

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

TO: Planning Commission

FROM: Richard Thompson, Director of Community Development Department

BY: Antonio Gardea, Assistant Planner

DATE: February 13, 2013

SUBJECT: Consideration of Use Permit to allow an Eating and Drinking Establishment/restaurant (Leafy Greens) at 308 Manhattan Beach Boulevard.

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** the Public Hearing and **APPROVE** the request to operate an eating and drinking establishment (restaurant) without alcohol.

APPLICANT

Leafy Greens. LLC (Rich Weber)
2615 Pacific Coast Highway, Suite 224
Hermosa Beach, CA 90254

OWNER

Hanif Sarangi
4342 Finley Avenue
Los Angeles, CA 90027

PROJECT OVERVIEW

Location

| | |
|--------------------------|--|
| <u>Location</u> | 308 Manhattan Beach Boulevard |
| <u>Area District</u> | III |
| <u>Legal Description</u> | Lot 3 of Block 91 Manhattan Beach Division No. 2, Map Book 1-95-96 |
| <u>Coastal Zone</u> | Non-Appealable |

Landuse

| | |
|---------------------------|--|
| <u>General Plan</u> | Downtown Commercial |
| <u>Zoning</u> | CD – Downtown Commercial |
| <u>Existing Land Use</u> | Commercial Building with Food and Beverage Sales use |
| <u>Neighboring Zoning</u> | North CD – Downtown Commercial |
| | South CD – Downtown Commercial |
| | East CD – Downtown Commercial |
| | West CD – Downtown Commercial |

The subject business, Leafy Greens, is located at 308 Manhattan Beach Boulevard. The property is located in Area District III and is Zoned CD, Downtown Commercial District. The Downtown Commercial District is a mix of commercial uses that serve visitors and the surrounding community. Properties in the vicinity are developed with primarily single-story buildings and

several properties are developed with two-story buildings. The immediate land uses consist of restaurants, coffee shops, retailers, and offices.

The 2,700-square foot property is developed with a single-story commercial building consisting of two tenant spaces. The façade is generally split in half with Leafy Greens occupying the westerly, approximately 1,250-square foot, tenant space. The adjacent tenant space to the east (310 Manhattan Beach Boulevard) is a 750-square foot retail establishment (Trance Boutique). The property has alley access from 11th Place for a parking space, service entries and placement of trash receptacles (Attachment B).

ENVIRONMENTAL REVIEW

The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Class 1, Section 15301 based on staff's determination that operation of the eating and drinking establishment (restaurant) will be within an existing building with minor interior and exterior alterations and thus will not have a significant impact on the environment.

DISCUSSION:

In May 2012, a building permit was issued to allow reconfiguration of the interior of the building to create a salad bar area. The business is classified as Food and Beverage Use and allowed by right because the business focuses on self-prepared salads which are consumed off-site. The site had previously been occupied by a chocolate store (Rocky Mountain Chocolate Co.) and frozen yogurt store (Ce Fiore) which operated in a similar fashion. The current use was permitted as there was no patron seating approved on the premises. The business owner states that patrons have requested having on-premise seating. Adding seating for customers changes the use to an eating establishment. On December 20, 2012, the business owner, Rich Weber, submitted a Use Permit application and supporting documentation to allow an eating and drinking establishment (Attachment B).

The municipal code requires a use permit for any eating and drinking establishments throughout the City. The floor plans indicate that the storefront would be modified in order to accommodate both indoor and outdoor seating (Attachment D). The entrance would be recessed into the tenant space and two patio tables with four chairs would be placed immediately outside the storefront on private property. The outdoor seating area would be approximately 50 square feet. The existing signage, window and counter at the building façade would remain. The customer area on the inside of the building would be reduced to approximately 175 square feet. The self-serve counter and food preparation area would remain unchanged and no new cooking facilities are proposed. Four tables with chairs with eight seats are shown on the plans along the north-easterly side wall. A total of six tables and twelve chairs are proposed. The narrowness of the customer service area may further limit the number and placement of the proposed seating. The business would continue to focus on providing food for off-site consumption and no entertainment or alcohol service is proposed. The hours of operation would remain as 11:00 a.m. to 9 p.m., Monday through Thursday and 11:00 a.m. to 8 p.m., on weekends. Any change to these operational characteristics would require a review by staff and determination if an amendment to the use permit is required.

Standards for Eating and Drinking Establishments

The Zoning Code, in accordance with Section 10.56.020, includes three specific requirements for eating and drinking establishments: No walk-up service is allowed, meaning that food may not be served at a 'walk-up' window; a minimum 500 foot separation from schools, parks and playgrounds; and use of identifiable containers and napkins for all carry-out food. The proposed eating establishment (Leafy Greens) only serves food from within the building, no walk-up service from the sidewalk is proposed. The nearest park is the Veterans Parkway which is located approximately 550 feet to the east. The nearest school site (Pacific Elementary) is approximately 2,000 linear feet away. The carry-out containers are clearly identifiable because a decal that shows the name of business – Leafy Greens- is affixed to the top of the plastic box and the drink containers. Therefore, the proposed use complies with the specific provisions applicable to eating and drinking establishments.

The use is proposed to change from food and beverage sales to an eating and drinking establishment. A food and beverage sales use is defined as retail sales for off-site preparation and consumption, which is expected to generate small volumes of trash. The change to an eating establishment allows consumption either on or off the premises and thereby expected to generate more refuse. Although the applicant has indicated that the establishment will continue to focus on carry out items, any subsequent businesses could operate as a bona-fide restaurant once the use permit is established, unless the Commission places limitations on the Use Permit as proposed by staff in the Draft Resolution. If the operational characteristics of the business change, including the layout of the floor plan to change the limited amount of seating, an amendment to the Use Permit will be required. The size of the restaurant is restricted with the conditions specifying the maximum size of the customer service area as well as the number of tables and chairs (Conditions 1-3).

Parking Exception in the Downtown Commercial District

In the CD district, no parking is required for non-residential uses in building site less than 10,000 square feet and if the Floor Area Factor is equal to or less than 1.1. The 2,700-square foot property is developed with two commercial tenant spaces of approximately 2,000 square feet. In 1960, a request was submitted to construct a block wall to conceal a trash storage area and provide an outdoor seating area at the rear of the property. The project was denied because it would have resulted in the loss of the only parking space on the property. The Zoning Code was revised since then to include a reduced parking requirement for sites in the Downtown Commercial District (MBMC Section 10.64.050).

Coastal Development Permit

A Coastal Development permit is not required since the proposal is only a change from one commercial use to another in use in an existing commercial building and there are no relevant coastal issues related to the subject application.

Use Permit Findings

In order to approve a Use Permit, the Planning Commission must make the findings in accordance with MBMC Section 10.84.060. The draft Resolution (Attachment A) includes the facts to support the following required findings:

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;*
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.*

Planning Commission Authority

In accordance with Chapter 10.84 of the MBMC, the Planning Commission conducts a public hearing and has the authority to approve, approve with conditions or deny the Use Permit. With any action the Use Permit findings must be considered (10.84.060 A), and conditions (10.84.070) may be placed on an application. The Commission has the ability to approve only portions of the request and modify the proposal to meet the Use Permit purpose, findings, and criteria.

Public Input

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

Department Comments

The Use Permit application was routed to the Public Works Department, Fire Department, and Building and Safety Division. The City Engineer comments included a condition of approval requiring that a trash enclosure, or equivalent facilities, be provided on site. Currently, an uncovered trash bin is located at the rear of the building adjacent to the alley. If an enclosure is required to be constructed, the appropriate space would be at the rear of building parallel to the alley which may result in the loss of one, non-required parking space. The standard Fire Department and Building and Safety requirements are applicable for this change of use (Attachment C).

CONCLUSION

The project before the Planning Commission is a Use Permit to operate an eating and drinking establishment (Leafy Greens). Staff recommends that the Planning Commission review the information presented in the report, open the public hearing, discuss the project, close the public hearing, and adopt the draft resolution approving the project with conditions.

Attachments:

- A. Draft Resolution No. PC 13-XX
- B. Application Materials
- C. Department Comments
- D. Plans

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RESOLUTION NO. PC 13-XX

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MANHATTAN BEACH APPROVING A USE PERMIT TO ALLOW AN
EATING AND DRINKING ESTABLISHMENT LOCATED AT 308
MANHATTAN BEACH BOULEVARD (LEAFY GREENS, LLC)**

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

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

- A. Pursuant to applicable law, the Planning Commission of the City of Manhattan Beach conducted a public hearing on February 13, 2013, to consider a request submitted by Leafy Greens, LLC. (Rich Weber), for an eating and drinking establishment.
- B. The property is legally described as Lots 3, Block 91, Manhattan Beach Division No. 2, located at 308 Manhattan Beach Boulevard in the City of Manhattan Beach.
- C. The project site is located in Area District III and is developed with a one-story building with two commercial tenant spaces located in the Downtown Commercial District. The properties to the south, along Manhattan Avenue, and to the north across as well as to the east and west along Manhattan Beach Boulevard, are located in the Downtown Commercial District.
- D. In 2012, a Food and Beverage Sales use was established in the 1,250-square foot, tenant space located at 308 Manhattan Beach Boulevard. The applicant proposes to add seating which thereby changes the use to an Eating and Drinking Establishment. Eating and Drinking Establishments require a use permit approval in the Downtown Commercial District.
- E. The proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15302 (Class 1) as existing facilities.
- F. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- G. A Coastal Development permit is not necessary since there are no relevant coastal issues related to the subject application.

Exhibit A
PC meeting 2-13-13

H. Pursuant to Section 10.84.060 of the Manhattan Beach Municipal Code, the following findings with respect to this application:

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 building is located within the Downtown Commercial district. The proposed change of use from Food and Beverage Sales to Eating and Drinking Establishment is consistent with MBMC Section 10.16.010 which states that the district is intended to provide a full range of commercial uses needed to serve residents of, and visitors to, the City and region. The proposed eating establishment offers unique food items, self-prepared salads, to shoppers and beach visitors.
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 proposed eating establishment poses no detrimental effects to the public health, safety, or welfare of persons working on the proposed project site or on the adjacent properties. The proposed eating establishment will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City. The change of use from food and beverage sales to an eating establishment is due to the addition of a limited amount of customer seating. The establishment will continue to focus on providing food for consumption off site. The eating establishment is a use that enhances the pedestrian activity in the downtown. The eating establishment is consistent with the following General Plan Goals and Policies:

Goal LU-6.1: Support and encourage small businesses throughout the City.

Goal LU-6.2: Encourage a diverse mix of businesses that support the local tax base, are beneficial to residents, and support the economic needs of the community.

Goal LU-6.3: Recognize the need for a variety of commercial development types and designate areas appropriate for each. Encourage development proposals that meet the intent of these designations.

Goal LU-7.1: Encourage the upgrading and growth of businesses in the downtown area to serve as a center for the community and to meet the needs of local residents and visitors.

Goal LU-7.4: Encourage first-floor street front businesses with retail, restaurants, service/commercial, and similar uses to promote lively pedestrian

activity on Downtown streets, and consider providing zoning regulations that support these uses.

3. *The proposed use will comply with the provisions of this title, including any specific condition required for the proposed use in the district in which it would be located.* The proposed eating establishment will comply with the provisions of the Zoning Code, including any specific condition required for the proposed eating and drinking establishment with fast food or take out service use. Eating establishments with fast-food or take-out service, other than limited take out service have the following three specific requirements: are required to serve food within the building, or enclosed or covered outdoor eating area; the establishment shall be no closer than 500 feet from a school, park or playground; and identifiable containers shall be used for carry-out food. The proposed eating establishment (Leafy Greens) only serves food from inside the building. Patrons select their individual food items and pay at the register. The nearest park to the subject site is the Veterans Parkway which is located approximately 550 feet to the east. A decal with the Leafy Greens logo is applied to the salad containers and cups that customers purchase for consumption off site. Therefore, the proposed use complies with the specific provisions applicable to eating and drinking establishments.

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.* The change of use from food and beverage sales to an eating establishment would not adversely impact nearby resident or commercial properties as they are related to traffic, parking, noise, vibration, odors, personal safety, or aesthetics, or create demands exceeding the capacity of public services and facilities. The subject business, Leafy Greens, is a small establishment that specializes in salads for off-site consumption which will continue to be the main focus of the use. The project consists of minor alterations to the interior of the building to add a limited number of customer seats. The proposed use will not create an additional traffic, or demand for public services and facilities which cannot be mitigated. No parking is required for businesses that occupy sites with less than 10,000 square feet and a floor area factor of less than 1.1. No cooking facilities are proposed which would generate odors from the site. The hours of operation are from 11:00 a.m. to 9 p.m., Monday through Thursday and 11:00 a.m. to 8 p.m., on weekends. The hours of operation are typical of most restaurants that serve lunch and dinner and are not anticipated to adversely affect any of the neighboring properties because no alcoholic beverage service nor entertainment is proposed. The modifications to the façade are minimal and the building aesthetics will remain largely intact. The proposed use will comply with the conditions required for the district, specifically with provisions applicable to eating and drinking establishments.

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

Site Preparation / Construction

1. The project shall be in substantial compliance with the submitted plans and project description as approved by the Planning Commission on February 13, 2013. Any deviation from the approved plans and project description shall be reviewed by the Director of Community Development to determine if the revision requires Planning Commission review and amendment to the Use Permit.

Operational Restrictions

2. The eating and drinking establishment shall primarily operate as a Food and Beverage sales, sales of food and beverages for off-site consumption, with limited on-site consumption. The service of food and beverages shall be primarily by employee service to customers within the building and the establishment shall have no take-out window. Any changes to the operating conditions shall require an amendment to the Use Permit.
3. The customer service area shall be a maximum of 225 square feet (175 square feet of indoors and 50 square feet of outdoor seating area).
4. A maximum of six tables and twelve chairs shall be provided on site.
5. Hours of operation shall be limited to 11 a.m. to 9 p.m. Monday through Thursday and 11 a.m. to 8 p.m. Friday through Sunday.
6. Sale of alcoholic beverages shall be prohibited.
7. Entertainment other than background music or television is prohibited. Any outside sound or amplification system or equipment is prohibited. Noise emanating from the establishment shall be in compliance with the Municipal Noise Ordinance.
8. The management of the property shall monitor the property and all areas adjacent to the business during hours of operation to keep it free of litter and debris.
9. The operator of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject business.
10. The operation shall remain in compliance with all Fire and Building occupancy requirements at all times.

Building Division

Exhibit A
PC meeting 2-13-13

11. All work shall comply with the 2010 California Codes and City amendments.

Public Works Department

12. No discharge of construction wastewater, building materials, debris, or sediment from the site shall be permitted.

13. A mop sink shall be installed and shown on the plumbing plan.

14. Commercial enterprises must comply with the National Pollution Discharge Elimination System (NPDES) clean water requirements. Discharge of mop water, floor mat washing, trash can cleaning and washing out of trash enclosures into the street or storm drain system is prohibited (MBMC 5.84.060, 5.84.090).

15. An adequate trash enclosure, or equivalent facility, subject to review and approval by the Director of the Public Works Department, shall be provided on the site for trash disposal and City pick-up. All trash enclosures shall be enclosed, have a roof, built in such a manner that storm water will not enter, and a drain shall be installed that empties into the sanitary sewer system. Floor drain or similar traps directly connected to the drainage system shall be provided with an approved automatic means of maintaining their water seals. See 1007.0 Trap Seal Protection in the Uniform Plumbing Code. Contact the City's refuse contractor for sizing the enclosure. Drawings for the trash enclosure must be on the plan and must be approved by the Public Works Department before a permit is issued. See Standard Plan ST-25.

16. Commercial establishments are required, by municipal code 5.24.030 (C)(2), to have a sufficient refuse and recycling storage space to enclose a commercial lift container(s). The refuse storage space or facility must be screened from public view and be either constructed within the building structure or in a screened enclosure on private property. Please read the code section for further clarification.

17. Sidewalk, driveway, curb, and gutter repairs or replacement will be completed per Public Works Specifications. See City Standard Plans ST-1, ST-2, and ST-3.

18. If the water meter box is replaced, it must be purchased from the City, and must have a traffic rated lid if the box is located in the driveway.

19. Erosion and sediment devices Best Management Practices (BMPs) must be implemented around the construction site to prevent discharges to the street and adjacent properties. BMPs must be identified and shown on the plan. Control measures must also be taken to prevent street surface water entering the site.

20. All storm water, nuisance water, etc. drain lines installed within the street right of way must be constructed of ductile iron pipe. Drains must be shown on the plans.

Exhibit A
PC meeting 2-13-13

21. Plan holder must have the plans checked and stamped for approval by the Public Works Department prior to the issuance of a building permit. All of the Public Works notes and conditions must be printed on the plans.

Procedural

22. All provisions of the Use Permit are subject to review by the Community Development Department six months after occupancy and yearly thereafter.
23. At any time in the future, the Planning Commission or City Council may review the Use Permit for the purposes of revocation or modification. Modification may consist of conditions deemed reasonable to mitigate or alleviate impacts to adjacent land uses.
24. This Use Permit shall lapse two years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.
25. *Terms and Conditions are Perpetual.* These terms and conditions shall be perpetual, and it is the intention of the Director of Community Development and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.
26. *Interpretation.* Any questions of intent or interpretation of any condition will be resolved by the Planning Commission.
27. This Resolution shall become effective when all time limits for appeals have been exhausted as provided in MBMC Section 10.100.030, have expired.
28. 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.
29. The applicant agrees, as a condition of approval of this project, to pay for all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal actions associated with the approval of this project brought against the City. In the event such a legal action is filed against the project, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

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

Exhibit A
PC meeting 2-13-13

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 February 13, 2013 and that said Resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RICHARD THOMPSON,
Secretary to the Planning Commission

Rosie Lackow
Recording Secretary

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E/001-01315454
12-12-2012



MASTER APPLICATION FORM

CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT

Office Use Only
Date Submitted: 12/12/12
Received By: MJP
F&G Check Submitted:

308 Manhattan Beach Blvd.

Project Address

Lot 3, Block 91, Division #2

Legal Description

Downtown Commercial

Commercial

Downtown

General Plan Designation

Zoning Designation

Area District

For projects requiring a Coastal Development Permit, select one of the following determinations¹:

Project located in Appeal Jurisdiction

Project not located in Appeal Jurisdiction

- Major Development (Public Hearing required)
- Minor Development (Public Hearing, if requested) etc.)

- Public Hearing Required (due to UP, Var., etc.)
- No Public Hearing Required

Submitted Application (check all that apply)

- | | | | |
|--|-------|--|-------|
| <input type="checkbox"/> Appeal to PC/PWC/BBA/CC | _____ | <input type="checkbox"/> Use Permit (Residential) | _____ |
| <input type="checkbox"/> Coastal Development Permit | _____ | <input checked="" type="checkbox"/> Use Permit (Commercial) | _____ |
| <input type="checkbox"/> Environmental Assessment | _____ | <input type="checkbox"/> Use Permit Amendment | _____ |
| <input type="checkbox"/> Minor Exception | _____ | <input type="checkbox"/> Variance | _____ |
| <input type="checkbox"/> Subdivision (Map Deposit)4300 | _____ | <input checked="" type="checkbox"/> Public Notification Fee / \$85 | _____ |
| <input type="checkbox"/> Subdivision (Tentative Map) | _____ | <input type="checkbox"/> Park/Rec Quimby Fee 4425 | _____ |
| <input type="checkbox"/> Subdivision (Final) | _____ | <input type="checkbox"/> Lot Merger/Adjustment/\$15 rec. fee | _____ |
| <input type="checkbox"/> Subdivision (Lot Line Adjustment) | _____ | <input type="checkbox"/> Other | _____ |

Fee Summary: Account No. 4225 (calculate fees on reverse)

Pre-Application Conference: Yes No _____ Date: _____ Fee: _____

Amount Due: \$ ^{5,200} 5,500 (less Pre-Application Fee if submitted within past 3 months)

Receipt Number: _____ Date Paid: _____ Cashier: _____

Applicant(s)/Appellant(s) Information

Leafy Greens, LLC

Name

2615 Pacific Coast Highway - Suite 224 Hermosa Beach, CA 90254

Mailing Address

Lessee

Applicant(s)/Appellant(s) Relationship to Property

Rich Weber 310-376-5040 rich@leafy-greens.com

Contact Person (include relation to applicant/appellant)

Same as above

Phone number / e-mail

Address

[Handwritten Signature]
Applicant(s)/Appellant(s) Signature

310 376 5040
Phone number

Complete Project Description- Including any demolition (attach additional pages if necessary)

See attachment.

¹ An Application for a Coastal Development Permit shall be made prior to, or concurrent with, an application for any other permit or approvals required for the project by the City of Manhattan Beach Municipal Code. (Continued on reverse)

OWNER'S AFFIDAVIT

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I/We HANIF SARANGI being duly sworn, depose and say that I am/we are the owner(s) of the property involved in this application and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my/our knowledge and belief(s).

HANIF SARANGI
Signature of Property Owner(s) - (Not Owner In Escrow or Lessee)

HANIF SARANGI
Print Name

4342 FINLEY AVE, LOS ANGELES, CA 90027
Mailing Address

512-557-4731
Telephone

Subscribed and sworn to before me, this 10th day of December, 2012 in and for the County of Los Angeles State of California



Isele Ortega
Notary Public

Fee Schedule Summary

Below are the fees typically associated with the corresponding applications. Additional fees not shown on this sheet may apply – refer to current City Fee Resolution (contact the Planning Department for assistance.) Fees are subject to annual adjustment.

Submitted Application (circle applicable fees, apply total to Fee Summary on application)

| | |
|---|--|
| Coastal Development Permit | |
| Filing Fee (public hearing – no other discretionary approval required): | \$ 4,615 <input checked="" type="checkbox"/> |
| Filing Fee (public hearing – other discretionary approvals required): | 1,660 <input checked="" type="checkbox"/> |
| Filing Fee (no public hearing required – administrative): | 920 <input checked="" type="checkbox"/> |
| Use Permit | |
| Use Permit Filing Fee: | \$ 5,200 <input checked="" type="checkbox"/> |
| Master Use Permit Filing Fee: | 8,255 <input checked="" type="checkbox"/> |
| Master Use Permit Amendment Filing Fee: | 4,740 <input checked="" type="checkbox"/> |
| Master Use Permit Conversion: | 4,075 <input checked="" type="checkbox"/> |
| Variance | |
| Filing Fee: | \$ 5,160 <input checked="" type="checkbox"/> |
| Minor Exception | |
| Filing Fee (without notice): | \$ 1,775 |
| Filing Fee (with notice): | 2,020 <input checked="" type="checkbox"/> |
| Subdivision | |
| Certificate of Compliance: | \$ 1,560 |
| Final Parcel Map + mapping deposit: | 515 |
| Final Tract Map + mapping deposit: | 595 |
| Mapping Deposit (paid with Final Map application): | 500 |
| Merger of Parcels or Lot Line Adjustment: | 1,155 |
| Quimby (Parks & Recreation) fee (per unit/lot): | 1,817 |
| Tentative Parcel Map (4 or less lots / units) No Public Hearing: | 915 |
| Tentative Parcel Map (4 or less lots / units) Public Hearing: | 3,325 <input checked="" type="checkbox"/> |
| Tentative Tract Map (5 or more lots / units): | 4,080 <input checked="" type="checkbox"/> |
| Environmental Review (contact Planning Division for applicable fee) | |
| Environmental Assessment (no Initial Study prepared): | \$ 215 <input checked="" type="checkbox"/> |
| Environmental Assessment (if Initial Study is prepared): | 2,260 |
| Fish and Game/CEQA Exemption County Clerk Posting Fee ² : | 50 |
| <input checked="" type="checkbox"/> Public Notification Fee applies to all projects with public hearings and covers the city's costs of envelopes, postage and handling the mailing of public notices. Add this to filing fees above, as applicable: | \$ 85 <input checked="" type="checkbox"/> |

²Make a separate \$50 check payable to LA County Clerk, (DO NOT PUT DATE ON CHECK)



ENVIRONMENTAL INFORMATION FORM

(to be completed by applicant)

CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT

Date Filed: 12/12/12

APPLICANT INFORMATION

Name: Leafy Greens, LLC
Address: 2615 Pacific Coast Highway - Suite 224
Hermosa Beach, CA 90254
Phone number: 310-376-5040
Relationship to property: Lessee

Contact Person: Rich Weber
Address: Same
Phone number: Same
Association to applicant: Same

PROJECT LOCATION AND LAND USE

Project Address: 308 Manhattan Beach Blvd.
Assessor's Parcel Number: 4179-006-002
Legal Description: Commercial / Industrial
Area District, Zoning, General Plan Designation: _____
Surrounding Land Uses:
North Commercial West Commercial
South Commercial East Commercial
Existing Land Use: Commercial

PROJECT DESCRIPTION

Type of Project: Commercial Residential _____ Other _____
If Residential, indicate type of development (i.e.; single family, apartment, condominium, etc.) and number of units: _____

If Commercial, indicate orientation (neighborhood, citywide, or regional), type of use anticipated, hours of operation, number of employees, number of fixed seats, square footage of kitchen, seating, sales, and storage areas: _____
Restaurant with restricted # of tables, 11am-9pm M-Th / 11am-8pm F-Sun, 4 employees,
12 seats (proposed), kitchen = 300 sq. ft., \$400K annual sales, interior storage.

If use is other than above, provide detailed operational characteristics and anticipated intensity of the development: N/A

Removed/

| | <u>Existing</u> | <u>Proposed</u> | <u>Required</u> | <u>Demolished</u> |
|---------------------------|-----------------|-----------------|-----------------|-------------------|
| Project Site Area: | 2,700 SF | | | |
| Building Floor Area: | 1,009 SF | | | |
| Height of Structure(s) | 14' | | | |
| Number of Floors/Stories: | 1 | | | |
| Percent Lot Coverage: | N/A | | | |
| Off-Street Parking: | 1 | | | |
| Vehicle Loading Space: | N/A | | | |
| Open Space/Landscaping: | N/A | | | |

Proposed Grading: N/A
 Cut _____ Fill _____ Balance _____ Imported _____ Exported _____

Will the proposed project result in the following (check all that apply):

- | <u>Yes</u> | <u>No</u> | |
|------------|-----------|--|
| _____ | <u>x</u> | Changes in existing features or any bays, tidelands, beaches, lakes, or hills, or substantial alteration of ground contours? |
| _____ | <u>x</u> | Changes to a scenic vista or scenic highway? |
| _____ | <u>x</u> | A change in pattern, scale or character of a general area? |
| _____ | <u>x</u> | A generation of significant amount of solid waste or litter? |
| _____ | <u>x</u> | A violation of air quality regulations/requirements, or the creation of objectionable odors? |
| _____ | <u>x</u> | Water quality impacts (surface or ground), or affect drainage patterns? |
| _____ | <u>x</u> | An increase in existing noise levels? |
| _____ | <u>x</u> | A site on filled land, or on a slope of 10% or more? |
| _____ | <u>x</u> | The use of potentially hazardous chemicals? |
| _____ | <u>x</u> | An increased demand for municipal services? |
| _____ | <u>x</u> | An increase in fuel consumption? |
| _____ | <u>x</u> | A relationship to a larger project, or series of projects? |

Explain all "Yes" responses (attach additional sheets or attachments as necessary):
 N/A

CERTIFICATION: I hereby certify that the statements furnished above and in attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature: [Signature] Prepared For: Leafy Greens, LLC
 Date Prepared: 12/12/12
 Revised 7/97



308 Manhattan Beach Blvd.
Manhattan Beach, CA 90266
www.leafy-greens.com
info@leafy-greens.com
(310) 376-2502

City of Manhattan Beach Use Permit Application Item #7:

Complete Written Description.

Purpose of Application

Leafy Greens, LLC recently entered into a lease for the commercial property previously known as "Frozen Confections" located at 308 Manhattan Beach Boulevard. Leafy Greens, LLC subsequently opened Leafy Greens Salad Bar ("Leafy Greens") in this location after giving the interior and exterior of the property a much-needed renovation/remodel. Leafy Greens is a take-out salad bar offering healthy and unique ingredients for salads, fresh soups and other food items. Leafy Greens is located on the south side of Manhattan Beach Boulevard at 308 Manhattan Beach Blvd. in Manhattan Beach, California.

Subsequent to Leafy Green's opening in August of 2012, after several months in operation, it was clear from the customer feedback that there was a very high demand to provide minimal seating so that guests can have the option of sitting down quickly to eat their soup and salad. The feedback was consistent (daily) and nearly abusive in nature since many customers desired a place to sit and found it unacceptable that the City would allow a restaurant to open without at least a few tables and chairs.

Proposed Use

The proposed use is to add limited seating to the establishment (~~three~~^{four} indoor tables and two outdoor/patio tables) for the convenience and enjoyment of local

businesspeople and the residents of Manhattan Beach. This use would technically be classified as Eating & Drinking Establishment – General. The proposed operation includes food and drinks ordered at a counter with no waiter service which is exactly the same as it is currently. A small patio will be added to the property by moving the existing front window and front door back into the building by approximately 7.5 feet. The addition of a small outdoor patio to the subject property is consistent with the goals of the downtown Strategic Plan. Outdoor dining in the downtown area has been encouraged as a result of the downtown Strategic Plan. Adding such a patio with two tables for eating will add to the small town/village atmosphere of downtown Manhattan Beach which is the key element in the character of downtown according to the Strategic Plan.

Adding five tables with chairs does not significantly change the use on the site. Customers will still make their own salad, weigh their order and pay. ***Based on the customer traffic patterns of the current operations, most customers will still take the food to go, with only a few choosing to sit for a few minutes and eat on the premises for convenience purposes.***

Parking

The parking requirement for this use would remain unchanged – there is no parking requirement for this operation. See floor area factor calculation below:

| SIT DOWN RESTAURANT PARKING CALCULATION WORKSHEET | |
|---|------------|
| Project: Leafy Greens | |
| CD District | |
| Floor Area Factor: | |
| Gross Floor Area of All Buildings on the Lot: | 2052 |
| Divided by / | |
| Land Area of the Lot | 2700 |
| FAF | 0.76 < 1:1 |

Per 10.64.050, if the FAF is less than 1:1, no parking is required in the CD District on building sites equal to or less than 10,000 sq. ft.

Public Restrooms

The existing public restroom will be adequate for the new use since we will not increase the total floor area of the store. Per California plumbing code 412.3, in business and mercantile occupancies with a total floor area of 1,500 sq. ft. or less, one (1) toilet facility, designed for use by no more than one (1) person at a time, shall satisfy the requirements for serving customers and employees of both sexes.

Noise

The store currently has no outdoor seating. Outdoor dining is proposed with the addition of two (2) tables with up to four (4) chairs each. The existing counter at the front of the store will be kept in place and converted to dining use and it will act as a permanent barrier to the public sidewalk. Manhattan Beach Blvd. is a central commercial corridor primarily without noise sensitive uses. The addition of this outdoor area seems 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. Noah's Bagels and Peet's Coffee have similar small patios in front of their stores which are well utilized by the community. NO alcoholic beverages will be served at this establishment which will decrease noise further. The primary user of the small patio at Leafy Greens will be the on-the-go lunch or dinner patron sitting for a few minutes for convenience. It will not be a lounge-type atmosphere.

Hours of Operation

Leafy Greens is currently open from 11am-9pm Monday through Thursday and 11am-8pm Friday through Sunday. Peak hours are 11:30 to 2:30 and 6:00 to 8:00 daily. We will NOT be expanding hours as a result of the new use. This will continue to be a low-key salad bar with limited operating hours.

Entertainment

Leafy Greens does NOT and WILL NOT allow any on-site entertainment or dancing.

Conclusion

Given the over-abundance of alcohol-serving, loud bars and fancy sit-down restaurants in the Downtown area, Leafy Greens has been well received by the community since inception. This Use Permit application is simply adding convenience for the businesses and residents of this great city of Manhattan Beach. The venues that have been located at this address have historically been neglected and underutilized for over two decades. The community finally has a business offering healthy and unique food items in a prominent and convenient area of Downtown Manhattan Beach. With the minimal changes requested by Leafy Greens, LLC, the community will continue to benefit by gaining a centrally located healthy salad bar with limited seating with great food, a great view, outdoor patio dining, proximity to convenient parking and catering services for local businesses and residents. We hope to make this unique space the iconic venue the City deserves.

Description of How Findings Will Be Met

1. The proposed use permit for Leafy Greens, LLC located at 308 Manhattan Beach Blvd. 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.
2. The proposed use of this location is consistent with the General Plan for the Commercial Downtown designation because it is merely the granting of minor (and limited) additional privileges to a long-time existing use that will result in no fundamental change to the use. The new restaurant operators (Rich and Laura Weber) are property owners/local residents of Manhattan Beach 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. Since Leafy Green's offering is unique, we will not be a threat to existing restaurants but rather will bring more people into the area for shopping and dining among and around all downtown restaurants and retailers. Leafy Greens does not and will not take business away from existing sit-down restaurants – the patrons buying a quick salad on-the-go would not have gone to the other sit-down restaurants in the area if we were not open. Since our customer is so unique, if anything we are increasing awareness for the other sit-down restaurants in the area and helping drive sales to those establishments.

3. The proposed use will comply with the provisions and conditions of this title.
4. Because the proposed use permit will not alter the fundamental use, purpose or character of the salad bar, and because there will not be an intensification of use or required parking spaces, the proposed use will not create adverse impacts on traffic or create demands exceeding the capacity of public services and facilities.

Leafy Greens will make all the required findings under 10.84.060 by making it a priority as part of the daily business plan.

c

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

TO: See distribution below

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

DATE: December 13, 2012

SUBJECT: Review Request for Proposed Project at:

**308 MANHATTAN BEACH BLVD
(LEAFY GREENS)**

**Use Permit Amendment / Add Seating
(four indoor tables and two outdoor/patio tables)**

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 27, 2012** we will conclude there are no conditions from your department.

Comments/Conditions (attach additional sheets as necessary):

ATTACHED

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. (Jack)

Yes / No City Attorney
Yes / No Police Dept.:
___ Traffic
___ Detectives
___ Crime Prevention
___ Alcohol License (Chris Vargas)

City of Manhattan Beach
Department of Public Works
Memorandum

To: Angela Soo, Planning Division Secretary
Through: Jim Arndt, Director of Public Works *JMA*
From: Steve Finton, City Engineer *SF*
Roy Murphy, Public Works Inspector (310) 802-5306 *RVM*
3621 Bell Avenue, Manhattan Beach CA 90266
Subject: 308 Manhattan Beach Blvd. PC
Date: December 26, 2012

Entered on
Page or
Sheet #

ALL THE PUBLIC WORKS NOTES AND CORRECTIONS MUST BE PRINTED ON THE PLAN. NO EXCEPTIONS.

This property was inspected by Public Works staff on December 26, 2012 and the following items are required and must be added to the plans. Indicate location of correction on blanks at left.

- _____ 1. No discharge of construction wastewater, building materials, debris, or sediment from the site is permitted.
- _____ 2. A mop sink must be installed and shown on the plumbing plan.
- _____ 3. Commercial enterprises must comply with the National Pollution Discharge Elimination System (NPDES) clean water requirements. Discharge of mop water, floor mat washing, trashcan cleaning and washing out trash enclosures into the street or storm drain system is prohibited. M.B.M.C. 5.84.060, 5.84.090.
- _____ 4. All trash enclosures shall be enclosed, have a roof, built in such a manner that storm water will not enter, and a drain installed that empties into the sanitary sewer system. Floor drain or similar traps directly connected to the drainage system shall be provided with an approved automatic means of maintaining their water seals. See 1007.0 Trap seal Protection in the Uniform Plumbing Code. Contact the City's refuse contractor for sizing of the enclosure. **Drawings of the trash enclosure must be on the plan, and must be approved by the Public Works Department before a permit is issued. See Standard Plan ST-25.**
- _____ 5. Commercial establishments are required, by municipal code 5.24.030 (C)(2), to have a sufficient refuse and recycling storage space to enclose a commercial lift container(s). The refuse storage space or facility must be screened from public view and be either constructed within the building structure or in a screened enclosure on private property. Please read the code section for further clarification
(or an equivalent facility as approved by the director of public works)
- _____ 6. Sidewalk, driveway, curb, and gutter repairs or replacement will be completed per Public Works Specifications. See City Standard Plans ST-1, ST-2, and ST-3. In the case where the garage level is below the street drainage flow lines, the combined slope of public and private approach shall not exceed 15%.
- _____ 7. If the water meter box is replaced, it must be purchased from the City, and must have a traffic rated lid if the box is located in the driveway.

- _____ 8. Erosion and sediment control devices BMPs (Best Management Practices) must be implemented around the construction site to prevent discharges to the street and adjacent properties. BMPs must be identified and shown on the plan. Control measures must also be taken to prevent street surface water entering the site.
- _____ 9. All storm water, nuisance water, etc. drain lines installed within the street right of way must be constructed of ductile iron pipe. Drains must be shown on plans.
- _____ 10. Plan holder must have the plans rechecked and stamped for approval by the Public Works Department before the building permit is issued.

.....
cc: Roy Murphy

OPLN-Comm-newcup

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

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(c/o Eric Haaland, Associate Planner)

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If no response is received by **DECEMBER 27, 2012** we will conclude there are no conditions from your department.

Comments/Conditions (attach additional sheets as necessary):

TO COMPLY w/ 2010 CALIFORNIA CODES
& CITY AMENDMENTS

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. (Jack)

Yes / No City Attorney
Yes / No Police Dept.:
___ Traffic
___ Detectives
___ Crime Prevention
___ Alcohol License (Chris Vargas)

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

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If no response is received by **DECEMBER 27, 2012** we will conclude there are no conditions from your department.

Comments/Conditions (attach additional sheets as necessary):

No special F.D. requirements

- | | | | |
|--|-----------------------|--|--------------------------------|
| <input checked="" type="checkbox"/> Yes / <input checked="" type="checkbox"/> No | Building Div. | <input checked="" type="checkbox"/> Yes / <input checked="" type="checkbox"/> No | City Attorney |
| <input checked="" type="checkbox"/> Yes / <input checked="" type="checkbox"/> No | Fire Dept | <input checked="" type="checkbox"/> Yes / <input checked="" type="checkbox"/> No | Police Dept.: |
| <input checked="" type="checkbox"/> Yes / <input checked="" type="checkbox"/> No | Public Works (Roy) | <input type="checkbox"/> | Traffic |
| <input checked="" type="checkbox"/> Yes / <input checked="" type="checkbox"/> No | Engineering (Steve F) | <input type="checkbox"/> | Detectives |
| <input checked="" type="checkbox"/> Yes / <input checked="" type="checkbox"/> No | Waste Mgmt (Anna) | <input type="checkbox"/> | Crime Prevention |
| <input checked="" type="checkbox"/> Yes / <input checked="" type="checkbox"/> No | Traffic Engr.(Jack) | <input type="checkbox"/> | Alcohol License (Chris Vargas) |

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LEAFY GREENS SALAD BAR

308 MANHATTAN BEACH BLVD
MANHATTAN BEACH, CA 90266

USE PERMIT APPLICATION

PROPOSED INDOOR SEATING:



OWNER

NAME: RICH WEBER
CONTACT: RICH WEBER

ADDRESS: 2615 PACIFIC COAST HWY - SUITE 224
HERMOSA BEACH, CA 90254

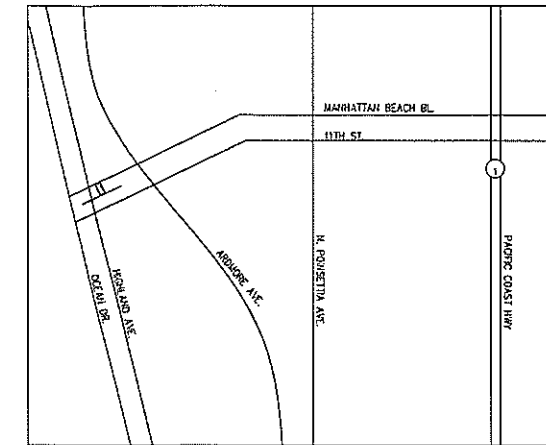
PHONE: (310) 376-5040
FAX: (310) 376-5474
E-MAIL: rich@sousaweber.com

PROJECT INFORMATION:

Addition of indoor and patio
customer seating to existing salad bar
restaurant.

VICINITY MAP

SCALE: N.T.S.



PROPOSED PATIO SEATING:



LEAFY GREENS, LLC
308 Manhattan Beach Blvd. Manhattan Beach, CA 90266
(310) 376-2502 www.leafy-greens.com info@leafy-greens.com

Leafy Greens, LLC

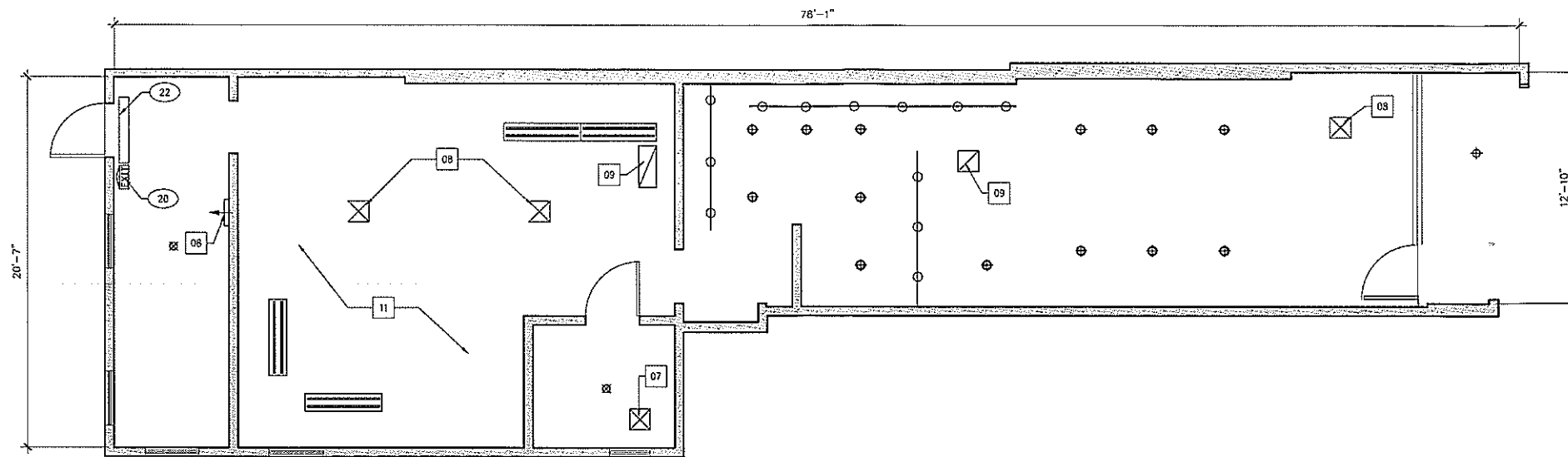
| REVISION LOG | |
|----------------|--|
| DELTA NO. DATE | |
| △ | |
| △ | |
| △ | |
| △ | |

DATE: 12/11/12

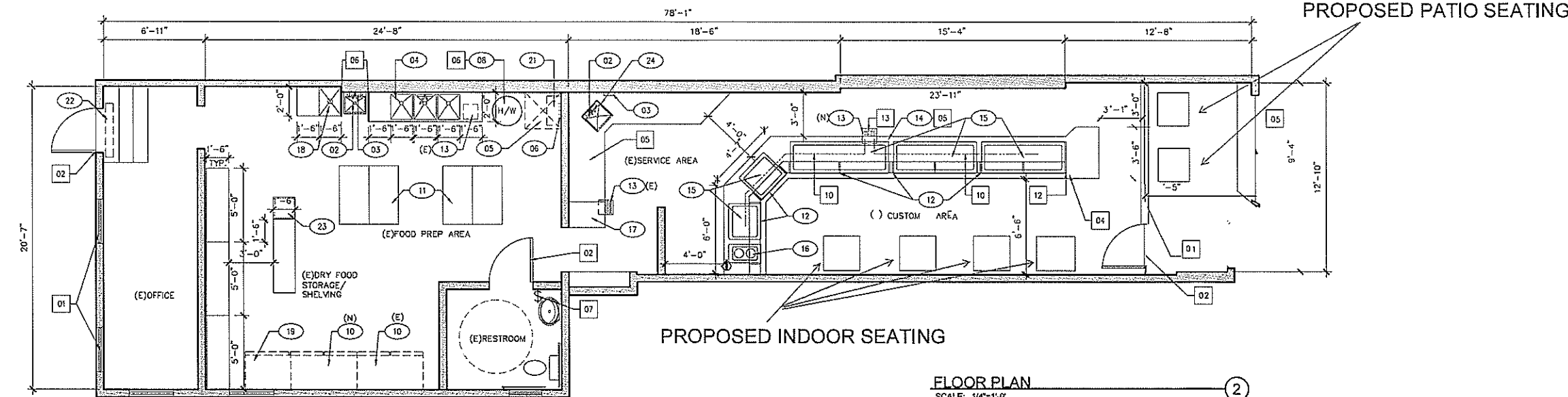
SHEET NO.

EXHIBIT D
PC MTG 2-13-13

A-1.0



REFLECTED CEILING PLAN
SCALE: 1/4"=1'-0" 3



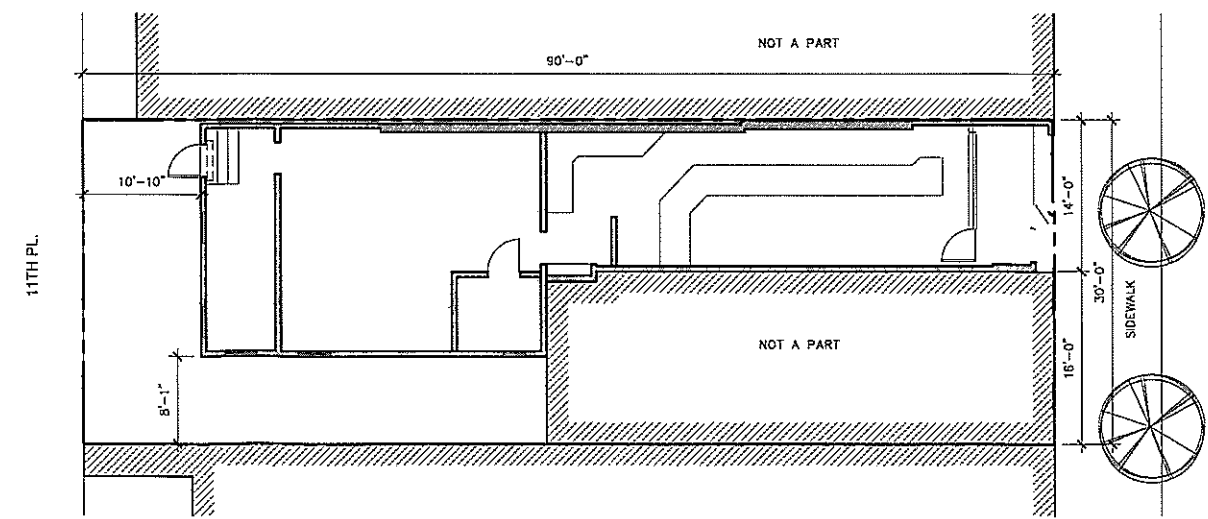
FLOOR PLAN
SCALE: 1/4"=1'-0" 2

LEGEND

- (N) DUPLEX OUTLET
- (E) LIGHT SWITCH
- (E) RECESSED INCANDESCENT LIGHT WITH SHIELD
- (E) LIGHT WITH SHIELD
- (E) EXIT SIGN
- (E) FLUORESCENT LIGHT
- (E) TRACK LIGHTING
- (E) AIR SUPPLY

KEY NOTES

- 01 (E) FIXED EXTERIOR WINDOWS THROUGHOUT
- 02 (E) SELF-CLOSING DOOR
- 03 (E) DIVIDERS
- 04 (N) COUNTER WITH FORMICA COUNTERTOP (WASHABLE AND SMOOTH SURFACES) - LIGHT COLOR UNDERSIDE
- 05 (E) COUNTER
- 06 (E) SUPPLIES HOT WATER TO ALL SINKS INCLUDING RESTROOM SINK
- 07 (E) LIGHT SWITCH ACTIVATED EXHAUST FAN
- 08 VENT (AIR SUPPLY)
- 09 VENT (AIR RETURN)
- 10 (N) COLD PANS DRAIN TO FLOOR SINK
- 11 (N) SMOOTH, WASHABLE, DROPPED CEILING, SEE 2,3 & 4 /A-3.0 FOR DETAILS
- 12 CONTINUOUS SNEEZE GUARD WITH SIDE RETURN ON END
- 13 FRAMED OUT 4" CONCRETE CURB IN CABINET PER HEALTH CODE
- # SEE EQUIPMENT SCHEDULE



SITE PLAN
SCALE: 1/8"=1'-0" 1

REVISION LOG

| DELTA NO. | DATE |
|-----------|------|
| △ | |
| △ | |
| △ | |

DATE: 12/11/12

DRAWN:

JOB #:

SHEET NO.

A-2.0