06 ~~will also~~ remain in full force for the Manhattan Marketplace site, of which Bristol Farms is a tenant.
- K. The Planning Commission makes the following findings with respect to this application:

Use Permit Findings

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

The proposed project is located within the (PD) Planned Development district. The project does not encompass a change in classification of use, rather a change in the operational characteristics to include sales of distilled spirits for on-site consumption within the café, as well as the addition of instructional alcohol tastings within the store. The changes are still in accord with the commercial nature of the use previously approved.

- 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.*

Instructional alcohol tastings and the sale of distilled spirits for on-site consumption in an existing café that already serves beer and wine will not be detrimental since these activities will have limited night hours, serve a regional customer base, and be insulated from residential and other sensitive uses. Beer and wine has been served in the café since 1990 and there is no record of any ABC violations or alcohol-related problems with the Manhattan Beach Police Department. The applicant's request will

service the needs of the community, including the residents and employees who work in businesses located near Rosecrans Avenue.

Furthermore, 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. The proposed amendment is consistent with the following goals and policies:

Policy 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.

Policy Goal LU 8: Maintain Rosecrans Avenue as a regional-serving commercial district.

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 request to amend the existing Use Permit to allow full alcohol consumption and instructional alcohol tastings is consistent with the existing use as a grocery store and café. The proposed will be in compliance with applicable provisions of the (PD) Planned Development zone, as well as Resolution No. PC 89-61 and Resolution No. PC 12-06; both of which govern the site. Specific conditions of approval are incorporated into the draft Resolution to ensure safe and responsible instructional alcohol tastings and on-site sale of alcohol in the café.

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, personal safety, and aesthetic, or create demands exceeding the capacity of public services and facilities which cannot be migrated.*

The proposed amendment will not alter the fundamental use, purpose or character of the existing business as there will be a negligible change in the existing space and layout of the store. The proposed amendment will not create any adverse impacts as it is a minor change to the existing use.

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

Alcohol Licenses

1. The project shall be constructed and operated in substantial compliance with the submitted project description and plans as approved by the Planning Commission June 24th, 2015. Any 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. The property owner shall obtain approval from the Alcoholic Beverage Control Board and shall be in compliance with all ABC regulations and conditions of approval.
3. The primary use of the tenant space shall be for the purpose of retail food and beverage sales; the restaurant/café use, including the kitchen, shall operate incidental to the retail use at all times.
4. The permitted hours of the grocery store shall be 24 hours a day, seven days a week. The permitted hours of the ~~and the~~ restaurant/café operation shall be between 7:00am and 10:00pm.
5. The physical area where Type 86 instructional alcohol tastings take place will be restricted to only patrons at least 21 years in age during the actual instructional alcohol tasting session. Instructional alcohol tastings cannot take place on the outdoor patio and must take place inside the grocery store. The location of the tastings are subject to ABC, Planning, and Building & Safety regulations to maintain ADA and emergency access, as well as conformance with any other Municipal Code criteria.
6. The ~~on-site~~Type 86 instructional alcohol tastings shall be conducted in a designated area (maximum instructional tasting event area of 100 square feet) with no seating, furniture, tables, or fixtures. Tasting hours are limited to 11am – 9pm seven days a week. The drink counter shall be the only level surface for placing glasses and other alcohol tasting items. The “~~alcohol sampling designated~~instructional tasting event area” shall include customers, employees, serving, sampling, and associated support use. Alcohol tastings shall be limited to a maximum of five (5) one ounce sips per person the amounts specified in the ABC regulations for Type 86 instructional tastings, and shall be subject to all other ABC regulations concerning Type 86 instructional tastings. Sips shall be poured only by store employees. No direct exterior access to or from the ~~alcohol sampling~~instructional tasting even area shall be allowed. No special events, alcohol tastings parties or similar functions will be allowed in connection with the Type 86 instructional tasting privileges.
7. ~~The service of alcoholic beverages~~Food in the café shall be in conjunction available with food service at all times. ; for café patrons concurrent with any alcohol service.
8. Alcoholic beverages, including alcoholic spirits, beer, and wine, purchased for on-site consumption in the café will not be allowed on the outdoor patio and must be consumed in the café. Bristol Farms will post signage that states “No Alcohol Beyond This Point” on the door leading from the café to the outdoor patio and at

other café exits to ensure that no alcohol is taken beyond the café by Bristol Farms patrons.

Operational Restrictions

9. The permitted hours of commercial deliveries to the rear of the store shall be between 7:00am and 10:00 pm only. “Light” trucks (one ton or less) may deliver to the rear between 10:00pm and 7:00am. Deviation from this delivery schedule (with the exception of light trucks as noted) may occur in the event of special legal or other constraints, over which the tenant has no control.
10. A grease interceptor shall be continuously maintained, subject to the review and approval of the Department of Public Works.
11. The project shall comply with all conditions of approval of the master Commercial Planned Development Permit approved for the “Manhattan Marketplace” retail site, per Resolution No. PC 89-61 and the Planned Development Permit Amendment Resolution No. PC 12-06.
12. All signage shall comply with a comprehensive sign program approved for the retail center.

Procedural

13. This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030 have expired.
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 the Fish and Game Code Section 711.4 (c), the project is not operative, vested, or final until the requiring filing fees are paid.
16. The applicant must submit in writing to the City of Manhattan Beach acceptance of all conditions within 30 days of approval of Use Permit.
17. Indemnity, Duty to Defend and Obligation to Pay Judgments and Defense Costs, Including Attorneys Fees, Incurred by the City. Bristol Farms 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. Bristol Farms shall pay and satisfy any judgment, award or decree that may be rendered against City or the other Indemnites in any such suit, action, or other legal proceeding. The City shall promptly notify Bristol Farms of any claim, action, or proceeding and the City shall reasonably cooperate in the defense. If the City fails to promptly notify Bristol Farms of any claim, action, or proceeding, or it if the City fails to reasonably cooperate in the defense, Bristol Farms shall not thereafter be responsible to defend, indemnify, or hold harmless the City or the Indemnites. The City shall have the right to select counsel of its choice. Bristol Farms shall reimburse the City, and the other Indemnites, 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 Bristol Farms to indemnify Indemnites for any Claim arising from the sole negligence or willful misconduct of the Indemnites. 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. Bristol Farms shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

~~The applicant agrees as a condition of approval of this project to pay all reasonable legal and expert fees and expenses of the City of Manhattan Beach in defending any legal brought against the City within 90 days after the city's final approval, other than one by the Applicant, challenging the approval of the project or any action or failure to act by the City relating to the environmental review process pursuant to the California Environmental Quality Act. In the event such a legal action is filed against the City, the City shall estimate its expenses for the litigation. The applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.~~

~~**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 **June 24, 2015** and that said Resolution was adopted by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Marisa Lundstedt
Secretary to the Planning Commission

Rosemary Lacklow
Recording Secretary