

RESOLUTION NO. PC 20-07

**RESOLUTION OF THE MANHATTAN BEACH PLANNING COMMISSION APPROVING
A MASTER USE PERMIT AMENDMENT FOR AN EXISTING COMMERCIAL
BUILDING LOCATED AT 1125 – 1131 MANHATTAN AVENUE AND 133 MANHATTAN
BEACH BOULEVARD TO ALLOW FULL LIQUOR SERVICE IN CONJUNCTION WITH
FOOD SERVICE AT AN EXISTING RESTAURANT SPACE WITH BEER AND WINE
AT 1131 MANHATTAN AVENUE (NANDO MILANO LA, LLC/VULLO)**

THE MANHATTAN BEACH PLANNING COMMISSION DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. On June 20, 1995, the Manhattan Beach City Council adopted City Council Resolution No. 5175, granting a Master Use Permit, Coastal Development Permit, and modification to an existing Sign Appeal for a multi-tenant building at the property located at 1125 -1131 Manhattan Avenue and 133 Manhattan Beach Boulevard, subject to a number of conditions. On February 18, 1997, the City Council adopted City Council Resolution No. 5312, modifying Resolution No. 5175. Under the entitlements conferred by City Council Resolution No. 5312, the tenant space located at 1129 Manhattan Avenue (Maui Wrap) was granted the ability to serve beer and wine as part of their restaurant operations, subject to certain conditions. On June 12, 2019, the Planning Commission adopted Resolution No. PC 20-19, modifying a Master Use Permit Amendment to allow full alcohol service in conjunction with food at an existing restaurant (Tacolicious) located at 1129 Manhattan Avenue.

SECTION 2. Nando Milano LA, LLC (“Restaurant Operator”) has applied for a Master Use Permit Amendment to allow full alcohol service in conjunction with food at an existing restaurant (Nando Trattoria) (the “Project”) located at 1131 Manhattan Avenue. The restaurant is part of a multi-tenant building located at 1125-1131 Manhattan Avenue and 133 Manhattan Beach Boulevard (collectively the “site”). The Restaurant Operator’s Doing Business As (DBA) name is Nando Trattoria. The property is owned by Crazy Horse Investments, LLC (“the “Property Owner”).

SECTION 3. On September 9, 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 State CEQA Guidelines Section 15301 (Existing Facilities) based on staff’s determination that there is no expansion of use associated with the Project, as the existing restaurant is shifting from beer and wine service to full alcohol service in conjunction with food, and the proposed hours are consistent with several other commercial establishments in the CD Downtown Commercial zone. 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 shifting from beer and wine service to full alcohol service in conjunction with food. The Project will neither individually nor cumulatively have an adverse effect on wildlife resources, as defined in Fish and Game Code Section 711.2.

SECTION 5. The Project is not required to obtain a Coastal Development Permit (CDP), as the Project does not meet the City’s Local Coastal Program’s (LCP) definition of a “development” (A.96.030). The Project is not an intensification of use, as the applicant’s use and the previous tenant’s use are both “Eating and Drinking Establishments” as defined in A.08.050 of the City’s LCP. An Eating and Drinking Establishment is a business that serves “prepared food or beverages for consumption”. The “Eating and Drinking Establishment” land use classification does not distinguish between the types of beverages served. Beer, wine, and distilled spirits are all beverages, and the fact the applicant’s new restaurant taking over the existing restaurant space will still serve beverages doesn’t change the intensity of use because the former restaurant also served beverages.

SECTION 6. The record of the public hearing indicates:

A. The legal description of the site is Lots 10, 11, & 12, Block 13, 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 in the Appealable Area of the Coastal Zone. The surrounding properties are zoned CD to the North (across Center Place), CD to the South (across Manhattan Beach Boulevard), CD to the East (across Manhattan Avenue), and CD to the West.

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. An eating and drinking establishment has been operating at 1131 Manhattan Avenue since 1995 under a Master Use Permit approved by the City Council in 1995. The use is located on the commercial portion of Manhattan Avenue in Downtown Manhattan Beach, with some of the surrounding businesses having similar operating characteristics. Any potential impacts associated with Nando Trattoria’s use are minimized by the physical distance between the use’s location and most residents in nearby blocks, with Manhattan Avenue, Center Place, Manhattan Beach Boulevard, and other commercial structures providing physical separation between Nando Milano and many neighboring structures.

D. The applicant is requesting to allow full alcohol service (beer, wine, and distilled spirits) in conjunction with food for a new restaurant taking over an existing restaurant space.

E. The Police Department has reviewed the request and has raised no concerns or objections.

F. 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 7. Based upon substantial evidence in the record, and pursuant to Manhattan Beach Municipal Code Section 10.84.060 and Local Coastal Program Section A.84.060, the Planning Commission hereby finds:

1. The proposed location of the use is in accord with the objectives of this title and the purposes of the district in which the site is located.

Nando Trattoria is a restaurant use located in the CD Downtown Commercial zone. The Municipal Code’s stated purpose for the CD Downtown Commercial zone is that the “district is intended to accommodate a broad range of community businesses and to serve beach visitors.” Restaurants are quintessential community business that help define a neighborhood. Restaurant uses provide food, beverages, and a sense of comradery to restaurant patrons, which include both residents and visitors. The service of alcoholic beverages alongside food is a common component of dining in a restaurant.

2. The proposed location of the 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.

Nando Trattoria’s restaurant use is a commercial use consistent with the General Plan’s Downtown Commercial land use designation of the subject and neighboring properties. 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 serve food and alcohol. Any potential impacts associated with Nando Trattoria’s use are minimized by the physical distance between the use’s location and most residents in nearby blocks, with Manhattan Avenue, Center Place, Manhattan Beach Boulevard, and other commercial structures providing physical separation between Nando Milano and many neighboring structures. The General Plan encourages a “vibrant downtown” that offers “services and activities for residents and visitors”, and Nando Trattoria is part of the downtown commercial mix of businesses that help create a dynamic and interesting Downtown. Nando Trattoria’s full alcohol service in conjunction with food service will is consistent with services provided to residents and visitors.

3. The proposed use 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.

Nando Trattoria 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, Nando Trattoria’s full alcohol service in conjunction with food service will fully comply with Municipal Code’s Title 10 Planning and Zoning and specific conditions imposed.

4. The proposed use will not adversely impact or be adversely impacted by nearby properties.

The use is located on the commercial portion of Manhattan Avenue in Downtown Manhattan Beach, with some of the surrounding businesses having similar operating characteristics. Any potential impacts associated with Nando Trattoria’s use are minimized by the physical distance between the use’s location and most residents in nearby blocks, with Manhattan Avenue, Center Place, Manhattan Beach Boulevard, and other commercial structures providing physical separation between Nando Milano and many neighboring structures. Full alcohol service in conjunction with food service will not create demands exceeding the capacity of public services and facilities.

SECTION 8. Based upon the foregoing, the Planning Commission hereby **APPROVES** the Master Use Permit Amendment to allow service of full alcohol service in conjunction with food service at an existing restaurant space at 1131 Manhattan Avenue subject to the following conditions:

1. The project shall be in substantial conformance with the project description submitted to, and approved by the Planning Commission on September 9, 2020 as amended and conditioned. Any substantial deviation from the approved 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 uses of the site shall be limited to the four specified tenant spaces, any of which may also be occupied during any interim periods by retail/personal service tenants.
6. The tenants shall provide a minimum of two off-site vehicle parking spaces which may include combinations of the following:
 - A. Payment of in-lieu fees to the Downtown Parking District Program.
 - B. Proof of access and use of off-site parking spaces located within a walking distance of up to 1,000 feet from the subject use. City parking permits in Downtown parking lots may be used for this purpose subject to any restrictions or limitations imposed by the City’s Local Coastal Program Plan and City Council’s policy on Downtown Parking.
7. Should any of the parking spaces provided for compliance with this condition become inaccessible or unusable during the life of the use, the Community Development Department shall be notified in writing immediately and this Master Use Permit Amendment shall become subject to revocation/modification action within 30 days if replacement parking is not obtained. Restaurant hours of operation shall be limited as follows:

1127 Manhattan Avenue	6:00am – 11:00pm, Sunday – Thursday
	6:00am – 1:00am, Friday – Saturday

1129 Manhattan Avenue	6:00am – 11:00pm, Sunday – Thursday 6:00am – 12:00am, Friday – Saturday
1131 Manhattan Avenue	6:00am – 11:00pm, Sunday – Thursday 6:00am – 12:00am, Friday – Saturday
133 Manhattan Beach Blvd	6:00am – 2:00am, Monday – Sunday

8. No live entertainment, live music, or dancing shall be permitted in any of the restaurants on site.
9. All interior amplified music shall be limited to background music only. The restaurant management shall control the volume of the music. Exterior music or amplified sound is prohibited.
10. The establishments at 1127 Manhattan Avenue and 133 Manhattan Beach Boulevard are permitted to maintain an “eating place with beer and wine” type of alcohol license. 1129 and 1131 Manhattan Avenue are permitted to maintain an “eating place with full alcohol” type of alcohol license. Alcohol service must be in conjunction with food service at all hours of operation for all restaurants, and no specific bar area serving exclusively alcohol shall be permitted in any of the restaurants.
11. The restaurants on the site shall comply with all South Coast Air Quality Management District Regulations and shall not transmit excessive emissions or odors across property lines.
12. The restaurants on the site shall maintain in compliance with all Fire and Building occupancy requirements at all times.
13. 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.
14. The operators of the business shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject business.
15. All rooftop mechanical equipment shall be screened from the public right-of-way.
16. 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.
17. Sale of alcoholic beverages for consumption off-premise is prohibited.
18. The restaurant operator shall be in substantial compliance with all restrictions imposed by the California Department of Alcoholic Beverage Control (ABC) prior to service of liquor.
19. At all times the business shall identify itself as a “restaurant” and will not identify itself as a “bar” in public advertisements.
20. 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.
21. At any time in the future, the Planning Commission or City Council may review the Master 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.

Refuse

22. A trash enclosure(s), with adequate total capacity for all site tenants, shall be provided on the site which is accessible from the exterior of the building for each tenant’s trash disposal and City pick-up, subject to the specifications of the Public Works Department, Community Development Department, and City’s waste contractor.
23. 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.
24. 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

25. All new signs and alterations to existing signs shall require sign permits. All signs shall be in compliance with the City's Sign Code except as provided below:
 - A. The permitted total sign area, upon replacement of all nonconforming signs, on the site may be a maximum of 165 square feet.
 - B. Each tenant space shall be permitted one square foot of wall sign area per lineal foot of tenant street frontage except for 1125 Manhattan Avenue.
 - C. The tenant space at 1125 Manhattan Avenue shall be permitted 80 square feet of wall sign area upon removal or 50% replacement of any of the existing nonconforming signs.
 - D. Freestanding or pole signs shall be prohibited on the subject property.
26. A-frame or other sidewalk signs in the public right-of-way shall be prohibited.
27. No temporary banner or other signs shall be placed on the site without City permit and approval.

Procedural

28. The property 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.
29. Terms and Conditions are Perpetual; Recordation of Covenant. The provisions, terms and conditions set forth herein are perpetual, and are binding on the property owner, its successors-in-interest, and, where applicable, all tenants and lessees of the site. Further, the property 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. Property 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 property owner, grant an extension to the 30-day time limit. The project approval shall not become effective until recordation of the covenant.
30. *Indemnity, Duty to Defend and Obligation to Pay Judgments and Defense Costs, Including Attorneys' Fees, Incurred by the City.* The restaurant operator 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 restaurant operator 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 restaurant operator of any claim, action, or proceeding and the City shall reasonably cooperate in the defense. If the City fails to promptly notify the restaurant operator of any claim, action, or proceeding, or if the City fails to reasonably cooperate in the defense, the restaurant operator 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 restaurant operator 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 restaurant operator 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 restaurant operator shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

SECTION 9. 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 10. This Resolution shall become effective when all time limits for appeal as set forth in MBMC Chapter 10.100 have expired.

SECTION 11. The Secretary of the Planning Commission shall certify to the adoption of this Resolution and shall forward a copy of this Resolution to the property owner. The Secretary shall make this resolution readily available for public inspection.

SECTION 12. This Master 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 and A.84.090 of the Local Coastal Program.

September 9, 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 **September 9, 2020** and that said Resolution was adopted by the following vote:

AYES: Burkhalter, Thompson, Ungoco, Fournier, Chair Morton

NOES: None

ABSTAIN: None

ABSENT: None

Carrie Tai, AICP,
Secretary to the Planning Commission

Rosemary Lackow,
Recording Secretary