

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

TO: Planning Commission

FROM: Anne McIntosh, Director of Community Development

THROUGH: Laurie B Jester, Planning Manager

BY: Ted Faturos, Assistant Planner

DATE: September 26, 2018

SUBJECT: Proposed Use Permit Amendment to Allow Full Alcohol Service at An Existing Restaurant (Simmzy's) that Currently Serves Beer and Wine at 229 Manhattan Beach Boulevard (Simms Restaurants/Simms)

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** the Public Hearing and **ADOPT** the attached resolution approving the Use Permit Amendment subject to certain conditions.

APPLICANT/OWNER

Simms Restaurant Group/Mike Simms
108 Arena Street
El Segundo, CA 90245

BACKGROUND

On July 25, 2018, the Community Development Department received an application requesting an amendment to an existing Use Permit Amendment to allow for full alcohol service in conjunction with food service at an existing restaurant known as Simmzy's, located at 229 Manhattan Beach Boulevard. The subject restaurant is located in the "CD" (Downtown Commercial) zoning district in Area District III.

The subject site is part of a multi-tenant property located on the northwest corner of Manhattan Beach Boulevard and Highland Avenue. The entire 5,400 square foot site consists of Starbucks adjacent to the east, the Izaka-ya by Katsu-ya adjacent to the north, and general office uses located on the second story above Starbucks. Simmzy's, Starbucks, and Izak-ya by Katsu-ya each have their own independent entitlements that govern their respective spaces.

PROJECT OVERVIEW

LOCATION

Location: 229 Manhattan Beach Boulevard
(See Vicinity Map- Attachment E)

Legal Description: Lots 5 & 6, Block 13, Manhattan Beach Division #2

LAND USE

General Plan: Downtown Commercial
Zoning: CD, Downtown Commercial
Area District: III
Land Use:

<u>Existing</u>	<u>Proposed</u>
1,180 sq. ft.	1,180 sq. ft. (no change)
Restaurant	Restaurant (no change)

Neighboring Zoning and

Land Uses:

North (across Center Pl)	CD: Office/City Parking Lot
South (across MBB)	CD: Office/Retail (Skechers, Wright's Clothing)
East (across Highland Ave)	CD: Restaurant (The Kettle)
West	CD: Retail (Bella Beach/Bella Beach Kids)

PROJECT DETAILS

	<u>Existing</u>	<u>Proposed</u>
Alcohol Service	On-Site Beer/Wine	On-Site Full Alcohol
Live Entertainment:	None	None (no change)
Hours of Operation:	Su – Th: 6am – 11pm Fri – Sat: 6am – 12am	No Change

DISCUSSION

The applicant is requesting an amendment to their existing Use Permit Amendment to allow full alcohol service in conjunction with food service. The existing restaurant operates under Planning Commission Resolution No. PC 03-02 (Attachment B), which allows for beer and wine service in conjunction with food service. The applicant's allowed operating hours under their existing entitlement is 6am to 11pm Sunday thru Thursday, and 6am to 12am Midnight Friday and Saturday. The applicant is not requesting any change in operating hours, nor is proposing any tenant improvements. The applicant is not proposing to change or expand the seating arrangements or bar counter. The applicant states in their written documents (Attachment C) that they'd like to obtain a full liquor license so they can offer craft cocktails to accompany their food. The applicant states that they offer craft cocktails to accompany their food at several of their other restaurants, and thus have experience pairing cocktail service with their food service.

In addition to Simmzy's, the applicant also owns and operates three other restaurants in the Downtown area that have full alcohol service in conjunction with food service: The Arthur J (903 Manhattan Avenue), Fishing with Dynamite (1148 Manhattan Avenue), and Manhattan Beach Post (1142 Manhattan Avenue). These three restaurants have late night operating hours (Attachment D). Attachment D provides a list of all the Downtown restaurants with information on their permitted operational characteristics for comparison with the subject proposal. The applicant's three other downtown restaurants are located much closer to residences than Simmzy's, Staff believes the applicant has demonstrated that they are a responsible operator considering the operating characteristics, proximity to residences of the applicant's other restaurants, and the Police Department's lack of objections to the applicant's request.

The applicant also owns and operates Tin Roof Bistro in the Manhattan Village Mall, another restaurant that has full liquor service in conjunction with food service and late night hours.

Simmzy's current entitlement requires that the business maintain at least three off-site parking spaces, with the option of acquiring three offsite parking permits in Downtown public lots. Staff has confirmed that Simmzy's currently has eight off-site parking permits in Lower Level Metlox Parking Lot (Lot M).

The current entitlement governing the applicant's space, Planning Commission Resolution PC No. 03-02, is also a Coastal Development Permit for beer and wine service. It has not been the City's practice to require Coastal Development Permits for alcohol-related entitlements, and Staff has confirmed with the Coastal Commission Staff that they do not require a Coastal Development Permit for alcohol-related entitlements. Thus, the Coastal Development Permit that is part of the current entitlement is not required and does not need to be amended or reviewed as part of the applicant's request.

The Draft Resolution (Attachment A) carries over almost all of the same conditions of approval from the existing entitlement, with the most important change centered on the allowance of full alcohol service in conjunction with food service instead of the current entitlement's allowance of beer and wine service in conjunction with food service.

OTHER DEPARTMENT COMMENTS

The Police Department has reviewed the applicant's request for full alcohol service in conjunction with food service and has no concerns or objections. The Police Department has not suggested any additional conditions of approval.

REQUIRED FINDINGS

Section 10.84.010 of the Manhattan Beach Municipal Code states that "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."

The following findings must be met in order to grant the Use Permit Amendment.

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.

Staff suggests the following findings in support of the Use Permit Amendment for the project:

1. Simmzy's is a commercial use located in the CD Downtown Commercial zone.
2. Simmzy's commercial use is consistent with the General Plan's Downtown Commercial land use designation assigned to the project lot and the neighboring lots. The proposed use is consistent with neighboring uses, as the neighboring lots have also been developed with commercial uses, many of which are eating and drinking establishments that serve alcohol. The General Plan encourages a "vibrant downtown" that offers "services and activities for residents and visitors", and Simmzy's is part of the downtown commercial mix of businesses that help create a dynamic and interesting Downtown.
3. Simmzy's eating and drinking establishment use complies with all provisions of the Municipal Code's Title 10 Planning and Zoning. The business is not open during very late night hours, closing at 11:00 PM midweek and 12:00 midnight on Friday and Saturday nights.
4. Simmzy's has been operating at their current location since April 2009, serving craft beer and small-production wine in conjunction with food service revolving around gastropub fare like burgers, sandwiches, salads, and creative appetizers. The use is located on the busy Manhattan Beach Boulevard commercial corridor in the heart of Downtown Manhattan Beach, with some of the surrounded businesses having similar operating characteristics. Significant buffers between Simmzy's and residences exist, with Manhattan Beach Boulevard, the large Skechers office building (228 Manhattan Beach Boulevard), Center Place, City Parking Lot 2 (between Center Place and 12th Street), and other businesses providing sound barriers that help minimize any impacts associated with the use.

General

The General Plan encourages Downtown businesses that offer “services and activities to our residents and visitors”. The project is specifically consistent with General Plan Policies as follows:

LU-6: Maintain the viability of the commercial areas of Manhattan Beach.

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

PUBLIC COMMENT

A public notice for tonight’s hearing was published in the Beach Reporter on September 13th, and mailed to all property owners within a 500’ radius. As of the writing of this report, staff has not received any public comment.

ENVIRONMENTAL DETERMINATION

The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Existing Facilities Section 15301 based on Staff’s determination that there is no expansion of use associated with the Project.

CONCLUSION

Staff recommends that the Planning Commission conduct the public hearing, discuss the applicant’s request, and approve the attached resolution approving the Use Permit Amendment subject to certain conditions.

Attachments:

- A. Draft Resolution No. PC 18-
- B. Planning Commission Resolution No. PC 03-02
- C. Applicant’s Written Documents
- D. Downtown Alcohol and Hours of Operation List
- E. Vicinity Map

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RESOLUTION NO. PC 18-

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT AMENDMENT TO ALLOW FOR FULL ALOCHOL SERVICE IN CONJUNCTION WITH FOOD SERVICE FOR SIMMZY'S, AN EXISTING RESTAURANT AT 229 MANHATTAN BEACH BOULEVARD (SIMMS RESTAURANT GROUP/SIMMS)

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. On January 22, 2003, the Planning Commission of the City of Manhattan Beach adopted Planning Commission Resolution No. PC 03-02, modifying a discretionary Use Permit for a restaurant (then called Ebizo's Skewer) at the property located at 229 Manhattan Beach Boulevard, subject to a number of conditions.
- B. Under the entitlements conferred by Planning Commission Resolution No. PC 03-02, Ebizo's Skewer was granted the ability to serve beer and wine as part of their restaurant operations.
- C. The Planning Commission of the City of Manhattan Beach conducted a public hearing on September 26, 2018, received testimony, and considered an application for a Use Permit Amendment to allow full alcohol service in conjunction with food at an existing restaurant (Simmzy's) located at 229 Manhattan Beach Boulevard. Said public hearing was advertised pursuant to applicable law, testimony was invited and received
- D. The subject property is legally described as Lots 5 & 6, Block 13, Manhattan Beach Division #2 in the City of Manhattan Beach, County of Los Angeles.
- E. The applicant for the subject project is Simms Restaurant Group/Mike Simms, the owner of the business (hereafter referred to as "the owner").
- F. The Project is Categoricaly Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Existing Facilities Section 15301 based on Staff's determination that there is no expansion of use associated with the Project.
- G. 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.
- H. The subject property is located in Area District III and is zoned CD, Downtown Commercial. The surrounding properties are zoned CD to the North (across Center Place), South (across Manhattan Beach Boulevard), East (across Highland Avenue), and West.
- I. The 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.
- J. The General Plan designation for the property is Downtown Commercial. The General Plan encourages Downtown businesses that offer "services and activities to our residents and visitors". The project is specifically consistent with General Plan Policies as follows:
 - LU-6: Maintain the viability of the commercial areas of Manhattan Beach.
 - LU-7: Continue to support and encourage the viability of the Downtown area of Manhattan Beach.
- K. The Planning Commission makes the following findings required to approve the Use Permit pursuant to MBMC Section 10.84.060:
 - 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.**

Simmzy's is a commercial use located in the CD Downtown Commercial zone.
 - 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.

Simmzy's commercial use is consistent with the General Plan's Downtown Commercial land use designation assigned to the project lot and the neighboring lots. The proposed use is consistent with neighboring uses, as the neighboring lots have also been developed with commercial uses, many of which are eating and drinking establishments that serve alcohol. The General Plan encourages a "vibrant downtown" that offers "services and activities for residents and visitors", and Simmzy's is part of the downtown commercial mix of businesses that help create a dynamic and interesting Downtown.

- 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.**

Simmzy's eating and drinking establishment use complies with all provisions of the Municipal Code's Title 10 Planning and Zoning. The business is not open during very late night hours, closing at 11:00 PM midweek and 12:00 midnight on Friday and Saturday nights.

- 4. The proposed use will not adversely impact or be adversely impacted by nearby properties. Potential impacts are related but not necessarily limited to: traffic, parking noise, vibration, odors, resident security and personal safety, and aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated.**

Simmzy's has been operating at their current location since April 2009, serving craft beer and small-production wine in conjunction with food service revolving around gastropub fare like burgers, sandwiches, salads, and creative appetizers. The use is located on the busy Manhattan Beach Boulevard commercial corridor in the heart of Downtown Manhattan Beach, with some of the surrounded businesses having similar operating characteristics. Significant buffers between Simmzy's and residences exist, with Manhattan Beach Boulevard, the large Skechers office building (228 Manhattan Beach Boulevard), Center Place, City Parking Lot 2 (between Center Place and 12th Street), and other businesses providing sound barriers that help minimize any impacts associated with the use.

- L. The project shall comply with all applicable provisions of the Manhattan Beach Municipal Code.
- M. This Resolution, upon its effectiveness, constitutes the Use Permit Amendment for the subject project.

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

1. The project shall be in substantial conformance with the project description submitted to, and approved by the Planning Commission on September 26, 2018 as amended and conditioned. Any substantial deviation from the approved project description, as conditioned, shall require review by the Community Development Director to determine if approval from the Planning Commission is required.
2. Any questions of intent or interpretation of any condition will be reviewed by the Community Development Director to determine if Planning Commission review and action is required.

Operation

3. The management of the property shall police the property and all areas adjacent to the business during the hours of operation to keep it free of litter and food debris.
4. The operators of the business shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject business.
5. All rooftop mechanical equipment shall be screened from the public right-of-way.
6. No dancing or entertainment shall be permitted on the premises.
7. All mats shall be cleaned on the premises with no outside cleaning of mats permitted. If any floor mats cannot be cleaned within the premises, a service company must be contracted.

8. Hours of operation for the establishment shall be permitted as follows:
- | | |
|-------------------|------------------------|
| Sunday - Thursday | 6:00am – 11:00pm |
| Friday – Saturday | 6:00am – 12am Midnight |
9. All interior amplified music shall be limited to background music only. The restaurant management shall control the volume of the music. Exterior music or amplified sound is prohibited.
10. Alcohol service shall be conducted only in conjunction with full menu food service during all hours of operation.
11. Sale of alcoholic beverages for consumption off-premise is prohibited.
12. Full menu food service shall be available at all seats, and no specific bar area serving exclusively alcohol shall be permitted.
13. The owner shall be in substantial compliance with all restrictions imposed by the Alcohol Beverage Control Board (ABC) prior to service of liquor.
14. At all times the business shall identify itself as a “restaurant” and will not identify itself as a “bar” in public advertisements.
15. At no time shall the restaurant offer “Happy Hour” alcohol at reduced prices.
16. At no time shall the restaurant offer drink specials at reduced prices.
17. Noise emanating from the property shall be within the limitations prescribed by the City Noise Ordinance and shall not create a nuisance to nearby property owners.
18. At any time in the future, the Planning Commission or City Council may review the Use Permit for the purpose of revocation or modification in accordance with the requirements of the MBMC Chapter 10.104. Modification may consist of conditions deemed reasonable to mitigate or alleviate impacts to adjacent land uses.
19. In order to comply with the use’s parking requirement (must provide three spaces), the owner shall maintain and use at least three City Parking Permits subject to any restrictions or limitations imposed by City Council’s policy for Downtown Parking.

Refuse

20. The management shall arrange for special on-site pickup as often as necessary to ensure that the refuse area has adequate space to accommodate the needs of the subject business.
21. No refuse generated at the subject site shall be located in the non-alley Public Right-of-Way for storage or pickup, including the disposal of refuse in any refuse container established for public use.

Signage

22. All new signs and alterations to existing signs shall receive permits, and shall be in compliance with the City’s sign code.
23. A-frame or other sidewalk signs in the public right-of-way shall be prohibited.
24. No temporary banner or other signs shall be placed on the site without City permit and approval.

Procedural

25. The owner shall be required to obtain a City of Manhattan Beach right-of-way encroachment permit for any projections into the public right-of-way.
26. This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030 have expired

27. 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.
28. This Resolution shall serve as the amended and restated Use Permit for the subject property. Planning Commission Resolution No. PC 03-02 is rescinded and no longer in effect.
29. 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.
30. The Planning Commission's decision is based upon each of the totally independent and separate grounds stated herein, each of which stands alone as a sufficient basis for its decision.
31. The Secretary of the Planning Commission shall certify to the adoption of this Resolution and shall forward a copy of this Resolution to the owner. The Secretary shall make this resolution readily available for public inspection.
32. Terms and Conditions are Perpetual; Recordation of Covenant. The provisions, terms and conditions set forth herein are perpetual, and are binding on the owner, its successors-in-interest, and, where applicable, all tenants and lessees of the site. Further, the owner shall submit the covenant, prepared and approved by the City, indicating its consent to the conditions of approval of this Resolution, and the City shall record the covenant with the Office of the County Clerk/Recorder of Los Angeles. Owner shall deliver the executed covenant, and all required recording and related fees, to the Department of Community Development within 30 days of the adoption of this Resolution. Notwithstanding the foregoing, the Director may, upon a request by owner, grant an extension to the 30-day time limit. The project approval shall not become effective until recordation of the covenant.
33. *Indemnity, Duty to Defend and Obligation to Pay Judgments and Defense Costs, Including Attorneys' Fees, Incurred by the City.* The owner shall defend, indemnify, and hold harmless the City, its elected officials, officers, employees, volunteers, agents, and those City agents serving as independent contractors in the role of City officials (collectively "Indemnitees") from and against any claims, damages, actions, causes of actions, lawsuits, suits, proceedings, losses, judgments, costs, and expenses (including, without limitation, attorneys' fees or court costs) in any manner arising out of or incident to this approval, related entitlements, or the City's environmental review thereof. The owner shall pay and satisfy any judgment, award or decree that may be rendered against City or the other Indemnitees in any such suit, action, or other legal proceeding. The City shall promptly notify the owner of any claim, action, or proceeding and the City shall reasonably cooperate in the defense. If the City fails to promptly notify the owner of any claim, action, or proceeding, or if the City fails to reasonably cooperate in the defense, the owner shall not thereafter be responsible to defend, indemnify, or hold harmless the City or the Indemnitees. The City shall have the right to select counsel of its choice. The owner shall reimburse the City, and the other Indemnitees, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Nothing in this Section shall be construed to require the owner to indemnify Indemnitees for any Claim arising from the sole negligence or willful misconduct of the Indemnitees. In the event such a legal action is filed challenging the City's determinations herein or the issuance of the approval, the City shall estimate its expenses for the litigation. The owner shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

RESOLUTION NO. PC 18-

I hereby certify that the following is a full, true, and correct copy of the Resolution as **ADOPTED** by the Planning Commission at its regular meeting on **September 26, 2018** and that said Resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Anne McIntosh
Secretary to the Planning Commission

Rosemary Lackow
Recording Secretary

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RESOLUTION NO. PC 03-02

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT AMENDMENT AND COASTAL DEVELOPMENT PERMIT TO RESCIND AND REPLACE TWO PREVIOUS ENTITLEMENTS (Reso. No. 4842 and Reso. No. PC 92-35) TO ALLOW BEER AND WINE SERVICE AND THE EXPANSION OF HOURS AT AN EXISTING RESTAURANT FOR THE PROPERTY LOCATED AT 229 MANHATTAN BEACH BOULEVARD (Ebizo's Inc.).

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

WHEREAS, the Planning Commission of the City of Manhattan Beach conducted a public hearing pursuant to applicable law to consider an application for a Use Permit Amendment and Coastal Development Permit on the property legally described as Lots 11 and 12, Block 66, Manhattan Beach Division # 2, located at 229 Manhattan Beach Boulevard, in the City of Manhattan Beach; and,

WHEREAS, the subject location is within the Coastal Zone but not within the boundaries of the area subject to appeal to the California Coastal Commission; and,

WHEREAS, the applicant for the subject project is Ebizo's Incorporated, and Norma Ann Maltz is the property owner of the subject property; and,

WHEREAS, a public hearing was advertised pursuant to applicable law, testimony was invited and received on January 8, 2003; and,

WHEREAS, The project is Categorical Exempt Class 1, as a minor modification to the use of an existing facility per Section 15301 from the requirements of the California Environmental Quality Act (CEQA); and,

WHEREAS, this Resolution, upon its effectiveness, constitutes both a Use Permit and Coastal Development Permit for the subject project; and,

WHEREAS, this Resolution, upon its effectiveness, shall rescind and replace the two previous entitlements for the subject address (Resolution No. 4842 and Resolution No. PC 92-35); and,

WHEREAS, the Planning Commission made the following findings with regard to this application:

1. The applicant requests approval of a Use Permit Amendment and Coastal Development Permit to allow the service of beer and wine in the association of food service and the expansion of hours of operation to 12 midnight for an existing restaurant with approximately 1,180 square feet.
2. The property is located within Area District III (Beach Area) and is zoned Downtown Commercial (CD). The adjacent land uses are also located within the "CD" zoning district, and encompass retail shops and restaurants.
3. The General Plan and Local Coastal Program/Land Use Plan designations are Downtown Commercial.
4. The subject lease space comprised of lots 11 and 12 on the northwest corner of Highland Avenue and Manhattan Beach Boulevard is located in Area District III is within the "CD" (Downtown Commercial) zoning district which identifies the service of alcohol as a conditionally permitted use within the district, and is consistent with similar uses in the district.

- 5 The project is consistent with the coastal policies of the Manhattan Beach Local Coastal Program, as follows:

I.A.1, Access Policy: The City shall maintain the existing vertical and horizontal access ways in the City of Manhattan Beach.

The proposed project would not obstruct any of the vertical, or any of the 45 horizontal access ways to the shore.

IIA.2, Commercial Policy: Preserve the predominant existing commercial building scale of one and two stories, by limiting any future development to a 2-story maximum, with a 30' height limit as required by Sections A.04.030, A.16.030, and A.60.505 of Chapter 2 of the Implementation Plan.

The proposed project continues the use of a single story building.

6. The project is consistent with the public access and recreation policies of Chapter 3 of the California Coastal Act of 1976, as follows:

Section 30212 (a) (2): The proposed use does not impact public access to the shoreline and adequate public access is provided and shall be maintained along Manhattan Beach Boulevard.

Section 30221: Present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

7. Pursuant to Section A.84.060 of the Manhattan Beach Local Coastal Program, the following findings for the Use Permit are made:

- a. The proposed location of the use is in accord with the objectives of this title and the purpose of the district in which the site is located, since the proposed project is located in the "CD" zoning district which states that this district is intended to provide opportunities for residential, commercial, public and semipublic uses that are appropriate for the Downtown area, as well as accommodate a broad range of community businesses and to serve beach visitors. The project encompasses a business which provides a service to a wide variety of visitors to the Downtown area including those visiting, working, and dining in the area.

The project is consistent with the following Downtown Design Guidelines which are intended to reflect the desired character of Manhattan Beach.

1.1 Buildings on primary street frontages should be located immediately adjacent to sidewalks, except for areas that may be set back to accommodate outdoor dining, and other uses which are publicly acceptable.

The building as currently constructed sits immediately adjacent to the adjacent sidewalk, and includes the incorporation of an existing outdoor dining area.

3.1 Building elevations should be modulated through offset planes and masses, recessed or projecting windows and balconies, and extension of roof lines.

The building incorporates a new façade which creates a more engaging appearance.

- b. 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 project is a small Downtown serving type use which is properly mitigated with

conditions of approval.

The project is consistent with the following General Plan goals:

Goal 1, Maintain the low profile development and small town atmosphere of Manhattan Beach.

The proposed project poses no increase in height to an existing single story commercial building.

Goal 5, Encourage high quality, appropriate investment in commercial areas of Manhattan Beach.

The proposed project will meet the intended purpose of the "CD" zoning designation, as well as provide a commercial product appropriate for the Downtown environment.

Goal 6, Policy 6.1, Develop and encourage the use of design standards for the Downtown area to improve its visual identification as a unique commercial area.

The proposed design adds character and visual interest to an existing Downtown building, and is also consistent with the Manhattan Beach Downtown Design Guidelines.

- c. The proposed use will comply with the provisions of this title, including any specific condition required for the proposed use in the district in which it would be located, since the proposed use will comply with all applicable provisions of the "CD" zone, and the required notice, hearing and findings for the Use Permit and Coastal Development Permit have been met.
- d. The proposed use will not adversely impact nor be adversely impacted by nearby properties. Potential impacts are related but not necessarily limited to: traffic, parking, noise, vibration, odors, resident security and personal safety, and aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated since, the proposed project poses no change in use to an existing restaurant site, with the exception of beer and wine service and expanded hours of operation. The new restaurant poses no increase to the parking demand Downtown, and addresses the issue of refuse disposal to help alleviate the collection of refuse on Downtown streets.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject project to allow beer and wine service and expanded hours of operation at 229 Manhattan Beach Boulevard subject to the following conditions.

Standard Conditions:

1. **Compliance.** All development must occur in substantial compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
2. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Planning Commission.
3. **Inspections.** The Community Development Department staff shall be allowed to inspect the site and the development during construction at any time.
5. **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.
6. **Effective Date.** This Resolution shall become effective when all time limits for appeal as set forth in MBMC 10.100.030 (local City appeals) and the City of Manhattan Beach certified

Local Coastal Program, Implementation Program, Section A.96.160 have expired.

Special Conditions:

7. **Operation**

- a. The management of the property shall police the property and all areas adjacent to the business during the hours of operation to keep it free of litter and food debris.
- b. The operators of the business shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject business.
- c. All proposed rooftop mechanical equipment shall be screened from the public right-of-way and any abandoned rooftop equipment shall be removed from the building prior to final.
- d. No dancing or entertainment shall be permitted on the premises.
- e. All mats shall be cleaned within the premises with no outside cleaning of mats permitted. If any floor mats cannot be cleaned within the premises, a service company must be contracted.
- f. The hours of operation shall be 6:00 a.m.-11:00 p.m. Sunday thru Thursday and 6:00 a.m. to 12 Midnight Friday and Saturday.
- g. All interior amplified music shall be limited to background music only. The restaurant management shall control the volume of the music. Exterior music or amplified sound is prohibited.
- h. Alcohol service shall be conducted only in conjunction full menu food service during all hours of operation.
- i. Sale of alcoholic beverages for consumption off-premise is prohibited.
- j. Full menu food service shall be available at all seats, and no specific bar area shall be permitted.
- k. Applicant shall be in substantial compliance with all restrictions imposed by the Alcohol Beverage Control Board prior to service of liquor.
- l. At all times the business shall identify itself as a "restaurant" and will not identify itself as a "bar" in public advertisements.
- m. At no time shall the restaurant offer "Happy Hour" alcohol at reduced prices.
- n. At no time shall the restaurant offer drink specials at reduced prices.
- o. Noise emanating from the property shall be within the limitations prescribed by the City Noise Ordinance and shall not create a nuisance to nearby property owners.
- p. At any time in the future, the Planning Commission or City Council may review the Use Permit and Coastal Development Permit for the purposes of revocation or modification. Modification may consist of conditions deemed reasonable to mitigate or alleviate impacts to adjacent land uses.

8. **Parking.** The project shall comply with the current parking requirement (must provide 3 parking spaces) of the Manhattan Beach Municipal Code which may include one of the following:

- a. Payment of in-lieu fees to the Downtown Parking District program.

- b. Proof of access and use of off-site parking spaces as specified in A.64.020(F) of the Manhattan Beach Local Coastal Program. City parking permits may be used for this purpose subject to any restrictions or limitations imposed by City Council's policy for Downtown parking.

Should any of the parking spaces provided for compliance with the above condition become inaccessible or unusable during the life of the use, the Community Development Department shall be notified in writing immediately and this Use Permit shall become subject to revocation action within 30 days if replacement parking is not obtained.

9. Refuse.

- b. Prior to issuance of permit, the applicant shall design a new on-site refuse storage area, subject to approval of the Departments of Community Development and Public Works, and the State Health Department. The management shall arrange for special on-site pickup as often as necessary to ensure that the refuse area has adequate space to accommodate the needs of the subject project.
- c. No refuse generated at the subject site shall be located in the Public Right-of-Way for storage or pickup, including the disposal of refuse in any refuse container established for public use.
- d. A trash compactor shall be located on-site, subject to the discretion of the Public Works Director.

10. Signage

- a. All new signs and alterations to existing signs shall receive permits, and shall be compliance with the City's sign ordinance.
- b. A-frame or other sidewalk signs in the public-right-of-way shall be prohibited.
- c. No temporary banner or other signs shall be placed on the site without City permit and approval.

11. Miscellaneous

- a. The applicant shall be required to obtain a City of Manhattan Beach right-of-way encroachment permit for any projections into the public right-of-way.
- b. Pursuant to Public Resources Code section 21089(b) and Fish and Game Code section 11.4(c), the project is not operative, vested or final until the required filing fees are paid.
- c. The applicant agrees, as a condition of approval of this project, to pay all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal action associated with the approval of this project brought against the City. In the event such a legal action is filed against the project, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

Pursuant to Government Code Section 65009 and Code of Civil Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution. The City Clerk shall send a certified copy of this resolution to the applicant, and if any, the appellant at the address of said person set forth in the record of the proceedings and such mailing shall

constitute the notice required by Code of Civil Procedure Section 1094.6.

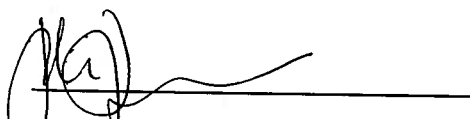
I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of January 22, 2003 and that said Resolution was adopted by the following vote:

AYES: Montgomery, Simon, Ward,
Chairman Kuch

NOES:

ABSTAIN:

ABSENT: Kirkpatrick



Richard Thompson
Secretary to the Planning Commission



Sarah Boeschen
Recording Secretary

SIMMS

RESTAURANTS

July 25, 2018

City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach, CA 90266

Dear City Staff:

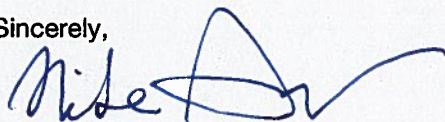
I am the managing member of Simms Restaurant Group and Simmzy's located at 229 Manhattan Beach Blvd. Since it opened in 2009, several months after my first restaurant in Manhattan Beach, Tin Roof Bistro, I have opened 5 other Simmzy's, Lil' Simmzy's at The Point, and partnered with Chef David LeFevre to open Manhattan Beach Post, Fishing With Dynamite, and The Arthur J. Both Chef David and myself come from a history of hospitality and working our way up in the restaurant world to now be proud owners of 10 restaurants throughout Southern California.

Our concepts are unique in their own way, and all focus on serving artisan food, craft beers, small production wines, and handcrafted cocktails (in most of them). We pride ourselves on our loyal regulars. We first and foremost are focused on our guest. We do this through our training programs, and by bringing a great experience with new and fresh menu items.

The majority of our restaurants serve handcrafted cocktails, some of which are seasonal and created to enjoy with a special dish. Simmzy's Manhattan Beach has been serving craft beer and small production wines since it opened, and we would like to upgrade our Type 41 alcohol license to a Type 47 license that includes distilled spirits. It will give us an opportunity for growth in our offerings, as three of our Simmzy's, El Segundo, Huntington Beach and Burbank have been successful with their cocktail programs. Our other restaurants in downtown Manhattan Beach all serve handcrafted cocktails and as a professional group of restaurateurs we serve responsibly and neither Simmzy's nor any of our other restaurants have incurred any ABC violations. Additionally we have no plans to change our hours of operation with this modification.

I appreciate your time and considering my request.

Sincerely,



Mike Simms
Managing Member

ATTACHMENT C
PC MTG 09-26-18

TIN ROOF
— B I S T R O —

IPST

lil' Simmzy's
on the DECK

Simmzy's
EAT • DRINK • PUB

The Arthur J.

FWD
Fishing with Dynamite

simmy's restaurant

229 Manhattan Beach Blvd.
Manhattan Beach, CA 90266

FAÇADE RENOVATIONS & REMODEL
SIMMY'S
229 Manhattan Beach Blvd.
Manhattan Beach CA

A0.0

PROJECT INFORMATION

CLIENT:
SIMMY'S RESTAURANT
229 MANHATTAN BEACH BLVD.
MANHATTAN BEACH, CA 90266

LEGAL DESCRIPTION:
MANHATTAN BEACH, LOTS 11
AND 12, TRACT 1, A.C. 124
A.M. 1928, S.B. 104

ZONING:
M-1C
M-1

OCCUPANCY:
RESTAURANT

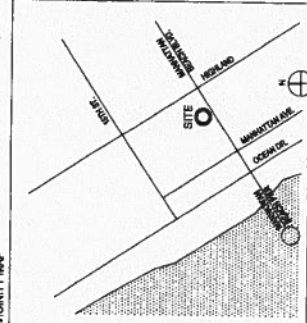
DATE:
09/26/18

SCALE:
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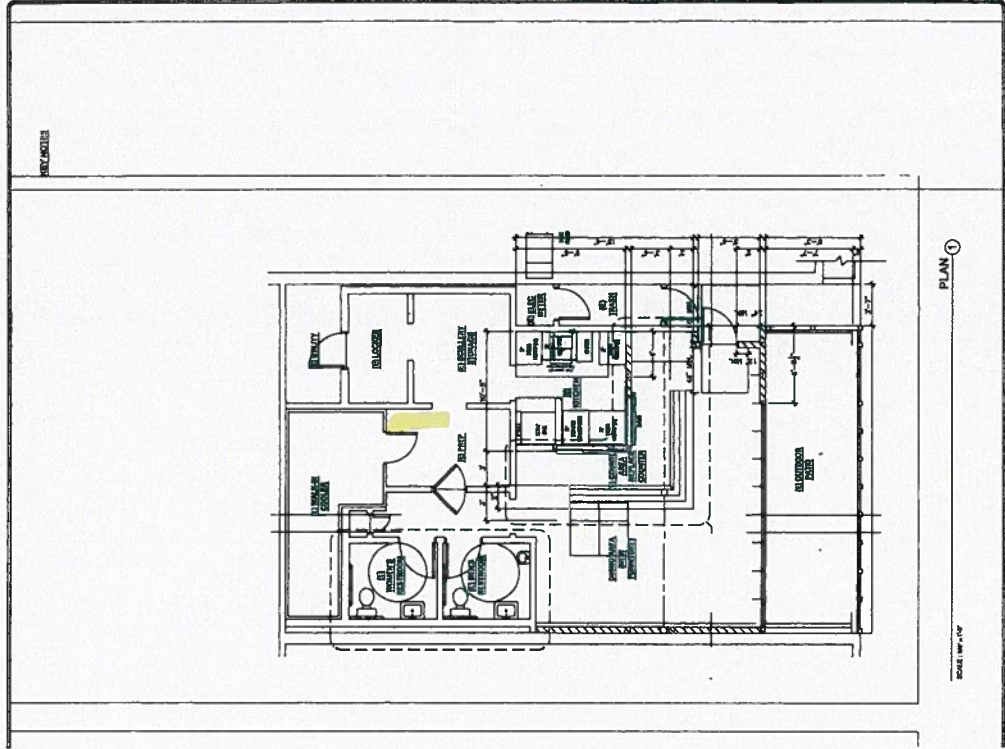
DATE:
09/26/18

DEPARTMENT:
CITY OF MANHATTAN BEACH
PLANNING & COMMUNITY DEVELOPMENT
1000 MANHATTAN BEACH BLVD.
MANHATTAN BEACH, CA 90266

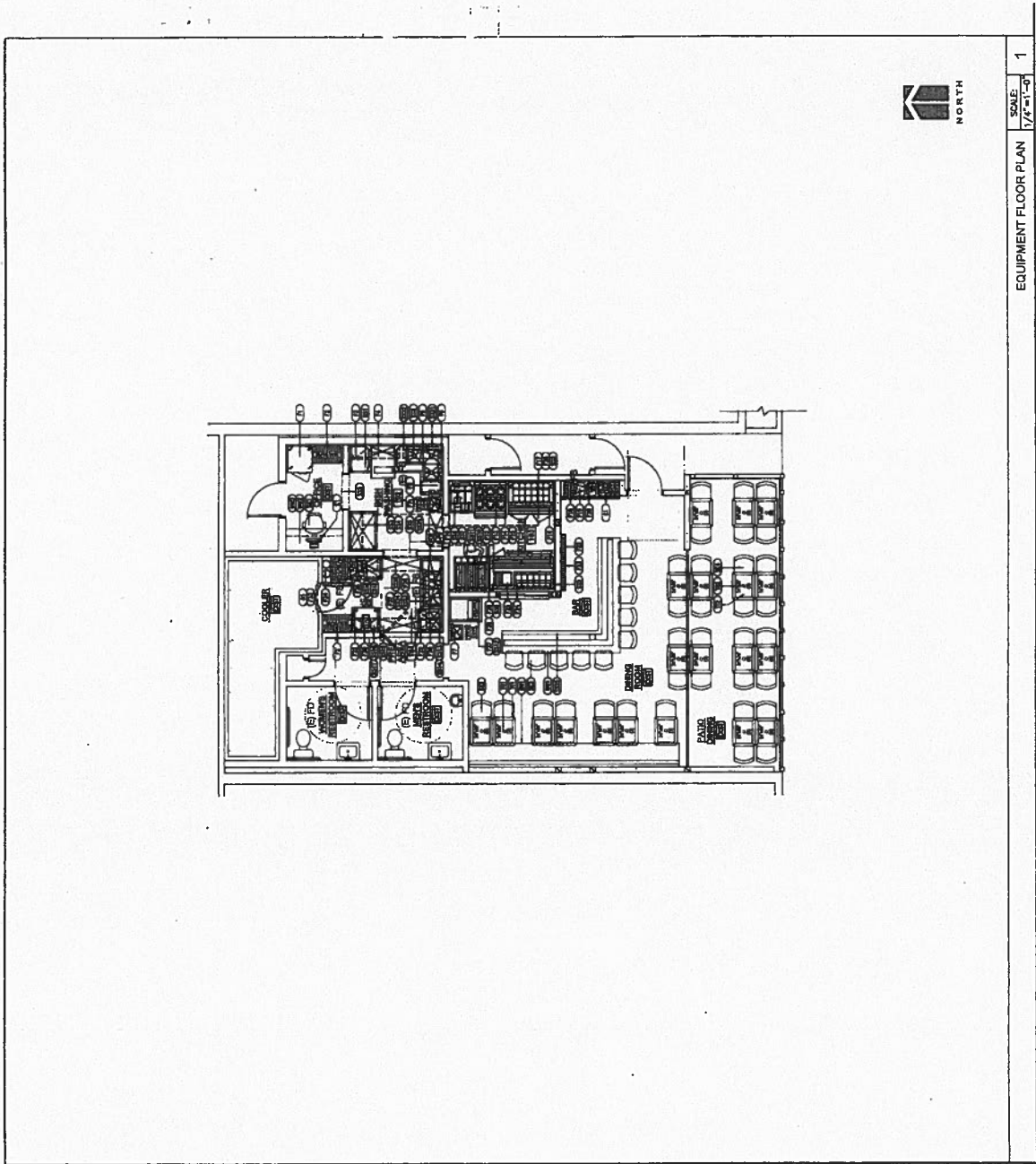
VICINITY MAP



	FACADE RENOVATIONS & RENOVEL SIMIZY'S 229 Manhattan Beach Blvd. Manhattan Beach CA	
	FLOOR PLAN	



distilled spirits storage



EQUIPMENT FLOOR PLAN 1

SCALE
1/4" = 1'-0"

DOWNTOWN LIST OF RESTAURANTS & BARS WITH ALCOHOL SERVICE

	Establishment	Address	Approved Hours of Operation	Approved Alcohol Hours	Alcohol License	Resolution Nos. & Dates	Entertainment
1	900 Manhattan Club/Red Room	900 Manhattan Ave.	9am-12am, Sunday 11am-12am, Mon-Thu 11am-1am, Fri 9am-1am, Sat	11am-12 am, Mon-Thu 11am-1 am, Fri 9am-1am, Sat, 9am-12am, Sun	Full Liquor	CC Reso. 14-0063 10/07/14	Live allowed on 2nd floor Dancing allowed on Fri/Sat nights
2	Sugarfish	304 12th Street	10am-12am, Sun-Thu 10am-1am, Fri-Sat	10am-12am, Sun-Thu 10am-1am, Fri-Sat	Full Liquor	CC Reso. 4471 02/16/88 BZA 87-36 12/08/87	Live Entertainment & Dancing
3	Arthur J's	903 Manhattan Ave.	11am-12am, Sun-Thu 11am-2am, Fri-Sat	11am-12am, Sun-Thu 11am-2am, Fri-Sat	Full Liquor	CC Reso. 4108 01/03/84	No Limit
4	Darren's Restaurant	1141 Manhattan Ave.	11am-11pm, Sun-Thu 6am-12am, Fri-Sat	11am-11pm, Sun-Thu 6am-12am, Fri-Sat	Full Liquor	02-28 08/28/02	None
5	El Sombrero	1005 Manhattan Ave.	7am-11pm, Sun-Thu 7am-12am, Fri-Sat	7am-11pm, Sun-Thu 7am-12am, Fri-Sat	Beer & Wine	07-09 06/25/07	None
6	Ercoles	1101 Manhattan Ave.	11am-2am, Daily	11am-2am, Daily	Full Liquor	85-32 11/12/85	None
7	Homie	1140 Highland Ave.	6am-10pm, Sun-Thu 6am-11pm, Fri-Sat	6am-10pm, Sun-Thu 6am-11pm, Fri-Sat	Beer & Wine	02-14 05/08/02	None
8	Fishing with Dynamite	1148 Manhattan Ave.	7am-11pm, Sun-Wed 7am-12am, Thu-Sat	7am-11pm, Sun-Wed 7am-12am, Thu-Sat	Full Liquor	01-24 11/28/01	None
9	Fonzs	1017 Manhattan Ave.	9am-9pm, Sun 5:30am-10pm, Mon-Thu 5:30am-11pm, Fri-Sat	9am-9pm, Sun 5:30am-10pm, Mon-Thu 5:30am-11pm, Fri-Sat	Full Liquor	01-04 02/14/01	None
10	Fusion Sushi	1150 Morningside Dr.	9am-11pm Sun-Wed 7am-12am Thu-Sat	9am-11pm Sun-Wed 7am-12am Thu-Sat	Beer & Wine	05-05 03/23/05	Entertainment/Dancing for Private Parties In Banquet Room Only Thu-Sat
11	Hennesseys	313 Manhattan Beach Blvd.	11am-2am, Daily No Outdoor Dining After 10pm When Entertainment Performs	11am-2am, Daily	Full Liquor	83-18 04/26/83	Live entertainment til 1:30am, Mon-Sun
12	Izaka-Ya	1133 Highland Ave.	11:00am-11:00pm Sun-Wed 11:00am-12am Thu-Sat	11:00am-11:00pm Sun-Wed 11:00am-12am Thu-Sat	Beer & Wine	10-04 07/14/10	None
13	Kettle	1138 Highland Ave.	24 Hours Daily	11am-1am	Beer & Wine	83-06 01/11/83	None

14	Le Pain Quotidien	451 Manhattan Beach Blvd.	7am-7:30pm, Daily	10am-7:30pm, Daily	Limited Selection of Beer & Wine	CC 5770 07/16/02 08-08 05/14/08	2 Unamplified Entertainers Background Music Class I Entertainment Permit Required for More
15	Little Sister	1131 Manhattan Ave.	6am-11pm, Sun-Thu 6am-12am, Fri-Sat	6am-11pm, Sun-Thu 6am-12am, Fri-Sat	Beer & Wine	CC Reso. 5175 06/20/95	None
16	Love and Salt	317 Manhattan Beach Blvd.	9am-1am, Daily	9am-1am, Daily	Full Liquor & Caterer's	94-20 07/13/94	2 entertainers til 1am Fri, Sat & 12am Sun
17	Mama D's	1125 A Manhattan Ave.	6am-11pm, Sun-Thu 6am-1am, Fri-Sat	6am-11pm, Sun-Thu 6am-1am, Fri-Sat	Beer & Wine	CC Reso. 5175 06/20/95	None
18	Mangiamo	128 Manhattan Beach Blvd.	11am-12am, Mon-Sat 8am-12am, Sun	11am-12am, Mon-Sat 8am-12am, Sun	Full Liquor	83-28 06/14/83	Maximum 3 musicians, nonamplified
19	Manhattan Pizzeria	133 Manhattan Beach Blvd.	6am-2am, Daily	6am-2am, Daily	Beer & Wine	CC Reso. 5175 06/20/95 86-38 12/09/86	None
20	MB Brewing Co	124 Manhattan Beach Blvd.	7am-12am, Sun-Thu 7am-1am, Fri-Sat	7am-12am, Sun-Thu 7am-1am, Fri-Sat	Full Liquor	09-01 01/14/09	None
21	Nick's Manhattan Beach	451 Manhattan Beach Blvd Suite D-126 1200 Morningside	6am-11pm, Sun-Thu 6am-12am, Fri-Sat	6am-10:30pm, Sun-Thu 6am-11:30pm, Fri-Sat	Full Liquor	CC 5770 07/16/02	2 Unamplified Entertainers Background Music Class I Entertainment Permit Required for More
22	Jimmy's Kouzina	1001 Manhattan Ave.	7am-11pm, Sun-Thu 7am-12am, Fri-Sat	7am-11pm, Sun-Thu 7am-12am, Fri-Sat	Beer & Wine	07-09 06/25/07	None
23	Petro's	451 Manhattan Beach Blvd Suite B-110	6am-12 am, Sun-Thu 6am-1am, Fri-Sat	6am-11:30pm, Sun-Thu 6am-12:30am, Fri-Sat	Full Liquor	06-20 12/13/06 CC 5770 07/16/02	2 Unamplified Entertainers Background Music Class I Entertainment Permit Required for More
24	Pitfire Pizza	401 Manhattan Beach Blvd.	7am-11pm, Daily	7am-11pm, Daily	Beer & Wine	05-05 03/23/05	None
25	MB Post	1142 Manhattan Ave.	11am-11pm, Mon-Wed 11am-12am, Thu-Fri 7am-12am, Sat 7am-11pm, Sun	11am-11pm, Mon-Wed 11am-12am, Thu-Fri 7am-12am, Sat 7am-11pm, Sun No Alcohol on Patio After 10pm	Full Liquor	CC 5513 10/19/99	"Kids Night" Monday 5pm-7pm

26	Rice	820 Manhattan Ave.	7am-10:30pm, Sun-Thu 7am-11:30pm, Fri-Sat	7am-10:30pm, Sun-Thu 7am-11:30pm, Fri-Sat	Beer & Wine	89-23 06/27/89	Nonamplified live music
27	Rock N Fish	120 Manhattan Beach Blvd.	7am-12am, Sun-Thu 7am-1am, Fri-Sat	7am-12am, Sun-Thu 7am-1am, Fri-Sat	Full Liquor	99-04 02/10/99	None
28	Rockefeller	1209 Highland Ave.	7am-11pm, Sun-Thu 7am-12am, Fri-Sat	7am-11pm, Sun-Thu 7am-12am, Fri-Sat	Beer & Wine	07-04 05/09/07	None
29	Shade Hotel	1221 Valley Drive	Zinc Lobby Bar & Zinc Terrace: 11pm Daily Interior Courtyard (for Special Events Only) 11pm, Sun-Thurs 12am, Fri-Sat Rooftop Deck, 10pm Daily	Zinc Lobby Bar & Zinc Terrace: 11pm Daily Interior Courtyard (for Special Events Only) 10:30pm, Sun-Thurs 11:30pm, Fri-Sat Rooftop Deck, 9pm Daily	Full Liquor	05-08 05/25/05 CC 5770 07/16/02 (CC 6275 07/09/10 Hours Not Shown As Reso. Not Yet Implemented)	2 Unamplified Entertainers Background Music Class I Entertainment Permit Required for More
30	Sharks Cove	309 Manhattan Beach Blvd.	7am-2am, Daily	7am-2am, Daily	Full Liquor	03-24 12/10/03	3 nonamplified musicians, no later than 12am
31	Shellback	116 Manhattan Beach Blvd.	No Resolution	No Resolution	Full Liquor	No Resolution	
32	Simmzy's	229 Manhattan Beach Blvd.	6am - 11pm, Mon-Thu 6am-12am, Fri-Sat	6am - 11pm, Mon-Thu 6am-12am, Fri-Sat	Beer & Wine	03-20 01/22/03	None
33	The Strand House	117 Manhattan Beach Blvd.	10am-12am, Mon-Thu 10am-1am, Fri 8am-1am, Sat 8am-12am, Sun	10am-12am, Mon-Thu 10am-1am, Fri 8am-1am, Sat 8am-12am, Sun	Full Liquor	CC Reso. 6304 04/19/11 PC 11-02 02/23/11	Live Entertainment & Dancing Fri-Sat, till 1am Thu & Sun, till 11:30pm
34	Wahoo's	1129 Manhattan Ave.	6am-11pm, Sun-Thu 6am-12am, Fri-Sat	6am-11pm, Sun-Thu 6am-12am, Fri-Sat	Beer & Wine	CC Reso. 5312 02/18/97	None

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Vicinity Map

