

**RESOLUTION NO. PC 05-05**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A MASTER USE PERMIT AMENDMENT FOR THE MODIFICATION OF AN OUTDOOR PATIO ON THE PROPERTY LOCATED AT 401 MANHATTAN BEACH BOULEVARD (Pasta Pomodoro)**

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

SECTION 1. The Planning Commission of the City of Manhattan Beach hereby makes the following findings:

- A. The Planning Commission of the City of Manhattan Beach conducted a public hearing, received testimony, and considered an application for a master use permit amendment at its regular meeting of March 23, 2005; for the modification of an existing 450 square foot outdoor dining patio to remove encroaching area and include service of beer and wine on the property legally described as Lots 1 & 2, Block 97, Manhattan Beach Division #2 located at 401 Manhattan Beach Boulevard and 1148/1150 Morningside Drive in the City of Manhattan Beach.
- B. The applicant for the subject project is Pasta Pomodoro, and the owner of the property is Dana Ireland
- C. Pursuant to the California Environmental Quality Act (CEQA), and the Manhattan Beach CEQA Guidelines, the subject project has been determined to be exempt (Class 32) as infill development within an existing urbanized area per Section 15332 of the CEQA Guidelines.
- D. 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.
- E. The property is located within Area District III and is zoned CD Commercial Downtown. The surrounding private land uses consist of commercial and residential.
- F. The General Plan designation for the property is Downtown Commercial.
- G. The Local Coastal Program designation for the property is Downtown Commercial. A coastal development permit is not required since the project does not include a building enlargement or increase in intensity of land use classification.
- H. Approval of the patio modification and patio beer and wine service, subject to the conditions below, will not be detrimental to the public health, safety or welfare of persons residing or working 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 as detailed in the project Staff Report.
- I. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code.
- J. The project will not create adverse impacts on, nor be adversely impacted by, the surrounding area, or create demands exceeding the capacity of public services and facilities.
- K. A total of 34 parking spaces are required by this use permit. The property shall comply with this requirement by maintaining 34 city merchant parking permits or other equivalent qualifying off-site parking.
- L. This approval supercedes all previous use permit approvals on the site. Applicable conditions from the original master use permit establishing 3 separate commercial tenancies, and an amendment removing an on-site parking lot are included in this approval and shall remain in effect. This Resolution, upon its effectiveness, constitutes the Master Use Permit for the subject property.

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Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject master use permit application subject to the following conditions (\*indicates a site specific condition):

### Construction/General Operation

1. \* The project shall be operated in substantial compliance with the submitted plans as previously approved by the City Council on May 2, 2000, and Planning Commission on March 23, 2005, except that the rear parking lot portion of the plans shall be removed from the site. Any substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
2. \* The facility shall be limited to a maximum of 8,414 square feet of buildable floor area including a maximum of three tenant spaces. Uses permitted at the ground floor level shall be limited to restaurant, retail and personal services. Uses permitted at the upper floor level shall be limited to office, retail, and personal services. No single restaurant operation shall occupy more than 3,000 square feet of building floor area. The front restaurant (if applicable) shall have a maximum of 1,200 square feet of interior seating area and 450 square feet of outdoor seating area. The rear restaurant shall have a maximum of 1,721 square feet of interior seating area, 425 square feet of banquet/entertainment area and 270 square feet of outdoor seating area. Uses permitted at the upper floor level shall be limited to office, retail, and personal services.
3. A Traffic Management Plan shall be submitted in conjunction with any construction and other building plans, to be approved by the Police and Public Works Departments prior to issuance of building permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including delivery of materials and parking of construction related vehicles.
4. All electrical, telephone, cable television system, and similar service wires and cables shall be installed and maintained 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.
5. Detailed plans shall be provided for Community Development review of all improvements and treatments of outdoor areas adjacent to the building prior to issuance of applicable tenant improvement building permits. Alcohol beverages shall be prohibited in all outdoor areas. No improvements or use of the public right-of-way shall occur until issuance of a corresponding encroachment permit by the City Council. Any areas located between the building and the public sidewalk not used for dining area or entry/exit walkways shall be on-grade landscape planter areas. Any site planting plans shall utilize drought tolerant native plants and shall be submitted for review and approval. A low pressure or drip irrigation system shall be installed in the planting areas, which shall not cause any surface run-off. Details of the irrigation system shall be noted on the landscaping plans. The type and design shall be subject to the approval of the Public Works and Community Development Departments.
6. Security lighting for the site shall be provided in conformance with Municipal Code requirements including glare prevention design.
7. A covered trash enclosure(s), with adequate capacity shall be provided and maintained on the site subject to the specifications and approval of the Public Works Department, Community Development Department, and City's waste contractor. A trash and recycling plan shall be provided as required by the Public Works Department.

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8. \* A total of 34 off-site parking spaces shall be provided for the site. This requirement may be satisfied by city merchant parking permits, or other qualifying off-site parking pursuant to Chapter 10.64 of the Manhattan Beach Municipal Code. Parking permit fees and other parking permit requirements shall be provided in conformance with city/property owner agreements established pursuant to the City Council's direction on July 16, 2002.
9. \* Outdoor dining area boundaries shall be clearly delineated with railings or other physical barriers.
10. \* All new signs and sign changes shall be in compliance with the City's Sign Code. Pole signs and internally illuminated awnings shall be prohibited. A sign program identifying allocation and restrictions of signs shall be submitted to and approved by the Community Development Department prior to the issuance of any sign permits.
11. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance.
12. Any outside sound or amplification system or equipment is prohibited.
13. Operations shall comply with all South Coast Air Quality Management District Regulations and shall not transmit excessive emissions or odors across property lines.
14. Operations shall remain in compliance with all Fire and Building occupancy requirements at all times. The project shall conform to all disabled access requirements subject to the approval of the Building Official.
15. The management of the property shall police the property and all areas immediately adjacent to the businesses during the hours of operation to keep it free of litter.
16. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject businesses.
17. No waste water shall be permitted to be discharged from the premises. Waste water shall be discharged into the sanitary sewer system.
18. The design and construction of patio, planting, and other on-grade areas to be modified at the site's perimeter shall be coordinated and compatible with adjacent public and private improvements as determined to be appropriate by the Community Development Department. Perimeter locations where drainage improvements are specifically determined to be necessary by the Community Development Director shall be improved prior to any service or consumption of beer and wine at the modified front restaurant patio area.
19. The subject project shall contribute an appropriate "fair share" of funding toward the costs associated with upgrading the Morningside Drive sidewalk abutting the site if such a project is initiated prior to January 1, 2007.

**Restaurant Operations**

20. \* A maximum of 2 tenant spaces shall operate as eating and drinking establishment uses. A maximum of one restaurant may include counter customer service only in combination with a method of food preparation that involves interaction and direction from the customers. This use shall not be considered "take-out" restaurant use. Entertainment and dancing shall be permitted for private parties only, Thursday through Saturday, only within the banquet room located at the lower rear corner of the building. The banquet room shall have no exterior windows, doors, or other openings.




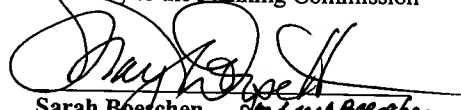
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**SECTION 3.** Pursuant to Government Code Section 65009 and Code of Civil Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution. The City Clerk shall send a certified copy of this resolution to the applicant, and if any, the appellant at the address of said person set forth in the record of the proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of March 23, 2005 and that said Resolution was adopted by the following vote:

**AYES:** Kuch, Simon, Chairman O'Connor  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Savikas

  
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**RICHARD THOMPSON,**  
Secretary to the Planning Commission

  
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**Sarah Boeschen,**  
Recording Secretary