

RESOLUTION NO. PC 25-XX

A RESOLUTION OF THE MANHATTAN BEACH PLANNING COMMISSION APPROVING A MASTER USE PERMIT AMENDMENT FOR THE ON-SITE SALE AND SERVICE OF DISTILLED SPIRITS IN ADDITION TO THE EXISTING BEER AND WINE SALES AND SERVICE IN CONJUNCTION WITH FOOD SERVICE AT AN EATING AND DRINKING ESTABLISHMENT LOCATED AT 1131 MANHATTAN AVENUE, AND ASSOCIATED ENVIRONMENTAL DETERMINATION FINDING THE PROJECT IS EXEMPT FROM FURTHER REVIEW PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

THE MANHATTAN BEACH PLANNING COMMISSION DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. On June 20, 1995, the City Council adopted Resolution No. 5175, granting a Master Use Permit, Coastal Development Permit, and modification to a “Sign Appeal” (now referred to as sign exception), for an existing multi-tenant building located at 1125 - 1131 Manhattan Avenue and 133 Manhattan Beach Boulevard, allowing for beer and wine service in conjunction with food service in three tenant spaces: 133 Manhattan Beach Boulevard, 1125 A Manhattan Avenue (now referred to as 1127 Manhattan Avenue), and 1131 Manhattan Avenue. On February 18, 1997, the City Council adopted Resolution No. 5312, amending the Master Use Permit to allow for beer and wine service in conjunction with food service at 1129 Manhattan Avenue, thus increasing the number of eating and drinking establishments with beer and wine service in the building from three to four. On June 12, 2019, the Planning Commission adopted Resolution No. PC 19-10, amending the Master Use Permit and replacing Resolution No. 5312 to allow for the sale and service of distilled spirits in addition to the previously entitled beer and wine service in conjunction with food service at an eating and drinking establishment at 1129 Manhattan Avenue. On November 4, 2020, the City Council approved a Master Use Permit Amendment to allow sale and service of distilled spirits, however, that approval lapsed due to the applicant’s failure to obtain the required ABC license. On August 28, 2024, the Planning Commission adopted Resolution No. PC 24-08 amending the Master Use Permit (City Council Resolution No. 5175) to allow for the sale and service of distilled spirits in addition to the previously entitled beer and wine service in conjunction with food service at an eating and drinking establishment at 1127 Manhattan Avenue.

SECTION 2. On October 21, 2025, Jesse Feldman, on behalf of The Copper Room, LLC (“Applicant”), applied for a Master Use Permit Amendment to allow for the on-site sale and service of distilled spirits in addition to the existing beer and wine sales and service in conjunction with food service at an eating and drinking establishment (“Project”) located at 1131 Manhattan Avenue (“Tenant Space”). Pursuant to the Manhattan Beach Local Coastal Program (“LCP”), the proposed use is classified as an eating and drinking establishment.

SECTION 3. The Tenant Space is within a multi-tenant commercial property located at 1125 – 1131 Manhattan Avenue and 133 Manhattan Beach Boulevard (“Property”). The Project is specific to the Tenant Space and does not affect other uses previously approved at the Property unless specifically stated herein.

SECTION 4. Master use permits and amendments thereto are governed by Chapter A.84 of the LCP. Section A.84.10 specifies that, “[U]se permits are required for use classifications typically having unusual site development features or operating characteristics requiring special consideration so that they may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area.” Section A.84.105.D denotes that an amendment to a master use permit is required any time modifications to existing conditions of approval are requested. The Applicant’s request includes modifications to existing conditions of approval, specifically that the business wishes to expand alcohol service and sale to include distilled spirits, thus a master use permit amendment is required.

SECTION 5. On December 10, 2025, the Planning Commission conducted a duly noticed public hearing to consider the Project, during which the Planning Commission received a presentation by staff and testimony from the Applicant, and provided an opportunity for the public to provide evidence and testimony. The Planning Commission also received and reviewed written testimony received by the City prior to the public hearing.

SECTION 6. The Project qualifies for a Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities), which is a Class 1 exemption. This Master Use Permit Amendment involves a request to allow for sale and service of distilled spirits in addition to the existing allowance of sale and service of beer and wine in conjunction with the operation of an eating and drinking establishment in an existing tenant space. The proposed change would be a negligible expansion to an existing use. There are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances.

SECTION 7. The record of the public hearing indicates:

- A. The legal description of the Property is: Lots 10, 11, and 12, Block 13, of Manhattan Beach Division No. 2, in the City of Manhattan Beach. The Property is located in Area District III and is zoned Downtown Commercial (CD), with a General Plan land use designation of Downtown Commercial. The Property is within the appealable portion of the City's Coastal Zone, and surrounding properties are zoned CD on all sides.
- B. The use is conditionally permitted in the CD zoning district subject to a use permit and is in compliance with the City's General Plan designation of Downtown Commercial. The General Plan encourages the Downtown Commercial land use category to provide "locations for a mix of commercial businesses, residential uses with discretionary review, and public uses, with a focus on pedestrian-oriented commercial businesses that serve Manhattan Beach residents."
- C. The Tenant Space at the Property is currently governed by a Master Use Permit approved by the City Council in 1995 (Resolution No. 5175).
- D. The applicant is requesting approval of a master use permit amendment for 1131 Manhattan Avenue for the following change:
 - 1. Allowance for on-site sales and service of distilled spirits (Type 47 ABC License) in addition to the existing allowance of on-site sales and service of beer and wine (Type 41 ABC License).
- E. The Project is consistent with the following General Plan goals and policies, as described in the staff report prepared for the Project:

Land Use Plan Goal LU-6: Maintain the viability of the commercial areas of Manhattan Beach.

The viability of commercial areas depends on a range of factors, including having various types of services and restaurants. The proposed eating and drinking establishment will continue to offer dining options to the community and visitors to support Downtown commercial businesses.

Land Use Plan Policy LU-6.1: Support and encourage small businesses throughout the City.

Allowing the new eating and drinking establishment to serve distilled spirits in addition to beer and wine, in conjunction with food service, enhances the viability of the business. Many other existing eating and drinking establishments in the Downtown are already entitled to serve distilled spirits in addition to beer and wine and the applicant's request would be consistent with such uses.

Land Use Plan Policy 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.

Downtown Manhattan Beach has a mix of restaurants and services. The addition of distilled spirits to existing beer and wine service could attract more patrons to the eating and drinking establishment. Eating and drinking establishments are required to collect sales tax, a portion of which goes back to the City.

Land Use Plan Goal LU-7: Continue to support and encourage the viability of the Downtown area of Manhattan Beach.

Downtown Manhattan Beach has a variety of commercial uses including, but not limited to, coffee shops, restaurants, and retail stores. The new eating and drinking establishment will be complimentary to these uses, as patrons may visit other Downtown businesses, thus contributing to the economic vitality of Downtown Manhattan Beach.

Land Use Plan Policy LU-7.4: Encourage first-floor street front businesses with retail, restaurants, service/commercial, and similar uses to promote lively pedestrian activity on Downtown streets and consider providing zoning regulations that support these uses.

The proposed use is a first-floor eating and drinking establishment use, with the business's façade facing a commercial corridor (Manhattan Avenue) in the heart of Downtown Manhattan Beach. The eating and drinking establishment will be open during daytime and nighttime hours, encouraging pedestrian activity.

SECTION 8. Based upon substantial evidence in the record, and pursuant to LCP Section A.84.060, the Planning Commission hereby makes the following findings related to the Master Use Permit Amendment:

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

The tenant space is currently permitted as an eating and drinking establishment within an existing commercial building in the CD zoning district. The applicant is proposing a change to their ABC license type to allow the on-site sales and service of distilled spirits, in addition to their existing on-site sales and service of beer and wine. As stated in LCP Section A.16.020, an "Eating and Drinking Establishment" use is permitted through a Use Permit in the CD zoning district. The current operations and use were authorized through adoption of City Council Resolution No. 5175 on June 20, 1995. Said resolution is the governing entitlement for the restaurant use at the tenant space. The applicant proposes to maintain an eating and drinking establishment use as the primary use at the site. The proposal to change the existing alcohol license type to allow for the sale of distilled spirits in addition to beer and wine is incidental to, and does not alter, the primary use of the tenant space. The sale of alcoholic beverages is common in other similar uses already located in the Downtown.

- B. The proposed location of the use and the proposed conditions under which the uses 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 uses; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city.

The General Plan encourages a "vibrant downtown" that offers "services and activities for residents and visitors." The Property's General Plan land use designation is Downtown Commercial, and eating and drinking establishment uses are consistent with the intended mix of uses in the district. The Project is compatible with neighboring uses, as neighboring properties on all sides are developed with commercial uses. Furthermore, the Project was reviewed by the Planning Division, as well as the Public Works, Finance, and Police Departments, and any potential concerns, including those related to code enforcement, will be addressed through application of conditions of approval.

The requested operational change described above (the addition of on-site sales and service of distilled spirits) does not result in a significant intensification of use because the site will continue operating as an eating and drinking establishment. Additionally, the existing tenant space is on a commercial street and would operate in a similar manner to other eating and drinking establishments in the vicinity, and conditions of approval, including conditions related to alcohol service have been proposed to address any potentially adverse impacts. Therefore, with the proposed conditions of approval, the Project will not be detrimental to the public health, safety or welfare of persons residing or working on the 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.

- C. The proposed use will comply with the provisions of this title, including any specific condition required for the proposed uses in the district in which they would be located.

The Project does not change the existing use of the tenant space, which is an eating and drinking establishment that was previously permitted through the existing Master Use Permit. Per LCP Section A.16.020, the CD zoning district allows "Eating and Drinking Establishment" uses, which includes sit-down restaurants, through the approval of a use permit. A Master Use Permit Amendment is also required when a proposed project requires changes to the original Master Use Permit's conditions of approval and for any new or amended alcohol license.

The restaurant is a commercial use and no change in use is proposed. The project scope is limited to allowing on-site sales and service of distilled spirits, in addition to the existing on-site sales and service of beer and wine. Conditions of approval have been included in this Resolution which will enable the Commission to make the required findings for a Master Use Permit Amendment and serve as an additional governing entitlement (in conjunction with the existing City Council Resolution No. 5175) for the development and operation of the use at the subject site.

- D. 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.

The proposed use is located on a previously developed site along Manhattan Avenue and is compatible

with uses surrounding the site, which include commercial uses. This eating and drinking establishment use will not adversely impact neighboring properties because of the inclusion of conditions of approval that, among other things, would address potential impacts that could otherwise result from the trash enclosure design and operations. Further, there is no change in use from the previous business and the project scope is limited to a change in the alcohol license type. Project characteristics related to noise, vibration, odors, security, personal safety, and aesthetics are addressed in the project design, through adherence to Municipal Code requirements, and existing and proposed conditions of approval. Furthermore, the use will not create demands exceeding the capacity of public services and facilities.

SECTION 9. Based upon the foregoing, the Planning Commission hereby **APPROVES** the Project, subject to the conditions below.

General

1. All conditions of approval contained in City Council Resolution No. 5175 shall remain in full force and in effect, unless modified or superseded by the conditions contained herein.
2. The Project shall be in substantial conformance with the plans and project description submitted to, and approved by, the Planning Commission on December 10, 2025, as amended by these conditions. Any substantial deviation from the approved plans and project description, as conditioned, shall require review by the Community Development Director to determine if further approval from the Planning Commission is required.
3. Any questions of intent or interpretation of any condition will be reviewed by the Community Development Director to determine if further Planning Commission review and action is required.
4. At any time in the future, the Planning Commission or City Council may review the Master Use Permit Amendment for the purpose of revocation or modification in accordance with the requirements of the Manhattan Beach Municipal Code ("MBMC") Chapter 10.104. Modification may consist of conditions deemed reasonable to mitigate or alleviate impacts to adjacent land uses.

Alcohol

5. The eating and drinking establishment shall obtain a Type 47 On-Sale General ABC license from the California Department of Alcoholic Beverage Control ("ABC") prior to commencement of on-site sales and service of distilled spirits.
6. The operation shall abide by all ABC license requirements and conditions at all times. If conflicts exist between conditions contained in the ABC license and those contained in this Master Use Permit Amendment, the more stringent conditions shall govern.
7. Alcoholic beverages may not be served or consumed in any sidewalk outdoor dining area, except as otherwise authorized by California's Department of Alcoholic Beverage Control.

Procedural

8. Terms and Conditions are Perpetual; Recordation of Covenant. The provisions, terms and conditions set forth herein are perpetual, and are binding on the owner, its successors-in-interest, and, where applicable, all tenants and lessees of the site. Further, the owner shall submit the covenant, prepared and approved by the City, indicating its consent to the conditions of approval of this Resolution, and the City shall record the covenant with the Office of the County Clerk/Recorder of Los Angeles. Owner shall deliver the executed covenant, and all required recording and related fees, to the Community Development Department within 45 calendar days of receipt of a signed copy of this Resolution. Notwithstanding the foregoing, the Director may, upon a request by owner, grant an extension to the 45-day time limit. The Project approval shall not become effective until the covenant is recorded.
9. Indemnity, Duty to Defend and Obligation to Pay Judgments and Defense Costs, Including Attorneys' Fees, Incurred by the City. The operator and owner (operator/owner) 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. The operator/owner 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 the operator/owner of any claim, action, or proceeding and the City shall reasonably cooperate in the defense. If the City fails to promptly notify the operator/owner of any claim, action, or proceeding, or if the City fails to reasonably cooperate in the defense, the operator/owner 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. The operator/owner 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 the operator/owner 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. The operator/owner shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

SECTION 10. The Planning Commission's decision is based upon each of the totally independent and separate grounds stated herein, each of which stands alone as a sufficient basis for its decision.

SECTION 11. This Resolution shall become effective when all time limits for appeal as set forth in MBMC Chapter 10.100 have expired and all relevant conditions contained herein have been satisfied.

SECTION 12. The Secretary of the Planning Commission shall certify to the adoption of this Resolution and shall forward a copy of this Resolution to the Applicant. The Secretary shall make this Resolution readily available for public inspection.

SECTION 13. This Master Use Permit Amendment shall lapse two years after its date of approval, unless implemented or extended pursuant to A.84.090 of the LCP.

December 10, 2025

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 **DECEMBER 10, 2025**, and that said Resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Jim Dillavou
Chairperson

ATTEST:

Adam Finestone, AICP
Planning Manager

Masa Alkire, AICP
Community Development Director