

City Council Regular Meeting

Tuesday, May 5, 2020

6:00 PM

City Council Chambers



Mayor Richard Montgomery
Mayor Pro Tem Suzanne Hadley
Councilmember Hildy Stern
Councilmember Steve Napolitano
Councilmember Nancy Hersman

Executive Team

Bruce Moe, City Manager
Quinn Barrow, City Attorney

Derrick Abell, Police Chief
Steve Charelian, Finance Director
Daryn Drum, Fire Chief
Patrick Griffin, Interim Information Technology Director
Lisa Jenkins, Human Resources Director

Stephanie Katsouleas, Public Works Director
Mark Leyman, Parks and Recreation Director
Carrie Tai, Community Development Director
Liza Tamura, City Clerk

MISSION STATEMENT:

**Our mission is to provide excellent municipal services,
preserve our small beach town character, and enhance the quality of life for our
residents, businesses and visitors.**

May 5, 2020

City Council Meeting Agenda Packet:

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MANHATTAN BEACH'S CITY COUNCIL WELCOMES YOU!

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City's website at www.cityymb.info, the Police Department located at 420 15th Street, and are also on file in the Office of the City Clerk for public inspection. Any person who has any question concerning any agenda item may call the City Clerk's office at (310) 802-5056.

Meetings are broadcast live through Manhattan Beach Local Community Cable, Channel 8 (Spectrum), Channel 35 (Frontier), and live streaming via the City's website.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Office of the City Clerk at (310) 802-5056 (voice) or (310) 546-3501 (TDD). Notification 36 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting. The City also provides closed captioning of all its Regular City Council Meetings for the hearing impaired.

CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING

I, Liza Tamura, City Clerk of the City of Manhattan Beach, California, state under penalty of perjury that this notice/agenda was posted on Wednesday, April 29, 2020, on the City's Website and on the bulletin boards of City Hall, Joslyn Community Center and Manhattan Heights.

BELOW ARE THE AGENDA ITEMS TO BE CONSIDERED. THE RECOMMENDED COUNCIL ACTION IS LISTED IMMEDIATELY AFTER THE TITLE OF EACH ITEM IN BOLD CAPITAL LETTERS.**A. ROLL CALL****B. APPROVAL OF AGENDA AND WAIVER OF FULL READING OF ORDINANCES**

This is the time for the City Council to: (a) notify the public of any changes to the agenda or (b) rearrange the order of the agenda.

MOTION TO APPROVE AGENDA AND WAIVE FULL READING

C. PUBLIC COMMENTS (3 MINUTES PER PERSON)

Pursuant to Governor Newsom's Executive Orders No. N-25-20 and No. N-29-20, City Council Chambers is not open to the public. In the interest of maintaining appropriate social distancing, the City Council encourages the public to participate by submitting comments in advance of the meeting, no later than 5:30 PM, May 5, 2020 (the day of the meeting), via:

- 1) eComment at www.citymb.info/ecomment;
- 2) email to cityclerk@citymb.info; or
- 3) telephone message recorded at (310) 802-5030.

All of your comments provided by the deadlines above will be available to the City Council and the public prior to the meeting.

In addition, you may participate by joining Zoom during the meeting.

If you wish to speak on any item on the agenda, please register in advance by clicking the following link:
<https://citymb.seamlessdocs.com/f/publiccomment>

- 1) Join Zoom Meeting via the internet:
Direct URL: <https://zoom.us/j/91513954171>, Meeting ID: 915-1395-4171

During the meeting you will need to use the "raise hand" emoji through Zoom at the time the Mayor invites the public to provide comments.

- 2) Join Zoom Meeting via Phone Conference (Voice Only):
Phone Number: (669) 900-6833, Meeting ID: 915-1395-4171

During the meeting you will need to enter *9 on the phone's dial pad at the time the Mayor invites the public to provide comments.

D. PUBLIC HEARINGS

At the discretion of the Mayor, each speaker may speak for up to 3 minutes on each public hearing item.

1. Conduct Public Hearing to Consider Adopting New Refuse Rates for Residential and Commercial Solid Waste Collection Services, Effective July 1, 2020, Through June 30, 2025 (Public Works Director Katsouleas). [20-0070](#)
**OPEN PUBLIC HEARING AND CONTINUE PUBLIC HEARING TO
MAY 12, 2020**

Attachments: [Resolution No. 20-0050 Including Exhibit A \(Prop 218 Notice and Proposed Rates\)](#)

2. Public Hearing to Consider: Application for the Expansion of an Existing Restaurant with Full Alcohol Service (Manhattan Beach Post) Into an Adjacent Vacant Restaurant Space (Formerly Subway) and Expansion of Hours of Operation, at 1142 Manhattan Avenue, and Make an Environmental Determination in Accordance with the California Environmental Quality Act (Simms Restaurant Group/Simms) (Community Development Director Tai).

[20-0177](#)

a) CONDUCT PUBLIC HEARING DE NOVO

b) MAKE AN ENVIRONMENTAL DETERMINATION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

c) CONSIDER DIRECTING STAFF TO DRAFT A RESOLUTION CONDITIONALLY APPROVING THE USE PERMIT AMENDMENT FOR COUNCIL CONSIDERATION AT A SUBSEQUENT COUNCIL MEETING

Attachments: [Proposed Plans](#)
[Planning Commission Resolution No. PC 20-01](#)
[Planning Commission Draft Meeting Minutes, March 11, 2020](#)
[Planning Commission Report, Attachments, and Related Material \(March 11, 2020\)](#)
[Appellants' Materials](#)
[ABC Report on 1142 Manhattan Avenue](#)
[Public Comments \(Received as of April 29, 2020\)](#)

E. GENERAL BUSINESS

Each speaker may speak for up to 2 minutes on each general business item.

3. Consideration of Parks Re-Opening Plan.
DISCUSS AND PROVIDE DIRECTION

4. **City Council to Consider Additional Measures to Address COVID-19.**

F. CITY COUNCIL REQUESTS AND REPORTS INCLUDING AB 1234 REPORTS

In addition to providing reports of meetings and conferences attended by Councilmembers in connection with their official duties at City expense as required by AB 1234, Councilmembers requested at a previous City Council meeting that the following item(s) be placed on the agenda for discussion.

G. FUTURE AGENDA ITEMS

Councilmembers may request that items be placed on a future agenda with the concurrence of one other Councilmember.

H. CITY MANAGER REPORT**5. City Manager Report on EOC (Emergency Operations Center).****I. CITY ATTORNEY REPORT****J. ADJOURNMENT****K. FUTURE MEETINGS****CITY COUNCIL MEETINGS**

May 7, 2020 - Thursday -- 8:00 AM - Adjourned Regular Meeting
May 12, 2020 - Tuesday -- 6:00 PM - Adjourned Regular Meeting
May 14, 2020 - Thursday -- 8:00 AM - Adjourned Regular Meeting
May 19, 2020 - Tuesday -- 6:00 PM - City Council Meeting
May 21, 2020 - Thursday -- 8:00 AM - Adjourned Regular Meeting
May 26, 2020 - Tuesday -- 6:00 PM - Adjourned Regular Meeting
May 28, 2020 - Thursday -- 8:00 AM - Adjourned Regular Meeting
June 2, 2020 - Tuesday -- 6:00 PM - City Council Meeting
June 16, 2020 - Tuesday -- 6:00 PM - City Council Meeting
July 7, 2020 - Tuesday -- 6:00 PM - City Council Meeting
July 21, 2020 - Tuesday -- 6:00 PM - City Council Meeting
August 4, 2020 - Tuesday -- 6:00 PM - City Council Meeting
August 18, 2020 - Tuesday -- 6:00 PM - City Council Meeting
September 1, 2020 - Tuesday -- 6:00 PM - City Council Meeting
September 15, 2020 - Tuesday -- 6:00 PM - City Council Meeting
October 6, 2020 - Tuesday -- 6:00 PM - City Council Meeting
October 20, 2020 - Tuesday -- 6:00 PM - City Council Meeting
November 5, 2020 - Wednesday -- 6:00 PM - City Council Meeting
November 17, 2020 - Tuesday -- 6:00 PM - City Council Meeting
December 1, 2020 - Tuesday -- 6:00 PM - City Council Meeting (Reorganization)
December 15, 2020 - Tuesday -- 6:00 PM - City Council Meeting

BOARDS, COMMISSIONS AND COMMITTEE MEETINGS

May 11, 2020 - Monday - 6:00 PM - Library Commission Meeting (Cancelled)
May 13, 2020 - Wednesday - 6:00 PM - Planning Commission Meeting
May 18, 2020 - Monday - 6:00 PM - Cultural Arts Commission Meeting (Cancelled)
May 25, 2020 - Monday - 6:00 PM - Parks and Recreation Commission Meeting (Cancelled)
May 27, 2020 - Wednesday - 6:00 PM - Planning Commission Meeting
May 28, 2020 - Thursday - 6:00 PM - Parking and Public Improvements Commission (Cancelled)
June 8, 2020 - Monday - 6:00 PM - Library Commission Meeting
June 10, 2020 - Wednesday - 6:00 PM - Planning Commission Meeting
June 15, 2020 - Monday - 6:00 PM - Cultural Arts Commission Meeting
June 22, 2020 - Monday - 6:00 PM - Parks and Recreation Commission Meeting

L. CITY OFFICES CLOSED**CITY HOLIDAYS:**

May 25, 2020 – Monday – Memorial Day

July 4, 2020 - Friday - Independence Day

September 7, 2020 - Monday - Labor Day

October 12, 2020 – Monday – Columbus Day

November 11, 2020 – Wednesday – Veterans Day

November 26-27, 2020 - Thursday & Friday - Thanksgiving Holiday

December 25, 2020 - Friday - Christmas Day Observed!

January 1, 2021 – Friday – New Years Day Observed

January 18, 2021 – Monday – Martin Luther King Day

February 15, 2021 - Monday - Presidents Day

Agenda Date: 5/5/2020

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Stephanie Katsouleas, Public Works Director

Steve Charelian, Finance Director

Anna Luke-Jones, Public Works Senior Management Analyst

SUBJECT:

Conduct Public Hearing to Consider Adopting New Refuse Rates for Residential and Commercial Solid Waste Collection Services, Effective July 1, 2020, Through June 30, 2025 (Public Works Director Katsouleas).

OPEN PUBLIC HEARING AND CONTINUE PUBLIC HEARING TO MAY 12, 2020

RECOMMENDATION:

Staff recommends that the City Council:

- A) Conduct a public hearing to consider adopting new residential and commercial solid waste collection service rates, effective July 1, 2020;
- B) Consider the Proposition 218 protest ballots submitted to the City Clerk by the close of the public hearing; and
- C) Consider adopting the attached Resolution No. 20-0050 adopting the annual proposed rate increases from July 1, 2020 through June 30, 2025.

STAFF RECOMMENDS THAT THE MAYOR OPEN THE PUBLIC HEARING AND THEN, BY ORDER OF THE CHAIR, CONTINUE THE PUBLIC HEARING UNTIL MAY 12, 2020.

FISCAL IMPLICATIONS:

Commercial and residential solid waste hauling fees (rates) are fully paid by the customers receiving refuse service. The City also receives a City Recovery Cost (CRC) for the administration and oversight of the program and solid waste contractor. The current annual waste hauling contract is valued at approximately \$3.8 million. The new annual waste hauling contract rate is expected to be approximately \$5.7 million, representing an increase of \$1.9

million. This increase includes a combination of higher rates for residential and commercial landfill waste, as well as new fees for commercial recycling services.

The City is required to initiate a Proposition 218 majority protest process in order to pass on solid waste collection rate increases to its businesses and residents. Proposition 218 allows municipalities to consider rate adjustments for up to five years. At the end of this five-year term, in order to raise solid waste collection rates, Manhattan Beach will be required to initiate another Proposition 218 process for the remaining two-year term of the contract, as well as consider the rates for the three-one-year optional renewal periods. Notably, if less than 50% of the City's refuse customers protest the solid waste collection rate increases through the Proposition 218 process, then City Council may adopt the attached resolution approving the annual rate increases. The first increase would become effective July 1, 2020. However, if more than 50% of the City's refuse customers protest the proposed rate increases, then the attached resolution could not be adopted. Under this scenario, refuse customers would continue to pay the current waste hauling rates and the City would be obligated to make up the difference between the new and old contracted rates with Waste Management, which is approximately \$1.9 million in year one of the seven-year contract. Over seven years, the total difference between the current fixed rates and the adopted rates with consumer price index (CPI) escalations is estimated to be approximately \$16 million. Note, however, that there are no time restrictions for when the City could initiate a new Proposition 218 process for the same solid waste hauling fees, so re-balloting could occur at any time should this procedure fail.

BACKGROUND:

On March 3, 2020, City Council reviewed and approved the proposed five-year solid waste collection rates increases and adopted Resolution No. 20-0028 setting a public hearing to consider adoption of the new rates for May 5, 2020. City Council also adopted Resolution No. 20-0029 establishing procedures in connection with the rate increases. The new solid waste hauling rate for Fiscal Year (FY) 2020-2021 and the rate adjustment calculation method for the subsequent four years are attached. The City mailed the Proposition 218 notice and ballot procedures to each property owner and solid waste rate payer on March 11, 2020. Additionally, staff:

- Prepared and posted on the City's website a PowerPoint presentation with our contact information for questions about the ballot and protest procedures;
- Posted it on the City calendar (from April 1 - May 5, 2020).
- Published the availability of the presentation as a news story on the City website, and on Facebook and Twitter;
- Sent e-notifications to multiple subscriber groups; and
- Placed eight 5x7 ads in the Beach Reporter from March 12 - April 30, 2020.

DISCUSSION:

In order to implement new customer rates, City Council must conduct a Proposition 218 hearing to approve or reject the new rates at least forty-five days after the notices are mailed. At the public hearing, the City Council must consider all protests or objections to the proposed refuse collection service charge. At the conclusion of the public hearing, the City Council must tabulate the written protests against the proposed refuse collection service charges and determine whether a majority protest exists. Unless protests are received from a majority of rate payers

(50% + 1), the rates may be adopted by a majority vote of City Council at the public hearing.

The City's residential and commercial solid waste customers have been provided the opportunity to protest the proposed rate increases in three ways:

1. By submitting a hard copy protest to the City Clerk (via mail or by placing the written protest in the City Hall billing drop-off box located in the City Hall parking lot);
2. By emailing the signed protest to cityclerk@citymb.info <<mailto:cityclerk@citymb.info>>; and
3. By providing it to the City Clerk before the end of the Public Hearing on May 5, 2020.

In order for the rates to be sufficiently protested, and thus *not* passed on to the City's residential and commercial solid waste customers, the City must receive more than 50%, or 6,500, protests ballots. However, if *less than* 50% protest ballots are received, the City Council can adopt Resolution No. 20-0050, setting the rates for residential and commercial solid waste service from Waste Management, which will become effective July 1, 2020.

Waste Management Rates and Annual Increases

The solid waste hauling rates shown in the attachment represent the base rates and CRC for FY 2020-2021, and the rate adjustment calculation method for four additional rate increases to be applied annually on July 1 of each subsequent year (2021-2022, 2022-2023, 2023-2024, and 2024-2025). Waste Management's annual rate increases will be limited to the CPI increase for Trash and Garbage Collection, U.S. City average, as published by the United States Department of Labor, Bureau of Labor Statistics, between the calendar year ended the December prior to the Rate Year anniversary date, and the calendar year ended the prior December.

Lastly, when the new contract takes effect on July 1, 2020, Waste Management will begin billing Manhattan Beach's businesses and residents directly for refuse service. The company will also collect the CRC on the City's behalf and remit it directly to the City on a monthly basis.

Therefore, staff recommends that City Council:

- A) Conduct the public hearing regarding adopting new residential and commercial solid waste collection service rates, effective July 1, 2020;
- B) Consider all Proposition 218 protest ballots submitted to the City Clerk by the close of the public hearing; and
- C) If less than 50% protest ballots are received, adopt Resolution No. 20-0050 approving the annual proposed rate increases from July 1, 2020 through June 30, 2025.

PUBLIC OUTREACH:

As mentioned above under Background, an extensive amount of public outreach was conducted regarding this scheduled public hearing.

ENVIRONMENTAL REVIEW:

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the

State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

LEGAL REVIEW:

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

ATTACHMENT:

1. Resolution No. 20-0050 Including Exhibit A (Prop 218 Notice and Proposed Rates)

RESOLUTION NO. 20-0055

A RESOLUTION OF THE MANHATTAN BEACH
CITY COUNCIL ADOPTING RESIDENTIAL AND
COMMERCIAL REFUSE COLLECTION RATES
AND THE CITY COST RECOVERY FEE FOR
THE PERIOD OF JULY 1, 2020 – JUNE 30, 2025

WHEREAS, the Manhattan Beach City Council has awarded a contract for hauling and disposal of residential and commercial refuse to Waste Management, USA, Inc.;

WHEREAS, it is now appropriate to set rates for the hauling and disposal of residential and commercial refuse collection, and the City Cost Recovery Fee, for the period beginning July 1, 2020, with adjustments on July 1 in the years 2021, 2022, 2023 and 2024;

WHEREAS, the City Council set May 5, 2020 as the date of a public hearing to consider the proposed rate and fees;

WHEREAS, the City Clerk provided notice of the time and place of the public hearing in accordance with law; and

WHEREAS, the City Council has held a full and fair duly noticed public hearing on the proposed fee increases where all interested persons were afforded the opportunity to hear and be heard thereon, and the City Council considered all objections and protests thereto.

NOW, THEREFORE, THE MANHATTAN BEACH CITY COUNCIL
HEREBY RESOLVES, FINDS AND DETERMINES AS FOLLOWS:

SECTION 1. No Majority Protest. Written protests with respect to the proposed rate and fee increases have not been presented by a majority of owners of the parcels subject to the proposed rate increases or tenants of such parcels directly responsible for the payment of the charges, and therefore no majority protest exists. All protests and objections to the proposed rate and fee increases are hereby overruled.

SECTION 2. Initial Rates. The City Council hereby adopts the City Cost Recovery Fee, and the rates for refuse related services, as set forth in the rate schedule attached hereto as Exhibit A and incorporated by reference herein.

SECTION 3. Rate Adjustments. The City Council hereby approves the following rate adjustments beginning on July 1, 2021:

(a) The rates for refuse related services set forth in the attached rate schedule shall be adjusted annually by the percentage change in the average annual Consumer Price Index, for Trash and Garbage Collection (CUUR0000SEHG02), U.S. City average, for the prior calendar year.

(b) The City Recovery Cost Fee shall be adjusted annually by the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U), Los Angeles-Riverside-Orange County, for the prior calendar year.

SECTION 4. If any subsection, sentence, clause, phrase or word of this Resolution is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Resolution. The City Council hereby declares that it would have passed and adopted this Resolution and each and all of the provisions thereof irrespective of the fact that any one or more of said provisions may be declared invalid.

SECTION 5. The effective date of the new rates and fees is July 1, 2020.

SECTION 6. The City Clerk shall certify to the passage and adoption of this resolution.

ADOPTED on May 5, 2020.

AYES:
NOES:
ABSENT:
ABSTAIN:

RICHARD MONTGOMERY
Mayor

ATTEST:

LIZA TAMURA
City Clerk

2020-2021 Manhattan Beach Rates: Residential with 1.3% CRC

The FY2020-2021 rates are comprised of the contractor rate (Waste Management) + the City's City Recovery Cost (CRC) when applicable.

FY2021-2022, FY2022-2023, FY2023-2024 and FY2024-2025 solid waste hauling fee increases will be limited to the Consumer Price Index (CPI) increase for Trash and Garbage Collection (UUR0000SEHG02), U.S. City average, as published by the United States Department of Labor, Bureau of Labor Statistics, between the calendar year ended the December prior to the Rate Year anniversary date, and the calendar year ended the prior December. The City's CRC is also adjusted annually and is based on actual cost for administration of the solid waste program but will not exceed 5% annually. The rate adjustment is calculated administratively and is effective on July 1 each year.

Single Family Dwelling (SFD) Monthly Rates

Single family residents will be charged a Standard Service rate for their FIRST (1st) gray trash cart. If additional gray trash carts are requested, the "additional SFD trash cart" rate will be applied to each additional gray trash cart. Optional Backyard Service is available by request for an additional surcharge per dwelling unit (hauler retrieves carts from owner's private property, services carts and returns to original location - helpful for seniors, physically impaired, frequent travelers, etc.).

Volume-Based Automated Three-Cart Collection Service for Single Family Dwelling (SFD)	<u>2020-21</u> Customer City Rate
20 gal SFD gray trash cart	\$14.01
36 gal SFD gray trash cart	\$14.01
65 gal SFD gray trash cart	\$18.19
95 gal SFD gray trash cart	\$22.37
20 gal additional SFD gray trash cart	\$4.18
35 gal additional SFD gray trash cart	\$4.18
65 gal additional SFD gray trash cart	\$6.27
95 gal additional SFD gray trash cart	\$8.37
SFD backyard service surcharge	\$13.65
Blue Recycling Cart for paper, metal, glass & select plastics (any size)	NO CHARGE
Green Organics Recycling Cart for yard and food waste (any size)	NO CHARGE

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2020-2021 Manhattan Beach Rates: Multi-Family Dwelling Carts with 1.3% CRC

The FY2020-2021 rates are comprised of the contractor rate (Waste Management) + the City's City Recovery Cost (CRC) when applicable.

FY2021-2022, FY2022-2023, FY2023-2024 and FY2024-2025 rate increases will be limited to the Consumer Price Index (CPI) increase for Trash and Garbage Collection (CUUR0000SEHG02), U.S. City average, as published by the United States Department of Labor, Bureau of Labor Statistics, between the calendar year ended the December prior to the Rate Year anniversary date, and the calendar year ended the prior December. The City's CRC is also adjusted annually and is based on actual cost for administration of the solid waste program. The rate adjustment is calculated administratively and is effective on July 1 each year.

Multi-Family Dwelling (MFD) Cart Monthly Rates

Multi-Family cart customers will continue to be charged a flat Standard Service rate per dwelling unit; therefore, additional trash carts may be requested at no additional cost. Due to the nature of multi-family dwellings, tenant occupancy may fluctuate too frequently for the property owner to change service levels with each tenant change. Blue Recycling and Green Organics (yard/food) carts will be provided and serviced at no additional charge. The Backyard Service Surcharge is in addition to Standard Service fee and is assessed per dwelling unit.

Automated Three-Cart Collection Service for Residential Cart Customers with 2 to 9 Units	<u>2020-21</u> Customer City Rate	OPTIONAL Backyard Service Surcharge Rate
MF - 2 units	\$32.74	\$27.29
MF - 3 units	\$49.11	\$40.93
MF - 4 units	\$65.48	\$54.57
MF - 5 units	\$81.86	\$68.22
MF - 6 units	\$98.23	\$81.86
MF - 7 units	\$114.60	\$95.50
MF - 8 units	\$130.97	\$109.14
MF - 9 units	\$147.34	\$122.79
Blue Recycling Cart for paper, metal, glass & select plastics (any size)	NO CHARGE	
Green Organics Recycling Cart for yard and food waste (any size)	NO CHARGE	
Cart Exchange (above one per year)	\$17.14	
Trash Cart Overage	\$5.73	
Additional Residential Bulky Item Pick-up (once 18 items exceeded per unit)	\$24.69	
Residential Gravity Cart Lock Installation (per cart)	\$104.54	
Residential Contamination Fee (per occurrence)	\$20.91	

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FY2020-2021 Manhattan Beach Rates: Commercial 35 Gallon Cart with 1.3% CRC

The FY2020-2021 rates are comprised of the contractor rate (Waste Management) + the City's City Recovery Cost (CRC) when applicable.

FY2021-2022, FY2022-2023, FY2023-2024 and FY2024-2025 solid waste hauling fee increases will be limited to the Consumer Price Index (CPI) increase for Trash and Garbage Collection (CUUR0000SEHG02), U.S. City average, as published by the United States Department of Labor, Bureau of Labor Statistics, between the calendar year ended the December prior to the Rate Year anniversary date, and the calendar year ended the prior December. The City's CRC is also adjusted annually and is based on actual cost for administration of the solid waste program but will not exceed 5% annually. The rate adjustment is calculated administratively and is effective on July 1 each year.

Commercial Trash Cart Monthly Rates

Commercial businesses determine rates through a tiered-rate structure. Commercial customers choose the size and quantity of cart and frequency of collection.

Commercial 35 Gallon Trash Cart	<u>2020-21</u> Customer City Rate
35 gal Trash Cart 1x/wk	\$25.57
35 gal Trash Cart 2x/wk	\$51.16
35 gal Trash Cart 3x/wk	\$76.72
35 gal Trash Cart 4x/wk	\$102.29
35 gal Trash Cart 5x/wk	\$127.84
35 gal Trash Cart 6x/wk	\$153.42
35 gal Trash Cart 7x/wk	\$179.01
35 gal Trash Cart Extra Pickup	\$4.07

Commercial Recycling Cart Monthly Rates

Commercial businesses will begin paying for recycling services beginning July 1, 2020. Commercial customers choose the size and quantity of cart and frequency of collection. Public and private schools (pre-school through 12th grade) receive recycling services at no additional charge.

Commercial 35 Gallon Recycling Cart	<u>2020-21</u> Customer City Rate
35 gal Recycling Cart 1x/wk	\$12.78
35 gal Recycling Cart 2x/wk	\$25.58
35 gal Recycling Cart 3x/wk	\$38.36
35 gal Recycling Cart 4x/wk	\$51.16
35 gal Recycling Cart 5x/wk	\$63.93
35 gal Recycling Cart 6x/wk	\$76.71
35 gal Recycling Cart 7x/wk	\$89.51
35 gal Recycling Cart Extra Pickup	\$2.04

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FY2020-2021 Manhattan Beach Rates: Commercial 65 Gallon Cart with 1.3% CRC

The FY2020-2021 rates are comprised of the contractor rate (Waste Management) + the City's City Recovery Cost (CRC) when applicable.

FY2021-2022, FY2022-2023, FY2023-2024 and FY2024-2025 solid waste hauling fee increases will be limited to the Consumer Price Index (CPI) increase for Trash and Garbage Collection (UUR0000SEHG02), U.S. City average, as published by the United States Department of Labor, Bureau of Labor Statistics, between the calendar year ended the December prior to the Rate Year anniversary date, and the calendar year ended the prior December. The City's CRC is also adjusted annually and is based on actual cost for administration of the solid waste program but will not exceed 5% annually. The rate adjustment is calculated administratively and is effective on July 1 each year.

Commercial Trash Cart Monthly Rates

Commercial businesses determine rates through a tiered-rate structure. Commercial customers choose the size and quantity of cart and frequency of collection.

Commercial 65 Gallon Trash Cart	<u>2020-21</u> Customer City Rate
65 gal Trash Cart 1x/wk	\$50.10
65 gal Trash Cart 2x/wk	\$100.18
65 gal Trash Cart 3x/wk	\$150.27
65 gal Trash Cart 4x/wk	\$200.37
65 gal Trash Cart 5x/wk	\$250.44
65 gal Trash Cart 6x/wk	\$300.55
65 gal Trash Cart 7x/wk	\$350.64
65 gal Trash Cart Extra Pickup	\$8.01

Commercial Recycling Cart Monthly Rates

Commercial businesses will begin paying for recycling services beginning July 1, 2020. Commercial customers choose the size and quantity of cart and frequency of collection. Public and private schools (pre-school through 12th grade) receive recycling services at no additional charge.

Commercial 65 Gallon Recycling Cart	<u>2020-21</u> Customer City Rate
65 gal Recycling Cart 1x/wk	\$25.06
65 gal Recycling Cart 2x/wk	\$50.08
65 gal Recycling Cart 3x/wk	\$75.13
65 gal Recycling Cart 4x/wk	\$100.20
65 gal Recycling Cart 5x/wk	\$125.22
65 gal Recycling Cart 6x/wk	\$150.28
65 gal Recycling Cart 7x/wk	\$175.33
65 gal Recycling Cart Extra Pickup	\$4.00

FY2020-2021 Manhattan Beach Rates: Commercial 95 Gallon Cart with 1.3% CRC

The FY2020-2021 rates are comprised of the contractor rate (Waste Management) + the City's City Recovery Cost (CRC) when applicable.

FY2021-2022, FY2022-2023, FY2023-2024 and FY2024-2025 solid waste hauling fee increases will be limited to the Consumer Price Index (CPI) increase for Trash and Garbage Collection (UUR0000SEHG02), U.S. City average, as published by the United States Department of Labor, Bureau of Labor Statistics, between the calendar year ended the December prior to the Rate Year anniversary date, and the calendar year ended the prior December. The City's CRC is also adjusted annually and is based on actual cost for administration of the solid waste program but will not exceed 5% annually. The rate adjustment is calculated administratively and is effective on July 1 each year.

Commercial Trash Cart Monthly Rates

Commercial businesses determine rates through a tiered-rate structure. Commercial customers choose the size and quantity of cart and frequency of collection.

Commercial 95 Gallon Trash Cart	<u>2020-21</u> Customer City Rate
95 gal Trash Cart 1x/wk	\$75.14
95 gal Trash Cart 2x/wk	\$150.27
95 gal Trash Cart 3x/wk	\$225.42
95 gal Trash Cart 4x/wk	\$300.55
95 gal Trash Cart 5x/wk	\$375.66
95 gal Trash Cart 6x/wk	\$450.82
95 gal Trash Cart 7x/wk	\$525.94
95 gal Trash Cart Extra Pickup	\$11.42

Commercial Recycling Cart Monthly Rates

Commercial businesses will begin paying for recycling services beginning July 1, 2020. Commercial customers choose the size and quantity of cart and frequency of collection. Public and private schools (pre-school through 12th grade) receive recycling services at no additional charge.

Commercial 95 Gallon Recycling Cart	<u>2020-21</u> Customer City Rate
95 gal Recycling Cart 1x/wk	\$37.57
95 gal Recycling Cart 2x/wk	\$75.13
95 gal Recycling Cart 3x/wk	\$112.72
95 gal Recycling Cart 4x/wk	\$150.28
95 gal Recycling Cart 5x/wk	\$187.83
95 gal Recycling Cart 6x/wk	\$225.41
95 gal Recycling Cart 7x/wk	\$262.97
95 gal Recycling Cart Extra Pickup	\$5.70

City Council Meeting
May 5, 2020

2020-2021 Manhattan Beach Rates: Commercial 2 Cubic Yard Bin with 1.3% CRC

The FY2020-2021 rates are comprised of the contractor rate (Waste Management) + the City's City Recovery Cost (CRC) when applicable.

For FY2021-2022, FY2022-2023, FY2023-2024 and FY2024-2025 solid waste hauling fee increases will be limited to the Consumer Price Index (CPI) increase for Trash and Garbage Collection (CPLUR0000SEHG02), U.S. City average, as published by the United States Department of Labor, Bureau of Labor Statistics, between the calendar year ended the December prior to the Rate Year anniversary date, and the calendar year ended the prior December. The City's CRC is also adjusted annually and is based on actual cost for administration of the solid waste program but will not exceed 5% annually. The rate adjustment is calculated administratively and is effective on July 1 each year.

Commercial Bin Monthly Rates

Commercial businesses determine rates through a tiered-rate structure for both trash and recycling bins. Commercial customers choose the size and quantity of bins and frequency of collection. Commercial businesses will begin paying for recycling services beginning July 1, 2020. Commercial customers choose the size and quantity of cart and frequency of collection. Public and private schools (pre-school through 12th grade) receive recycling services at no additional charge. Food waste carts and services are provided at no additional charge.

Commercial 2 Cubic Yard Bin	<u>2020-21</u> Customer City Rate
2 CY Trash Bin 1x/wk	\$141.88
2 CY Trash Bin 2x/wk	\$221.71
2 CY Trash Bin 3x/wk	\$295.55
2 CY Trash Bin 4x/wk	\$369.48
2 CY Trash Bin 5x/wk	\$443.37
2 CY Trash Bin 6x/wk	\$591.17
2 CY Trash Bin 7x/wk	\$738.92
2 CY Trash Bin Extra Pickup	\$25.64
2 CY Trash Compactor Bin 1x/wk	\$237.15
2 CY Trash Compactor Bin 2x/wk	\$370.49
2 CY Trash Compactor Bin 3x/wk	\$493.96
2 CY Trash Compactor Bin 4x/wk	\$624.04
2 CY Trash Compactor Bin 5x/wk	\$741.01
2 CY Trash Compactor Bin 6x/wk	\$988.14
2 CY Trash Compactor Bin 7x/wk	\$1,235.35
2 CY Trash Compactor Bin Extra Pickup	\$42.88

Commercial 2 Cubic Yard Bin Continued	<u>2020-21</u> Customer City Rate
2 CY Split Bin 1x/wk	\$134.55
2 CY Split Bin 2x/wk	\$215.25
2 CY Split Bin 3x/wk	\$286.93
2 CY Split Bin 4x/wk	\$358.66
2 CY Split Bin 5x/wk	\$430.42
2 CY Split Bin 6x/wk	\$572.47
2 CY Split Bin 7x/wk	\$715.56
2 CY Split Bin Extra Pickup	\$25.64
2 CY Recycling Bin 1x/wk	\$70.94
2 CY Recycling Bin 2x/wk	\$110.85
2 CY Recycling Bin 3x/wk	\$147.78
2 CY Recycling Bin 4x/wk	\$184.75
2 CY Recycling Bin 5x/wk	\$221.70
2 CY Recycling Bin 6x/wk	\$295.58
2 CY Recycling Bin 7x/wk	\$369.46
2 CY Recycling Bin Extra Pickup	\$12.82

Temporary Bin Monthly Rates

All customers may rent a temporary trash bin for up to ten days per rental. Temporary bins are useful when performing a garage clean-out, a large move-out, etc.

2 Cubic Yard Temporary Bin	<u>2020-21</u> Customer City Rate
2 CY Temp Bin, 10 days, 1 dump (no CRC)	\$150.98
2 CY Temp Bin, additonal dump (no CRC)	\$90.93
2 CY Temp Bin, daily rental > 10days (no CRC)	\$2.07

FY2020-2021 Manhattan Beach Rates: Commercial 3 Cubic Yard Bin with 1.3% CRC

The FY2020-2021 rates are comprised of the contractor rate (Waste Management) + the City's City Recovery Cost (CRC) when applicable.

FY2021-2022, FY2022-2023, FY2023-2024 and FY2024-2025 solid waste hauling fee increases will be limited to the Consumer Price Index (CPI) increase for Trash and Garbage Collection (CUUR0000SEHG02), U.S. City average, as published by the United States Department of Labor, Bureau of Labor Statistics, between the calendar year ended the December prior to the Rate Year anniversary date, and the calendar year ended the prior December. The City's CRC is also adjusted annually and is based on actual cost for administration of the solid waste program but will not exceed 5% annually. The rate adjustment is calculated administratively and is effective on July 1 each year.

Commercial Bin Monthly Rates

Commercial businesses determine rates through a tiered-rate structure for both trash and recycling bins. Commercial customers choose the size and quantity of bins and frequency of collection. Commercial businesses will begin paying for recycling services beginning July 1, 2020. Commercial customers choose the size and quantity of cart and frequency of collection. Public and private schools (pre-school through 12th grade) receive recycling services at no additional charge. Food waste carts and services are provided at no additional charge.

Commercial 3 Cubic Yard Bin	<u>2020-21</u> Customer City Rate
3 CY Trash Bin 1x/wk	\$182.22
3 CY Trash Bin 2x/wk	\$281.25
3 CY Trash Bin 3x/wk	\$374.99
3 CY Trash Bin 4x/wk	\$468.73
3 CY Trash Bin 5x/wk	\$562.46
3 CY Trash Bin 6x/wk	\$749.95
3 CY Trash Bin 7x/wk	\$937.47
3 CY Trash Bin Extra Pickup	\$38.44
3 CY Trash Compactor Bin 1x/wk	\$302.41
3 CY Trash Compactor Bin 2x/wk	\$472.64
3 CY Trash Compactor Bin 3x/wk	\$634.61
3 CY Trash Compactor Bin 4x/wk	\$787.55
3 CY Trash Compactor Bin 5x/wk	\$944.99
3 CY Trash Compactor Bin 6x/wk	\$1,260.06
3 CY Trash Compactor Bin 7x/wk	\$1,575.10
3 CY Trash Compactor Bin Extra Pickup	\$63.79

Commercial 3 Cubic Yard Bin Continued	<u>2020-21</u> Customer City Rate
3 CY Split Bin 1x/wk	\$138.20
3 CY Split Bin 2x/wk	\$218.34
3 CY Split Bin 3x/wk	\$291.08
3 CY Split Bin 4x/wk	\$363.86
3 CY Split Bin 5x/wk	\$432.81
3 CY Split Bin 6x/wk	\$580.70
3 CY Split Bin 7x/wk	\$725.91
3 CY Split Bin Extra Pickup	\$38.44
3 CY Recycling Bin 1x/wk	\$91.11
3 CY Recycling Bin 2x/wk	\$140.62
3 CY Recycling Bin 3x/wk	\$187.50
3 CY Recycling Bin 4x/wk	\$234.36
3 CY Recycling Bin 5x/wk	\$281.23
3 CY Recycling Bin 6x/wk	\$374.98
3 CY Recycling Bin 7x/wk	\$468.74
3 CY Recycling Bin Extra Pickup	\$19.23

Temporary Bin Monthly Rates

All customers may rent a temporary trash bin for up to ten days per rental. Temporary bins are useful when performing a garage clean-out, a large move-out, etc.

3 Cubic Yard Temporary Bin	<u>2020-21</u> Customer City Rate
3 CY Temp Bin, 10 days, 1 dump	\$169.64
3 CY Temp Bin, additonal dump	\$135.71
3 CY Temp Bin, daily rental > 10days	\$3.10

Agenda Date: 5/5/2020

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Carrie Tai, Community Development Director
Ted Faturos, Assistant Planner

SUBJECT:

Public Hearing to Consider: Application for the Expansion of an Existing Restaurant with Full Alcohol Service (Manhattan Beach Post) Into an Adjacent Vacant Restaurant Space (Formerly Subway) and Expansion of Hours of Operation, at 1142 Manhattan Avenue, and Make an Environmental Determination in Accordance with the California Environmental Quality Act (Simms Restaurant Group/Simms) (Community Development Director Tai).

a) CONDUCT PUBLIC HEARING DE NOVO

b) MAKE AN ENVIRONMENTAL DETERMINATION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

c) CONSIDER DIRECTING STAFF TO DRAFT A RESOLUTION CONDITIONALLY APPROVING THE USE PERMIT AMENDMENT FOR COUNCIL CONSIDERATION AT A SUBSEQUENT COUNCIL MEETING

RECOMMENDATION:

Staff recommends that after conducting the public hearing de novo, the City Council direct staff to prepare a resolution approving the Use Permit Amendment subject to conditions.

EXECUTIVE SUMMARY:

On March 11, 2020, the Planning Commission unanimously approved a 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) and expansion of the hours of operation, subject to conditions. The subject restaurant is located in the "CD" (Downtown Commercial) zoning district in Area District III. The Planning Commission added specific conditions to the resolution with the aim of balancing the needs of the applicant while being sensitive to the concerns of nearby residents.

Two members of the City Council called up the Planning Commission's decision for review. The Planning Commission's decision was also appealed to the City Council by the President and Vice President of Coastal Defender. The Municipal Code provides that appeals and reviews of Planning Commission quasi-judicial hearings be conducted as a public hearing *de novo*. *De novo* means that the Council must take a "fresh look" at all the evidence presented at the public hearing and, after the public hearing is closed, base its decision on the evidence presented at the Council hearing.

FISCAL IMPLICATIONS:

There are no fiscal implications associated with the recommended action.

DISCUSSION:

MB Post at 1142 Manhattan Avenue currently operates under an entitlement approved in 1999 (Use Permit Amendment /City Council Resolution No. 5513). The approved entitlement allows for full alcohol service in conjunction with food service, as well as limited entertainment. The Council approved the following operating hours: 11:00a.m. to 11:00p.m. Monday through Wednesday, 11:00 a.m. to 12:00 a.m. Thursday through Friday, 7:00 a.m. to 12:00 a.m. on Saturdays, and 7:00 a.m. to 11:00 p.m. on Sundays. The entitlement also allows for limited entertainment for "kids night" on Monday nights from 5:00p.m. to 7:00p.m., with no live entertainment or dancing allowed.

The adjacent vacant 1,447 square-foot restaurant space at 1144 Manhattan Avenue operated under Board of Zoning Adjustment Resolution No. 82-41. The Board approved a "restaurant, juice bar and deli service" with onsite consumption of food. No alcohol service was allowed by BZA Resolution No. 82-41.

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 restaurant space. The applicant also proposes to partially enclose a 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 area for loading, 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 the attached 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 6:00 a.m. every day and to extend closing time to 1:00 a.m. on Thursdays through Saturday. The proposed hours of operation are 6:00 a.m. to 11:00p.m. Sunday through Wednesday, and 6:00 a.m. to 1:00 a.m. Thursday through Saturday. The applicant has requested that the City remove its limited entertainment entitlement.

Planning Commission

At the March 11, 2020, Planning Commission meeting, staff presented the applicant's Use Permit Amendment request and recommended approval. The applicant spoke in favor of the project. During the public comment period, four residents expressed concern that the proposed restaurant's floorplan would allow the restaurant to function more like a bar, and that noise might be generated from the proposed extra hour of alcohol service. The Executive Director of the Downtown Business and Professional Association expressed the Association's support of the project as proposed. The Commissioners generally supported the project and praised the applicant for its track record of being a responsible operator. The Commissioners acknowledged the neighbors' concerns, and after hearing suggestions from the applicant and the neighbors, unanimously approved the application with conditions and with the following modifications:

1. The restaurant's windows facing Manhattan Avenue shall be closed no later than 10:00 p.m. every day in order to minimize any noise generated by the restaurant.
2. No alcoholic beverages can be ordered by customers past 12:00 a.m., Thursday through Saturday. Customers who have ordered alcohol beverages before 12:00 a.m. can still consume their alcoholic beverages between 12:00 a.m. and 1:00 a.m.
3. Staff will provide a report to the Planning Commission one year after the commencement of operations after Manhattan Beach Post's expansion. The report will detail any complaints the City has received that can be traced back to the operations of the restaurant. The report will be a general business item on the Planning Commission's agenda. The owner, at its own expense, will be required to notify all property owners within 500 feet of the site that the Planning Commission will be receiving the one-year report. The notice shall be mailed at least 10 days prior to the meeting date, with the owner providing proof of such mailing to the satisfaction of Community Development Director. The notice will give the date and time of the Planning Commission meeting, as well as the directions on sending comments to the Planning Commissioners.

If the Council adopts a resolution of approval, the approved resolution will rescind Board of Zoning Adjustment Resolution No. 82-41, the previous entitlement for Subway.

Public Hearing Process

California Governor Gavin Newsom's Executive Order N-29-20 authorizes cities to hold public hearings without the physical presence of the public during the State of Emergency declared by the Governor on March 4, 2020. That declared State of Emergency is still in effect. Manhattan Beach Municipal Code Section 10.100.010 (B) states "The appeal shall be heard within 60 days of the City Clerk's receipt of the appeal, unless the applicant and appellant consent to a later date." The applicant has not consented to a later date, and has asked for a date within the 60-day period. Thus, this public hearing is being held by the City Council within 60 days of the appeal. As noted in the both the notice of the hearing and in tonight's agenda, the City has offered several opportunities for the public to comment prior to the close of the public hearing, including live testimony during the public hearing. In response to the notice, numerous people have submitted emails either in favor of or opposed to the request.

Appeal

An appeal was submitted by Donald McPherson and James Quilliam, who are respectively President and Vice President of the group known as Coastal Defender. In the attached email addressed to the City Council, the appellant states that Manhattan Beach Post should not be allowed to expand its closing hours to 1:00 a.m. Appellant argues that the expansion of hours will create more noise, and that the Planning Commission approval has “environmental review deficiencies”, and violates California Alcoholic Beverage Control (ABC) regulations. The appellant proposes different conditions of approval for closing hours and to mitigate noise.

Staff addresses specific arguments made by the appellant below, with the italicized text taken directly from the appellants’ written materials submitted to the City Council.

“Approximately 150 eating and drinking patrons adjacent to open windows fronting on Manhattan Ave constitute prima facie evidence that MB Post will violate the noise ordinance, per MBMC §5.48.300. Noise that exceeds the municipal-code standards constitutes substantial evidence, per the California Environmental Quality Act [“CEQA”] If substantial evidence exists that the MB Post project may have significant effect on the noise environment, then the city must conduct an environmental review, per CEQA.”

The appellant states that there are “approximately 150 eating and drinking patrons adjacent to open windows front Manhattan Ave”, when the floor plan shows no more than 25 seats that line the restaurant’s western wall adjacent to Manhattan Avenue under the proposed plans. It is unclear what noise, if any, is exceeding the Municipal Code standards. There have not been any noise complaints relating to seating near any windows within nine years of operation.

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 in the early morning, not about noise coming from the business’ evening dinner service or general operations. This is notable considering that Manhattan Beach Post currently has French doors that open onto Manhattan Avenue.

Further, the Planning Commission added a condition of approval to the resolution that requires MB Post to close all windows facing Manhattan Avenue by 10:00 p.m. as a way to address public comments about potential noise. This condition preceded the appeal, so it is unclear what the concern is.

“The Attachment A resolution fails to specify amplified-music levels permitted, to comply with the noise-ordinance standard that music (sic) inaudible within 50 feet of the premises, when windows open. [MBMC §5.48.120]”

The applicant is not proposing amplified music; as live entertainment is prohibited. If the application is approved, MB Post will no longer be entitled to limited entertainment. There are thus no “amplified-music levels” for the resolution to specify.

“The former Subway premises lie within 100 feet of residences on the north side of 12th St and of the city Parking Lot 2. Per regulations, the Department of Alcoholic Beverage Control [“ABC”] may not approve a license, unless “... the applicant establishes that the operation of the business would not interfere with the quiet enjoyment of the property by residents.” The application (sic) incomplete, because the applicant has not established that their business will not interfere with quiet enjoyment by residents.”

Manhattan Beach Post has been operating with a full liquor license (Type 47) from the ABC since it opened nine years ago. A review of the applicant’s alcohol licenses on the ABC’s website’s “License Lookup” feature shows zero disciplinary action from the ABC, and is an attachment.

There has been no indication, in terms of noise complaints or disciplinary actions, that commercial uses would interfere with quiet enjoyment of property.

The Planning Commission Resolution has a condition that states “The owner shall be in substantial compliance with all restrictions imposed by the Alcohol Beverage Control Board (ABC) prior to service of liquor.” The City uses the use permit process to place its own restrictions on a business serving alcohol, independent of those restrictions placed by the ABC. If the Council approves the request, staff recommends that the same condition be imposed in the Council’s Resolution approving the project.

“The Attachment A resolution in the staff report does not specify occupancy, so the finding for public safety cannot be made, to ensure fire and life safety. For a restaurant, the occupancy must correspond to the seating capacity, with no food or alcohol service to persons standing and blocking the egress aisles.”

During the review process for the Use Permit Amendment, the proposed plans, including floor plans, were reviewed the Building & Safety Division and Fire Department to ensure feasibility for complying with Building Code requirements, including but not limited to occupancy, egress, and life and safety systems. There were no comments received, indicating the ability of the proposed plans to comply with above-mentioned Code requirements during the “Plan Check Process

Before issuing any permits for construction, the City requires the applicant to submit for “Plan Check”. Plan Check is the review process where the Building & Safety Division, Planning Division, Fire Department, and Public Works Department all review the proposed construction plans to ensure compliance with any relevant codes, including egress requirements. The proposed occupancy is also further analyzed by the various City departments, and any relevant codes are applied to the project based on the occupancy. The proposed project requires a variety of permits (building, electrical, plumbing, mechanical, etc.). As with any project, the City will not issue the applicant any permits unless the plans demonstrate conformance with all relevant codes.

“The one-hour increase in closing time, from midnight to 1 AM constitutes a major policy change by the city, that abrogates the undocumented standard of midnight closing for eating

and drinking establishments not located in the Manhattan Mall. For 20 years since 1999, in the Downtown, the city has approved only one increase in hours, namely, midnight to 12:30 AM for Petros in 2002. The city now plans to abandon this policy.”

The Municipal Code does not have any regulations that require all Downtown restaurants to close at 12:00 a.m. The Planning Commission and, on appeals, the City Council, reviews Use Permit requests on an individual basis, with each Use Permit request analyzed based on each proposal’s unique merits, location, compatibility with the neighborhood, and ability to meet the required findings as outlined in the Code and state law.

As stated above, entitlements at other locations are not relevant to the issue of whether the request for a later closing time is appropriate for this site. Nevertheless, there have been three instances within the last 15 years when the Planning Commission or City Council reviewed Use Permit requests for Downtown, non-Metlox restaurants with full alcohol service where the Planning Commission or City Council allowed each site’s previous post-midnight closing time to remain unchanged in each site’s new entitlement:

- 1) BREWCO (124 Manhattan Beach Boulevard): Obtained their Use Permit Amendment (Resolution No. PC 09-01) in 2009 and was allowed to keep a 1:00 a.m. closing time on Fridays and Saturdays.
- 2) The Strand House (117 Manhattan Beach Boulevard): Obtained their Use Permit (Resolution No. 6304) in 2011 and was allowed to keep a 1:00 a.m. closing time on Fridays and Saturdays.
- 3) Esperanza (309 Manhattan Beach Boulevard): Obtained their Use Permit (Resolution No. PC 19-03) in 2019 and was allowed to keep a 2:00 a.m. closing time seven nights a week.

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 be compatible, as conditioned, with the surrounding uses and neighborhood, 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 compatible with neighboring uses, as the neighboring lots are developed with commercial uses, many of which are eating and drinking establishments that operate into the late evening, and serve alcohol. As stated below, significant buffers exist between Manhattan Beach Post (and the proposed expansion area) 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. Indeed, a restaurant has been located on the southeast corner of Manhattan Avenue and 12th Street for decades. 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 that 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 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 meals with craft beer, small-production wine, and craft cocktails in conjunction with such 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 Plan

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 OUTREACH:

A public notice for the project’s May 5, 2020, City Council public hearing was published in the Beach Reporter on Thursday, April 23, 2020, and was also mailed to surrounding property owners on April 20, 2020. The public notices and agenda posted on Wednesday, April 29, 2020 included information on how members of the public could comment via eComment, email, and voicemail prior to the meeting. The public notice also informed that the public that anyone can provide live testimony by Zoom, and instructions were included on the City website as well as the meeting agenda.

As of the writing of this report, staff received over two dozen emails support for the project, while three emails were received expressed opposition to MB Post’s request to expand their hours. One email was received that did not have any written text. The comments are attached. (See Attachment 7).

ENVIRONMENTAL REVIEW:

The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15301 (Existing Facilities) 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 adjacent restaurant space, the expanded hours are consistent with several other commercial establishments in the CD Downtown Commercial zone, and the project’s conditions of approval require the restaurant’s windows facing Manhattan Avenue to be closed no later than 10:00 p.m. every day in order to minimize any noise generated by the restaurant. Pursuant to State CEQA Guidelines Section 15300.2 (Exceptions), there is no reasonable possibility that the activity will have a significant impact on the environment because there are no unusual circumstances in this situation, where an existing restaurant is taking over an adjacent restaurant space. The Project will neither individually nor cumulatively have an adverse effect on wildlife resources, as defined in Fish and Game Code Section 711.2.

LEGAL REVIEW:

The City Attorney has reviewed this report and determined that no additional legal analysis is

necessary.

CONCLUSION:

The City Council has the following options:

1. Direct staff to draft a resolution conditionally approving the application, with the same conditions imposed by the Planning Commission in Planning Commission Resolution No. PC 20-01 (attached);
2. Direct staff to draft a resolution conditionally approving the application, with additional conditions; or
3. Direct staff to draft a resolution containing findings to deny the expansion, expanded hours, or both.

Staff recommends Options 1 or 2.

ATTACHMENTS:

1. Proposed Plans
2. Planning Commission Resolution No. PC 20-01
3. Planning Commission Draft Meeting Minutes, March 11, 2020
4. Planning Commission Report, Attachments, and Related Material (March 11, 2020)
5. Appellants' Materials
6. ABC Report on 1142 Manhattan Avenue
7. Public Comment (Received as of April 29, 2020)



NUMBER	SHEET NAME	REVISION DATE	REVISION #
GENERAL			
G100	COVER SHEET		
DEMOLITION			
D101	DEMOLITION FLOOR PLAN		
D120	DEMOLITION REFLECTED CEILING PLAN		
D400	DEMOLITION EXTERIOR ELEVATIONS		
ARCHITECTURE			
A001	ARCHITECTURAL SITE PLAN		
A101	FLOOR PLAN, NOTES, & DIMENSIONS		
A103	ATTIC ACCESS PLAN		
A120	REFLECTED CEILING PLAN		
A130	ROOF PLAN		
A400	EXTERIOR ELEVATIONS		
A500	BUILDING SECTIONS		

GHA
Architecture/Development

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MBPOST
1142 Manhattan Ave
Manhattan Beach, CA 90266
CD Downtown Commercial Area District III
APN (4179-021-002)
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

PROJECT DIRECTORY

OWNER REPRESENTATIVE:
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KITCHEN EQUIPMENT
MYERS RESTAURANT SUPPLY, LLC
KEVIN MCQUEEN
5855 GREEN VALLEY CIRCLE SUITE 310
CULVER CITY, CA. 90230
310-645-1200

CODE SUMMARY

APPLICABLE CODES:
BUILDING CODE: 2019 CA BUILDING CODE
PLUMBING CODE: 2019 CA PLUMBING CODE
MECHANICAL CODE: 2019 CA MECHANICAL CODE
ELECTRICAL CODE: 2019 CA ELECTRICAL CODE
ACCESSIBILITY CODE: CA TITLE 24 DISABLED ACCESS REQUIREMENTS
ENERGY CODE: 2019 CA ENERGY CODE
FIRE CODE: 2019 CA FIRE CODE
GREEN BUILDING: 2019 CA GREEN BUILDING CODE

OCCUPANCY GROUP:
A2: GROUP (SECTION 304.1; 2019 CABG)

OCCUPANCY LOAD
99 OCCUPANTS (SEE OCCUPANCY CALCULATION ON SHEET A100)

CONSTRUCTION TYPE :
TYPE V-B (TABLE 602; 2019 CABG)

EXISTING SQUARE FOOTAGE: (CURRENT MB POST)
3,283 SQ FT

PROPOSED NEW SQUARE FOOTAGE: (NEIGHBORING SPACE)
1,447 SQ FT (NEW EXPANSION)
148 SQ FT (NEW ADDITION)

PROPOSED TOTAL SQUARE FOOTAGE:
4,878 SQ FT

LOT SIZE:
6,000 SQ FT

ZONING:
CD DOWNTOWN COMMERCIAL, (AREA DISTRICT III), APN (4179-021-002)

LEGAL DESCRIPTION:
(LOTS 2 & 3, BLOCK 66, MANHATTAN BEACH DIVISION NO.2),

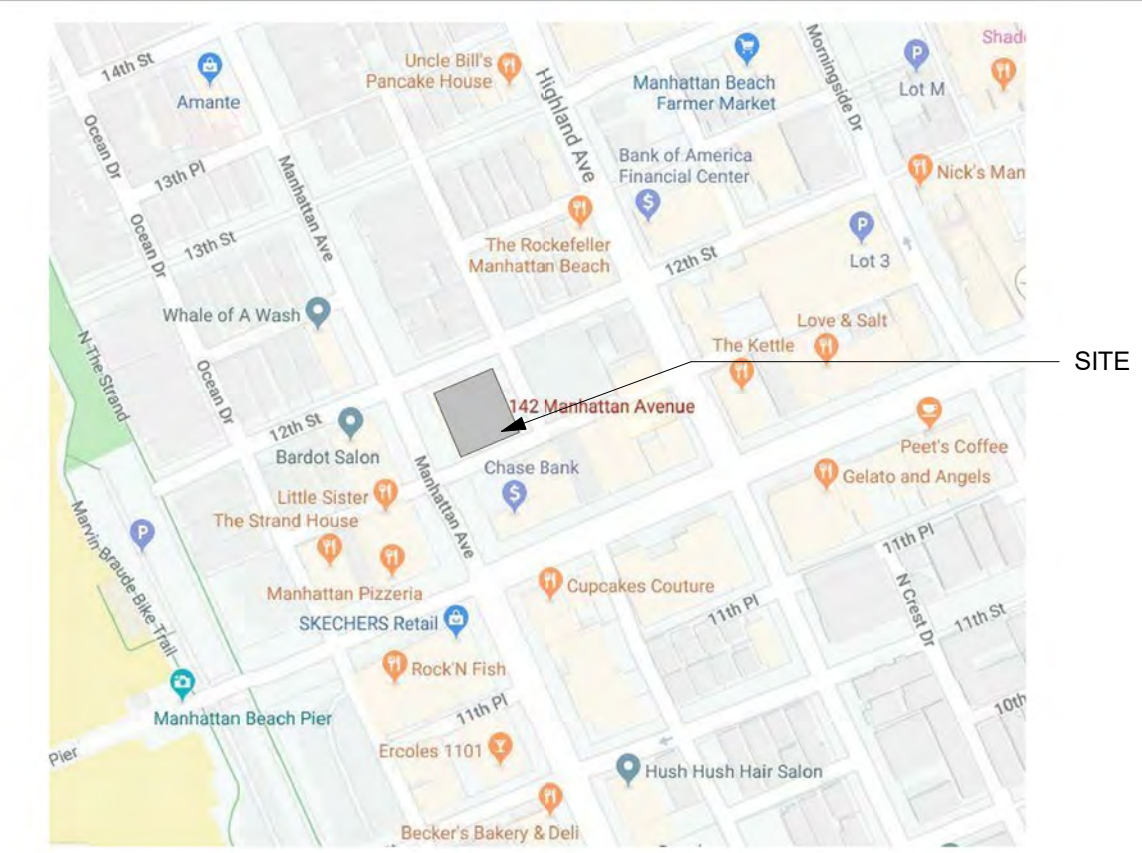
BUILDING HEIGHT & AREA ALLOWABLE:
CONSTRUCTION TYPE III-B (PER CABG TABLE 504.3)

OCCUPANCY CLASSIFICATION	MAXIMUM HEIGHT	MAXIMUM AREA	MAXIMUM STORIES
A2	65' - 0"	15,000 SF	3

OVERALL EXISTING BUILDING HEIGHT: 1 STORY
AREA OF MODIFICATION BUILDING HEIGHT: GROUND LEVEL COMMERCIAL TENANT IMPROVEMENT SPACE, 21'-0" (EXISTING BUILDING HEIGHT)
OVERALL TENANT IMPROVEMENT SPACE

NO	REVISION	DATE

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 SUBMITTAL:
1. SIGNAGE

SYMBOLS

SHEET [Symbol]

ELEVATION MARKER [Symbol]

DTL # [Symbol]

DETAIL MARKER [Symbol]

SECTION MARKER [Symbol]

REF. ELEVATION DATUM POINT [Symbol]

W1 [Symbol] **WALL TYPE**

Room 1 [Symbol] **ROOM NAME ROOM NUMBER**

1 [Symbol] **DOOR NUMBER**

A [Symbol] **WINDOW MARKER**

FIN-1 [Symbol] **FINISH TAG**

1 [Symbol] **KEY NOTE**

CEILING HEIGHT ABOVE FIN. FLOOR [Symbol]

A [Symbol] **COLUMN GRID AND GRID BUBBLES**

1 [Symbol] **DOOR NUMBER**

A [Symbol] **WINDOW MARKER**

FIN-1 [Symbol] **FINISH TAG**

1 [Symbol] **KEY NOTE**

CEILING HEIGHT ABOVE FIN. FLOOR [Symbol]

COVER SHEET

PROJECT NUMBER
190656

SHEET NUMBER
G100

ISSUE FOR PERMIT 2/03/2020



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

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CONTRACTOR TO VERIFY
ALL EXISTING CONDITIONS AND
DIMENSIONS-NOTIFY ARCHITECT
OF ANY DISCREPANCIES PRIOR
TO BEGINNING CONSTRUCTION

NO	REVISION	DATE

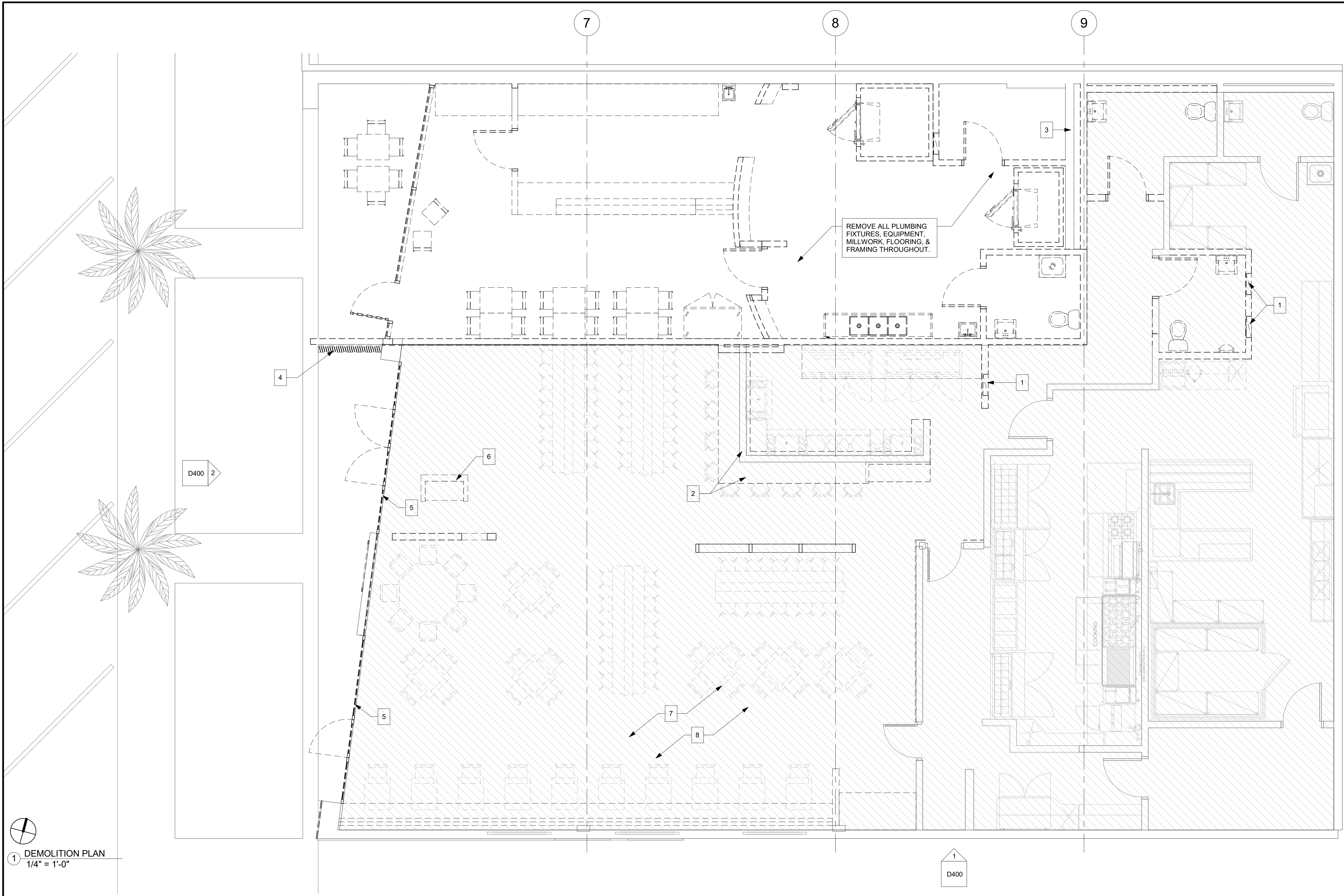
ISSUE

DEMOLITION FLOOR
PLAN

PROJECT NUMBER
190656

SHEET NUMBER
D101

ISSUE FOR PERMIT 2/03/2020



- GENERAL DEMOLITION NOTES:**
- REMOVE ALL FOH FURNITURE.
 - REMOVE ALL FOH LIGHTING FIXTURES.
 - REMOVE INTERIOR FINISHES & PREPARE TO RECEIVE NEW FINISHES

- DEMOLITION KEYNOTES:**
- REMOVE EXISTING ELECTRICAL PANEL. EXISTING BAR DIE WALL TO REMAIN. BAR TOP TO BE REMOVED AND REPLACED.
 - EXISTING CONCRETE WALL TO REMAIN.
 - REMOVE EXISTING METAL FINIS.
 - REMOVE EXISTING SLIDING GLASS DOORS.
 - REMOVE AND RELOCATE HOSTESS STAND.
 - REMOVE ALL FURNITURE & BUILT IN MILLWORK.
 - REMOVE EXISTING FLOOR FINISHES AND PREPARE SURFACE FOR NEW FLOOR FINISHES.

LEGEND

	= EXISTING TO REMAIN
	= EXISTING TO BE REMOVED

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

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NO	REVISION	DATE

ISSUE

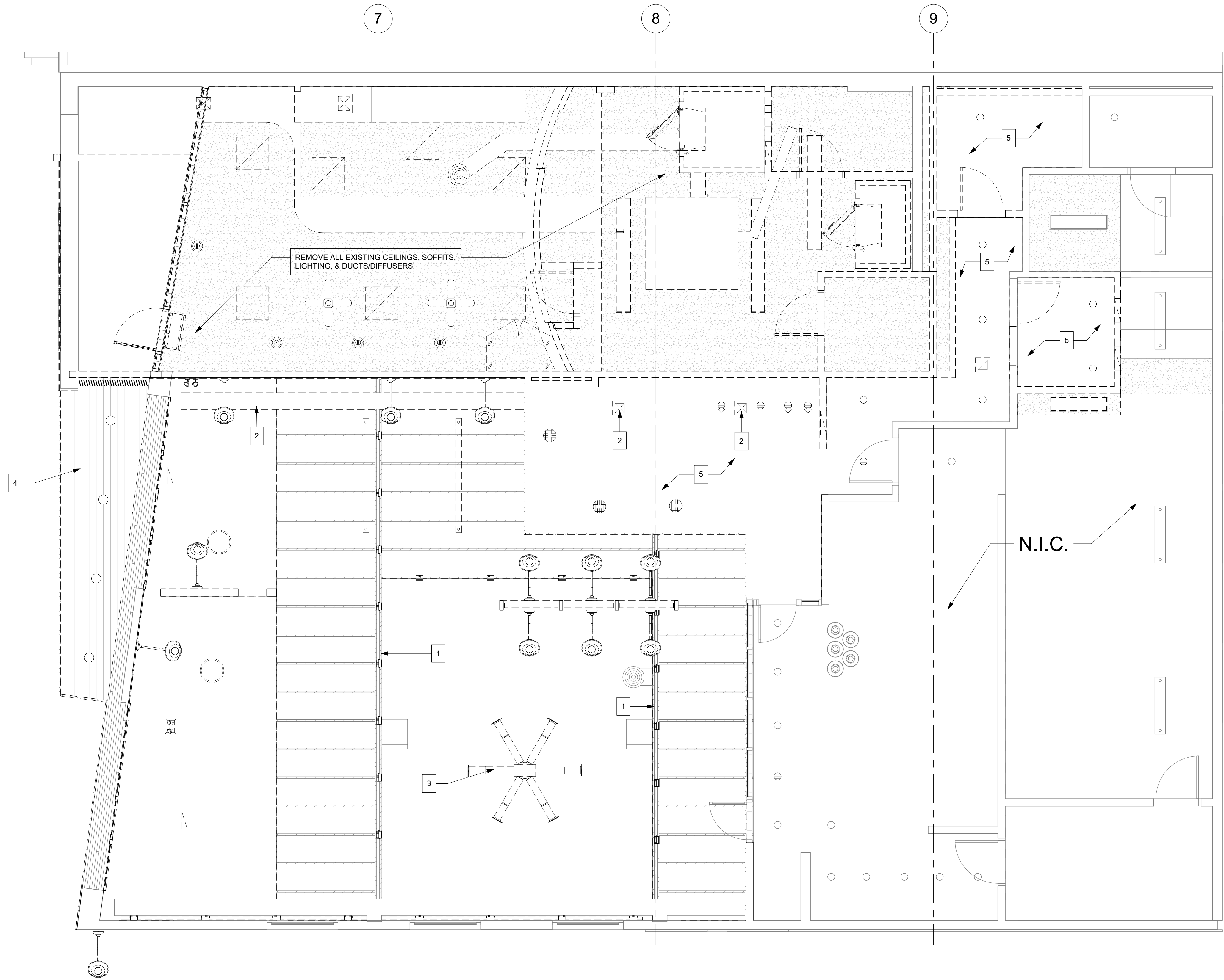
DEMOLITION REFLECTED CEILING PLAN

PROJECT NUMBER
190656

SHEET NUMBER
D120

ISSUE FOR PERMIT 2/03/2020

- 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. EXISTING TRUSSES TO REMAIN.
 - 2. REMOVE EXISTING SUPPLY TRUNK & DIFFUSER.
 - 3. REMOVE EXISTING FAN.
 - 4. REMOVE EXISTING EXTERIOR CANOPY.
 - 5. REMOVE EXISTING CEILING, LIGHTING, DUCTS, & DIFFUSERS.
- LEGEND**
- = EXISTING TO REMAIN
 - - - = EXISTING TO BE REMOVED



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

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ISSUE

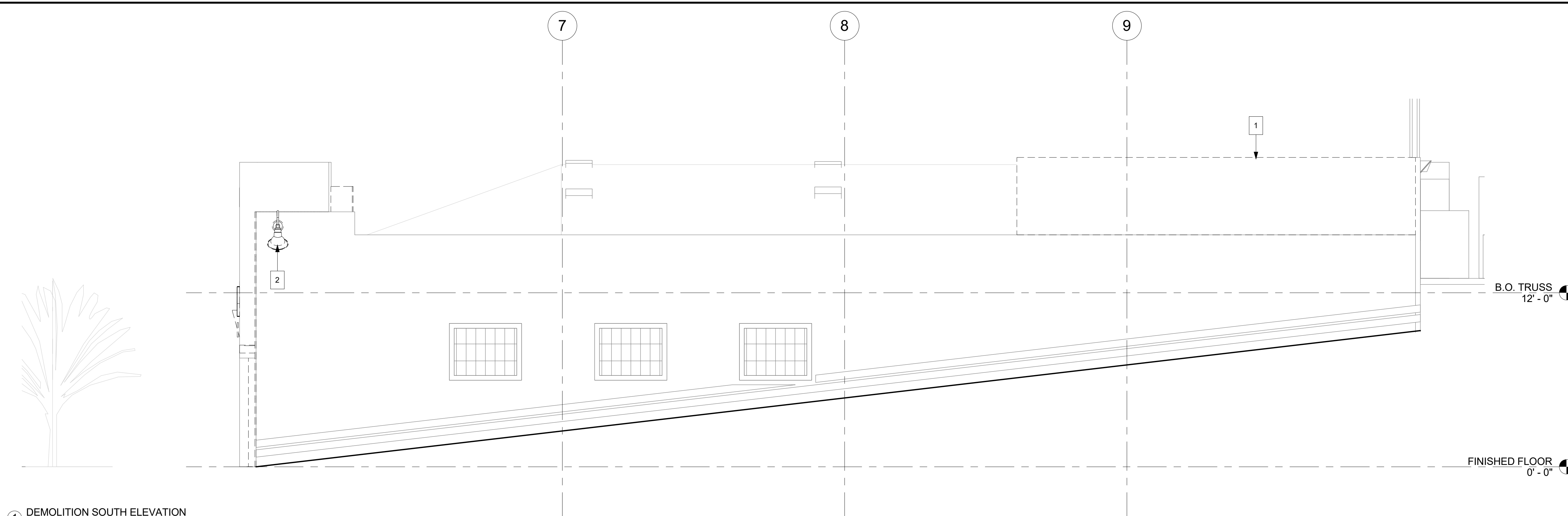
DEMOLITION EXTERIOR
ELEVATIONS

PROJECT NUMBER
190656

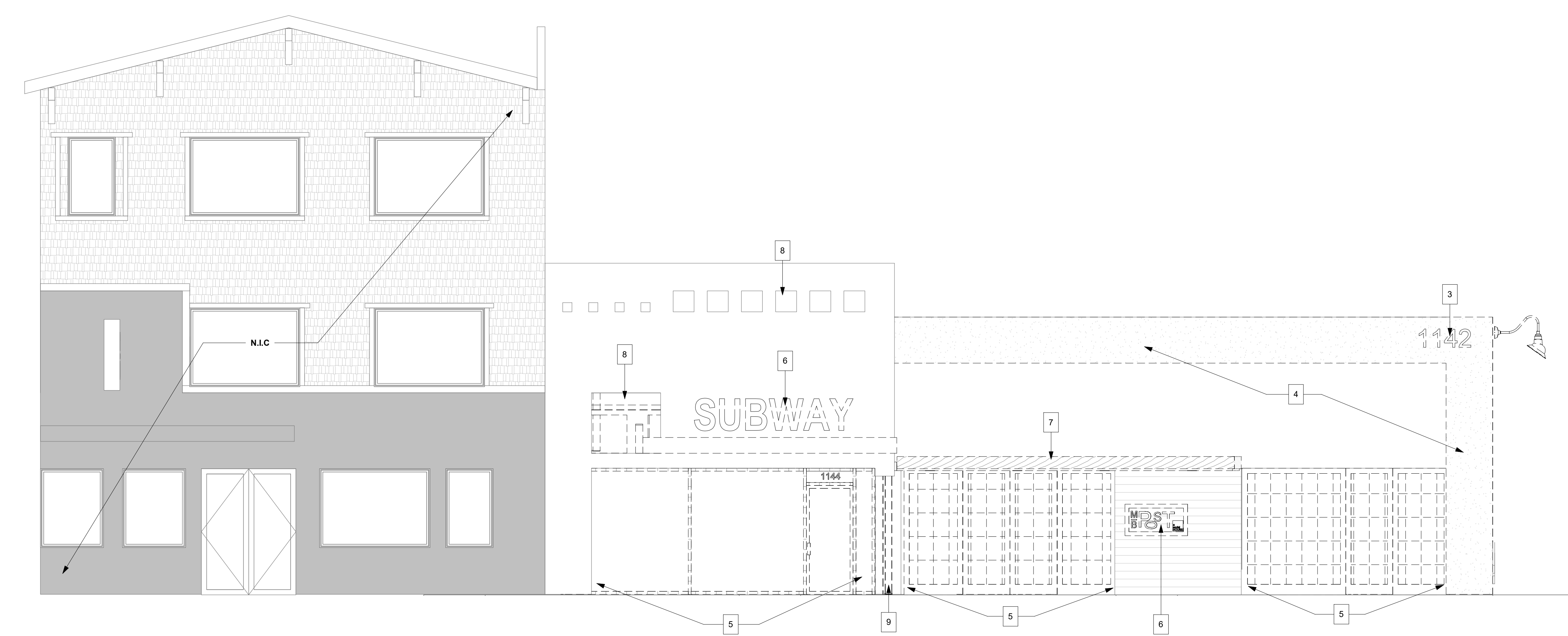
SHEET NUMBER
D400

ISSUE FOR PERMIT 2/03/2020

- DEMOLITION KEYNOTES:**
1. REMOVE EXISTING CHAINLINK FENCE.
 2. REMOVE EXISTING EXTERIOR LIGHT FIXTURE.
 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



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



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



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ISSUE

ARCHITECTURAL SITE
PLAN

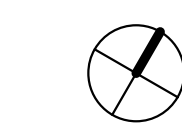
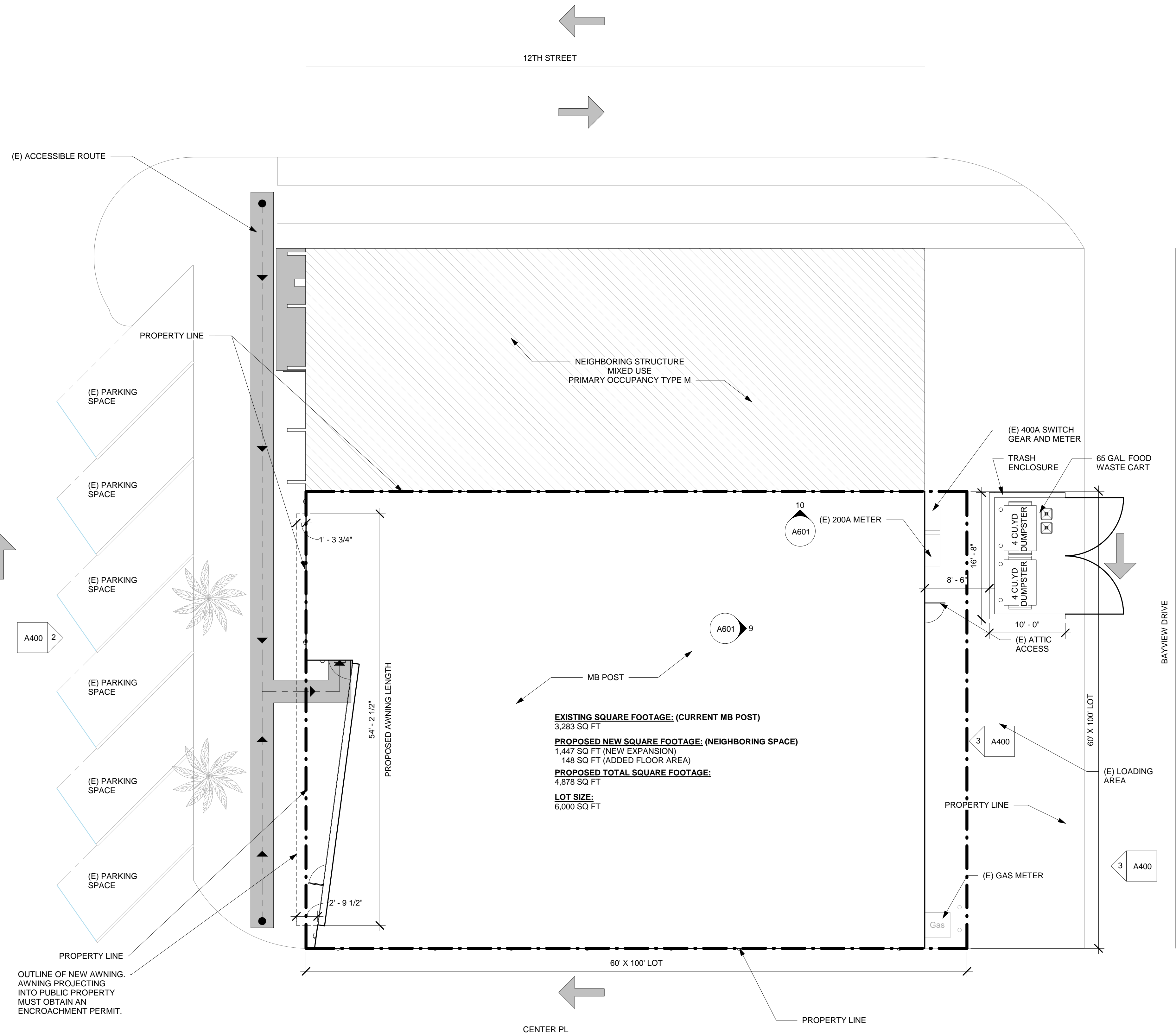
PROJECT NUMBER

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SHEET NUMBER

A001

ISSUE FOR PERMIT 2/04/2020



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



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NO	REVISION	DATE

ISSUE

FLOOR PLAN, NOTES, &
DIMENSIONS

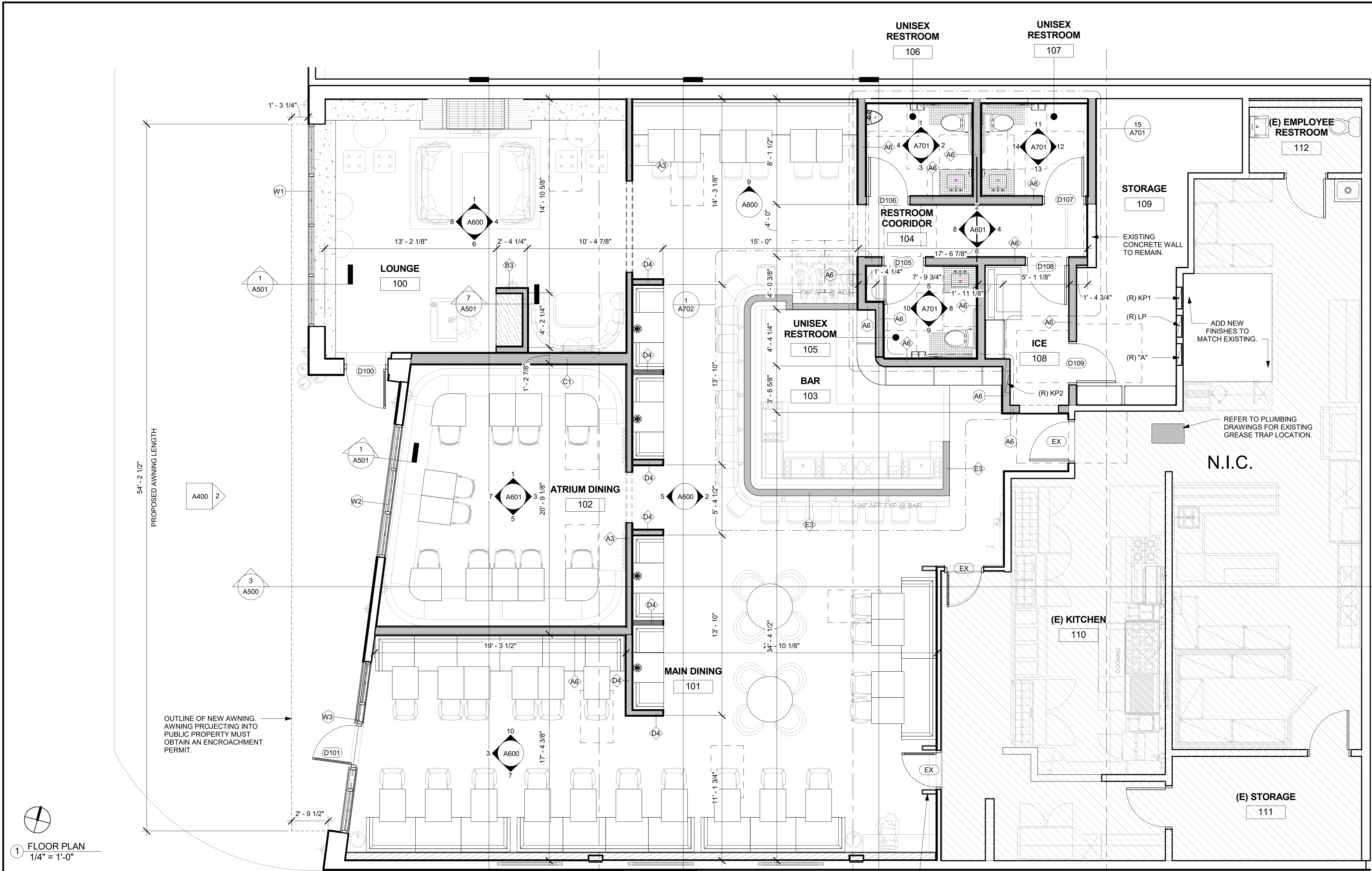
PROJECT NUMBER

190656

SHEET NUMBER

A101

ISSUE FOR PERMIT 2/03/2020



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

GENERAL NOTES

- 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.
- ALL WOOD FINISHES TO MEET REQUIRED FIRE CODE WHERE APPLICABLE
- ALL CONCEALED WOOD BLOCKING TO BE FIRE RETARDED TREATED WOOD
- RE-SPRAY ALL DAMAGED FIRE PROTECTION AROUND ALL COLUMNS WHERE APPLICABLE
- 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.
- PROVIDE FIRE CAULKING AT ALL PENETRATIONS IN DEMISING WALLS IN ORDER TO MAINTAIN FIRERATING GC TO PROVIDE CLASS "K" WET CHEMICAL SUFACE MOUNTED FIRE EXTINGUISHERS & TYPE 2A 10BC FIRE EXTINGUISHERS - VERIFY QUANTITY & LOCATION IN FIELD W/ FIRE MARSHALL
- 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.
- ALL GAPS UNDER EXTERIOR DOORS NOT TO EXCEED 1/4". GC TO PROVIDE WEATHER STRIPS.
- REFERENCE ELEVATIONS FOR ALL NEW WALL FINISHES.
- G.C. TO PROVIDE PAINT TOUCH UP AFTER FIXTURE INSTALL AND STOCKING
- ALL WOOD IN CONTACT WITH CONCRETE MUST BE PRESSURE TREATED MOUSTURE RESISTANT WOOD.
- PROVIDE REDUCER/TRANSITION STRIPS AT ALL FLOORING TRANSITIONS. REFER TO FLOOR FINISH PLAN & TRANSITION DETAILS.
- G.C. IS REQUIRED TO PROTECT CONCRETE SIDEWALKS, WALLS, FLOORS AND OTHER SURFACES.
- G.C. IS RESPONSIBLE TO ENSURE THAT THERE ARE NO UNDERGROUND UTILITIES OR OTHER SERVICES BEFORE CUTTING ANY CONCRETE ANYWHERE ON THE PROPERTY.
- 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.
- 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.
- RECYCLING BY OCCUPANTS: PROVIDE ADEQUATE SPACE AND EQUAL ACCESS FOR STORAGE, COLLECTION, AND LOADING OF COMPOSTABLE, RECYCLABLE AND LANDFILL MATERIALS.
- COMPOSITE WOOD: MEET CARB AIR TOXICS CONTROL MEASURE FOR COMPOSITE WOOD INCLUDING MEETING THE EMISSION LIMITS IN CALGREE TABLE 5.504.4.5
- ALL PORTIONS OF THE BUILDING/TENANT SPACE ARE REQUIRED TO BE WITHIN 75 FEET TRAVEL DISTANCE OF A 2A: 10BC RATED FIRE EXTINGUISHER. LOCATION NOTED ON A100 LIFE SAFETY PLAN.

NEW MILLWORK
REFER TO VENDOR
DRAWINGS

REFER TO PLUMBING
DRAWINGS FOR EXISTING
GREASE TRAP LOCATION.

ADD NEW
FINISHES TO
MATCH EXISTING.

EXISTING
CONCRETE WALL
TO REMAIN.

PROPOSED AWNING LENGTH
54'-2 1/2"

OUTLINE OF NEW AWNING.
AWNING PROJECTING INTO
PUBLIC PROPERTY MUST
OBTAIN AN ENCROACHMENT
PERMIT.

DO NOT SCALE DRAWINGS
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NO	REVISION	DATE

ISSUE

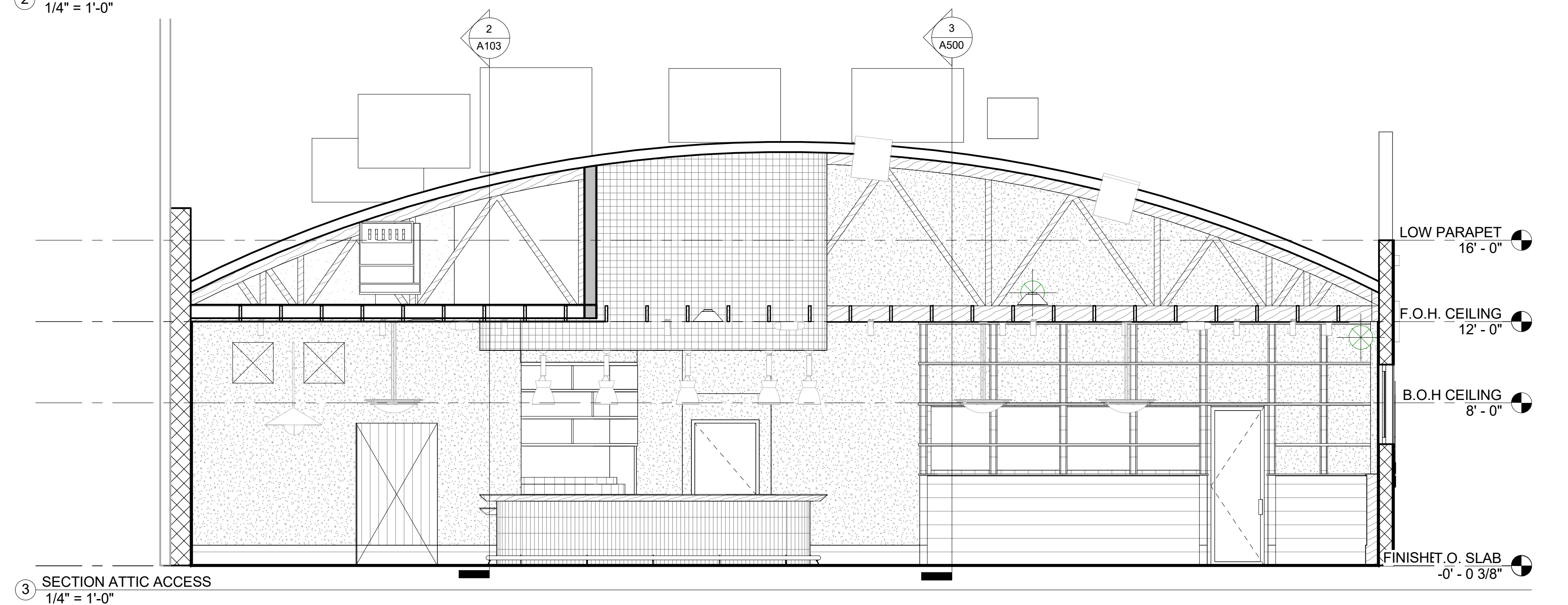
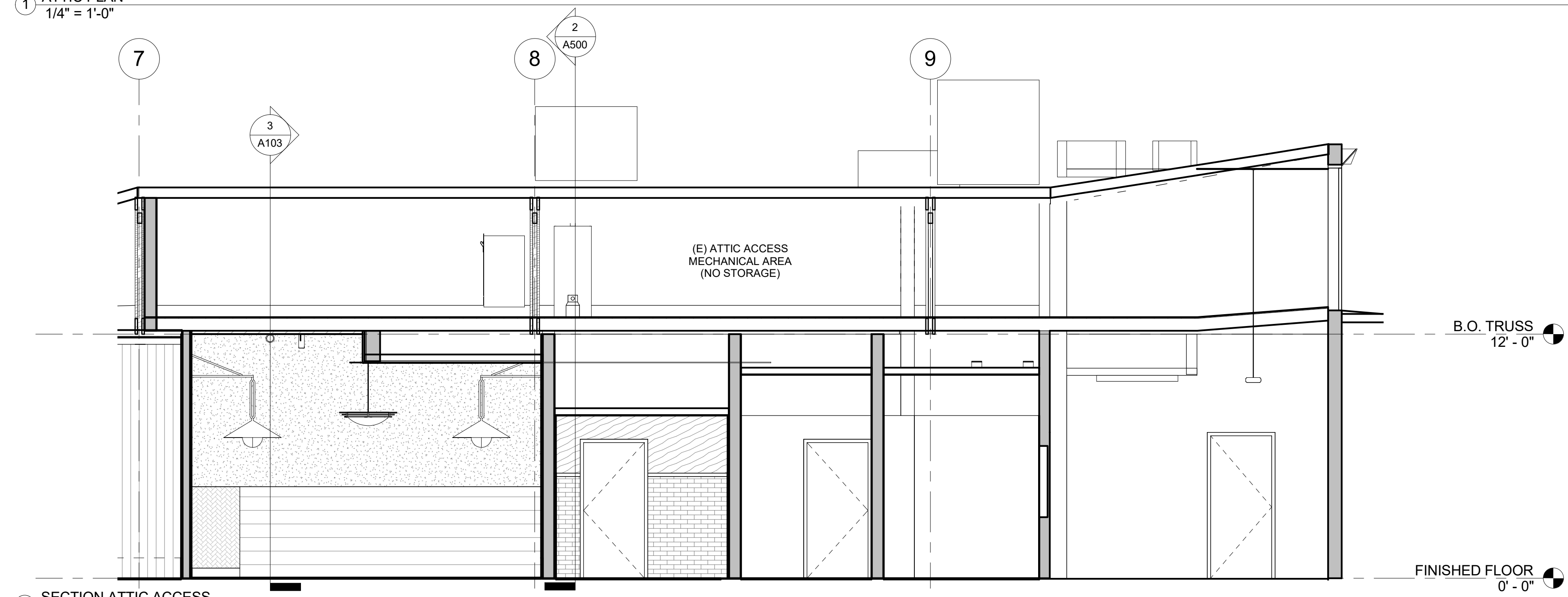
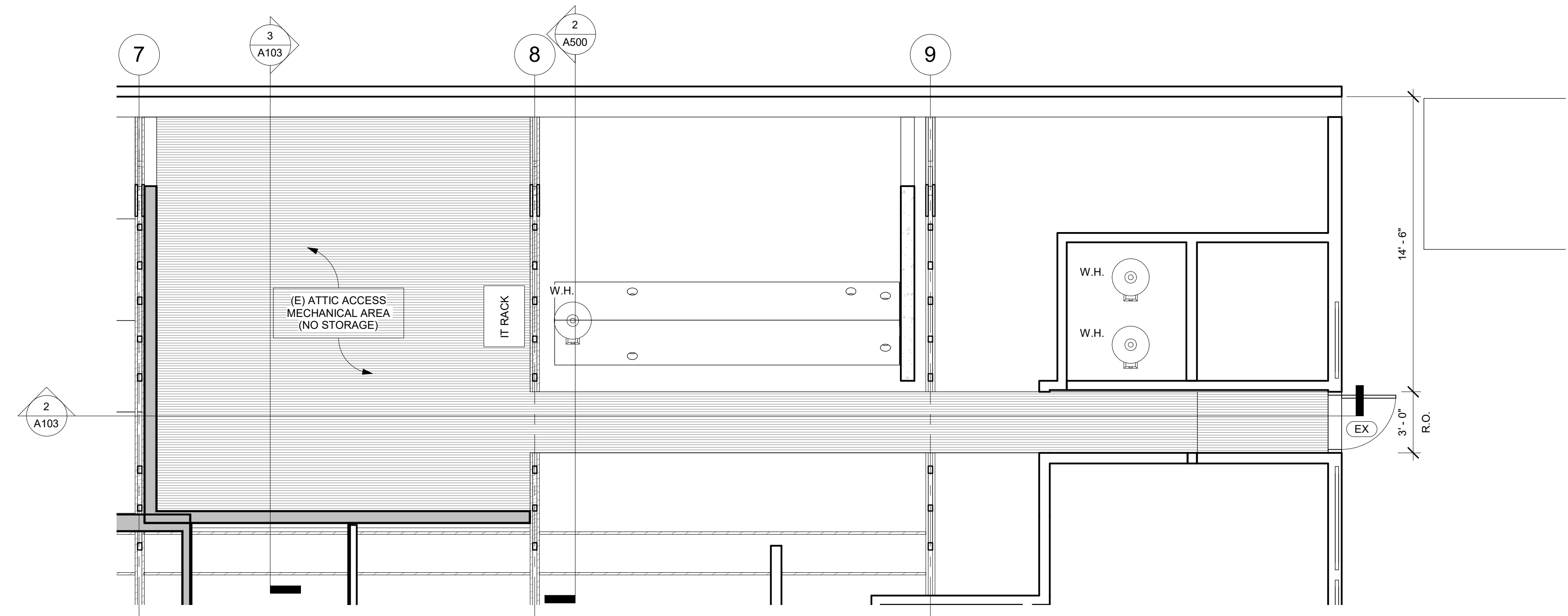
ATTIC ACCESS PLAN

PROJECT NUMBER
190656

SHEET NUMBER
A103

ISSUE FOR PERMIT 2/03/2020

BAYVIEW DRIVE



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NO	REVISION	DATE

ISSUE

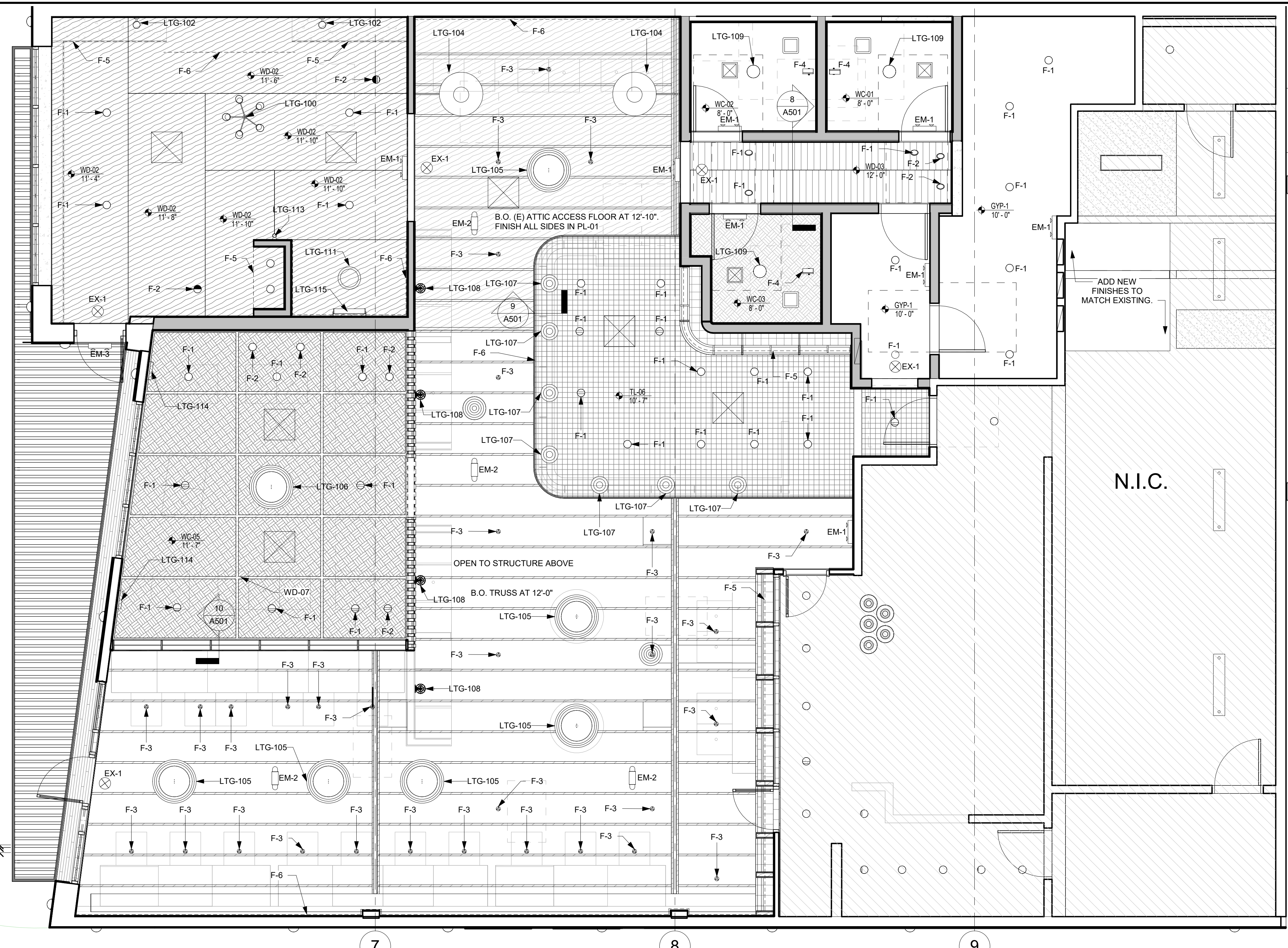
REFLECTED CEILING
PLAN

PROJECT NUMBER
190656

SHEET NUMBER

A120

ISSUE FOR PERMIT 2/03/2020



1 A201_REFLECTED CEILING PLAN
1/4" = 1'-0"

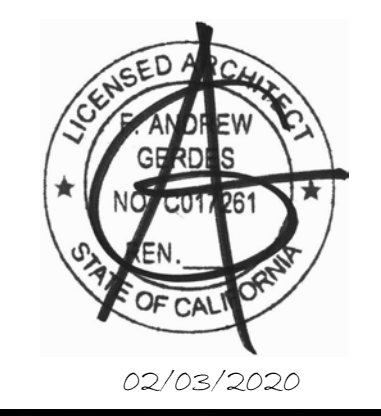
GENERAL NOTES

- ALL CEILING HEIGHTS INDICATED ARE TO BE FROM FINISHED FLOOR UNLESS NOTED OTHERWISE
- LOCATE ALL TRACK & RECESSED FIXTURES @ CENTERLINE OF TILE UNLESS OTHERWISE INDICATED
- LIGHTING @ ALL FOOD PREP AREAS & KITCHEN HAS BEEN DESIGNED TO PROVIDE 50 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/DIMMER BANK LOCATION)
- FIXTURE QUANTITIES SHOWN ARE APPROXIMATE THE LIGHTING VENDOR IS RESPONSIBLE FOR DETERMINING EXACT FIXTURE COUNTS REQUIRE 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 FAINT 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. GC IS RESPONSIBLE FOR COORDINATION 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)6W	
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	2V12G1/LD10-B-D-SMC	LED 3000K	(2)6W	
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	SUREFACE MOUNTED LINEAR LOW VOLTAGE LED	LUMINI	ZOOM ZO-LENGTHS AS REQUIRED FOR CONTINUOUS RUNS-27K-HO-F	LED 2700K	3.2/FT	
F-6	SUREFACE 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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NO	REVISION	DATE

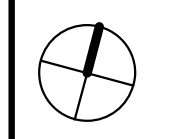
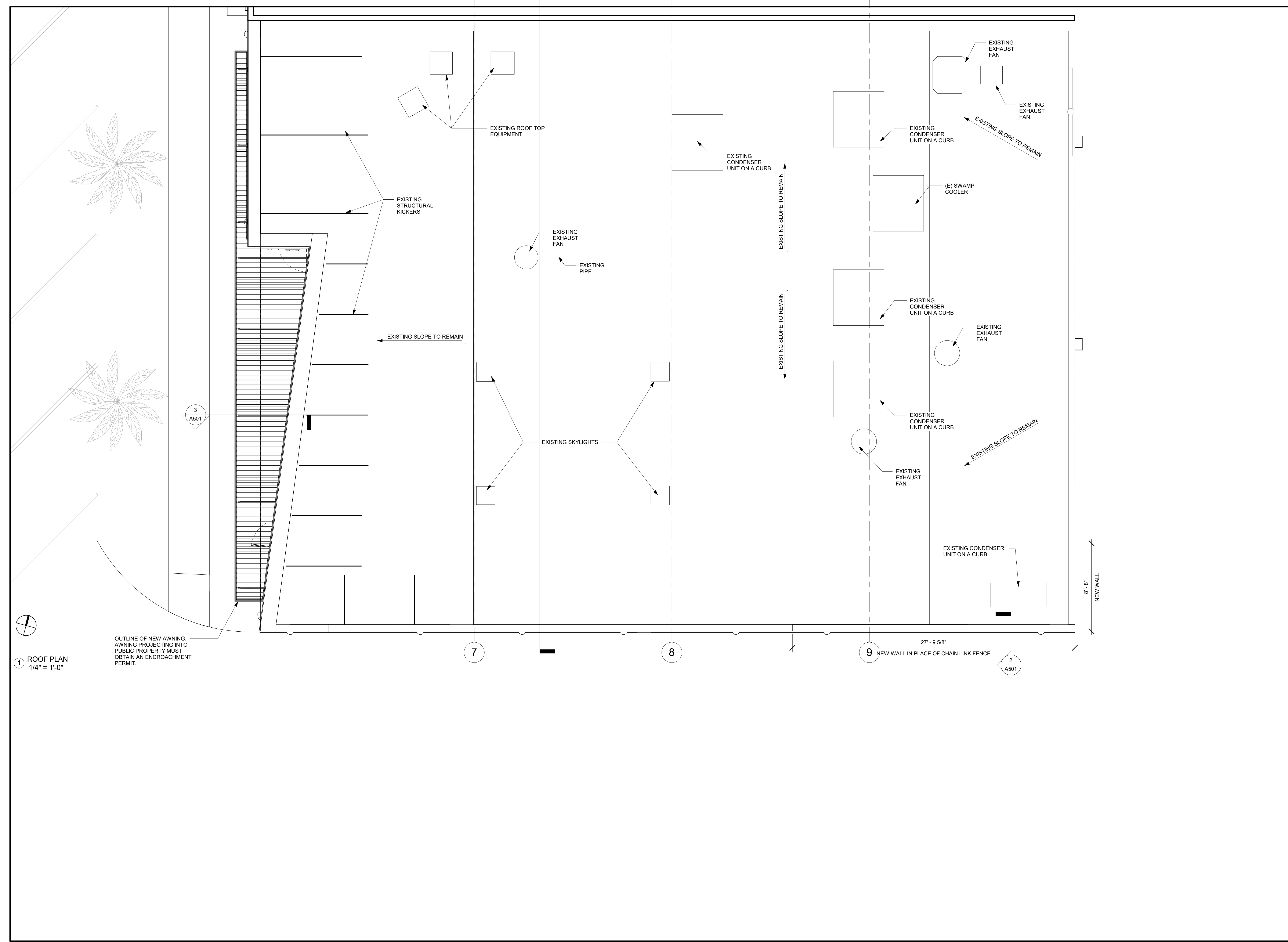
ISSUE

ROOF PLAN

PROJECT NUMBER
190656

SHEET NUMBER
A130

ISSUE FOR PERMIT 2/03/2020



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

OUTLINE OF NEW AWNING.
AWNING PROJECTING INTO
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OBTAIN AN ENCROACHMENT
PERMIT.



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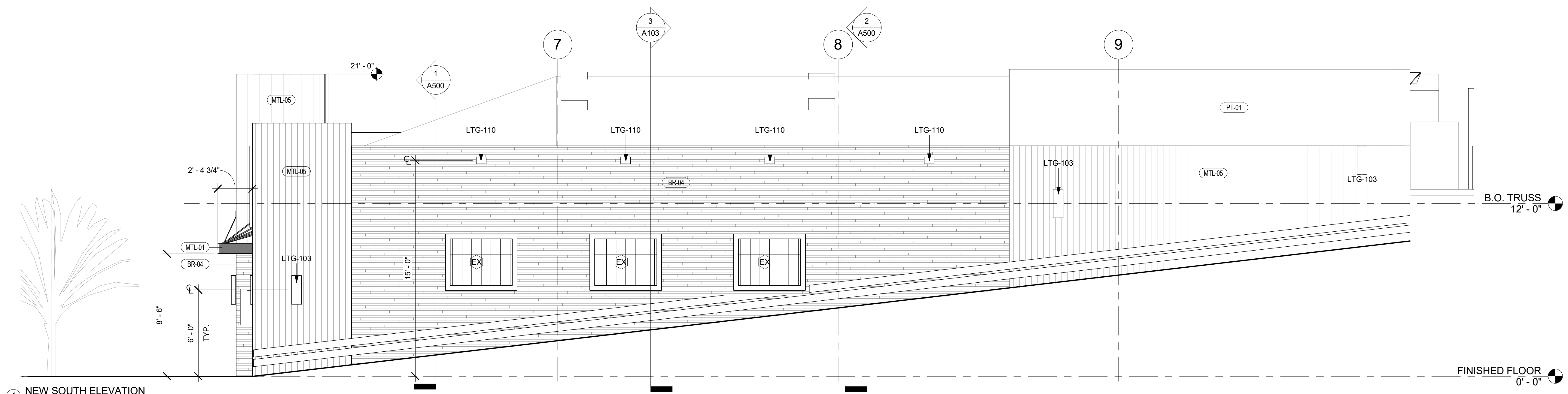
EXTERIOR ELEVATIONS

PROJECT NUMBER
190656

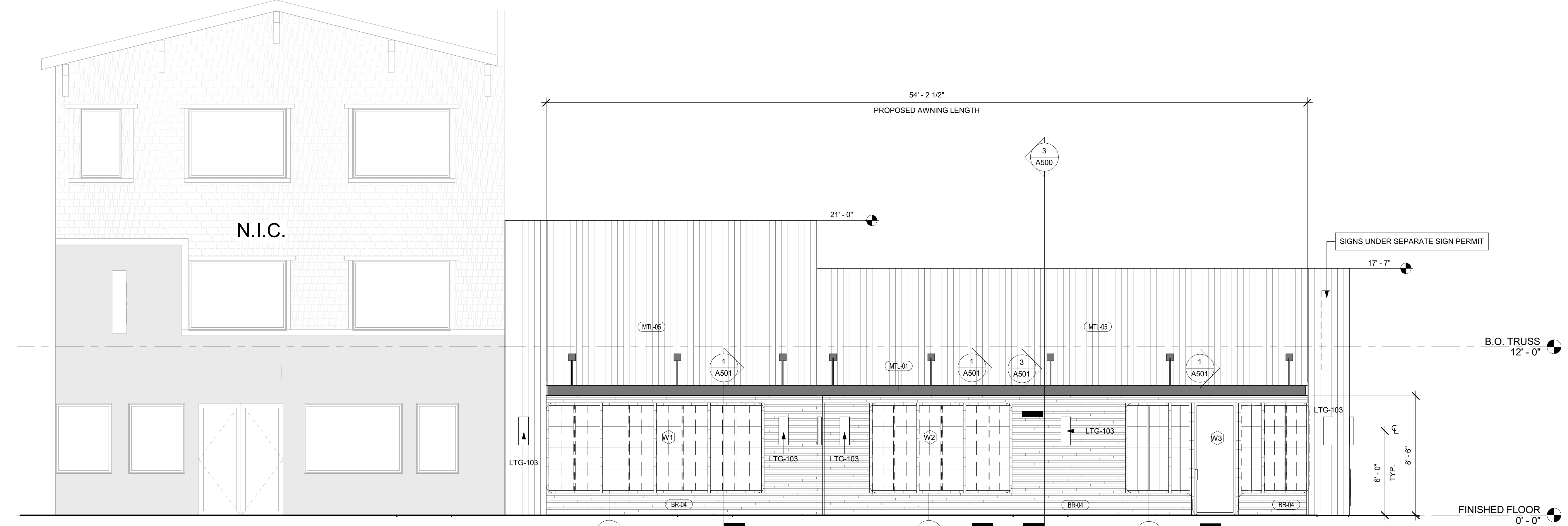
SHEET NUMBER

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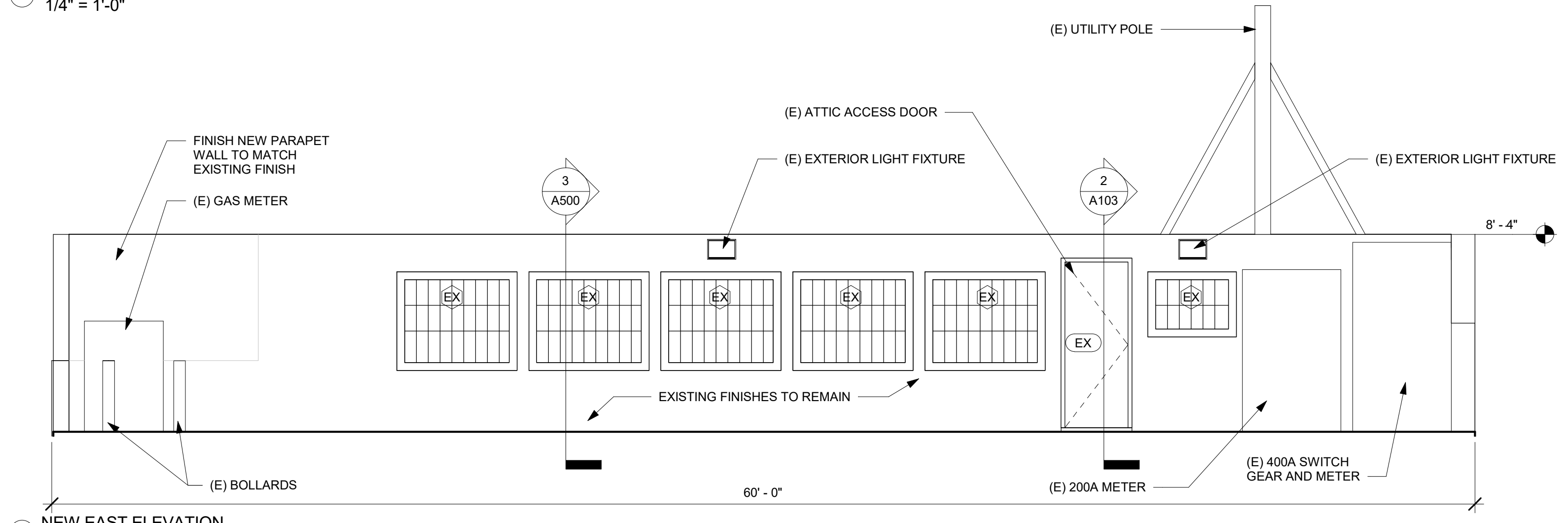
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1 NEW SOUTH ELEVATION
1/4" = 1'-0"



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



3 NEW EAST ELEVATION
1/4" = 1'-0"

Exterior Lighting Fixture Schedule					
TYPE	DESCRIPTION	MANUFACTURER	MODEL NUMBER	LAMP	NOTES
LTG-103	EXTERIOR WALL SCNCE	TBD		TBD	
LTG-110	EXTERIOR WALL SCNCE	TBD		TBD	



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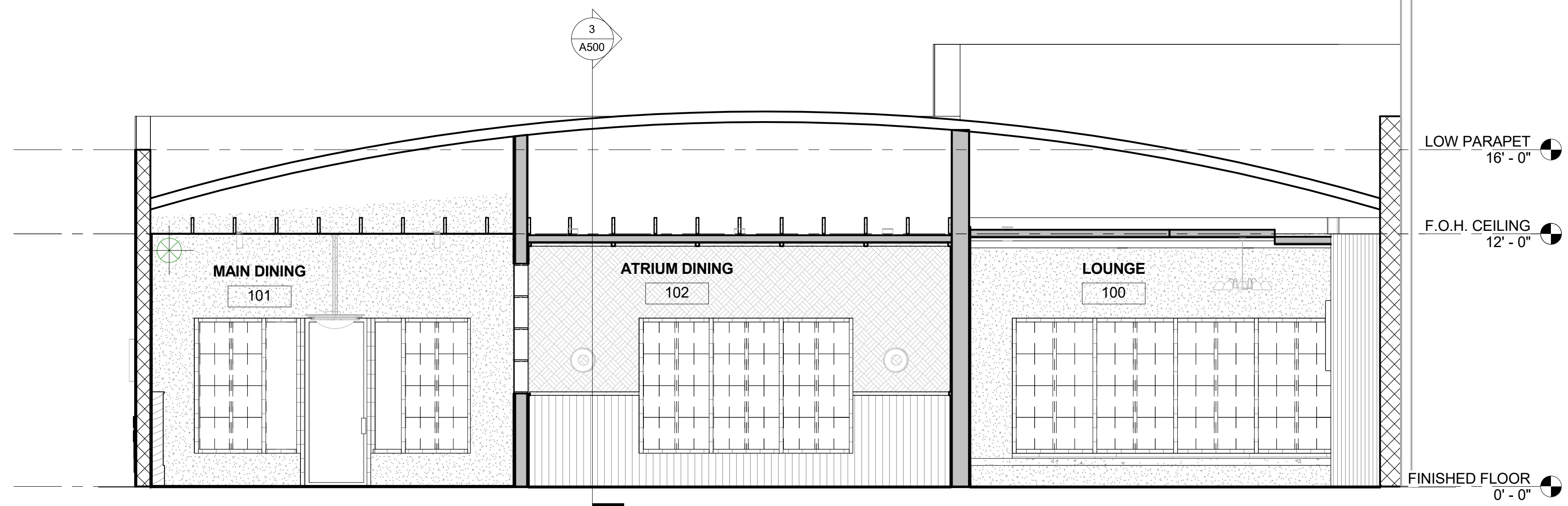
BUILDING SECTIONS

PROJECT NUMBER
190656

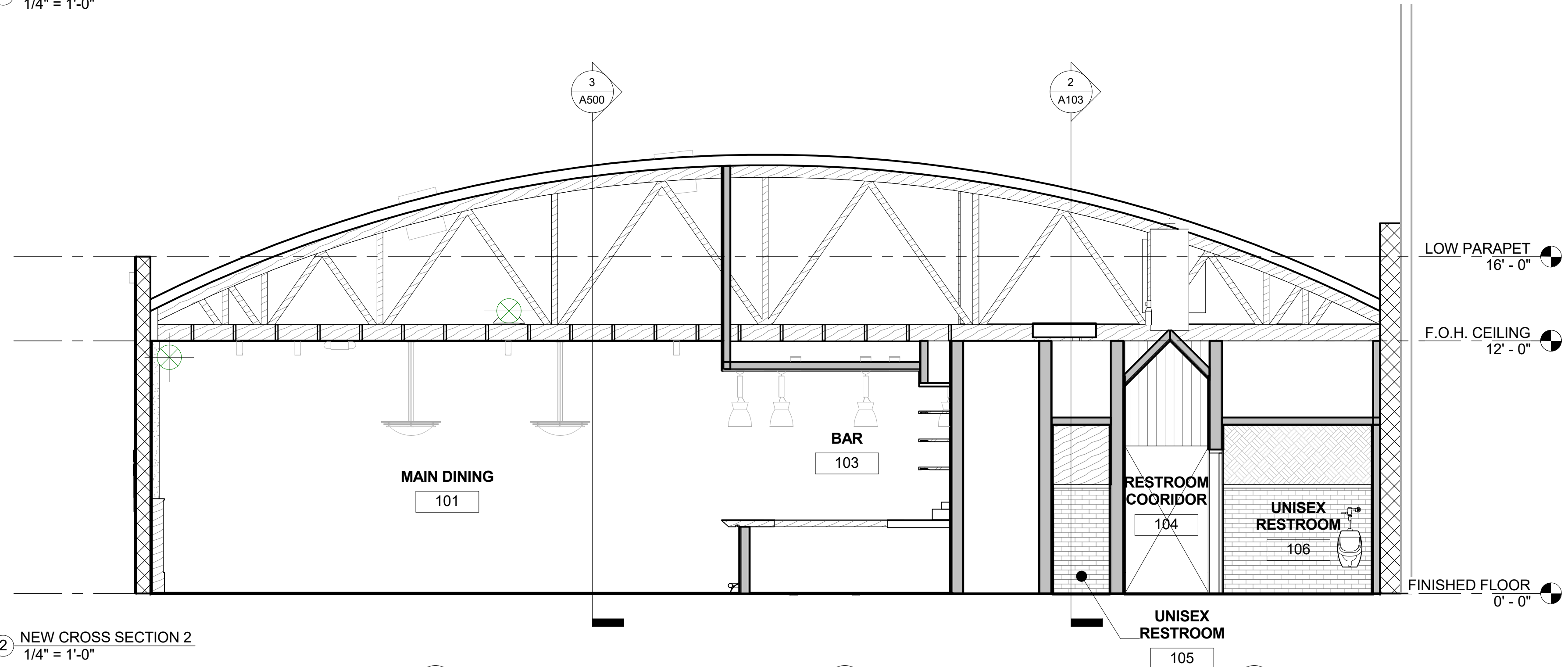
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A500

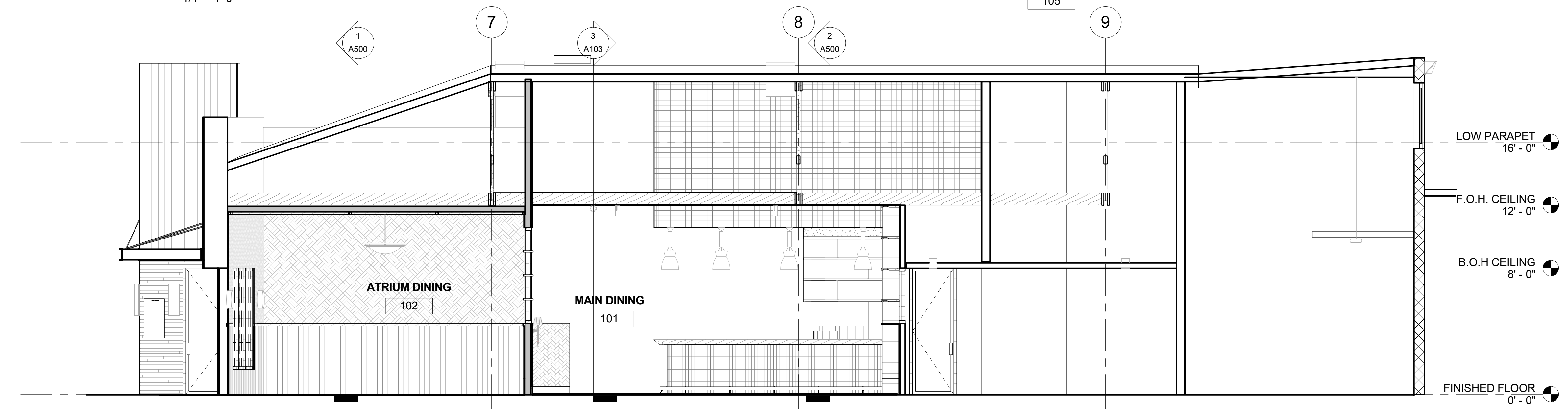
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① NEW CROSS SECTION 1
1/4" = 1'-0"



② NEW CROSS SECTION 2
1/4" = 1'-0"



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

RESOLUTION NO. PC 20-01

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 restaurant's windows facing Manhattan Avenue shall be closed no later than 10:00 p.m. every day in order to minimize any noise generated by the restaurant.
6. 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.
7. The operators of the business shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject business.
8. All rooftop mechanical equipment shall be screened from the public right-of-way.
9. 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.

10. Hours of operation for the establishment shall be permitted as follows:

Sunday – Wednesday	6:00 a.m. – 11:00 p.m.
Thursday – Saturday	6:00 a.m. – 1:00 a.m.*

*No alcoholic beverages can be ordered by customers past 12:00 a.m., Thursday through Saturday. Customers who have ordered alcohol beverages before 12:00 a.m. can still consume their alcoholic beverages between 12:00 a.m. and 1:00 a.m.

- 11. The owner shall be in substantial compliance with all restrictions imposed by the Alcohol Beverage Control Board (ABC) prior to service of liquor.
- 12. Alcohol service shall be conducted only in conjunction with food service during all hours of operation.
- 13. Food service shall be available at all seats, and no specific bar area serving exclusively alcohol shall be permitted.
- 14. At all times the business shall identify itself as a “restaurant” and will not identify itself as a “bar” in public advertisements.
- 15. Live entertainment is prohibited.
- 16. 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.
- 17. The restaurant management shall control the volume of any background music.
- 18. 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.
- 19. The Community Development Department staff shall be allowed to inspect the site at any time.

Refuse

- 20. 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.
- 21. 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.
- 22. 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

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

Procedural

26. Staff will provide a report to the Planning Commission one year after the commencement of operations after Manhattan Beach Post's expansion. The report will detail any complaints the City has received that can be traced back to the operations of the restaurant. The report will be a general business item on the Planning Commission's agenda. The owner, at their own expense, will be required to notify all property owners within 500 feet of the site that the Planning Commission will be receiving the one-year report. The notice shall be mailed at least 10 days prior to the hearing date. The notice will give the date and time of the Planning Commission hearing, as well as the contact information of the Planning Commissioners.

27. 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.

28. 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.

29. *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

/s/Benjamin Burkhalter
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: Fournier, Morton, Thompson, Ungoco,
Chair Burkhalter

NOES: None

ABSTAIN: None

ABSENT: None

/s/Carrie Tai
Carrie Tai, AICP,
Secretary to the Planning Commission

/s/Rosemary Lackow
Rosemary Lackow,
Recording Secretary

**CITY OF MANHATTAN BEACH
PLANNING COMMISSION
MINUTES OF REGULAR MEETING
MARCH 11, 2020
(DRAFT)**

A. CALL MEETING TO ORDER

A Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 11th day of March, 2020, at the hour of 6:00p.m., in the City Council Chambers, at 1400 Highland Avenue, in said City.

Chair Burkhalter called the meeting to order.

B. PLEDGE TO FLAG

C. ROLL CALL

Present: Commissioners Fournier, Morton, Thompson, Ungoco, Chairperson Burkhalter
Absent: None
Others Present: Carrie Tai, Director of Community Development
Brendan Kearns, Assistant City Attorney
Ted Fatuross, Assistant Planner

D. APPROVAL OF AGENDA

It was moved and seconded (Thompson/Burkhalter) to approve the agenda with no change. No objection, it was so ordered.

E. AUDIENCE PARTICIPATION (3-minute limit) - None

F. APPROVAL OF THE MINUTES

3/11/20-1. Regular Meeting – November 13, 2019

It was moved and seconded (Thompson/Ungoco), to approve as presented.

Roll Call:

Ayes: Morton, Thompson, Ungoco, Chairperson Burkhalter
Noes: None
Absent: None
Abstain: Fournier

G. PUBLIC HEARING

03/11/20-2. 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 Expand Hours of Operation at 1142 Manhattan Avenue (Simms Restaurants/Simms)

Chair Burkhalter announced the item and opened the public hearing.

Assistant Planner Ted Fatuross gave the staff report, summarizing the application; he noted receipt of four late comments.

Michael Simms, Applicant, presented regarding his restaurant experience in Manhattan Beach, gave a detailed overview of the proposed changes physically/operationally for the site and responded to questions.

Assistant City Attorney Kearns noted and distributed all late materials, including renderings of the new restaurant, brought by the Applicant.

The Chair invited interested parties to address the Commission (3-minute limit).

The following persons spoke in opposition to the proposed extension of hours, expressing concern that if approved, it could, under the current or a different future owner, result in the business operating more as a late-night bar – and cause new or increased noise and other nuisance impacts related to intoxication, to nearby residents and their property.

Mr. Peter Hartshorn, 1300 – B Manhattan Avenue
Mr. Stewart Rembert, 1300 – C Manhattan Avenue
Suzanne Bailey, 13th Street and Manhattan Avenue
Neil Leventhal, 128 13th Street

The following person spoke in support of the application in that the Applicant is a strong supporter of the community, has a proven record as a responsible restaurant operator, and the proposed upgrade will be economically positive.

Jill Lamkin, Executive Director, (speaking for) Downtown Manhattan Beach Business and Professional Association.

Chair Burkhalter closed the public hearing and opened the floor to Commission discussion; the Chair subsequently re-opened the public hearing to enable the Commission to request further information from the Applicant.

Michael Simms, Applicant, stated that there would be fewer operable doors (than existing), all areas including the atrium are covered by a roof; and he would close all windows after 10:00 pm.

Chair Burkhalter closed the public hearing and re-opened the floor to Commission discussion.

The Commission discussed with Director Tai and Assistant City Attorney Kearns ways to condition the project with a special review. Assistant City Attorney Kearns indicated the Commission could consider a staged process - imposing midnight to start with, but allowing later closing times upon demonstration that the restaurant has addressed concerns.

Chair Burkhalter re-opened the public hearing to allow further public input; the following persons spoke:

Michael Simms, Applicant, stated that he is amenable to a condition that requiring a “last call” for alcohol service one hour prior to closing (12:00 midnight).

Mr. Peter Hartshorn, 1300 - B Manhattan Avenue, reiterated his concern that the operation seems to be moving more towards a bar operation and believes the applicant has not fully addressed this issue.

Neil Leventhal, 128 13th Street stated that the distance from the site to the nearest residence is only “a unit away”, or much closer than a block and a half away and urged the Commission to consider that the Use Permit allowances if granted will continue if the operator or owner changes.

Chair Burkhalter closed the public hearing and re-opened the floor to Commission discussion.

Assistant City Attorney Kearns advised the Commission to focus on the more general issue, which is whether the proposed use and operation can satisfy the findings that the Commission must make to approve the Use Permit Amendment.

In discussing: **Commissioners Morton and Fournier** expressed support of the application as submitted; **Commissioners Burkhalter and Thompson** support with a condition that permits the expansion with midnight closing, but upon finding no significant problems, this could extend. The Chair confirmed that the intent is to provide for a gradual adjustment between the business and neighbors to maintain compatibility. **Commissioner Fournier** clarified his concern that with a gradual approach, it could be

difficult to establish the source of noise complaints and the uncertainty of such a process could be a financial burden to the Applicant. He supports a condition that provides for a 1-year staff level review.

Vice-Chair Morton moved to adopt the draft Resolution approving the application.

The Commission conducted discussion. **Chair Burkhalter** requested clarification; discussion followed as to whether the motion includes requiring a one-year staff review? **Director Tai** suggested that staff would monitor the business and at the 1-year mark after becoming operational could provide a report to the Commission who can review the use permit. Notice such would be through agenda posting; however, the Applicant could provide a courtesy notice.

Chair Burkhalter re-opened the public hearing and the following persons addressed the Commission:

Michael Simms, Applicant, confirmed that he would be amenable to working with staff in providing notice of a one-year administrative review to be conducted by the Commission.

Stewart Rembert, 1300-C Manhattan Avenue, suggested that noticing for a 1-year review should be to all who are within 500 feet from the site or as done for this public hearing.

Chair Burkhalter closed the public hearing.

Upon further discussion, **Director Tai** summarized additional conditions to be included: 1) the business shall be subject to an administrative review, scheduled one year after the expansion is operational; 2) the Applicant shall be responsible for providing notice of the review to all within a 500-foot radius from the business; 3) all windows shall be closed at 10:00 pm; and 4) there shall be a “last call” or no service of alcohol after midnight, Thursday through Saturday.

Commissioner Thompson seconded the motion as amended.

Roll Call:

Ayes:	Fournier, Morton, Thompson, Ungoco, Chairperson Burkhalter
Noes:	None
Absent:	None
Abstain:	None

Director Tai noted the motion passed 5-0; the appeal period is 15 days from this date; appeal being to City Council.

H. DIRECTOR’S ITEMS

Director Tai reported the following Council actions since the last meeting in November:

- City Council has adopted two interim ordinances due to new state laws relating to ADU’s (Accessory dwelling units) and a new “no net loss” regulation. Staff hopes to bring permanent ordinances to the Commission by early Fall.
- City Council conducted a refreshed hearing, adopted a new Use Permit Resolution (20-0020) for the 900 Club, 900 Manhattan Avenue, as a follow-up to a private lawsuit. The City Council considered floor plans and it was shown that all fire life safety codes were satisfied.
- Shared mobility ban: In February the City Council adopted Res. 20-0008, permanently banning scooters and shared e-bikes throughout the City.
- RHNA (Regional Housing Needs Assessment): Staff continues to monitor; as proposed the City’s allocation is 791 units for the next eight years; this will be key to the next Housing Element.
- Director Tai expressed her appreciation of the warm welcome she has received; looks forward to a great relationship with the Planning Commission.
- Director Tai polled the Commission on whether they wish to continue receiving a hard-copy agenda packet (in line with City sustainability practices); the current practice will be continued for now.

I. PLANNING COMMISSION ITEMS

Commissioner Fournier gave a brief report on the League of California Cities Planning Commissioner’s Academy which he attended in early March, providing highlights on sessions on ethics/conflict of interest and changes in housing laws. On the latter, he recommends that an educational session be scheduled on a future agenda, with the public invited.

J. TENTATIVE AGENDA – March 25, 2020

The Chair noted that two items are tentatively scheduled: Use Permit for 4-unit condominium project, 617 Aviation Way, and Sign Exception for Manhattan Village Shopping Center.

K. ADJOURNMENT TO – The meeting was adjourned 7:25 p.m. to Wednesday, March 25, 2020 at 6:00 P.M. in the City Council Chambers, City Hall, 1400 Highland Avenue.

ROSEMARY LACKOW
Recording Secretary

BENJAMIN BURKHALTER
Chairperson

ATTEST:

CARRIE TAI, AICP
Community Development Director



**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
Manhattan
Beach

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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

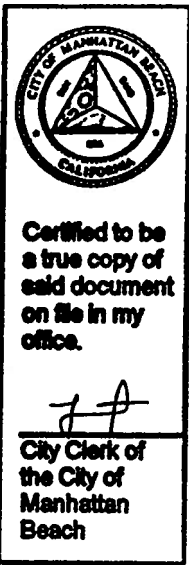
- 1. All applicable conditions previously imposed on prior approved resolutions have been incorporated in the subject Resolution and shall remain in full force for the subject property.
- 2. The project shall be in substantial conformance with the plans submitted to, and approved by, the Planning Commission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

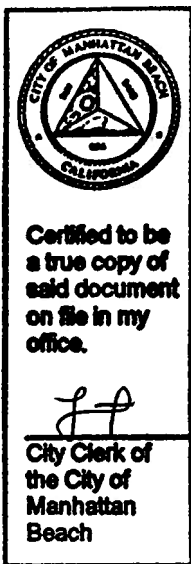
- 6. The management of the restaurant shall police the property and all areas immediately adjacent to the business during the hours of operation to keep it free of litter.



- 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
- 9 12. Exterior music at the patio dining area shall be prohibited during all hours of operation.
- 10 13. "Kids Night" entertainment shall occur on Monday evening between the hours of 5:00 p.m. and 7:00 p.m.
- 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.

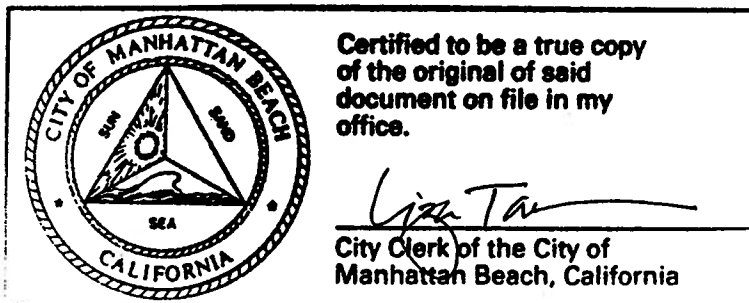
16 PASSED, APPROVED, and ADOPTED this 19th day of October, 1999.

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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LIST OF DOWNTOWN RESTAURANTS & BARS WITH ALCOHOL SERVICE

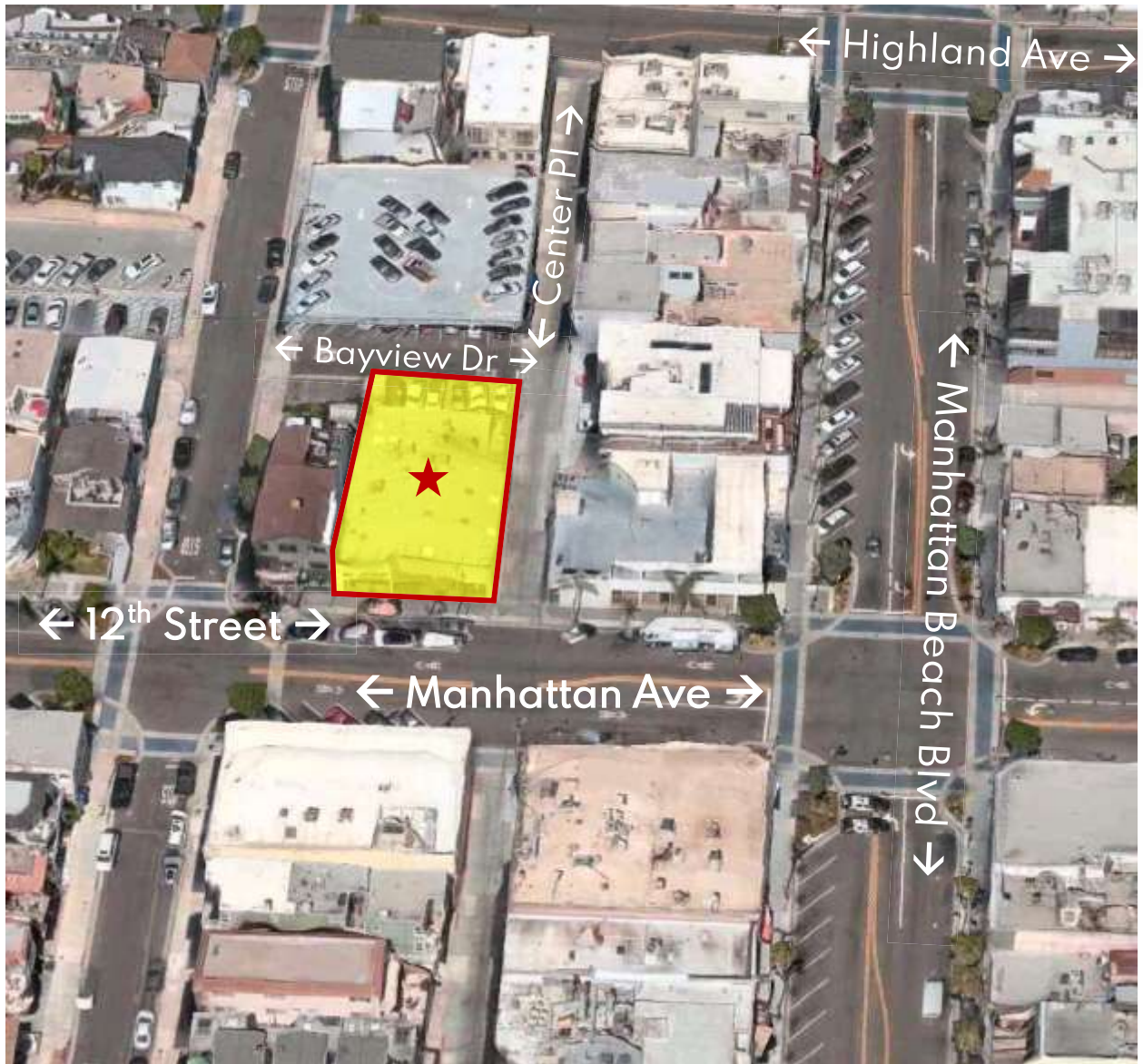
Establishment	Address	Approved Hours of Operation	Approved Alcohol Hours	Alcohol License	Resolution Nos. & Dates	Entertainment
1 900 Manhattan Club/Downstairs Bar	900 Manhattan Ave.	9am-12am, Sunday 11am-12am, Mon-Wed 11am-12am, Thu (downstairs) 11am-1am, Thu (upstairs) 11am-1am, Fri 9am-1am, Sat	9am-12am, 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 Hennessseys	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
1 Kettle	1138 Highland Ave.	24 Hours Daily	11am-1am	Beer & Wine	83-06 01/11/83	None

	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

	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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Attachment F
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.

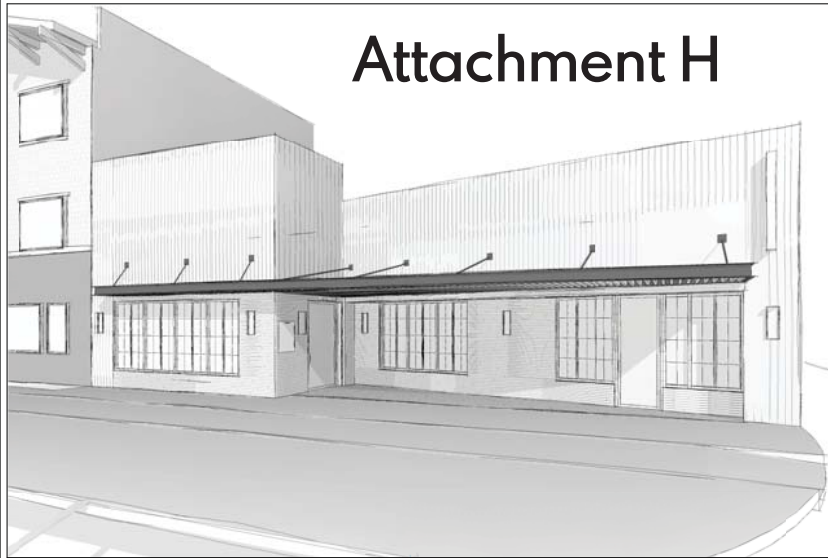
We would appreciate your support to ensure that the operating hours being requested by the Simms Group are not accepted and that a maximum evening time be set at 10:30 PM.

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:

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MADISON O'CALLAGHAN
DESIGNER
3118 LINCOLN BLVD - SUITE 225
VENICE CA 90291
mads@studio-collective.com

ARCHITECT
GHA ARCHITECTURE
14901 QUORUM DRIVE
DALLAS, TX 75254

ANDREW GERDES
PRESIDENT
972.239.8884

MICHAEL NAGEL
PROJECT ARCHITECT
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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
monid@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:

- SIGNAGE

NUMBER	SHEET NAME	REVISION DATE	REVISION #
GENERAL	COVER SHEET		
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:

BUILDING CODE: 2019 CA BUILDING CODE
PLUMBING CODE: 2019 CA PLUMBING CODE
MECHANICAL CODE: 2019 CA MECHANICAL CODE
ELECTRICAL CODE: 2019 CA ELECTRICAL CODE
ACCESSIBILITY CODE: CA TITLE 24 DISABLED ACCESS REQUIREMENTS
ENERGY CODE: 2019 CA ENERGY CODE
FIRE CODE: 2019 CA FIRE CODE
GREEN BUILDING: 2019 CA GREEN BUILDING CODE

ZONING: CD DOWNTOWN COMMERCIAL (AREA DISTRICT III), APN (4179-021-002)

LEGAL DESCRIPTION: (LOTS 2 & 3, BLOCK 66, MANHATTAN BEACH DIVISION NO. 2).

BUILDING HEIGHT & AREA ALLOWABLE:
CONSTRUCTION TYPE III-B (PER CABG 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, 21'-0" (EXISTING BUILDING HEIGHT)
BUILDING HEIGHT: OVERALL TENANT IMPROVEMENT SPACE

OCCUPANCY GROUP:

A2- GROUP 1 SECTION 304.1, 2019 CABG

OCCUPANCY LOAD:
99 OCCUPANTS (SEE OCCUPANCY CALCULATION ON SHEET A100)

CONSTRUCTION TYPE:
TYPE V-B (TABLE 602, 2019 CABG)

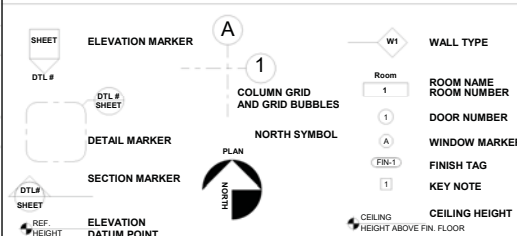
EXISTING SQUARE FOOTAGE: (CURRENT MB POST)
3,283 SQ FT

PROPOSED NEW SQUARE FOOTAGE: (NEIGHBORING SPACE)
1,447 SQ FT (NEW EXPANSION)
148 SQ FT (NEW ADDITION)

PROPOSED TOTAL SQUARE FOOTAGE:
4,879 SQ FT

LOT SIZE:
6,000 SQ FT

SYMBOLS



14901 Quorum Drive
Suite 309
Dallas, Texas 75254
Ph: (972) 239-8884
Fax: (972) 239-9054



MBPOST
1142 Manhattan Ave
Manhattan Beach, CA 90266
APN (4179-021-002)
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

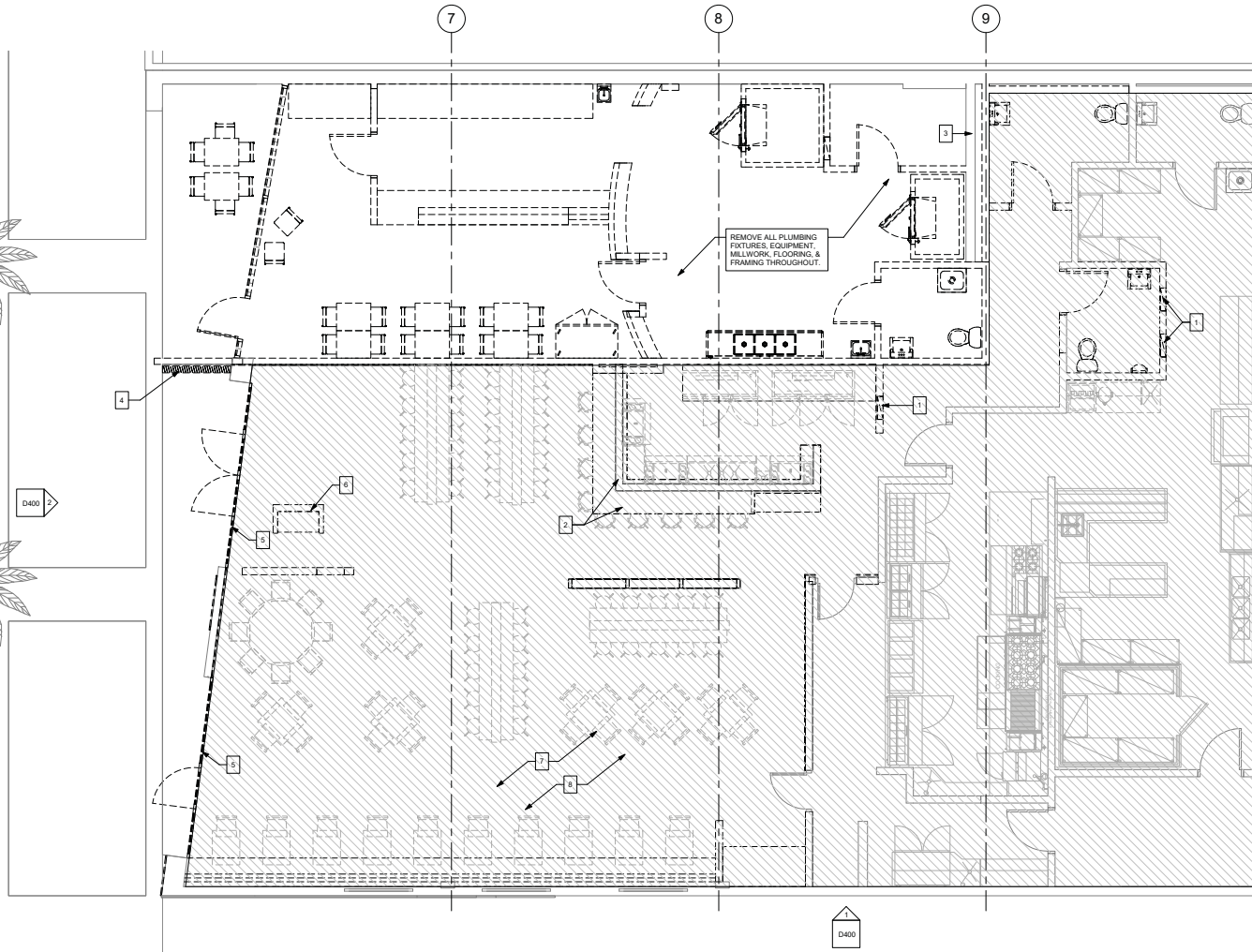
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ISSUE

COVER SHEET
PROJECT NUMBER
190656

SHEET NUMBER
G100

ISSUE FOR PERMIT 2/05/2020



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

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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MBPOST
 1142 Manhattan Ave
 Manhattan Beach, CA 90266
 CD Downtown Commercial, Area District III
 APN (4179-021-102)
 Lots 2 & 3, Block 66, Manhattan Beach division No. 2

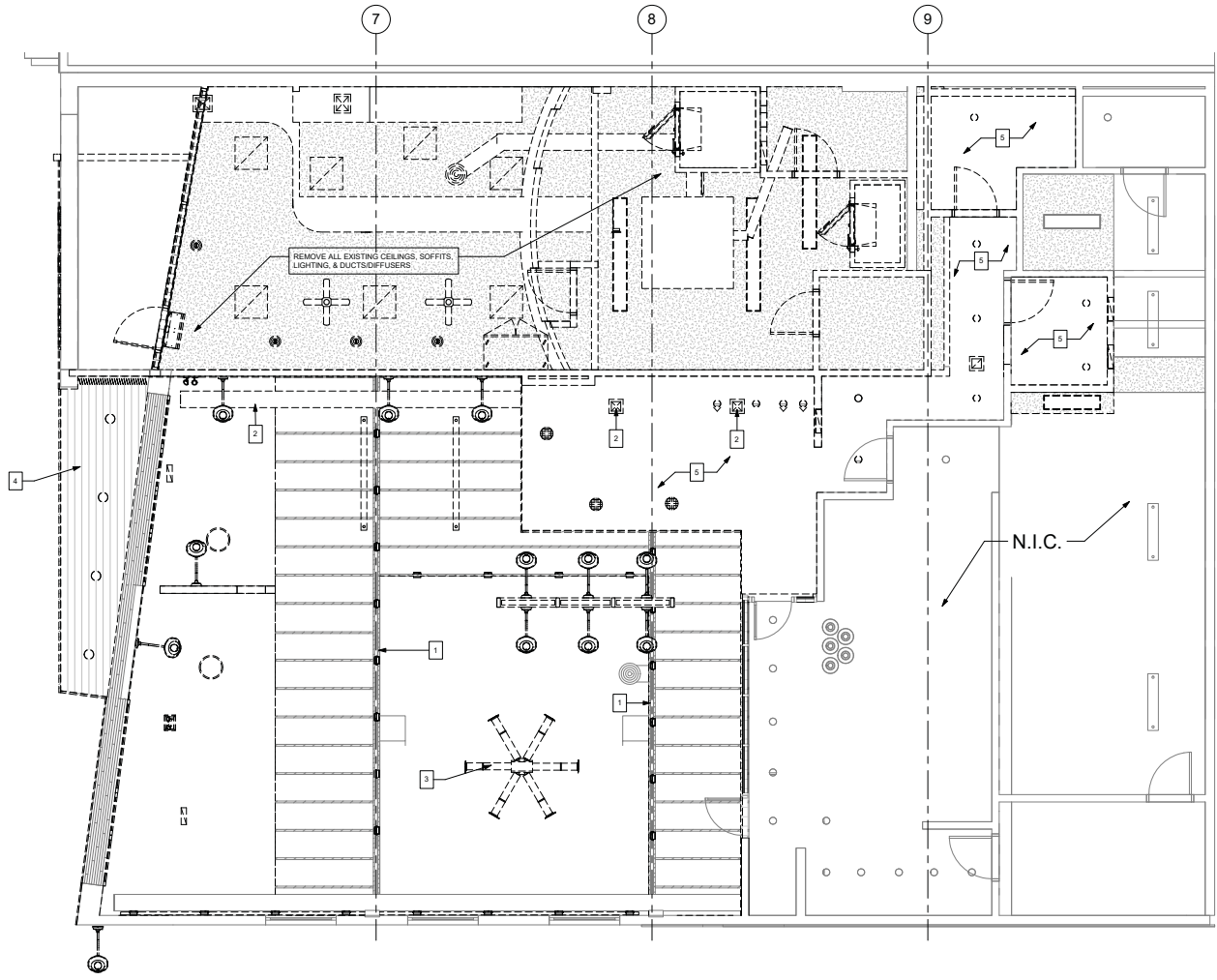
DO NOT SCALE DRAWINGS
 CONTRACTOR TO VERIFY
 ALL EXISTING CONDITIONS AND
 DIMENSIONS-NOTIFY ARCHITECT
 OF ANY DISCREPANCIES PRIOR
 TO BEGINNING CONSTRUCTION

NO REVISION DATE

ISSUE

**DEMOLITION FLOOR
 PLAN**
 PROJECT NUMBER
190656
 SHEET NUMBER
D101

ISSUE FOR PERMIT 2/05/2020



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

- 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. EXISTING TRUSSES TO REMAIN.
 - 2. REMOVE EXISTING SUPPLY TRUNK & DIFFUSER.
 - 3. REMOVE EXISTING FAN.
 - 4. REMOVE EXISTING EXTERIOR CANOPY.
 - 5. REMOVE EXISTING CEILING, LIGHTING, DUCTS, & DIFFUSERS.
- LEGEND**
- = EXISTING TO REMAIN
 - - - = EXISTING TO BE REMOVED



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MBPOST
1142 Manhattan Ave
Manhattan Beach, CA 90266
CD Downtown Commercial, Area District III
APN 4179-051-102
Lots 2 & 3, Block 66, Manhattan Beach division No. 2

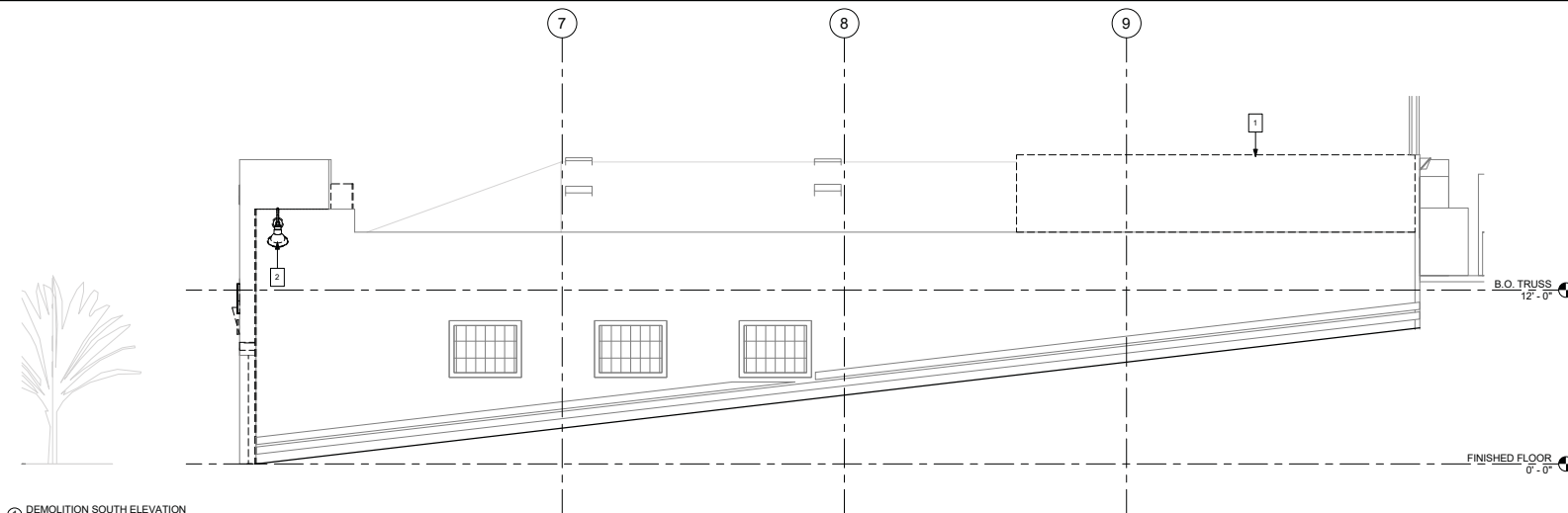
DO NOT SCALE DRAWINGS
CONTRACTOR TO VERIFY
ALL EXISTING CONDITIONS AND
DIMENSIONS-NOTIFY ARCHITECT
OF ANY DISCREPANCIES PRIOR
TO BEGINNING CONSTRUCTION

NO	REVISION	DATE

ISSUE

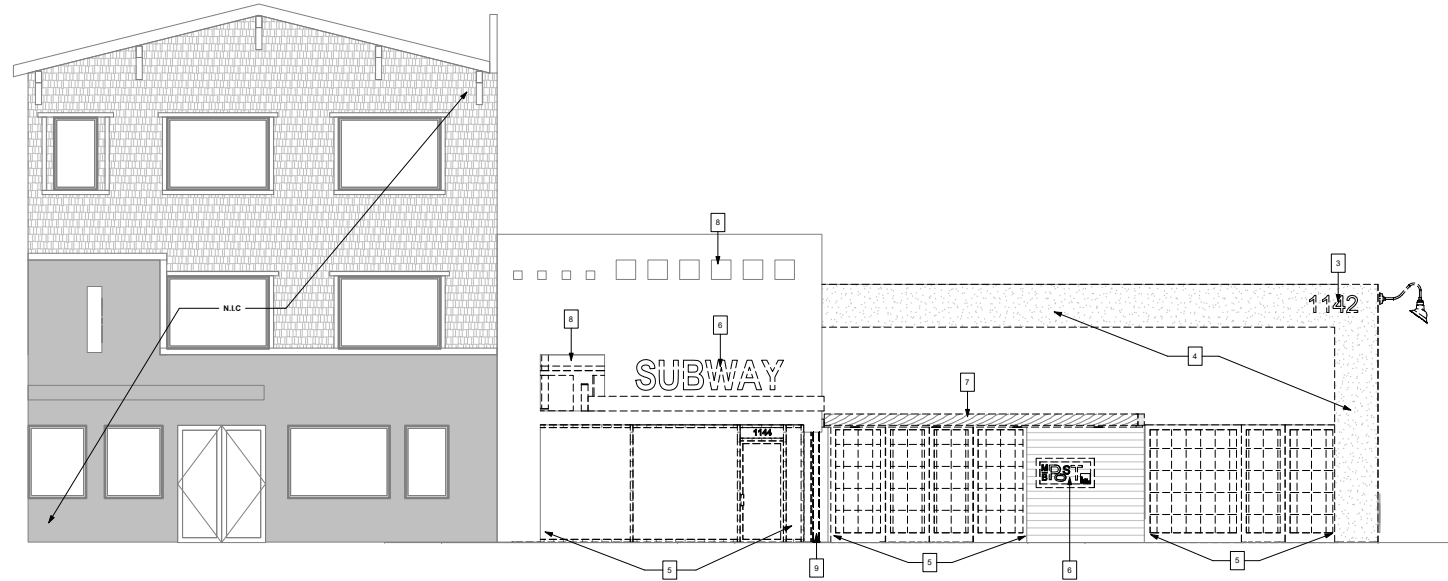
DEMOLITION REFLECTED CEILING PLAN
PROJECT NUMBER
190656
SHEET NUMBER
D120

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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MBPOST
 1142 Manhattan Ave
 Manhattan Beach, CA 90266
 CD Downtown Commercial, Area District III
 APN (4179-051-102)
 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

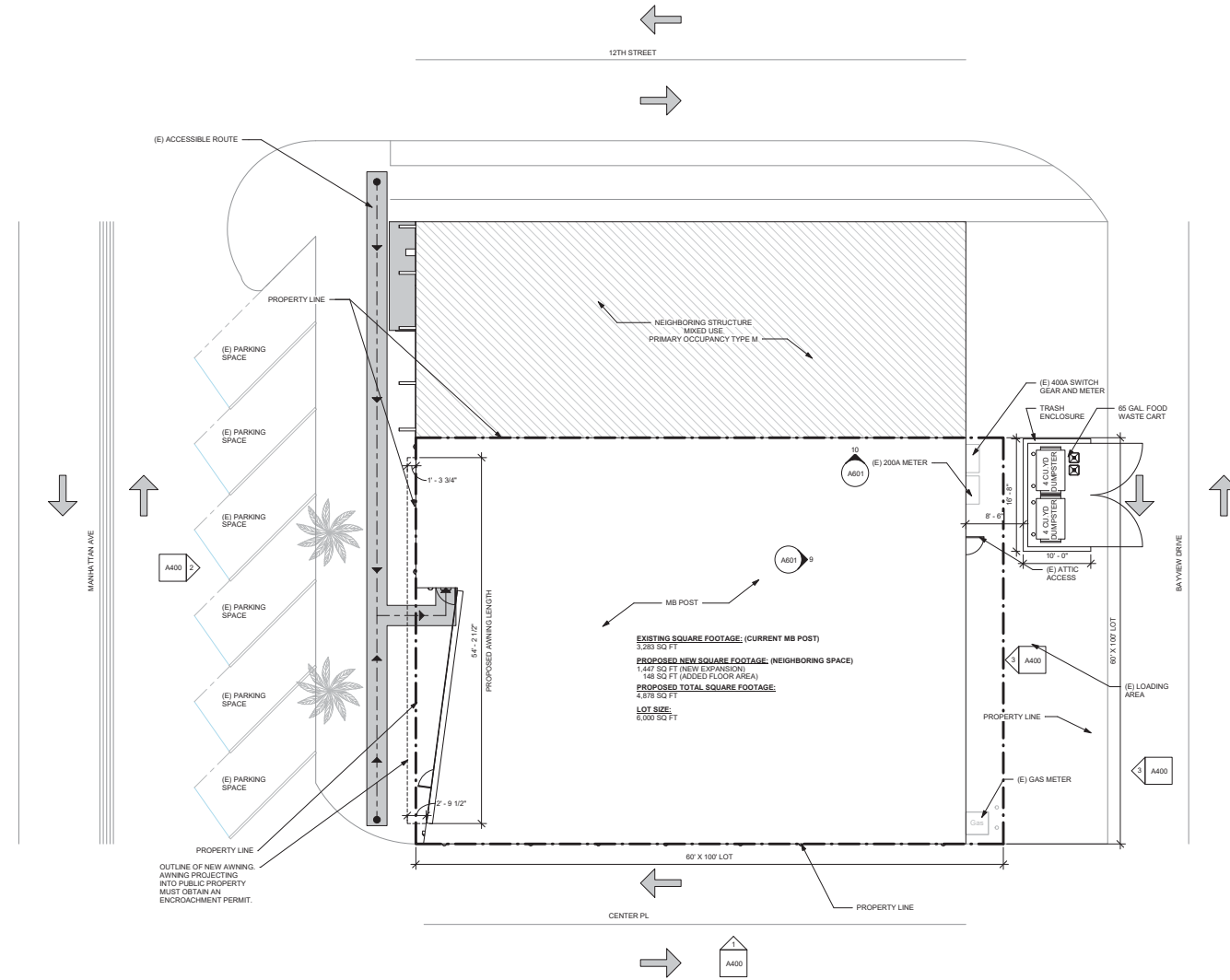
ISSUE

DEMOLITION EXTERIOR
 ELEVATIONS

PROJECT NUMBER
190656

SHEET NUMBER
D400

ISSUE FOR PERMIT 2/05/2020



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



14881 Quorum Drive
Suite 300
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Fax: (972) 239-9054



MBPOST
1142 Manhattan Ave
Manhattan Beach, CA 90286
CD Downtown Commercial, Area District III
APN (4179-021-002)
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

ARCHITECTURAL SITE
PLAN

PROJECT NUMBER
190656

SHEET NUMBER

A001

ISSUE FOR PERMIT 2/04/2020



14801 Quorum Drive
Suite 300
Dallas, Texas 75224
Ph: (972) 239-8884
Fax: (972) 239-9054



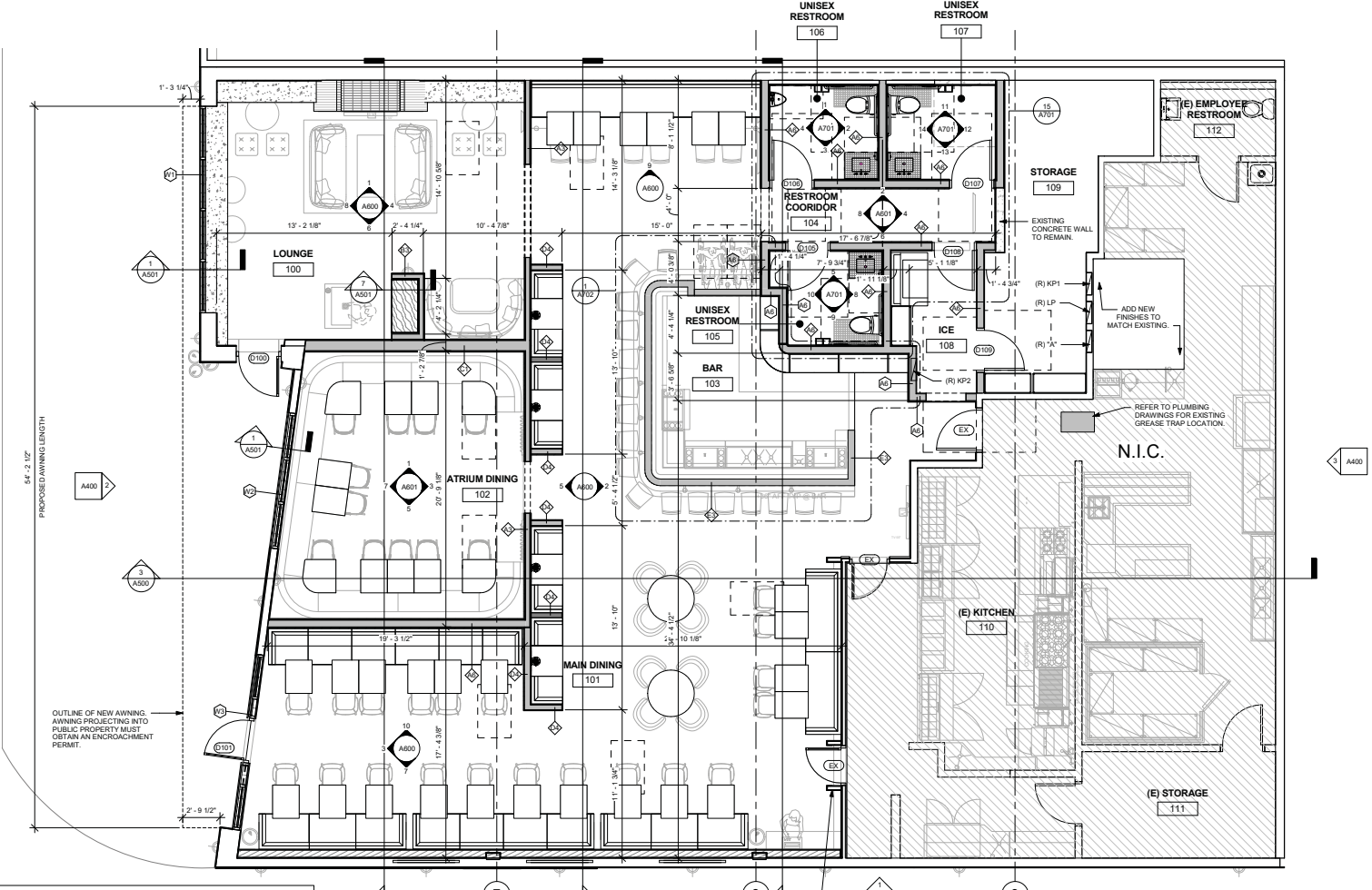
MBPOST
1142 Manhattan Ave
Manhattan Beach, CA 90266
CD Downtown Commercial, Area District III
APN 0179-001-102
Lots 2 & 3, Block 66, Manhattan Beach division No. 2

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

NO REVISION DATE

ISSUE
FLOOR PLAN, NOTES, & DIMENSIONS
PROJECT NUMBER
190656
SHEET NUMBER
A101

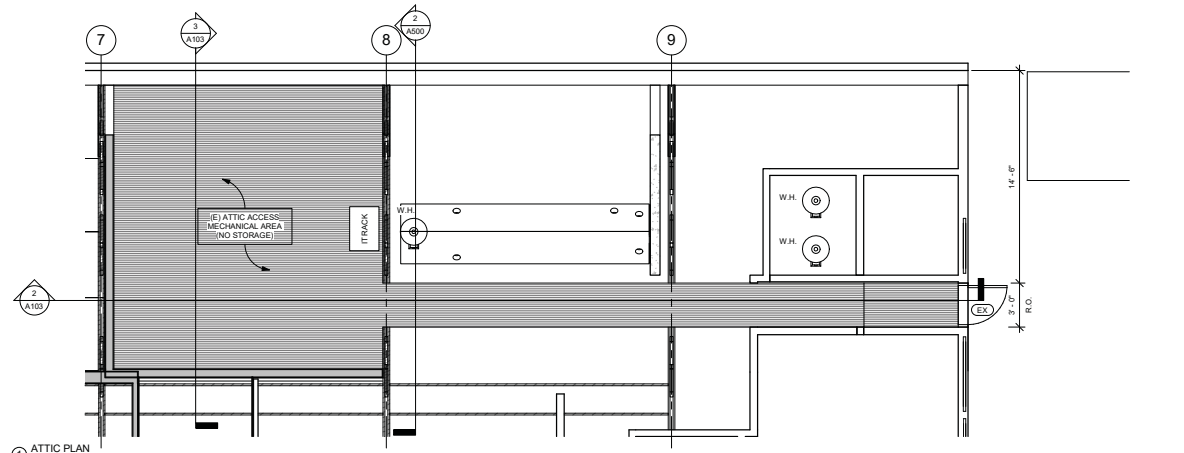
ISSUE FOR PERMIT 2/05/2020



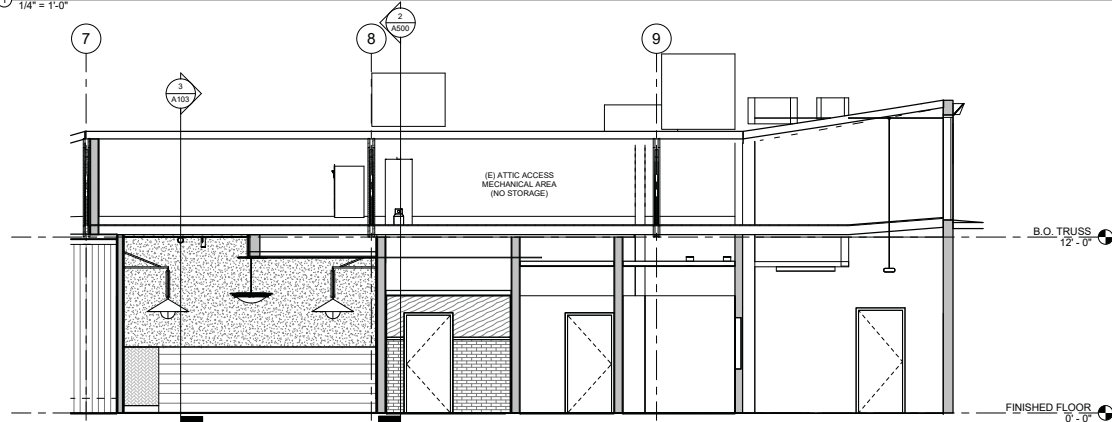
1 FLOOR PLAN
1/4" = 1'-0"

GENERAL NOTES

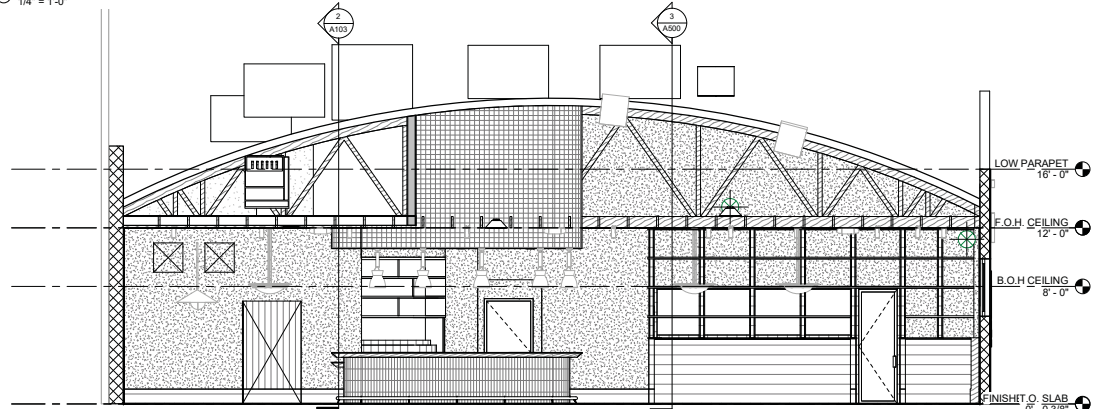
- ALL DIMENSIONS ARE TAKEN FROM OUTSIDE FACE OF METAL STUD OR SURFACE OF MASONRY WALL UNLESS OTHERWISE INDICATED. ALL EXISTING CONDITIONS ARE TO BE PROVIDED BY THE LANDLORD & VERIFIED BY G.C.
- ALL CONCEALED WOOD BLOCKING TO BE FIRE RETARDED TREATED WOOD
- RE-SPRAY ALL DAMAGED FIRE PROTECTION AROUND ALL COLUMNS WHERE APPLICABLE
- 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
- PROVIDE FIRE CALKING AT ALL PENETRATIONS IN DEMISING WALLS IN ORDER TO MAINTAIN FERRATING GC TO PROVIDE CLASS "0" WET CHEMICAL SURFACE MOUNTED FIRE EXTINGUISHERS & TYPE 2A 10BC FIRE EXTINGUISHERS - VERIFY QUANTITY & LOCATION IN FIELD W/ FIRE MARSHAL
- ALL GAPS UNDER EXTERIOR DOORS NOT TO EXCEED 1/4" GC TO PROVIDE WEATHER STRIPS
- REFERENCE ELEVATIONS FOR ALL NEW WALL FINISHES
- G.C. TO PROVIDE PAINT TOUCH UP AFTER FIXTURE INSTALL AND STOCKING
- 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
- G.C. IS REQUIRED TO PROTECT CONCRETE SIDEWALKS, WALLS, FLOORS AND OTHER SURFACES
- G.C. IS RESPONSIBLE TO ENSURE THAT THERE ARE NO UNDERGROUND UTILITIES OR OTHER SERVICES BEFORE CUTTING ANY CONCRETE ON THE PROPERTY
- 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
- 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
- RECYCLING BY OCCUPANTS: PROVIDE ADEQUATE SPACE AND EQUAL ACCESS FOR STORAGE, COLLECTION, AND LOADING OF COMPOSTABLE, RECYCLABLE AND LANDFILL MATERIALS
- COMPOSITE WOOD: MEET CARB AIR TOXICS CONTROL MEASURE FOR COMPOSITE WOOD INCLUDING MEETING THE EMISSION LIMITS IN CAL GREEN TABLE 5.504.4.5
- ALL PORTIONS OF THE BUILDING ENCLAVE 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



14831 Quorum Drive
 Suite 309
 Dallas, Texas 75234
 Ph: (972) 239-8884
 Fax: (972) 239-9054



MBPOST
 1142 Manhattan Ave
 Manhattan Beach, CA 90266
 CD Downtown Commercial, Area District III
 APN 6179-051-1-002
 Lots 2 & 3, Block 66, Manhattan Beach division No. 2

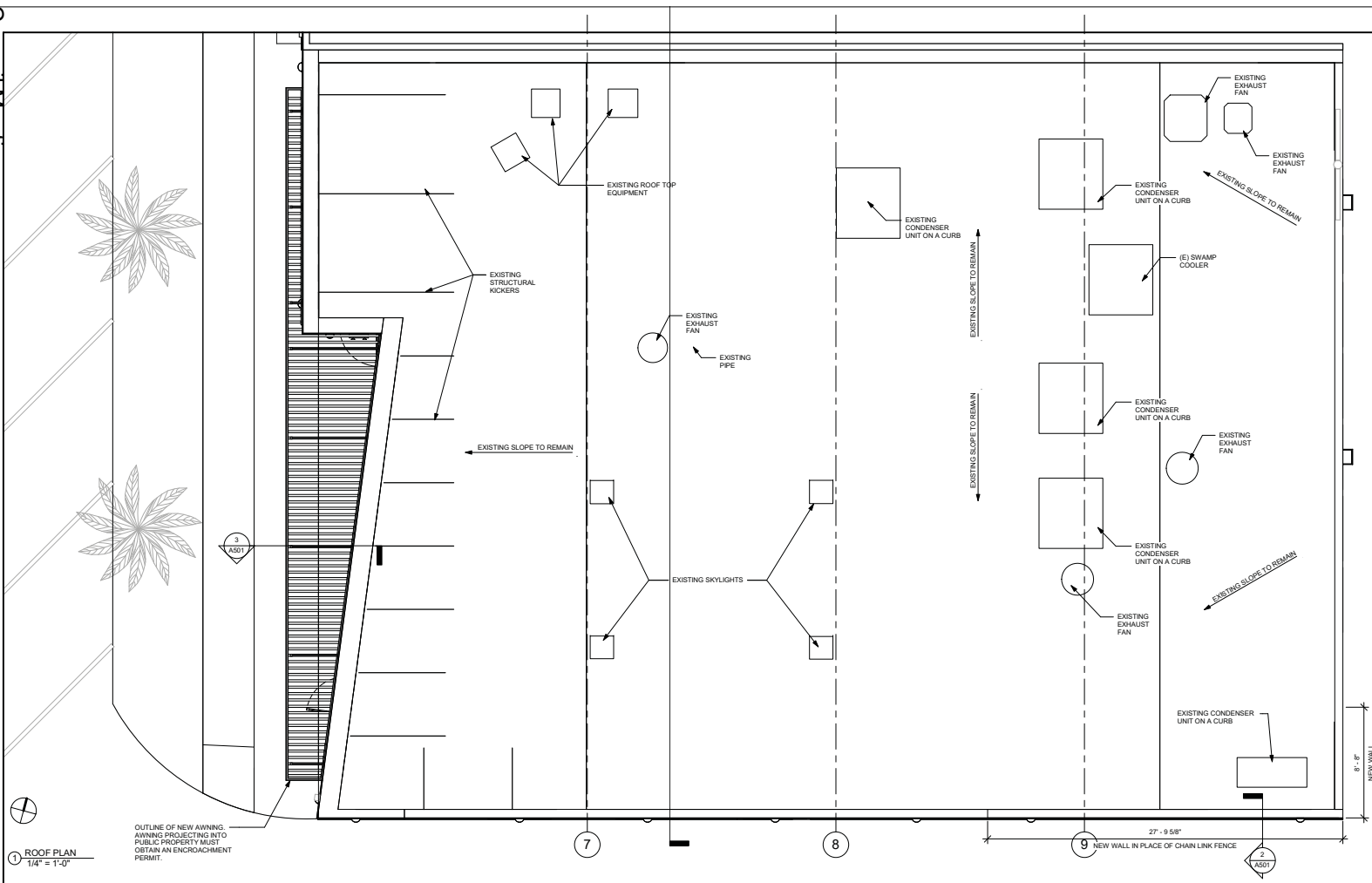
DO NOT SCALE DRAWINGS
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 TO BEGINNING CONSTRUCTION

NO.	REVISION	DATE

ISSUE

ATTIC ACCESS PLAN
 PROJECT NUMBER
190656
 SHEET NUMBER
A103

ISSUE FOR PERMIT 2/03/2020



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

OUTLINE OF NEW AWNING PROJECTING INTO PUBLIC PROPERTY MUST OBTAIN AN ENCROACHMENT PERMIT.



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MBPOST
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 APN (4179-051-102)
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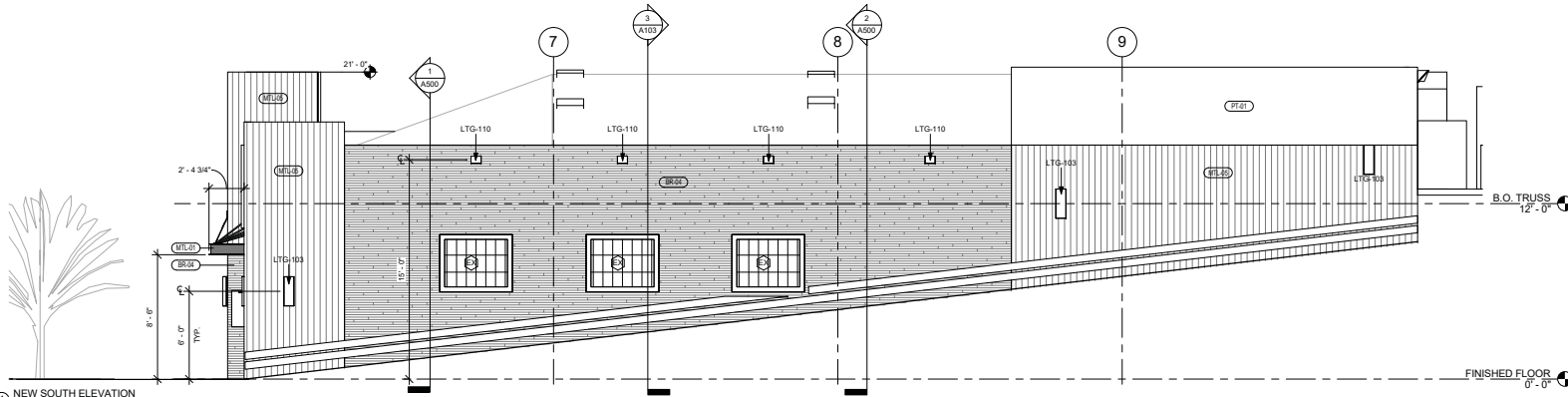
NO	REVISION	DATE

ISSUE

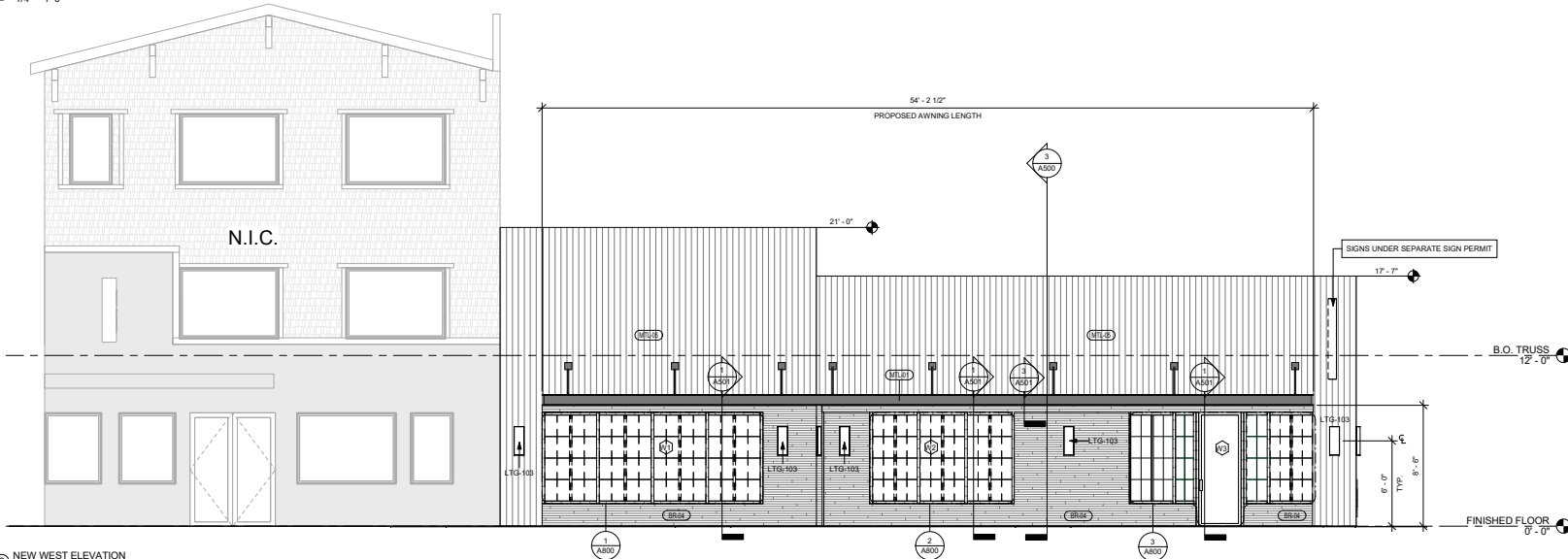
ROOF PLAN
 ISSUE FOR PERMIT 2/05/2020

PROJECT NUMBER
190656

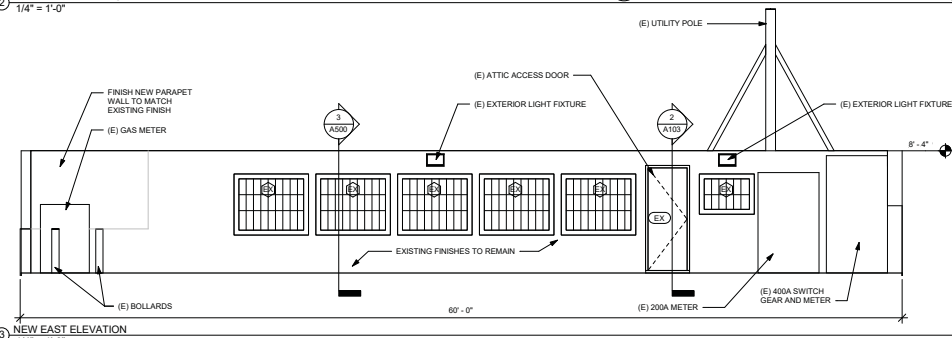
SHEET NUMBER
A130



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



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



3 NEW EAST ELEVATION
1/4" = 1'-0"

Exterior Lighting Fixture Schedule					
TYPE	DESCRIPTION	MANUFACTURER	MODEL NUMBER	LAMP	NOTES
LGT-103	EXTERIOR WALL SCONCE	TBD		TBD	
LGT-110	EXTERIOR WALL SCONCE	TBD		TBD	



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ISSUE

EXTERIOR ELEVATIONS

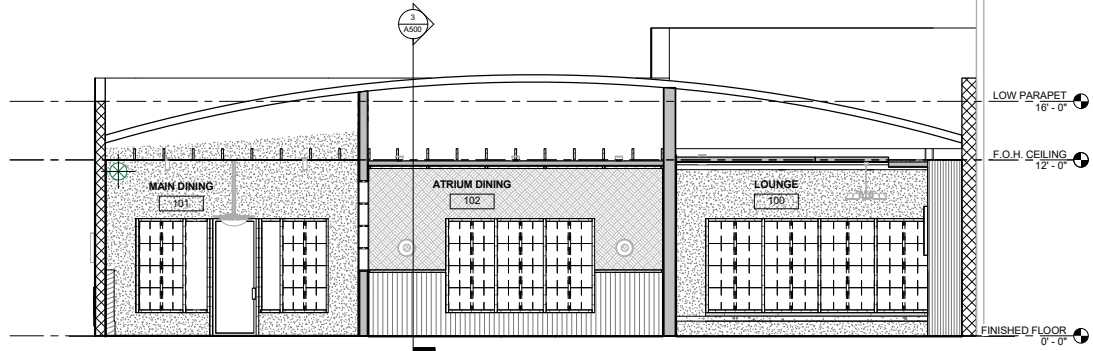
PROJECT NUMBER

190656

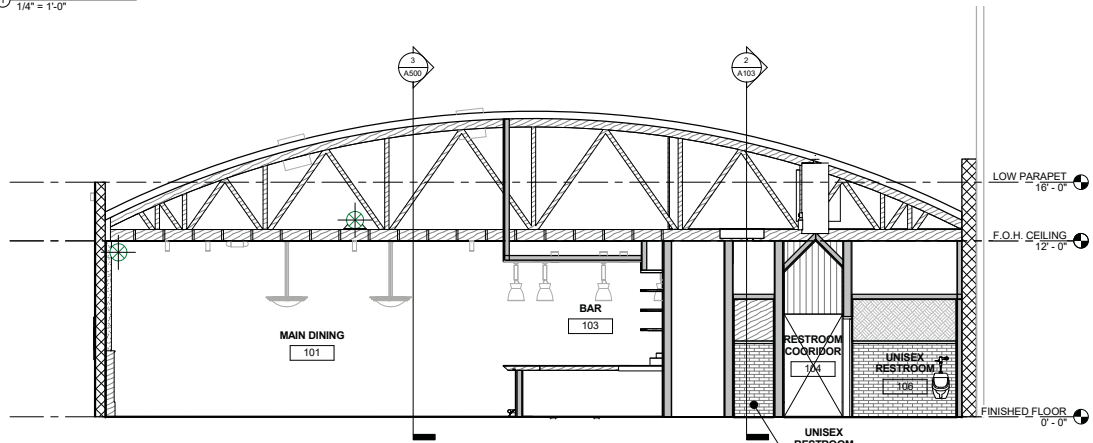
SHEET NUMBER

A400

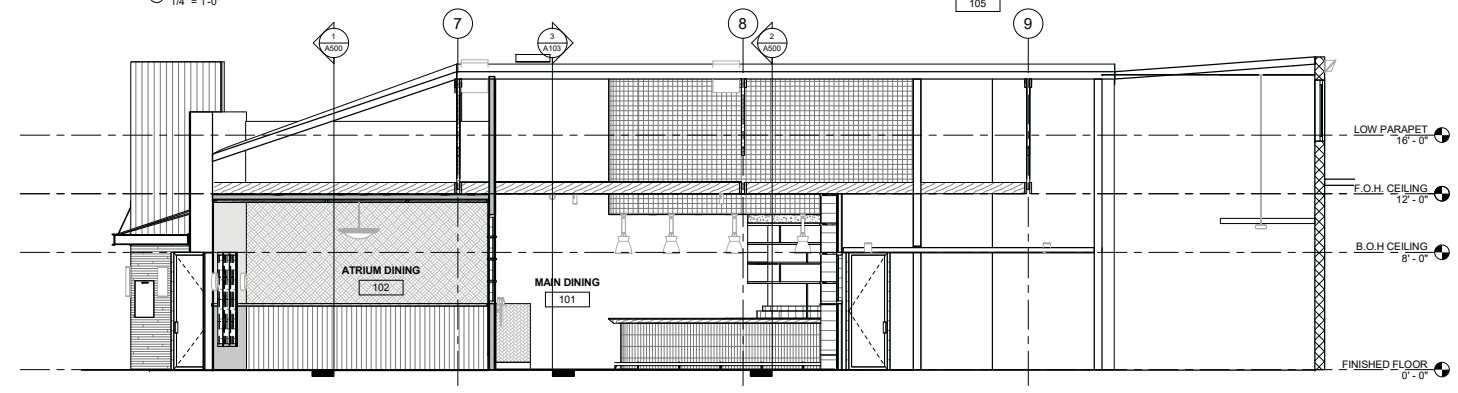
ISSUE FOR PERMIT 2/03/2020



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"



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MBPOST

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 TO BEGINNING CONSTRUCTION

NO	REVISION	DATE

ISSUE

BUILDING SECTIONS

PROJECT NUMBER

190656

SHEET NUMBER

A500

ISSUE FOR PERMIT 2/05/2020

21 March 2020

Richard Montgomery, Mayor
City Council
City of Manhattan Beach

Via Email: CityCouncil@citymb.info

Subject: Appeal Filing, MB Post Planning Commission Decision, 11 March 2020

Mayor Montgomery and Councilmembers,

We the undersigned join in the subject appeal as Coastal Defender officers, a 501(c)(4) nonprofit California corporation, dedicated to ensuring that the City maintains its aesthetic, cultural and environmental values in compliance with state and city law.

The resolution for MB Post approved by the planning commission on 11 March 2020 constitutes a total antithesis to the community's and our visions for the city, as follows:

- Approximately 150 eating and drinking patrons adjacent to open windows fronting on Manhattan Ave constitute prima facie evidence that MB Post will violate the noise ordinance, per MBMC §5.48.300. Noise that exceeds the municipal-code standards constitutes substantial evidence, per the California Environmental Quality Act ["CEQA"] If substantial evidence exists that the MB Post project **may** have significant effect on the noise environment, then the city must conduct an environmental review, per CEQA.
- The Attachment A resolution fails to specify amplified-music levels permitted, to comply with the noise-ordinance standard that music inaudible within 50 feet of the premises, when windows open. [MBMC §5.48.120]
- The former Subway premises lie within 100 feet of residences on the north side of 12th St and of the city Parking Lot 2. Per regulations, the Department of Alcoholic Beverage Control ["ABC"] may not approve a license, unless "*...the applicant establishes that the operation of the business would not interfere with the quiet enjoyment of the property by residents.*" The application incomplete, because the applicant has not established that their business will not interfere with quiet enjoyment by residents.
- The Attachment A resolution in the staff report does not specify occupancy, so the finding for public safety cannot be made, to ensure fire and life safety. For a restaurant, the occupancy must correspond to the seating capacity, with no food or alcohol service to persons standing and blocking the egress aisles.
- The one-hour increase in closing time, from midnight to 1 AM constitutes a major policy change by the city, that abrogates the undocumented standard of midnight closing for eating and drinking establishments not located in the Manhattan Mall. For 20 years since 1999, in the Downtown, the city has approved only one increase in hours, namely, midnight to 12:30 AM for Petros in 2002. The city now plans to abandon this policy.

The above deficiencies in the application preclude making the findings for no noise impacts and for public safety, per municipal code MBMC §10.84.060(A)(2) & (4). The following two sections briefly summarize the deficiencies in the application. The last section addresses changes required in the use permit, for compliance with state and city law.

Environmental Review Deficiencies.

The noise ordinance specifies that MB Post may not have an external noise level, for 30 minutes during an hour, exceeding 65 decibels ["dB"] before 10 PM and 60 dB after 10 PM. The industry standard, Pearsons¹, states that a raised male voice has a mean loudness of 65 dB.

Clearly, loud voices, shouts and screams from 150 persons in an eating and drinking establishment adjacent to open windows will exceed the external noise-ordinance standards of 60 dB and 65 dB, and do it continuously for hours at a time, not just 30 minutes in an hour.

The staff report makes a misrepresentation of material fact, by stating, "*...the French doors that currently open onto Manhattan Avenue.*" Community Development knows that **those doors are welded shut**, but that, "*The applicant proposes to have operable windows facing Manhattan Avenue in the "Atrium Dining Area" and "Lounge Area"*

Community Development has made the determination of CEQA categorical exemption, by ignoring the 150 patrons speaking in raised and loud voices adjacent to open windows.

Furthermore, Community Development made their determination of CEQA categorical exemption based strictly on "*there is a negligible expansion of use associated with the Project.*" They call the 49% expansion in floor-area premises licensed for alcohol a 'negligible' increase.

The MB Post violations of the noise ordinance constitute substantial evidence, because the sound will exceed quantitative standards of external loudness permitted by the municipal code. [California Code of Regulations ("CCR") §15064.7] As result, the city must conduct an environmental review, because substantial evidence exists that the project **may** have a significant effect on the environment. [CCR §15064(a)(1).

Violation of ABC Regulation CCR §61.4.

The former Subway premises lie within 100 feet of residences on the north side of 12th St and the city Parking Lot 2. Per regulations, the ABC may not approve a license, unless "*...the applicant establishes that the operation of the business would not interfere with the quiet enjoyment of the property by residents.*" [CCR §61.4]

The applicant has failed to establish that the project will not interfere with quiet enjoyment by residents of their property, per Protest Grounds 2 & 3 in ABC-Form 150².

Furthermore, per Protest Grounds 8, licensing the premises will be contrary to the provisions of a valid zoning ordinance, because the MB Post project will violate the noise ordinance, which Title 10 Zoning incorporates by reference. [MBMC §10.60.120(A)]

Required Modifications to Resolution No. PC 20-XXX, Approved 11 March 2020

- Hours of Operation [Condition 9]: 6:00 AM to midnight, seven days a week;
- All windows closed at 10 PM. Glazing sound-attenuation required to comply with noise ordinance for permitted external noise levels;
- South door closed after 10 PM;
- Music level set for inaudibility at 50-ft and subject to code-enforcement inspection; and,
- Occupancy stated in the use permit and limited to number of seats, to ensure egress aisles kept free and open. No food or alcohol service to persons standing.

¹ *Speech Levels in Various Noise Environments*, Pearsons et. al., U.S. Environmental Protection Agency, May 1977

² ABC-Form 150, Department of Alcoholic Beverage Control, January 2016

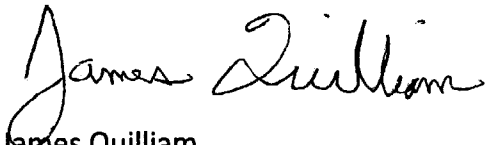
Conclusions.

The Community Development staff report for the 11 March 2020 PC hearing runs the gambit from ignoring CEQA and ABC regulations, to making misrepresentations and then printing landscape-format documents in portrait.

We have concerns that these errors deliberate, rather than amateurish mistakes.

For the appeal, Community Development must prepare a staff report that at least approaches the bare minimum standards of professionalism.

The city must accept this appeal filing and postpone the appeal hearing, until the state lifts the order that prohibits public assembly, even if beyond the statutory 60-day expiry. The city shall not use the national emergency to their advantage, by conducting the appeal hearing behind closed doors, thereby depriving the public of their constitutional right to appeal before the city council.



James Quilliam
Coastal Defender Vice President
124 12th St, Unit B
Manhattan Beach, CA 90266
jimquilliam@outlook.com



Donald McPherson
Coastal Defender President
1014 1st St
Manhattan Beach, CA 90266
dmcphersonla@gmail.com

Distribution: City Manager, City Clerk

see attached CA Surat

California Jurat Certificate

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles

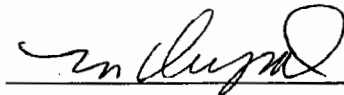
S.S.

Subscribed and sworn to (or affirmed) before me on this 21st day of March,
Month:

20 20, by James Quilliam and
Name of Signer (1)

Donald McPherson, proved to me on the basis of
Name of Signer (2)

satisfactory evidence to be the person(s) who appeared before me.


Signature of Notary Public



For other required information (factory Name, Commission No. etc.)

Seal

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this jurat to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The certificate is attached to a document titled/for the purpose of

Evidence for an Appeal

containing 4 inc. this notary cert pages, and dated 3-21-20

Additional Information

Method of Affiant Identification

Proved to me on the basis of satisfactory evidence:

form(s) of identification credible witness(es)

Calif Driver Lic.

Notarial event is detailed in notary journal on:

Page # 23 Entry # 3 + 5

Notary contact: 310 374 4428

Other

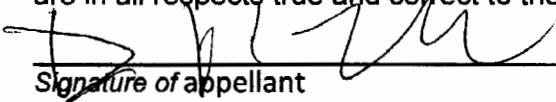
Affiant(s) Thumbprint(s) Describe: _____

APPELLANT AFFIDAVIT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
 COUNTY OF LOS ANGELES

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



 Signature of appellant

Donald McPherson

 Print Name

1014 1st St, Manhattan Beach, CA 90266

 Mailing Address

Cell: 310 487 0383, dmcphersonla@gmail.com

 Telephone/email

Subscribed and sworn to (or affirmed) before me this _____ day of _____, 20____ by _____, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.













Signature All attached CA Jurat

 Notary Public

Fee Schedule Summary

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

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

<i>Coastal Development Permit</i>	
Public hearing – no other discretionary approval required:	\$ 4,727 
Public hearing – other discretionary approvals required:	2,083 
No public hearing required – administrative:	1,287 
<i>Use Permit</i>	
Use Permit:	\$ 6,207 
Master Use Permit:	9,578 
Master Use Permit Amendment:	4,972 
Master Use Permit Conversion:	4,564 
<i>Variance</i>	
Filing Fee:	\$ 6,001 
<i>Minor Exception</i>	
Without notice:	\$ 1,434
With notice:	1,929 
<i>Subdivision</i>	
Certificate of Compliance:	\$ 1,604
Final Parcel Map + mapping deposit:	520
Final Tract Map + mapping deposit:	720
Mapping Deposit (paid with Final Map application):	500
Merger of Parcels or Lot Line Adjustment:	1,119
Quimby (Parks & Recreation) fee (per unit/lot):	1,817
Tentative Parcel Map (4 or less lots / units) No Public Hearing:	1,291
Tentative Parcel Map (4 or less lots / units) Public Hearing:	3,511 
Tentative Tract Map (5 or more lots / units):	4,007 
<i>Environmental Review (contact Planning Division for applicable fee)</i>	
Environmental Assessment (no Initial Study prepared):	\$ 215
Environmental Assessment (if Initial Study is prepared):	3,040
Fish and Game/CEQA Exemption County Clerk Posting Fee ² :	75
 <i>Public Hearing Notice</i> applies to all projects with public hearings and covers the City's costs of envelopes, postage and handling the mailing of public notices. Add this to filing fees above, as applicable:	\$ 70

²Make a separate \$75 check payable to LA County Clerk, (DO NOT PUT DATE ON CHECK)

Effective 09/19/2016

G:\PLANNING DIVISION\Forms-Checklists\Counter Handouts\Master Application Form 2016-2017.doc – Revised 9-06-16

California Jurat Certificate

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State of California

County of Los Angeles

S.S.

Subscribed and sworn to (or affirmed) before me on this 21st day of March,
Month

20 20, by Donald McPherson and
Name of Signer (1)

m/a, proved to me on the basis of
Name of Signer (2)

satisfactory evidence to be the person(s) who appeared before me.

Martina Kufal
Notary Public



For other required information (factory name, commission No., etc.)

Seal

OPTIONAL INFORMATION

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Description of Attached Document

The certificate is attached to a document titled/for the purpose of

Marta Application Form

containing 3 inc. His Notary Cert pages, and dated 3-21-20

Additional Information
<p>Method of Affiant Identification</p> <p>Proved to me on the basis of satisfactory evidence: <input checked="" type="checkbox"/> form(s) of identification <input type="checkbox"/> credible witness(es)</p> <p><u>Calif Driver Lic</u> Notarial event is detailed in notary journal on: Page # <u>23</u> Entry # <u>4</u> Notary contact: <u>310 374 4420</u></p> <p>Other</p> <p><input type="checkbox"/> Affiant(s) Thumbprint(s) <input type="checkbox"/> Describe: _____</p>

California Jurat Certificate

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State of California

County of Los Angeles

S.S.

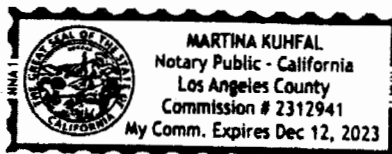
Subscribed and sworn to (or affirmed) before me on this 21st day of March,
Month

20 20, by James Quilliam and
Name of Signer (1)

n/a, proved to me on the basis of
Name of Signer (2)

satisfactory evidence to be the person(s) who appeared before me.

[Signature]
Signature of Notary Public



For other relevant information (Notary Name, Commission No., etc.)

See:

OPTIONAL INFORMATION

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Master Application Form

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form(s) of identification credible witness(es)

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Notarial event is detailed in notary journal on:

Page # 23 Entry # 2

Notary contact: 310 374 4420

Other

Affiant(s) Thumbprint(s) Describe: _____

Planning and Zoning Fee Schedule

(Effective September 19, 2016, July 1, 2017, July 1, 2018 (Respectively) - Resolution No. 16-0037)

Last Updated: 7/1/2018

Category	Description	FEE or DEPOSIT	Envir. Fees	FY 2016-2017	FY 2017-2018	FY 2018-2019	Public Notice
AMENDMENTS	General Plan or Specific Plan Amendment + consultant costs	DEPOSIT	**	\$20,000	\$20,000	\$20,000	Y
	Zoning Text or Map Amendment + consultant costs	DEPOSIT	**	\$20,000	\$20,000	\$20,000	Y
	Amendment to Development Permit (Includes Amendments to Use Permit, Variance, Development Agreement, and Residential, Commercial or Senior Citizen Residential Planned Development).	FEE	**	\$4,801	\$4,864	\$4,949	Y
	Additional fees: Parking/Traffic Review + consultant costs	FEE		\$1,114	\$1,129	\$1,149	
	Master Use Permit Amendment	FEE	**	\$4,972	\$5,037	\$5,126	Y
	Additional fees: Parking/Traffic Review + consultant costs	FEE		\$1,114	\$1,129	\$1,149	
	Alcohol and/or Live Music	FEE		\$107	\$110	\$110	
	Telecommunications Permit Amendment + consultant costs	FEE		\$1,138	\$1,152	\$1,172	N
Telecommunications Permit Amendment in Public R-O-W + consultant costs	FEE		\$1,317	\$1,334	\$1,358	N	
APPEALS	Appeal to City Council or Planning Commission of Administrative Decision	FEE		\$500	\$500	\$500	N
	Appeal to City Council of Planning Commission or Parking and Public Improvements Commission (PPIC) Decision	FEE		\$500	\$500	\$500	N
	Appeal to Parking and Public Improvements Commission (PPIC)	FEE		\$500	\$500	\$500	N
COASTAL	Coastal Development Permit Administrative - No Public Hearing	FEE		\$1,287	\$1,303	\$1,324	Y
	Coastal Development Permit - Public Hearing	FEE		\$4,727	\$4,787	\$4,871	Y
	Coastal Development Permit - Public Hearing w/ another discretionary application	FEE	*	\$2,083	\$2,108	\$2,142	Y
	Coastal Development Permit Transfer	FEE		\$160	\$162	\$165	N
CONDOMINIUM FEES	Tentative Parcel Map - 4 or less lots/units - No Public Hearing	FEE		\$1,291	\$1,309	\$1,333	N
	Tentative Parcel Map - 4 or less lots/units - Public Hearing	FEE	*	\$3,511	\$3,557	\$3,622	Y
	With another discretionary application	FEE		\$1,359	\$1,377	\$1,402	
	Tentative Tract Map - 5 or more lots/units	FEE	**	\$4,007	\$4,060	\$4,134	Y
	With another discretionary application	FEE		\$1,294	\$1,313	\$1,338	
	Use Permit (2-unit condos exempt)	FEE		\$6,207	\$6,287	\$6,396	Y
NOTE: Above fees are for initial filing; see SUBDIVISION APPLICATION FEES for additional fees applicable at time of final parcel/tract map filing							
DEPOSITS	Applicants will be charged for Staff's comprehensive hourly rates for cost recovery plus any outside costs. (Does not apply to refundable deposits.)						
ENCROACHMENT PERMITS	Encroachment Permit - Original/New	FEE		\$1,573	\$1,594	\$1,624	N
	Encroachment Permit - Transfer/Revision/Minor	FEE		\$736	\$745	\$758	N
	Sidewalk Dining Permit	FEE		\$275	\$278	\$283	N



"The city continues to provide services during the time and recommends using technology alternatives where possible."

The screenshot shows a web browser window with two tabs: "City of Manhattan Beach | Home" and "Coronavirus | City of Manhattan". The address bar shows "Not secure | citymb.info/services/learn-about/coronavirus". The browser's address bar includes icons for NYTimes, Yahoo, MB, Encinitas, and Schwab. A blue banner at the top of the page contains the text: "To protect the health and safety of the public during the Coronavirus (COVID-19) pandemic, City Hall and other facilities are closed to the public until April 30. The City continues to provide services during this time and recommends using technological alternatives where possible. For more information related to City services during this emergency, please visit the Coronavirus (COVID-19) page or call the City at 310-802-5000." Below this is the City of Manhattan Beach navigation menu with "Services" highlighted. A dark blue banner with white text reads: "COVID-19: IMPORTANT UPDATES" followed by "CITY COUNCIL MOVES TO PROTECT CONSUMERS DURING PANDEMIC" and "BY ADOPTING URGENCY ORDINANCES TO ADDRESS PRICE GOUGING AND EVICTIONS". The bottom of the banner features a blurred image of hands being washed with soap.

Report Date: Wednesday, April 15, 2020

LICENSE INFORMATION

License Number: 505741 **Primary Owner:** MBPO LLC **Office of Application:**
03 - LB/LAKEWOOD

BUSINESS NAME

MB POST

BUSINESS ADDRESS

1142 MANHATTAN AVE , MANHATTAN BEACH, CA, 90266

County: LOS ANGELES **Census Tract:** 6209.04

Licensee: MBPO LLC

Company Information

OFFICER: SIMMS , THOMAS MICHAEL JR (MEMBER)

LICENSEE INFORMATION MEMBER: SIMMS , THOMAS MICHAEL JR

LICENSE TYPES

47 - ON-SALE GENERAL EATING PLACE

License Type Status: ACTIVE **Status Date:** 28-FEB-2011 **Term:** 12 Month(s)

Original Issue Date: 25-FEB-2011 **Expiration Date:** 31-JAN-2021 **Master:** Y **Duplicate:** 0

From License Number: [47-475573](#)

Fee Code: P20 **Transfers:** Transferred On: 25-FEB-2011

58 - CATERER PERMIT

License Type Status: ACTIVE **Status Date:** 28-FEB-2011 **Term:** 12 Month(s)

Original Issue Date: 25-FEB-2011 **Expiration Date:** 31-JAN-2021 **Master:** N **Duplicate:** 1

From License Number: [47-475573](#)

Fee Code: P20 **Transfers:** Transferred On: 25-FEB-2011

OPERATING RESTRICTIONS:

*Operating Restrictions exist. For more information, please see our [Guidelines for Access to Records](#).

DISCIPLINARY ACTION:

No Active Disciplinary Action found

DISCIPLINARY HISTORY: No Disciplinary History found.

HOLDS:

No Active Holds found

ESCROWS:

No Escrow found

Martha Alvarez

From: Brian fuhrmann <bfuhrm@mac.com>
Sent: Wednesday, April 29, 2020 3:47 PM
To: List - City Council; City Manager; Ted Faturos
Subject: [EXTERNAL] MB Post Expansion

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members

I am writing to you in support of Manhattan Beach Post's expansion into the former Subway space and extension of their hours. The restaurant has become a staple in our city and the further enhancements they are proposing will create an even more vibrant downtown. During these uncertain times, as our city looks to open back up, it is important to support local business owners in their efforts to enhance our city.

Regards,

BRIANFUHRMANN

Resident of Manhattan Beach

3201 Vista Drive, Manhattan Beach, CA 90266

Martha Alvarez

From: stewart rembert <srembo@verizon.net>
Sent: Wednesday, April 29, 2020 12:37 PM
To: List - City Council
Subject: [EXTERNAL] mb post expansion

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

City council,

I am writing a note to express the same concerns that I said at the planning commission meeting on April 28th. I am opposed to extension of the MB Post hours based on all the concerns that both Peter Hartshorn and Neil Leventhal have sent to you and am in full agreement with their concerns.

Stewart Rembert

1300 Manhattan ave #C

Manhattan Beach CA,90266

--

Martha Alvarez

From: Michael Fairchild <mfairchild@mjfwlaw.com>
Sent: Wednesday, April 29, 2020 12:02 PM
To: List - City Council
Subject: [EXTERNAL] M.B. Post Modifications

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

I wanted to take a moment to register our ongoing support for the Manhattan Beach Post buildout and hours modification. Post has long been one of the best and most exciting downtown restaurants. They have been a responsible and contributing member of the community for years. There is no reason to believe that the proposed changes will not enhance the downtown experience, draw residents back into dining out and continue to provide critical revenue/jobs to the community at a time when it is most needed.

Regards,

Michael Kelly Fairchild
469 34th Street
Manhattan Beach, CA 90266
mfairchild@mjfwlaw.com

Martha Alvarez

From: David Jina <david@rubberduckyinteractive.com>
Sent: Wednesday, April 29, 2020 11:26 AM
To: List - City Council
Subject: [EXTERNAL] mb post

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

I am writing to you in support of Manhattan Beach Post's expansion into the former Subway space and extension of their hours. The restaurant has become a staple in our city and the further enhancements they are proposing will create an even more vibrant downtown.

During these uncertain times, as our city looks to open back up, it is important to support local business owners in their efforts to enhance our city.

Regards,



David Jina
CEO and Founder,
[Rubber Ducky Interactive](#)
[310-765-4301](#) | [M 310-902-3069](#)
[8055 W. Manchester Ave #460](#)
[Playa del Rey CA 90293](#)



Martha Alvarez

From: staciemilam@netscape.net
Sent: Wednesday, April 29, 2020 10:23 AM
To: List - City Council; City Manager; Ted Faturos
Subject: [EXTERNAL]

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

I am a long time member of the South Bay community, specifically Manhattan Beach, and I am writing to you in support of Manhattan Beach Post's expansion into the former Subway space and extension of their hours. The proposed expansion will be a welcome enhancement to the downtown area and a change we can all look forward to once we are able to socialize again.

I hope that you will continue your support of local business owners in the efforts to enhance our city.

Thank you for your consideration.

Stacie Jacobsen
1171 Shelley Street, MB

Martha Alvarez

From: Sequoia Boehm <sequoiac@yahoo.com>
Sent: Wednesday, April 29, 2020 10:03 AM
To: List - City Council; City Manager; Ted Faturros
Subject: [EXTERNAL] Re: Manhattan Beach Post's expansions

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

I am writing to you in support of Manhattan Beach Post's expansion into the former Subway space and extension of their hours. The restaurant has become a staple in our city and the further enhancements they are proposing will create an even more vibrant downtown.

During these uncertain times, as our city looks to open back up, it is important to support local business owners in their efforts to enhance our city.

Regards,

Sequoia Clare
Resident of Manhattan Beach
3418 Manhattan Ave
Manhattan Beach, CA 90266

Martha Alvarez

From: Zanetos, John @ Los Angeles DT <John.Zanetos@cbre.com>
Sent: Wednesday, April 29, 2020 9:55 AM
To: List - City Council; City Manager; Ted Faturros
Subject: [EXTERNAL] MB Post Expansion and Hours of Operation

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

I am writing to you in support of Manhattan Beach Post's expansion into the former Subway space and extension of their hours. The restaurant has become a staple in our city and the further enhancements they are proposing will create an even more vibrant downtown.

During these uncertain times, as our city looks to open back up, it is important to support local business owners in their efforts to enhance our city.

Regards,

John Zanetos
Manhattan Beach Resident
3201 N. Valley Dr.

Martha Alvarez

From: Ellen LaBonte <ehusinga@gmail.com>
Sent: Wednesday, April 29, 2020 9:49 AM
To: List - City Council
Subject: [EXTERNAL] Manhattan Beach Post Extension

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

I am writing to you in support of Manhattan Beach Post's expansion into the former Subway space and extension of their hours. The restaurant has become a staple in our city and the further enhancements they are proposing will create an even more vibrant downtown.

During these uncertain times, as our city looks to open back up, it is important to support local business owners in their efforts to enhance our city.

Regards,

Ellen LaBonte
Resident of Manhattan Beach
216 7th St, Manhattan Beach, CA 90266

Martha Alvarez

From: Sonia Simms <sonia@simmzys.com>
Sent: Wednesday, April 29, 2020 9:34 AM
To: List - City Council
Subject: [EXTERNAL] MB Post expansion & hours

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

I am writing to you in support of Manhattan Beach Post's expansion into the former Subway space and extension of their hours. The restaurant has become a staple in our city and the further enhancements they are proposing will create an even more vibrant downtown.

Full disclosure - I am married to Mike Simms. However, during these uncertain times, as our city looks to open back up, I do believe it is important to support local business owners in their efforts to enhance our city.

Regards,

Sonia Simms
224 -34th street
Manhattan Beach CA 90266

Martha Alvarez

From: Maria MARILL <mmarill@me.com>
Sent: Wednesday, April 29, 2020 9:27 AM
To: List - City Council; City Manager; Ted Faturos
Subject: [EXTERNAL] MB Post Expansion

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

I am writing to you in support of Manhattan Beach Post's expansion into the former Subway space and extension of their hours. The restaurant has become a staple in our city and the further enhancements they are proposing will create an even more vibrant downtown.

During these uncertain times, as our city looks to open back up, it is important to support local business owners in their efforts to enhance our city.

Regards,

Maria Marill
Resident of Manhattan Beach
3201 Vista Drive
Manhattan Beach, Ca
90266

Martha Alvarez

From: Chad Heitzler Fahlbusch <Chad@southbaychad.com>
Sent: Tuesday, April 28, 2020 2:02 PM
To: List - City Council; City Manager; Ted Faturos
Subject: [EXTERNAL] MB Post expansion

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

I am writing to you in support of Manhattan Beach Post's expansion into the former Subway space and extension of their hours. The restaurant has become a staple in our city and the further enhancements they are proposing will create an even more vibrant downtown.

During these uncertain times, as our city looks to open back up, it is important to support local business owners in their efforts to enhance our city.

Regards,

Chad Fahlbusch
Resident of Manhattan Beach
633 26th st , MB,CA 90266

Chad Heitzler Fahlbusch

www.SouthBayChad.com
Top Producing Agent Award 2002-2019
Dir: 310-600-3555
Instagram/Facebook @Southbaychad
NW Real Estate Brokers
BRE # 01346526

Martha Alvarez

From: Tyler Harms <tyharms11@gmail.com>
Sent: Tuesday, April 28, 2020 1:14 PM
To: List - City Council; City Manager; Ted Faturos
Subject: [EXTERNAL] Manhattan Beach Post expansion

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

I am writing to you in support of Manhattan Beach Post's expansion into the former Subway space and extension of their hours. The restaurant has become a staple in our city and the further enhancements they are proposing will create an even more vibrant downtown.

During these uncertain times, as our city looks to open back up, it is important to support local business owners in their efforts to enhance our city.

Regards,

Tyler Harms
Resident of Manhattan Beach
774 31st St.
Manhattan Beach, CA 90266

Martha Alvarez

From: Carrie Tai, AICP
Sent: Tuesday, April 28, 2020 11:13 AM
To: City Clerk
Subject: FW: Expansion of MB Post
Attachments: MB Post Change of Use Permit_42820.docx



CARRIE TAI, AICP
DIRECTOR OF COMMUNITY DEVELOPMENT

310-802-5502
ctai@citymb.info

CITY OF MANHATTAN BEACH 1400 Highland Avenue Manhattan Beach, CA 90266
Office Hours: M-Th 7:30 AM-5:30 PM | Fridays 7:30 AM-4:30 PM | Not Applicable to Public Safety
Reach Manhattan Beach Here for you 24/7, use our click and fix it app
Download the mobile app now



From: Linda McLoughlin Figel <linda@pagesabookstore.com>
Sent: Tuesday, April 28, 2020 10:42 AM
To: Richard Montgomery <rmontgomery@citymb.info>; Nancy Hersman <nancyhersman@gmail.com>; Suzanne Hadley <shadley@citymb.info>; Hildy Stern <hsstern@citymb.info>; Steve Napolitano <snapolitano@citymb.info>; Carrie Tai, AICP <ctai@citymb.info>
Cc: Jill Lamkin <jill@downtownmanhattanbeach.com>
Subject: [EXTERNAL] Expansion of MB Post

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Mayor Montgomery, City Council and Director Tai,

Please see attached letter from the DBPA in support of the request from the Simms Group for the Expansion of MB Post.

Thank you in advance for your consideration.

Stay well,
Linda

Linda McLoughlin Figel
{pages}
{pages} a bookstore
904 Manhattan Ave.
Manhattan Beach, CA 90266



April 28, 2020

Carrie Tai
Director of Planning

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

Re: Change of Use Permit and Extension of Hours at 1144 Manhattan Ave (MB Post)

Dear Mayor Montgomery, City Council and Director Tai,

I submitted this letter to Ted Faturos in City Planning on March 10, 2020 but understand it is on the Council agenda for the May 5th meeting and wanted you to have it as well. Thank you in advance for your consideration.

We understand that a request has been made to combine the former Subway location with the current MB Post Restaurant at 1144 Manhattan Ave. and to extend current operating hours. The Downtown Business & Professional Association supports both requests.

Mike Simms and the entire Simms Group are model corporate citizens, responsible restaurateurs and exceptionally generous neighbors. They support our Manhattan Beach community financially as well as with the gift of their time. The Simms Group represents businesses that are profitable for the City and an enhancement to downtown and our greater Manhattan Beach community. Their restaurants are popular bringing local and visitor traffic to our Business District, which is vital to a prosperous Downtown.

If you have any questions, please contact me or Jill Lamkin, our Executive Director.

Respectfully submitted,

Linda McLoughlin Figel

Co-owner {pages} a bookstore
President, Downtown Business & Professional Association

Jill Lamkin - jill@downtownmanhattanbeach.com 310-379-9901

Martha Alvarez

From: Maryann Varni <magabe5@verizon.net>
Sent: Tuesday, April 28, 2020 12:13 PM
To: List - City Council; City Manager; Ted Faturos
Subject: [EXTERNAL] Re: I Support MB Post request for extended hours

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

While I did send a quick form letter to you in support of the extended hours for Manhattan Beach Post, it was more to get it in before the deadline.

As most of you know, I work for the Simms Restaurant Group, and have for 6-1/2 years after leaving the position as the Executive Director for Downtown Manhattan Beach. Knowing the culture first hand of the Simms Restaurant Group, and having worked closely with both Mike Simms and his Father, as well as Chef David LeFevre, I can confidently say that they have the utmost care for our community, guests and will always put that first in anything they do.

I thank you all for your hard work and support for our Downtown and community at large during these uncertain times in our world. It does not go unnoticed.

Sincerely,
Mary Ann Varni

-----Original Message-----

From: Maryann Varni <magabe5@verizon.net>
To: CityCouncil <CityCouncil@citymb.info>; cm <cm@citymb.info>; tfaturos <tfaturos@citymb.info>
Sent: Mon, Apr 27, 2020 1:29 pm
Subject: I Support MB Post request for extended hours

Dear Council Members,

I am writing to you in support of Manhattan Beach Post's expansion into the former Subway space and extension of their hours. The restaurant has become a staple in our city and the further enhancements they are proposing will create an even more vibrant downtown.

During these uncertain times, as our city looks to open back up, it is important to support local business owners in their efforts to enhance our city.

Regards,

Mary Ann Varni
Resident of Manhattan Beach
708 31st Street
(26 year resident)

Martha Alvarez

From: Deborah Protell <debprotell@yahoo.com>
Sent: Tuesday, April 28, 2020 10:05 AM
To: List - City Council; City Manager; Ted Faturros
Subject: [EXTERNAL] Letter of Support to City Council for M.B. Post

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

I am writing to you in support of Manhattan Beach Post's expansion into the former Subway space and extension of their hours. The restaurant has become a staple in our city and the further enhancements they are proposing will create an even more vibrant downtown.

During these uncertain times, as our city looks to open back up, it is important to support local business owners in their efforts to enhance our city.

Regards,

Deborah Protell
Resident of Manhattan Beach
517 24th Street

Martha Alvarez

From: Andrew Norman <normstar@yahoo.com>
Sent: Tuesday, April 28, 2020 9:53 AM
To: List - City Council; City Manager; Ted Faturos
Subject: [EXTERNAL] MB Post Feedback

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

I am writing to you in support of Manhattan Beach Post's expansion into the former Subway space and extension of their hours. The restaurant has become a staple in our city and the further enhancements they are proposing will create an even more vibrant downtown.

During these uncertain times, as our city looks to open back up, it is important to support local business owners in their efforts to enhance our city.

Regards,

Andrew & Jennifer Norman
Resident of Manhattan Beach
758 29th St
Manhattan Beach, CA 90266

Andrew Norman
Transcatheter Heart Valves
Edwards Lifesciences
(310) 722-9746

Martha Alvarez

From: Ellen Rosenberg <ellen.rosenberg@me.com>
Sent: Tuesday, April 28, 2020 8:36 AM
To: List - City Council; City Manager; Ted Faturos
Subject: [EXTERNAL] MB Post Expansion of hours and space

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members and city staff members,

Greetings to you all and thank you for your service. Below is the suggested letter of support for MB Post. I agree with all of it. I also think it is especially important that we support local businesses during this time so they are here for all to enjoy once we are past the worst parts of the pandemic. For a business to continue, as the Simms family of restaurants have, is wonderful. For them to do that and be expanding in these uncertain times is especially brave and supportive of our community and that should be recognized. I hope the Council will seriously consider and vote in support of the MB Post expansion of space and hours.

—
I am writing to you in support of Manhattan Beach Post's expansion into the former Subway space and extension of their hours. The restaurant has become a staple in our city and the further enhancements they are proposing will create an even more vibrant downtown.

During these uncertain times, as our city looks to open back up, it is important to support local business owners in their efforts to enhance our city.

Again, thank you for your service.

Ellen Rosenberg
Resident of Manhattan Beach
800 Pacific Avenue
Manhattan Beach, CA 90266

Martha Alvarez

From: lanatalie2000@aol.com
Sent: Tuesday, April 28, 2020 12:19 AM
To: List - City Council
Subject: [EXTERNAL] MB Post

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

I am writing to you in support of Manhattan Beach Post's expansion into the former Subway space and extension of their hours. The restaurant has become a staple in our city and the further enhancements they are proposing will create an even more vibrant downtown.

During these uncertain times, as our city looks to open back up, it is important to support local business owners in their efforts to enhance our city.

Regards,

Natalie and Dave Shaby
Resident of Manhattan Beach
1561 Nelson Ave MB CA

Martha Alvarez

From: Peggy Curry <peggy@currygirlskitchen.com>
Sent: Monday, April 27, 2020 7:55 PM
To: List - City Council; City Manager; Ted Faturos
Cc: Nancy Hersman
Subject: [EXTERNAL] Support of MB Post extended hours
Attachments: PastedGraphic-2.tiff

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Manhattan Beach Council Members,

I am writing to you in support of MB Post's expansion into the former Subway space and their request for extension of their hours. Besides being thrilled that MB Post has expanded, MB Post has become a staple in our city. The enhancements they have proposed will create an even more vibrant downtown.

As our city begins to open back up during these uncertain times, it is ever more important to support local business owners in their efforts to make our city even more desirable a destination.

With great respect,
Peggy and Tim Curry
Resident of Manhattan Beach
477 33rd street

Peggy Curry
Life IS Delicious!

Co-Founder:
Curry Girls Kitchen
www.CurryGirlsKitchen.com
peggy@currygirlskitchen.com
C: 310-463-3784



Co-Founder GrowingGreat.org
Planting seeds today, growing healthy communities tomorrow
Peggy@GrowingGreat.org

Martha Alvarez

From: Linda Smalley <lukeyloo28@icloud.com>
Sent: Monday, April 27, 2020 7:48 PM
To: List - City Council
Subject: [EXTERNAL] Expanding MB Post

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Sent from my iPhone

Martha Alvarez

From: Carla Morris <carlamorris1@mac.com>
Sent: Monday, April 27, 2020 5:51 PM
To: List - City Council; Ted Faturos
Subject: [EXTERNAL] MBPost Expansion

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

I am writing to you in support of Manhattan Beach Post's expansion into the former Subway space and extension of their hours. The restaurant has become a staple in our city and the further enhancements they are proposing will create an even more vibrant downtown.

During these uncertain times, as our city looks to open back up, it is important to support local business owners in their efforts to enhance our city.

Stay safe,
Carla

Carla Morris Design
704 The Strand
Manhattan Beach Ca 90266
310-245-1509
carlamorris1@me.com

Martha Alvarez

From: Rachael Zanetos <rachaelzanetos@gmail.com>
Sent: Monday, April 27, 2020 4:07 PM
To: List - City Council; City Manager; Ted Faturos
Subject: [EXTERNAL] MB Post

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

I am writing to you in support of Manhattan Beach Post's expansion into the former Subway space and extension of their hours. The restaurant has become a staple in our city and the further enhancements they are proposing will create an even more vibrant downtown.

During these uncertain times, as our city looks to open back up, it is important to support local business owners in their efforts to enhance our city. This restaurant group is a proven responsible community member who plays a critical role in keeping our downtown district thriving. The last few months have been undeniably hard on the restaurant community so supporting a group that is not only willing and ready to reopen (when some sadly may not be able to recover) but who is also looking to further enhance our neighborhood is incredibly important right now.

Thank you for your time and hoping you and your families are well and healthy.

Regards,

Rachael Zanetos
Resident of Manhattan Beach
3201 North Valley Drive
Manhattan Beach, CA

Martha Alvarez

From: shopkatwalk@yahoo.com
Sent: Monday, April 27, 2020 3:43 PM
To: List - City Council
Subject: [EXTERNAL] MB POST EXPANSION AND HOURS

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

I am writing to you in support of Manhattan Beach Post's expansion into the former Subway space and extension of their hours. The restaurant has become a staple in our city and the further enhancements they are proposing will create an even more vibrant downtown.

As a Manhattan Beach Resident and business owner, I feel that businesses such as Post, that are locally owned and operated, enhance our downtown and drive more business to our city.

As our city looks to open back up in the coming weeks, I feel it is important to support the businesses that make our city unique.

Thank you for your consideration,

Kat Master
Katwalk, Owner and
Manhattan Beach Resident
1829 Elm Ave.
Manhattan Beach, CA 90266

Katwalk
312 Manhattan Beach Blvd.
Manhattan Beach, CA 90266

Martha Alvarez

From: Bobby Massoudian <bobbymas@hotmail.com>
Sent: Monday, April 27, 2020 3:41 PM
To: List - City Council; Ted Faturos; City Manager
Subject: [EXTERNAL] MB Post expansion

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

I am writing to you in support of Manhattan Beach Post's expansion into the former Subway space and extension of their hours. The restaurant has become a staple in our city and the further enhancements they are proposing will create an even more vibrant downtown.

During these uncertain times, as our city looks to open back up, it is important to support local business owners in their efforts to enhance our city.

Regards,

Bobby Massoudian
Resident of Manhattan Beach
616 19th Street

Martha Alvarez

From: Mitra Hosseini <mitrah3@me.com>
Sent: Monday, April 27, 2020 3:30 PM
To: List - City Council
Subject: [EXTERNAL] MB POST Expansion

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

I am writing to you in support of Manhattan Beach Post's expansion into the former Subway space and extension of their hours. The restaurant has become a staple in our city and the further enhancements they are proposing will create an even more vibrant downtown.

During these uncertain times, as our city looks to open back up, it is important to support local business owners in their efforts to enhance our city.

Regards,

Mitra Hosseini
Resident of Manhattan Beach
2817 Bayview Dr.
Manhattan Beach, CA 90266

Martha Alvarez

From: Jim Burton <jburton@ecokai.com>
Sent: Monday, April 27, 2020 3:27 PM
To: List - City Council
Cc: Bruce Moe
Subject: [EXTERNAL] Opposition of MB Post Additional Hours of Operation

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Honorable Mayor and Members of Council –

I am opposed to the increased hours of operation for MB Post and removal of the “full” food menu with alcohol sales criterion that has been requested by the applicant.

I am not opposed to the additional square footage expansion for either the restaurant or bar/lounge.

However, I am deeply troubled that time and time again downtown residents are forced to contradict Planning staff and Planning Commission decisions for the same issues regarding reduced restriction for alcohol sales and increased hours of operation. Finally, the idea that simply mailing notices to those within 500ft of the property adequately notifies stakeholders is bothersome.

MB POST is a wonderful restaurant that brings people downtown from near and far but it does not need to operate until 1:00 am to be successful.

Jim Burton
328 11th Street

Martha Alvarez

From: Liz Mitchell <elizabethannmitchell@hotmail.com>
Sent: Monday, April 27, 2020 3:25 PM
To: List - City Council
Subject: [EXTERNAL] MB post

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

I am writing to you in support of Manhattan Beach Post's expansion into the former Subway space and extension of their hours. We love MB Post! It excellent!

The restaurant has become a landmark in our city and expanding as they are proposing will create an even more wonderful downtown.

As our city looks to open back up, it is important to support local business owners in their efforts to enhance our city.

Warmest regards,

Liz

Elizabeth Mitchell, MD
Cedars Sinai Marina del Rey
Department of Emergency
310-647-7400

Martha Alvarez

From: J.R. Johnson <jrjohnson@gmail.com>
Sent: Monday, April 27, 2020 3:17 PM
To: List - City Council; City Manager; Ted Faturos
Subject: [EXTERNAL] MB Post Hour Expansion

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

We need to support our local business now more than ever. I am writing to you in support of Manhattan Beach Post's expansion into the former Subway space and extension of their hours. The restaurant has become a staple in our city and the further enhancements they are proposing will create an even more vibrant downtown.

During these uncertain times, as our city looks to open back up, it is important to support local business owners in their efforts to enhance our city.

Regards,

JR Johnson

--

JR Johnson
621 Ocean Drive
Manhattan Beach, CA 90266

Martha Alvarez

From: Samantha Curry <samanthakcurry@gmail.com>
Sent: Monday, April 27, 2020 2:54 PM
To: List - City Council; City Manager; Ted Faturros
Subject: [EXTERNAL] SUPPORT MB POST

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

I am writing to you in support of Manhattan Beach Post's expansion into the former Subway space and extension of their hours. The restaurant has become a staple in our city and the further enhancements they are proposing will create an even more vibrant downtown.

During these uncertain times, as our city looks to open back up, it is important to support local business owners in their efforts to enhance our city.

Regards,

Samantha Curry
Resident of Manhattan Beach
477 33rd Street, MB, CA 90266

Martha Alvarez

From: sandy wu <sandywumd@yahoo.com>
Sent: Monday, April 27, 2020 2:52 PM
To: List - City Council; Neil Leventhal
Cc: Ted Faturros
Subject: [EXTERNAL] Re: Public Hearing - May 5, 2020 | Manhattan Beach Post - 1142
Manhattan Ave.

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Thank you Neil. I completely agree.

Sandy Wu
120 12th St, #3, Manhattan Beach, Ca 90266

On Monday, April 27, 2020, 02:46:42 PM PDT, Neil Leventhal <nl@lma-web.com> wrote:

I am writing to strongly oppose the extension of hours of operation requested in the expansion of Manhattan Beach Post into the adjacent space.

The expanded frontage itself is significant in altering the character and in increasing noise and related crowding and activity, particularly in the evening, as compared to the prior Subway operation. Those factors, coupled with expanded alcohol and more extended hours, will be even more disruptive.

The current operator does have a significant positive history and presence in Manhattan Beach, as discussed extensively in the Planning Commission's approval of the project. While the operator has a well earned a reputation as a responsible operator, note that the Simmzy's location at 229 Manhattan Beach Blvd. is often a source of noise and congestion that would be very problematic located in closer proximity to residences.

Much more importantly, as the Conditional Use Permit runs with the land, and not the operator, the identity of the current operator(s) should have absolutely no bearing on the determination of appropriate use of the property.

Moreover, "after the fact" processes designed to limit, reduce or revoke operations based on documented violations impose a substantial monitoring and evidentiary burden to residents, with a substantial predisposition in favor of the operator, as evidenced by the paucity of circumstances, if any, in which a CUP has been substantially limited or revoked. It will also always be far, far easier to consider less restrictions later than to rescind them once granted.

As we have so often discussed, with frequent endorsement from Council, the small town character of downtown Manhattan Beach will be best maintained and nurtured by a very careful and measured approach to any expansion or intensification of use, particularly as related to alcohol and late night activity. The northern stretch of Manhattan Ave. (Manhattan Beach Blvd. north to 12th St.) does not currently have operations that typically create significant activity later in the evening, especially beyond midnight, and that should be maintained.

With all the above in mind, we ask that you reconsider the entire expansion, and most critically do not approve any extension of hours for this project.

Sincerely,

Neil Leventhal
128 13th St.
Manhattan Beach, CA 90266

Martha Alvarez

From: Neil Leventhal <nl@lma-web.com>
Sent: Monday, April 27, 2020 2:46 PM
To: List - City Council
Cc: Ted Faturros
Subject: [EXTERNAL] Public Hearing - May 5, 2020 | Manhattan Beach Post - 1142 Manhattan Ave.

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I am writing to strongly oppose the extension of hours of operation requested in the expansion of Manhattan Beach Post into the adjacent space.

The expanded frontage itself is significant in altering the character and in increasing noise and related crowding and activity, particularly in the evening, as compared to the prior Subway operation. Those factors, coupled with expanded alcohol and more extended hours, will be even more disruptive.

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As we have so often discussed, with frequent endorsement from Council, the small town character of downtown Manhattan Beach will be best maintained and nurtured by a very careful and measured approach to any expansion or intensification of use, particularly as related to alcohol and late night activity. The northern stretch of Manhattan Ave. (Manhattan Beach Blvd. north to 12th St.) does not currently have operations that typically create significant activity later in the evening, especially beyond midnight, and that should be maintained.

With all the above in mind, we ask that you reconsider the entire expansion, and most critically do not approve any extension of hours for this project.

Sincerely,

Neil Leventhal
128 13th St.
Manhattan Beach, CA 90266

NL@LMA-web.com

Martha Alvarez

From: Laurie Caine <caine9291@gmail.com>
Sent: Monday, April 27, 2020 2:41 PM
To: List - City Council; City Manager; Ted Faturros
Subject: [EXTERNAL] MB Post

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

I am writing to you in support of Manhattan Beach Post's expansion into the former Subway space and extension of their hours. The restaurant has become a staple in our city and the further enhancements they are proposing will create an even more vibrant downtown.

During these uncertain times, as our city looks to open back up, it is important to support local business owners in their efforts to enhance our city.

Regards,
Laurie Caine
1211 5th St
Manhattan Beach, CA 90266

Martha Alvarez

From: Sherry Yard <sapyard@aol.com>
Sent: Monday, April 27, 2020 2:39 PM
To: List - City Council; City Manager; Ted Faturos
Subject: [EXTERNAL] MB POST

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

I am writing to you in support of Manhattan Beach Post's expansion into the former Subway space and extension of their hours. Our city is dually blessed to have a world class approachable restaurant that cares about our community! one that cares about our community. in our community Any further enhancements they are proposing will create an even more vibrant downtown. Change is essential to the evolution of our economy.

During these uncertain times, as our city looks to open back up, it is MANDATORY that we support local business owners in their tireless work and efforts to enhance our city.

Regards,
Sherry Yard
Resident of Manhattan Beach
3611 Alma Avenue

Martha Alvarez

From: Betsy McLaughlin <betsymclaughlin@me.com>
Sent: Monday, April 27, 2020 2:38 PM
To: List - City Council; City Manager; Ted Fatuross
Subject: [EXTERNAL] MB Post

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

I am writing to you in support of Manhattan Beach Post's expansion into the former Subway space and extension of their hours. The restaurant has become a staple in our city and the further enhancements they are proposing will create an even more vibrant downtown.

During these uncertain times, as our city looks to open back up, it is important to support local business owners in their efforts to enhance our city.

Regards,

Betsy McLaughlin
Resident of Manhattan Beach
2804 The Strand
Manhattan Beach, CA. 90266

Martha Alvarez

From: Megan Curry <megan@currygirlskitchen.com>
Sent: Monday, April 27, 2020 2:38 PM
To: List - City Council; City Manager; Ted Faturos
Subject: [EXTERNAL] Support for MB Post

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

I am writing to you in support of Manhattan Beach Post's expansion into the former Subway space and extension of their hours. The restaurant has become a staple in our city and the further enhancements they are proposing will create an even more vibrant downtown.

During these uncertain times, as our city looks to open back up, it is important to support local business owners in their efforts to enhance our city.

Regards,

Megan Curry
Resident of Manhattan Beach
477 33rd street

Megan Curry
AADP and IFM Certified Holistic Health Coach & Private Chef
co-founder [@CurryGirlsKitchen](#)
www.CurryGirlsKitchen.com



Martha Alvarez

From: Nate Carlson <carlson.nt@gmail.com>
Sent: Monday, April 27, 2020 2:13 PM
To: List - City Council
Subject: [EXTERNAL] Support MB Post's Expansion

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

We are writing to you in support of Manhattan Beach Post's expansion into the former Subway space and extension of their hours. The restaurant has become a staple in our city and the further enhancements they are proposing will create an even more vibrant downtown.

During these uncertain times, as our city looks to open back up, it is important to support local business owners in their efforts to enhance our city.

Regards,

Nate & Jessica Carlson
Resident of Manhattan Beach
5 Lafayette Court

Martha Alvarez

From: Brew Johnson <brew@peerstreet.com>
Sent: Monday, April 27, 2020 1:39 PM
To: List - City Council; City Manager; Ted Fatuoros
Subject: [EXTERNAL] Letter of Support for M.B. Post

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Council Members,

I am writing to you in support of Manhattan Beach Post's expansion into the former Subway space and extension of their hours. The restaurant has become a staple in our city and the further enhancements they are proposing will create an even more vibrant downtown.

I think their expansion and the additional benefits it will bring to our community would be welcome at any time, but these type of improvements and expansion of hours are even more important during these uncertain times. I'd like to think our city is doing everything it can to help support local businesses and to provide additional options to the community, once we come out of this difficult period.

--

Brew Johnson
Founder & CEO
PeerStreet.com
p: [213.634.0687](tel:213.634.0687)
@brewjohnson

This e-mail, including attachments, is intended only for the addressee(s) indicated, and may include non-public, proprietary, confidential or legally privileged information. If you are not an intended recipient or an authorized agent of an intended recipient, you are hereby notified that any dissemination, distribution or copying of the information contained in or transmitted with this email is unauthorized and strictly prohibited. If you have received this email in error, delete it and any attachments or copies immediately.

Martha Alvarez

From: Chris Fox <cfox@minutemanholdings.com>
Sent: Monday, April 27, 2020 1:36 PM
To: List - City Council; City Manager; Ted Faturros
Subject: [EXTERNAL] MB Post Expansion

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

I am writing to you in support of Manhattan Beach Post's expansion into the former Subway space and extension of their hours. The restaurant has become a staple in our city and the further enhancements they are proposing will create an even more vibrant downtown.

During these uncertain times, as our city looks to open back up, it is important to support local business owners in their efforts to enhance our city.

Regards,

Christopher & Kimberly Fox
Resident of Manhattan Beach
1230 Keats Street

Christopher L Fox
Minuteman Holdings Company LLC
310 993-1941

Martha Alvarez

From: Maryann Varni <magabe5@verizon.net>
Sent: Monday, April 27, 2020 1:29 PM
To: List - City Council; City Manager; Ted Fatuross
Subject: [EXTERNAL] I Support MB Post request for extended hours

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

I am writing to you in support of Manhattan Beach Post's expansion into the former Subway space and extension of their hours. The restaurant has become a staple in our city and the further enhancements they are proposing will create an even more vibrant downtown.

During these uncertain times, as our city looks to open back up, it is important to support local business owners in their efforts to enhance our city.

Regards,

Mary Ann Varni
Resident of Manhattan Beach
708 31st Street
(26 year resident)



CITY OF MANHATTAN BEACH CITY HALL

1400 Highland Avenue, Manhattan Beach, CA 90266

WEBSITE: www.citymb.info • **PHONE:** (310) 802-5000

AGENDA ITEM NO. 3

Consideration of Parks Re-Opening Plan.

DISCUSS AND PROVIDE DIRECTION

(Verbal Report)



CITY OF MANHATTAN BEACH CITY HALL

1400 Highland Avenue, Manhattan Beach, CA 90266

WEBSITE: www.citymb.info • **PHONE:** (310) 802-5000

AGENDA ITEM NO. 4

City Council to Consider Additional Measures to Address COVID-19.



CITY OF MANHATTAN BEACH CITY HALL

1400 Highland Avenue, Manhattan Beach, CA 90266

WEBSITE: www.citymb.info • **PHONE:** (310) 802-5000

AGENDA ITEM NO. 5

City Manager Report on EOC (Emergency Operations Center).

(Verbal Report)

If you wish to speak on any item on the agenda during the City Council Meeting, please register in advance by clicking the following link:

<https://citymb.seamlessdocs.com/f/publiccomment>



CITY OF MANHATTAN BEACH CITY HALL

1400 Highland Avenue, Manhattan Beach, CA 90266

WEBSITE: www.citymb.info **PHONE:** (310) 802-5000

REQUEST TO ADDRESS THE CITY COUNCIL

MEETING DATE: _____ **PHONE:** _____

NAME: _____

E-MAIL: _____

SPEAK DURING PUBLIC COMMENTS (3 MINUTES)

TOPIC: _____

TOPIC: _____

TOPIC: _____

SPEAK DURING PUBLIC HEARING (3 MINUTES PER ITEM)

TOPIC: _____

TOPIC: _____

TOPIC: _____

SPEAK DURING GENERAL BUSINESS (2 MINUTES PER ITEM)

TOPIC: _____

TOPIC: _____

TOPIC: _____