

ATTACHMENT C

RESOLUTION NO. PC 08-12

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A PLANNED DEVELOPMENT PERMIT AMENDMENT ALLOWING CONVERSION OF EXISTING WAREHOUSE SPACE TO FOOD AND BEVERAGE SALES WITH BEER AND WINE SAMPLING WITHIN AN EXISTING RETAIL AND INDUSTRIAL DEVELOPMENT LOCATED AT 1700 ROSECRANS AVENUE (Continental Development / BevMo)

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 August 27, 2008, received testimony, and considered an application for a planned development permit amendment to allow conversion of an existing warehouse space to retail food and beverage sales including general alcohol sales, and on-site sale and consumption of beer and wine samples on the property legally described as a portion of Section 19, Township 3 South, Range 14 West located at 1700 Rosecrans Avenue in the City of Manhattan Beach.
- B. The applicant for the subject project is Continental 1700 Rosecrans Corp., the owner of the property.
- C. The existing commercial and industrial site is currently governed by a Planned Development Permit (Resolution No. 5203) that permits the existing industrial use, and 36,000 square feet of existing retail use. The proposal to add approximately 10,000 square feet of commercial use to the site requires Planning Commission approval of an amendment to the existing Planned Development Permit.
- D. The existing parcel is 298,271 sf in area and includes 3 separate buildings. Two buildings at the rear (#66-36,000 sf and #67-30,000 sf) provide 66,000 sf of warehouse space. The building at the front includes 3 retail/food beverage sale spaces (19,999 sf retail and 16,603 food and beverage sales existing) and one 10,008 sf food and beverage sales (subject proposal). There are approximately 288 parking spaces on site with the subject proposal.
- E. The project is Categorically Exempt (Class 1 & 2, Sections 15301 & 15303) from the requirements of the California Environmental Quality Act (CEQA) since it involves conversion of an existing facility to a smaller size facility of similar intensity.
- F. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- G. The General Plan designation for the property is Manhattan Village Commercial. The project is consistent with the General Plan, and specifically supports Goal LU-8, encouraging maintenance of Rosecrans Avenue as a regional-serving commercial district, Goal LU-2 due to increased landscaping, Goal LU-3, and Policy LU-3.1 related to positive aesthetics, Policy LU-6.2 by providing a diverse tax base, and Policy LU-8-2

- H. The property is located within Area District II and is zoned PD, Planned Development. The surrounding private land uses consist of commercial and industrial uses. The PD zone does not establish permitted uses or development standards, however, the project is compatible with the previous site development and the surrounding area. The subject amendment and the existing PD 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.
- I. Approval of retail sales of alcohol and on-site sampling of beer and wine, subject to the conditions below, will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City since these activities will have limited night hours, serve a regional customer base, and be insulated from residential and other sensitive uses.
- J. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code as well as specific conditions contained herein further regulating the project.
- K. A determination of public convenience and necessity is made for the proposed Type 42 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.
- L. A de minimis impact finding is hereby made that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- M. This Resolution, upon its effectiveness, together with existing Planned Development Resolution No. 5203 constitutes the Planned Development Permit/Plan for the subject site, and the State required Determination of Public Convenience and Necessity for the currently proposed Type 21 and Type 42 alcohol licenses.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Planned Development Permit Amendment subject to the following conditions (*indicates a site specific condition):

Site Preparation / Construction

1. The project shall be constructed and operated in substantial compliance with the submitted project description and plans as approved by the Planning Commission on August 27, 2008. 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

1 management of all construction related traffic during all phases of construction,
2 including delivery of materials and parking of construction related vehicles.

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

7 3. Utility improvements such as property line cleanouts, backwater valves, mop sinks,
8 drain lines, etc., shall be installed and maintained as required by the Public Works
9 Department.

10 4. Modifications and improvements to the tenant space shall be in compliance with
11 applicable requirements of the Building Division, Health Department, and State
12 Department of Alcohol Beverage Control.

13 5. A trash/recyclables storage area shall be provided and maintained on the site subject
14 to the requirements of the Community Development and Public Works Departments.

15 6. All new electrical, telephone, cable television system, and similar service wires and
16 cables shall be installed underground to the appropriate utility connections in
17 compliance with all applicable Building and Electrical Codes, safety regulations, and
18 orders, rules of the Public Utilities Commission, the serving utility company, and
19 specifications of the Public Works Department.

20 7. During building construction of the site, the soil shall be watered in order to
21 minimize the impacts of dust on the surrounding area.

22 8. The siting of construction related equipment (job site offices, trailers, materials, etc.)
23 shall be subject to the approval from the Director of Community Development prior
24 to the issuance of any building permits.

25 9. A site landscaping plan, consistent with the project rendering on file with the
26 Community Development Department, utilizing drought tolerant native plants shall
27 be submitted for review and approval concurrent with the building permit
28 application. All plants shall be identified on the plan by the Latin and common
29 names. The current edition of the Sunset Western Garden Book contains a list and
30 description of drought tolerant plants suitable for this area. This plan shall be
31 prepared by a licensed landscape architect, as required by state law.

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. Project driveway entrances shall be constructed or modified in conformance with the
requirements of the Public Works Department.

12. * Final circulation, traffic visibility, pedestrian, bicycle, and parking design shall be
subject to the review and requirements of the City's Traffic Engineer and Director of
Community Development.

13. * Property line clean outs, mop sinks, erosion control, and other sewer and storm water items shall be installed and maintained as required by the Department of Public Works. Oil clarifiers and other post construction SUSMP items shall be required for the project.
14. Backflow prevention valves shall be installed as required by the Department of Public Works, and the locations of any such valves or similar devices shall be subject to approval by the Community Development Department prior to issuance of building permits.
15. * Plans shall incorporate sustainable building components into the building and site design as determined to be appropriate by the Public Works and Community Development Departments such as: LEED (leadership in Energy and Environmental Design) and Build-it-Green components, permeable pavement, energy efficient plumbing mechanical and electrical systems, and storm water retention.

Operational Restrictions

16. * The subject tenant space (space B) shall operate as a food and beverage sales, retail, or similar use as determined by the Community Development Director. Primary kitchen equipment such as stoves, convection ovens, and commercial kitchen hoods shall be prohibited. Entertainment, dancing, and alcohol licenses other than Type 21 or Type 42 shall be prohibited. Beer or wine consumption shall not be separated from retail operations beyond the extent required by Alcohol Beverage Control. Full retail sales operations to the public shall be conducted at all times that on-site beer or wine consumption is available.
17. * In the event that the business known as BevMo should vacate the premises, the tenant space at 1700 B Rosecrans Avenue, may be occupied by another similar use, if upon its review, the Department of Community Development determines that the replacement use has the same use characteristics as BevMo including type of service provided, and peak hours of activity. The intent of this condition is to ensure that any replacement retail tenant, if exercising a Type 42 ABC license for on-site consumption of beer or wine, would be a use similar to BevMo.
18. * The on-site alcohol consumption shall be conducted only in designated areas (maximum area of 100 square feet) in conformance with the submitted floor plan. Beer and wine tasting shall be limited to maximum 1 ounce size samples, and a maximum of five samples of wine or beer per person. The wine and beer sampling area shall be limited to 100 square feet, shall have no seating, furniture or fixtures, and shall be separated by a physical barrier from other store areas. Sampling shall be limited to patrons at least 21 years in age. No exterior signage advertising wine or beer tasting will be permitted.
19. * Hours of operation for the proposed use shall be limited to 9am to 10 pm daily. Beer or wine tasting shall be limited to 11 am to 7 pm daily. Future tenants that are retail, or more traditional food and beverage sales uses, may be open until midnight, subject to review and approval of the Director of Community Development.
20. * Parking quantities and design shall be provided in conformance with the Manhattan Beach Municipal Code. Parking allocations to different tenants and uses within the

1 site shall be as determined to be appropriate by the Community Development
2 Director.

3 21. * All signs shall be in compliance with the City's Sign Code. Pole signs and internally
4 illuminated awnings shall be prohibited for the entire site. A sign program for the site
5 shall be provided for the approval of the Community Development Department.

6 22. * Noise emanating from the site shall be in compliance with the Municipal Noise
7 Ordinance. Any outside sound or amplification system or equipment is prohibited.

8 23. The operation shall comply with all South Coast Air Quality Management District
9 Regulations and shall not transmit excessive emissions or odors across property lines.

10 24. The operation shall remain in compliance with all Fire and Building occupancy
11 requirements at all times.

12 25. The management of the facility shall police the property and all areas immediately
13 adjacent to the business during the hours of operation to keep it free of litter.

14 26. * The operator of the facility shall provide adequate management and supervisory
15 techniques to prevent loitering and other security concerns outside the subject
16 business as determined to be appropriate by the Chief of Police.

17 27. * No waste water shall be permitted to be discharged from the premises. Waste water
18 shall be discharged into the sanitary sewer system.

19 **Procedural**

20 28. All provisions of the PD Permit are subject to review by the Community
21 Development Department 6 months after occupancy and yearly thereafter. The
22 operator shall cooperate with the Department of the Community Development in its
23 conduct of periodic reviews for compliance with conditions of approval.

24 29. This PD Permit shall lapse two years after its date of approval, unless implemented
25 or extended consistent with use permit time limits of Section 10.84.090 of the
26 Municipal Code.

27 30. Pursuant to Public Resources Code section 21089(b) and Fish and Game Code
28 section 711.4(c), the project is not operative, vested or final until the required filing fees
29 are paid.

30 31. The applicant agrees, as a condition of approval of this project, to pay for all
31 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.

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 Department of Community Development shall send a 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 August 27, 2008 and that said Resolution was adopted by the following vote:

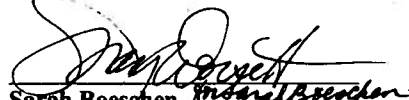
AYES: Fasola, Powell, Seville-Jones,
Chairman Lesser

NOES: None

ABSTAIN: None

ABSENT: Paralusz


RICHARD THOMPSON,
Secretary to the Planning Commission


Sarah Boeschen,
Recording Secretary

1700 Roxecrams 8-27-08