MANHATTAN BEACH POST EXPANSION
1142 MANHATTAN AVENUE
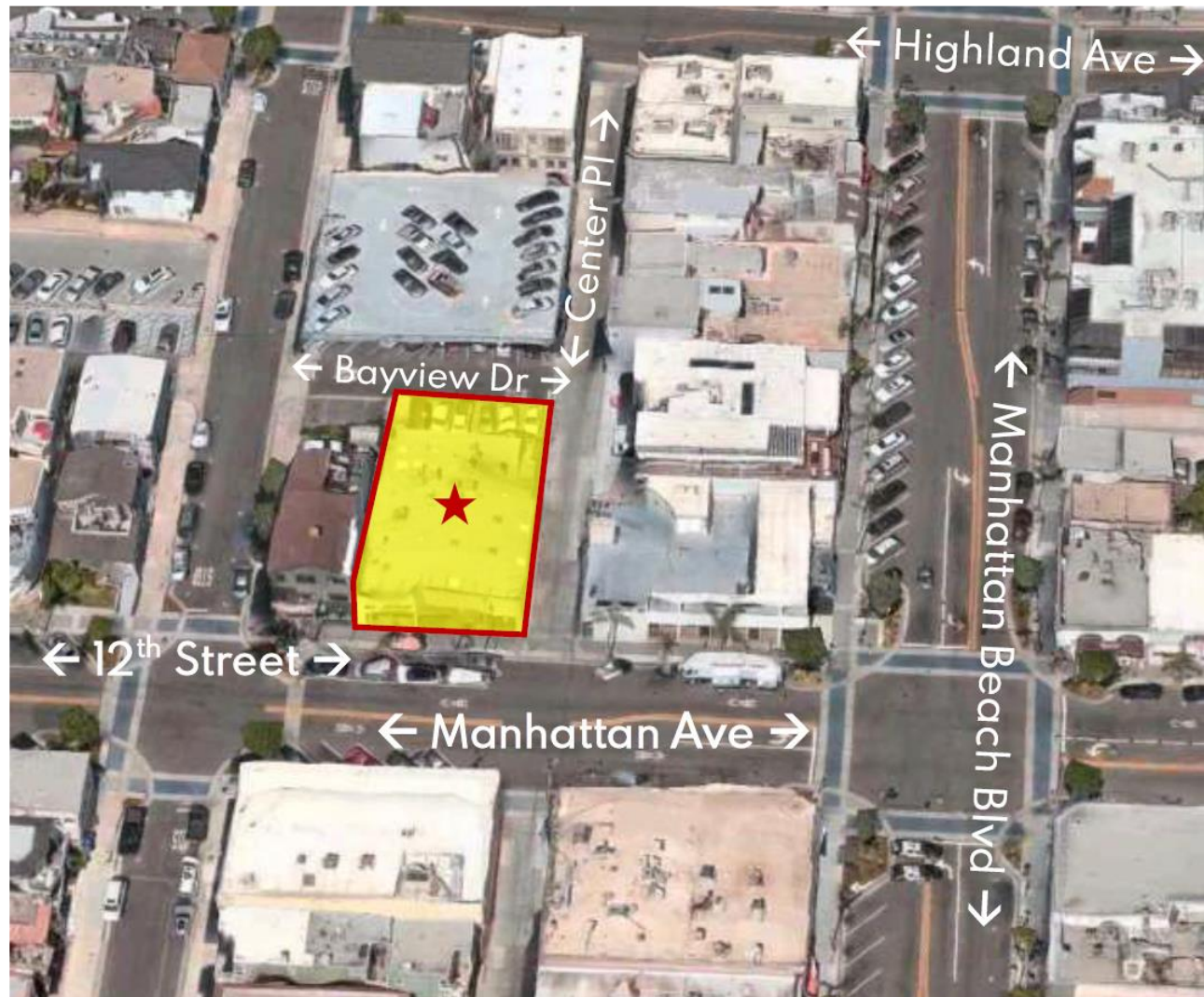# USE PERMIT AMENDMENT

CITY COUNCIL MAY 5, 2020

BACKGROUND

- Downtown on Manhattan Avenue- CD Zone

- MB Post – April 2011
  - 1999: City Council Resolution No. 5513

- Planning Commission - March 11, 2020
  - Approved 5:0

- City Council *De Novo* Hearing
  - "Fresh Look"

- Appeal- Coastal Defender

CITY OF
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USE PERMIT AMENDMENT- 1142 MANHATTAN AVENUE
TED FATUROS
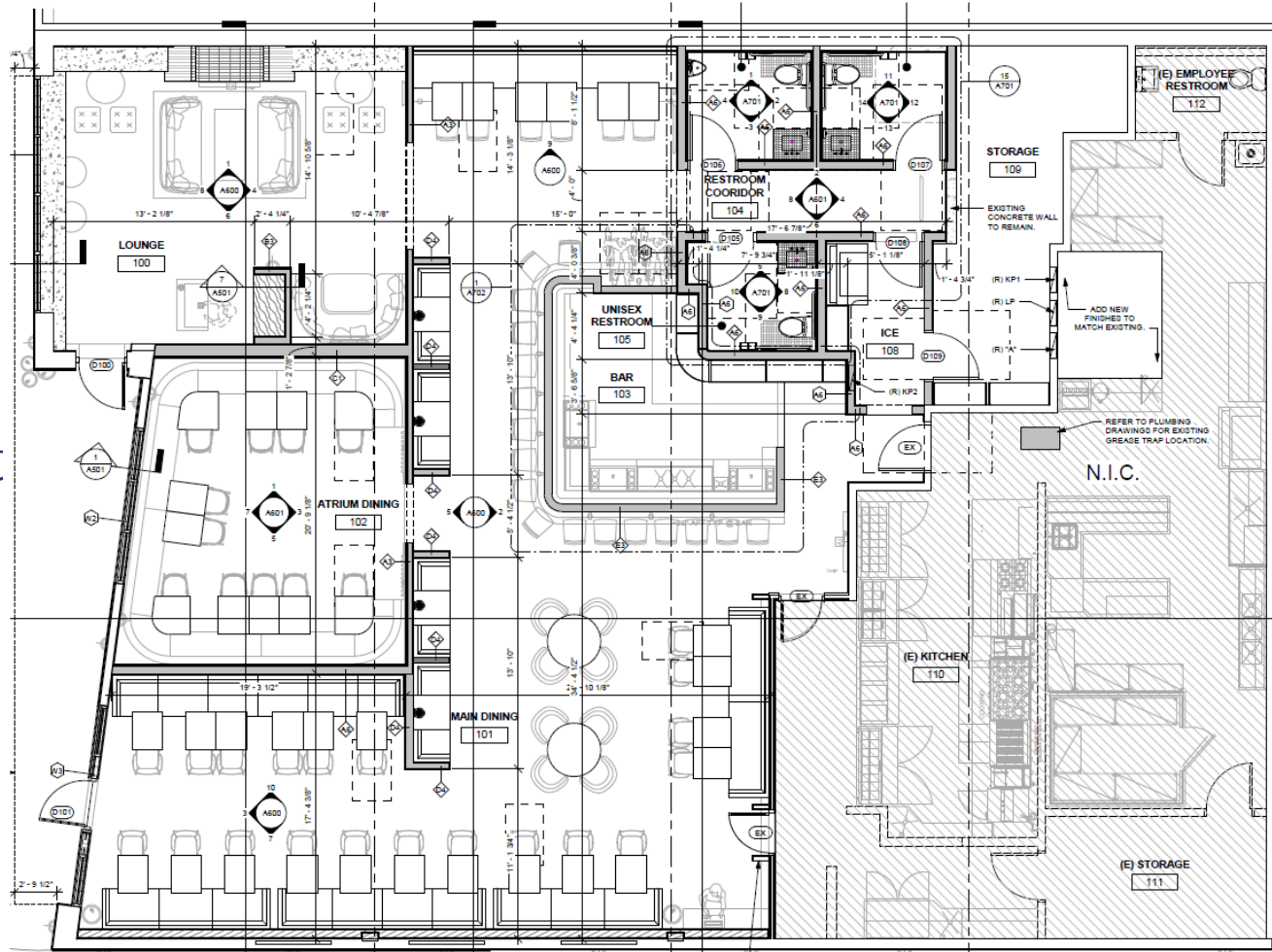
CITY COUNCIL
MAY 5, 2020

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VICINITY MAP

- Surrounding Uses

  - Commercial/ Restaurants

  - Residential Within a Block

USE PERMIT AMENDMENT REQUEST

- Expand into Adjacent Space (formerly Subway)

- Existing: 3,238 square feet
  Proposed: 4,878 square feet

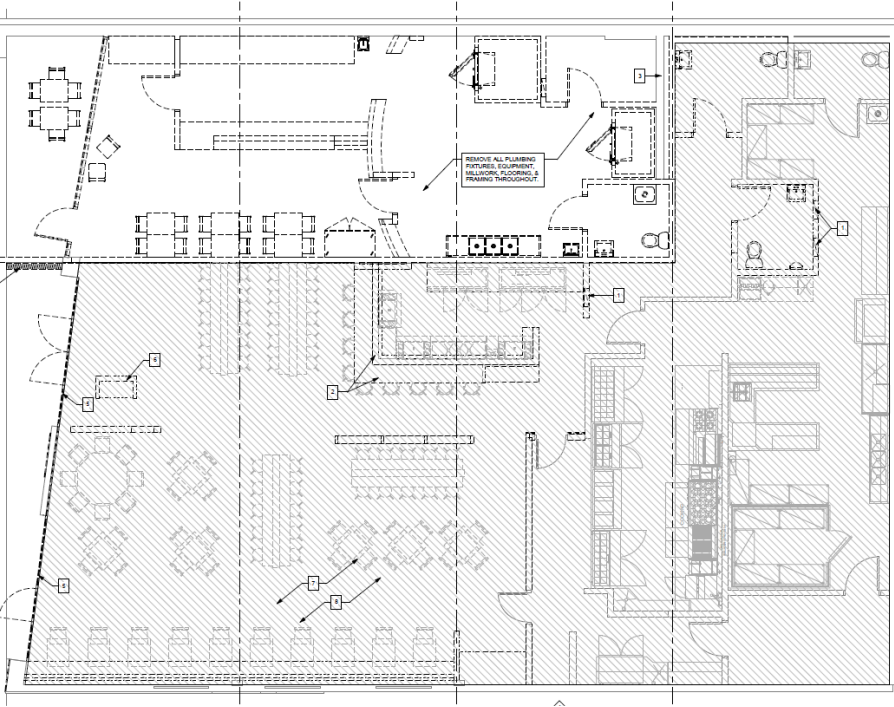- Major Interior Remodel/ Reconfiguration
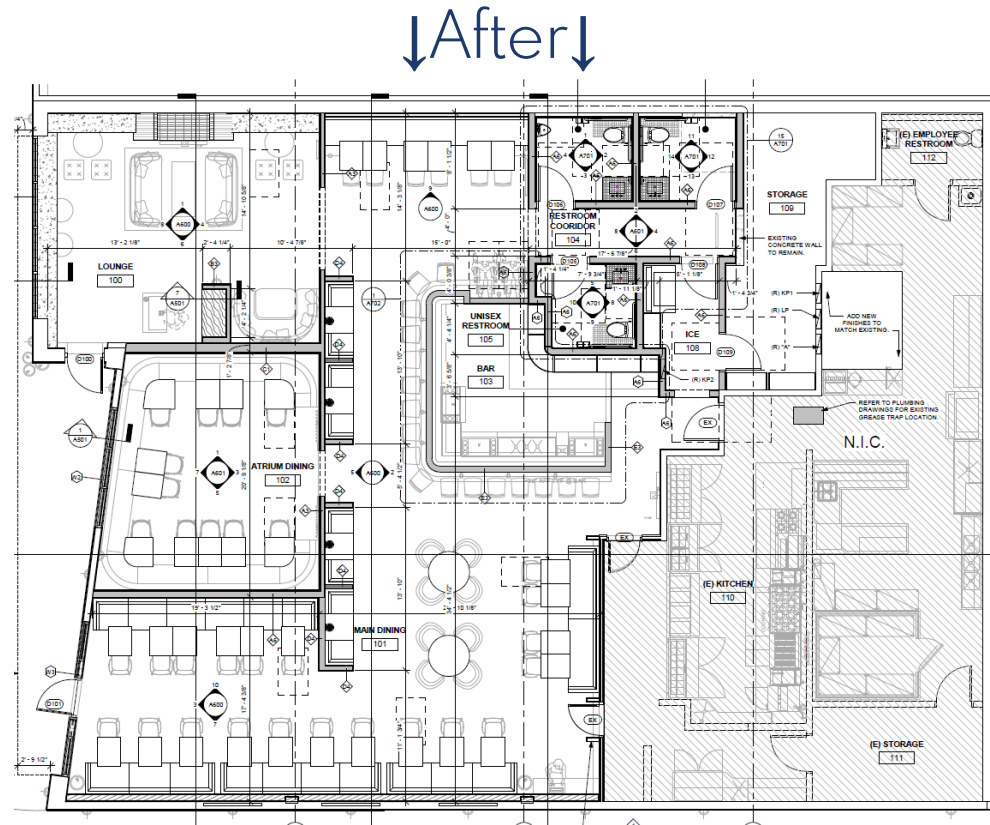
USE PERMIT AMENDMENT REQUEST

- Expand Hours
  - Existing Hours:
    - Monday - Wednesday: 11:00a.m. – 11:00p.m.
    - Thursday - Friday: 11:00a.m. – 12:00a.m.
    - Saturday: 7:00a.m. – 12:00a.m.
    - Sunday: 7:00a.m. – 11:00p.m.
  - Proposed Hours
    - Sunday – Wednesday: 6:00a.m. – 11:00p.m.
    - Thursday – Saturday: 6:00a.m. – 1:00a.m.
      - Alcohol Service ends at 12:00 a.m.

- No Live Entertainment

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USE PERMIT AMENDMENT REQUEST

↑Before↑

↓After↓

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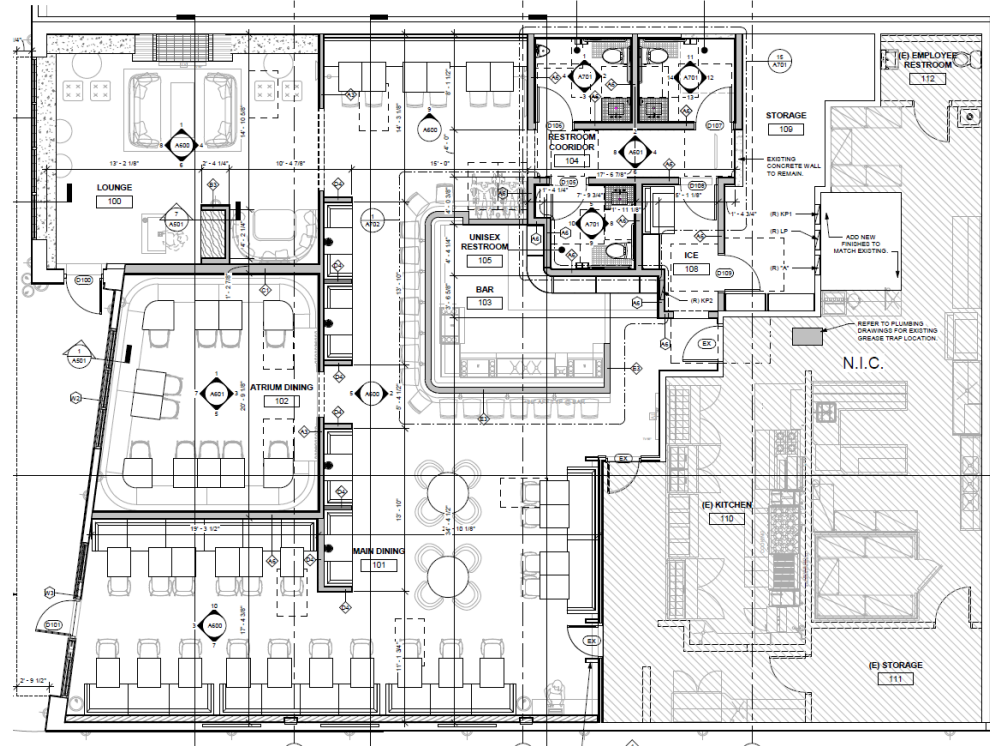
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PLANNING COMMISSION- 03/11/2020

- Concerns about Hours
  - Restaurant vs Bar
    - Floorplan

- New Conditions
  - No Alcohol Service After 12:00 a.m.
  - Windows Must Be Closed by 10:00 p.m.
  - One-Year Report to Planning Commission with Public Noticing

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APPEAL

- Appellant: Coastal Defender – March 21, 2020

- *Noise*
  - 25 Seats Next to Windows
  - Police Record: One Noise Call in 9 Years
  - Close All Windows by 10:00 p.m.
  - Live Entertainment is Prohibited

- *ABC Rules*
  - Already Operating with Type 47 License for 9 Years
  - No History of Disciplinary Action from ABC
  - Condition of Approval to Follow ABC's Rules

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APPEAL

- *Occupancy*
    - Plan Check Process: Planning, Building & Safety, Fire, and Public Works
    - No Building Permits Will Be Issued without Compliance

- *1:00 a.m. Closing Time is a Policy Change*
    - No Written Policy on Post-Midnight Closing Requirement
    - Use Permits Analyzed on Each Application's Unique Merits
        - Other Businesses' Entitlements Not Relevant to Request
    - Three Instances in Last 15 Years Where Post-Midnight Closing Times Were Left Unchanged
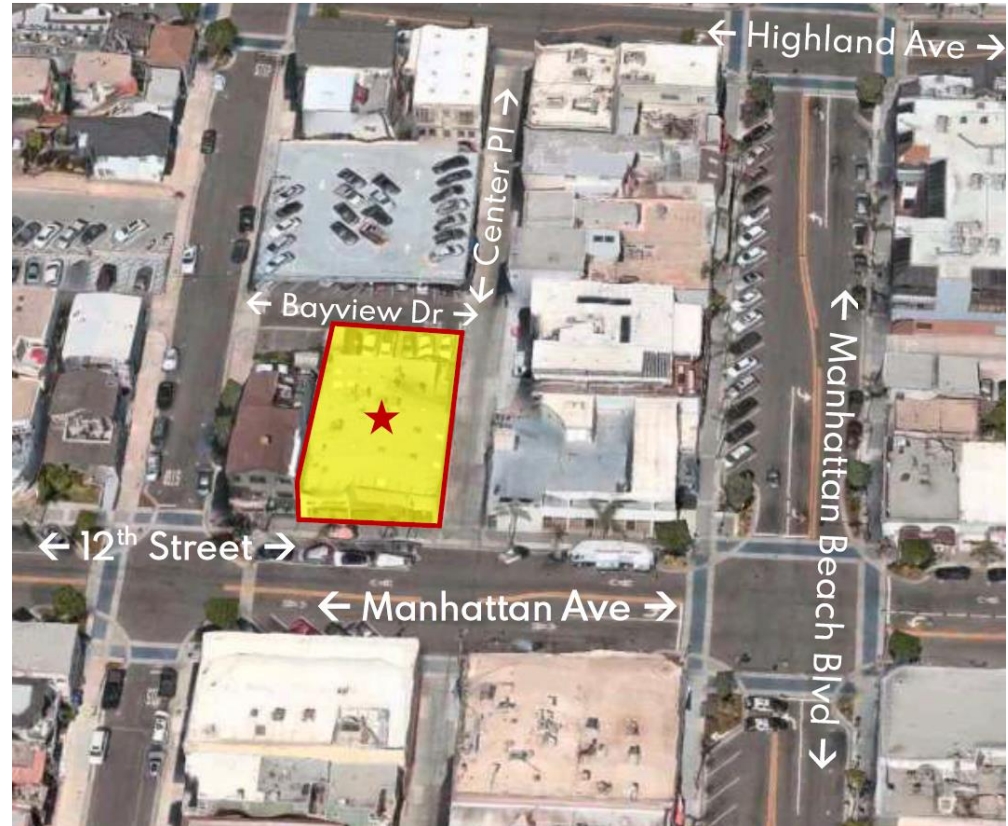
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REQUIRED FINDINGS

- "Use is in accord with... the purposes of the district..."

- "Not be detrimental to the public health, safety or welfare of persons residing or working... in or adjacent to the neighborhood of such use..."

- "Proposed use will comply with... any specific condition required for the proposed use in the district in which it would be located."

- "...Will not adversely impact or be adversely impacted by nearby properties."

- Use is compatible with surrounding uses

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REQUIRED FINDINGS

- Use is a Commercial Use in a Commercial Zone

- Neighboring Lots- Commercial/Restaurants

- Physical Barriers between Restaurant and Residential Neighbors

- One Noise Complaint in Nine Years of Operation

- Use is Compatible with Surrounding Commercial Uses

CITY OF
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PUBLIC COMMENT

- ## 33 Emails in Support of the Request

Brian Fuhrmann	Chris Fox	Michael Fairchild	David Jina	Stacie Jacobsen	Sequoia Clare	John Zanetos
Ellen LaBonte	Sonia Simms	Maria Marill	Chad Fahlbusch	Tyler Harms	Brew Johnson	Mary Ann Varni
Deborah Protell	Andrew & Jennifer Norman	Ellen Rosenberg	Natalie & Dave Shaby	Peggy Curry	Carla Morris	Rachel Zanetos
Kat Master	Bobby Massoudian	Mitra Hosseini	Elizabeth Mitchell	JR Johnson	Samantha Curry	Laurie Caine
Sherry Yard	Betsy McLaughlin	Megan Curry	Nate & Jessica Carlson	Downtown Business & Professional Association		

- ## Four Emails Opposed to Expansion of Hours

Jim Burton	Sandy Wu	Neil Leventhal	Steward Rembert

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CONCLUSION

- Conduct Public Hearing
- Direct Staff to Draft Resolution Approving Use Permit Amendment with Conditions

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