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Type: Consent - Staff Report

Status: Agenda Ready

In control: [City Council Regular Meeting](#)

On agenda: 8/20/2024

Final action: 8/20/2024

Title: Consideration of a Commercial Encroachment Permit for an Existing Commercial Establishment Located at 401 Manhattan Beach Boulevard (Great White) and Associated Determination of Exemption Pursuant to the California Environmental Quality Act (CEQA) (Acting Community Development Director Heise). ADOPT RESOLUTION NO. 24-0091

Attachments: 1. [Resolution No. 24-0091](#), 2. [Encroachment Plans](#), 3. [Planning Commission Staff Report \(Web-Link Provided\)](#)

[History \(2\)](#)[Text](#)**TO:**

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Ryan Heise, Acting Community Development Director
Adam Finestone AICP, Planning Manager
Angelica Ochoa, Associate Planner

SUBJECT: Title

Consideration of a Commercial Encroachment Permit for an Existing Commercial Establishment Located at 401 Manhattan Beach Boulevard (Great White) and Associated Determination of Exemption Pursuant to the California Environmental Quality Act (CEQA) (Acting Community Development Director Heise).

ADOPT RESOLUTION NO. 24-0091**Body****RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution No 24-0091, approving the request for a commercial encroachment permit to accommodate an accessible ramp within the public right of way and finding the project exempt from CEQA.

FISCAL IMPLICATIONS:

Per Resolution No. 20-0025 approved on February 18, 2020, a \$3.00 per square foot monthly fee will be charged for the commercial use of the public right of way.

BACKGROUND AND DISCUSSION:

On January 18, 2024, the Community Development Department received an application requesting a Master Use Permit amendment for an existing structure located at 401 Manhattan Beach Boulevard.

The requested amendments serve to accommodate a new eating and drinking establishment tenant (Great White) within the existing tenant space, currently being used as an eating and drinking establishment (Pitfire Pizza).

The Planning Commission, at its regular meeting of July 24, 2024, approved (5-0) the Master Use Permit amendment, which includes modification of an existing structure to reduce the indoor seating area and increase the outdoor seating, expansion of the hours of operation for the outdoor patio area, and approval of sale and service of distilled spirits in addition to existing beer and wine sales and service, to accommodate the new tenant. As part of exterior changes to the existing building (Attachment), modification of the existing accessible ramp within the public right of way is proposed. The modification to the existing ramp and proposed commercial use of the public right of way are subject to a commercial encroachment permit.

While the Master Use Permit amendment was approved by the Planning Commission, the long-term commercial use of the public right of way requires City Council approval, per Section 7.36.170 (A) of the Manhattan Beach Local Coastal Program. Accordingly, Resolution No. PC 24-06 states that the Master Use Permit amendment shall not be effective unless and until the City Council approves an encroachment permit for long-term commercial use of the right of way for an accessible entrance ramp into the tenant space.

CONCLUSION:

Staff has provided the attached resolution for the City Council's consideration of approval of the commercial encroachment permit. This will allow the Community Development Department to issue the commercial encroachment permit for the construction of the accessible access ramp. Alternatively, the City Council could deny the request and the applicant would have to develop an alternative on-site solution for the accessible ramp.

PUBLIC OUTREACH:

After analysis, staff determined that public outreach was not required for this issue. However, the posted agenda for the City Council meeting did include a description of the item.

ENVIRONMENTAL REVIEW:

The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Class 1, Existing Facilities, Section 15301 of the State CEQA Guidelines, which exempts changes "consistent with the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing for former use." The proposed commercial encroachment permit involves the modification of an existing accessible ramp for the tenant's entry within the public right of way. There are no unusual circumstances or other applicable exceptions to the Class 1 exemption. Thus, no further environmental review is necessary.

LEGAL REVIEW:

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

ATTACHMENTS:

1. Resolution No.24-0091
2. Encroachment Plans
3. Planning Commission Staff Report (Web-Link Provided)