

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

TO: Planning Commission

FROM: Richard Thompson, Director of Community Development

BY: Eric Haaland, Associate Planner

DATE: January 26, 2011

SUBJECT: Consideration of a Use Permit Amendment to Remodel an Existing Restaurant Including the Addition of Outdoor Dining with Balconies adjacent to Manhattan Beach Boulevard, and Expansion of Operating and Entertainment Hours, on the Property Located at 117 Manhattan Beach Boulevard (MB Dining LLC)

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** the Public Hearing and **PROVIDE DIRECTION**.

APPLICANT/OWNER

MB Dining LLC
117 Manhattan Beach Boulevard
Manhattan Beach, CA 90266

PROJECT OVERVIEW

L O C A T I O N

<u>Location</u>	117 Manhattan Beach Blvd., at the northeast corner of MBB and Ocean Dr. (See Vicinity Map).
<u>Legal Description</u>	Lots 7 & 8, Block 13, Manhattan Beach Division #2.
<u>Area District</u>	III

LAND USE

<u>General Plan</u> <u>Zoning</u> <u>Land Use</u>	Downtown Commercial CD, Commercial Downtown <u>Existing</u> 6,750 sq. ft. Restaurant	<u>Proposed</u> 6,865 sq. ft. Restaurant plus. 276 sq. ft. basement
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Neighboring Zoning/Land Uses

North (across Center Place)	RH/ Multi-residential
South (across MBB)	CD/Restaurants
East	CD/Retail-Office
West (across Ocean Dr.)	CD/City parking lot

PROJECT DETAILS

	<u>Proposed (and existing)</u>	<u>Requirement (Staff Rec)</u>
Parcel Size:	4,500 sq. ft.	2,700 sq. ft. min
Building Floor Area:	6,563 sq. ft. (6,750 sq. ft.)	6,750 sq. ft. max
Height	25.4 ft., 2-stories	26 ft. max.
Setbacks	None	None
Parking:	4 spaces existing	No change
Hours of Operation:	Su-Th: 8am-1am, F/Sa: 8am-2am (M-F: 10am – 1am, Sa-Su: 8am – 1am)	N/A (Su-Th: 8am – 1am, F-Sa: 8am-1am)
Entertainment	Ent./dancing Th-Su &Pre-hol. (Ent/dancing F-Sa, Ent: Th & Sun)	N/A (No change)

BACKGROUND

The subject site is developed with a 2-story/split-level building, which is currently vacant, and previously contained Beaches restaurant. The restaurant’s existing use permit (attached as Exhibit C) was approved in 1994. The current proposal to substantially change the restaurant use requires amendment of the existing use permit.

The site is located within the appealable portion of the coastal zone, however, a coastal development permit is not required since there is no enlargement of the building in floor area or height.

DISCUSSION

The submitted plans show each of the subject building's existing 4 floor levels to be modified, and the addition of a new partial basement level for wine storage, rear employee restroom and locker facilities, and two upper level dining balconies over Manhattan Beach Boulevard (MBB). Floor plan modifications include conversion of some interior dining to exterior space, expansion of kitchen/service facilities, enhanced front entries, and relocation of bars, stairs, elevator, and dance floor. The building façade would be completely updated including retractable window/wall surfaces facing Manhattan Beach Boulevard on levels 2, 3, and 4. The existing 6,750 square foot building would actually decrease in countable floor area to 6,563 square feet due to front dining and entry recessions and elevator enlargement. The added basement area is not counted toward "buildable floor area". Total dining area would also decrease from the existing use permit plan's 4,189 square feet to 3,528 square feet.

The restaurant is proposed to remain a table service dining operation with two fixed bars, weekend entertainment, and a temporary dance floor. The applicant intends greater emphasis on food service with the expanded food preparation facilities and added weekday breakfast hours. They also request more special events such as weddings, with an increased allowance from six to twelve events annually. The applicant also requests to maximize "weekend" entertainment scheduling with increased dancing compared to the more limited existing use permit. The existing full alcohol service license would remain. The existing parking and loading area at the rear alley is proposed to remain with four parking spaces and an expanded and upgraded trash/recycling enclosure proposed for possible neighbor sharing.

The project conforms to the City's requirements for commercial uses. The primary project issues are: parking, noise, balcony encroachments, entry features, hours of operation, and entertainment.

Parking

The subject site has 4 parking spaces located at the rear accessed from Center Place. The attached parking worksheet (Exhibit G) indicates that the proposal results in a lower parking requirement than the existing approved restaurant use although the property would remain nonconforming for 23 spaces since no parking was required when the building was built. The parking worksheet factors in the Downtown parking exemption, which requires only the amount of floor area (2,250 sf) exceeding the site area to provide parking. The reduction in seating area proposed (618 sf less) results in a requirement 3 spaces less than the plans approved for the existing use permit. Staff believes that parking demand for the proposed restaurant design approximately equals the existing design.

Noise

The restaurant currently has no outdoor seating, although the existing upper most level (level 4) has a retractable roof that is proposed to be replaced by a fixed roof. All openings are to be kept closed during times that entertainment is provided. The applicant is proposing noise mitigating building materials and minimal building openings other than at the front along Manhattan Beach Blvd. Outdoor dining is proposed with 22 seats (280 sf) at the upper building levels (levels 3 & 4). This would be the first upper level outdoor dining to occur Downtown. Also, expanded exterior space is proposed at the two ground level entryways on MBB which will also result in some waiting customer noise at times. Additionally, retractable window assemblies are proposed for three of the four wall surfaces on levels 2, 3, and 4, facing MBB. These retractable facades have become common Downtown in recent years for restaurants without dancing. These retractable walls allow noise to escape when an entire restaurant is open to the street this way, however, MBB is a central commercial corridor primarily without noise sensitive uses. These outdoor areas appear to be appropriate at this location since it is a focal point of Downtown/beach activity and the community seems to have accepted the concept of open restaurant frontages, if all of the building openings are closed while entertainment occurs.

An additional noise issue may result by allowing access to the roof at the northwest building corner. This low roof area proposed for partial enclosure and exterior equipment has been identified as a sensitive location to rear-adjacent neighbors in previous Use Permit proceedings. The submitted plans include a standard door accessing this area, which may result in disruptive use of this area by restaurant employees since it abuts the employee locker room. Staff would suggest a condition on project approval that limits any use of this area to maintenance only, and limits the roof access to a small hatch.

Balcony Encroachment

The applicant's proposal for two balconies partially cantilevering over the public sidewalk is unique, although the neighboring building to the east has a 5-foot balcony, which appears on its original 1971 plans, apparently for incidental purposes to an office use. No right-of-way encroachment approval was found for this item. Currently, allowance for commercial encroachments over sidewalks has been limited to canopies and awnings projecting 3 feet over City right-of-way. The submitted plans conform to the 3-foot dimension, but allowing dining or other active use above the public sidewalk would be unprecedented. The applicant suggests that concentrating the outdoor dining area at the front of the building is a better alternative to placing it at the rear adjacent to residential neighbors. Staff supports the proposed front outdoor dining use adjacent to MBB.

Entry Features

The project plans indicate potential exterior fire and water elements at the enlarged entry points adjacent to MBB. While the enhanced entries would be aesthetically beneficial to the street, there is a concern for the safety and disruptiveness of fire or water being exposed to the public sidewalk. The high volume of pedestrians, sidewalk slope, and wind exposure of this location make it especially susceptible to detrimental effects. Staff suggests a condition of approval requiring staff review of fire or water elements for appropriate containment.

Hours of Operation

The existing required restaurant closing time is 1am daily. The applicant is requesting to extend the existing restaurant closing time 1 hour on weekends (Friday/Saturday) to 2:00am. An 8:00am opening time is also requested for weekday breakfast service, to supplement existing weekend breakfast. Breakfast hours for restaurants have typically not caused concerns, however, late night hours have been closely scrutinized.

The subject restaurant currently has the latest closing time approved (with prominent alcohol service) in the last two decades. Concern for late night hours has been strong since the early 1990's. Some previously established hours shown in the attached Downtown restaurant summary (Exhibit D) have 2:00am closing times or none at all, but have been expected to become more restrictive in the future. The existing daily 1:00am closing time reflects what was considered the latest desirable time for Downtown in 1994, which was warranted for this central location with a history of late night hours. Many other restaurant use permits since then have had earlier closing times. Staff recommends that the additional breakfast hours be approved, but that the restaurant closing time remain 1:00am daily.

Entertainment

The subject restaurant has had the most prominent longstanding component of entertainment and dancing Downtown. The existing use permit has a relatively strict limitation with dancing on Fridays and Saturdays only. Entertainment, typically live music, is also permitted on Thursdays and Sundays without dancing. The applicant believes that dancing commonly occurred without disturbances on these days when it wasn't permitted, and requests that such dancing now be permitted. It is also requested that entertainment and dancing be permitted on evenings before holidays, which extends the City's recent decision to allow later hours for restaurants (with a separate discretionary permit) on New Year's Eve. If this proposal is found to be appropriate, it probably should be limited to national/major holidays.

Additional entertainment proposals relate to special events and dance floor placement. The existing Use Permit provides for 6 special events (e.g., weddings) annually, and an alternative entertainment/dance location at the upper levels (most likely for special events). It also requires the main dance floor at the lower level to be delineated by a railing, to prevent dancing from extending into the remainder of the floor. The applicant proposes 12 special events annually, elimination of the upper level entertainment alternative, elimination of the railing requirement, and relocation of the

main dance floor. The dance floor shown on the submitted plans on level 1 (Exhibit H) is shifted from the interior end of the lower level to a more central location closer to the bar and abutting a stairway. This design is deliberately more integrated into the overall floor level, involving circulation through the dance floor to the dining area at the rear, which would make a railing or similar barrier impractical.

Staff generally recommends that entertainment not be intensified, and suggests no increase in days of entertainment or dancing, and that the dance floor remain at a perimeter location with a definable boundary, although not necessarily a rail.

City Department Comments: No special comments were received from City Departments reviewing the application except the attached Police comments (Exhibit E), which recommend the following:

- Noise from the business is not to exceed beyond 75 feet of the business.
- Windows and doors shall be kept closed at any time that entertainment other than background noise or television occurs.

As mentioned above, the existing and proposed Use Permits require all openings to be closed during entertainment. Eliminating all audible noise at a distance of 75 feet may not be feasible for the project as proposed with outdoor dining and retractable windows/walls.

Public Input: Staff has received a few verbal inquiries, and one written response (Exhibit F) to the project notice. The attached message indicates initial concerns from a neighbor group regarding outdoor dining, hours, and dancing, with further input to follow. The public hearing notice was published in the Beach Reporter newspaper, and mailed to property owners within 500 feet of the site.

Miscellaneous Conditions: Should the Planning Commission approve the project, staff would include updated standard restaurant conditions in a draft Resolution. Notable conditions would include the following: prohibition of outdoor amplified sound equipment, sign ordinance compliance, equipment screening, utility requirements, water quality requirements, and indemnification.

Planning Commission Authority

Section 10.84.010 of the Zoning Code establishes that the purpose of Use Permits is as follows:

Use permits are required for use classifications typically having unusual site development features or operating characteristics requiring special consideration so that they may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area.

Section 10.84.020 states that “The Planning Commission shall approve, conditionally approve, or disapprove applications for use permits or variances” .

Pursuant to Section 10.84.060 The Planning Commission is required to make certain findings in order to approve the proposed use permit as follows:

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

Section 10.84.070 provides that reasonable conditions may be imposed upon a Use Permit as necessary to:

- A. Achieve the general purposes of this ordinance or the specific purposes of the zoning district in which the site is located, or to make it consistent with the General Plan;
- B. Protect the public health, safety, and general welfare; or
- C. Ensure operation and maintenance of the use in a manner compatible with existing and potential uses on adjoining properties or in the surrounding area.
- D. Provide for periodic review of the use to determine compliance with conditions imposed, and Municipal Code requirements.

CONCLUSION

Staff recommends that the Planning Commission conduct the public hearing, consider the information presented, and direct staff as determined to be appropriate.

ENVIRONMENTAL DETERMINATION

Pursuant to the California Environmental Quality Act (CEQA), and the Manhattan Beach CEQA Guidelines, the subject project has been determined to be exempt (Class 1) as an alteration to an existing facility per Section 15301 of CEQA.

Attachments:

- A. Vicinity map
- B. Applicant request/information
- C. Existing Use Permit Reso. No. 5087
- D. Downtown Restaurant Summary
- E. Police comments
- F. Public Input
- G. Proposed parking calculation
- H. Plans (not available electronically)

cc: Michael Zislis, Applicant Representative

Vicinity Map
117 Manhattan Beach Blvd.

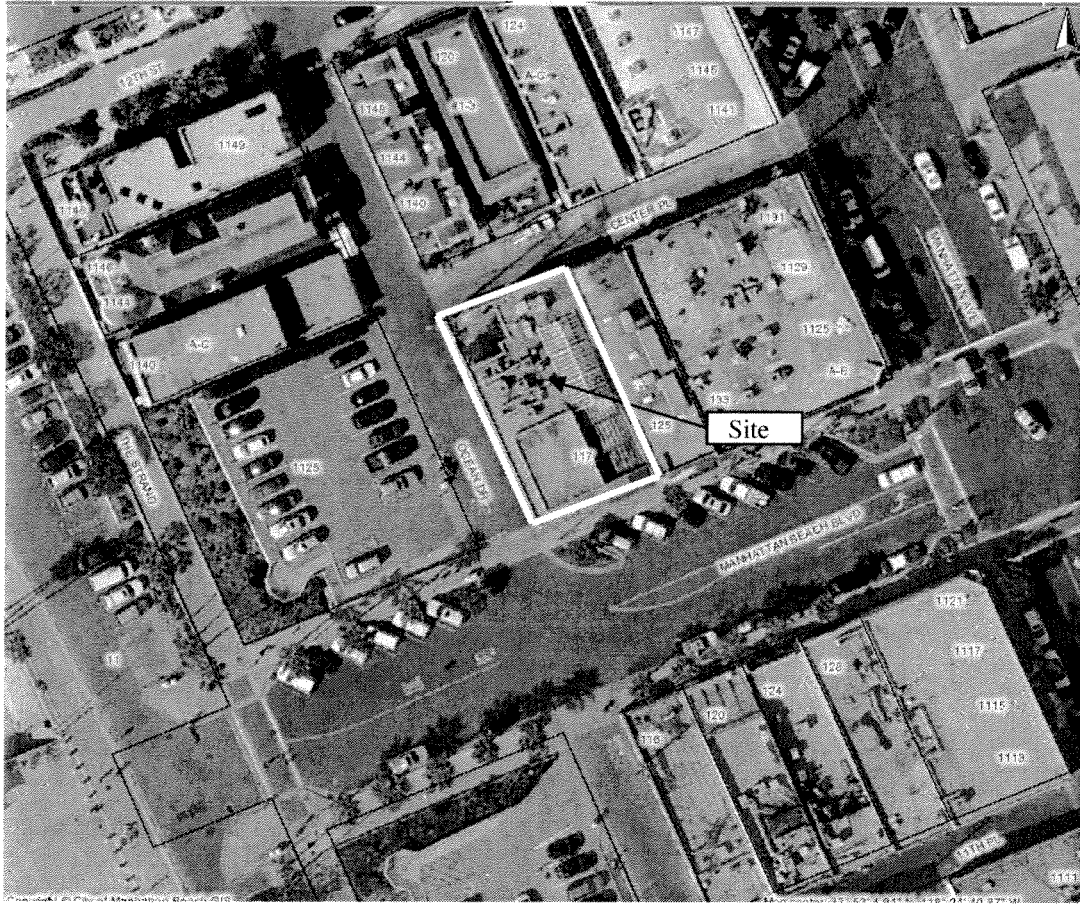


EXHIBIT A
PC Mtg. 1/26/11

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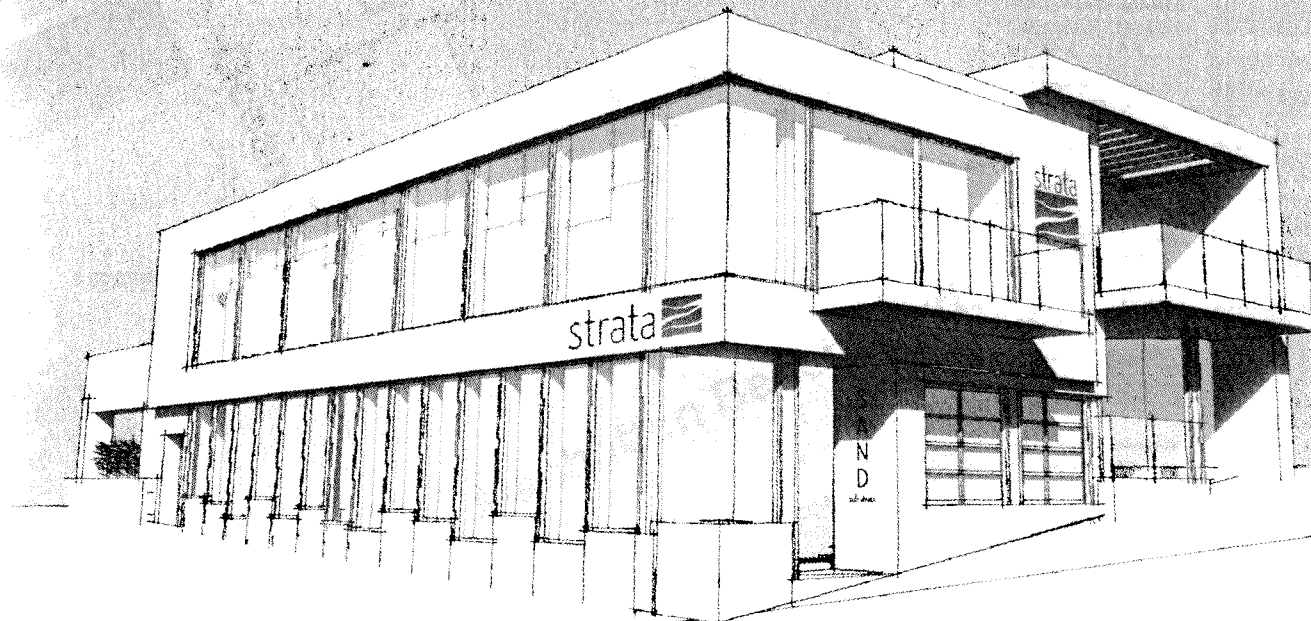
CONDITIONAL USE PERMIT APPLICATION

XQTD

XQTD, Inc.
9001 Wilshire Blvd. #1121
Beverly Hills, CA 90210

310.246.4224
310.877.4200 FAX

www.xqtd.com



STRATA
117 Manhattan Beach Blvd.
Manhattan Beach, CA

A PROJECT FOR

MB DINING, LLC
117 MANHATTAN BEACH BLVD.
MANHATTAN BEACH,
CA 90266

Contact:
Mike Zwill, its manager
T: 310.704.8507

PROJECT LOCATION

RENOVATION

STRATA
117 MANHATTAN BEACH BLVD.
MANHATTAN BEACH,
CA 90266

PERMIT NO. 12-10343E



COVER SHEET

Project: 117 MB
Date: DECEMBER 15, 2010
Drawn by: T100
Checked by: _____

EXHIBIT B
PC M# 1/26/11

WRITTEN DESCRIPTION

Purpose of Application

MB Dining LLC recently entered into a lease for the restaurant property previously known as "Beaches" located at 117 Manhattan Beach Boulevard. The Zislis Group, Inc., a corporation owned and controlled by Michael and David Zislis, is the Manager of MB Dining LLC and will manage the restaurant to be named "STRATA". The restaurant will be transformed into a new upscale-casual dining concept. The building has not been substantially improved in over fifteen years and is in need of a remodel and upgrade. The proposed changes will enhance the appearance of the building, improve the functionality of the restaurant, and add sit down dining while reducing bar seating and standing areas which will result in a less intense occupant load.

Our proposed changes to the building include:

1. Expand the kitchen located on the second level from 848 square feet to 1,248 square feet. The existing kitchen was not designed with adequate size and cooking equipment to efficiently service an upscale restaurant with an occupancy of over 300 guests. The prior owners appeared to operate the property as a bar with food service as a secondary consideration. All the Zislis Group restaurants (Rock'N Fish, Brewco, Mucho) are operated primarily as dining establishments.
2. Add a new wine cooler (between 150 - 250 square feet) to be located at the new basement level for the purpose of stocking a diverse selection of approximately five thousand bottles of premium wine. In order to attract a more mature and sophisticated clientele, the lower level lounge intends to feature a "Champagne Menu" offering twenty champagnes by the glass and over fifty champagnes by the bottle. The wine cooler will be needed to preserve ten-year verticals of some of the more prestigious champagne labels. The cooler will be designed as a modern glass enclosure which will be visible but not accessible to the public.
3. Install a grease interceptor for the kitchen dishwasher and sinks to be located in the trash/oil recycling enclosure at the back of the building (currently there is no grease interceptor). A new drain will also be installed in the enclosure to comply with the current City codes.
4. Install a new, larger elevator and an elevator equipment room to comply with current City of Manhattan Beach building codes and handicap regulations.
5. Add one employee restroom (52 sq. ft.) and one employee locker room (34 sq. ft.) to comply with current health department codes and for employee privacy and convenience.

6. Remove the storage shed from the north-west roof. The current installation does not comply with requirements for screening and has been an eyesore for over fifteen years.
7. Remove the retractable glass roof in the upper dining area and install a new, permanently enclosed ceiling and roof with clerestory windows.
8. Install a new eco-friendly "neighborhood" trash bin and fryer oil recycling facility on the back side of the premises to improve the appearance, cleanliness and functionality of the alley (Center Place), which is shared with other businesses and some residences. The new enclosure will be available for use by adjacent businesses to store bottles, cardboard boxes and fryer oil. It will be a walk-in enclosure which will be secured to eliminate noise in the alley caused by late night bottle collectors and dumping of trash. (The specific use of and access to the recycling facility must be discussed with the City.)
9. Install new decorative windows and doors on the first and second levels of the front of the building facing Manhattan Beach Boulevard as part of the overall remodel of the exterior facades. The windows will be of the operable sliding, folding or roll-up type. We will comply with the pertinent conditions of the existing use permit by keeping windows and doors closed during live entertainment and dancing hours and maintaining noise levels emanating from the property within the limitations prescribed by the City's noise ordinance.

As part of the remodel and the improvements being made to the property, we seek to amend the existing use permit to include the following changes:

1. Construct two new small outdoor dining balconies with a total of 6 tables and 12 seats on the second level of the building facing Manhattan Beach Boulevard. The two balconies will be constructed to cantilever over the sidewalk with a design similar to the existing balcony above the neighboring "Diane's Bikinis" retail shop.

There is no outdoor restaurant dining on Manhattan Beach Boulevard west of Manhattan Avenue, and these two small open spaces - with breath-taking views of the expanse of the beach, municipal pier, historic Roundhouse, and Pacific Ocean -- will be a welcome addition to the downtown dining scene to be enjoyed by residents and beach visitors. This outdoor dining will not impact any residential properties and will provide a public convenience.

2. Extend the restaurant hours for dining and drinking to a closing time of 2:00 a.m. on Fridays and Saturdays. Dancing and live entertainment will continue to terminate at 1:00 a.m.

We also propose that dancing be permitted on Thursday evenings from 9:00 p.m. until 12:00 a.m. as was the practice of the prior owners which occurred regularly without incident or complaint. As we anticipate that the restaurant will become a popular wedding and special events facility, we request that dancing be permitted on Sundays until 5:00 p.m. and for an additional twelve private events during the year until 12:00 a.m. (Sunday - Wednesday).

Lastly, we propose that dancing and live entertainment be allowed on evenings before federal, state or municipal holidays including, but not limited to, Independence Day, Labor and Memorial Days, and New Year's Day.

As part of the remodel of the downstairs level, a cutting edge surround sound audio system will be installed at the perimeter of the dance floor. This will be specifically engineered to direct and contain sound within the dance floor area and to achieve a fifty percent decibel reduction to all the other areas of the room. This innovative technology will add to the comfort of non-dancing guests and will help reduce noise emanating from the building. The downstairs windows facing west and nearest the dance floor will be double paned to further minimize noise transmission so as not to disturb neighboring residences.

The current CUP condition (8B, Page 3) prohibiting customers from occupying any portion of the dance floor on Sundays needs to be eliminated, because it is our intent to use the space for dining during the non-dancing hours.

3. Replace the condition requiring a permanent railing barrier be installed at the perimeter of the lower level dance floor with a condition that the flooring material of the dance area be distinguished from the flooring of the remainder of the dining and bar areas. The distinction of flooring materials will identify to patrons and enforcing agencies the specific area of the dance floor. The prior owners of the property never installed the railing sixteen years ago, and the absence of the barrier did not cause a problem for the operators, customers or the City. The railing will have a negative impact on the design and flow of the lower level room and will impair the multipurpose functioning of the space (the vast majority of the time the area will be used for dining and other service, not entertainment and dancing). The operators will make every effort to restrict dancing to the dance floor, keep exits accessible, maintain clear and open pathways, and strictly adhere to occupancy limits.

Many of the changes described above (the kitchen expansion, the addition of the employee dressing room and restroom, the larger elevator and elevator equipment room, and the trash/ oil recycling enclosure) are proposed for code compliance or operational necessity. The restaurant intends to employ a high profile chef and offer an upscale full-dining menu (see the attached sample menu). In order to produce the high quality of menu items and the volume of food we project will be demanded at the new restaurant, we determined that the kitchen facilities need to be enlarged by approximately 400 square feet to install additional cooking equipment and expand the prep areas and storage. These modifications (excluding the trash enclosure) will result in a reduction of the usable public space available for dining and bar service by approximately 181 square feet.

We propose that the City approve our request to offset the loss of usable public space caused by the requirement to comply with current building and health department codes and the implementation of the other improvements by permitting us to construct the employee restroom, locker room and the two small outdoor balconies to be located on the second level facing Manhattan Beach Boulevard. The proposed offsetting space includes:

Two Outdoor Balcony	212 s.f.
Employee Restroom	52
Employee Dressing Room	<u>34</u>
Total	298 s.f.

The net public space reduction resulting from the proposed changes is 181 square feet (3,752 - 3571 square feet). **The change of occupant factor will be reduced from 379 to the proposed 368. Thus, the final occupancy load will actually be less than the current allowable occupancy.** However, a portion of the current bar use is being converted to additional dining. This change results in more seats of dining but less bar seating and standing area. The result is a less intense occupant load.

The restaurant that has been located at this address has been a neglected and underutilized venue for over a decade. With the minimal changes requested by MB Dining, the community will benefit by gaining a beautifully designed restaurant and multipurpose facility with great food, an incredible view, outdoor patio dining, proximity to convenient parking, flexible seating availability and catering services for weddings, anniversaries and other special events. We hope to make this unique space the iconic venue the City deserves.

Legal Description

Manhattan Beach Division #2, Block 13, Lots 7 & 8

Area District

III

General Plan Designation

Downtown Commercial

L.C.P, L.U.P. Designation

Downtown Commercial

Zoning

CD, Downtown Commercial

Neighboring Land Uses

West	Parking Lot, Beach
East	Commercial, Retail & Restaurant
North	Residential, Alley, Commercial
South	Commercial, Restaurants

Alcohol License

Type 47: On-Sale General Eating Place

Occupancy

Existing: 379

Proposed: 368

Building Square Footage

Existing: 7,218

Proposed: 7,630

Parking

None required. The intensity of the use will decrease due to the loss of interior space for code compliance issues.

Hours of Operation

Existing:	Monday- Friday	10:00 a.m. - 1:00 a.m.
	Saturday - Sunday	8:00 a.m. - 1:00 a.m.

Proposed:	Sunday - Thursday	8:00 a.m. - 1:00 a.m.
	Friday & Saturday	8:00 a.m. - 2:00 a.m.
	Evenings before Federal, State and Municipal Holidays	8:00 a.m. - 2:00 a.m.

Peak Hours

Monday - Thursday	7:30 p.m. - 10:00 p.m.
Friday - Sunday	12:00 p.m. - 3:00 p.m.
Friday & Saturday	7:30 p.m. - 12:30 a.m.

Dancing & Entertainment (Lower Level)

Existing:	Friday & Saturday	Until 1:00 a.m.
Proposed:	Thursday	Until 12:00 a.m.
	Friday & Saturday	Until 1:00 a.m.
	Sunday	Until 5:00 p.m.
	12 private events during the year (Sunday through Wednesday)	Until 12:00 p.m.
	Evenings before Federal, State and Municipal Holidays	Until 1:00 a.m.

Entertainment Without Dancing (Lower Level).

Existing:	Thursday	Until 11:30 p.m.
	Sunday	Until 1:00 p.m.
Proposed:	Sunday	Until 1:00 a.m.

Environmental Impact

None.

DESCRIPTION OF HOW FINDINGS WILL BE MET

1. The proposed amendment to the use permit of 117 Manhattan Beach Blvd (formerly the restaurant "Beaches") is consistent with the objectives and purposes of the Commercial Downtown designation. This area is specifically designated for community activity and a service area for residents, local workers, shoppers, diners, and beach visitors. Several other restaurants and taverns in the area already engage in similar use.
2. The proposed amended use of this location is consistent with the General Plan for the Commercial Downtown designation, because it is merely the granting of similar privileges to a long-time existing use that will result in no fundamental change of the use. The new restaurant operators (Michael and David Zislis) have owned and operated restaurants in downtown Manhattan Beach for twenty years and have maintained an excellent reputation in the community as responsible and civically concerned business people. The proposed changes will have no negative environmental impact and will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of the restaurant. There will be no negative impact on properties or improvements in the vicinity, nor the general welfare of the city. In fact, the proposed shared trash and oil recycling area to be installed on the back side of the building will greatly alleviate the problems experienced by residences and adjacent businesses located on Center Place.
3. The proposed changes to the use permit are consistent with the existing use at this location as a restaurant with a bar. The proposed use will comply with the provisions and conditions of this title.
4. Because the proposed changes to the use permit will not alter the fundamental use, purpose or character of the restaurant, and because there will not be an intensification of use in the occupancy or number of seats at the restaurant, the proposed amended use will not create adverse impacts on traffic or create demands exceeding the capacity of public services and facilities.

Founders and Managers of MB Dining LLC

Michael A. Zislis and David Zislis (through their company, The Zislis Group, Inc.) will serve as the company's legal manager and will oversee all aspects of the restaurant operations, including the general management of the restaurant, concept and menu development, and administering all financial and legal aspects of the business. Michael and David have significant experience in establishing and managing restaurants. David is president of BREWCO (formerly Manhattan Beach Brewing Company, established in 1991) and the Redondo Beach Brewing Company (since 1993). Since 2000, David has served as the managing member of Rock'N Fish in Manhattan Beach and Michael has held the position of general manager responsible for the daily operations of that restaurant. Michael and David are the founders of Shade Hotel, a popular luxury boutique that opened in downtown Manhattan Beach in November 2005. They are the founders and Managers of Mucho Ultima Mexicana, an upscale restaurant in Manhattan Beach that opened in November 2007, as well as the second Rock'N Fish located in the LA Live complex in downtown Los Angeles. In 2010, the Zislis brothers opened Rock & Brews beer garden in El Segundo. They are opening the third Rock'N Fish in Laguna Beach in December.

The following conditions in the attached existing use permit for 117 Manhattan Beach Boulevard will need to be modified if the proposed changes are approved.

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RESOLUTION NO. 5087

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AFFIRMING THE DECISION OF THE PLANNING COMMISSION, AS MODIFIED, APPROVING AN AMENDMENT TO A PREVIOUSLY APPROVED USE PERMIT TO ALLOW THE ADDITION OF DANCING TO AN EXISTING ENTERTAINMENT APPROVAL FOR A RESTAURANT ON THE PROPERTY LOCATED AT 117 MANHATTAN BEACH BOULEVARD (MITCH MCFANTI, INC.)

WHEREAS, there was filed with the Planning Commission of the City of Manhattan Beach, California, an application for a Use Permit Amendment, for the property legally described as Lots 4 & 5, Block 66, Manhattan Beach Division #2 and located at 117 Manhattan Beach Boulevard, in the City of Manhattan Beach; and,

WHEREAS, the applicant for said project is Mitch McFanti Inc., who is also the owner of the subject property; and,

WHEREAS, after duly processing said application and holding a public hearing thereon, the Planning Commission adopted its Resolution No. PC 94-11 (which is on file in the office of the Secretary of said Commission in the City Hall of said City, open to public inspection and hereby referred to in its entirety and by this reference incorporated herein and made part hereof), on March 23, 1994, approving the application; and

WHEREAS, within the time period allowed by law, on April 19, 1994, the City Council appealed the decision of the Planning Commission; and

WHEREAS, the Council of said City pursuant to the provisions of the Municipal Code held a public hearing on May 17, 1994, receiving and considering all written documents and oral argument for and against the appeal; thereafter on said May 17, 1994, the Council affirmed the decision of said Commission and approved such appeal with modified conditions.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, FIND,

LOTS 7 & 8, Block 13

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DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the City Council does hereby make the following findings:

1. The applicant requests approval of a Use Permit Amendment seeking to allow dancing on dance floor areas of 240 and 225 square feet (including music equipment etc.) on the lower and upper levels respectively, in an existing restaurant/bar. The applicant revised the request in the public hearing to include 3 nights of dancing and one night of entertainment-only on the lower floor, and dancing on the upper floor during special events not to occur at the same time of lower floor dancing or entertainment.
2. The subject use is presently governed by Resolutions PC 89-2 and 4651 authorizing a restaurant/bar with entertainment and one 10 foot satellite dish with a reduction in required parking. Dancing is not authorized in the existing approval.
3. The property is located in Area District III and is zoned CD, Downtown Commercial, as are the surrounding properties.
4. The existing/proposed use is permitted in the CD zone, subject to a Use Permit and is in compliance with the City's General Plan designation of Downtown Commercial; will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City; in that the increased entertainment intensity is in conjunction with a reduction in operating hours and alcohol service.
5. The project shall be in compliance with the provisions of the Manhattan Beach Municipal Code.
6. The project will not create adverse impacts on traffic nor create demands exceeding the capacity of public services and facilities which cannot be mitigated.
7. The Planning Commission conducted a public hearing for the subject Use Permit Amendment.
8. The project is consistent with the Land Use Plan of the Local Coastal Program approved for Manhattan Beach.

SECTION 2. The City Council does hereby approve an amendment to the use permit subject to the conditions enumerated below, which shall replace the conditions of the existing Use Permit (Resolution Nos. PC 89-2 and 4651) approval:

1. The project shall be constructed and maintained in substantial compliance with the plans as approved by the Planning Commission on March 23, 1994.

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2. The management of the restaurant shall police the property in all areas immediately adjacent to the business during the hours of operation to keep it free of litter.

3. The business proprietor shall provide adequate management and supervisory techniques to prevent loitering, unruliness, and boisterous activities of patrons outside the business or in the immediate area.

4. The hours of operation for the restaurant/bar shall be:

Mon. - Fri.	10:00 am - 1:00 am
Sat. - Sun.	8:00 am - 1:00 am

5. The service of alcohol shall be in conjunction with minimum food service during all hours of alcohol availability, and a "bona fide eating place" type of alcohol license from the State of California shall be maintained. Minimum food service shall consist of a menu of similar variety to the "all hours" menu submitted to the Planning Commission.

6. The noise emanating from the property shall be within the limitations prescribed by the City's noise ordinance and shall not create a nuisance to the surrounding residential neighbors.

7. All doorways and windows for the business shall remain closed at all times during live entertainment. No live entertainment or amplified music shall be permitted within the second floor area when the retractable roof is in an open position.

8. Dancing and entertainment shall be permitted as follows:

A. Entertainment and dancing located on the lower level dance floor on Friday and Saturday until 1:00 am; on a weekly basis.

B. Live entertainment without dancing located on the lower level dance floor on Thursday until 11:30 pm and on Sunday until 1:00 am, on a weekly basis. Customers shall be prohibited from occupying any portion of the dance floor on Sundays.

C. A maximum of 6 additional events located on the temporary upper dance floor area, per calendar year subject to approval of Class II Group Entertainment Permits (including corresponding fees) pursuant to the procedures, and requirements of the Manhattan Beach Municipal Code. In no case shall entertainment or dancing occur on both the upper and lower levels at the same time.

9. A Class I Group Entertainment Permit shall be obtained for all entertainment aspects of the business. Should said entertainment be determined to provide a nuisance, said permit shall be revoked under administrative authority without prejudice to the remaining conditions of approval.

10. All commercial activities shall take place within an enclosed building.

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11. The service of food and beverage shall be primarily by employees to customers seated at tables, and there shall be no take-out windows.
 12. Utilities serving the site shall be underground, pursuant to City ordinance.
 13. All site nuisance and storm water, including roof drainage, shall be contained on site and outletted through the curb on Manhattan Beach Boulevard as approved by the Director of Public Works. All existing exterior drains shall comply with applicable sewage requirements prior to implementation of this Use Permit Amendment, subject to review and approval of the Department of Public Works.
 14. A refuse enclosure shall be maintained as approved by the Director of Public Works.
 15. The roof area above the parking area shall have a parapet wall along the west and east of a height not to exceed three feet in height.
 16. The ten (10) foot satellite dish shall be painted in a light color to minimize the visual impact of its presence; subject to the approval of the Department of Community Development.
 17. The ten (10) foot satellite dish shall not exceed the maximum height of 26 feet.
 18. The added enclosed floor area shall be permitted to be used only as incidental kitchen storage. The added roof, over the parking area, shall be permitted as a roof only for placement of one 10 foot diameter satellite dish painted in a light color to minimize the visual impact of its presence. No other uses shall be permitted. Any existing storage, office, or other items presently located on said roof shall be removed prior to implementation of any dancing activities.
 19. A permanent railing barrier shall be installed at the perimeter of the lower level dance floor subject to approval of the Fire Marshal and Community Development Department.
 20. All signs shall be in compliance with the City's Sign Code and freestanding or pole signs shall be prohibited on the subject property.
 21. This Use Permit amendment shall lapse one-year after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.
 22. 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.
 23. 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, up to \$20,000, in defending any legal action brought against the City within 90 days after the City's final approval of the project, other than one by the Applicant, challenging the approval of this project, or

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1 RESOLUTION NO. 5087

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY
3 OF MANHATTAN BEACH, CALIFORNIA, AFFIRMING THE
4 DECISION OF THE PLANNING COMMISSION, AS
5 MODIFIED, APPROVING AN AMENDMENT TO A
6 PREVIOUSLY APPROVED USE PERMIT TO ALLOW THE
7 ADDITION OF DANCING TO AN EXISTING
8 ENTERTAINMENT APPROVAL FOR A RESTAURANT ON
9 THE PROPERTY LOCATED AT 117 MANHATTAN BEACH
10 BOULEVARD (MITCH MCFANTI, INC.)

11 WHEREAS, there was filed with the Planning Commission of
12 the City of Manhattan Beach, California, an application for a Use
13 Permit Amendment, for the property legally described as Lots 4 &
14 5, Block 66, Manhattan Beach Division #2 and located at 117
15 Manhattan Beach Boulevard, in the City of Manhattan Beach; and,

16 WHEREAS, the applicant for said project is Mitch McFanti
17 Inc., who is also the owner of the subject property; and,

18 WHEREAS, after duly processing said application and
19 holding a public hearing thereon, the Planning Commission adopted
20 its Resolution No. PC 94-11 (which is on file in the office of the
21 Secretary of said Commission in the City Hall of said City, open
22 to public inspection and hereby referred to in its entirety and by
23 this reference incorporated herein and made part hereof), on March
24 23, 1994, approving the application; and

25 WHEREAS, within the time period allowed by law, on
26 April 19, 1994, the City Council appealed the decision of the
27 Planning Commission; and

28 WHEREAS, the Council of said City pursuant to the
29 provisions of the Municipal Code held a public hearing on May 17,
30 1994, receiving and considering all written documents and oral
31 argument for and against the appeal; thereafter on said May 17,
32 1994, the Council affirmed the decision of said Commission and
approved such appeal with modified conditions.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF
MANHATTAN BEACH, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, FIND,



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DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the City Council does hereby make the following findings:

1. The applicant requests approval of a Use Permit Amendment seeking to allow dancing on dance floor areas of 240 and 225 square feet (including music equipment etc.) on the lower and upper levels respectively, in an existing restaurant/bar. The applicant revised the request in the public hearing to include 3 nights of dancing and one night of entertainment-only on the lower floor, and dancing on the upper floor during special events not to occur at the same time of lower floor dancing or entertainment.
2. The subject use is presently governed by Resolutions PC 89-2 and 4651 authorizing a restaurant/bar with entertainment and one 10 foot satellite dish with a reduction in required parking. Dancing is not authorized in the existing approval.
3. The property is located in Area District III and is zoned CD, Downtown Commercial, as are the surrounding properties.
4. The existing/proposed use is permitted in the CD zone, subject to a Use Permit and is in compliance with the City's General Plan designation of Downtown Commercial; will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City; in that the increased entertainment intensity is in conjunction with a reduction in operating hours and alcohol service.
5. The project shall be in compliance with the provisions of the Manhattan Beach Municipal Code.
6. The project will not create adverse impacts on traffic nor create demands exceeding the capacity of public services and facilities which cannot be mitigated.
7. The Planning Commission conducted a public hearing for the subject Use Permit Amendment.
8. The project is consistent with the Land Use Plan of the Local Coastal Program approved for Manhattan Beach.

SECTION 2. The City Council does hereby approve an amendment to the use permit subject to the conditions enumerated below, which shall replace the conditions of the existing Use Permit (Resolution Nos. PC 89-2 and 4651) approval:

1. The project shall be constructed and maintained in substantial compliance with the plans as approved by the Planning Commission on March 23, 1994.

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2. The management of the restaurant shall police the property in all areas immediately adjacent to the business during the hours of operation to keep it free of litter.
3. The business proprietor shall provide adequate management and supervisory techniques to prevent loitering, unruliness, and boisterous activities of patrons outside the business or in the immediate area.
4. The hours of operation for the restaurant/bar shall be:

Mon. - Fri.	10:00 am - 1:00 am
Sat. - Sun.	8:00 am - 1:00 am
5. The service of alcohol shall be in conjunction with minimum food service during all hours of alcohol availability, and a "bona fide eating place" type of alcohol license from the State of California shall be maintained. Minimum food service shall consist of a menu of similar variety to the "all hours" menu submitted to the Planning Commission.
6. The noise emanating from the property shall be within the limitations prescribed by the City's noise ordinance and shall not create a nuisance to the surrounding residential neighbors.
7. All doorways and windows for the business shall remain closed at all times during live entertainment. No live entertainment or amplified music shall be permitted within the second floor area when the retractable roof is in an open position.
8. Dancing and entertainment shall be permitted as follows:
 - A. Entertainment and dancing located on the lower level dance floor on Friday and Saturday until 1:00 am; on a weekly basis.
 - B. Live entertainment without dancing located on the lower level dance floor on Thursday until 11:30 pm and on Sunday until 1:00 am, on a weekly basis. Customers shall be prohibited from occupying any portion of the dance floor on Sundays.
 - C. A maximum of 6 additional events located on the temporary upper dance floor area, per calendar year subject to approval of Class II Group Entertainment Permits (including corresponding fees) pursuant to the procedures, and requirements of the Manhattan Beach Municipal Code. In no case shall entertainment or dancing occur on both the upper and lower levels at the same time.
9. A Class I Group Entertainment Permit shall be obtained for all entertainment aspects of the business. Should said entertainment be determined to provide a nuisance, said permit shall be revoked under administrative authority without prejudice to the remaining conditions of approval.
10. All commercial activities shall take place within an enclosed building.

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- 11. The service of food and beverage shall be primarily by employees to customers seated at tables, and there shall be no take-out windows.
- 12. Utilities serving the site shall be underground, pursuant to City ordinance.
- 13. All site nuisance and storm water, including roof drainage, shall be contained on site and outletted through the curb on Manhattan Beach Boulevard as approved by the Director of Public Works. All existing exterior drains shall comply with applicable sewage requirements prior to implementation of this Use Permit Amendment, subject to review and approval of the Department of Public Works.
- 14. A refuse enclosure shall be maintained as approved by the Director of Public Works.
- 15. The roof area above the parking area shall have a parapet wall along the west and east of a height not to exceed three feet in height.
- 16. The ten (10) foot satellite dish shall be painted in a light color to minimize the visual impact of its presence; subject to the approval of the Department of Community Development.
- 17. The ten (10) foot satellite dish shall not exceed the maximum height of 26 feet.
- 18. The added enclosed floor area shall be permitted to be used only as incidental kitchen storage. The added roof, over the parking area, shall be permitted as a roof only for placement of one 10 foot diameter satellite dish painted in a light color to minimize the visual impact of its presence. No other uses shall be permitted. Any existing storage, office, or other items presently located on said roof shall be removed prior to implementation of any dancing activities.
- 19. A permanent railing barrier shall be installed at the perimeter of the lower level dance floor subject to approval of the Fire Marshal and Community Development Department.
- 20. All signs shall be in compliance with the City's Sign Code and freestanding or pole signs shall be prohibited on the subject property.
- 21. This Use Permit amendment shall lapse one-year after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.
- 22. 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.
- 23. 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, up to \$20,000, in defending any legal action brought against the City within 90 days after the City's final approval of the project, other than one by the Applicant, challenging the approval of this project, or

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any action or failure to act by the City relating to the environmental review process pursuant to the California Environmental Quality Act. In the event such a legal action is filed against the City, the City shall estimate its expenses for the litigation and Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

24. At any time in the future, the Planning Commission reserves the right to review the subject Use Permit for the purposes of revocation or modification in accordance with Section 10.104.030 of the Municipal Code. Modification may consist of the following, but is not necessarily limited to: limitation of hours, further limitation of total occupancy, requirement for valet parking, imposition of conditions deemed reasonable to mitigate or alleviate impacts to adjacent or nearby land uses.

SECTION 3. Pursuant to Government Code Section 65907 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. This resolution shall take effect immediately.

SECTION 5. The City Clerk shall certify to the passage and adoption of this resolution; shall cause the same to be entered among the original resolutions of said City; and shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council of said City in the minutes

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of the meeting at which the same is passed and adopted.

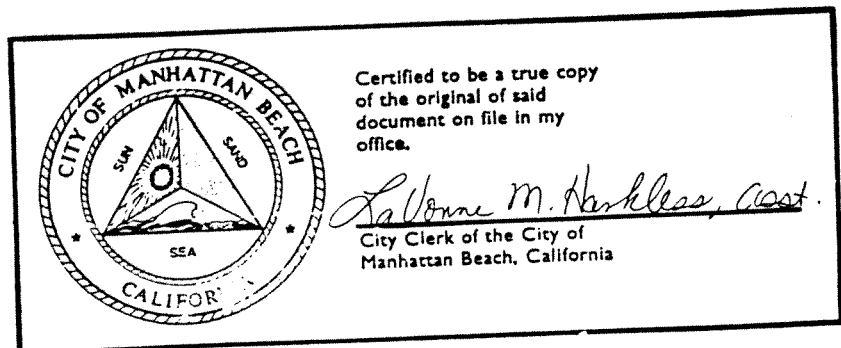
PASSED, APPROVED, and ADOPTED this 17th day of May,
1994.

Ayes: Cunningham, Lilligren, Barnes, Jones, Mayor Napolitano
Noes: None
Abstain: None
Absent: None

/s/ Steven A. Napolitano
Mayor, City of Manhattan Beach,
Manhattan Beach

ATTEST:

/s/ Win Underhill
City Clerk



SURVEY OF DOWNTOWN EATING AND DRINKING ESTABLISHMENTS

Establishment	Address	Hours of Operation	Alcohol License	Reso. #
900 Manhattan Club/Sidedoor	900 Manhattan Ave.	M-Th 11am-12 am F 11am-1 am Sat 9am-12am Sun 9am-12am	Full Liquor	CC Reso. 5155
Crème de la Crepe	1140 Highland Ave.	Su-Th 6am-10pm F-Sa 6am-11pm	Beer and Wine	02-14
Beaches	117 Manhattan Beach Blvd.	M-F 10am-1am Sa-Sun 8 am-1am	Full Liquor	CC Reso 5087 PC 243
Café Pierre	317 Manhattan Beach Blvd.	9am-1am Daily	Full Liquor	94-20
Pasta Pomodoro	401 Manhattan Beach Blvd.	Sun-Wed 9am-11pm Thu-Sat 7am-12am	Beer and Wine	03-05
Simmzy's	229 Manhattan Beach Blvd.	M-Th 6am - 11pm F-Sa 6am-12am	Beer and Wine	03-20
El Sombrero	1005 Manhattan Ave.	Su-Th 7am-11pm F-Sa 7am-12am	Beer and Wine	07-09
Ercoles	1101 Manhattan Ave.	11am-2am Daily	Full Liquor	85-32
Fonzs	1017 Manhattan Ave.	Su 9am-9pm M-Th 5:30am-10pm F-Sa 5:30am-11pm	Full Liquor	01-04
Mr. Cecils California Ribs	1209 Highland Ave.	Sun-Th 7am-11pm F-Sat 7am-12am	Beer and Wine	99-09
Hennesseys	313 Manhattan Beach Blvd.	11am-2am Daily	Full Liquor	83-18
Fusion Sushi	1150 Morningside Dr.	Su-W 9am -11pm Th-Sa 7am-12am	Full Liquor	03-05
Kettle	1138 Highland Ave.	24 Hours Daily	Beer and Wine	83-06
Le Pain Quotidien	451 Manhattan Beach Blvd.	M-Sun 7 am -7:30 PM- (alcohol 10 am)	Limited beer and wine	08-08
Mama D's	1125 A Manhattan Ave.	7am-2am Daily	Beer and Wine	CC Reso. 5175
Mangiamo	128 Manhattan Beach Blvd.	8am-12am Daily	Full Liquor	83-28
Brewco	124 Manhattan Beach Blvd.	Su-Sa 7am-12am F-Sat 7am-1am	Full Liquor	97-43
Sharks Cove	309 Manhattan Beach Blvd.	7am-2am Daily	Full Liquor	03-24
Manhattan Pizzeria	133 Manhattan Beach Blvd.	6am-2am Daily	Beer and Wine	CC Reso. 5175 86-38
Mucho	903 Manhattan Ave.	Su-T 11am-12am F-Sat 11am-2am	Full Liquor	CC Reso. 4108
Izaka-Ya	1133 Highland Ave.	Su-W 11:00am-11pm Th-Sa 11:00pm-12am	Beer and Wine	10-04
Old Venice/El Sombrero	1001 Manhattan Ave.	Sun-Thu 7am-11pm Fri-Sat 7am-12am	Beer and Wine	07-09
Penny Lane	820 Manhattan Ave.	Su-Th 7am-10:30pm F-Sa 7am-11:30pm	Beer and Wine	89-23
Rock N Fish	120 Manhattan Beach Blvd.	Su-Th 7am-12am F-Sa 7am-1am	Full Liquor	99-04
Shellback	116 Manhattan Beach Blvd.	No Reso	Full Liquor	No Reso

EXHIBIT D
PC MTA. 1/26/11

Sun & Moon Café	1131 Manhattan Ave.	Su-Th 6am-11pm F-Sa 6am-12am	Beer and Wine	CC Reso. 5175
Talia's	1148 Manhattan Ave.	Su-W 7am-11pm Th-Sa 7am-12am	Full Liquor	01-24
Memphis	1142 Manhattan Ave.	M-W 11am-11pm Th-F 11am-12am Sa 7am-12am Su 7am-11pm	Full Liquor	99-20
12th+Highland	304 12th Street	Su-Th 10am-12am F-Sa 10am-1am	Full Liquor	87-36
Wahoo's	1129 Manhattan Ave.	Su-Th 6am-11pm F-Sa 6am-12am	Beer and Wine	CC Reso. 5312
Darren's	1141 Manhattan Ave.	Su-Th 11am-11pm F-Sa 11am-12am	Full Liquor	02-28
Shade Hotel	1221 Valley Drive	Zinc Lobby Bar, Terrace, Conf Room and Courtyard-(Special Events)- Su-Th 6am-11pm, F, S and Sun before Mem and Labor days 12am midnight. Courtyard-(Functions)and Roofdeck Daily 6am-10pm	Full Liquor	02-18
Petro's	451 Manhattan Beach Blvd Suite B-110	Su-Th 6am-12 am F-Sa 6am-1am Off-site specialty wine	Full Liquor	06-20
Sashi	451 Manhattan Beach Blvd Suite D-126 1200 Morningside	Su-Th 6am-11pm F-Sa 6am-12am	Full Liquor	02-18

Eric Haaland

From: Laurie B. Jester
Sent: Tuesday, January 18, 2011 8:21 AM
To: Chris Vargas
Cc: Eric Haaland
Subject: RE: Conditions- Strata

Chris-
Thanks for the input-
Laurie

Laurie B. Jester
Planning Manager
P: (310) 802-5510
E: ljester@citymb.info



From: Chris Vargas
Sent: Sunday, January 16, 2011 12:41 PM
To: Laurie B. Jester
Subject: Conditions

Laurie,
I met with Mike Zislis today in regards to the conditions to be in place at the Strada 117 Manhattan Beach Blvd. He gave me a tour of the location, explained to me the construction and plans. We walked around the neighborhood and discussed my concerns. After meeting with Mr. Zislis, I want to amend the previously recommended conditions to reflect the following.

- Noise from the business is not to exceed beyond 75 feet of the business.
- Windows and doors shall be kept closed at any time that entertainment other than background noise or television occurs.

Thanks, Chris

Chris Vargas
Sergeant Parking & Animal Control Supervisor
P: (310) 802-5158
E: cvargas@citymb.info



EXHIBIT E
PC MH. 1/26/11

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

TO: See distribution below

FROM: Angela Soo, Executive Secretary
c/o (Eric Haaland)

DATE: DECEMBER 10, 2010

SUBJECT: Review Request for Proposed Project at:

117 MANHATTAN BEACH BLVD.
"STRATA" (formerly Beaches site)

(Revision to 1st submittal on 10/27/10: includes added dining balconies facing MBB and changes in hours of operation)

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 **DECEMBER 28** we will conclude there are no conditions from your department.

Comments/Conditions (attach additional sheets as necessary):

I HAVE CONCERNS ABOUT THE OUT-DOOR DINING BALCONIES AND THE NOISE COMING FROM THE BALCONIES DISTURBING THE RESIDENTS TO THE NORTH & SOUTH OF THE LOCATION. ADD CONDITION RESTRICTING USE OF THE BALCONIES TO 9PM EVERYDAY. C. Vargas

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

Alcohol License (Chris Vargas)

Eric Haaland

From: Quilliam, James LA Tecolote [JQuilliam@Tecolote.com]
Sent: Thursday, January 20, 2011 1:29 PM
To: Eric Haaland
Subject: information to be included in report
Signed By: There are problems with the signature. Click the signature button for details.

Eric,

Thanks for taking the time to discuss the upcoming meeting on Jan 26th.
I am sending this info so that it can be included in the report. Our Downtown residents team made up of residential neighbors in close proximity of the Spectra establishment (Previous Beaches) are very concerned about the proposed plan for outdoor patio, change in operating hours, extended dancing etc... the proposed changes will have an adverse impact to the quality of life to our neighbors and surrounding community. We plan to look over the details of the plan once it is available and plan to support the Jan 26th meeting and share our concerns and work with the city and new owners to mitigate these impacts.

Please send any future e-mail messages to jimquilliam@hotmail.com in order to meet the report deadline I am sending to you from my work e-mail

Regards,
DRT



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SIT DOWN RESTAURANT PARKING CALCULATION WORKSHEET
 (Quantities are square feet unless otherwise noted)

PROJECT: Strata

Existing Parking Requirement(A):
 (if existing facility is to remain & project < 50%)

Use	Quantity	Req't	Spaces Required
Dining	3450	/ 50 per space	= 69 spaces
Bar w/o Entertainment	0	/ 50 per space	= 0 spaces
Bar w/ Entertainment	499	/ 35 per space	= 14.257143 spaces
Entertainment	240	/ 35 per space	= 6.8571429 spaces
Pool Tables	0	/ 1 per space	= 0 spaces
Electronic Games	0	/ 400 per space	= 0 spaces
Accessory Retail		/ 200 per space	= 0 spaces
Total(A):			90.114286 spaces

Proposed Parking Requirement(B):

Use	Quantity	Req't	Spaces Required
Dining	2543	/ 50 per space	= 50.86 spaces
Bar w/o Entertainment	0	/ 50 per space	= 0 spaces
Bar w/ Entertainment	788	/ 35 per space	= 22.514286 spaces
Entertainment	240	/ 35 per space	= 6.8571429 spaces
Pool Tables	0	/ 1 per space	= 0 spaces
Electronic Games	0	/ 400 per space	= 0 spaces
Accessory Retail	0	/ 200 per space	= 0 spaces
Total(B):			80.231429 spaces

Parking Requirement Exclusions/Exemptions (for restaurant-only sites):

Type of Exclusion: Downtown 1 to 1 floor area exemption

Total Rest. Area	Excludable Area	Countable Area	% of Total
6750	- 4500	= 2250	= 0.3333333

Total(A)	%'age	Net Req't.(A)
90.114286	x 0.333	= 30

Total(B)	%'age	Net Req't.(B)
80.231429	x 0.333	= 27

Net Requirement for Proposed Project

Net Req't.(B)	Net Req't.(A)	Project Requirement
27	- 30	= -3

