



Staff Report

City of Manhattan Beach

TO: Honorable Mayor Ward and Members of the City Council

THROUGH: Richard Thompson, Interim City Manager

FROM: Laurie Jester, Acting Director of Community Development
 Angelica Ochoa, Assistant Planner

DATE: September 21, 2010

SUBJECT: Consideration of the Planning Commission Decision to Approve a Use Permit Amendment to Allow the Extension of Hours of Operation and a New Alcohol License for On-Site Sale of Beer and Wine at 3421 Highland Avenue (North End Caffe) and Determine that the Public Convenience or Necessity Would be Served by the Issuance of a Liquor License

RECOMMENDATION:

Staff recommends that the City Council receive and file the decision of the Planning Commission to approve a Use Permit Amendment and determine that the public convenience or necessity would be served by the issuance of a liquor license.

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

BACKGROUND:

The Planning Commission, at its regular meeting of August 25, 2010, conducted a public hearing and adopted Resolution PC 10-06 (5-0), approving an amendment to a Use Permit to allow the extension of daily operating hours and on-site sale of beer and wine. The amendment is for an existing restaurant, North End Caffe, located at 3421 Highland Avenue in a multi-tenant commercial building. The current Resolution No. 5706 for the North End Caffe allows the North End Caffe to operate Monday to Thursday 9am to 8pm and Friday through Sunday 7am to 8pm and prohibits sales or service of alcohol. The determination of public necessity or convenience is required by the State Department of Alcoholic Beverage Control (ABC) when issuing alcohol licenses to insure that a condition of "undue concentration" does not exist. This determination is typically made by the City Council.

DISCUSSION:

The proposed project specifically involved the approval of extending the daily operating hours to Sunday through Thursday 7am to 10pm and 7am to 11pm on Friday and Saturday and allowing beer and wine service on-site. The subject site is adjacent to a walkstreet (35th Street) and has an existing sidewalk dining permit to allow outdoor seating on Highland Avenue. The restaurant also

has an existing approved parking reduction of 4 spaces based on the current Resolution No. 5706 approved by the City Council on October 2, 2001. One parking space is currently required to be maintained at an off-site City owned parking lot at the corner of Rosecrans Avenue and Highland Avenue. The prior parking reduction was approved based on a projected parking need of four spaces. However, since the opening of the restaurant in 2001, the actual parking demand was determined to be 2 spaces based on the applicant's parking survey and customer profile documentation, which showed over 80% of the customers walk or bike to the Caffe.

The Planning Commission heard testimony from many residential and commercial neighbors in support of the project. The Commission felt that the subject proposal is a small local restaurant, operating for 8 years, with no entertainment or dancing, and that it is not a destination type restaurant or bar and that a parking reduction of 2 spaces could be granted. The Planning Commission discussed that the parking reduction finding may be granted for restaurants such as those that are open for breakfast and lunch which does not prevent restaurants that are open for dinner, as proposed by the North End Caffe.

Also, based on the applicant's parking survey and customer profile documentation, the support from the neighbors and local businesses, no objections from the Police Department and the comments from the City Traffic Engineer that the subject proposal would have no impact on parking, the Planning Commission approved the subject proposal. Although there are other retailers that sell alcohol for both on and off-site consumption, staff does not believe that the proposed use would create a condition of "undue concentration". Therefore, staff supports the proposed use in that it will provide a convenient neighborhood serving use and that the applicant demonstrated a public necessity.

The Planning Commission approved (5-0) the subject application and adopted Resolution No. PC 10-06 at its regular meeting on August 25, 2010. Staff reports and draft minutes excerpts from the Planning Commission's proceedings are attached to this report for reference.

ALTERNATIVES:

The alternatives to the staff recommendation include:

1. Remove this item from the Consent Calendar, appeal the decision of the Planning Commission, and direct that a public hearing be scheduled.

Attachments:

- A. Resolution No. PC 10-06
- B. Planning Commission Final Minutes excerpt, dated 08/25/10
- C. Planning Commission Staff Report and attachments, dated 08/25/10
- D. Plans (separate- not available electronically)

cc: John Atkinson, Property Owner
Bunny Srour, Srour and Associates, Applicant's Representative

1 RESOLUTION NO. PC 10-06

2 RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
3 MANHATTAN BEACH APPROVING AN AMENDMENT TO A USE
4 PERMIT AT AN EXISTING RESTAURANT, NORTH END CAFE, AT
5 3421 HIGHLAND AVENUE TO ALLOW AN EXTENSION OF
6 OPERATING HOURS AND TO ALLOW A NEW ALCOHOL LICENSE
7 TYPE-41 FOR ON-SITE BEER AND WINE AND ALLOW THE
8 CONTINUATION OF A PARKING REDUCTION (Atkinson)

9 THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH,
10 CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

11 SECTION 1. The Planning Commission of the City of Manhattan Beach, California,
12 hereby makes the following findings

13 A. The Planning Commission of the City of Manhattan Beach conducted a public hearing on August
14 25, 2010 to consider an application for a Use Permit amendment at an existing restaurant, North
15 End Caffe, to allow an extension of operating hours and a new alcohol license, Type-41 to allow
16 on-site beer and wine at 3421 Highland Avenue in the City of Manhattan Beach. Said hearing
17 was advertised pursuant to applicable law, testimony was invited and received.

18 B. The subject property is legally described as Lot 1 in Block 42 of Peck's Manhattan Beach Tract
19 located at 3421 Highland Avenue in the City of Manhattan Beach.

20 C. The applicant/property and business owner is John Atkinson.

21 D. The property is located within Area District III and is zoned North End Commercial (CNE) D-5
22 Design Review, as are the properties to the north, south and east. The properties to the west
23 and northwest are zoned RH Residential High Density.

24 E. The General Plan designation for the property is North End Commercial.

25 F. The North End Caffe planning/zoning entitlement history is as follows:

26 1. The Parking and Public Improvement Commission of the City of Manhattan Beach conducted
27 a noticed public meeting regarding the Encroachment Permit for the outdoor dining and
28 improvements in the 35th Street walkstreet adjacent to the proposed restaurant at their regular
29 scheduled meeting of April 26, 2001. The meeting was advertised by mailing notices to all
30 property owners within 500 feet and to all residents within 100 feet of the subject property. At
31 the public meeting testimony was invited and received. At the April 26th meeting the Parking and
32 Public Improvement Commission recommended that the City Council approve the project with
conditions.

2. The Planning Commission of the City of Manhattan Beach conducted a public hearing
regarding the restaurant at their regular scheduled meeting of May 23, and continued the public
hearing to June 13 and 27, and July 25, 2001. The May 23rd public hearing was advertised
pursuant to applicable law, and was continued to a date certain at each subsequent meeting. At
each public hearing testimony was invited and received. At the July 25th meeting the Planning
Commission adopted Resolution No. PC 01-18 approving the Use Permit, Coastal Development
Permit, Parking Demand Study, and Negative Declaration with conditions.

3. On August 8, 2001, an appeal of the Planning Commissions decision to approve the Use
Permit, Coastal Development Permit, Parking Demand Study, and Negative Declaration, and the
Parking and Public Improvement Commissions recommendation of approval for the
Encroachment Permit was filed.

EXHIBIT A
CC Mtg. 9/21/10

4. The City Council of the City of Manhattan Beach conducted a public hearing on the appeal for the proposed restaurant, outdoor dining, and walkstreet improvements at their regular scheduled meeting of September 18, 2001. The public hearing was advertised pursuant to applicable law, and at the public hearing testimony was invited and received. At the September 18th meeting the City Council directed staff to prepare a Resolution approving the Use Permit, Coastal Development Permit, Parking Demand Study, and Negative Declaration, and denying the Encroachment Permit.
 5. A proposed Negative Declaration incorporating an Initial Study was prepared pursuant to the California Environmental Quality Act (CEQA) and the City of Manhattan Beach CEQA Guidelines. Based on the analysis, it was determined that there would be no significant environmental impacts associated with the proposed project.
 6. The City Council took final action and approved a use permit, coastal development permit and parking demand study for the subject restaurant on October 2, 2001 per Resolution No. 5706. The facts and findings for those actions are included in Resolution No. 5706 and are still valid.
- G. The North End Caffe restaurant includes an interior of approximately 700 square feet, with approximately 300 square feet of interior dining area. The current approved hours of operation for the restaurant are 9:00 am to 8:00 p.m. Monday-Thursday and 7:00 a.m. to 8:00 p.m. Friday-Sunday. No music, amplified sound, alcohol, or entertainment is allowed.
- H. The restaurant is a small family-run neighborhood servicing use, catering to local residents, business owners, and beachgoers and is not a destination type of restaurant. There are a total of 2 or 3 employees, including the owners. The menu is limited, consisting of mainly sandwiches, salads, and soups, with the breakfast menu focusing on sweet rolls and breads.
- I. The subject project consists of the following: 1) Allow an extension of hours from the current operating hours to Sunday to Thursday from 7am to 10pm and Friday and Saturday from 7am to 11pm and 2) allow on-site beer and wine (Type 41), all which requires an Amendment to the current Resolution No. 5706.
- J. 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.
- K. This Resolution, upon its effectiveness allows an extension of operating hours per the project description and allows the on-site sale of beer and wine at the existing restaurant, North End Caffe, and these conditions supersede all previous site approvals (Resolution No. 5706). The findings for North End Caffe, as provided in Resolution No. 5706, still stand.
- L. Based upon State law, and MBLCP Section A.84.060, relating to the Use Permit application for the proposed restaurant, the following findings are hereby made:
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, is consistent with the Commercial Districts Chapter, Section A.16.010-Specific Purposes, since the subject proposal: a) is adding to and creating a vibrant mixture of uses in the area which provides a full range of office, retail commercial, and service commercial uses needed by residents of, and visitors to, the Coastal Zone, b) strengthens the City's economic base, but also protect small businesses that serve city residents, c) creates a suitable environment for various types of commercial and compatible residential uses, and protects them from the adverse effects of inharmonious uses and minimizes the impact of commercial development on adjacent residential districts through the conditions of approval, d) ensures that the appearance and effects of commercial buildings and uses are harmonious with the character of the area in which they are located and ensures the provision of adequate off-street parking and loading facilities, through the parking survey and the conditions of approval, e) encourages commercial buildings that are oriented to the pedestrian, by providing windows and doors accessible from city sidewalks at sidewalk level, protecting pedestrian access along sidewalks

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and alleys and maintaining pedestrian links to parks, open space, and the beach, and f) carries out the policies and programs of the certified Land Use Plan.

In addition the project is consistent with the purpose of the CNE North End Commercial District which states the purpose is to provide for a mix of small, local and visitor-serving commercial, public and semipublic uses appropriate for the El Porto area and the business district along Highland Avenue and Rosecrans Avenue at the northern end of the City, since the project adds to a vibrant mix of uses in the area, and is significantly upgrading, beautifying and improving the area.

Additionally, although the project is located within the D Design Overlay District there are limited sections that apply to the project. The purpose of the D Design Overlay District, Section A.44.010- Specific purpose and applicability, is to provide a mechanism to establish specific development standards and review procedures for certain areas of the Coastal Zone with unique needs, consistent with General Plan and Local Coastal Program policies. This section continues to say that this will ensure that the low-profile image of the community is preserved and neighborhoods protected from adverse effects of noise and traffic, and that it also will prevent development that may be detrimental to these areas, such as buildings that affect the privacy of adjoining properties or increases shadows. The one area within the Coastal Zone, which has been designated as a Design Overlay district, is located within a portion of the CNE designation near Highland Avenue and Rosecrans Avenue. This area has been designated as a Design overlay district because special design standards are needed for the North End Commercial Area to accommodate additional residential development. Since the project is commercial use of an existing commercial building, and not additional residential development, this section has limited application to the subject project, and conditions of approval ensure the purpose of the section is addressed.

Section A.44.040 (j)- Reduced Parking- is applicable to the project and states that the Planning Commission may allow reduced parking with a use permit for neighborhood-oriented uses such as small retail stores, personal services, and eating and drinking establishments open for breakfast and lunch, subject to the requirements of Section A.64.050 (B)- Reduced parking, which is addressed in the findings below. Since this section provides examples of uses that may be appropriate for reduced parking and lists neighborhood-oriented uses such as small eating and drinking establishments open for breakfast and lunch and the subject restaurant will continue to be a local neighborhood restaurant use with the proposed extension of hours and service of on-site beer and wine and does not present a major impact, it is not a destination type nighttime restaurant, but a small neighborhood serving use, which is consistent with the intent of the standards.

2. The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working on the proposed project site or in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city, the project is designed as a small neighborhood serving type use, has been in operation since 2001, is not a destination or bar type restaurant, no dancing, no entertainment, no music and the proposed extension of hours and service of beer and wine on-site is consistent with the surrounding businesses, and the extensive conditions of approval will ensure that there are not detrimental impacts to the neighborhood or City.
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, since the required notice and public hearing requirements have been met, all of the required findings have been addressed and conditions will be required to be met prior to the issuance of a certificate of occupancy and start of business operations. Various letters were received from neighbors in support of the subject proposal.
4. The proposed use will not adversely impact nor be adversely impacted by nearby properties. Potential impacts are related but not necessarily limited to: traffic, parking, noise, vibration, odors, resident security and personal safety, and aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated, since the project is designed as a small neighborhood serving type use and is consistent with the surrounding businesses, no entertainment, or amplified sound, or service of beer and wine outside will

be allowed and the extensive conditions of approval will ensure that there are not detrimental impacts to the neighborhood or City.

M. Based on the MBLCP Section A.64.050 B.- Reduced Parking for certain districts and uses which states that a use permit may be approved reducing the number of spaces to less than the number specified in the schedules in Section A.64.030, provided that findings are made, the following findings are made:

1. The parking demand will be less than the requirement in Schedule A or B, since the code requirement for the subject restaurant is 7 parking spaces, and the Planning Commission has the authority to approve a reduced parking. The Planning Commission approved a reduced parking demand study of 4 spaces on July 25, 2001, which identified the anticipated parking demand on the site. The proposed project has an actual parking demand of two spaces per the parking survey data submitted by the property owner and reviewed by the City Traffic Engineer. Since the project is a local neighborhood-serving café, catering to local residents and businesses with a limited menu and hours of operation, and it is a small type so it does not serve as a destination type of restaurant, the parking data provided by the applicant taken over a 9 to 12 day period indicated availability of street parking at peak evening times. Parking counts at the 44 metered spaces were conducted on Rosecrans Avenue south side, between Highland Avenue and Alma Avenue, Highland Avenue, west side, between 38th Street and Rosecrans Avenue and Highland Avenue east and west sides between 38th Street and 32nd Place and one parking space at an off-site City owned parking lot at Rosecrans Avenue and Highland Avenue will provide adequate parking.
2. The probable long-term occupancy of the building or structure, based on its design, will not generate additional parking demand, since the existing improvements on the site are significantly smaller than what is permitted, and the businesses have limited hours of operation, the other occupants of the subject site are small businesses that are neighborhood serving uses, the property/business owners have owned the site for many years, and the City Council has imposed a number of conditions. There is no increase in square footage or existing seating area.

In reaching the decision, the Planning Commission can consider survey data, which was prepared and submitted by the applicant and is included as part of the public record.

N. A determination of public convenience and necessity is made for the proposed Type 41 alcohol license to allow on-site beer and wine (as conditioned below), which shall be forwarded to the California Department of Alcohol Beverage Control upon City Council acceptance of this project approval.

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

General Conditions

1. The proposed project shall be in substantial conformance with the plans submitted and the project description, as approved by the Planning Commission on August 25, 2010. Any substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.

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35th Street Walkstreet

2. The property owner is to improve the walkstreet on 35th Street with landscaping and irrigation and shall comply with the City's Encroachment Permit Standards. Any landscaping and irrigation may only be installed after approval and issuance of an Encroachment Permit by the Director of Community Development. The encroachment plan shall also include a bike rack. Any landscaping shall be low growing, not exceeding 42 inches in height as measured from the existing grade. Trees are prohibited. Useable level surfaces, including but not limited to decks, patios, lawns, seating, or other surfaces where people may congregate, are prohibited. The walkstreet may not be used for gatherings or any use, other than landscaping.

Alcohol Service

3. In the event that the business known as the North End Caffe should vacate the premises, the tenant space at 3421 Highland Avenue, may be occupied by another similar use, if upon its review, the Department of Community Development determined that the replacement use has the same use characteristics as the subject restaurant. The intent of this condition is to ensure that any replacement restaurant tenant, would be a use similar to the North End Caffe.

Operational

- 4. Operations shall comply with all South Coast Air Quality Management District Regulations and shall not transmit excessive emissions or odors across property lines.
- 5. The management of the property shall police the property and all areas adjacent to the business during the hours of operation to keep it free of litter.
- 6. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject businesses.
- 7. The dining area is limited to 300 square feet in area, with up to 22 seats, interior and exterior.
- 8. All proposed rooftop mechanical equipment shall be screened from the public right-of-way and any abandoned rooftop equipment shall be removed prior to building final.

Noise

- 9. No dancing or entertainment shall be permitted on the premises or outside at any time.
- 10. All interior amplified music shall be limited to background music only. The restaurant management shall control the volume of the music. Exterior music or amplified sound systems or equipment is prohibited.
- 11. Noise emanating from the site shall be in compliance with the Manhattan Beach Municipal Code Noise Ordinance, Chapter 5.48.

Signage

- 12. A-frame or sidewalk signs in the public right-of-way shall be prohibited.
- 13. No temporary signs (banners) shall be erected on the site without City permit and approval.
- 14. The applicant shall submit a sign program for all tenants in the entire building including new signs for the restaurant, for review and approval of the Director of Community Development.

Hours of Operation

15. The hours of operation for the restaurant shall be permitted as follows:
 - 7:00 am. – 10:00 p.m. (Sunday through Thursday)
 - 7:00 am. – 11:00 p.m. (Friday through Saturday)

Design

16. Outdoor lighting on the north side is not permitted, or interior lighting that is designed to illuminate the north side.
17. The restaurant shall install, maintain in good working condition, and use a garbage disposal, a trash compactor, and a mop sink.

Parking

18. The applicant shall provide at all times, one off-site parking space in the City owned parking lot at the north-east corner of Rosecrans and Highland Avenues, or another location with prior approval of the Director of Community Development for required employee use. Proof of maintenance of the off-site parking shall be provided to the Community Development Department on an annual basis.

Alcohol Service

19. The property owner shall obtain approval from the State Department of Alcoholic Beverage Control for a Type-41 on-site beer and wine license and shall comply with all related conditions of approval.
20. No service of beer or wine is allowed at the outside tables per the Traffic Division of the Police Department.

Public Works

21. All of the tenants in the building must have access to the required trash enclosure and trash must be picked up by a refuse company as often as necessary to ensure that the trash enclosure has adequate space to accommodate the needs of all of the businesses on the site. No trash storage/disposal shall take place in the public right-of-way on Highland Avenue, 35th Street, or the alley between 34th and 35th Streets.

Procedural

22. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
23. Unless appealed by the City Council, the subject Use Permit shall become effective after expiration of the time limits established by the Manhattan Beach Municipal Code and Local Coastal Program.
24. 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.
25. 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 action 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.

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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.

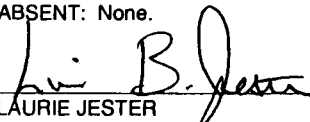
I hereby certify that the foregoing is a full, true and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of August 25, 2010, and that said Resolution was adopted by the following vote:

AYES: Andreani, Lesser, Seville-Jones, Fasola, Lesser.

NOES: None.

ABSTAIN: None.

ABSENT: None.


LAURIE JESTER
Secretary to the Planning Commission

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A motion was MADE and SECONDED (Seville-Jones/Paralusz) to APPROVE a request for a one-Year Time Extension of a Master Use Permit and Associated Applications for 1000-1008 Sepulveda Boulevard

AYES: Andreani, Lesser, Paralusz, Seville-Jones, Chairman Fasola
NOES: None
ABSENT: None
ABSTAIN: None

Acting Director Jester explained the appeal process and stated that the item will be placed on the City Council's Consent Calendar for their meeting of September 21, 2010.

E. PUBLIC HEARINGS

08/25/10-3 Consideration of a Use Permit Amendment to Allow the Extension of Hours of Operation and to Allow a New Alcohol License for On-Site Sale of Beer and Wine at 3421 Highland Avenue (North End Café)

Acting Director Jester indicated that the Commissioners have been provided with copies of several letters in support of the application that were received after the staff report was distributed in addition to the letters that were included with the staff report. She stated that the Commissioners have also been provided with a petition in support of the proposal. She commented that staff also received an e-mail in opposition to the project. She indicated that the property owner has owned the site for a number of years and lives in the adjacent neighborhood. She indicated that there was a lot of concern when the restaurant was originally proposed regarding the impacts to the adjacent neighbors, commercial use of the walk-street, noise and trash. She commented that the restaurant was originally approved by the City Council with limited operating hours. She indicated that the parking demand study that was done at the time the restaurant was approved projected a need for four parking spaces, and a parking reduction was approved. She said that the revised parking study that was conducted by the applicant after operating for nine years shows an actual parking demand of two spaces, as 80 percent of the patrons of the restaurant walk or bike rather than drive. She commented that the City's Traffic Engineer looked at the parking study and agreed that the proposed increase of hours and the addition of alcohol service would not result in an increase in the parking demand.

Assistant Planer Ochoa summarized the staff report. She indicated that the request is to extend the daily operating hours and a new beer and wine license for the North End Café. She commented that the applicant is also proposing to continue the existing parking reduction and maintain the existing sidewalk dining permit. She pointed out that the allowed sidewalk dining area outside is included in the total amount of seating inside the restaurant. She stated that the amount of Code required parking for the restaurant is seven spaces and a parking reduction was granted in 2001 for four spaces. She indicated that the applicant is now requesting a further reduction of two parking spaces. She said that the current operating hours are 9:00 a.m. to 8:00 p.m. Monday through Thursday and 7:00 a.m. to 8:00 p.m. Friday through Sunday. She indicated that the applicant is proposing hours from 7:00 a.m. to 10:00 pm. Sunday through Thursday and 7:00 a.m. to 11:00 p.m. Friday and Saturday. She said that the applicant is also proposing to have wine and beer service for the inside dining area. She pointed out that no alcohol service is proposed for the outside dining tables.

Assistant Planner Ochoa said that the applicant submitted a parking survey and customer profile which showed that the majority of customers either walk or ride bicycles rather than drive. She

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stated that the establishment serves the local community and businesses and is not a destination type of restaurant. She commented that there is a condition included in the draft Resolution to require that the applicant improve the landscaping along the adjacent walk-street as well as to include a bike rack. She indicated that the project was noticed to property owners within a 500 foot radius of the subject site. She commented that staff has received several letters of support from neighboring residents and business owners. She pointed out that no change in the building floor area or seating is proposed. She stated that the Traffic Engineer did review the applicant's parking study and felt that the proposal would not impact the parking demand. She commented that no concerns were raised by the Police Department. She pointed out that there is a condition that alcohol service, dancing or entertainment not be permitted in the outside seating area. She said that staff felt the proposal is consistent with the existing surrounding businesses in the area and that staff could support the proposed Use Permit Amendment.

In response to a question from Commissioner Lesser, Acting Director Jester said that the Traffic Engineer makes the determination as to whether a professional parking demand survey is required for a project. She commented that the Traffic Engineer felt that it was appropriate to have the applicant conduct their own parking demand survey for the subject application, as it is a small business that serves local customers and neighboring residents. She indicated that a professional survey is commonly done for larger projects.

In response to a question from Commissioner Paralusz, Acting Director Jester commented that the two parking spaces that are required to meet the parking demand are not specifically allocated for use by the restaurant. Acting Director Jester indicated that the Traffic Engineer felt that there is adequate public parking in the area to accommodate the use and therefore it meets the parking demand.

Commissioner Andreani stated that it appears the applicant is in violation of Code Section A.44.040 (j), which specifies that parking waivers can be granted for restaurants that serve breakfast and lunch only. She indicated that if the Code section still stands, the applicant has been in violation by serving dinner until 8:00 p.m. She commented that she is not certain of proceeding with granting additional hours of operation if the applicant is prohibited by the Code from serving dinner because of the parking reduction.

Acting Director Jester indicated that City Council Resolution No. 5706 indicates that the City Council made the findings to approve the parking reduction for the restaurant. She said that the City Council determined that the correct Code section that applies was 10.64.050 (B).

Commissioner Seville-Jones pointed out that the City Council made the finding in Section Q (1) of Resolution No. 5706 to allow the parking reduction for the restaurant because it was only open for dinner until 8:00 p.m. and was not a destination type of restaurant. She asked about approving a later closing hour given that the City Council based their original determination on the existing operating hours.

Acting Director Jester indicated that a parking demand study was done based on the anticipated use of the restaurant at the time it was originally proposed. She indicated that the business has now been in operation for nine years, and it has been determined that the actual parking demand is for two spaces. She indicated that the City Traffic Engineer has determined that there is an 80 percent reduction in parking based on the survey and customer profile submitted by the applicant. She commented that Section 10.64.050 (B) allows a parking reduction beyond the determination of the City Council's original findings, which was determined to be appropriate by the City Traffic Engineer.

1 Commissioner Paralusz commented that her interpretation is that there is no language in Code
2 Section A.44.040 (j) that limits parking reductions only to establishments that serve breakfast
3 and lunch. She also pointed out that the City Council in their findings did recognize that the
4 restaurant was open for dinner.

5 Commissioner Andreani said that although over 80 percent of the patrons may not drive to the
6 restaurant, she is concerned with exacerbating an existing problem in the North End by
7 reducing the parking.

8 In response to a question from Commissioner Seville-Jones, Assistant Planner Ochoa indicated
9 that staff felt that allowing beer and wine service and extending the daily operating hours for
10 the subject establishment would be consistent with the other businesses in the area.

11 Acting Director Jester pointed out that the Police Department did not express any concern with
12 the establishment or with allowing beer and wine service.

13 Chairman Fasola asked if granting the extension for the subject restaurant would entitle
14 Sloopy's and The Local Yolk to be granted a similar request for extended hours.

15 Acting Director Jester pointed out that The Local Yolk is currently entitled to operate until
16 midnight. She indicated that Sloopy's does not have a designated opening hour but has a
17 closing hour of 9:00 p.m. She said that the permitted operating hours are enforced on a
18 complaint basis.

19 Chairman Fasola pointed out that other restaurants in the area also do not provide parking. He
20 indicated that the operators of other restaurants in the North End could also argue that most of
21 their patrons walk rather than drive to their establishments and could make a similar request for
22 a parking reduction.

23 **Elizabeth Srour**, representing the applicant, commented that she is not only speaking as the
24 applicant's representative but also as a resident of the area. She pointed out that the business
25 has been operating in compliance with the conditions of approval since 2001. She indicated
26 that the restaurant has been operating as a successful small business for 7 ½ years with no
27 problems. She stated that staff has determined that the restaurant has been in compliance with
28 the conditions of approval. She stated that staff has determined that the application for the
29 extension of hours and the addition of beer and wine service is not a material change to the
30 business and is worthy of approval. She pointed out that no expansion of the business is
31 proposed, and no amplified music or entertainment is proposed. She said that they currently
32 have a permit for sidewalk dining, and a condition would be imposed that no alcohol may be
33 served on the sidewalk.

34 **Ms. Srour** stated that the operation is a very small and informal beach oriented café, and the
35 addition of beer and wine service would not change the nature of the business or the
36 relationship of the business to the community. She indicated that the goal of the applicant is to
37 remain competitive and to continue to run a successful business in the North End. She also
38 pointed out that most businesses in the North End have the ability to remain open until later
39 hours; a number of the businesses in the area have full alcohol licenses rather than only for beer
40 and wine service; and very few businesses in the area provide parking. She stated that the City
41 has crafted an Ordinance to allow for reduced parking given that there are a variety of uses in
42 the area with different peak parking demands. She commented that the peak usage for bars and
43 clubs in the area during nighttime hours does not occur until after 10:00 p.m. She said that the
44 Code language states that parking reductions may be granted for restaurants such as those that

are open for breakfast and lunch but does not preclude allowing such reductions for restaurants that are open for dinner. She indicated that the language of the Code is a guideline and is specifying a certain type of use. She commented that the business caters to the neighboring residents. She said that the restaurant is limited to its present size and is not proposed to change. She pointed out that the conditions limits the size of the establishment to 22 seats and no more than 300 square feet of operating area, and any additional change that would increase the parking demand would be required to come before the Commission.

Commissioner Lesser commented that the Commissioners must consider future owners and operators of the property as well as the current operators in reviewing entitlements that are granted. He also asked about other restaurants possibly making similar requests given that parking is a large issue in the area.

Ms. Srour pointed out that most of the restaurants in the area currently have the ability to remain open until later hours. She said that the subject site has a mix of uses, and many of the personal service uses close early.

In response to a question from Commissioner Lesser, **Ms. Srour** stated that the applicant has submitted information that shows that there is parking available in the area between 5:00 p.m. and 11:00 p.m.

Commissioner Paralusz commented that there is no on-site parking, and she asked if there is actually a distinction between requiring two or four parking spaces.

Acting Director Jester indicated that the Traffic Engineer determined that the amount of street parking is sufficient to accommodate the restaurant use.

Ms. Srour commented that the owners of the property live in the area. She indicated that there are three private spaces that are available for parking that are used by the owners.

Chairman Fasola opened the public hearing.

Bill Foster, an east Manhattan Beach resident, said that he is able to find parking when he drives to the North End. He pointed out that smaller restaurants such as the subject establishment are suffering as a result of the large number of chain restaurants. He said that the application would allow the restaurant to be compatible with other businesses in the area. He indicated that the proposal meets the goal of maintaining smaller businesses in the City. He said that the establishment maintains a small scale atmosphere and is consistent with the mission statement of the North End Commercial District of supporting smaller locally run businesses. He also pointed out that the police have not raised objections regarding parking. He said that the concern of parking with extending the operating hours from 8:00 p.m. to 10:00 p.m. is mitigated by other businesses in the area closing at different times.

Elise Goodrich, a Manhattan Beach resident, said that they walk to the North End. She commented that she supports the application. She said that the restaurant is not a bar, and the proposal would not negatively impact the community. She indicated that the proposal would benefit the business, and the applicant should have the ability to remain competitive with other restaurants.

Gifford Cast, a resident of the 200 block of 35th Street, said that there are 12 to 15 eating and drinking establishments within three blocks of the subject site. He commented that the police did have a problem with the area many years ago. He said that one rule for granting a new

1 license to serve alcohol is that the site must not be located within 100 feet of a residential
2 neighborhood. He stated that the establishment was previously occupied by a dry cleaning
3 business and historically was not a restaurant that included alcohol service. He indicated that
4 residents in the area signed a petition in 2001 when the business was originally approved to
5 prohibit new or expanded encroachments for the commercial use of the walk-street at 35th
6 Street and Highland Avenue. He indicated that he feels the residents should have a fair warning
7 of pending action if the ABC (Alcoholic Beverage Control) grants a license for the
8 establishment. He said that the North End would not meet the parking demand to support the
9 expansion of hours for the restaurant in conjunction with the other drinking and eating
10 establishments in the area. He commented that the adjacent residents would be impacted by the
11 change as proposed by the applicant. He said that he does not feel the City should consider the
12 expansion of use of the subject site, and the proposal is not consistent with the original approval
13 by the City Council.

9 **Keri Bixby** said that the restaurant is a great benefit to the local community. She indicated that
10 the area was built around small local shops and businesses such as the subject restaurant. She
11 commented that the proposal would provide a great opportunity to allow the restaurant to serve
12 dinner.

12 **Valerie Buck**, a resident of the 3000 block of The Strand, said that she walks to the North End
13 Cafe. She indicated that the restaurant is a local establishment. She requested that the
14 Commission approve the proposal to allow it to be consistent with the other restaurants in the
15 area that are able to remain open until later hours. She indicated that the restaurant currently is
16 not able to have the opportunity to serve dinner to those who want to eat after 8:00 p.m. She
17 indicated that the restaurant serves high quality food, and the applicant should have the
18 opportunity to also serve wine.

16 **Laurie Lewis**, a resident of the 100 block of 30th Place, said that the restaurant is a local
17 neighborhood establishment that is enjoyed by the residents. She commented that allowing
18 beer and wine service would not change the nature of the restaurant, and it would be great to
19 have a glass of wine with dinner. She stated that the community wants establishments like the
20 subject restaurant. She commented that the applicant has lived in the community for over 40
21 years, and the neighboring residents want the restaurant to be successful.

21 **Harry Ashakin** indicated that the proposal would benefit the other businesses in the area as
22 well as the applicant. He commented that bicycle racks are being installed in the North End,
23 and more will be installed in the next couple of weeks. He said that he believes the restaurants
24 are used by the local residents. He stated that the subject restaurant has not impacted the traffic.

23 **Richard Knapp**, a resident of the 400 block of 33rd street, said that the local residents walk to
24 the restaurants in the area. He commented that allowing the expansion of hours for the
25 applicant would allow them to remain competitive with the other restaurants in the area. He
26 indicated that he would like to be able to have a glass of wine with dinner at the restaurant.

26 **Andrew Matthews**, a resident of the 400 block of 32nd Street, said that he supports the
27 application. He stated that the establishment has enhanced the neighborhood. He indicated that
28 he and his neighbors walk to the establishment. He commented that the applicants are
29 responsible business owners and should be supported. He indicated that the applicants would
30 not be receiving equal treatment to the other businesses in the area if the subject application is
31 denied. He commented that he does not feel that parking is an issue, and he strongly supports
32 the applicant's petition.

Jack Gillespie, a resident of the 700 block of 33rd Street, indicated that he has been a customer of the restaurant since they opened. He pointed out that there may have been opposition when the restaurant was originally approved, but now there is much support by the neighboring residents. He stated that the business has been operated responsibly. He stated that he would urge the Commissioners to grant the applicant's request and allow them the same opportunity as the other businesses in the area.

Dirk Dirose, a resident of the 600 block of 25th Street, said that he walks to the North End Café every weekend. He indicated that parking for the restaurant is not an issue. He said that the food that is served at the restaurant is excellent and deserves to be accompanied by a glass of wine. He indicated that the application would not result in the restaurant turning into a bar.

Don McPherson, a resident of the 1000 block of 1st Street, said that approving the request would be ignoring the City's Parking Ordinance. He indicated that granting the request for the subject establishment would set a precedent for other businesses in the area to make similar requests. He indicated that the subject site is not exempt from the requirements of Code Section A.44.040(J). He stated that the Code section indicates that granting a parking waiver is restricted to small restaurants that serve breakfast and lunch, and granting extended hours until 10:00 p.m. or 11:00 p.m. is a blatant violation of the Code. He indicated that the language of the Code should be changed if the Code sections are going to be ignored. He pointed out that Sloopy's was denied an expansion in 1995 because of parking. He said that parking is a constant problem in the North End.

Micky Robins, a resident of 34th Street, said that the restaurant provides a quality of life to the adjacent residents. She commented that the applicant deserves to have the opportunity for their business to be successful, and the restaurant provides a great service to the community. She commented that the restaurant serves excellent food. She stated that she would urge the Commission to consider the benefit that the restaurant brings to the North End and approve the proposal.

Wayne Partridge, a resident of the 3000 block of The Strand, said that granting the proposal would be contravening the City's Parking Ordinance. He commented that the City Council created the Parking Ordinance to address the problem of parking in the North End. He indicated that the existing uses were permitted to retain their nonconforming parking when the Parking Ordinance was enacted, but any new uses were required to meet the conditions of the Ordinance. He stated that the subject restaurant replaced a dry cleaning use in 2002, which has a much lower parking requirement than a restaurant. He commented that the Traffic Engineer's analysis was based on data that was supplied by the applicant, and it would be more appropriate to have a professional parking study done to determine whether the parking reduction can be supported based on the actual utilization of the site.

Brendan Monahan, a resident of the 300 block of 35th Street, indicated that the establishment is a very diminutive and demure establishment. He indicated that the restaurant is very neighborhood oriented, and the local residents want for the applicant to have the opportunity to be successful.

Ms. Srour indicated that the proposed changes to the existing establishment meet the goals for the City and the North End to encourage low profile development; to be pedestrian oriented; and provide desired services to the community, neighborhood, visitors and businesses. She said that the business also complies with the guidelines of the Use Permit. She commented that the Code language states that parking reductions may be granted for restaurants "such as" those that are open for breakfast and lunch but does not preclude allowing such reductions for restaurants

1 that are open for dinner. She said that the language of the Code is a guideline and not a
2 condition. She pointed out that any future change to the business that would require an increase
3 in parking would need to come back before the Commission. She indicated that the proposal
4 does not pose a future negative impact on the surrounding area. She said that there is parking
5 available to accommodate the restaurant. She pointed out that the information collected from
6 the surveys was provided by the customers of the restaurant. She indicated that the applicant
7 does agree with the proposed conditions in the draft Resolution including the landscaping along
8 the public right-of-way.

9 Commissioner Seville-Jones asked regarding whether the survey of the customers that was done
10 by the applicant included only certain patrons or all customers.

11 **Ms. Srour** commented that the survey forms were available for patrons to complete.

12 **John Atkinson**, the applicant, said that the survey forms were filled out by approximately 80 to
13 100 percent of the patrons of the restaurant during the times that the forms were made available.
14 He indicated that the surveys would be made available to patrons during different times in order
15 to receive responses from a larger cross section of their customers.

16 Chairman Fasola closed the public hearing.

17 Commissioner Seville-Jones said that it is a tribute to the applicant that they have established a
18 restaurant that is beloved and supported by the neighborhood. She pointed out that there are not
19 neighbors who are complaining about noise from the restaurant. She commented that the
20 establishment is not a large restaurant and would not become a destination type of use. She
21 said that the applicant has established a record after operating the establishment over the last
22 nine years. She indicated that the findings of the City Council in 2001 provide sufficient
23 guidance that the proposal can be approved if the Commission can conclude that the parking
24 demand would not be increased. She stated that she can make the determination that the
25 parking demand would not be increased based on the input of the Traffic Engineer and the
26 information that has been provided by the applicant. She said that the City Council's findings
27 in approving the project include that the subject use is not a destination type restaurant but
28 rather a small neighborhood serving use. She said that a small neighborhood use can be one
29 that operates during nighttime as well as daytime hours.

30 Commissioner Seville-Jones indicated that she feels the findings can be made that the project is
31 consistent with the intent of Code section A.44.040(j). She stated that she feels the finding can
32 be made that the parking demand would be less than the parking requirement and that the long
term occupancy would not generate additional parking demand. She indicated that she also
relies on the input of the City's Traffic Engineer and that there is a mix of uses in the area that
generate peak parking demands during different hours. She commented that she does have a
concern with the intensification of alcohol use in the North End. She stated, however, that she
can overlook her concern for the subject restaurant because it is a very small use. She indicated
that she also has a concern regarding the precedent that could be set for other businesses by
approving the subject request for an increase in hours. She stated, however, that she hopes that
the request would not set a precedent for other larger establishments.

33 Commissioner Paralusz said that she supports the application. She indicated that any business
can request to extend their hours; however, the Commission can consider each request on an
individual basis. She commented that she feels **Ms. Srour** has provided very convincing
arguments for approval of the request. She stated that there is no on-site parking that is being
requested to be reduced. She also said that it has been indicated that 83 percent of the patrons

walk or bike to the restaurant rather than drive. She indicated that she does not feel that adding two extra hours during the week and three hours on weekends would result in an increase in traffic. She commented that it is not asking too much to ask for the ability to serve dinner with a glass of wine to customers at 8:15 in the evening. She said that the restaurant is a well run establishment with great food that is serving the local community. She also pointed out that the applicant is not proposing to have live music or entertainment. She commented that allowing the parking reduction is consistent with the intent of Code Section A.44.040(j). She stated that the Code language allowing parking reductions for businesses that serve breakfast and lunch does not preclude allowing such reductions for establishments that serve dinner. She indicated that she also wants to encourage a business that is doing well to continue to be successful, and she believes that granting the subject application would help the applicant within the bounds of the Code. She indicated that she supports the proposal.

Commissioner Andreani said that she also supports neighborhood oriented establishments, and she enjoys walking to restaurants and other uses in the Downtown area. She commented that she feels it is also important to consider that the applicant lives in the North End area and has successfully operated the business for the past eight years. She stated, however, that she is concerned about the parking. She said that the relaxing of parking requirements does a disservice to the current business owners and potential future business owners. She commented that she has driven by the North End over the past several evenings between 7:00 p.m. and 8:00 p.m. and saw no available parking. She said that the establishment serves good food and does not generate a lot of noise. She suggested allowing the alcohol license for beer and wine service to be approved and limiting the operating hours between 7:00 a.m. and 8:00 p.m. Monday through Thursday and between 7:00 a.m. and 10:00 p.m. Friday through Sunday. She commented that she likes the inclusion of the sidewalk dining at the restaurant; however, there is an indication in the staff report that there has been an enforcement issue with the tables and chairs being moved onto the public sidewalk. She suggested adding a condition that all tables and chairs must be removed from City property by 10:30 p.m. under Item 7 on page 5 of the draft Resolution. She said that she would also like for a timeline to be included in Section 2, Item 2 on page 5 of the draft Resolution for improving the landscaping along the walk-street. She indicated that she would support the proposed changes for the restaurant but does have a concern regarding parking.

Commissioner Lesser commented that he can support the proposal, although he does have a concern regarding parking. He commented that he would have liked for the Traffic Engineer to be present at the hearing to address some of the concerns that have been raised. He indicated that he also would have liked for a professional parking study to have been conducted. He stated, however, that he does trust the expert opinion of the Traffic Engineer that the proposal would not impact the parking demand and that there is sufficient parking to accommodate the use. He indicated that he does have concerns regarding parking after 8:00 p.m., as he previously lived in the area and would need to drive around the neighborhood looking for parking spaces at that hour. He said that he also interprets the language of Code Section A.44.040(j) as not precluding restaurants that are open for dinner from being granted a parking reduction. He commented that the restaurant is an upper scale neighborhood use. He pointed out that the draft Resolution also includes that the Community Development Director would have the ability to approve any future change in the use.

Chairman Fasola indicated that he is happy that the restaurant is successful. He said that he supports the proposal, as the restaurant is small and has not caused problems for the adjacent residents. He commented that he does have a concern with allowing alcohol service and extended hours. He indicated that he also has a concern with the entitlements running with the property, although it may not be an issue because of the small size of the use. He commented

1 that he remembers that the quality of life of the adjacent residents was improved when Sloopy's
2 received approval to remain open for dinner. He said that he would wish that the encroachment
3 area could be used for dining. He asked whether the other Commissioners feel that allowing
4 the request for alcohol service and extended hours in the morning and in the evening would be
5 too great of a change of the business.

6 Commissioner Paralusz commented that she does not feel the request for additional hours and
7 the request for alcohol service are inconsistent with each other. She indicated that she can
8 support the applicant's request.

9 Commissioner Andreani stated that she feels the restaurant is definitely unique and worthy of
10 supporting; however, the requirement for parking has become more exacerbated in the North
11 End. She pointed out that the parking problem in the North End resulted in the approval of the
12 valet service. She indicated that the previous approval for the parking reduction was based on
13 the current hours of operation and no alcohol service. She commented that extending the
14 operating hours and adding alcohol service would exacerbate the parking problem. She
15 indicated that she is not in favor of reducing the required parking from four parking spaces to
16 two spaces, as there is no on-site parking.

17 Commissioner Seville-Jones indicated that the majority of the patrons walk rather than drive to
18 the restaurant, and it is a neighborhood oriented use. She commented that several neighbors
19 have indicated that they would like to be able to have dinner with a glass of wine at the North
20 End Café. She commented that she does not feel that extending the hours would change the
21 nature of the restaurant given its small footprint.

22 Chairman Fasola commented that there is an incremental effect in allowing longer hours and
23 alcohol service for restaurants. He commented that there are currently two restaurants across
24 from the subject establishment that serve breakfast, and adding hours for the subject use would
25 result in an increase in the parking demand.

26 Commissioner Paralusz commented that adding hours may not result in a greater parking
27 demand, as people who would choose to visit the North End Café would most likely be in the
28 area regardless of whether the restaurant has extended hours.

29 Chairman Fasola commented that increasing the hours of a business creates an expectation of
30 an increase in the number of customers.

31 Commissioner Lesser said that he feels that allowing the alcohol service is less of an issue for
32 the subject restaurant because it is very small and because it would be in conjunction with food
33 service.

34 A motion was MADE and SECONDED (Paralusz/Seville-Jones) to **APPROVE** a Use Permit
35 Amendment to allow the extension of hours of operation and to allow a new alcohol license for
36 on-site sale of beer and wine at 3421 Highland Avenue

- 37 AYES: Andreani, Lesser, Paralusz, Seville-Jones, Chairman Fasola
- 38 NOES: None
- 39 ABSENT: None
- 40 ABSTAIN: None

32

Acting Director Jester explained the appeal process and indicated that the item will be placed on the City Council's Consent Calendar for their meeting of September 21, 2010.

At 9:10 a 10 minute break was taken.

08/25/10-4 Consideration of Environmental Task Force Recommendations to Amend Title 10 Planning and Zoning of the Manhattan Beach Municipal Code and the City's Local Coastal Program for Comprehensive Sustainable Building Measures, as part of the City Council 2009-2010 Work Plan

Chairman Fasola asked about continuing the hearing regarding comprehensive sustainable building measures to the next meeting, as a full amount of time and attention should be given to discussion of the item.

Chairman Fasola opened the public hearing.

A motion was MADE and SECONDED (Paralusz/Lesser) to CONTINUE consideration of Environmental Task Force Recommendations to Amend Title 10 Planning and Zoning of the Manhattan Beach Municipal Code and the City's Local Coastal Program for Comprehensive Sustainable Building Measures, as part of the City Council 2009-2010 Work Plan to the meeting of September 8, 2010.

AYES: Andreani, Lesser, Paralusz, Seville-Jones, Chairman Fasola
NOES: None
ABSENT: None
ABSTAIN: None

F. DIRECTORS ITEMS

Acting Director Jester pointed out that continuation of the hearing regarding the Recreational Vehicle Ordinance is on the agenda of the Parking and Public Improvements Commission for their meeting of August 26, 2010, at 6:30 p.m.

Acting Director Jester commented that the California American Planning Association Conference is scheduled for November 1-14 in Carlsbad.

G. PLANNING COMMISSION ITEMS

Commissioner Lesser indicated that the Manhattan Beach Neighborhood Watch is offering a program entitled "Map Your Neighborhood" to help with earthquake preparedness. He said that the program demonstrates how neighbors can help each other in a major quake when rescue workers are overwhelmed. He said that a neighborhood watch training meeting is scheduled for September 9, 2010, at 7:00 p.m. in the Manhattan Beach Police Department Community Room. He said that information is available by calling Neighborhood Watch at (310) 802-5183.

1 **H. TENTATIVE AGENDA September 8, 2010**

2 Continuation of Sustainable Building Measures Code Amendments.

3 **I. ADJOURNMENT**

4 The meeting was adjourned at 9:35 p.m. to Wednesday, September 8, 2010, in the City Council
5 Chambers, City Hall, 1400 Highland Avenue

6 SARAH BOESCHEN
7 Recording Secretary

8 ATTEST:



9 LAURIE JESTER
10 Acting Community Development Director

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**CITY OF MANHATTAN BEACH
DEPARTMENT OF COMMUNITY DEVELOPMENT**

TO: Planning Commission
FROM: Laurie Jester, Acting Director of Community Development
BY: Angelica Ochoa, Assistant Planner
DATE: August 25, 2010
SUBJECT: Use Permit Amendment to Allow the Extension of Hours of Operation and a New Alcohol License for On-Site Sale of Beer and Wine at 3421 Highland Avenue (North End Caffe)

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** the Public Hearing and **APPROVE** the request to extend the current hours of operation of 8pm daily closing time to Sunday through Thursday until 10pm and Friday through Saturday until 11pm, daily opening at 7am and a new alcohol license (Type 41) for on-site beer and wine (PC Resolution 10-06 Exhibit A)

APPLICANTS REPRESENTATIVE

Bunny Srour, Srour & Associates
1001 6th Street, Suite 110
Manhattan Beach, CA 90266

PROPERTY OWNER

John Atkinson
3421 Highland Avenue
Manhattan Beach, CA 90266

BACKGROUND:

The subject restaurant, North End Caffé, located at 3421 Highland Avenue currently operates under Resolution No. 5706 approved by the City Council on October 2, 2001 (Exhibit B). The existing single-story commercial building is occupied by four tenant spaces consisting of a restaurant, retail store, nail salon and dry cleaners. The subject property is located in Area District III and is Zoned CNE-D5, Commercial North End with overlay design standards per the Manhattan Beach Municipal Code (Exhibit C). The North End Commercial District is a mix of small businesses and the subject restaurant services local residents and the surrounding community. The subject site is located adjacent to a walkstreet (35th Street) which is allowed to be developed only with landscaping. Chapter 7.36 of the Manhattan Beach Municipal Code regulates encroachment areas such as walkstreets, and the standards strictly prohibit commercial use of the encroachment areas.

The subject application and supporting documentation was submitted on May 25, 2010 (Exhibit D) by the property owner's representative, Srour and Associates, to amend the current use permit. The subject request is an extension of operating hours in the mornings and evenings and a new alcohol license for on-site sale of beer and wine. Condition No. 18 of Resolution No. 5706 allows the North End Caffe to operate from Monday to Thursday 9am to 8pm and Friday through Sunday 7am to 8pm and Condition No. 22 prohibits sales or service of alcohol. Also, the use permit approved a



reduced parking requirement of four spaces with a condition (Number 21) that one parking space be maintained at an off-site City owned parking lot at Rosecrans and Highland Avenue.

The North End Caffe has been open for 9 years and the property owner would like the opportunity to expand his business to local residents, business owners and beach visitors and does not feel that the requested proposal will have any significant impacts. Section 10.84.020 of the Manhattan Beach Municipal Code (MBMC) gives the Planning Commission authority to approve Use Permits or Variances. An amendment requires the same process, hearing and findings as the original Use Permit.

DISCUSSION:

The proposed hours of operation are 7am to 10pm Sunday through Thursday and 7am to 11pm Fridays and Saturdays (currently Monday through Thursday 9am to 8pm and Friday through Sunday 7am to 8pm). The property owner would like to offer a later closing time to customers who frequent the “North End” of town and enjoy the nightlife of the area. The closing times for the majority of the existing restaurants on the North End, listed on the attached spreadsheet (Exhibit E), is much later than the requested hours for the subject proposal. The extension of requested closing times for the North End Caffe would be consistent with the existing businesses. Also, the existing businesses have alcohol licenses for beer and wine or full alcohol, which is shown on the attached spreadsheet. No expansion of square footage or increase in seating is being proposed.

The City Council approved the subject restaurant, North End Caffe, on appeal in 2001 (Resolution No. 5706) based on a neighborhood serving small scale restaurant use, limited operating hours, no alcohol service, and a reduced amount of parking. Specifically, because of these conditions, the subject restaurant was approved with a reduced parking requirement of four spaces of which only one parking space had to be maintained at a City owned parking lot, as stated in the existing Resolution No. 5706, Section 1, R.1. When the Use Permit Amendment application was initially submitted, staff had concerns that the increase in operating hours and new beer and wine service may impact the parking demand and directed the applicant to address the parking demand for the proposed use.

A parking survey and customer profile data (Exhibit F) was conducted and submitted by the property owner to show that the majority of customers (83%) walk, bike or use another form of transportation other than a car. The survey was conducted over a 9 to 12 day period with parking counts on Rosecrans Avenue south side, between Highland Avenue and Alma Avenue, Highland Avenue, west side, between 38th Street and Rosecrans Avenue and Highland Avenue east and west sides between 38th Street and 32nd Place. The study confirmed that there is adequate public parking to accommodate the demands of the restaurant. The responses from customers show that this is a pedestrian-oriented restaurant serving the local neighborhood. For this reason, the property owner feels that the extension of current operating hours, and adding service of beer and wine with no increase in the current amount of seating, will not create any significant impacts to the existing uses or community. According to the property owner, the requested use

permit changes will keep the North End Caffè in competition with the surrounding businesses and maintain the small scale restaurant as originally approved.

Additionally, the property owner has a sidewalk dining permit to allow seating on the sidewalk on Highland Avenue. Only existing tables used inside the restaurant may be used on the sidewalk. The requirements for sidewalk dining permits are attached as Exhibit K. The property owner has a sidewalk dining permit to allow 4 tables with 2 seats each for a total of 8 seats on the sidewalk. These 8 seats are included in the total 22 seats the subject restaurant is allowed to have inside and outside. According to the City code enforcement officer, there have been a few complaints in the past that the tables were moved out into the encroachment area and were blocking pedestrian traffic. When the property owner was notified, the tables were moved back onto the sidewalk and the property owner has been responsive with correcting these issues. Currently, the walkstreet area is sand with no landscaping, and it is not well maintained. A condition to install landscaping in the walkstreet area, but with no usable space, is included in Section 2, Condition No. 2 of the attached Resolution.

City Traffic Engineer Comments

The City Traffic Engineer reviewed the subject proposal and gave comments on the requested changes to amend the current Use Permit, Resolution No. 5706 (Exhibit G). The City Traffic Engineer feels that the extension of operating closing times and the addition of beer and wine does not increase the use of the existing restaurant or have an impact on parking demand. The existing restaurant is classified as a small restaurant, according to the City Traffic Engineer and is in a multi-tenant building with no parking facilities. These conditions result in a lower parking demand than single tenant restaurants. Since over 80% of customers, per the parking survey, use another form of transportation other than a car, an actual parking demand of 2 spaces is required. Also, during the extended closing times after 8pm, per the parking survey, 4 public parking spaces are available of which there is only a demand for 2 spaces.

Neighbor's Comments

Overall, the surrounding neighbors and business owners are in support of the extension of hours and the addition of beer and wine. Staff received several letters expressing support of the subject proposal (Exhibit H). They state that the request should be granted based on the subject restaurant being a good addition to the neighborhood and community. They felt that the request was acceptable and the subject restaurant should be given the same extension of hours and to allow beer and wine as other the surrounding restaurants. They felt that the changes are minimal and would not pose any impact to the neighborhood.

Other Department Comments

The Police Department had no comments and/or objections to the subject proposal. The Traffic Division had a condition to not allow service of alcohol at the outside tables and no music, entertainment or dancing be allowed (Exhibit J). These conditions have been added to the attached Draft Resolution No. 10-05. The Departments of Public Works and Building and Safety standard requirements will be addressed during the Plan Check process.

Use Permit Findings and Code Requirements

A Use Permit Amendment is required per Municipal Code Section 10.16.020 (L) since the applicant is requesting a new alcohol license to allow beer and wine and to revise Condition No. 22 in the current Resolution No. 5706, which does not allow alcohol. Also, a use permit amendment is required since the applicant is requesting to revise Condition No. 18 to extend current operating hours. The applicant's representative submitted information on behalf of the property owner to address the required findings (Exhibit I).

The Planning Commission must make the following findings in accordance with Section 10.84.060 for the Use Permit, if the project is approved:

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;*

The proposed project is located within the (CNE-D5) Commercial North End overlay district. The business is in accord with the objectives of this title, and the purpose of the district in which it is located since the project is a small local neighborhood use consistent with Section 10.16.010 of the Manhattan Beach Zoning Code which states that the district is intended to provide opportunities for a mix of small, local and visitor-serving commercial public and semipublic uses appropriate for the North End/El Porto area and uses along Highland Avenue and Rosecrans Avenue to the north.

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;*

The extension of operating hours and to allow beer and wine for on-site consumption as proposed, poses no detrimental effects to the public health, safety, or welfare of persons residing or working on the proposed project site, or to the adjacent neighborhood; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city as the site will continue to operate with mixed commercial, retail and restaurant uses.

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

The proposed extension of hours and to allow beer and wine for on-site consumption on an existing commercial retail site determined to be in compliance with applicable provisions of the (CNE-D5) Commercial North End Overlay district zone and the required notice, hearing and findings for the amendment to the Use Permit.

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.*

The proposed changes will not adversely impact nearby properties as other similar uses currently exist at the site. The proposed changes pose no increase to the parking demand per the parking survey submitted on behalf of the applicant. It is not anticipated that the extension of operating hours and the addition of beer and wine in the existing commercial site will exceed the capacity of public services and facilities, and conditions and limitations will mitigate any potential impacts.

In addition, the purpose of the North End Commercial District is as follows:

CNE North End Commercial District

To provide for a mix of small, local and visitor-serving commercial, public and semipublic uses appropriate for the El Porto area and the business district along Highland Avenue and Rosecrans Avenue at the northern end of the City. Residential uses that are consistent with the standards of the RH Residential High-Density District are also permitted, consistent with the General Plan and the Local Coastal Plan.

Reduced Parking

The code requirement for the subject restaurant is 7 parking spaces. However, the Planning Commission has the authority to approve a reduction with a parking demand study. In this case, the Planning Commission approved a reduced parking demand of 4 spaces on July 25, 2001 based on a parking demand study conducted by the applicant, which identified the anticipated parking demand on the site.

The proposed project has an actual reduced parking demand of 2 parking spaces based on the parking data submitted by the property owner and the determination made by the City Traffic Engineer. This parking requirement can be accommodated by public parking on the street and by maintaining one off-site parking space at a City owned parking lot.

Reduced parking is allowed with a use permit per Section 10.44.040, in the Design Overlay District subject to the requirements in Section 10.64.050 (B).

Section 10.64.050 (B) – A use permit may be approved reducing the number of parking spaces to less than the number specified in the schedules in Section 10.64.030, provided that the following findings are made.

- 1. The parking demand will be less than the requirement in Schedule A and B; and*
- 2. The probable long term occupancy of the building or structure, based on its design, will not generate additional parking demand.*

In reaching a decision, the Planning Commission shall consider survey data submitted by an applicant or collected at the applicant's request and expense.

Proposed Conditions

Staff has included these conditions in the attached draft Resolution PC 10-05:

- The project shall be in substantial conformance with the project description submitted to, and approved by the Planning Commission on August 25, 2010, except as modified by these conditions.
- The property owner shall obtain approval from the State Department of Alcoholic Beverage Control and shall comply with all related conditions of approval.
- In the event that the business known as the North End Caffe should vacate the premises, the tenant space at 3421 Highland 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 the subject restaurant. The intent of this condition is to ensure that any replacement restaurant tenant, if exercising a Type-41 ABC license for on-site consumption of beer and wine would be a use similar to the North End Caffe.
- No service of beer or wine is allowed at the outside tables and no music, entertainment or dancing be allowed.
- The property owner is to improve the walkstreet on 35th Street with landscaping and irrigation and shall comply with the City's Encroachment Permit Standards. Any landscaping and irrigation may only be installed after approval and issuance of an Encroachment Permit by the Director of Community Development. Any landscaping shall be low growing, not exceeding 42 inches in height as measured from the existing grade. Trees are prohibited. Useable level surfaces, including but not limited to decks, patios, lawns, seating, or other surfaces where people may congregate, are prohibited.

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.

CONCLUSION

Staff feels that the subject proposal may be approved based on the parking analysis submitted by the property owner that indicates that the majority of customers who frequent the restaurant use another form of transportation other than a car. The subject restaurant caters to the nearby local residents, beach visitors and local business owners. With keeping the small scale neighborhood restaurant and local clientele, same amount of seating (22 seats), the reduced parking demand of 2 spaces per the City Traffic Engineer, and the overall support from the neighbors, staff feels the findings can be made to approve the subject use permit amendment.

Staff recommends that the Planning Commission approve the subject use permit as proposed. The attached draft resolution PC 10-05 will supersede the existing Resolution No. 5706 approved on October 2, 2001.

ATTACHMENTS

- Exhibit A: Draft Resolution PC 10-06
- Exhibit B: Vicinity Map
- Exhibit C: Resolution No. 5706 approved on October 2, 2001
- Exhibit D: Applicant's Documentation
- Exhibit E: Spreadsheet of North End Alcohol Licenses
- Exhibit F: Parking Survey Data dated July 20, 2010
- Exhibit G: City Traffic Engineer memo dated July 30, 2010
- Exhibit H: Letter of support from neighbors and business owners
- Exhibit I: Use Permit Findings from Applicant
- Exhibit J: Other Department Comments
- Exhibit K: Sidewalk Dining Requirements

cc: John Atkinson, Property Owner
Bunny Srour, Srour and Associates, Applicant's Representative

RESOLUTION NO. PC 10-06

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING AN AMENDMENT TO A USE PERMIT AT AN EXISTING RESTAURANT, NORTH END CAFE, AT 3421 HIGHLAND AVENUE TO ALLOW AN EXTENSION OF OPERATING HOURS AND TO ALLOW A NEW ALCOHOL LICENSE TYPE-41 FOR ON-SITE BEER AND WINE AND ALLOW THE CONTINUATION OF A PARKING REDUCTION (Atkinson)

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

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

- A. The Planning Commission of the City of Manhattan Beach conducted a public hearing on August 25, 2010 to consider an application for a Use Permit amendment at an existing restaurant, North End Caffe, to allow an extension of operating hours and a new alcohol license, Type-41 to allow on-site beer and wine at 3421 Highland Avenue in the City of Manhattan Beach. Said hearing was advertised pursuant to applicable law, testimony was invited and received.
- B. The subject property is legally described as Lot 1 in Block 42 of Peck's Manhattan Beach Tract located at 3421 Highland Avenue in the City of Manhattan Beach.
- C. The applicant/property and business owner is John Atkinson.
- D. The property is located within Area District III and is zoned North End Commercial (CNE) D-5 Design Review, as are the properties to the north, south and east. The properties to the west and northwest are zoned RH Residential High Density.
- E. The General Plan designation for the property is North End Commercial.
- F. The North End Caffe planning/zoning entitlement history is as follows:
 - 1. The Parking and Public Improvement Commission of the City of Manhattan Beach conducted a noticed public meeting regarding the Encroachment Permit for the outdoor dining and improvements in the 35th Street walkstreet adjacent to the proposed restaurant at their regular scheduled meeting of April 26, 2001. The meeting was advertised by mailing notices to all property owners within 500 feet and to all residents within 100 feet of the subject property. At the public meeting testimony was invited and received. At the April 26th meeting the Parking and Public Improvement Commission recommended that the City Council approve the project with conditions.
 - 2. The Planning Commission of the City of Manhattan Beach conducted a public hearing regarding the restaurant at their regular scheduled meeting of May 23, and continued the public hearing to June 13 and 27, and July 25, 2001. The May 23rd public hearing was advertised pursuant to applicable law, and was continued to a date certain at each subsequent meeting. At each public hearing testimony was invited and received. At the July 25th meeting the Planning Commission adopted Resolution No. PC 01-18 approving the Use Permit, Coastal Development Permit, Parking Demand Study, and Negative Declaration with conditions.
 - 3. On August 8, 2001, an appeal of the Planning Commissions decision to approve the Use Permit, Coastal Development Permit, Parking Demand Study, and Negative Declaration, and the Parking and Public Improvement Commissions recommendation of approval for the Encroachment Permit was filed.

4. The City Council of the City of Manhattan Beach conducted a public hearing on the appeal for the proposed restaurant, outdoor dining, and walkstreet improvements at their regular scheduled meeting of September 18, 2001. The public hearing was advertised pursuant to applicable law, and at the public hearing testimony was invited and received. At the September 18th meeting the City Council directed staff to prepare a Resolution approving the Use Permit, Coastal Development Permit, Parking Demand Study, and Negative Declaration, and denying the Encroachment Permit.

5. A proposed Negative Declaration incorporating an Initial Study was prepared pursuant to the California Environmental Quality Act (CEQA) and the City of Manhattan Beach CEQA Guidelines. Based on the analysis, it was determined that there would be no significant environmental impacts associated with the proposed project.

6. The City Council took final action and approved a use permit, coastal development permit and parking demand study for the subject restaurant on October 2, 2001 per Resolution No. 5706. The facts and findings for those actions are included in Resolution No. 5706 and are still valid.

- G. The North End Caffe restaurant includes an interior of approximately 700 square feet, with approximately 300 square feet of interior dining area. The current approved hours of operation for the restaurant are 9:00 am to 8:00 p.m. Monday-Thursday and 7:00 a.m. to 8:00 p.m. Friday-Sunday. No music, amplified sound, alcohol, or entertainment is allowed.
- H. The restaurant is a small family-run neighborhood servicing use, catering to local residents, business owners, and beachgoers and is not a destination type of restaurant. There are a total of 2 or 3 employees, including the owners. The menu is limited, consisting of mainly sandwiches, salads, and soups, with the breakfast menu focusing on sweet rolls and breads.
- I. The subject project consists of the following: 1) Allow an extension of hours from the current operating hours to Sunday to Thursday from 7am to 10pm and Friday and Saturday from 7am to 11pm and 2) allow on-site beer and wine (Type 41), all which requires an Amendment to the current Resolution No. 5706.
- J. 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.
- K. This Resolution, upon its effectiveness allows an extension of operating hours per the project description and allows the on-site sale of beer and wine at the existing restaurant, North End Caffe, and these conditions supersede all previous site approvals (Resolution No. 5706). The findings for North End Caffe, as provided in Resolution No. 5706, still stand.
- L. Based upon State law, and MBLCP Section A.84.060, relating to the Use Permit application for the proposed restaurant, the following findings are hereby made:
 - 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, is consistent with the Commercial Districts Chapter, Section A.16.010-Specific Purposes, since the subject proposal: a) is adding to and creating a vibrant mixture of uses in the area which provides a full range of office, retail commercial, and service commercial uses needed by residents of, and visitors to, the Coastal Zone, b) strengthens the City's economic base, but also protect small businesses that serve city residents, c) creates a suitable environment for various types of commercial and compatible residential uses, and protects them from the adverse effects of inharmonious uses and minimizes the impact of commercial development on adjacent residential districts through the conditions of approval, d) ensures that the appearance and effects of commercial buildings and uses are harmonious with the character of the area in which they are located and ensures the provision of adequate off-street parking and loading facilities, through the parking survey and the conditions of approval, e) encourages commercial buildings that are oriented to the pedestrian, by providing windows and doors accessible from city sidewalks at sidewalk level, protecting pedestrian access along sidewalks

and alleys and maintaining pedestrian links to parks, open space, and the beach, and f) carries out the policies and programs of the certified Land Use Plan.

In addition the project is consistent with the purpose of the CNE North End Commercial District which states the purpose is to provide for a mix of small, local and visitor-serving commercial, public and semipublic uses appropriate for the El Porto area and the business district along Highland Avenue and Rosecrans Avenue at the northern end of the City, since the project adds to a vibrant mix of uses in the area, and is significantly upgrading, beautifying and improving the area.

Additionally, although the project is located within the D Design Overlay District there are limited sections that apply to the project. The purpose of the D Design Overlay District, Section A.44.010- Specific purpose and applicability, is to provide a mechanism to establish specific development standards and review procedures for certain areas of the Coastal Zone with unique needs, consistent with General Plan and Local Coastal Program policies. This section continues to say that this will ensure that the low-profile image of the community is preserved and neighborhoods protected from adverse effects of noise and traffic, and that it also will prevent development that may be detrimental to these areas, such as buildings that affect the privacy of adjoining properties or increases shadows. The one area within the Coastal Zone, which has been designated as a Design Overlay district, is located within a portion of the CNE designation near Highland Avenue and Rosecrans Avenue. This area has been designated as a Design overlay district because special design standards are needed for the North End Commercial Area to accommodate additional residential development. Since the project is commercial use of an existing commercial building, and not additional residential development, this section has limited application to the subject project, and conditions of approval ensure the purpose of the section is addressed.

Section A.44.040 (j)- Reduced Parking- is applicable to the project and states that the Planning Commission may allow reduced parking with a use permit for neighborhood-oriented uses such as small retail stores, personal services, and eating and drinking establishments open for breakfast and lunch, subject to the requirements of Section A.64.050 (B)- Reduced parking, which is addressed in the findings below. Since this section provides examples of uses that may be appropriate for reduced parking and lists neighborhood-oriented uses such as small eating and drinking establishments open for breakfast and lunch and the subject restaurant will continue to be a local neighborhood restaurant use with the proposed extension of hours and service of on-site beer and wine and does not present a major impact, it is not a destination type nighttime restaurant, but a small neighborhood serving use, which is consistent with the intent of the standards.

2. The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working on the proposed project site or in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city, the project is designed as a small neighborhood serving type use and the proposed extension of hours and service of beer and wine on-site is consistent with the surrounding businesses, and the extensive conditions of approval will ensure that there are not detrimental impacts to the neighborhood or City.
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, since the required notice and public hearing requirements have been met, all of the required findings have been addressed and conditions will be required to be met prior to the issuance of a certificate of occupancy and start of business operations. Various letters were received from neighbors in support of the subject proposal.
4. The proposed use will not adversely impact nor be adversely impacted by nearby properties. Potential impacts are related but not necessarily limited to: traffic, parking, noise, vibration, odors, resident security and personal safety, and aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated, since the project is designed as a small neighborhood serving type use and is consistent with the surrounding businesses, no entertainment, or amplified sound, or service of beer

and wine outside will be allowed and the extensive conditions of approval will ensure that there are not detrimental impacts to the neighborhood or City.

M. Based on the MBLCP Section A.64.050 B.- Reduced Parking for certain districts and uses which states that a use permit may be approved reducing the number of spaces to less than the number specified in the schedules in Section A.64.030, provided that findings are made, the following findings are made:

1. The parking demand will be less than the requirement in Schedule A or B, since the code requirement for the subject restaurant is 7 parking spaces, and the Planning Commission has the authority to approve a reduced parking. The Planning Commission approved a reduced parking demand study of 4 spaces on July 25, 2001, which identified the anticipated parking demand on the site. The proposed project has an actual parking demand of two spaces per the parking survey data submitted by the property owner and reviewed by the City Traffic Engineer. Since the project is a local neighborhood-serving café, catering to local residents and businesses with a limited menu and hours of operation, and it is a small type so it does not serve as a destination type of restaurant, the parking data provided by the applicant taken over a 9 to 12 day period indicated availability of street parking at peak evening times. Parking counts at the 44 metered spaces were conducted on Rosecrans Avenue south side, between Highland Avenue and Alma Avenue, Highland Avenue, west side, between 38th Street and Rosecrans Avenue and Highland Avenue east and west sides between 38th Street and 32nd Place and one-parking space at an off-site City owned parking lot at Rosecrans Avenue and Highland Avenue will provide adequate parking.
2. The probable long-term occupancy of the building or structure, based on its design, will not generate additional parking demand, since the existing improvements on the site are significantly smaller than what is permitted, and the businesses have limited hours of operation, the other occupants of the subject site are small businesses that are neighborhood serving uses, the property/business owners have owned the site for many years, and the City Council has imposed a number of conditions. There is no increase in square footage or existing seating area.

In reaching the decision, the Planning Commission can consider survey data, which was prepared and submitted by the applicant and is included as part of the public record.

N. A determination of public convenience and necessity is made for the proposed Type 41 alcohol license to allow on-site beer and wine (as conditioned below), which shall be forwarded to the California Department of Alcohol Beverage Control upon City Council acceptance of this project approval.

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

General Conditions

1. The proposed project shall be in substantial conformance with the plans submitted and the project description, as approved by the Planning Commission on August 25, 2010. Any substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.

35th Street Walkstreet

2. The property owner is to improve the walkstreet on 35th Street with landscaping and irrigation and shall comply with the City's Encroachment Permit Standards. Any landscaping and irrigation may only be installed after approval and issuance of an Encroachment Permit by the Director of Community Development. Any landscaping shall be low growing, not exceeding 42 inches in height as measured from the existing grade. Trees are prohibited. Useable level surfaces, including but not limited to decks, patios, lawns, seating, or other surfaces where people may congregate, are prohibited. The walkstreet may not be used for gatherings or any use, other than landscaping.

Alcohol Service

3. In the event that the business known as the North End Caffe should vacate the premises, the tenant space at 3421 Highland Avenue, may be occupied by another similar use, if upon its review, the Department of Community Development determined that the replacement use has the same use characteristics as the subject restaurant. The intent of this condition is to ensure that any replacement restaurant tenant, would be a use similar to the North End Caffe.

Operational

4. Operations shall comply with all South Coast Air Quality Management District Regulations and shall not transmit excessive emissions or odors across property lines.
5. The management of the property shall police the property and all areas adjacent to the business during the hours of operation to keep it free of litter.
6. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject businesses.
7. The dining area is limited to 300 square feet in area, with up to 22 seats, interior and exterior.
8. All proposed rooftop mechanical equipment shall be screened from the public right-of-way and any abandoned rooftop equipment shall be removed prior to building final.

Noise

9. No dancing or entertainment shall be permitted on the premises or outside at any time.
10. All interior amplified music shall be limited to background music only. The restaurant management shall control the volume of the music. Exterior music or amplified sound systems or equipment is prohibited.
11. Noise emanating from the site shall be in compliance with the Manhattan Beach Municipal Code Noise Ordinance, Chapter 5.48.

Signage

12. A-frame or sidewalk signs in the public right-of-way shall be prohibited.
13. No temporary signs (banners) shall be erected on the site without City permit and approval.
14. The applicant shall submit a sign program for all tenants in the entire building including new signs for the restaurant, for review and approval of the Director of Community Development.

Hours of Operation

15. The hours of operation for the restaurant shall be permitted as follows:
 - 7:00 am. – 10:00 p.m. (Sunday through Thursday)
 - 7:00 am. – 11:00 p.m. (Friday through Saturday)

Design

16. Outdoor lighting on the north side is not permitted, or interior lighting that is designed to illuminate the north side.
17. The restaurant shall install, maintain in good working condition, and use a garbage disposal, a trash compactor, and a mop sink.

Parking

18. The applicant shall provide at all times, one off-site parking space in the City owned parking lot at the north-east corner of Rosecrans and Highland Avenues, or another location with prior approval of the Director of Community Development for required employee use. Proof of maintenance of the off-site parking shall be provided to the Community Development Department on an annual basis.

Alcohol Service

19. The property owner shall obtain approval from the State Department of Alcoholic Beverage Control for a Type-41 on-site beer and wine license and shall comply with all related conditions of approval.
20. No service of beer or wine is allowed at the outside tables per the Traffic Division of the Police Department.

Public Works

21. All of the tenants in the building must have access to the required trash enclosure and trash must be picked up by a refuse company as often as necessary to ensure that the trash enclosure has adequate space to accommodate the needs of all of the businesses on the site. No trash storage/disposal shall take place in the public right-of-way on Highland Avenue, 35th Street, or the alley between 34th and 35th Streets.

Procedural

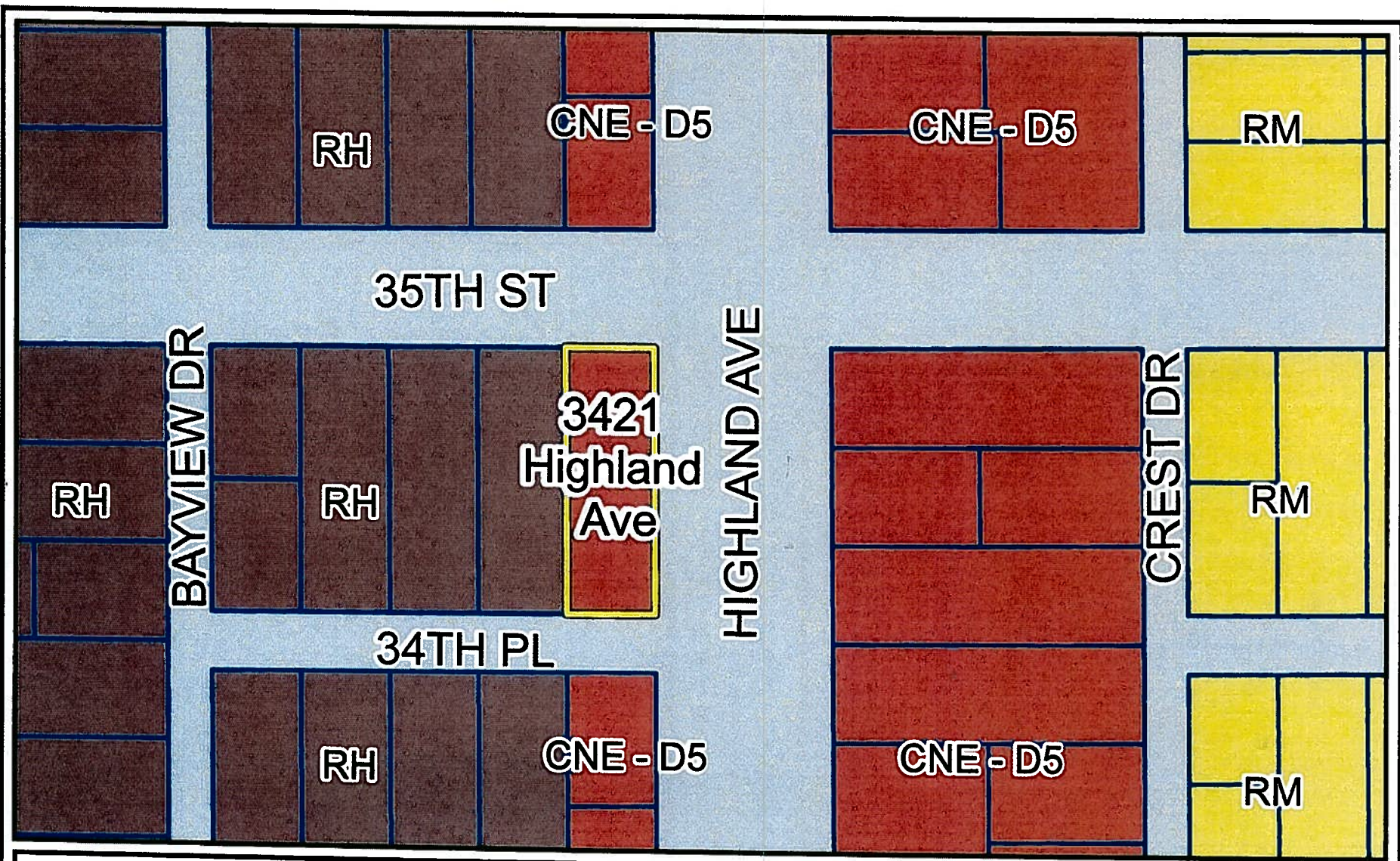
22. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
23. Unless appealed by the City Council, the subject Use Permit shall become effective after expiration of the time limits established by the Manhattan Beach Municipal Code and Local Coastal Program.
24. 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.
25. 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 action 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 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 August 25, 2010, and that said Resolution was adopted by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

LAURIE JESTER
Secretary to the Planning Commission



Vicinity Map

3421 Highland Ave

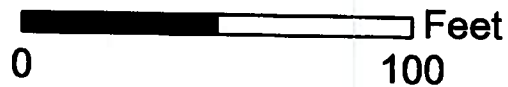


Exhibit **B**



K. Thompson
LAURENCE

RESOLUTION NO. 5706

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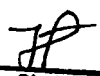
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT, COASTAL DEVELOPMENT PERMIT, AND PARKING DEMAND STUDY, AND ADOPTING A NEGATIVE DECLARATION TO ALLOW A NEW RESTAURANT IN AN EXISTING BUILDING AT 3421 HIGHLAND AVENUE, AND DENYING AN ENCROACHMENT PERMIT FOR OUTDOOR DINING FOR THE RESTAURANT IN THE PUBLIC RIGHT-OF-WAY (35TH STREET WALKSTREET) (Atkinson)

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council of the City of Manhattan Beach, California, hereby makes the following findings:

- A. The Planning Commission of the City of Manhattan Beach considered an application for a Use Permit, Coastal Development Permit, and Parking Demand Study for a proposed restaurant on the property legally described as Lot 1 in Block 42 of Peck's Manhattan Beach Tract 2, located at 3421 Highland Avenue in the City of Manhattan Beach.
- B. The applicant requests approval of a Use Permit, Coastal Development Permit, and Parking Demand Study to allow a new restaurant in an existing building and outdoor dining in the 35th Street walkstreet right-of-way.
- C. In accordance with MBLCP Section A.16.020, a Use Permit approval is required for commercial Eating and Drinking Establishments (Restaurants).
- D. The subject property is located within the City of Manhattan Beach Coastal Zone, in the non-appealable area, and is subject to a Coastal Development Permit.
- E. The applicant/property and business owner is John and Robbie Atkinson.
- F. The Parking and Public Improvement Commission of the City of Manhattan Beach conducted a noticed public meeting regarding the proposed Encroachment Permit for the outdoor dining and improvements in the 35th Street walkstreet adjacent to the proposed restaurant at their regular scheduled meeting of April 26, 2001. The meeting was advertised by mailing notices to all property owners within 500 feet and to all residents within 100 feet of the subject property. At the public meeting testimony was invited and received. At the April 26th meeting the Parking and Public Improvement Commission recommended that the City Council approve the project with conditions.
- G. The Planning Commission of the City of Manhattan Beach conducted a public hearing regarding the proposed restaurant at their regular scheduled meeting of May 23, and continued the public hearing to June 13 and 27, and July 25, 2001. The May 23rd public hearing was advertised pursuant to applicable law, and was continued to a date certain at each subsequent meeting. At each public hearing testimony was invited and received. At the July 25th meeting the Planning Commission adopted Resolution No. PC 01-18 approving the Use Permit, Coastal Development Permit, Parking Demand Study, and Negative Declaration with conditions.
- H. On August 8, 2001, an appeal of the Planning Commission's decision to approve the Use Permit, Coastal Development Permit, Parking Demand Study, and Negative Declaration, and the Parking and Public Improvement Commission's recommendation of approval for the Encroachment Permit was filed.
- I. The City Council of the City of Manhattan Beach conducted a public hearing on the appeal for the proposed restaurant, outdoor dining, and walkstreet improvements at their regular scheduled meeting of September 18, 2001. The public hearing was advertised pursuant to applicable law, and at the public hearing testimony was invited and received. At the September 18th meeting the City Council directed staff to prepare a Resolution approving the Use Permit, Coastal

EXHIBIT C
PC No. 8/25/10


 Certified to be a true copy of said document on file in my office.

 City Clerk of the City of Manhattan Beach

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Development Permit, Parking Demand Study, and Negative Declaration, and denying the Encroachment Permit.

J. A proposed Negative Declaration incorporating an Initial Study has been prepared pursuant to the California Environmental Quality Act (CEQA) and the City of Manhattan Beach CEQA Guidelines. Based on the analysis, it was determined that there would be no significant environmental impacts associated with the proposed project.

K. The property is located within Area District III and is zoned North End Commercial (CNE) D-5 Design Review, as are the properties to the north, south and east. The properties to the west and northwest are zoned RH Residential High Density.

L. The General Plan designation for the property is North End Commercial.

M. North End California Deli restaurant includes an interior of approximately 700 square feet, with approximately 300 square feet of interior dining area. The hours of operation for the restaurant are 9:00 am to 8:00 p.m. Monday- Thursday and 7:00 a.m. to 8:00 p.m. Friday-Sunday. No music, amplified sound, alcohol, or entertainment is proposed.

N. The restaurant is proposed as a small family-run neighborhood servicing use, catering to local residents, business owners, and beachgoers. There will be a total of 2 or 3 employees, including the owners. The menu is limited, consisting of mainly sandwiches, salads, and soups, with the breakfast menu focusing on sweet rolls and breads. With the small size, limited menu, no alcohol, music, or entertainment, and limited hours of operation, the proposed use does not serve as a destination type of restaurant.

O. 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.

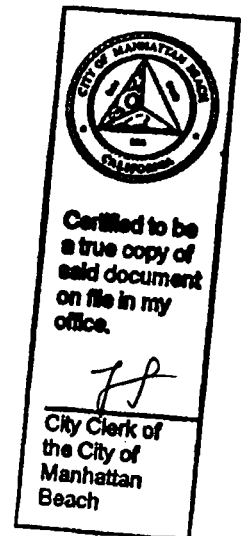
P. This Resolution, upon its effectiveness, constitutes the Use Permit and Coastal Development Permit for the subject property.

Q. Based upon State law, and MBLCP Section A.84.060, relating to the Use Permit application for the proposed restaurant, the following findings are hereby made:

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, since the project is consistent with the Commercial Districts Chapter, Section A.16.010-Specific Purposes, since the proposed use:
 - a) is adding to and creating a vibrant mixture of uses in the area which provides a full range of office, retail commercial, and service commercial uses needed by residents of, and visitors to, the Coastal Zone, b) strengthens the City's economic base, but also protect small businesses that serve city residents, c) creates a suitable environment for various types of commercial and compatible residential uses, and protects them from the adverse effects of inharmonious uses and minimizes the impact of commercial development on adjacent residential districts through the conditions of approval, d) ensures that the appearance and effects of commercial buildings and uses are harmonious with the character of the area in which they are located and ensures the provision of adequate off-street parking and loading facilities, through the parking demand study and the conditions of approval, e) encourages commercial buildings that are oriented to the pedestrian, by providing windows and doors accessible from city sidewalks at sidewalk level, protecting pedestrian access along sidewalks and alleys and maintaining pedestrian links to parks, open space, and the beach, and f) carries out the policies and programs of the certified Land Use Plan.

In addition the project is consistent with the purpose of the CNE North End Commercial District which states the purpose is to provide for a mix of small, local and visitor-serving commercial, public and semipublic uses appropriate for the El Porto area and the business district along Highland Avenue and Rosecrans Avenue at the northern end of the City, since the project is adding to a vibrant mix of uses in the area, and is significantly upgrading, beautifying and improving the area.

Additionally, although the project is located within the D Design Overlay District there are limited sections that apply to the project. The purpose of the D Design Overlay District, Section A.44.010- Specific purpose and applicability, is to provide a mechanism to establish



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specific development standards and review procedures for certain areas of the Coastal Zone with unique needs, consistent with General Plan and Local Coastal Program policies. This section continues to say that this will ensure that the low-profile image of the community is preserved and neighborhoods protected from adverse effects of noise and traffic, and that it also will prevent development that may be detrimental to these areas, such as buildings that affect the privacy of adjoining properties or increases shadows. The one area within the Coastal Zone, which has been designated as a Design Overlay district, is located within a portion of the CNE designation near Highland Avenue and Rosecrans Avenue. This area has been designated as a Design overlay district because special design standards are needed for the North End Commercial Area to accommodate additional residential development. Since the project is commercial use of an existing commercial building, and not additional residential development, this section has limited application to the subject project, and conditions of approval ensure the purpose of the section is addressed. Section A.44.040 (j)- Reduced Parking- is applicable to the project and states that the Planning Commission may allow reduced parking with a use permit for neighborhood-oriented uses such as small retail stores, personal services, and eating and drinking establishments open for breakfast and lunch, subject to the requirements of Section A.64.050 (B)- Reduced parking, which is addressed in the findings below. Since this section provides examples of uses that may be appropriate for reduced parking and lists neighborhood-oriented uses such as small eating and drinking establishments open for breakfast and lunch and the restaurant is primarily a daytime use that is only open for dinner until 8:00 p.m. at night, it is not a destination type nighttime restaurant, but a small neighborhood serving use, which is consistent with the intent of the standards.

- 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, since the project is consistent with the Local Coastal Program (LCP) as discussed below and the LCP is consistent with the General Plan, the project is designed as a small neighborhood serving type use with limited hours and menu and no alcohol, entertainment, or amplified sound, and the extensive conditions of approval will ensure that there are not detrimental impacts to the neighborhood or City.
- 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, since the required notice and public hearing requirements have been met, all of the required findings have been addressed and conditions will be required to be met prior to the issuance of a certificate of occupancy and start of business operations.
- 4. The proposed use will not adversely impact nor be adversely impacted by nearby properties. Potential impacts are related but not necessarily limited to: traffic, parking, noise, vibration, odors, resident security and personal safety, and aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated, since the project is designed as a small neighborhood serving type use with limited hours and menu and no alcohol, entertainment, or amplified sound, and the extensive conditions of approval will ensure that there are not detrimental impacts to the neighborhood or City.

R. Based on the MBLCP Section A.64.050 B.- Reduced Parking for certain districts and uses which states that a use permit may be approved reducing the number of spaces to less than the number specified in the schedules in Section A.64.030, provided that findings are made, the following findings are made:

- 1. The parking demand will be less than the requirement in Schedule A or B, which is four spaces since, the project is a local neighborhood-serving café, catering to local residents and businesses with a limited menu and hours of operation, and no alcohol, and it is very small so it does not serve as a destination type of restaurant, the parking demand study provided by the applicant taken over more than a 10 day period of time during several months indicated availability of street parking throughout the day at the 27 metered parking



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JP

City Clerk of the City of Manhattan Beach

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spaces on Highland Avenue between 34th and 36th Streets, and an on-street loading space is located within 40 feet of the proposed restaurant; and,

- 2. The probable long-term occupancy of the building or structure, based on its design, will not generate additional parking demand, since the existing improvements on the site are significantly smaller than what is permitted, and none of the uses sell or serve alcohol, and the businesses have limited hours of operation, the other occupants of the subject site are small businesses that are neighborhood serving uses, the property/business owners have owned the site for many years, and the City Council has imposed a number of conditions.

In reaching the decision, the City Council considered survey data, which was prepared and submitted by the applicant and is included as part of the public record.

S. Based on the MBLCP Sections A.96.150 the following findings are made:

That the project, as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified Manhattan Beach Local Coastal Program, since the project is consistent with the following applicable policies from Chapter 4 of the Local Coastal Program:

I. COASTAL ACCESS POLICIES

A. Access Policies

Policy I.A.1: The City shall maintain the existing vertical and horizontal accessways in the Manhattan Beach Coastal Zone.

Policy I.A.3: The City shall preserve pedestrian access systems including the Spider Web park concept (Spider Web park concept: a linear park system linking the Santa Fe railroad right-of-way jogging trail to the beach with a network of walkstreets and public open spaces. See Figure NR-1 of the General Plan).

Policy I.A.4: The City shall maintain the use of commercial alleys as secondary pedestrian accessways.

Policy I.A.5: The City shall preserve its walk-street resources, shall prohibit non-complying walk-street encroachments, including decks, shall enforce measures to eliminate walk-street noncompliance with existing guidelines and shall provide expedited appeal procedures related thereto.

C. Parking Policies

Policy I.C.4: The City shall ensure that future residential and commercial development provides the parking necessary to meet the standards set forth in Section A.64 of Chapter 2 of the Implementation Plan, except that residential parking requirements shall not be reduced for units less than 550 square feet.

Policy I.C.13: Require off-street parking for the Highland commercial strip where feasible.

II. COASTAL LOCATING AND PLANNING NEW DEVELOPMENT POLICIES

A. Commercial Development

Policy II.A.2: Preserve the predominant existing commercial building scale of one and two stories, by limiting any future development to a 2-story maximum, with a 30' height limitation as required by Sections A.04.030, A.18.030, and A.60.050 of Chapter 2 of the Implementation Plan.

Policy II.A.3: Encourage the maintenance of commercial area orientation to the pedestrian.

Policy II.A.6: Encourage development of adequate parking facilities for future development through ground level on-site parking or a requirement to pay the actual cost of constructing sufficient parking spaces. Maximize use of existing parking facilities to meet the needs of commercial uses and coastal access; and.



Certified to be a true copy of said document on file in my office.

[Signature]

City Clerk of the City of Manhattan Beach

SECTION 2. The City Council of the City of Manhattan Beach hereby APPROVES the subject Use Permit, Coastal Development Permit, and Parking Demand Study, subject to the following conditions.

General Conditions

1. The proposed project shall be in substantial conformance with the plans submitted and the project description, as approved by the City Council on October 2, 2001. Any substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.

35th Street Walkstreet

2. No improvements in the adjacent public right-of-way, the 35th Street walkstreet, are approved with this project.

3. Any landscaping and irrigation proposed for the 35th Street walkstreet shall comply with the City's Encroachment Permit Standards. Any landscaping and irrigation may only be installed after approval and issuance of an Encroachment Permit by the Director of Community Development. In reviewing the landscaping and irrigation plan the Director shall consider compatibility with the future North End Beautification Project. Any landscaping shall be low growing, not exceeding 42 inches in height as measured from the existing grade. Trees are prohibited. Useable level surfaces, including but not limited to decks, patios, lawns, seating, or other surfaces where people may congregate, are prohibited.


Site Preparation/Construction

4. A Traffic Management Plan shall be submitted in conjunction with any construction and other building plans, to be approved by the Police and Public Works Departments prior to issuance of building permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including but not limited to delivery of materials and parking of construction related vehicles.

5. The applicant's contractor will not be permitted to store building materials within the roadway of Highland Avenue. No construction related vehicles or dumpsters shall be parked in the public right-of-way without obtaining approval from the Community Development Department.

6. During the demolition and construction phases of development, a daily clean-up program for all areas affected by the project shall occur, including the pickup of all debris (utilizing an approved trash dumpster or other trash control method) at day's end and the sweeping and continued watering down of the site to assist in mitigating the movement of dirt and dust upon adjoining properties.

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JP
City Clerk of
the City of
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Operational

- 7. Operations shall comply with all South Coast Air Quality Management District Regulations and shall not transmit excessive emissions or odors across property lines.
- 8. The management of the property shall police the property and all areas adjacent to the business during the hours of operation to keep it free of litter.
- 9. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject businesses.
- 10. The dining area is limited to 300 square feet in area, with up to 22 seats.
- 11. All proposed rooftop mechanical equipment shall be screened from the public right-of-way and any abandoned rooftop equipment shall be removed prior to building final.

Noise

- 12. No dancing or entertainment shall be permitted on the premises.
- 13. All interior amplified music shall be limited to background music only. The restaurant management shall control the volume of the music. Exterior music or amplified sound systems or equipment is prohibited.
- 14. Noise emanating from the site shall be in compliance with the Manhattan Beach Municipal Code Noise Ordinance, Chapter 5.48.

Signage

- 15. A-frame or sidewalk signs in the public right-of-way shall be prohibited.
- 16. No temporary signs (banners) shall be erected on the site without City permit and approval.
- 17. The applicant shall submit a sign program for all tenants in the entire building including new signs for the restaurant, for review and approval of the Director of Community Development.

Hours of Operation


- 18. The hours of operation for the restaurant shall be permitted as follows:
 - 9:00 am. – 8:00 p.m. (Monday through Thursday)
 - 7:00 am. – 8:00 p.m. (Friday through Sunday)

Design


- 19. Outdoor lighting on the north side is not permitted, or interior lighting that is designed to illuminate the north side.
- 20. The restaurant shall install, maintain in good working condition, and use a garbage disposal, a trash compactor, and a mop sink.

Parking

- 21. The applicant shall provide at all times, one off-site parking space in the City owned parking lot at the north-east corner of Rosecrans and Highland Avenues, or another location with prior approval of the Director of Community Development for required employee use. Proof of maintenance of the off-site parking shall be provided to the Community Development Department on an annual basis.



Certified to be
 a true copy of
 said document
 on file in my
 office.



City Clerk of
 the City of
 Manhattan
 Beach

1 *Alcohol Service*

2 22. Sales or service of alcohol is prohibited.

3 *Public Works*

4 23. Plan holder must have the plans checked and stamped for approval by the Public Works
5 Department before the building permit is issued. Project must comply with all Public Works
6 requirements, including but not limited to, the items specified in their memo dated December 20,
7 2000, Attached as Exhibit "A". All Public Works notes and corrections must be printed on the
8 plan and all requirements must be completed per the approved plans prior to the issuance of a
9 building final.

7 24. The new trash enclosure must meet all Public works requirements, including but not limited to,
8 the items specified in their memo dated December 20, 2000. All of the tenants in the building
9 must have access to the required trash enclosure and trash must be picked up by a refuse
10 company as often as necessary to ensure that the trash enclosure has adequate space to
11 accommodate the needs of all of the businesses on the site. No trash storage/disposal shall
12 take place in the public right-of-way on Highland Avenue, 35th Street, or the alley between 34th
13 and 35th Streets.

10 *Landsceping/Irrigation- Private Property*

11 25. A landscaping and irrigation plan for the planter between Highland Avenue and the existing
12 building shall be submitted for review and approval concurrent with the building permit
13 application. A low pressure or drip irrigation system shall be installed in the planter. All plants
14 shall be identified on the plan by the Latin and common names. The current edition of the
15 Sunset Western Garden Book contains a list and description of plants suitable for this area.
16 This plan shall be reviewed and approved by the Public Works and Community Development
17 Departments.

15 *Procedural*

16 26. All provisions of the Use Permit are subject to review by the Community Development Department 6
17 months after occupancy and yearly thereafter.

17 27. *Assignment.* The permit may be assigned to any qualified persons subject to submittal of the following
18 information to the Director of Community Development:

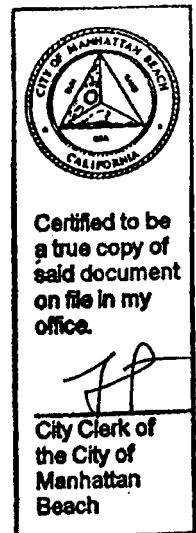
- 19 a. a completed application and application fee as established by the City's Fee Resolution;
- 20 b. an affidavit executed by the assignee attesting to the assignee's agreement to comply with
21 the terms and conditions of the permit;
- 22 c. evidence of the assignee's legal interest in the property involved and legal capacity to
23 undertake the development as approved and to satisfy the conditions required in the
24 permit;
- 25 d. the original permittee's request to assign all rights to undertake the development to the
26 assignee; and,
- 27 e. a copy of the original permit showing that it has not expired.

24 28. *Terms and Conditions are Perpetual.* These terms and conditions shall be perpetual, and it is the
25 intention of the Director of Community Development and the permittee to bind all future owners and
26 possessors of the subject property to the terms and conditions.

26 29. The subject Use Permit, Coastal Development Permit and Parking Demand Study shall become
27 effective after expiration of the time limits established by Manhattan Beach Municipal Code and
28 Local Coastal Program.

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

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31. 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 action 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 3. Pursuant to Government Code Section 85009 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.

SECTION 4. The City Clerk shall make this Resolution reasonably available for public inspection within thirty (30) days of the date this Resolution is adopted.

SECTION 5. The City Clerk shall certify to the adoption of this Resolution and thenceforth and thereafter the same shall be in full force and effect.


PASSED, APPROVED, and ADOPTED this 2nd day of October, 2001.

Ayes: Wilson, Fahey, Napolitano and Mayor Dougher.
Noes: Aldinger.
Absent: None.
Abstain: None.

/s/ Walt Dougher
Mayor, City of Manhattan Beach, California

ATTEST:

/s/ Liza Tamura
City Clerk



Certified to be a true copy of the original of said document on file in my office.

Liza Tamura
City Clerk of the City of Manhattan Beach, California

SROUR & ASSOCIATES, LLC
Business and Real Estate Development Services
1001 Sixth Street, Suite 110, Manhattan Beach, CA 90266
Email address srourlc@esrou.com
310/372-8433 • FAX 310/372-8894

MEMORANDUM

DATE: August 19, 2010
TO: City of MB Community Development Department
ATTN: ANGELICA OCHOA, ASSISTANT PLANNER

FROM: ELIZABETH SROUR

RE: 3421 Highland Avenue, North End Caffe

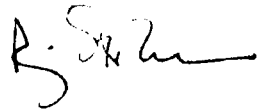
ANGELICA – In response to our discussion yesterday, I have spoken to John Atkinson to confirm:

Morning hours: Request ability to open at 7:00am on a daily basis.

Off-site parking: The owners have a total of three open parking spaces in the 400 block of 34th St. One property is the residence of John's parents who have one car between them, and the second property is the residence of John's sister who also has one car. These spaces are available for John & Laura Atkinson as well as an employee if necessary. In addition, the owner is on the waiting list for a merchant parking pass for the public parking structure. Finally, two employees use bicycles to get to work and one employee uses the bus.

Attached are letters of support from adjacent and nearby businesses including Four Daughters Kitchen, Girly Things, Tangles, Salvatore's Shoes, Ocean Fitness, Cake Bakeshop, Style Cleaners and OB's Pub and Grill, as well as a letter from a nearby residential neighbor.

Thank you,



attachment

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ATTACHMENT TO APPLICATION FOR AMENDMENT TO CONDITIONAL USE PERMIT
NORTH END CAFFE - 3421 Highland Avenue
May 2010

Over the past seven years when it first opened, the *North End Caffe* has evolved into a popular local restaurant with a loyal following. The *North End* is exactly the type of business residents and City leadership had in mind when crafting the goals for the North End Commercial District (CNE) – a business that fits in with the low profile image of the community, that offers goods and services to nearby residents, businesses and seasonal visitors, and that enjoys a compatible relationship with the surrounding community.

Contributing to the success of this little restaurant is the long time relationship the owners have had with the City. Owners of the property since 1956, and residents of the City for nearly as long, the Atkinson family has had a strong involvement with the community over the years. John Atkinson is second generation family and, with his wife Laura and parents Robbie and John, manages the business and is also the chef.

Although the original concept was to focus on week-end, holiday and summer patronage, the family has gradually expanded their focus in response to continued popularity of the menu and the casual setting. Presently, the restaurant is open daily 8:00am until 8:00pm. Its peak hours are:

Monday-Friday, 11am to 2pm lunch hour setting, with a light breakfast patronage
Weekends, 9am – 4pm, again primarily lunch with a light breakfast and early supper patronage

THE PURPOSE OF THIS APPLICATION IS TO AMEND THE CUP TO ALLOW:

- Service of beer and wine within the restaurant
- Extend evening hours to 10pm, weekdays, and 11pm Friday & Saturdays

In response to customer interest, the family has gradually added some dinner selections, such as pastas, roast chicken and sustainable fish, and found a very enthusiastic response, mainly because of the personal service, delicious food and comfortable beachside setting. While the small restaurant size helps create a casual setting that works so well, it also can be a disadvantage, especially since the bar located across the walk street was converted to a new restaurant which is also enjoying success as a "local" setting catering to local patronage. Given the success of the *Caffe*, as well as the growing interest from the community in the "North End", the owners would like to extend the evening hours and to offer a glass of wine, especially with the dinner selections.

The traditional "North End" area is a unique mixed use area, and many of the businesses, including *North End Caffe*, thrive on local patronage and a strong pedestrian base. "North Manhattan Beach", as it is now known, has slowly started to flourish with a number of successful businesses that enjoy a loyal customer base from the community, including personal service businesses, small retail shops and restaurants. *North End Caffe*, along with the new restaurant, Four Daughters, brings a healthy balance to the active nightlife in the area that typically occurs later in the evening, especially on weekends and holidays. And, most importantly, a successful business like this restaurant builds a lasting relationship with the community and strengthens the overall economic stability of the surrounding business sector.

North End Caffe has proven to be a "good neighbor" and a successful small business. Approval of the amendment to allow limited ABC service and evening hours will not change the nature of the restaurant and will allow it to prosper as a compatible neighbor within the local community and the Manhattan Beach Community at large.

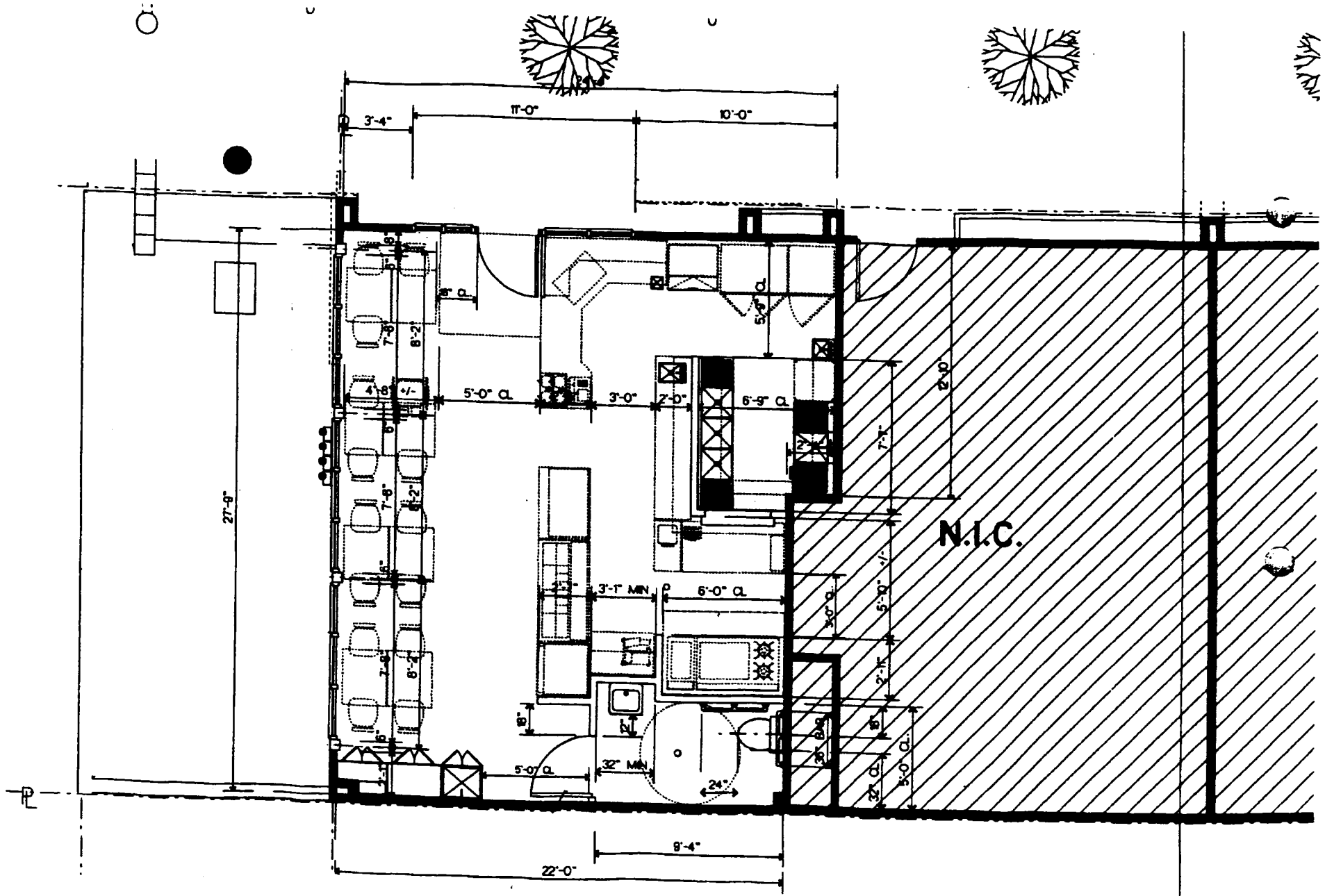
3) *Continued operation of the existing restaurant with the proposed amendment will be in compliance with the title and applicable provisions of the zoning code which permit restaurant use with service of alcohol. See response below regarding parking and compatibility with adjacent uses.*

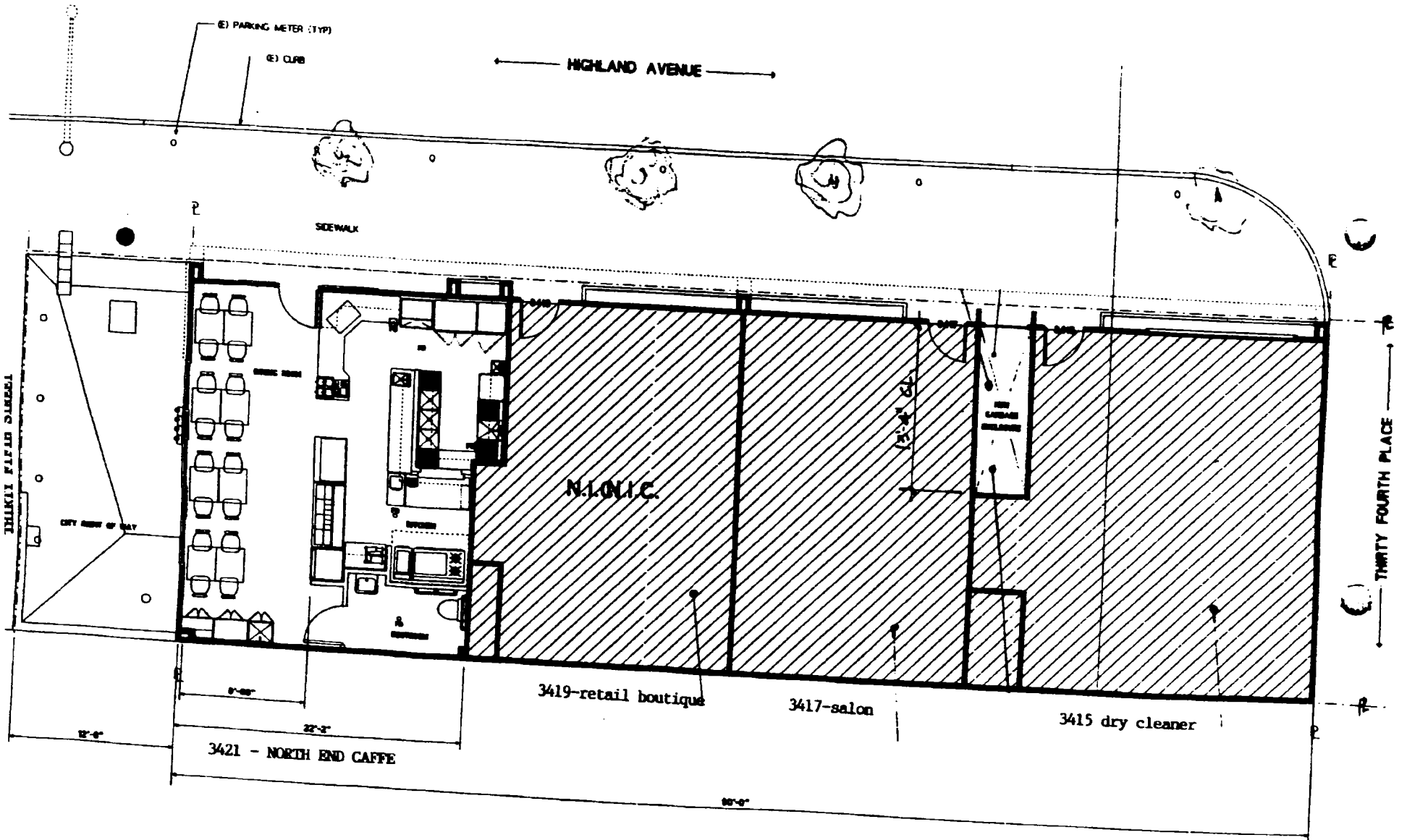
4) *The proposed Amendment will not be detrimental to the public health, safety or welfare of persons residing or working in the nearby neighborhood, or community at large, as certain operating conditions are typically imposed on businesses of this type which then mitigate potential impact. Because this business change is not a material change to the present operation, it will not result in any impact on traffic or other public service demands. Other aspects that should be considered:*

- ◆ The proposed Amendment will incorporate operating parameters already standard for other similar restaurants approved and doing business in the North End.
- ◆ An evening closing of 10pm weekdays & 11pm Friday & Saturday affords reasonable compatibility with nearby residential uses and at the same time allows the restaurant to enjoy the same opportunities to prosper as do other businesses, to enhance the high level of service offered to patrons and to continue to contribute to the over-all stability and economic health of the North End.
- ◆ Service of beer & wine will be in conjunction with food and will be confined to the restaurant proper. There will be no alcohol service at sidewalk tables.
- ◆ There will be no increase in floor area or structural change to the building.
- ◆ The facility is quite small and there is no option to expand without further public review & approval.
- ◆ The restaurant is oriented toward Highland Avenue and there are no restaurant door openings onto 34th Street. There is no use of the public right-of-way on 34th Street and none proposed.
- ◆ There is no amplified music, entertainment or dancing, and because of the restricted floor area, there would be no ability to add any these components in the future.
- ◆ The restaurant is located in a pedestrian oriented commercial environment and is well within reasonable walking distance of a public parking lot and street parking.

This restaurant is ideally situated because of the active pedestrian presence throughout the day and evening hours. It enjoys a very positive appeal to the local residents, business people and visitors, and this proposal will only enhance that relationship. Approval of the amendment will enable this established business to compete with other nearby restaurants that have already been granted the same opportunities. With these changes, aided by typical conditions of approval for this type of business, the restaurant will be compatible with all components of the North End neighborhoods as well as the Manhattan Beach community at large.

NORTH END CAFFE
3421 Highland Avenue





THIRTY FIFTH STREET

THIRTY FOURTH PLACE

HIGHLAND AVENUE

N.L.O.I.C.

3421 - NORTH END CAFFE

3419-retail boutique

3417-salon

3415 dry cleaner

(E) PARKING METER (TYP)

(E) CURB

SIDEWALK

DRY CLEANER

12'-0"

22'-2"

80'-0"

22'-4"

NORTH END SURVEY OF EATING AND DRINKING ESTABLISHMENTS WITH ALCOHOL SERVICE					
Establishment	Address	Hours of Operation	Alcohol License	Resolution Nos. and Dates	Entertainment
Beach Pizza	3301 Highland Ave.	11am-12am, Sun-Thu 11am-1am Fri-Sat	Beer & Wine	84-31 07/24/84	None
The Local Yolk	3414 Highland Ave.	6am-12am, Daily	Beer & Wine	81-50 08/22/81 72-21 03/28/72	None
Sloopy's Beach Café	3416 Highland Ave.	Unspecified opening time, Closes by 9 pm	Beer & Wine	83-14 03/22/83	None
Four Daughters	3505 Highland Ave.	Unspecified opening time, Closes by 2am	Beer & Wine	82-32 10/12/82	None
Upper Manhattan Lounge	3600 Highland Ave.	No Limits Specified	Full Liquor	83-19 08/26/83	No more than 5 musicians. Live entertainment must stop by 1am
OB's Bar & Grill	3610 Highland Ave.	8am-2am, Daily	Full Liquor & Caterers	92-22 10/20/92	Live entertainment 8pm-1am Thu-Sat; 3pm-9pm Sun/Holidays No dancing
Pancho's	3615 Highland Ave.	2am (Rest, Bar, Lounge) 9pm (Deck)	Full Liquor	76-10 02/10/76	2 Musicians
The Beach Hut	3713 Highland Ave.	7am-1am, Daily	Beer & Wine	86-34 10/28/86	Live entertainment no later than 12:30am daily
Summers	3770 Highland Ave.	Unspecified opening time, Closes by 2am	Full Liquor	82-25 08/24/82	None
Baja Sharkeez	3801 Highland Ave.	9am-2am, Daily	Full Liquor	89-50 12/19/89	None
Katsu	302 Rosecrans Ave.	5pm-11pm Sun-Thu 5pm-12am Sat-Sun	Beer & Wine	02-11 03/27/02	None
Verandas	401 Rosecrans Ave.	7am-12am, Daily	Full Liquor	99-15 05/26/99	Entertainment/Dancing subject to permit

EXHIBIT E
PCMH. 8/25/10

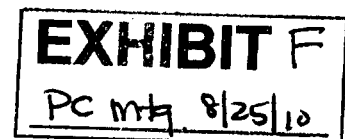
FINDINGS FOR REDUCED PARKING REQUIREMENT
CUP AMENDMENT, 3421 HIGHLAND AVENUE, NORTH END CAFE

July 2010 (revised)

In review and approval of the original CUP, the City analysis determined the restaurant operation did meet criteria for reduced parking. The proposed modifications (closing at 10pm weekdays or 11pm Friday & Saturday, and service of beer and wine in conjunction with food) are not a major change in the day to day operation of the restaurant, will not alter the nature of the business and will not require any physical change to the store or to the building. The information provided below provides sufficient basis to make the determination for the Amendment that parking demand will be less than the required parking set forth in the Code, which is four spaces.

RELEVANT FACTS

- There have been no significant changes or development in the surrounding neighborhood that would be cause for rejecting the original analysis.
- The restaurant has been operating at this location for approximately 7 1/2 years, closing at 8pm daily, and has a strong history operating as a compatible neighbor with a pedestrian based patronage.
- A parking survey and a patron profile survey recently conducted by the applicant over a 9 to 12 day period, including 4th of July weekend, determined:
 - ♦ 83% walk or ride bikes to the restaurant - 17% drive
 - ♦ 58% made other stops, 31% made no stops, 11% responded *not at this time* or *on occasion*
 - ♦ 85% indicated a 90266 address, 15% indicated *other*
- ♦ Available parking spaces - found some parking available at all times of day & evening hours
- *PLEASE SEE ATTACHED PATRON PROFILE SURVEY & PARKING SURVEY RESULTS FOR MORE DETAILS*
- There will be no conflict with surrounding uses since office & personal service uses generally close by early evening, and peak demand experienced by other restaurant /bars generally occurs as the evening matures. Peak evening hours for the restaurant are expected to be 7 to 9pm weekdays and 7:30 to about 9:30 or 10pm Friday and Saturday.
- There has been no change in tenancy of the building since the original CUP approval which includes a hair salon, cleaners and girl's dress shop. All are very small, cater predominantly to patronage from the local community, nearby businesses, "walk-ins" or visitors, experience varying peak demand throughout the day, generally close by early evening, and close either Sunday or Monday.
- Many businesses in the area are neighborhood serving with a strong reliance on local patronage. Some provide on-site parking such as the motel complex that occupies many of the buildings in vicinity of 34th & Highland, two office buildings on east side of Highland and the restaurant on Highland at Rosecrans.



FINDINGS FOR REDUCED PARKING REQUIREMENT
CUP AMENDMENT, 3421 HIGHLAND AVENUE, NORTH END Caffe

- The *North End Caffe* was established as a small neighborhood-serving business and continues to operate as a casual, local eatery with a reliable patronage from the surrounding residential neighborhood, nearby business operators and beach visitors.

- The size of the restaurant and limited seating area (maximum of 22 seats) of approximately 192.5 sf are self-limiting & preclude any ability to function as a destination site or conversion to anything other than its existing format. The service of wine or beer will be in conjunction with food. There is no bar area (or room to add a bar), nor is there any entertainment, special lighting or amplified music associated with the business.

The reduced parking is warranted in this situation based on facts enumerated above. The restaurant is well established as a neighborhood serving business, relies primarily on pedestrian orientation, will not conflict with surrounding uses and does not generate a need for additional parking. The *North End Caffe*, along with other businesses in this building, are exactly the quality of use that fits in with the low profile image of the community, that offers goods & services to nearby residents, businesses & seasonal visitors, and that enjoys a compatible relationship with the surrounding commercial residential community.

SROUR & ASSOCIATES, LLC
Business and Real Estate Development Services
1001 Sixth Street, Suite 110, Manhattan Beach, CA 90266
Email address sroullc@esrou.com
310/372-8433 • FAX 310/372-8894

MEMORANDUM

DATE: July 20, 2010
TO: City of MB Community Development Department
ATTN: ANGELICA OCHOA ASSOCIATE PLANNER

FROM: ELIZABETH SROUR

RE: 3421 Highland Avenue, North End Caffe

ATTACHMENT:

Response to Reduce Parking for Amendment to CUP, including:

Cover & Findings for Reduced Parking Requirement
Available Parking Space Survey
Patron Profile Survey

A separate copy is attached for Eric Zandvliet, Traffic Engineer

We will submit under separate cover the response from patrons regarding support for the requested extension of hours and service of beer and wine as well as response from nearby neighbors.

May I please request that you contact me if you have any questions regarding this information.

Thank you.

attachment

**PARKING SURVEY for CUP AMENDMENT, 3421 HIGHLAND AVENUE
NORTH END CAFFE
AVAILABLE PARKING SPACES**

Area canvassed: Rosecrans Avenue, Highland east to Alma Avenue, south side
Highland Avenue – 38th Street, west side, south to Rosecrans
Highland Avenue – Rosecrans to 32nd Place, east and west sides

Total Meters: 44 – (4 = 24 minutes and 40 = 2 hours)

DAY - DATE	8am - 12 noon	12 noon - 5pm	5pm - 10:30 pm
Friday 7/2			9
Saturday 7/3			4
Sunday 7/4		6	
Monday 7/5	<i>No spot checks these days</i>		
Tuesday 7/6			
Wednesday 7/7		11	5
Thursday, 7/8	2		3
Friday, 7/9			4
Saturday 7/10			4
Sunday 7/11	3	6 - 4 -	6
Monday 7/12	2	4	6 - 4 - 4
Tuesday 7/13	8 - 2 - 6	5-1-4-3-4-2-4	

PARKING SURVEY for CUP AMENDMENT, 3421 HIGHLAND AVENUE, NORTH END CAFE

OPEN & AVAILABLE ON-STREET PARKING SPACES

TOTAL ON-STREET SPACES = 44

33rd to 36th Streets
32nd Place to 38th Street
ROSECRANS from Highland to Alma
South side

DAY	DATE	TIME	SPACES OPEN	
FRIDAY	7-2	8:45 PM	9	JMA
SAT	7-3	9 PM	4	JMA
SUN	7-4	3:30 PM	6	JMA
TUES	7-7	4 PM	11	JMA
TUES	7-7	9 PM	5	JMA
THURS	7-8	11 AM	2	JMA
THURS	7-8	7:45 PM	3	JMA
FRI	7-9	9:30 PM	4	JMA
SAT	7-10	10 PM	4	JMA
SUN	7-10	11 AM	3	JMA
SUN	7-11	1:25 PM	6	JMA
SUN	7-11	4 PM	4	JMA
SUN	7-11	7:45 PM	6	JMA
MON	7-12	9 AM	2	JMA
MON	7-12	12	4	JMA
MON	7-12	6 PM	6	JMA
MON	7-12	10 PM	4	JMA
MON	7-12	10:45 PM	4	JMA
TUE	7-13	8 AM	8	JMA
TUES	7-13	9 AM	2	JMA
TUES	7-13	11 AM	6	JMA
SUN	7-13	12	5	JMA
TUES	7-13	12:30	1	JMA
TUES	7-13	1 PM	4	JMA
TUES	7-13	1:15 PM	3	JMA
TUES	7-13	1:40	4	JMA
TUES	7-13	1:50	2	JMA
T	7/13	2 PM	4	JMA

PARKING SURVEY for CUP AMENDMENT, 3421 HIGHLAND AVENUE
NORTH END CAFE
PATRON PROFILE, July 2010

DAY/DATE	TOTAL RESPONDENTS	WALK/BIKE	DRIVE	OTHER STOPS	NO STOPS	COMMENT <i>On occasion/ not this time</i>
Sat. 7/3	12	12				
Sun. 7/4	4	4				<i>Questions were not asked this date</i>
Mon. 7/5	11	7	4	2	2	(2)
Tues. 7/6	2	2		5	6	(2)
Wed. 7/7	10	7		0	2	
Thurs. 7/8	1		3	4	6	(6)
Fri. 7/9	7	6	1	1	0	
Sat. 7/10	18	14	4	7	0	
Sun. 7/11	21	19	2	11	7	
				13	8	
TOTALS	86	71	15	43		31 <i>(total of 74 responses does not include 12 responses from 7/3)</i>

SUMMARY OF RESPONSES

Conducted over period of 9 days, 7/3 to 7/11

86 total responses of which 83% = WALK
 17% = DRIVE

74 total responses of which 58% MADE OTHER STOPS
 31% MADE NO STOPS
 11% responded either "not at this time" or "on occasion")

74 total responses re: zip code 90266 =85%
 other = 15%

We've applied to the City to stay open until 10:00pm weekdays & 11:00pm Friday & Saturdays so we can serve our delicious dinners in the evening hours. We've also requested a permit to serve beer and wine with our meals. We are not expanding & we are not moving. But, we do need your help. Please take a moment to respond below.

THANKS, JOHN & LAURA ATKINSON
& All Of Us At NORTH END CAFFE

DAY	TIME	WALK	DRIVE	OTHER	ZIP CODE	ARE YOU MAKING OTHER STOPS WHILE HERE?
1/4 10 Sunday	1:55	walk			90266	YES
Sunday	4:30	walk			90266	YES
Sunday	6:05	walk			90266	No
Sunday	7:45	WALK			90266	NO
2/5 MON	8 AM	WALK			90266	occasionally
MON	10:30A	WALK			90266	yes
Mon.	11:00A	drive			90266	yes
Mon	12:00A	DRIVE		+	90066	yes
Mon	12:00	DRIVE		+	90066	yes
Monday	12:15	walk			90266	No
MONDAY	5:17pm	walk			90266	yes
monday	6:56pm	walk			90266	No
Mon.	7:30	walk			90266	Sometimes
Mon	7:50	walk			90266	No
mon	8:00	DRIVE			90266	NO
1/6 Mon	8:30	walk			90266	NO
1/6 Tuesday	8:30	walk			90266	No

17

We've applied to the City to stay open until 10:00pm weekdays & 11:00pm Friday & Saturdays so we can serve our delicious dinners in the evening hours. We've also requested a permit to serve beer and wine with our meals. We are not expanding & we are not moving. But, we do need your help. Please take a moment to respond below.

THANKS, JOHN & LAURA ATKINSON
& All Of Us At NORTH END CAFE

DAY	TIME	WALK	DRIVE	OTHER	ZIP CODE	ARE YOU MAKING OTHER STOPS WHILE HERE?
Wed 7 th	4:30	drove			90266	not today
Wed 7 th	4:30	drove			90266	not today
Wed 7 th	5:20	walk			90266	Clearers
Wed 7 th	5:25	WALK			90266	not today
Wed 7 th	5:25	WALK			90266	NOT TODAY
Wed 7 th	6:10	WALK			90266	NOT TODAY
Wed 7 th	6:10	WALK			90266	NOT TODAY
Wed 7 th	6:19	WALK			90266	NOT today
Wed 7 th	6:20	WALK			90266	WORK TOWN STREET
Wed 7 th	7-	DRIVE			90266	Moon's Mat
THUR 7 th	11-15	DRIVE			90291	WORK NEAR
Fri	4:30	WALK			90266	Dry Clearers
Fri	4:45	WALK			90266	WORK
FRIDAY	5:05	Rode BIKE			90266	hair, beach
7/9-10	5:50	walk			90266	YES O.B's
7-9-10	7:PM	WALK			90266	yes moon's
7-9-10	7: PM	WALK			90266	yes
7-9-10	7P	drove			90293	yes
7/10/10		WALK			90266	yes

19

We've applied to the City to stay open until 10:00pm weekdays & 11:00pm Friday & Saturdays so we can serve our delicious dinners in the evening hours. We've also requested a permit to serve beer and wine with our meals. We are not expanding & we are not moving. But, we do need your help. Please take a moment to respond below.

THANKS, JOHN & LAURA ATKINSON
& All Of Us At NORTH END CAFFE

DAY	TIME	WALK	DRIVE	OTHER	ZIP CODE	ARE YOU MAKING OTHER STOPS WHILE HERE?
7/10/10	8:00	walk			90266	NO
7/10/10	8:00	walk			90266	YES
7/10/10	10:30	drove			90266	no
7/10	10:30	drove		+	90254	no
7/10	11:00	Drive		+	90293	yes
7/10	11	Drive			90266	no
7/10/10	11:30	walk			90266	NO
7/10/10	11:30	walk			90266	NO
7/10/10	12:00	walk			90266	NO
7/10/10	12:10	walk			90266	yes
7/10	12:30	walk			90266	yes
7/10	1:30	walk			90266	yes
7/10	1:30	walk			90266	yes
7.10	1:45	walk			90266	yes
7/10	2:00	walk			90266	yes
7/10	2:30	walk			90266	yes
7/10	3:40pm	walk			90266	YES
7/11	8:45am	walk			90266	Yes
7/11	9:00am	walk			90266	Yes

We've applied to the City to stay open until 10:00pm weekdays & 11:00pm Friday & Saturdays so we can serve our delicious dinners in the evening hours. We've also requested a permit to serve beer and wine with our meals. We are not expanding & we are not moving. But, we do need your help. Please take a moment to respond below.

THANKS, JOHN & LAURA ATKINSON
& All Of Us At NORTH END CAFE

DAY	TIME	WALK	DRIVE	OTHER	ZIP CODE	ARE YOU MAKING OTHER STOPS WHILE HERE?
7/11	9:00	Walk			90266	Yes, go for walk + shop
7/11	9:00	Walk - sand dune			90266	yes, sand dune
7/11	9:30	WALK			90266	YES, SHOP
7/11	9:30	Bike		+	90245	yes, walk + shop
7/11	9:30	Bike		+	92627	Yes, walk + shop
07/11	0930	WALK			90266	BONCH
07/11	0940	WALK			90266	Up you place
7/11	930	WALK			90266	Shoe repair
7/11	10:00	WALK			90266	Sharkeez
7/11	10:00	Drive			90266	None
7/11	10:05	walk		+	90254	None
7/11	10:20	walk			90266	No
7/11	10:30	walk			90266	no
7/11	11:30	WALK			90266	NO
7/11	12	WALK			90266	NO
7/11	12:30	WALK			90266	No
7/11	1:00	WALK			90266	no
7/11	12:00	Drive + Walk +			90292	Yes
7/11	12:00	WALK			90266	YES

(19)

**CITY OF MANHATTAN BEACH
DEPARTMENT OF COMMUNITY DEVELOPMENT**

TO: Angelica Ochoa, Associate Planner

FROM: Erik Zandvliet, Traffic Engineer

DATE: July 30, 2010

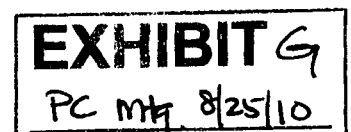
**SUBJECT: North End Caffé Parking Analysis
3421 Highland Avenue**

The following comments have been prepared in response to a Conditional Use Permit (CUP) amendment for the North End Caffé, located at 3421 Highland Avenue. The applicant proposes to operate the restaurant for extended hours, namely from 8pm to 10pm on Monday through Thursday, and to 11pm on Fridays and Saturdays. In addition, the amendment would add service of beer and wine with meals. The applicant has submitted parking data and customer trip information to assist in making findings regarding the existing and anticipated parking demand.

The existing site consists of a 670 square foot restaurant, with 22 dining seats. The standard code required parking is seven (7) parking spaces. However, the current CUP approved on October 2, 2001, recognized that the small restaurant would generate a reduced parking demand of approximately four (4) spaces. The CUP also required the applicant provide a parking space at the City owned parking lot or other approved location for employee use. For comparison, the Institute of Transportation Engineers (ITE) Parking Generation manual estimates that the average peak parking demand for a 22-seat restaurant is approximately 11 spaces.

While the minimum number of required parking spaces would typically be provided in an off-street parking area, the restaurant is in an existing building that was constructed without parking facilities. The property is in a Design Overlay District (CNE) that recognizes the unique conditions and neighborhood-oriented uses of this commercial zone. As such, parking demand for a small restaurant is significantly lower than comparative stand-alone restaurants due to the local resident and business clientele who do not need parking spaces. This assumption is supported by a customer survey provided by the applicant, which found that over 80% used a mode of transportation other than vehicle. This equates to an actual parking demand of 2 spaces. In addition, the CNE overlay zone recognizes that off-street parking may not be feasible or practical, and alternative parking strategies, such as public parking, can be used in satisfying parking needs.

The public parking data provided by the applicant in preparation of their CUP amendment supports the previous findings that the existing on-street and public parking supply can accommodate the current and planned restaurant operation. During the extended hours after 8pm, at least four open parking spaces are available for restaurant customers, with additional spaces in the parking structure. Beer and wine service would not change the nature of the restaurant, so it would not have a significant effect on the parking dynamics. Based on the above findings, the CUP amendment would not cause a significant change to the current parking conditions near the project location.



Angelica Ochoa

From: Stephanie Cusack [stephanie@cusacktrading.com]

Sent: Friday, August 20, 2010 9:57 AM

To: Angelica Ochoa

Subject: 3421 Highland Avenue

Angelica,

We hope this is reaching the correct person. We understand we missed the deadline for my comments to be included in the Staff Report however as neighboring residents and neighboring business owners we still wanted to write to voice our opinion on the proposed modification of the use permit for 3421 Highland Avenue.

We are STRONGLY IN FAVOR of both the extended hours and the alcohol license for North End Café.

North End Café is a local favorite and strong supporter of the local community. It is completely illogical that Manhattan Beach currently allows two other restaurants in the immediate proximity to serve beer and wine as well as operate during later hours but denies North End Café this ability. In addition, as local residents we have very few dinner dining options compared with the downtown area. The addition of more dinner establishments (including North End Café) will benefit all local business owners by encouraging local residents to eat here instead of driving downtown and will attract more people to the area to eat and shop benefiting everyone (including the City). Thank you for your time and consideration of this issue. Please feel free to contact us with any questions.

Sincerely,
Stephanie & Scott Cusack
117 36th Place
Manhattan Beach, CA
90266

Stephanie Searls Cusack
917-349-4683
stephanie@cusacktrading.com

08/20/2010

EXHIBIT H
PC MH, 8/25/10

Angelica Ochoa

From: Peggy Curry [peggy@growinggreat.org]
Sent: Tuesday, August 10, 2010 2:55 PM
To: Angelica Ochoa
Subject: North End Cafe

August 9, 2010
Manhattan Beach Planning Commission
City Hall
1400 Highland Avenue
MB CA 90266 Angelica Ochoa, Assistant Planner
re: North End Cafe

Commissioners,

I am writing in support of the Atkinson family and their request to extend evening hours at their restaurant and to add wine and beer to the menu. I am a neighbor within the community and have eaten at this little restaurant on a number of occasions, as well as many other restaurants in the North End. The North End Cafe has been a good neighbor over the years and is well run with good food. The chance to enjoy a glass of wine with our meal is very attractive and the evening hours will hardly be noticed by anyone not eating at the restaurant as most other restaurant and bars stay open much later.

I support this request and urge your approval.

Sincerely,

Tim and Peggy Curry

477 33rd Street

Manhattan Beach, California 90266

--

Peggy Curry

Founder/President

GrowingGreat

ROOTED IN THE SOLUTION

inspiring healthy eating

peggy@growinggreat.org

www.growinggreat.org

310-545-6529~ home office

310-939-9216~ GG office

310-463-3784~ cell

planting seeds today, growing healthy communities tomorrow

08/10/2010

Angelica Ochoa

From: Richard Knapp [richard@npsalesgroup.com]

Sent: Tuesday, August 10, 2010 1:34 PM

To: Angelica Ochoa

Subject: re: North End Caffè

August 9, 2010

Manhattan Beach Planning Commission

City Hall

1400 Highland Avenue

MB CA 90266

Angelica Ochoa, Assistant Planner

aochoa@citymb.org

re: North End Caffè

Commissioners,

I am writing in support of the Atkinson family and their request to extend evening hours at their restaurant and to add wine and beer to the menu. I am a neighbor within the community and have eaten at this little restaurant on a number of occasions, as well as many other restaurants in the North End. The North End Caffè has been a good neighbor over the years and is well run with good food. The chance to enjoy a glass of wine with our meal is very attractive and the evening hours will hardly be noticed by anyone not eating at the restaurant as most other restaurant and bars stay open much later.

I support this request and urge your approval.

Sincerely,

Richard Knapp
417 – 33rd Street
Manhattan Beach, CA 90266

Richard Knapp | President | New Paradigm

richard@npsalesgroup.com

www.NPSalesGroup.com

Office: 310-359-0771

Skype: richardknapp

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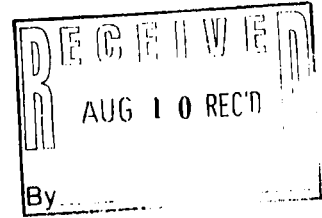
08/10/2010

Angelica Ochoa

From: michael monaghan [michaelcmonaghan@gmail.com]
Sent: Sunday, August 15, 2010 3:16 PM
To: Angelica Ochoa
Subject: Support for North End Cafe

>
> Angelica
>
> The purpose of this note is to voice my strong support for North End
> Cafe's extended hours and scope of operations. I have a home at
> 3604 Manhattan Ave and have eaten at North End Cafe multiple times per
> week over the past 5 years. Over that time I have got to know Mr.
> Atkinson (John) and his staff and seen their hard work and dedication
> to delivering consistently delicious and innovative food at a very
> reasonable price point. I personally look forward to being able to
> enjoy North End food later in the evening (my girlfriend works in TV
> and often is home well after 7pm) and have heard this same sentiment
> voiced from my neighbors. As an investor in multiple businesses I
> commend Mr. Atkinson for expanding his business, providing not only a
> better quality of life for the residents of Manhattan Beach but also
> his dedicated and hard working employees. He will be able to expand
> the hours of his current employees and hire additional employees to
> meet the strong demand for his food and beverages. I am delighted
> that Mr. Atkinson is doing his part to help spur a much needed
> economic recovery while making the quality of life for Manhattan Beach
> even better as we can enjoy amazing food in a great location.
>
> As a resident located directly adjacent to the North End Cafe I
> strongly urge you to allow Mr. Atkinson to expand his operations, spur
> the local economy, and provide a heightened quality of life for
> Manhattan Beach. If I can be of further assistance, please don't
> hesitate to email me and I will be happy to arrange a conference call
> or in place meeting.

> Thank you for your consideration in this matter.
>
> Regards,
>
> Michael C. Monaghan
>
>



August 9, 2010

Manhattan Beach Planning Commission
City Hall
1400 Highland Avenue
MB CA 90266

Angelica Ochoa, Assistant Planner
aochoa@citymb.org

re: North End Caffe

Commissioners,

I am writing in support of the Atkinson family and their request to extend evening hours at their restaurant and to add wine and beer to the menu. I am a neighbor within the community and have eaten at this little restaurant on a number of occasions, as well as many other restaurants in the North End. The North End Caffe has been a good neighbor over the years and is well run with good food. The chance to enjoy a glass of wine with our meal is very attractive and the evening hours will hardly be noticed by anyone not eating at the restaurant as most other restaurant and bars stay open much later.

I support this request and urge your approval.

Sincerely,

A handwritten signature in cursive script that reads "Jeanette Avery".

Jeanette Avery
473 33rd Street
Manhattan Beach, California 90266

August 6, 2010

Manhattan Beach Planning Commission
MB City Hall
1400 Highland Avenue
MB CA 90266

re: North End Caffè attn: Angelica Ochoa, Assistant Planner, aochoa@citymb.org

Commissioners,

I am writing on behalf of the Atkinson family and their request to extend evening hours at their restaurant and to add wine and beer to their menu. I am a neighbor within walking distance and have visited this little restaurant on a number of occasions, so I am very familiar with their great food and comfortable ambience.

I am offering my support for the change. The North End Caffè has been a good neighbor for several years and is a well run restaurant. I think having beer and wine options on the menu is very acceptable and allows the business to offer the same options as most nearby restaurants offer. The evening closing of 10:00 during the week is reasonable and will be attractive for those of us who don't get home from work until early evening. And the weekend closing of 11:00pm is totally within the scope of the North End and will help balance the nightspot activity with traditional local restaurant and café options.

I also want to encourage the expansion to include a side patio. Please consider this small plot of dirt to be turned into a small and wonderful eating place for us all to enjoy. We should not restrict the enterprising effort that our North End family has tried to bring to this neighborhood. This is a commercial area and should be treated that way.

I encourage you to support the request.

Sincerely,

Lori Merritt
472 33rd St
Manhattan Beach

Angelica Ochoa

From: Patrick O'Brien [pat.obrien@mac.com]

Sent: Tuesday, August 10, 2010 3:18 PM

To: Angelica Ochoa

Subject: North End Caffe

August 9, 2010

Manhattan Beach Planning Commission
City Hall
1400 Highland Avenue
MB CA 90266 Angelica Ochoa, Assistant Planner
aochoa@citymb.info
re: North End Caffe

Dear Commissioners,

I am writing in support of the Atkinson family and their request to extend evening hours at their restaurant and to add wine and beer to the menu. I am a neighbor within the community and have eaten at this little restaurant on a number of occasions, as well as many other restaurants in the North End. The North End Caffe has been a good neighbor over the years and is well run with good food. The chance to enjoy a glass of wine with our meal is very attractive and the evening hours will hardly be noticed by anyone not eating at the restaurant as most other restaurant and bars stay open much later.

I support this request and urge your approval.

Sincerely,

Patrick

Patrick O'Brien
USAF F-16 Crewchief
MB Facebook admin (www.facebook.com/manhattanbech)

08/11/2010

Angelica Ochoa

From: Toberman, Mimi [mtoberman@cbs.com]

Sent: Thursday, August 12, 2010 2:36 PM

To: Angelica Ochoa

Subject: north end cafe

8/10/10

Manhattan Beach Planning Commission
City Hall
1400 Highland Avenue
MB CA 90266
Angelica Ochoa, Assistant Planner
aochoa@citymb.org
re: North End Caffe

Commissioners,

I have a feeling the owner of the Local Yolk will oppose the request by the Atkinson family for longer hours and a beer/wine option at the North End Cafe.

Let me tell you a rumor--

that Hal calls North End and places extravagant to go orders and never picks them up! He's been caught!

The man known as "Hal, Hal, the widow's pal" will do anything to stop the success of a competitor-- and he (Hal) should be stopped.

Please grant this request from North End Cafe.

They're great, friendly, hard-working people who provide delicious food and a nice place to enjoy it-- just steps from my home.

Thanks

Margaret Toberman
461 31st St.
Manhattan Beach, CA 90266
818-655-2343 (w)
310-545-1101 (h)

08/12/2010

Angelica Ochoa

From: Toberman, Mimi [mtoberman@cbs.com]

Sent: Thursday, August 12, 2010 2:29 PM

To: Angelica Ochoa

Subject: north end cafe

August 12, 2010

Manhattan Beach Planning Commission
City Hall
1400 Highland Avenue
MB CA 90266
Angelica Ochoa, Assistant Planner
aocchoa@citymb.org
re: North End Caffe

Commissioners,

I am writing in support of the Atkinson family and their request to extend evening hours at their restaurant and to add wine and beer to the menu. I am a neighbor within the community and have eaten at this little restaurant on a number of occasions, as well as many other restaurants in the North End. The North End Caffe has been a good neighbor over the years and is well run with good food. The chance to enjoy a glass of wine with our meal is very attractive and the evening hours will hardly be noticed by anyone not eating at the restaurant as most other restaurant and bars stay open much later.

I support this request and urge your approval.

Sincerely,

Margaret Toberman
461 31st Street
Manhattan Beach, California 90266
818-655-2343 (w)
310-545-1101 (h)

08/12/2010

August 9, 2010

Manhattan Beach Planning Commission
City Hall
1400 Highland Avenue
MB CA 90266

Angelica Ochoa, Assistant Planner
aochoa@citymb.info

re: North End Caffe

Commissioners,

I am writing in support of the Atkinson family and their request to extend evening hours at their restaurant and to add wine and beer to the menu. I am a neighbor within the community and enjoy being a frequent guest at their restaurant. Over the years The North End Caffe has been an excellent neighborhood establishment serving up great food with great service. An opportunity to take pleasure in enjoying a glass of wine with our meal would be quite welcome. I also believe the evening hours will hardly be noticed by anyone not eating at the restaurant as most other restaurant and bars stay open much later.

I support this request and urge your approval.

Sincerely,

Michael Lee
3119 Bayview Drive
Manhattan Beach, Ca 90266

August 6, 2010

Manhattan Beach Planning Commission
MB City Hall
1400 Highland Avenue
MB CA 90266

re: North End Caffe attn: Angelica Ochoa, Assistant Planner, aochoa@citymb.org

Commissioners,

I am writing on behalf of the Atkinson family and their request to extend evening hours at their restaurant and to add wine and beer to their menu. I am a neighbor within walking distance and have visited this little restaurant on a number of occasions, so I am very familiar with their great food and comfortable ambience.

I am offering my support for the change. The North End Caffe has been a good neighbor for several years and is a well run restaurant. I think having beer and wine options on the menu is very acceptable and allows the business to offer the same options as most nearby restaurants offer. The evening closing of 10:00 during the week is reasonable and will be attractive for those of us who don't get home from work until early evening. And the weekend closing of 11:00pm is totally within the scope of the North End and will help balance the nightspot activity with traditional local restaurant and café options.

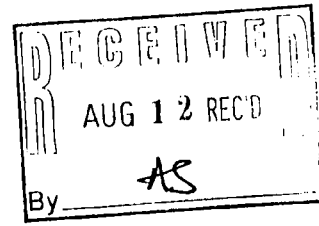
I also want to encourage the expansion to include a side patio. Please consider this small plot of dirt to be turned into a small and wonderful eating place for us all to enjoy. We should not restrict the enterprising effort that our North End family has tried to bring to this neighborhood. This is a commercial area and should be treated that way.

I encourage you to support the request.

Sincerely,

Lori Merritt
472 33rd St
Manhattan Beach

August 9, 2010



Manhattan Beach Planning Commission
City Hall
1400 Highland Avenue
MB CA 90266

Angelica Ochoa, Assistant Planner
aochoa@citymb.org

re: North End Cafe

Commissioners,

I am writing in support of the Atkinson family and their request to extend evening hours at their restaurant and to add wine and beer to the menu. I am a neighbor within the community and have eaten at this little restaurant on a number of occasions, as well as many other restaurants in the North End. The North End Cafe has been a good neighbor over the years and is well run with good food. The chance to enjoy a glass of wine with our meal is very attractive and the evening hours will hardly be noticed by anyone not eating at the restaurant as most other restaurant and bars stay open much later.

I support this request and urge your approval.

Sincerely,

A handwritten signature in cursive script that reads "Amy Teitelbaum". The signature is written in black ink and extends across the width of the page.

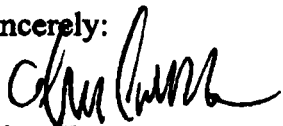
Amy and Larry Teitelbaum
448 33rd Street
Manhattan Beach, California 90266

8/12/10

To Whom It May Concern:

I am the owner of Four Daughters Kitchen. For several months I have worked next to, and sometimes with the North End Caffe. In every case they have been very decent and professional people. I fully support their bid for extended hours and a beer/wine license.

Sincerely:

A handwritten signature in black ink, appearing to read "Clint Clausen". The signature is fluid and cursive, with a long horizontal stroke at the end.

Clint Clausen

Owner Four Daughters Kitchen

3505 Highland Ave.

Manhattan Beach

8/9/10

TO WHOME IT MAY CONCERN:

I OWN Girly Things ON
HIGHLAND AVE IN UPPER MANHATTAN BEACH. I AM IN
COMPLETE SUPPORT OF EXTENDED HOURS AND A
WINE/BEER LICENSE FOR NORTH END CAFE. PLEASE
CONSIDER THIS AND RULE IN THEIR FAVOR.

SINCERELY,

Terri Fortner

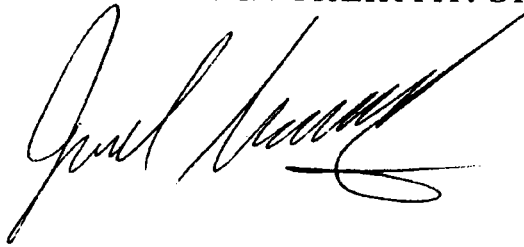
Terri Fortner (310) 545-6588

8/9/10

TO WHOME IT MAY CONCERN:

I OWN Tardis ON
HIGHLAND AVE IN UPPER MANHATTAN BEACH. I AM IN
COMPLETE SUPPORT OF EXTENDED HOURS AND A
WINE/BEER LICENSE FOR NORTH END CAFE. PLEASE
CONSIDER THIS AND RULE IN THEIR FAVOR.

SINCERELY,

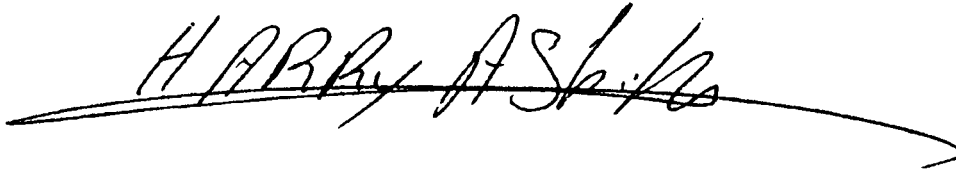
A handwritten signature in black ink, appearing to read "Paul Newman", written in a cursive style.

8/9/10

TO WHOME IT MAY CONCERN:

I OWN SALVATORE'S SHOP ON
HIGHLAND AVE IN UPPER MANHATTAN BEACH. I AM IN
COMPLETE SUPPORT OF EXTENDED HOURS AND A
WINE/BEER LICENSE FOR NORTH END CAFE. PLEASE
CONSIDER THIS AND RULE IN THEIR FAVOR.

SINCERELY,

A handwritten signature in cursive script that reads "Harry A. Spinks". The signature is written in black ink and is underlined with a long, sweeping horizontal line that extends to the right.

8/9/10

TO WHOME IT MAY CONCERN:

I OWN Ocean Fitness ON
HIGHLAND AVE IN THE UPPER MANHATTAN BEACH. I AM
IN COMPLETE SUPPORT OF EXTENDED HOURS AND A
WINE/BEER LICENSE FOR NORTH END CAFE. PLEASE
CONSIDER THIS AND RULE IN THEIR FAVOR.

SINCERELY,

Margaret
Gumbrecht

A large, stylized handwritten signature in black ink, appearing to be the name 'Margaret Gumbrecht' written in a cursive, flowing style.

8/9/10

TO WHOME IT MAY CONCERN:

I OWN Cafe Babeshops ON
HIGHLAND AVE IN UPPER MANHATTAN BEACH. I AM IN
COMPLETE SUPPORT OF EXTENDED HOURS AND A
WINE/BEER LICENSE FOR NORTH END CAFE. PLEASE
CONSIDER THIS AND RULE IN THEIR FAVOR.

SINCERELY,

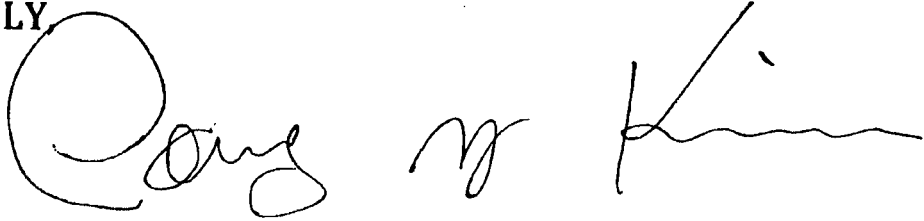
Stephanie Feintz Wnglikowski

8/9/10

TO WHOME IT MAY CONCERN:

I OWN Style Cleaners ON
HIGHLAND AVE IN UPPER MANHATTAN BEACH. I AM IN
COMPLETE SUPPORT OF EXTENDED HOURS AND A
WINE/BEER LICENSE FOR NORTH END CAFE. PLEASE
CONSIDER THIS AND RULE IN THEIR FAVOR.

SINCERELY

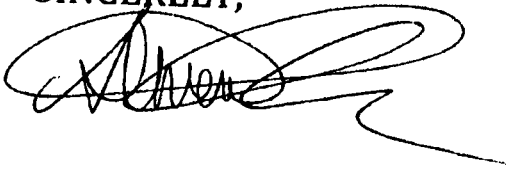
A handwritten signature in cursive script, appearing to read "Doug M. Kim". The signature is written in black ink on a white background.

8/9/10

TO WHOME IT MAY CONCERN:

I OWN OB's Pub & Grill ON
HIGHLAND AVE IN THE UPPER MANHATTAN BEACH. I AM
IN COMPLETE SUPPORT OF EXTENDED HOURS AND A
WINE/BEER LICENSE FOR NORTH END CAFE. PLEASE
CONSIDER THIS AND RULE IN THEIR FAVOR.

SINCERELY,

A handwritten signature in black ink, appearing to be "Alison", written over a horizontal line. The signature is stylized and includes a long, sweeping underline that extends to the right.

August 6, 2010

Manhattan Beach Planning Commission
City Hall
1400 Highland Avenue
MB CA 90266

aochoa@citymb.info

re: North End Caffe

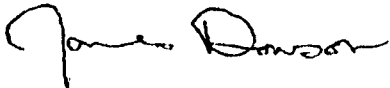
Commissioners,

I am writing on behalf of the Atkinson family and their request to extend evening hours at their restaurant and to add wine and beer to their menu. I am a neighbor within walking distance and have visited this little restaurant on a number of occasions, so I am very familiar with their great food and comfortable ambience.

I am offering my support for the change. The North End Caffe has been a good neighbor for several years and is a well run restaurant. I think having beer and wine options on the menu is very acceptable and allows the business to offer the same options as most nearby restaurants offer. The evening closing of 10:00 during the week is very reasonable and will be attractive for those of us who don't get home from work until early evening. And the weekend closing of 11:00pm is totally within the scope of the North End and will help balance the nightspot activity with traditional local restaurant and café options.

I encourage you to support the request.

Sincerely,



(name) JAMES DAWSON
(address) 324 35TH ST
MANHATTAN BEACH, CA

FINDINGS RELATIVE TO AMENDMENT TO CUP - NORTH END CAFFE - 3421 Highland Avenue

1) *The restaurant, with evening closing extended from 8pm to 10pm weekdays, 11pm Friday & Saturday, plus service of beer & wine, is in accord with the objectives and purposes of this district in that:*

- *North End Caffe, with its established neighborhood orientation and clientele, contributes to a broad range of attractive and high quality commercial uses, including eating establishments, that are desired by the community and necessary for the economic stability of the area. As the neighborhood continues to evolve with new business and eating establishments added to the inventory, the proposed amendment will allow this restaurant to thrive in a very competitive marketplace.*
- *A thriving restaurant such as North End Caffe contributes to a strong economic base and also responds to the desire of the community for small, low-profile businesses that cater to the local community. Approval of the Amendment will not significantly alter or expand the present business operation.*
- *North End Caffe has established itself as a respectable and successful business operation, and it is a type of business anticipated both by the General Plan and zoning classification as well as the Coastal Plan for the North End Commercial District. Because of its small size and street orientation, it is fully compatible with the complexion of the North End.*
- *Allowing new closing hours and service of beer and wine as part of the restaurant menu, will not change the character of the restaurant, nor will it in any way compromise the relationship of the restaurant with its surrounding business and residential neighbors.*

2) *The location and operation of this business will not be detrimental to the public health, safety or welfare of persons residing or working in the area, and will not be detrimental to properties or improvements in the vicinity.*

- *The restaurant, along with other businesses in the building, complies with goals and criteria of the General Plan, zoning criteria and Coastal Plan which anticipate uses that "provide for a mix of small, local and visitor-serving" uses. The General Plan seeks to support and encourage the viability of the CNE and anticipates that businesses must periodically be upgraded in order to remain economically viable.*
- *North End Caffe is an established restaurant operating in a compatible and positive manner with the surrounding community. All activities of the restaurant are conducted within the building except for sidewalk dining adjacent to the Highland Avenue frontage. There is no entertainment or amplified music. There will be no service of alcohol at sidewalk tables. There will be no physical enlargement of the structure nor will there be any change to the character of this established business.*
- *Alcohol service is totally secondary and incidental to the service of food and the physical environment of this little restaurant does not lend itself to anything other than a casual, neighborhood oriented, favorite local eatery. Any future change in operation or expansion would require review by the City and approval subject to applicable conditions.*
- *The requested change is well within established operating parameters for virtually all restaurants in the North End, including those similar to The North End Caffe:*

Four Daughters,
Sloopy's Beach Café,
The Local Yolk,
Beach Pizza,

beer & wine, closing by 2am per CUP
beer & wine, closing by 9pm
beer & wine, closing by 12am per CUP
beer & wine, closing by 11pm weekdays, 1am Fri. & Sat.

EXHIBIT I
PC MH 8/25/10

FINDINGS RELATIVE TO REDUCED PARKNG for CUP AMENDMENT

In the review and approval of the original CUP, it was determined that the restaurant operation did meet the criteria for reduced parking. The requested modifications do not alter the nature of the business and do not require any physical expansion of the restaurant or the building. In addition, there have been no significant changes or development in the surrounding neighborhood that would be cause for rejecting the original analysis. Some retail businesses have changed hands, new personal service businesses have opened, new professional businesses have been established, and an existing bar/restaurant was extensively remodeled and opened under new ownership. In addition, the bar/restaurant located directly across the walk street and historically a source of conflict with residential neighbors, has been converted to a completely new restaurant concept catering to local patronage.

The *North End Caffe* continues to operate as a small neighborhood serving business, attractive to local residents, near-by business operators and patrons and beach visitors.

The facility is small, conducive to a casual beach type experience, relies on its pedestrian orientation and is not a destination type restaurant.

The evening hours, and the service of beer and wine, are attractive primarily to local residents who walk to the restaurant. This will not result in a parking demand that competes with nearby retail or personal service business that are winding down or have closed nor will it compete with the late evening demand generated by the active night life that generally peaks later in the evening.

Occupancy of the building containing the restaurant has not changed, there is no expansion proposed for the structure, and the probable long-term occupancy of the structure, based on its physical constraints, will not generate additional parking demand.

**CITY OF MANHATTAN BEACH
DEPARTMENT OF COMMUNITY DEVELOPMENT**

TO: See distribution below

FROM: Angela Soo, Executive Secretary

DATE: JUNE 2, 2010

SUBJECT: Review Request for Proposed Project at:
3421 HIGHLAND AVENUE ("North End Caffe")
Use Permit Amendment / extend current hours of operation /
allow service of beer & wine

The subject application has been submitted to the Planning Division. Please review the attached material(s) and provide specific comments and/or conditions you recommend to be incorporated into the draft Resolution for the project. Conditions should be primarily those which are not otherwise addressed by a City Ordinance.

If no response is received by **JUNE 11**, we will conclude there are no conditions from your department.

Comments/Conditions (attach additional sheets as necessary):

Yes / No Building Div.
Yes / No Fire Dept
Yes / No Public Works (Roy)
Yes / No Engineering (Steve F)
Yes / No Waste Mgmt (Anna)
Yes / No Traffic Engr.(Erik)

Yes / No City Attorney
Yes / No Police Dept.:
— Traffic
— Detectives
— Crime Prevention

EXHIBIT J
PC 419, 8/25/10

**CITY OF MANHATTAN BEACH
DEPARTMENT OF COMMUNITY DEVELOPMENT**

TO: See distribution below

FROM: Angela Soo, Executive Secretary

DATE: JUNE 2, 2010

SUBJECT: **Review Request for Proposed Project at:**
3421 HIGHLAND AVENUE ("North End Caffe")
Use Permit Amendment / extend current hours of operation /
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If no response is received by **JUNE 11**, we will conclude there are no conditions from your department.

Comments/Conditions (attach additional

FB,
No objections
- BB

Yes / No Building Div.
Yes / No Fire Dept
Yes / No Public Works (Roy)
Yes / No Engineering (Steve F)
Yes / No Waste Mgmt (Anna)
Yes / No Traffic Engr.(Erik)

Yes / No City Attorney
Yes / No Police Dept.:
Traffic
Detectors
— Crime Prevention

**CITY OF MANHATTAN BEACH
DEPARTMENT OF COMMUNITY DEVELOPMENT**

TO: See distribution below PO
FROM: Angela Soo, Executive Secretary
DATE: JUNE 2, 2010
SUBJECT: Review Request for Proposed Project at:

**3421 HIGHLAND AVENUE ("North End Caffe")
Use Permit Amendment / extend current hours of operation /
allow service of beer & wine**

The subject application has been submitted to the Planning Division. Please review the attached material(s) and provide specific comments and/or conditions you recommend to be incorporated into the draft Resolution for the project. Conditions should be primarily those which are not otherwise addressed by a City Ordinance.

If no response is received by **JUNE 11**, we will conclude there are no conditions from your department.

Comments/Conditions (attach additional sheets as necessary):

CONDITIONS:

- NO ALCOHOL SERVED AT OUTSIDE TABLES*
- NO MUSIC, ENTERTAINMENT OR DANCING*

(Signature)

Yes / No Building Div.
Yes / No Fire Dept
Yes / No Public Works (Roy)
Yes / No Engineering (Steve F)
Yes / No Waste Mgmt (Anna)
Yes / No Traffic Engr.(Erik)

Yes / No City Attorney
Yes / No Police Dept.:
Traffic
— Detectives
— Crime Prevention

YES PATROL W/C / C. VARELA

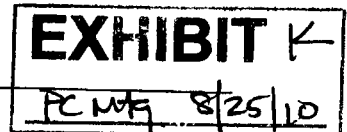
Requirements for Sidewalk Dining & Use of Tables/Benches on a Sidewalk

- A minimum of 48 inches of sidewalk width must be left unobstructed at all times.
- Applicants and their customers may not place any objects in the public right of way other than tables and chairs (no umbrellas or bikes/dogs tied to parking meters, etc.)
- Exterior lighting equipment that may present a tripping hazard is not permitted.
- Temporary electrical connections, such as extension cords, are not permitted.
- Alcoholic Beverages may not be served or consumed in the outdoor dining area.
- Amplified music that intrudes beyond the dining area is prohibited.
- In areas with standard-width sidewalks (9.5 feet), only two-seat tables may be used, with the tables placed against the face of the building.
- Dining activities must conclude by 10:00pm. Tables and chairs must be removed from City property by 10:30pm.
- All exits and means of egress from establishments and businesses must be maintained and not obstructed in any manner.
- Sidewalk dining activities must comply with all Use Permit requirements (parking, occupancy, etc.)
- Only existing tables used inside the restaurant may be used for sidewalk dining unless additional parking is provided in accordance with the Municipal Code.
- The portion of sidewalks used for dining must be cleaned regularly and consistently kept free of litter by the applicant.
- Businesses may not use both tables and chairs for dining as well as chairs or benches for customer waiting. Only one type of encroachment is permitted.
- The applicant must provide a \$1 million insurance endorsement and complete a Hold Harmless agreement.
- The applicant must submit an application for a permit and pay an established permit fee.
- Permits are issued to business owners rather than property owners and do not run with the property. New business owners must apply for a new permit.
- Permits may be revoked if the applicant repeatedly fails to comply with any of the above requirements.

I acknowledge receipt of a copy of the Requirements for Sidewalk Dining and Use of Tables/Benches on a Sidewalk and agree to comply with all the conditions in the document:

Signature: _____

Date: _____



Section 7.36.160 Sidewalk Dining Encroachment Permits

Sidewalk dining adjacent to existing restaurants may be permitted on public sidewalks within vehicular street right of ways with a sidewalk dining encroachment permit issued pursuant to this section. The purpose of the sidewalk dining permit program is to promote restaurant and pedestrian oriented activity within the City's business areas, while safeguarding public safety and minimizing impacts to nearby residential properties. Permits may be modified or revoked by the City Council if the applicant repeatedly fails to comply with any of the above requirements, or if the public's priority for use of City right of way causes the previously approved sidewalk dining use to be found to be inappropriate.

Each permit issued for sidewalk dining shall comply with the following minimum standards:

- A. All permits are subject to temporary modification or suspension at any time based on the public's priority for use of City right of way as determined to be appropriate by the Chief of Police or Director of Public Works.
- B. Title 24 of the California Government Code regarding persons with disabilities requirements for unobstructed sidewalk width (minimum forty-eight inches (48")) must be maintained at all times.
- C. Applicants and their customers may not place any objects in the right of way other than tables and chairs (no umbrellas, heaters, or bikes/dogs tied to parking meters, etc.)
- D. Exterior lighting equipment that may present a tripping hazard is not permitted.
- E. Temporary electrical connections, such as extension cords, are not permitted.
- F. Alcoholic beverages may not be served or consumed in the sidewalk dining area.
- G. Dancing is prohibited.
- H. Amplified music is prohibited.
- I. Dining activities must conclude by 10:00 p.m. Tables and chairs must be removed from the sidewalk by 10:30 p.m.
- J. All exits and means of egress from establishments and businesses must be maintained and not obstructed in any manner.
- K. Sidewalk dining activities must comply with all Use Permit and zoning requirements (parking, occupancy, etc.).
- L. Only existing tables used inside the restaurant may be used for sidewalk dining unless additional parking and zoning approval is provided in accordance with the Municipal Code.
- M. The portion of sidewalks used for dining must be cleaned regularly and consistently kept free of litter by the applicant.
- N. The applicant must provide an insurance endorsement and complete a Hold Harmless agreement, to the satisfaction of the City Risk Manager.
- O. The applicant must submit an application for a permit and pay an established permit fee as set forth by resolution of the City Council.
- P. Permits are issued to business owners rather than property owners and are not considered an entitlement to the adjacent private property. New business owners must apply for a new permit.

(§ 1, Ord. 2039, eff. February 18, 2003)