



Legislation Text

File #: RES 16-0073, **Version:** 1

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Mark Danaj, City Manager

FROM:

Marisa Lundstedt, Community Development Director
Eric Haaland, Associate Planner

SUBJECT:

Encroachment Permit to Allow Retractable Awnings in the Public Right-of-Way - 117 Manhattan Beach Boulevard (The Strand House) (Community Development Director Lundstedt).

APPROVE

RECOMMENDATION:

The Parking and Public Improvements Commission recommends that the City Council adopt the attached Resolution (Attachment 1) allowing the retractable awnings over the public right-of-way.

FISCAL IMPLICATIONS:

There are no fiscal implications associated with the recommended action.

BACKGROUND:

MBMC Section 7.36.170 A (Long-term commercial use encroachment permits) provides that commercial use of the public right of way requires City Council approval, except for certain exceptions, including awnings. The Council had previously adopted Resolution No. 6304, allowing an encroachment permit for two second floor encroaching dining area balconies for the subject property. The applicant seeks permission to install retractable awnings over the balconies previously permitted. However, Resolution No. 6304 prohibits any additional encroachments. Thus, the Parking and Public Improvements Commission (PPIC) must review the request and forward its recommendations to the City Council. The City Council, after receiving this PPIC recommendation, can amend its previous approval as it determines to be appropriate. At its regular meeting of September 22, 2016, the PPIC recommended (4-1 vote, Nicholson dissenting) that the City Council approve the amendment to the encroachment permit to allow The Strand House restaurant to install retractable awnings over the balconies (Attachments 2 and 3).

DISCUSSION:

The submitted plan shows two new fabric awning structures being attached to the upper front wall of an existing two-story restaurant building, capable of extending over the existing 5-foot by 16-foot balcony dining areas, and receding back to the face of the wall. The applicant's request indicates the reasoning for the proposal is to provide safer cover for balcony diners than the current umbrellas provide. The proposed awnings have a low visual profile compared to many awnings and canopies

typical of Downtown commercial encroachments.

The PPIC recommended approval of the awning request for the following reasons:

1. The awnings shown have a low visual profile that will not be detrimental to public aesthetics.
2. The awnings should be safer, and could be less visually prominent, than portable umbrellas used for shade on the dining balconies.

The Commission did raise some concerns and questions regarding the proposal. Possible temporary installation without approval, or future requests, for siding material attached to the awnings, enclosing the balcony areas, was discussed as a concern. Southerly sun angles diminishing the shading effectiveness of the awnings was also discussed. The Commission asked if the applicant was currently paying a rental fee to the City for the commercial/dining use of City space, as is done for some Downtown restaurants that use ground surface right-of-way for dining area. The Finance Department does not charge a fee for above-ground space or for the more temporary sidewalk dining, and therefore the applicant does not pay such a fee.

The Commissioner opposing the request felt that the project should not be approved for reasons of aesthetics, fire safety concerns, and lack of shading effectiveness. The proposed awnings would be required to conform to all Building Safety and Fire Codes.

The attached draft resolution for approval of the proposed encroachment amendment includes a condition requiring the awnings to be retracted when the restaurant is closed, and other appropriate times, as directed by the City.

Manhattan Beach Municipal Code Section 7.36.065 requires the following findings to be made when approving Encroachment Permits:

- A. The granting of the encroachment permit will not be materially detrimental to the public health, safety, convenience, and welfare or injurious to property and improvements in the same vicinity and zone in which the property is located;
- B. The granting of the encroachment permit will be in conformity with the policies and goals of the General Plan;
- C. The proposed encroachment will comply with the provisions of this chapter, including any specific condition required;
- D. The proposed encroachment will not encroach into the area of the right of way occupied by an improved paved sidewalk or pedestrian or vehicular accessway or stairway, except as expressly provided in this chapter;
- E. The proposed encroachment will not reduce or adversely impact public pedestrian access along the paved and improved portion of the sidewalk, walk street, alley or stairway and does not reduce or adversely impact the vehicular access along the improved alley.
- F. For properties that are located in the coastal zone, the proposed encroachment will be

consistent with the public access and recreation policies of Chapter 3 of the California Coastal Act of 1976, as follows:

1. The proposed encroachment will not impact public access to the shoreline, adequate public access is provided and shall be maintained in the public right of way adjacent to the subject property (Section 30212 (a)(2)).
2. The present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area (Section 30221).

ALTERNATIVES:

1. Deny the request.
2. Approve a modified version of the proposed awnings.

PUBLIC INTEREST:

One comment received subsequent to the PPIC staff report completion was from a Downtown property owner supporting the awning encroachment proposal. Two other written public comments opposed the request, expressing aesthetic concerns, and that encroachment standard exceptions should not be approved without unusual circumstances being present. (Attachment 5)

ENVIRONMENTAL REVIEW

The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301m, Class 1 as the minor alteration to an existing facility.

LEGAL REVIEW

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

Attachments:

1. Draft Resolution No. 16-0073
2. PPIC Minutes excerpt- 9/22/16
3. PPIC Staff Report and Attachments- 9/22/16
4. Comment letters received subsequent to PPIC Report
5. Vicinity Map
6. Sidewalk Photos