

NOTICE OF EXEMPTION

To:

Los Angeles County Clerk
12400 E. Imperial Highway, Room 1201
Norwalk, CA. 90650

State Clearinghouse CEQAnet Web Portal

In addition to submitting this Notice of Exemption (NOE) electronically to the State Clearinghouse CEQAnet Web Portal, the City has: posted the NOE on the City's website, where it will remain posted for 35 days; and has emailed the NOE to the Applicant, Appellant, and other interested parties, all in accordance with the Governor's Executive Order.

From: City of Manhattan Beach
Address: 1400 Highland Avenue
Manhattan Beach, CA. 90266

Subject: Filing of NOTICE OF EXEMPTION in compliance with Section 21152 of the Public Resources Code.

Project Title: 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

Lead Agency: City of Manhattan Beach, Community Development Department
Contact: Ted Faturos, Assistant Planner
Phone No: (310) 802-5512

Project Location: 1142 and 1144 Manhattan Avenue, Manhattan Beach CA, Los Angeles County

Project Description: 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 a Subway Restaurant located at 1144 Manhattan Avenue, and to expand the restaurant's operating hours.

Public Agency Approving Project: City of Manhattan Beach

Name of Person Carrying Out Project: Simms Restaurant Group

Exempt Status: Categorical Exemption pursuant to Title 14, Division 6, Chapter 3, Section 15301 (Existing Facilities) of the California Code of Regulations

Reasons for Exempt Status: CEQA Guidelines [14 Cal. Code Regs.] Section 15301 (Existing Facilities).

a. The Project consists of an expansion of an existing 3,283 square-foot restaurant into an adjacent existing restaurant space in the same structure, the enclosure of a 148 square-foot patio, and an increase in operating hours. The total expanded restaurant area for the Project will be 4,878 square feet. The

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additional 1,595 square feet [$4,878 - 3,283 = 1,595$] of expanded area thus represents an increase of 48.5% in the square footage: [$1,595 \div 3,283 = 48.5\%$]. The expansion is less than 50 percent of the floor area of the current restaurant and is less than 2,500 square feet, and thus fits within the language of Section 15301. The Project consists of interior and exterior renovations. Other than the enclosure of an existing 148 square-foot patio, there is no addition to the existing structure. Expanding operating hours does not entail construction, expansion, or addition.

b. There are no applicable exceptions under CEQA Guidelines Section 15300.2 that would apply and would render inapplicable a categorical exemption for the Project.

1. There is not a reasonable possibility that the expansion or increased hours will result in potential adverse cumulative impacts. Allowing one restaurant to expand its space and operating hours does not set any precedent, and any future, similar requests from other businesses would be considered on their own merits, based upon compatibility issues with its own neighborhood and surrounding uses.

2. There is no reasonable possibility that the Project will create a significant impact on the environment based on unusual circumstances. The expansion of an existing restaurant into an adjacent restaurant space in the same structure in an urbanized, commercial area is not unusual within the meaning of CEQA. The usual and ordinary interior and exterior modifications to and expansion of a restaurant into restaurant space in the same building are not unusual. Likewise, potential noise arising from additional hours of operation does not constitute an "unusual circumstance" within the meaning of CEQA. The expanded restaurant would continue to be compatible with surrounding commercial uses, including other restaurants, retail establishments, and offices, and thus the expansion will not affect the environment in an unusual way.

Lead Agency Contact Person: Ted Faturos Phone: (310) 802-5512

Signature  Title Assistant Planner Date May 14, 2020