



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

DATE: March 11, 2020

TO: Planning Commission

FROM: Carrie Tai, AICP, Director of Community Development

BY: Ted Faturros, Assistant Planner

SUBJECT: Proposed Use Permit Amendment to Expand an Existing Restaurant with Full Alcohol Service (Manhattan Beach Post) into an Adjacent Vacant Restaurant Space (formerly Subway) and to also Expand Hours of Operation at 1142 Manhattan Avenue (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 October 28, 2019, the Community Development Department received an application requesting an amendment to an existing Use Permit Amendment to allow for the expansion of an existing restaurant with full alcohol service (Manhattan Beach Post- 1142 Manhattan Avenue) into the adjacent vacant restaurant space (formerly Subway- 1144 Manhattan Avenue). The applicant is also requesting to expand the hours of operation. The subject restaurant is located in the "CD" (Downtown Commercial) zoning district in Area District III.

MB Post currently operates under a Use Permit Amendment found in City Council Resolution No. 5513 (Attachment B). The Use Permit Amendment allows for full alcohol service in conjunction with food service, as well as limited entertainment. The approved operating hours under their existing entitlement are 11:00a.m. to 11:00p.m. Monday through Wednesday, 11:00a.m. to 12:00a.m. Thursday through Friday, 7:00a.m. – 12:00a.m. on Saturdays, and 7:00a.m. to 11:00p.m. on Sundays.

The adjacent vacant restaurant space operated under the Board of Zoning Adjustment Resolution No. 82-41 (Attachment C). BZA 82-41 allowed for a “restaurant, juice bar and deli service” with onsite consumption of food. No alcohol service was allowed by BZA Resolution No. 82-41.

PROJECT OVERVIEW

Location: 1142 Manhattan Avenue
(see Vicinity Map- Attachment F)

Legal Description: Lots 2 & 3, Block 66, Manhattan Beach Division No. 2

LAND USE

General Plan:	Downtown Commercial	
Zoning:	CD, Downtown Commercial	
Area District:	III	
Land Use:	<u>Existing</u>	<u>Proposed</u>
MB Post (1142 Manhattan Ave)	3,283 sq. ft. Restaurant	4,878 sq. ft. Restaurant (no change)
Required Parking:	None	None (per MBMC 10.64.050)

Neighboring Zoning and Land Uses:

North	CD: Restaurant/Office (Fishing with Dynamite)
South (across Center Pl)	CD: Office (Chase Bank)
East (across Bayview Dr)	CD: Public Parking (City-Owned)
West (across Manhattan Ave)	CD: Restaurant/Retail (Slay, Optometrist, etc)

PROJECT DETAILS

	<u>Existing</u>	<u>Proposed</u>
Alcohol Service	On-Site Full Alcohol	On-Site Full Alcohol (No Change)
Live Entertainment:	Limited Entertainment	None
Hours of Operation:	Mon - Wed: 11a.m. – 11p.m. Thu - Fri: 11a.m. – 12a.m. Sat: 7a.m. – 12a.m. Sun: 7a.m. – 11p.m.	Sun – Wed: 6a.m. – 11p.m. Thu – Sat: 6a.m. – 1a.m.

DISCUSSION

The applicant is requesting an amendment to the existing Use Permit Amendment to expand the existing 3,283 square-foot restaurant into the adjacent vacant 1,447 square-foot tenant space formerly occupied by a Subway restaurant. The applicant also proposes to partially enclose a small 148 square-foot front patio area, bringing the total square footage of the expanded restaurant to 4,878 square feet. The applicant is proposing to use the expanded floor space to add seating and bar area in a rearranged floorplan that will also include additional bathrooms and storage area. There are no planned changes to the kitchen, prep area, and most of the rest of the “back of house”. The applicant proposes to build a trash enclosure in the rear of the property along Bayview Drive; and also proposes to use this part of the lot as a loading area, as on-site parking is not required per Manhattan Beach Municipal Code 10.64.050.

The applicant proposes to have operable windows facing Manhattan Avenue in the “Atrium Dining Area” and “Lounge Area” (see Attachment H- Plans), and eliminate the French doors that currently open onto Manhattan Avenue in the southern portion of the building adjacent to Center Place.

The applicant is requesting to expand their allowed operating hours, with a proposed opening time of 6:00a.m. every day and to extend closing time to 1:00a.m. on Thursdays through Sundays. The proposed hours of operation are 6:00a.m. – 11:00p.m. Sunday through Wednesday, and 6:00a.m. – 1:00a.m. Thursday through Saturday.

The existing Use Permit Amendment also allows for limited entertainment for “kids night” on Monday nights from 5:00p.m. – 7:00p.m., with no live entertainment or dancing allowed. The applicant is not requesting to keep the limited entertainment.

Attachment E provides a list of all the Downtown restaurants that serve alcohol with information on their permitted operational characteristics for comparison with the applicant’s proposal. The applicant’s request is consistent with many restaurants in the Downtown that also have full alcohol service and similar hours of operation.

The Draft Resolution (Attachment A) implements the latest conditions the City places on eating and drinking establishments. The Draft Resolution will replace City Council Resolution No. 5513 and rescind Board of Zoning Adjustment Resolution No. 82-41.

OTHER DEPARTMENT COMMENTS

The Police Department has reviewed the applicant’s request and has no concerns or objections. Since Manhattan Beach Post’s opening in 2011, the Police Department has received one call regarding Manhattan Beach Post’s operations. The call was from July 2017 for a “loud compressor” being used by the restaurant. Since 2011, the management of Manhattan Beach Post has called the Police Department five times for help with misbehaving patrons. The Police Department has not suggested any additional conditions of approval.

The applicant is currently using a large metal container to enclose their trash bin. The Public Works Department has requested that a trash enclosure be built in the rear of the property along Bayview Drive that will be large enough to accommodate the waste generated by the business. The Public

Works department has worked with Waste Management, the City's refuse service provider, to determine the proper size and number of refuse containers for the future operations of the restaurant. The proposed trash enclosure in the rear of the property as shown in the proposed plans complies with the requests made by the Public Works Department. The construction of the new trash enclosure must be completed prior to the opening of the new portion of the restaurant.

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

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

Manhattan Beach Post is a commercial use located in the CD Downtown Commercial zone, and its expansion is likewise appropriate for its zoning classification.

2. *The proposed location of the expanded 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.*

Manhattan Beach Post's restaurant use is a commercial use 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 Manhattan Beach Post is part of the downtown commercial mix of businesses that help create a dynamic and interesting Downtown. Manhattan Beach Post's expansion will only enhance the services provided to residents and visitors.

3. *The proposed expanded use and expanded hours will comply with the provisions of the City's Planning and Zoning Title, including any specific condition required for the proposed use in the district in which it would be located.*

Manhattan Beach Post is an eating and drinking establishment use complies with all provisions of Municipal Code Title 10 Planning and Zoning and specific conditions imposed previously. Likewise, its expansion and additional hours of operation will fully comply with Municipal Code's Title 10 Planning and Zoning and specific conditions imposed.

4. *The expansion of the use will not adversely impact or be adversely impacted by nearby properties.*

Manhattan Beach Post has been operating at their current location since April 2011, serving craft beer, small-production wine, and craft cocktails in conjunction with food service revolving around an artisan menu of shared plates. The use is located on the commercial portion of Manhattan Avenue in the heart of Downtown Manhattan Beach, with some of the surrounding businesses having similar operating characteristics. Significant buffers exist between Manhattan Beach Post and residents in nearby blocks, with Manhattan Avenue, Bayview Drive, Center Place, City Parking Lot 2 (between Bayview Drive and Highland Avenue), and other businesses providing barriers that help minimize any impacts associated with the use. Accordingly, any potential impacts arising from the expanded space and hours related to traffic, parking noise, vibration, odors, resident security and personal safety, and aesthetics are either minimal or mitigated by conditions of approval contained herein. The expansion will not create demands exceeding the capacity of public services and facilities.

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 February 27, 2020 and mailed to all property owners within a 500-foot radius. As of the writing of this report, staff has received one public comment from a neighbor opposed to the expansion of hours, with concerns that the restaurant will “become more of a late night bar than a restaurant.” (Attachment G)

ENVIRONMENTAL DETERMINATION

The Project is Categorical 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 a negligible expansion of use associated with the Project, as the existing restaurant is taking over an existing restaurant space.

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 20-
- B. City Council Resolution No. 5513 (1142 Manhattan Ave- Manhattan Beach Post)
- C. Board of Zoning Adjustment Resolution No. 82-41 (1144 Manhattan Ave- formerly Subway)
- D. Applicant's Written Documents
- E. Downtown Alcohol and Hours of Operation List
- F. Vicinity Map
- G. Public Comment
- H. Plans- 1142 Manhattan Ave

Attachment A

RESOLUTION NO. PC 20-

RESOLUTION OF THE MANHATTAN BEACH PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT AMENDMENT FOR AN EXISTING RESTAURANT WITH FULL ALCOHOL SERVICE (MANHATTAN BEACH POST) TO ALLOW: AN EXPANSION OF THE USE INTO AN ADJACENT VACANT RESTAURANT SPACE (FORMERLY SUBWAY); AND AN EXTENSION OF OPERATING HOURS AT 1142 AND 1144 MANHATTAN AVENUE (SIMMS RESTAURANT GROUP/SIMMS)

THE MANHATTAN BEACH PLANNING COMMISSION DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. On December 14, 1982, the City's Board of Zoning Adjustment adopted Resolution No. 82-41, establishing a restaurant, juice bar, and deli service inside an existing retail health food store located at 1144 Manhattan Avenue, subject to a number of conditions. On October 19, 1999, the City Council adopted Resolution No. 5513, approving a Use Permit Amendment to allow full service of alcoholic beverages and limited entertainment at an existing restaurant located at 1142 Manhattan Avenue, subject to a number of conditions.

SECTION 2. The Simms Restaurant Group ("Owner") has applied for an Use Permit Amendment to: expand the floor space of its existing restaurant (Manhattan Beach Post or MB Post) located at 1142 Manhattan Avenue into the adjacent space formerly occupied by Subway located at 1144 Manhattan Avenue (collectively the "site"); and to extend operating hours at the site (the "Project").

SECTION 3. On March 11, 2020, the Planning Commission conducted a duly noticed public hearing to consider the application. The Commission provided an opportunity for the public to provide evidence and testimony at the public hearing.

SECTION 4. 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 negligible expansion of use associated with the Project, as the existing restaurant is taking over an existing restaurant space. The project will neither individually nor cumulatively have an adverse effect on wildlife resources, as defined in California Fish and Game Code Section 711.2.

SECTION 5. The record of the public hearing indicates:

A. The legal description of the site is: Lots 2 & 3, Block 66, Manhattan Beach Division No. 2, in the City of Manhattan Beach, County of Los Angeles. The site is located in Area District III and is zoned CD, Downtown Commercial. The surrounding properties are zoned CD to the North, CD to the South (across Center Place), CD to the East (across Bayview Drive), and CD to the West (across Manhattan Avenue).

B. 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. 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."

C. MB Post has been operating since 2011 under a Use Permit Amendment approved by the City Council in 1999. The use is located on the commercial portion of Manhattan Avenue in the heart of Downtown Manhattan Beach, with some of the surrounding businesses having similar operating characteristics. Significant buffers exist between Manhattan Beach Post and residents in nearby blocks, with Manhattan Avenue, Bayview Drive, Center Place, City Parking Lot 2 (between Bayview Drive and Highland Avenue), and other businesses providing barriers that help minimize any impacts associated with the use.

D. The Use Permit Amendment allows for full alcohol service in conjunction with food service, as well as limited entertainment. The approved operating hours under its existing entitlement are 11:00 a.m. to 11:00 p.m. Monday through Wednesday, 11:00 a.m. to 12:00 a.m. Thursday through Friday, 7:00 a.m. – 12:00 a.m. on Saturdays, and 7:00 a.m. to 11:00 p.m. on Sundays. The applicant is requesting to expand their allowed operating hours, with a proposed opening time of 6:00 a.m. every day and to extend closing time to 1:00 a.m. on Thursdays through Sundays. The proposed hours of operation are 6:00 a.m. – 11:00 p.m. Sunday through Wednesday, and 6:00 a.m. - 1:00 a.m. Thursday through Saturday.

E. The adjacent vacant restaurant space operated under the Board of Zoning Adjustment Resolution No. 82-41 (Attachment C). BZA 82-41 allowed for a “restaurant, juice bar and deli service” with onsite consumption of food. No alcohol service was allowed by BZA Resolution No. 82-41.

F. The applicant is requesting to expand its existing 3,283 square-foot restaurant into the adjacent vacant 1,447 square-foot tenant space formerly occupied by a Subway restaurant. The applicant also proposes to partially enclose a small 148 square-foot front patio area, bringing the total square footage of the expanded restaurant to 4,878 square feet. The applicant is proposing to use the expanded floor space to add seating and bar area in a rearranged floorplan that will also include additional bathrooms and storage area.

G. The Police Department has reviewed the request and has no concerns or objections. The City has received one complaint about noise from MB Post since it began operating in 2011. The Police Department has not suggested any additional conditions of approval.

H. 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.

SECTION 6. Based upon substantial evidence in the record, and pursuant to Manhattan Beach Municipal Code Section 10.84.060, the Planning Commission hereby finds:

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

Manhattan Beach Post is a commercial use located in the CD Downtown Commercial zone, and its expansion is likewise appropriate for its zoning classification.

2. The proposed location of the expanded 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.

Manhattan Beach Post’s restaurant use is a commercial use 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 Manhattan Beach Post is part of the downtown commercial mix of businesses that help create a dynamic and interesting Downtown. Manhattan Beach Post’s expansion will only enhance the services provided to residents and visitors.

3. The proposed expanded use and expanded hours will comply with the provisions of the City’s Planning and Zoning Title, including any specific condition required for the proposed use in the district in which it would be located.

Manhattan Beach Post is an eating and drinking establishment use complies with all provisions of Municipal Code Title 10 Planning and Zoning and specific conditions imposed previously. Likewise, its expansion and additional hours of operation will fully comply with Municipal Code’s Title 10 Planning and Zoning and specific conditions imposed.

4. The expansion of the use will not adversely impact or be adversely impacted by nearby properties.

Manhattan Beach Post has been operating at their current location since April 2011, serving craft beer, small-production wine, and craft cocktails in conjunction with food service revolving around an artisan menu of shared plates. The use is located on the commercial portion of Manhattan Avenue in the heart of Downtown Manhattan Beach, with some of the surrounding businesses having similar operating characteristics. Significant buffers exist between Manhattan Beach Post and residents in nearby blocks, with Manhattan Avenue, Bayview Drive, Center Place, City

Parking Lot 2 (between Bayview Drive and Highland Avenue), and other businesses providing barriers that help minimize any impacts associated with the use. Accordingly, any potential impacts arising from the expanded space and hours related to traffic, parking noise, vibration, odors, resident security and personal safety, and aesthetics are either minimal or mitigated by conditions of approval contained herein. The expansion will not create demands exceeding the capacity of public services and facilities.

SECTION 7. Based upon the foregoing, the Planning Commission hereby **APPROVES** the Use Permit Amendment to allow the expansion and expanded hours subject to the following conditions:

1. The project shall be in substantial conformance with the plans and project description submitted to, and approved by the Planning Commission on March 11, 2020 as amended and conditioned. Any substantial deviation from the approved plans and 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.
3. A Construction Management and Parking Plan (CMPP) shall be submitted by the applicant with the submittal of plans building plans to the Building Division. The CMPP shall be reviewed and approved by the City, including but not limited to, the City Traffic Engineer, Planning, Fire, Police and Public Works, prior to permit issuance. The Plan shall include, but not be limited to, provisions for the management of all construction related traffic, parking, staging, materials delivery, materials storage, and buffering of noise and other disruptions. The Plan shall minimize construction-related impacts to the surrounding neighborhood, and shall be implemented in accordance with the requirements of the Plan.
4. All electrical, telephone, cable television system, and similar service wires and cables shall be installed underground to the appropriate utility connections in compliance with all applicable Building and Electrical Codes, safety regulations, and orders, rules of the Public Utilities Commission, the serving utility company, and specifications of the Public Works Department

Operation

5. The management of the property shall police the property and all areas adjacent to the business during the hours of operation to keep it free of litter and food debris.
6. The operators of the business shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject business.
7. All rooftop mechanical equipment shall be screened from the public right-of-way.
8. 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.
9. Hours of operation for the establishment shall be permitted as follows:

Sunday – Wednesday	6:00am – 11:00pm
Thursday – Saturday	6:00am – 1:00am
10. The owner shall be in substantial compliance with all restrictions imposed by the Alcohol Beverage Control Board (ABC) prior to service of liquor.
11. Alcohol service shall be conducted only in conjunction with food service during all hours of operation.
12. Food service shall be available at all seats, and no specific bar area serving exclusively alcohol shall be permitted.
13. At all times the business shall identify itself as a “restaurant” and will not identify itself as a “bar” in public advertisements.
14. Live entertainment is prohibited.

15. 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. Noise shall not be audible beyond the premises.
16. The restaurant management shall control the volume of any background music.
17. At any time in the future, the Planning Commission or City Council may review the Use Permit Amendment 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.
18. The Community Development Department staff shall be allowed to inspect the site at any time.

Refuse

19. A trash enclosure(s) with adequate total capacity shall be provided on the site, subject to the specifications of the Public Works Department, Community Development Department, and City's waste contractor. The expanded portion of the restaurant shall not be allowed to start operations until the trash enclosure structure has been constructed.
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. 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.
27. *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.

SECTION 8. 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.

SECTION 9. This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030 have expired.

SECTION 10. 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.

SECTION 11. This Use Permit Amendment shall lapse two years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.

March 11, 2020

Planning Commission Chair

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 **March 11, 2020** and that said Resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Carrie Tai, AICP,
Secretary to the Planning Commission

Rosemary Lackow,
Recording Secretary

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Attachment B

RESOLUTION NO. 5513

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, SUSTAINING AN APPEAL OF A PLANNING COMMISSION DECISION APPROVING AN AMENDMENT TO AN EXISTING USE PERMIT TO ALLOW FULL SERVICE OF ALCOHOLIC BEVERAGES AND LIMITED ENTERTAINMENT, AT AN EXISTING RESTAURANT LOCATED AT 1142 MANHATTAN AVENUE

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

SECTION 1. The City Council hereby makes the following findings:

- A. The Planning Commission of the City of Manhattan Beach conducted a public hearing, pursuant to applicable law, on July 28, 1999, to consider an application for a Use Permit Amendment for the property legally described as Lots 2 & 3, Block 66, Manhattan Beach Division #2; and,
- B. The City Council, at its regular meeting of August 17, 1999, appealed the subject request because of concerns raised regarding the proposed changes to the restaurant operation. On October 5, 1999, the Council approved the request with modification and directed Staff to prepare an appropriate resolution; and,
- C. The applicant for the Use Permit Amendment is Michael Rossi, lessee of the subject restaurant; and,
- D. The property is owned by Lewis & Clara Bloom Trust, and,
- E. The proposed use is permitted in the CD (Downtown Commercial) Zone, subject to a Use Permit Amendment approval; and,
- F. The project has been determined to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), and the Manhattan Beach CEQA guidelines, pursuant to Section 15332 (Class 32) - "Minor infill development within an urbanized area"; and,
- 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; and,
- H. The City Council made the following findings with respect to this application:
 1. The proposed amendment is a request by an existing restaurant to amend its operating conditions as follows: 1) add the amenity of low key entertainment, which includes puppeteers, ventriloquists, magicians and similar types of shows, 2) expand closing hours by one hour consistent with other similarly approved restaurants and 3) expand the current alcoholic beverage service from a "type 41" (beer and wine) to "type 47" (full alcohol) with service of alcohol strictly to patrons consuming food at tables.
 2. The project is located in Area District III in downtown Manhattan Beach and is zoned (CD) Downtown Commercial. The surrounding adjacent properties are also similarly zoned.
 3. The General Plan designation for the property is Downtown Commercial.
- I. The subject location is within the Coastal Zone but not within the boundaries of the area subject to appeal to the California Coastal Commission. A Coastal Development Permit is not required, as the proposed project is not considered "development": by the Local Coastal Program since there will be no construction or change of use.



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

City Clerk of
the City of
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J. Pursuant to MBMC 10.84.060, the following findings are made:

- 1. The project will permit desired improvements to the operating conditions for an existing restaurant that has a valid use permit and as such will be in accord with the objectives of the Zoning Ordinance and the purposes of the Commercial Downtown district stated as follows (see MBMC 10.16.010):

To provide opportunities for residential, commercial public and semipublic uses that are appropriate for the downtown area. This district is intended to accommodate a broad range of community businesses and to serve beach visitors).

- 2. The proposed use will be consistent with the General Plan, Land Use Element Policies as follows:

Goal 6: Continue to support and encourage the viability of the "Downtown" area of Manhattan Beach.

Policy 6.1: Encourage the upgrading and expansion of business in the Downtown area to serve as a center for the community and to meet the needs of beach area residents.

- 3. The project 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 in that the requested changes are similar to those of other similar restaurants in the downtown area, and with certain conditions imposed, the potential for noise impacts will be minimized or avoided.

- 4. The project will comply with all applicable provisions of the Zoning Ordinance.

SECTION 2. The City Council does hereby SUSTAINS THE APPEAL FROM THE PLANNING COMMISSION DECISION and hereby APPROVES a Use Permit Amendment which differs in part from that issued by the Planning Commission which shall be subject to the following conditions:

General

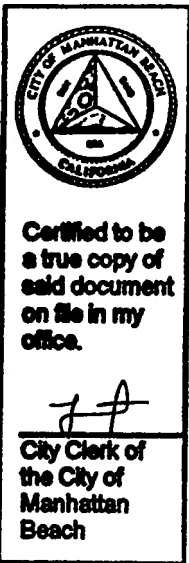
- 1. All applicable conditions previously imposed on prior approved resolutions have been incorporated in the subject Resolution and shall remain in full force for the subject property.
- 2. The project shall be in substantial conformance with the plans submitted to, and approved by, the Planning Commission on July 28, 1999.

Public Works

- 3. No discharge of construction wastewater, building materials, debris, or sediment from the site shall be permitted.
- 4. A mop sink must be maintained.
- 5. A grease interceptor shall be installed, maintained and placed into a maintenance program with regular inspections and removal of grease buildup.

Business Operation

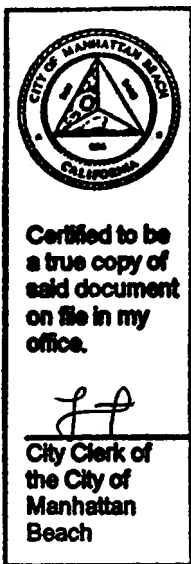
- 6. The management of the restaurant shall police the property and all areas immediately adjacent to the business during the hours of operation to keep it free of litter.



- 1 7. The applicant shall maintain a refuse enclosure constructed in accordance with City requirements, which shall be approved by the Community Development Department and Public Works Department.
- 2
- 3 8. All mats shall be cleaned within the premises with no outside cleaning of mats permitted. If the floor mats cannot be cleaned within the premises, a service company must be contracted.
- 4 9. All rooftop and mechanical equipment shall be completely screened from view on all sides consistent with the requirements of Section 10.60.090 of the Manhattan Beach Municipal Code.
- 5
- 6 10. The restaurant tenant shall conform to all disabled access requirements subject to the approval of the Building Official.
- 7 11. Noise emanating from the property shall be within the limitations prescribed by the City Noise Ordinance and shall not create a nuisance to nearby residential property owners.
- 8 12. Exterior music at the patio dining area shall be prohibited during all hours of operation.
- 9 13. "Kids Night" entertainment shall occur on Monday evening between the hours of 5:00 p.m. and 7:00 p.m.
- 10
- 11 14. The hours of operation shall be as follows:
 - 12 • Monday through Wednesday 11:00 a.m. to 11:00 p.m.
 - 13 • Thursday and Friday 11:00 a.m. to 12:00 midnight
 - 14 • Saturday 7:00 a.m. to 12:00 midnight
 - 15 • Sunday 7:00 a.m. to 11:00 p.m.
- 16 15. No sale of alcoholic beverages shall be permitted on the outdoor patio dining area after 10:00 p.m.
- 17 16. The service of alcohol to customers at indoor tables and outdoor patio area shall be served only in conjunction with full menu food service during all hours of operation.
- 18 17. The service of food and beverages shall be primarily by employee service to customers seated at tables and shall have no take-out window.
- 19 18. The retail bar area shall provide a maximum of nine (9) barstools. This area shall be permitted as a waiting area with full menu food service and/or alcoholic beverage service.
- 20 19. No live entertainment or dancing (other than the "kids night" entertainment on Mondays) shall be permitted at any time.
- 21 20. Minimal and intermittent alterations to the existing floor plan of the restaurant would be permitted to accommodate the "roaming" entertainer.
- 22 21. 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 brought against the City within 90 days after the City's final approval of the project, other than one by the applicant, challenging the approval of this project, or any action or failure to act by the City relating to the environmental review process pursuant to the California Environmental Quality Act. In the event such a legal action is filed against the City, the City shall estimate its expenses for the litigation and the applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

Procedural

- 27
- 28 22. This Resolution shall become effective upon an approval by a majority of the Manhattan Beach City Council.
- 29
- 30
- 31
- 32



- 1 23. Pursuant to Public Resources Code Section 21089 (b) and the Fish and Game Code Section 711.4 (c), the project is not operative, vested, or final until the required filing fees are paid.
- 2 24. The Planning Division within one year (July 28, 2000) of the initial date of this approval will conduct an annual review of these conditions of approval.
- 3
- 4 25. 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.
- 5 26. At any time in the future, the Planning Commission or City Council may review the Planned Development Amendment approval for purposes of revocation or modification. Modification may consist of conditions deemed reasonable to mitigate or alleviate impacts to adjacent land uses.

7 **SECTION 3.** This Resolution shall take effect immediately.

8 **SECTION 4.** 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.

13 **SECTION 5.** The City Clerk shall make this Resolution reasonably available for public inspection within thirty (3) days of the date this Resolution is adopted.

14 **SECTION 6.** The City Clerk shall certify to the adoption of this Resolution and thenceforth and thereafter the same shall be in full force and effect.

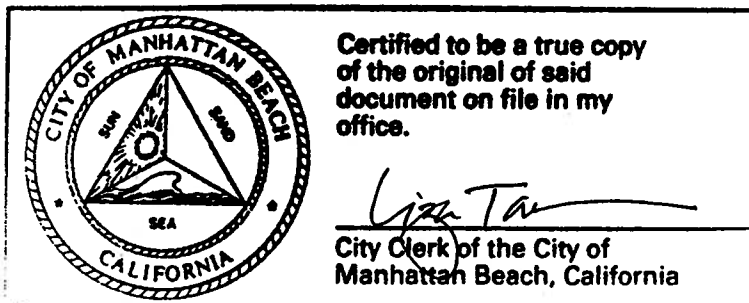
16 PASSED, APPROVED, and ADOPTED this 19th day of October, 1999.

17 Ayes: Napolitano, Lilligren, Dougher, Fahey and Mayor Wilson.
 18 Noes: None.
 19 Absent: None.
 20 Abstain: None.

21 /s/ Linda Wilson
 22 Mayor, City of Manhattan Beach, California

23 ATTEST:

24 /s/ Liza Tamura
 25 City Clerk



Attachment C

RESOLUTION NO. 82- 41

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENT OF THE CITY OF MANHATTAN BEACH APPROVING THE CONDITIONAL USE PERMIT TO ALLOW THE EXISTING RETAIL HEALTH FOOD STORE TO EXPAND ITS OPERATIONS TO INCLUDE A RESTAURANT, JUICE BAR AND DELI SERVICE ON THE PROPERTY LOCATED AT 1144 MANHATTAN AVENUE IN THE CITY OF MANHATTAN BEACH (The Source Health Food Store)

WHEREAS, the Board of Zoning Adjustment of the City of Manhattan Beach conducted a public hearing pursuant to applicable law to consider an application for a Conditional Use Permit for the property legally described as Lot 3, Block 6, Manhattan Division No. 2, and located at 1144 Manhattan Avenue; and,

WHEREAS, the applicant for the Conditional Use Permit is Thomas Olsvold, manager of the existing retail business; and,

WHEREAS, the public hearing was advertised pursuant to applicable law, testimony was invited and received; and,

WHEREAS, an Initial Study/Environmental Assessment was prepared and a Negative Declaration was filed in compliance with all respects with CEQA and the City of Manhattan Beach Guidelines, finding no significant environmental impacts associated with the project; and,

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

1. The applicant requests approval of a Conditional Use Permit to install a restaurant, deli, and juice bar operation in conjunction with the existing retail food store.
2. The proposal includes a request to set up both an on-site dining facility and a take out operation.
3. The subject business is located in Area District No. III the downtown area, and is zoned C-2, general commercial.
4. The business is located within Vehicle Parking District No. 2; and, therefore, is exempt from providing on-site parking accommodations.
5. The business maintains one on-site parking space at the rear.
6. The size of the existing store is 1180 square feet.
7. The existing health food store sells a variety of food supplements, groceries, cosmetics, pre-packaged juices, and sandwiches for off-site consumption.
8. The food preparation facilities will be consolidated at the rear of the business.
9. The proposal does not include the use of a cooking grill or seek approval for sale of alcoholic beverages on the premises.
10. The proposed seating capacity is set up for approximately 10 persons. All the on-site dining facilities are located at the front of the building adjacent to Manhattan Avenue entrance.

WHEREAS, based on the above, the Board of Zoning Adjustment has determined that the expansion of the existing commercial facilities to include a restaurant operation will provide a net benefit to the City and the downtown area.

NOW, THEREFORE, BE IT RESOLVED that based on the above findings, the Board of Zoning Adjustment hereby APPROVES the Conditional Use Permit subject to the following conditions:

1. The consumption of all food and beverages shall take place within the enclosed building, except foods specifically purchased for take-out.
2. The management shall police the area immediately adjacent to the business during business hours to keep it free from trash and litter.

3. The applicant shall install and maintain one street tree on the Manhattan Avenue frontage of the business of a size and variety subject to the approval of the Public Works Department. The applicant may elect to have the street tree purchased and planted by the City for a cost of \$25.00 in accordance with the previously approved Street Tree Planting Program in commercial districts.
4. The Conditional Use Permit shall be reviewed annually.


I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Board of Zoning Adjustment at its regular meeting of December 14, 1982, and that said Resolution was adopted by the following vote:

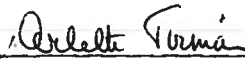
AYES: Cole, Duffy, Johnson, Hollingsworth
Archuletta

NOES: None

ABSENT: None

ABSTAIN: None


TERRY STAMBLER-WOLFE
Secretary to the Board of Zoning Adjustment


Arlette Tirman
Recording Secretary

Attachment D

**MB Post
1142 Manhattan Avenue**

Project Narrative

The application request is to approve the sale of alcoholic beverages for on-site consumption to expand into an adjacent space. The subject site is currently a 3,200 +/- sq. ft. restaurant space (MB Post) that offers a full-service menu, including a full-service bar. The project is proposing to expand its operations into an adjacent 1,200 sq. ft. +/- space currently occupied by Subway Restaurants. The project will not create a change of use as the subject expansion area is currently permitted as a restaurant use with on-site seating. The Subway operations does not include alcoholic beverage services, therefore; the applicant is requesting formal approval to expand its operational characteristics, which include full-service alcohol, into the subject space.

The scope of work would include non-bearing demo of existing partition walls, equipment, decorative finishes in the existing Subway space. In addition to the modifications in the Subway space, MB Post will also conduct a cosmetic enhancement of their existing space which will include new seating, new decorative finishes, modified bar area, new lighting and other architectural improvements. The existing kitchen (back of house) area will not be modified as part of this project scope.

The portion of the Subway space will be utilized as the new entry area as well as an entry lounge / waiting area where guest will utilize as both a waiting and dining area as food and beverages will be available in this area; an intermediate dining area; and restrooms for guests. From an exterior modification standpoint, the project will propose new operable windows at the lounge and atrium dining area and the existing storefront of the main dining will remain. New wood cladding, brick veneer and a steel canopy are also proposed as part of the exterior enhancements.

The proposed hours of operations as follows:

6am to 11pm Sunday to Wednesday

6am to 1am Thursday to Saturday

Please refer to the plan documents for further information on the scope of work.

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Attachment E

LIST OF DOWNTOWN RESTAURANTS & BARS WITH ALCOHOL SERVICE

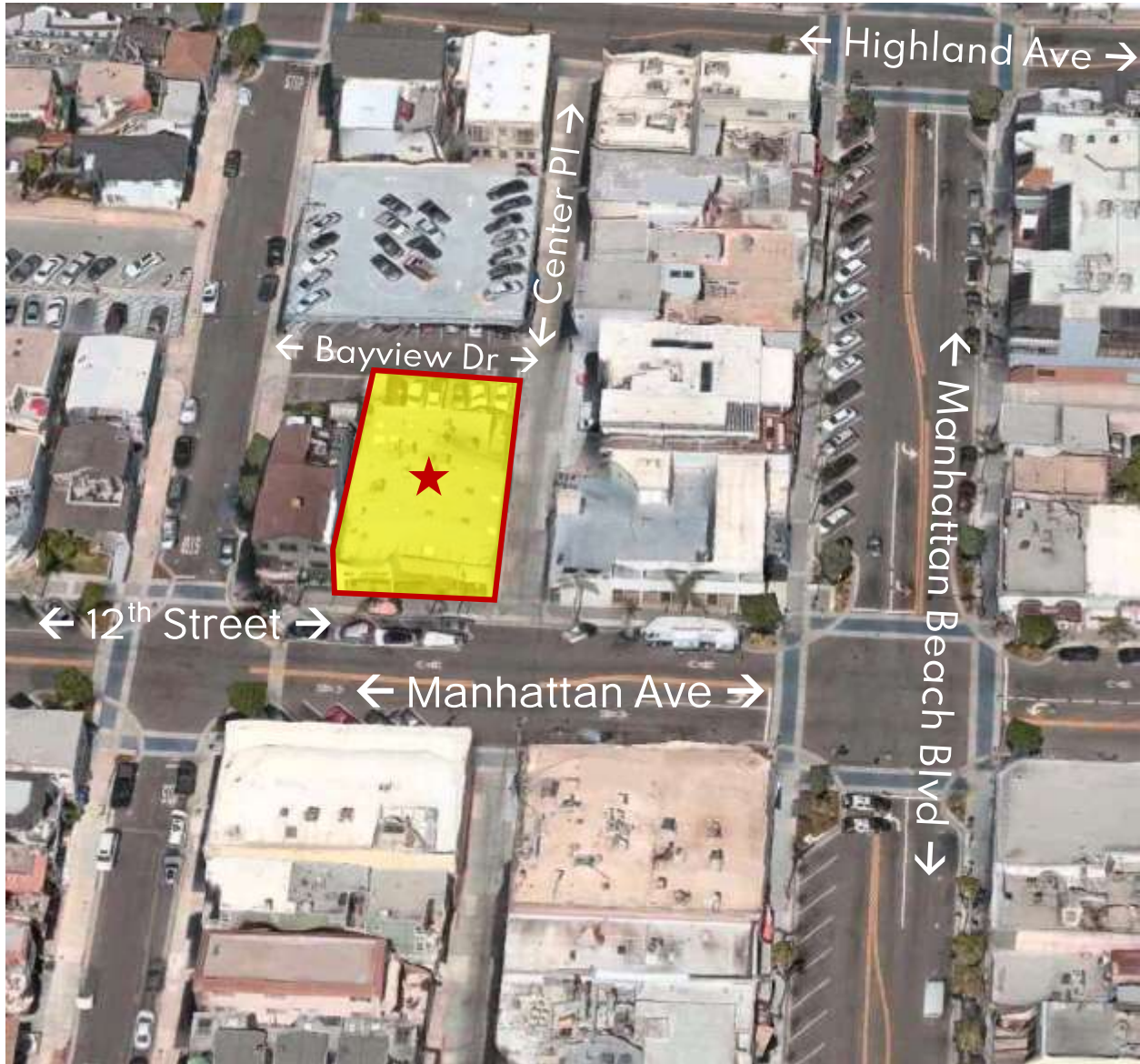
	Establishment	Address	Approved Hours of Operation	Approved Alcohol Hours	Alcohol License	Resolution Nos. & Dates	Entertainment
1	900 Manhattan Club/Downstairs Bar	900 Manhattan Ave.	9am-12am, Sunday 11am-12am, Mon-Wed 11am-12am, Thu (downstairs) 11am-1am, Thu (upstairs) 11am-1am, Fri 9am-1am, Sat	9am-12am, Sunday 11am-12am, Mon-Wed 11am-12am, Thu (downstairs) 11am-1am, Thu (upstairs) 11am-1am, Fri 9am-1am, Sat	Full Liquor	CC Reso. 20-0119 02/18/20	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	SLAY Steak + Fish House	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	Coasta Manhattan Beach	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	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	PC 19-10 6/12/19	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	Flyin Fin (under construction)	1127 Manhattan Ave.	6am-11pm, Sun-Thu 6am-1am, Fri-Sat	6am-11pm, Sun-Thu 6am-1am, Fri-Sat	Beer & Wine	PC 19-10 6/12/19	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	PC 19-10 6/12/19	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 18-0074 06/05/2018 CC 5770 07/16/02	2 Unamplified Entertainers Background Music Class I Entertainment Permit Required for More
22	Slay Italian Kitchen	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	Esperanza	309 Manhattan Beach Blvd.	7am-2am, Daily	7am-2am, Daily	Full Liquor	19-03 03/27/19	1:30am, 7 days a week 5 Musicians/vocalists
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	Full Liquor	18-15 09/26/18	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	Culture Brewing Company	327 Manhatta Beach Blvd.	8am - 10pm	8am - 10pm	Beer	PC 19-05 05/22/19	None
35	Tacolicious	1129 Manhattan Ave.	6am-11pm, Sun-Thu 6am-12am, Fri-Sat	6am-11pm, Sun-Thu 6am-12am, Fri-Sat	Full Alcohol	PC 19-10 6/12/19	None

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Vicinity Map



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Attachment G
Public Comment

On Mar 2, 2020, at 8:12 PM, Peter Hartshorn <peterwhartshorn@gmail.com> wrote:

Dear Manhattan Beach City Council,

I received your public notice concerning the Application of the Simms Restaurant Group at 1142 Manhattan Ave. As I live just down the street at 1300 Manhattan Ave B, I reviewed the Application with interest and concern. I will not be able to attend the Public Hearing scheduled for Wednesday, March 11, 2020 and thus, with this letter, would like to outline my concern with this pending Application.

While having quality restaurants in the area is desirable and the extension of the Manhattan Beach Post into the old Subway site is not concerning, the request for extended hours beyond what the Post currently operates, a closure at 10 pm weekdays and 10:30 pm Friday and Saturdays, should not be allowed. I would strongly argue that extending the operating time past 10:30, where a liquor license is issued, allows such a venue to become more of a late night bar than a restaurant. This would add significant night time human traffic, possibly inebriated, and noise to the neighborhood way past the evening and into the night when residents are sleeping.

We would appreciate your support to ensure that the operating hours being requested by the Simms Group are not accepted and that a maximum evening time be set at 10:30 PM.

Please note that the Manhattan Beach Post has not been the best of neighbors. One evening last year, I was awakened at 4 am as the restaurant was being power washed. When I went to the restaurant to complain, they initially ignored me until I threatened to call the police at which point they turned off their equipment.

Thank you for giving consideration to the residents surrounding this Simms Group restaurant.

Peter and Kelly Hartshorn
1300 Manhattan Ave Unit B

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Attachment H



PROJECT DIRECTORY

OWNER REPRESENTATIVE:
RSI GROUP, INC.
 3187 AIRPORT AVENUE, UNIT "A"
 COSTA MESA, CA 92626
 714.966.9400

BOB LOMBARDO
 PRINCIPAL
 714.376.0090
 boblombardo@rsi-group.com

DESIGN TEAM:
STUDIO COLLECTIVE
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 DESIGNER
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 VENICE CA 90291
 madison@studio-collective.com

ARCHITECT
GHA ARCHITECTURE
 14901 QUORUM DRIVE
 DALLAS, TX 75254

ANDREW GERDES
 PRESIDENT
 972.239.8884

MICHAEL NAGEL
 PROJECT ARCHITECT
 972.239.8884
 mnagel@gha-architects.com

RYAN MOORE
 PROJECT MANAGER
 972.239.8884
 moore@gha-architects.com

ENGINEERING TEAM:
MEP ENGINEERING & DESIGN
CRO ENGINEERING GROUP, INC.
CONRAD ORR, SR
 PRESIDENT
 714-847-7100 X 4001
 conrad@croeng.com

CONSTRUCTION TEAM:
RSI GROUP, INC.
 3187 AIRPORT AVENUE, UNIT "A"
 COSTA MESA, CA 92626
 714.966.9400

MONI DOSANJH
 DIRECTOR OF DEVELOPMENT
 714.804.0281
 moni@rsi-group.com

LIGHTING DESIGN & FIXTURES
KAPLAN GEHRING MCCARROL
ERICA MCNICHOLAS
 PRINCIPAL
 270 CORRAL CIRCLE
 EL SEGUNDO, CA 90245
 emcnicholas@kgmlighting.com

KITCHEN EQUIPMENT
MYERS RESTAURANT SUPPLY, LLC
 KEVIN MCQUEEN
 5855 GREEN VALLEY CIRCLE SUITE 310
 CULVER CITY, CA 90230
 310.646-1200

STRUCTURE ENGINEERING & DESIGN
STB STRUCTURAL ENGINEERS, INC.
DOUG THOMPSON
 STRUCTURAL ENGINEER
 949-599-0320 x112
 doug@stbse.com

VICINITY MAP



SCOPE OF WORK

- MB-POST INTERIOR TENANT IMPROVEMENT:
- EXISTING MB-POST INTERIOR TO BE DEMOLISHED AND NEW INTERIOR TENANT IMPROVEMENT BUILDING PERMIT
 - INTERIOR SCOPE TO INCLUDE NEW GUEST AREA, AND RESTROOM, NEW INTERIOR LIGHTING, NEW DUCTING, NEW PLUMBING AND DRAINAGE
 - EXTERIOR SCOPE TO INCLUDE NEW AWNING AND LIGHTING

DEFERRED SUBMITTALS

DOCUMENTS FOR DEFERRED SUBMITTAL ITEMS SHALL BE SUBMITTED TO THE REGISTERED DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE WHO SHALL REVIEW THEM AND FORWARD THEM TO THE BUILDING OFFICIAL WITH A NOTATION INDICATING THAT THE DEFERRED SUBMITTAL DOCUMENTS HAVE BEEN REVIEWED AND FOUND TO BE IN GENERAL CONFORMANCE TO THE DESIGN OF THE BUILDING. THE DEFERRED SUBMITTAL SHALL NOT BE INSTALLED UNTIL THE DEFERRED HAVE BEEN APPROVED BY THE BUILDING OFFICIAL.

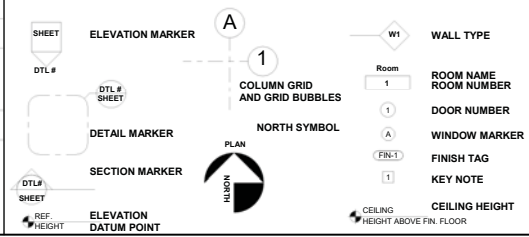
DEFERRED SUBMITTALS:
 1. SIGNAGE

NUMBER	SHEET NAME	REVISION DATE	REVISION #
GENERAL			
G100	COVER SHEET		
DEMOLITION			
D101	DEMOLITION FLOOR PLAN		
D120	DEMOLITION REFLECTED CEILING PLAN		
D201	DEMOLITION EXTERIOR ELEVATIONS		
ARCHITECTURE			
A001	ARCHITECTURAL SITE PLAN		
A101	FLOOR PLAN, NOTES & DIMENSIONS		
A103	ATTIC ACCESS PLAN		
A120	REFLECTED CEILING PLAN		
A130	ROOF PLAN		
A100	EXTERIOR ELEVATIONS		
A000	BUILDING SECTIONS		

CODE SUMMARY

APPLICABLE CODES:	OCCUPANCY GROUP:		
BUILDING CODE: 2019 CA BUILDING CODE	A2 - GROUP DIVISION 304.1, 2019 CABO		
PLUMBING CODE: 2019 CA PLUMBING CODE	OCCUPANCY LOAD		
MECHANICAL CODE: 2019 CA MECHANICAL CODE	99 OCCUPANTS (SEE OCCUPANCY CALCULATION ON SHEET A100)		
ELECTRICAL CODE: 2019 CA ELECTRICAL CODE	CONSTRUCTION TYPE:		
ACCESSIBILITY CODE: CA TITLE 24 DISABLED ACCESS REQUIREMENTS	TYPE V-B (TABLE 602, 2019 CABO)		
ENERGY CODE: 2019 CA ENERGY CODE	EXISTING SQUARE FOOTAGE: (CURRENT MB POST)		
FIRE CODE: 2019 CA FIRE CODE	3,283 SQ FT		
GREEN BUILDING: 2019 CA GREEN BUILDING CODE	PROPOSED NEW SQUARE FOOTAGE: (NEIGHBORING SPACE)		
ZONING: CD DOWNTOWN COMMERCIAL (AREA DISTRICT III), APN (4179-021-002)	1,447 SQ FT (NEW EXPANSION)		
LEGAL DESCRIPTION: (LOTS 2 & 3, BLOCK 66, MANHATTAN BEACH DIVISION NO. 2)	148 SQ FT (NEW ADDITION)		
	PROPOSED TOTAL SQUARE FOOTAGE:		
	4,879 SQ FT		
	LOT SIZE:		
	6,000 SQ FT		
BUILDING HEIGHT & AREA ALLOWABLE:	CONSTRUCTION TYPE III-B (PER CABO TABLE 504.3)		
OCCUPANCY CLASSIFICATION	MAXIMUM HEIGHT	MAXIMUM AREA	MAXIMUM STORES
A2	65' - 0"	15,000 SF	3
OVERALL EXISTING BUILDING HEIGHT	1 STORY		
AREA OF MODIFICATION	GROUND LEVEL COMMERCIAL TENANT IMPROVEMENT SPACE,		
BUILDING HEIGHT	21'-0" (EXISTING BUILDING HEIGHT)		
	OVERALL TENANT IMPROVEMENT SPACE		

SYMBOLS



14901 Quorum Drive
 Suite 309
 Dallas, Texas 75254
 Ph: (972) 239-8884
 Fax: (972) 239-9654



MBPOST
 1142 Manhattan Ave
 Manhattan Beach, CA 90266
 APN (4179-021-002)
 CD Downtown Commercial, Area District III
 Lots 2 & 3, Block 66, Manhattan Beach division No. 2

DO NOT SCALE DRAWINGS
 CONTRACTOR TO VERIFY
 ALL EXISTING CONDITIONS AND
 DIMENSIONS-NOTIFY ARCHITECT
 OF ANY DISCREPANCIES PRIOR
 TO BEGINNING CONSTRUCTION

NO.	REVISION	DATE

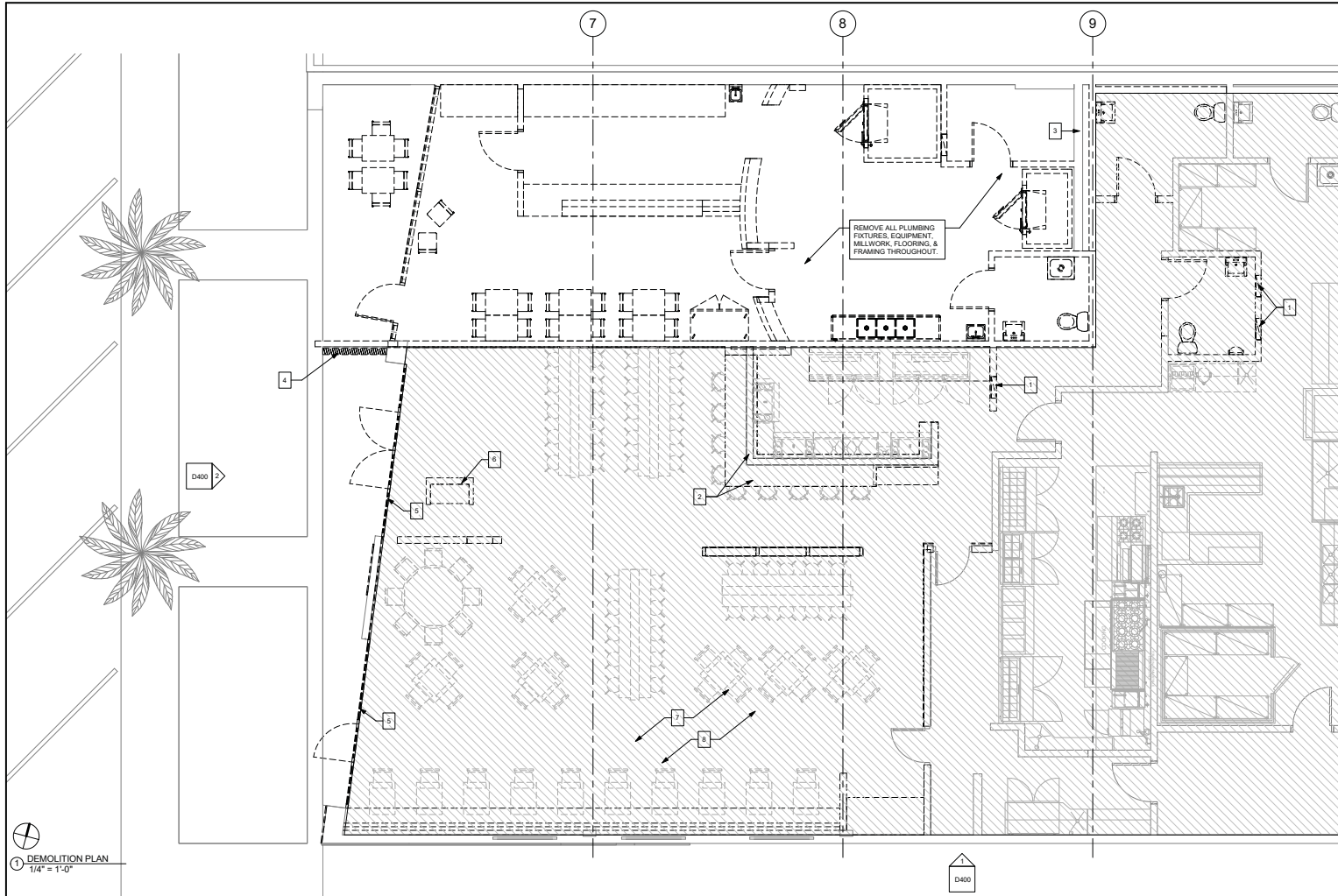
ISSUE

COVER SHEET

PROJECT NUMBER
190656

SHEET NUMBER
G100

ISSUE FOR PERMIT 2/05/2020



GENERAL DEMOLITION NOTES:
 A. REMOVE ALL FOH FURNITURE.
 B. REMOVE ALL FOH LIGHTING FIXTURES.
 C. REMOVE INTERIOR FINISHES & PREPARE TO RECEIVE NEW FINISHES.

DEMOLITION KEYNOTES:
 1. REMOVE EXISTING ELECTRICAL PANEL.
 2. EXISTING BAR DIE WALL TO REMAIN. BAR TOP TO BE REMOVED AND REPLACED.
 3. EXISTING CONCRETE WALL TO REMAIN.
 4. REMOVE EXISTING METAL FINIS.
 5. REMOVE EXISTING SLIDING GLASS DOORS.
 6. REMOVE AND RELOCATE HOSTESS STAND.
 7. REMOVE ALL FURNITURE & BUILT IN MILLWORK.
 8. REMOVE EXISTING FLOOR FINISHES AND PREPARE SURFACE FOR NEW FLOOR FINISHES.

LEGEND
 ——— EXISTING TO REMAIN
 - - - - - EXISTING TO BE REMOVED



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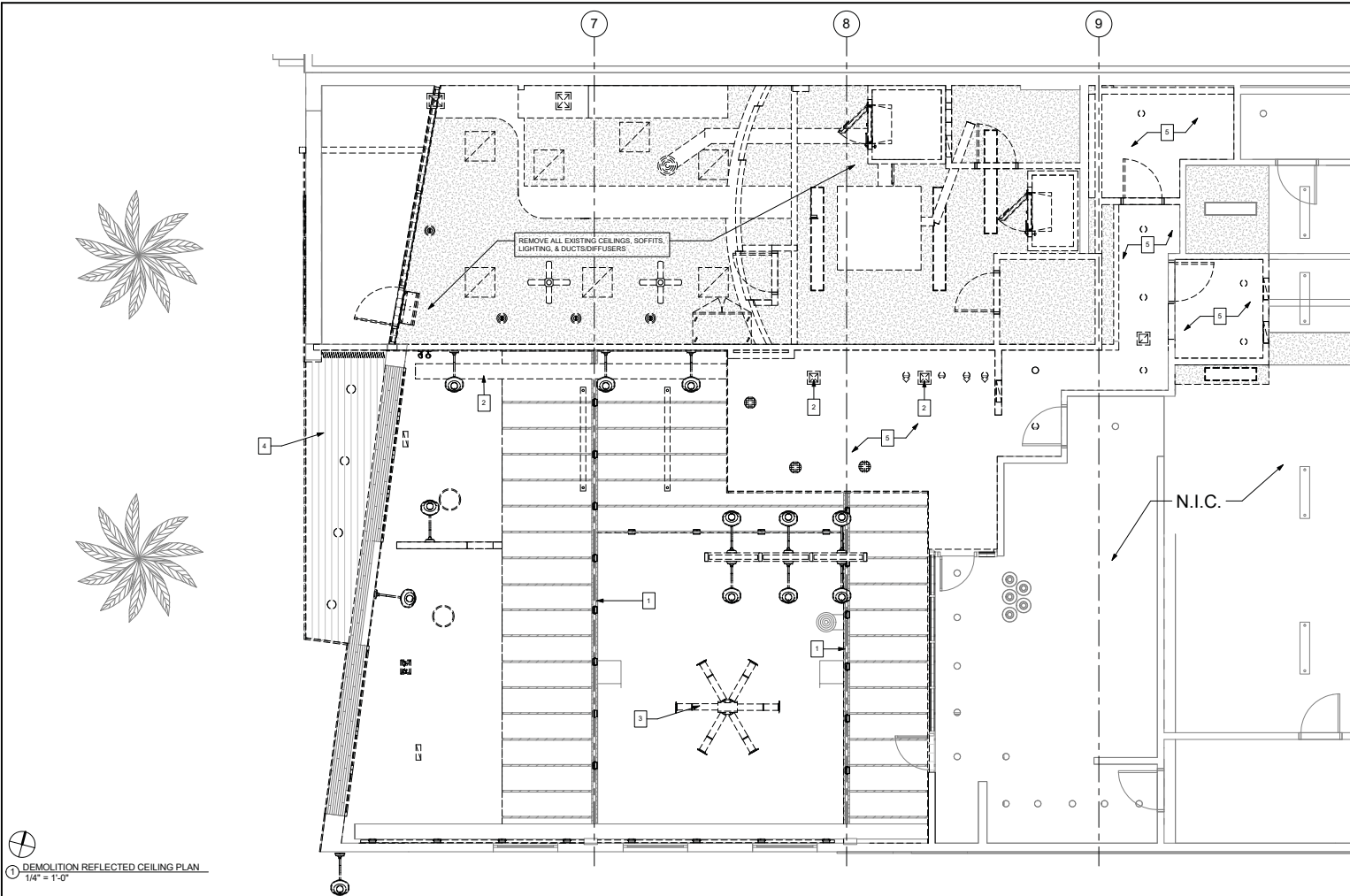
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ISSUE

DEMOLITION FLOOR PLAN
 PROJECT NUMBER
190656
 SHEET NUMBER
D101

ISSUE FOR PERMIT 2/03/2020

① DEMOLITION PLAN
 1/4" = 1'-0"



⊕
 ① DEMOLITION REFLECTED CEILING PLAN
 1/4" = 1'-0"



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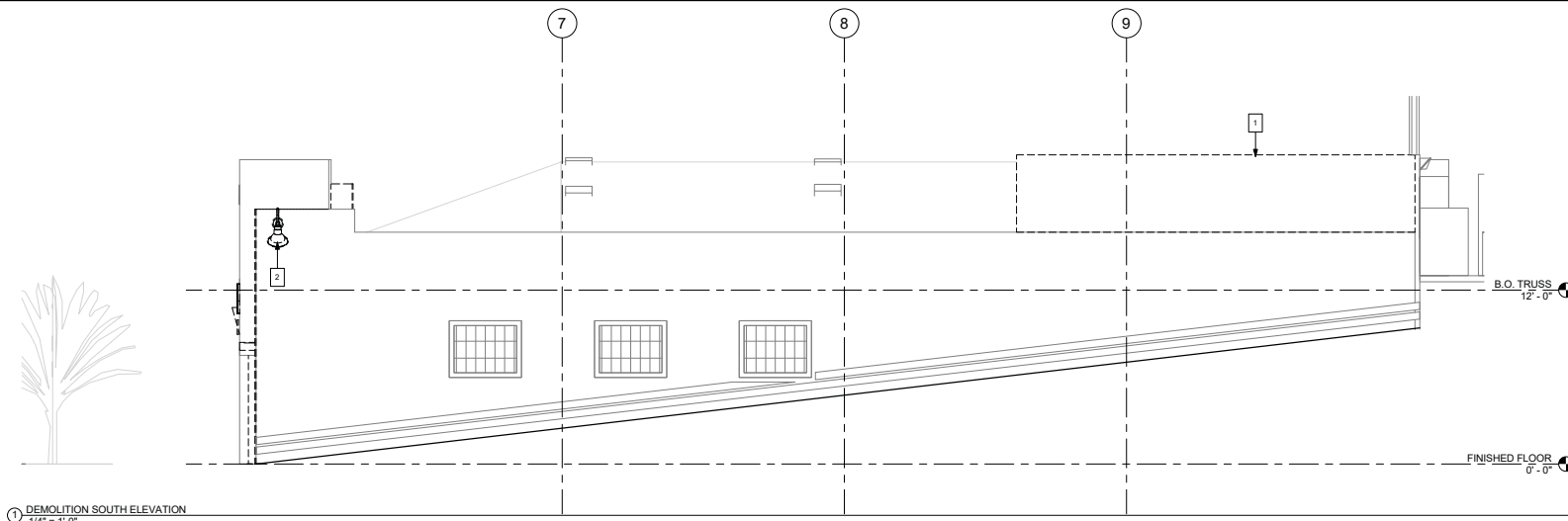
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DEMOLITION REFLECTED CEILING PLAN

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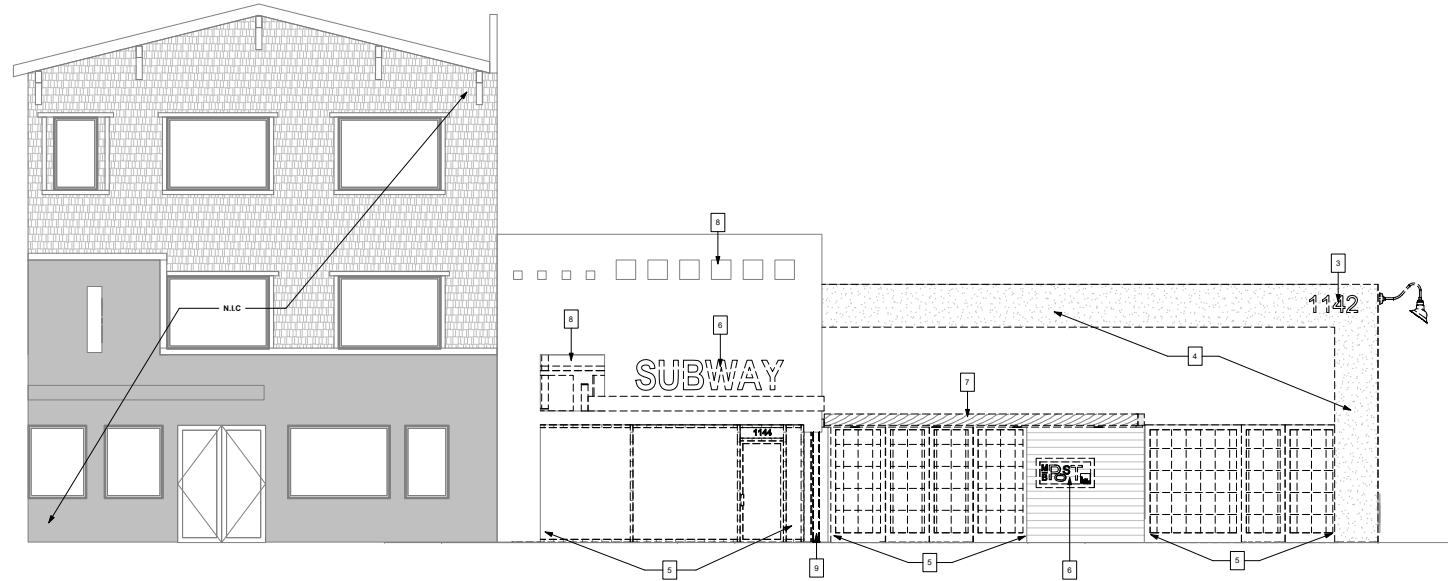
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D120

ISSUE FOR PERMIT 2/05/2020



1 DEMOLITION SOUTH ELEVATION
1/4" = 1'-0"

- DEMOLITION KEYNOTES:**
1. REMOVE EXISTING CHAINLINK FENCE.
 2. REMOVE EXISTING EXTERIOR LIGHT FIXTURE TO NEW EXTERIOR FINISH.
 3. REMOVE EXISTING LETTERS AND RE-APPLY TO NEW EXTERIOR FINISH.
 4. REMOVE EXISTING EXTERIOR WALL FINISH.
 5. REMOVE EXISTING SLIDING WINDOWS & STOREFRONT.
 6. REMOVE EXISTING SIGNAGE.
 7. REMOVE EXISTING CANOPY.
 8. IN FILL WALL TO MATCH EXISTING.
 9. REMOVE METAL FINIS.



2 DEMOLITION WEST ELEVATION
1/4" = 1'-0"



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ISSUE

DEMOLITION EXTERIOR
ELEVATIONS

PROJECT NUMBER
190656

SHEET NUMBER
D400

ISSUE FOR PERMIT 2/03/2020



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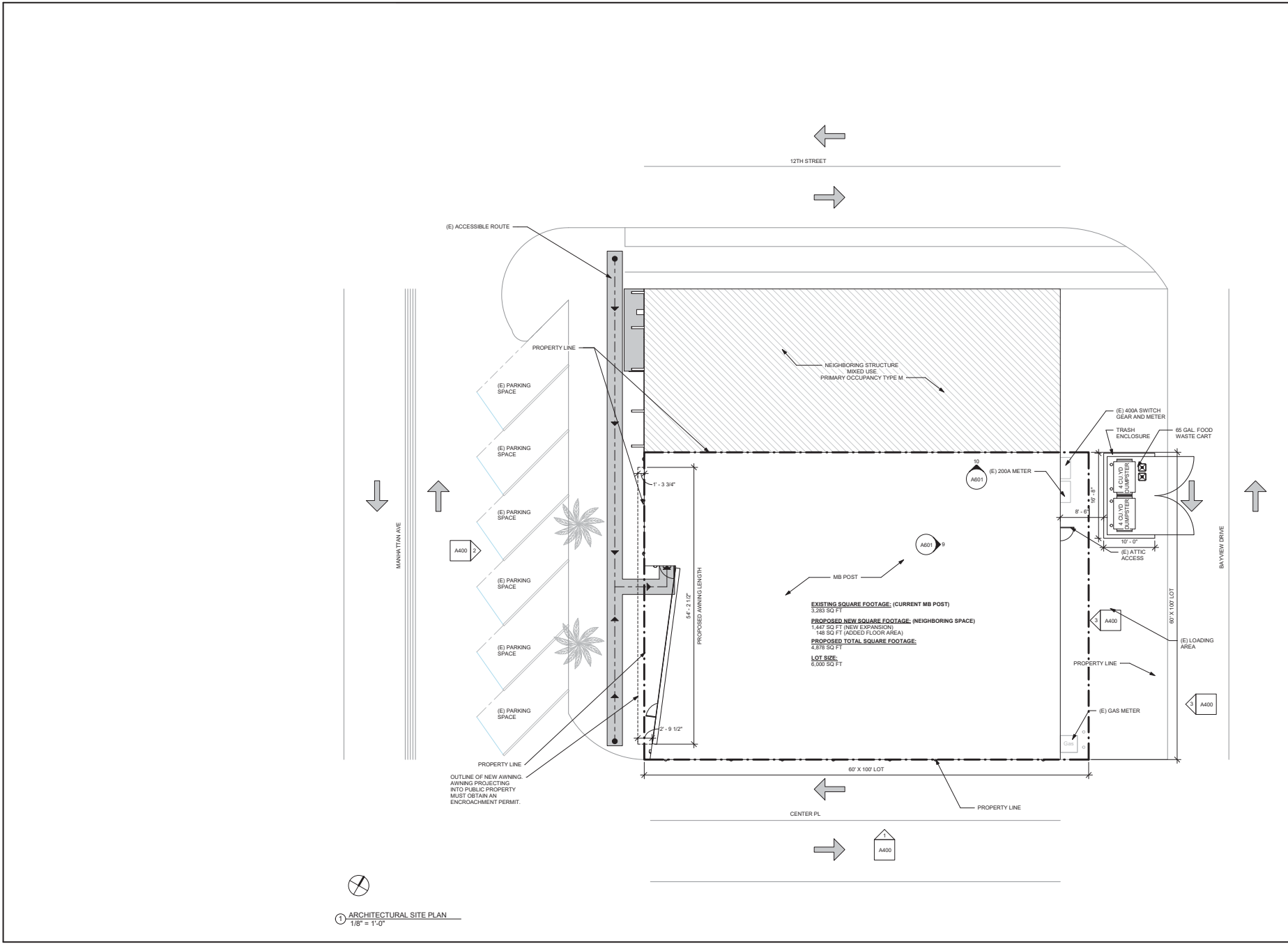
ARCHITECTURAL SITE PLAN

PROJECT NUMBER
190656

SHEET NUMBER

A001

ISSUE FOR PERMIT 2/04/2020



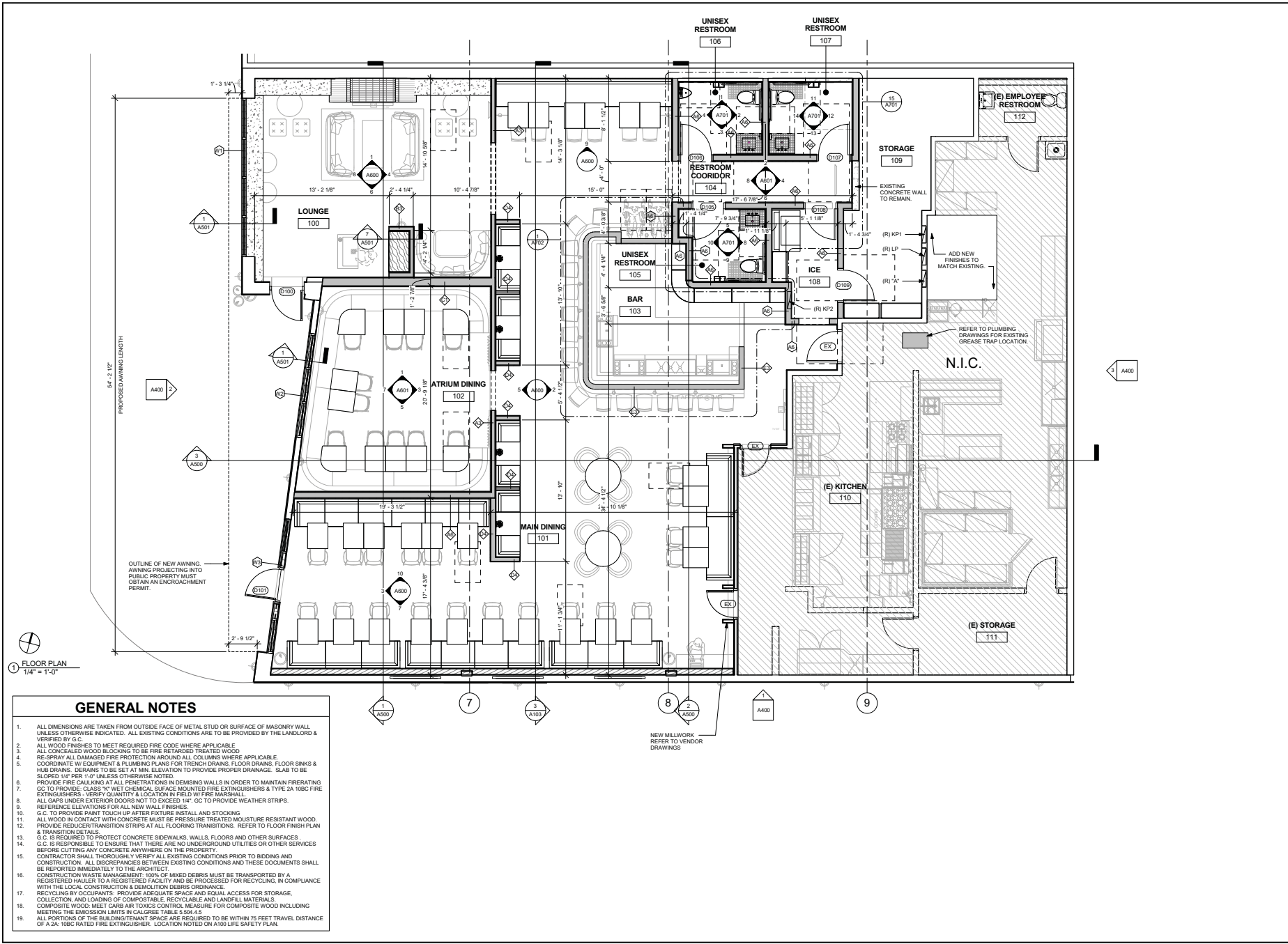
1 ARCHITECTURAL SITE PLAN
 1/8" = 1'-0"



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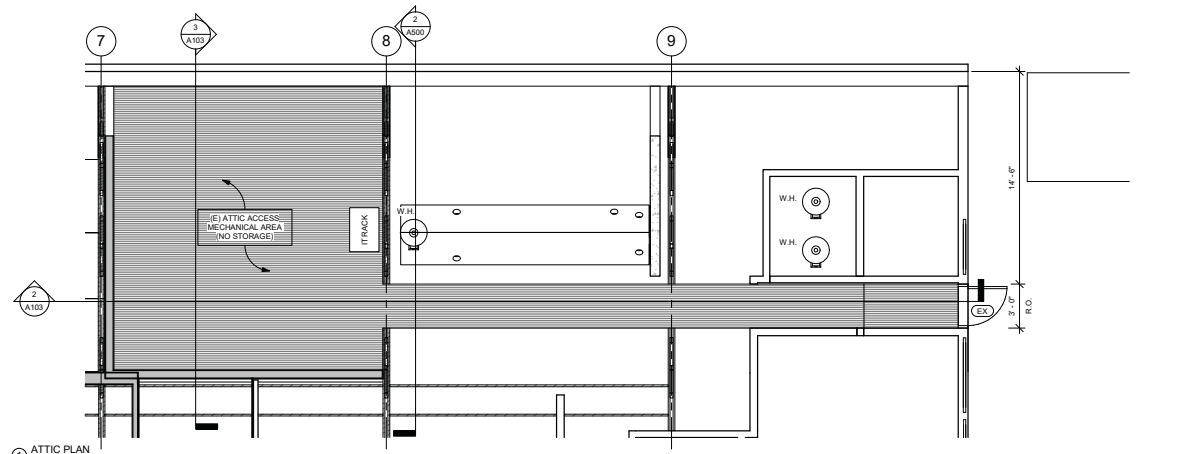
ISSUE
FLOOR PLAN, NOTES, & DIMENSIONS
PROJECT NUMBER
190656
SHEET NUMBER
A101
ISSUE FOR PERMIT 2/05/2020



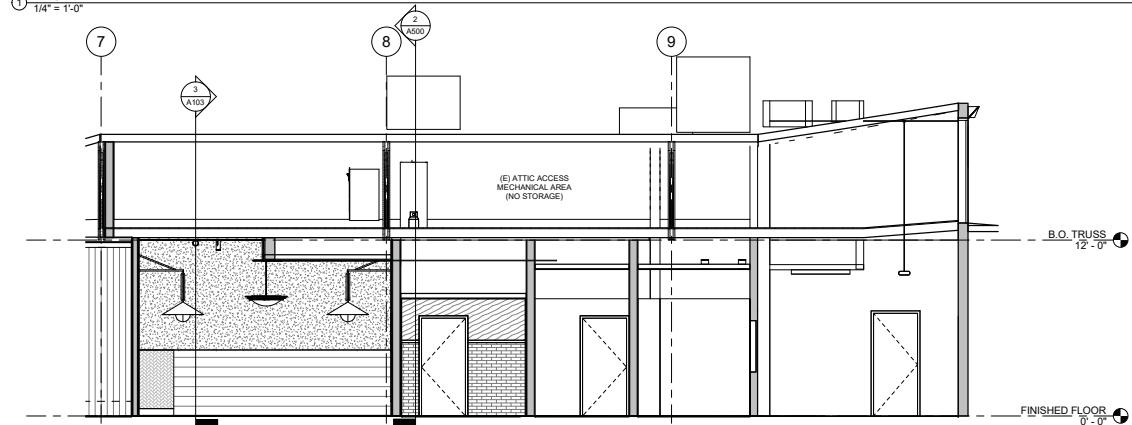
FLOOR PLAN
1/4" = 1'-0"

GENERAL NOTES

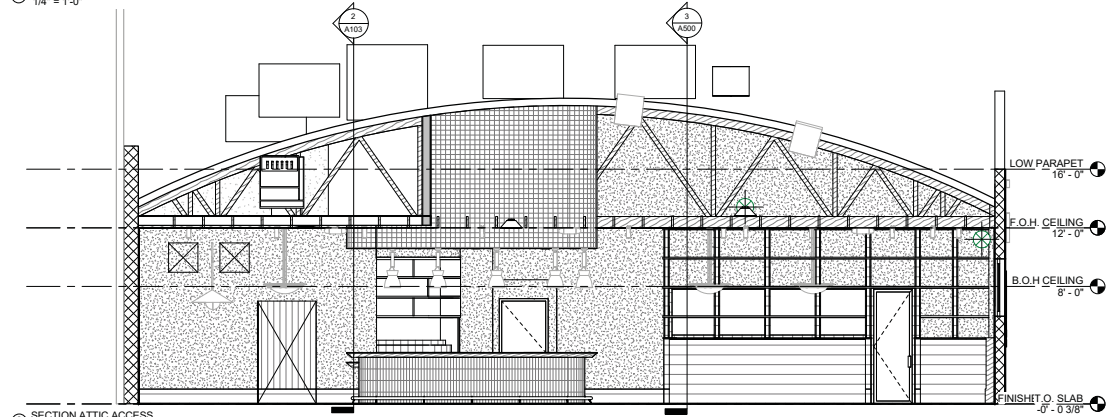
1. ALL DIMENSIONS ARE TAKEN FROM OUTSIDE FACE OF METAL STUD OR SURFACE OF MASONRY WALL UNLESS OTHERWISE INDICATED. ALL EXISTING CONDITIONS ARE TO BE PROVIDED BY THE LANDLORD & VERIFIED BY G.C.
2. ALL WOOD FINISHES TO MEET REQUIRED FIRE CODE WHERE APPLICABLE
3. ALL CONCEALED WOOD BLOCKING TO BE FIRE RETARDED TREATED WOOD
4. RE-SPRAY ALL DAMAGED FIRE PROTECTION AROUND ALL COLUMNS WHERE APPLICABLE
5. COORDINATE W/ EQUIPMENT & PLUMBING PLANS FOR TRENCH DRAINS, FLOOR DRAINS, FLOOR SINKS & HUB DRAINS. DRAINS TO BE SET AT MIN. ELEVATION TO PROVIDE PROPER DRAINAGE. SLAB TO BE SLOPED 1/4" PER 1'-0" UNLESS OTHERWISE NOTED
6. PROVIDE FIRE CALKING AT ALL PENETRATIONS IN DEMISING WALLS IN ORDER TO MAINTAIN FERRATING GC TO PROVIDE CLASS 70 WET CHEMICAL SURFACE MOUNTED FIRE EXTINGUISHERS & TYPE 2A 10BC FIRE EXTINGUISHERS - VERIFY QUANTITY & LOCATION IN FIELD W/ FIRE MARSHAL
7. ALL GAPS UNDER EXTERIOR DOORS NOT TO EXCEED 1/4" GC TO PROVIDE WEATHER STRIPS
8. REFERENCE ELEVATIONS FOR ALL NEW WALL FINISHES
9. G.C. TO PROVIDE PAINT TOUCH UP AFTER FIXTURE INSTALL AND STOCKING
10. ALL WOOD IN CONTACT WITH CONCRETE MUST BE PRESSURE TREATED MOISTURE RESISTANT WOOD. PROVIDE REDUCED TRANSITION STRIPS AT ALL FLOORING TRANSITIONS. REFER TO FLOOR FINISH PLAN & TRANSITION DETAILS
11. G.C. IS REQUIRED TO PROTECT CONCRETE SIDEWALKS, WALLS, FLOORS AND OTHER SURFACES
12. G.C. IS RESPONSIBLE TO ENSURE THAT THERE ARE NO UNDERGROUND UTILITIES OR OTHER SERVICES BEFORE CUTTING ANY CONCRETE ON THE PROPERTY
13. CONTRACTOR SHALL THOROUGHLY VERIFY ALL EXISTING CONDITIONS PRIOR TO BIDDING AND CONSTRUCTION. ALL DISCREPANCIES BETWEEN EXISTING CONDITIONS AND THESE DOCUMENTS SHALL BE REPORTED IMMEDIATELY TO THE ARCHITECT
14. CONSTRUCTION WASTE MANAGEMENT: 100% OF MIXED DEBRIS MUST BE TRANSPORTED BY A REGISTERED HAULER TO A REGISTERED FACILITY AND BE PROCESSED FOR RECYCLING. IN COMPLIANCE WITH THE LOCAL CONSTRUCTION & DEMOLITION DEBRIS ORDINANCE
15. RECYCLING BY OCCUPANTS: PROVIDE ADEQUATE SPACE AND EQUAL ACCESS FOR STORAGE, COLLECTION, AND LOADING OF COMPOSTABLE, RECYCLABLE AND LANDFILL MATERIALS
16. COMPOSITE WOOD: MEET CARB AIR TOXICS CONTROL MEASURE FOR COMPOSITE WOOD INCLUDING MEETING THE EMISSION LIMITS IN CAL GREEN TABLE 5.504.4.5
17. ALL PORTIONS OF THE BUILDING ENVELOPE ARE REQUIRED TO BE WITHIN 75 FEET TRAVEL DISTANCE OF A 2A-10BC RATED FIRE EXTINGUISHER. LOCATION NOTED ON A100 LIFE SAFETY PLAN



1 ATTIC PLAN
1/4" = 1'-0"



2 SECTION ATTIC ACCESS
1/4" = 1'-0"



3 SECTION ATTIC ACCESS
1/4" = 1'-0"

BAYVIEW DRIVE



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ATTIC ACCESS PLAN

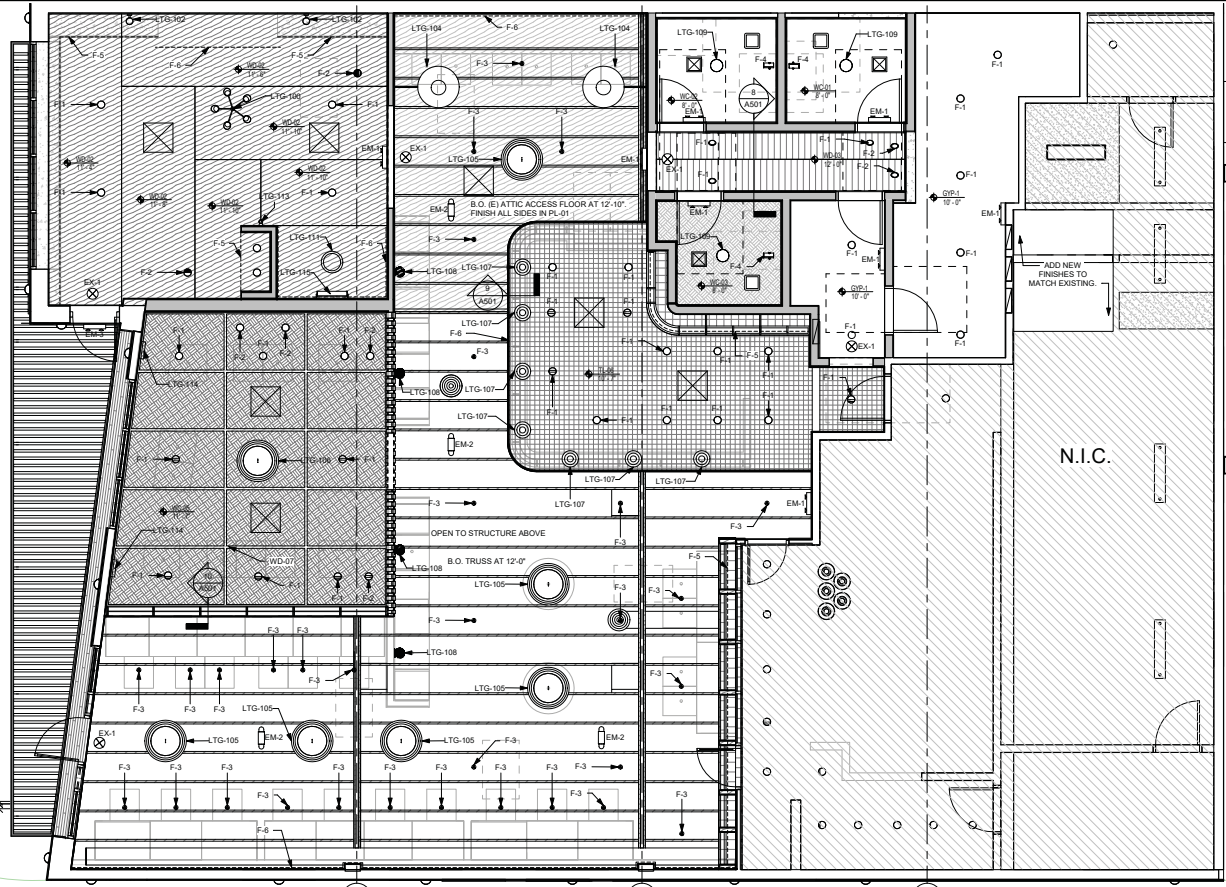
PROJECT NUMBER

190656

SHEET NUMBER

A103

ISSUE FOR PERMIT 2/03/2020



1 A201 REFLECTED CEILING PLAN
1/4" = 1'-0"

GENERAL NOTES

- ALL CEILING HEIGHTS INDICATED ARE TO BE FROM FINISHED FLOOR UNLESS NOTED OTHERWISE.
- LOCATE ALL TRUCK & RECESSED FIXTURES @ CENTERLINE OF TILE UNLESS OTHERWISE INDICATED.
- LIGHTING @ ALL FOOD PREP AREAS & KITCHEN HAS BEEN DESIGNED TO PROVIDE 60 FC @ WORK LEVEL LIGHTING IN ALL OTHER AREAS HAS BEEN DESIGNED TO PROVIDE AT LEAST 10 FC @ 30' A.F.F. ALL EXPOSED LAMPS IN FOOD PREP AREAS ARE TO BE ENCAPSULATED COATED PAR LAMPS.
- ALL EMERGENCY FIXTURES & EXIT SIGN QUANTITIES & LOCATIONS SHALL BE COORDINATED IN FIELD BY GC, LIGHTING VENDOR & CITY OFFICIAL. GC IS RESPONSIBLE TO PROVIDE ADDITIONAL FIXTURES IF REQUIRED BY OFFICIAL. GC MUST MATCH SPECIFIED FIXTURE. COORDINATE & NOTE LIGHT SWITCH (DOMMER BANK LOCATION).
- FIXTURE QUANTITIES SHOWN ARE APPROXIMATE. THE LIGHTING VENDOR IS RESPONSIBLE FOR DETERMINING EXACT FIXTURE COUNTS REQUIRED FOR PROJECT.
- GC IS RESPONSIBLE FOR COORDINATING FINAL FIXTURE QUANTITIES WITH LIGHTING VENDOR PRIOR TO BIDDING, ORDERING & INSTALLING.
- REFER TO ELECTRICAL SHEETS FOR EXACT LIGHTING INFORMATION.
- REFERENCE ELECTRICAL SHEETS FOR DIMMING SCHEDULE.
- GC TO FIELD PAINT LIGHT FIXTURE TRIM TO MATCH THE ADJACENT SOFFIT/CEILING FINISH PER THE FOLLOWING LOCATIONS.
- CEILING FINISHES IN KITCHEN, BAR, ICE, & SERVICE ROOMS TO BE WASHABLE.

NOTE:
FIXTURE QUANTITIES SHOWN ARE APPROXIMATE. THE LIGHTING VENDOR IS RESPONSIBLE FOR DETERMINING EXACT FIXTURE COUNTS REQUIRED FOR PROJECT. G.C. IS RESPONSIBLE FOR COORDINATING FINAL FIXTURE QUANTITIES WITH LIGHTING VENDOR PRIOR TO BIDDING, ORDERING & INSTALLATION.

LIGHT FIXTURE SCHEDULE						
TYPE	DESCRIPTION	MANUFACTURER	MODEL NUMBER	LAMP	WATTS	NOTES
EM-1	EMERGENCY LIGHT W/ 90 MINUTES BATTERY PACK (WALL MOUNTED)	LIGHT ALARMS	LCA-2RHL-ID	LED 3000K	(2)9W	
EM-2	EMERGENCY LIGHT W/ 90 MINUTES BATTERY PACK (CEILING MOUNTED)	LIGHT ALARMS	PHM100-2LD10	LED 3000K	(2)5.4W	
EM-3	EXTERIOR WATERPROOF EMERGENCY LIGHT W/ 90 MINUTES BATTERY PACK (WALL MOUNTED)	LIGHT ALARMS	ZV12G1LD10-B-D-SMC	LED 3000K	12.9W	
EX-1	EXIT SIGN	LIGHT ALARMS	QLXGN	LED	2.5	
F-1	RECESSED LED DOWNLIGHT	CLARTE LIGHTING	RR1-189-PAR8-0-10V1-15W-X4-FL-LS-BLKS	LED 2700K	15	
F-2	RECESSED LED ADJUSTABLE DOWNLIGHT	CLARTE LIGHTING	RR1-189-PAR8-0-10V1-15W-X4-FL-LS-BLKS	LED 2700K	15	
F-3	PENDENT MOUNTED ADJUSTABLE DOWNLIGHT	CLARTE LIGHTING	SDT-836-PAR8-0-10V-15W-X4-FL-LS-BLKS	LED 2700K	15	
F-4	SURFACE MOUNTED LED ADJUSTABLE DOWNLIGHT	CLARTE LIGHTING	SMR1-201-0-10V1-8W-PAR16-X4-FL-LS-ADJ-S6-27K	LED 2700K	8W	
F-5	SURFACE MOUNTED LINEAR LOW VOLTAGE LED	LUMINI	ZOOM ZO-LENGTHS AS REQUIRED FOR CONTINUOUS RUNS-27K-HO-F	LED 2700K	3.2FT	
F-6	SURFACE MOUNTED LINEAR LOW VOLTAGE LED	LUMINI	KENDO M KM-LENGTHS AS REQUIRED FOR CONTINUOUS RUNS-27K-VHO-F-FC-SA	LED 2700K	6.5W/FT	
LTG-100	PENDENT LIGHT	TBD	TBD	TBD	40W	
LTG-101	TABLE LAMP	TBD	TBD	TBD	30W	
LTG-102	WALL SCONCE	TBD	TBD	TBD	30W	
LTG-103	EXTERIOR WALL SCONCE	TBD	TBD	TBD	30W	
LTG-104	WALL SCONCE	TBD	TBD	TBD	30W	
LTG-105	PENDENT LIGHT	TBD	TBD	TBD	50W	
LTG-106	PENDENT LIGHT	TBD	TBD	TBD	60W	
LTG-107	PENDENT LIGHT	TBD	TBD	TBD	40W	
LTG-108	WALL SCONCE	TBD	TBD	TBD	30W	
LTG-109	SURFACE MOUNTED RESTROOM LIGHT	TBD	TBD	TBD	30W	
LTG-110	EXTERIOR WALL SCONCE	TBD	TBD	TBD	30W	
LTG-111	PENDENT LIGHT	TBD	TBD	TBD	40W	
LTG-112	WALL SCONCE	TBD	TBD	TBD	50W	
LTG-113	WALL SCONCE	TBD	TBD	TBD	30W	
LTG-114	WALL SCONCE	TBD	TBD	TBD	30W	
LTG-115	WALL SCONCE	TBD	TBD	TBD	40W	
LTG-116	WALL SCONCE	TBD	TBD	TBD	60W	



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ISSUE

REFLECTED CEILING PLAN

PROJECT NUMBER
190656

SHEET NUMBER
A120

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BUILDING SECTIONS

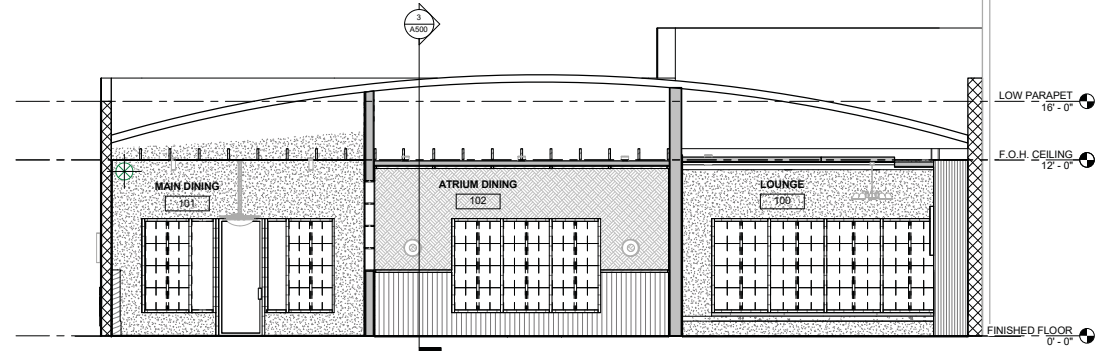
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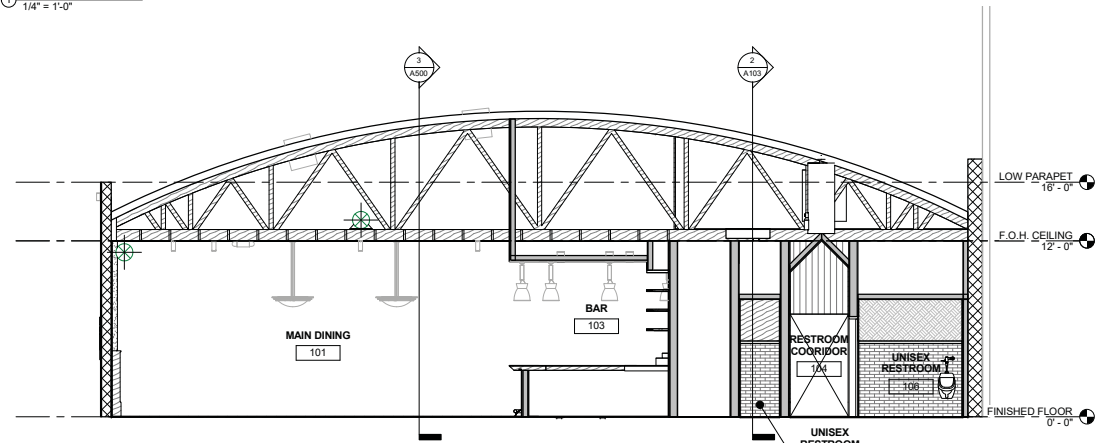
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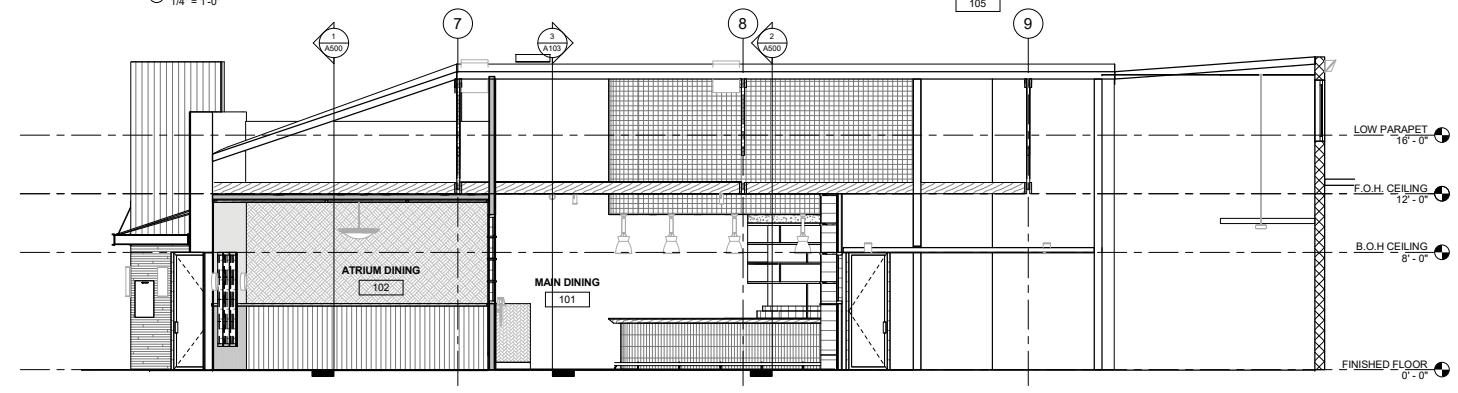
A500



1 NEW CROSS SECTION 1
 1/4" = 1'-0"



2 NEW CROSS SECTION 2
 1/4" = 1'-0"



3 NEW LONGITUDINAL SECTION 1
 1/4" = 1'-0"