

**CITY OF MANHATTAN BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT**

**TO:** Planning Commission

**THROUGH:** Richard Thompson, Director of Community Development

**FROM:** Laurie B. Jester, Planning Manager

**DATE:** June 24, 2009

**SUBJECT:** Consideration of a Master Use Permit Amendment for Modifications to the Existing Approvals for Hours of Operation, Size of Special Events, Dancing, Food Service, and Installation of a Glass Wall Between the Lobby Bar and Hotel Rooms at the Shade Hotel, Metlox Site, 1221 North Valley Drive (Manhattan Inn Operation Company, LLC- Michael A. Zislis, President)

**RECOMMENDATION**

Staff recommends that the Planning Commission **CONDUCT THE PUBLIC HEARING, DISCUSS, and PROVIDE DIRECTION.**

**PROPERTY OWNER**

City of Manhattan Beach  
1400 Highland Avenue  
Manhattan Beach, CA 90266

**APPLICANT**

Manhattan Inn Operation Company  
1221 North Valley Drive  
Manhattan Beach, CA 90266

**PROJECT OVERVIEW**

The Metlox project was approved by the City Council in July 2002 and includes a two-story subterranean public parking structure accommodating approximately 460 cars with a public Town Square on top of the parking deck, as well as a commercial development approximately 63,850 square feet in area,. The commercial development includes a 38-room hotel, the Shade Hotel.

The proposed project is a modification of the previously approved Master Use Permit to allow an extension of hours, an increase in the number of people allowed for special events, dancing, full food service, and a glass wall to separate the lobby bar from the interior hotel courtyard. A summary of the allowed uses, hours of operation, alcohol service and entertainment for various uses on the Metlox site is attached as Exhibit A.

## **BACKGROUND**

The Metlox project is the culmination of many years of community participation and input through workshops and meetings. The following is a summary of some of the key milestones for the Metlox site:

- 1995- 96- The City Council authorized development of the Downtown Strategic Action Plan (DSAP) to provide a comprehensive approach and community vision for the Downtown including the Metlox site
- 1997/98- The City purchased the Metlox property to control development and Master Plan the site
- 1998- 2001 Numerous public meetings and workshops held to solicit public input on the site and Downtown
- December 1998- The City selected the Tolkin Group as a development partner
- April 2001- The City Council certified the Environmental Impact Report (EIR)
- April 2002- The City Council approved the Disposition and Development Agreement (DDA)/Ground Lease
- July 2002- Master Use Permit and Coastal Development Permit for the Metlox project approved by the City Council- (CC Resolution No. 5770- attached Exhibit B)
- November 2002- California Coastal Commission denied the appeal of the Coastal Development Permit, and unanimously approved the Permit
- February 2003- Groundbreaking for the Metlox parking structure
- January 2004- Grand opening of public parking structure with 460 parking spaces
- April 2004- Shade Hotel construction commenced
- September 2004- Construction of the Metlox commercial buildings started
- December 2005- Shade Hotel opened
- May 2005- Shade Hotel Use Permit Amendment approved to allow full alcohol service throughout the Hotel to the general public as well as guests (as required for conformance with the State ABC license), and to increase the number of people allowed at special events from 60 to 99. (PC Resolution No. 05-08- attached Exhibit C)
- December 2005- Petros Use Permit Amendment to allow the restaurant to remain open one more hour, with closing times of 12:00 am (midnight) Sunday –Thursday, 1:00 am Friday and Saturday and to allow limited alcohol sales for off-site consumption
- May 2008- Le Pain Quotidien Bakery Use Permit Amendment to allow service of limited beer and wine with food 10:00 am to 7:30 pm, seven days a week.

## **PROJECT DESCRIPTION**

### **Overview**

The Shade Hotel requests that five changes be made to the existing Master Use Permit:

1. **Hours-** Allow an extension of hours for all locations in the hotel from 6:00 am until 12:00 am (midnight) Sunday through Thursday, and until 1:00 am Friday and Saturday as well as nights before Holidays and New Years Eve. The current approval allows hours until 11:00 pm for the lobby bar and outside terrace and 10:00 pm for the rooftop (with

alcohol service stopping 1 hour prior). The interior courtyard is allowed to have special events (weddings, parties, etc.) up until 11:00 pm Sunday-Thursday and 12:00 am (midnight) Friday and Saturday (with alcohol service stopping ½ hour prior).

2. **Special Events-** Allow an increase to 150 people for special events The current approval allows 99 people for special events.
3. **Dancing-** Allow dancing throughout the facility during all hours of operation for all customers, instead of limiting dancing to guests at special events only.
4. **Food Service-** Allow full food service, with the same hours as above, open to the public (breakfast, lunch and evening “small plates”). The approval currently allows limited food service only for hotel guests, with breakfast served from 6:00 am to 10:00 am Monday-Friday and 6:00 am-11:00 am Saturday and Sunday, no lunch service and room service at any time. Evening appetizers may be served to the general public, and the ABC license requires that food be available when alcohol is sold. Full food service for guests at special events is allowed.
5. **Wall-** Allow installation of an openable accordion glass wall to separate the lobby bar from the interior hotel courtyard, instead of the open walkway that currently separates the lobby and the hotel courtyard. This would create an enclosed hallway to separate the lobby from the hotel courtyard and rooms.

### **Applicant Description**

The applicant states that the reason for the Amendment is to clarify and fine-tune the Hotels status as a “four-star” destination and as the anchor for the Metlox Plaza. They believe that the Amendments will put them on a level playing field with other luxury hotels as well as other hospitality businesses. Additionally, they indicate that the modifications will help support the Hotels revenues with the economic slowdown. In the project application materials the applicant provides a more complete project background, addresses modifications to the site to address operational issues that they have undertaken over the years, and provides a redline-strike out of proposed language changes to the Master Use Permit conditions. (Exhibit D)

### **Master Use Permit and Coastal Permit**

The applicant addressed the required Use Permit findings in their application, as discussed above. In accordance with Chapter 10.84 of the MBMC the Planning Commission conducts a public hearing and has the authority to approve, approve the conditions or deny the Use Permit Amendment. With any action the Use Permits findings must be considered (10.84.060) , and conditions (10.84.070) may be placed on an application.

The Coastal Development Permit for the original Master Use Permit was issued by the California Coastal Commission and because there are no relevant coastal issues related to the subject application an amendment to the Coastal Permit is not required. Hotels and food service are considered visitor serving uses by the Coastal Commission, which encourages these types of uses to allow the public the ability to access and enjoy the coastal region and resources.

Additionally, the Coastal Commission does not regulate alcohol or alcohol related provisions in local land use decisions such as Use Permits.

### **Entertainment**

The Master Use Permit, Condition No. 40 or Resolution No. 5770, regulates entertainment on the site by requiring an annual Entertainment Permit for any entertainment other than non-amplified background-type music, with a maximum of 2 entertainers. The Entertainment Permit is required to be submitted to the Director of Community Development for review and approval, with input from the Police and Fire Departments. Appropriate conditions are placed on the Permit to minimize potential negative impacts including, but not be limited to, hours, size and location of performance or dance area, size of band and number of performers, numbers of performance days per week, type and location of amplification, speakers and soundproofing, and volume of amplification. The Permit is reviewed annually to determine if it is appropriate to renew the permit, deny the permit, or modify the conditions of approval. Since issues may arise with the combination of the alcohol and entertainment, this condition provides the tools to assure that any potential issues are addressed. The Entertainment Permit conditions may be more restrictive than the Use Permit, although the applicant has requested that they be consistent.

### **Disposition and Development Agreement (DDA)**

The DDA for the Metlox site is an agreement between the City and the project developer, the Tolkin group, that establishes uses, lease terms, rent, maintenance and other responsibilities and requirements for both the City and Tolkin. The City Council negotiated and approved the document, and through the Use Permit Amendment the Council will consider and approve an amendment to the DDA if required.

### **Metlox site future projects**

Over the past several months staff has had discussions with the landlord and several tenants about amending the Master Use Permit for the site. The site has evolved over the years and the landlord and tenants would like to respond to those changes and anticipate future needs. Some flexibility in the uses on the site may be desired to respond to customer and tenant needs as taste, and leisure and consumption patterns evolve. The landlord is still formulating ideas for these future revisions and is not ready at this time to submit a proposal. Any future plans will be reviewed by staff to determine if an amendment to the Master Use Permit and/or DDA is required.

### **Noticing and comments**

Notices of the public hearing were mailed to all property owners within a 500 foot radius of the project site and published in the Beach Reporter. Public comments are attached as Exhibit E. Concerns were raised by the public regarding noise, alcohol, hours and operations.

The application was also circulated to other Departments for review and comments. The Police Department verbally indicated that they felt that having consistent hours of operation for all tenants and uses on the Metlox site would be beneficial and easier to enforce. The Police Department provided Planning Staff information on the Police Call History for the Shade Hotel from May 2008 through May 2009. During this one-year period there were 20 calls reporting disturbances such as music, parties, and loud noises. For the majority of these calls, the Police Department responded,

then advised and assisted at the site, as well as with the complainants. The Police also indicated to staff that on rare occasions a report will go directly to the watch commander and not through the dispatch and in these cases the complaint would not be on the Police Call History List. The Police Department does regularly patrol the Metlox site, both on foot and by vehicle, an average of 1-2 times a week during the summer months and less often during other times of the year according to records, although routine patrols are not always documented in the Call History.

The Public Works Department and Engineering Division indicated that the Hotel would need to confirm that the grease interceptor is adequate to accommodate any increased capacity due to the proposed increase in food service and a maintenance program with regular inspections would be necessary. They also stated that possible impacts with increased trash generation needed to be addressed. The Building Safety Division and Fire Department indicated that adherence to maximum building occupancy would be critical. If the Planning Commission recommends approval of the project then all of the comments from other Departments, attached as Exhibit F, will be incorporated into the conditions of approval as appropriate. Additionally, a list of businesses with alcohol licenses in the Downtown is included as Exhibit G.

### **Environmental Review**

An Environmental Impact Report for the Metlox/Civic Center project was certified by the City of Manhattan Beach City Council on April 17, 2001 (State Clearinghouse No. 99121090), which includes the environmental clearance for the Metlox project. There have been no substantial changes to the project, the surrounding area or environment, and the facts associated with the project have not substantially changed from those evaluated in the certified EIR from an environmental impact viewpoint. Therefore, the existing certified EIR is a valid environmental document that adequately evaluates the environmental impacts of the project in accordance with the requirements of CEQA and the project can rely upon this document for conformance with the requirements of CEQA. The EIR includes Mitigation Measures and a Mitigation Monitoring and Reporting Program in accordance with the requirements of CEQA. The Environmental Impact Report is on file and available for public review at the City of Manhattan Beach Community Development Department, City Clerks office, the public Library, and on the City's website.

### **CONCLUSION**

The project before the Planning Commission is an Amendment to the Master Use Permit for the Shade Hotel. Staff recommends that the Planning Commission open the public hearing, discuss the project, provide direction, and continue the public hearing to a date certain.

### **ATTACHMENTS**

- Exhibit A: Summary of Metlox allowed hours, Alcohol Service and Entertainment
- Exhibit B: City Council Resolution No. 5770- Master Use Permit- Metlox
- Exhibit C: Planning Commission Resolution No. PC 05-08- Shade Hotel Master Use Permit Amendment
- Exhibit D: Application with Project Description and Findings
- Exhibit E: Public comments
- Exhibit F: Department comments

Exhibit G: List of Establishments with Alcohol licenses in Downtown  
Exhibit H: Plans- (Not available electronically)

c: Mike Zislis- Shade Hotel  
Jon Tolkin- Tolkin Group  
Glenn Loucks- Tolkin Group

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**Metlox**  
**Allowed Hours, Alcohol Service and Entertainment**  
**11-08**  
**[CC Resolution No. 5770, and PC Resolution No's. 05-08**  
**(Shade), 06-20 (Petros) and 08-08 (Le Pain)]**

**Shade Inn-Hours**

**Lobby Zinc Bar and Zinc Terrace (outdoor south side)-** 11:00 PM daily

**Interior Courtyard-** Only to be used for special events and functions -11:00 pm Sunday –Thursday, 12:00 midnight Friday and Saturday. (Alcohol service to stop ½ hour prior)

**Rooftop Deck-** 10:00 pm daily (Alcohol service to stop 1 hour prior)

**Town Square and Sashi Sushi Restaurant -Hours**

11:00 pm Sunday –Thursday, 12:00 midnight Friday and Saturday (Alcohol service at restaurant to stop at 10:30 pm Sunday –Thursday, 11:30 pm Friday and Saturday)

**Petro's Restaurant -Hours**

12:00 am (midnight) Sunday –Thursday, 1:00 am Friday and Saturday (Alcohol service at restaurant to stop at 11:30 pm Sunday –Thursday, 12:30 pm Friday and Saturday)

**Le Pain Quotidien Bakery- Hours**

7:00 am to 7:30 pm seven days a week. Service of limited beer and wine with food 10:00 am to 7:30 pm, seven days a week.

**All tenants-Entertainment**

Background music, non-amplified limited to 2 entertainers allowed without a permit.

Dancing, amplified live music, or more than 2 entertainers requires an Entertainment Permit.

Shade has an Entertainment Permit, no other tenant do. Any events require a 7 day prior notice and the Permit has a number of other conditions.

RESOLUTION NO. 5770

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH APPROVING A MASTER USE PERMIT AND COASTAL DEVELOPMENT PERMIT TO ALLOW THE CONSTRUCTION OF A NEW COMMERCIAL DEVELOPMENT, PUBLIC AREAS, AND RELATED IMPROVEMENTS, AT THE METLOX SITE- 1200 MORNINGSIDE DRIVE (Metlox, LLC c/o Tolkin Group)

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council of the City of Manhattan Beach, California, hereby makes the following findings:

- A. Metlox, LLC c/o Tolkin Group is seeking approval of a Master Use Permit and Coastal Development Permit, to allow the construction of a new commercial development, public areas, and related improvements, at the Metlox site- 1200 Morningside Drive in the City of Manhattan Beach.
- B. In accordance with the Manhattan Beach Local Coastal Program (MBLCP) a Use Permit approval is required for the project in the Downtown Commercial Zone.
- C. The subject property is located within the City of Manhattan Beach Coastal Zone, in the non-appealable area, and is subject to a Coastal Development Permit.
- D. The applicant is Metlox, LLC c/o Tolkin Group and the property owner is the City of Manhattan Beach.
- E. The following is a summary of some of the key milestones for the Metlox site:
  - 1995- 96- The City Council authorized development of the Downtown Strategic Action Plan (DSAP) to provide a comprehensive approach and community vision for the Downtown including the Metlox site
  - 1997/98- The City purchased the Metlox property to control development and Master Plan the site
  - 1998- 2001 Numerous public meetings and workshops held to solicit public input on the site and Downtown.
  - December 1998- The City selected the Tolkin Group as a development partner based on a project consisting of 141,000 square feet - project size reduced several times over the years due to public concern and the project proposed is 63,850 square feet
  - April 2001- The City Council certified the EIR and directed Staff and the Tolkin Group to work together to revise the project to:
    - Reduce the size to 60-65,000 square feet
    - Reduce the height to 26 feet, and
    - Consider reducing the height or eliminating the Lookout Tower
  - April 2002- The City Council approved the Disposition and Development Agreement (DDA)/Ground Lease
  - May 2002- The City Council approved two levels of public parking on the Metlox site
  - June 2002- Application for a Master Use Permit and Coastal Development Permit for the Metlox site submitted
- F. The Planning Commission of the City of Manhattan Beach conducted a public hearing regarding the project at their regular scheduled meeting of June 26, 2002 and continued the public hearing to July 10, 2002. The public hearings were advertised pursuant to applicable law and testimony was invited and received. At the meeting of July 10, 2002, the Planning Commission adopted Resolution No. PC 02-17 determining compliance with the California Environmental Quality Act (CEQA) and a previously certified Environmental Impact Report which includes Mitigation Measures and a Mitigation Monitoring Program, and adopting a Statement of Overriding Considerations, Resolution No. PC 02-18, approving the Master Use



Permit and Coastal Development Permit for the commercial development and the public areas, and Resolution No. PC 02-19, approving the Master Use Permit and Coastal Development Permit for the subterranean public parking structure. All decisions set forth in those resolutions are based upon substantial evidence received at said public hearings.

- G. The City Council of the City of Manhattan Beach conducted a public hearing regarding the project at their regular scheduled meetings of July 16, 2002. The public hearing was advertised pursuant to applicable law and testimony was invited and received. All decisions set forth in this resolution are based upon substantial evidence received at said public hearing.
- H. An Environmental Impact Report for the Metlox/Civic Center project was certified by the City of Manhattan Beach City Council on April 17, 2001 (State Clearinghouse No. 99121090), which includes the environmental clearance for the Metlox project. The Environmental Impact Report is on file and available for public review at the City of Manhattan Beach Community Development Department, City Clerks office, public Library and on the City's website. On June 26 and July 10, 2002 the Planning Commission held public hearings to discuss the proposed project, including the Master Use Permit, Coastal Development Permit, and compliance with the requirements of CEQA. On July 10, 2002 the Planning Commission adopted Resolution No. PC 02-17 determining the project is in compliance with CEQA, and adopting a Statement of Overriding Considerations with regard to unavoidable significant impacts.
- H. The property is located within Area District III and is zoned Downtown Commercial. The properties to the west and south are also zoned Downtown Commercial, the properties to the north are zoned Downtown Commercial and Public and Semipublic, and the properties to the east are zoned Open Space.
- I. The General Plan designation for the property is Downtown Commercial.
- J. The proposed project will provide a new approximate 63,850 square foot commercial development and approximately 40,000 square feet of public areas. A separate Master Use Permit and Coastal Development Permit for approximately 430 subterranean public parking spaces on the project site is proposed. Street improvements were approved with the Public Safety Facility Use Permit and Coastal Development Permit, including the extension of 13<sup>th</sup> Street as a two-way street from Morningside Drive east to Valley Drive, conversion of Valley Drive from one-way southbound traffic to two-way traffic between 13<sup>th</sup> and 15<sup>th</sup> Streets, and conversion of Morningside Drive to one-way northbound traffic between Manhattan Beach Boulevard and 13<sup>th</sup> Street.
- K. The existing surface parking lot at 1148 Morningside Drive, approximately 400 square feet in area and located south of the Metlox loading area, may be added to the project site to provide a pedestrian and/or vehicular entryway into the project from Morningside Drive. The City is currently in the process of negotiating the purchase of the parking lot site. This may result in more than three buildings being included in the project however the total approved square footage (63,850 square feet) would not be exceeded. The total parking provided in the subterranean public parking structure would increase by approximately 28 spaces.
- L. Construction of the commercial buildings and public areas are anticipated to take approximately 10 months beginning in October 2003, with completion in August 2004. Prior to construction of the commercial building and the public areas, the subterranean parking structure will be constructed, with construction anticipated from January 2003 through October 2003.
- M. 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.
- N. This Resolution, upon its effectiveness, constitutes the Master Use Permit and Coastal Development Permit for the subject property.
- O. Based upon State law, and MBLCP Section A.84.050, relating to the Master Use Permit application for the proposed project, the following findings are hereby made:

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 since, the proposed Metlox project is consistent with the Downtown Commercial (CD) Zone purpose in that the appearance and effect of the buildings are harmonious with the character of the area in which they are located. The building materials, scale, roof pitches, and details are compatible with the existing Downtown environment, the Civic Center, and the surrounding commercial and residential uses. The scale and articulation of the façade of the proposed structures is consistent with the surrounding residential and commercial area, which has 1 to 3 story buildings, approximately 30 feet in height. The Metlox project is primarily 2-story, 26 feet in height with limited architectural features up to 30 feet in height, with the possibility of a limited 3<sup>rd</sup> story for the Inn.

The parking and loading facilities are adequate in that they will expand the existing onsite parking and will exceed the parking demand. The buildings are also pedestrian oriented, providing doors and windows at the sidewalk and Plaza, and maintaining pedestrian links within the site and to the Civic Center and other surrounding sites which then link to parks, open space and the beaches.

The project provides a full range of office, retail commercial, and service commercial uses needed by residents of, and visitors to, the city and region. Metlox will strengthen the city's economic base, but also protect small businesses that serve city residents. The project is intended to create a suitable environment for various types of commercial uses, and protect surrounding residential uses from the potential adverse effects of inharmonious uses by minimizing the impact of commercial development on adjacent residential districts. Additionally the Metlox project is intended to accommodate a broad range of community businesses and serves beach visitors.

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 since, the Metlox project is consistent with the following General Plan Goals and Policies. Additionally, since the project is consistent with the Local Coastal Program (LCP), as discussed below, and since the LCP is consistent with the General Plan, the project is also consistent with the General Plan.

#### **GOALS AND POLICIES: LAND USE**

##### **GOAL 1: MAINTAIN THE LOW PROFILE DEVELOPMENT AND SMALL TOWN ATMOSPHERE OF MANHATTAN BEACH.**

Policy 1.1: Limit the height of new development to three stories where the height limit is 30 feet or to two stories where the height limit is 26 feet, in order to protect the privacy of adjacent properties, reduce shading, protect views of the ocean, and preserve the low profile image of the community.

Policy 1.2: Require the design of all new construction to utilize notches, or balconies, or other architectural details to reduce the size and bulk.

Policy 1.3: Require the use of landscaping and setbacks to reduce the bulk in new buildings and add visual interest to the streetscape.

Policy 2.3: Protect public access to and enjoyment of the beach while respecting the privacy of beach residents.

##### **GOAL 3: ENCOURAGE THE PROVISION AND RETENTION OF PRIVATE LANDSCAPED OPEN SPACE.**

Policy 3.1: Develop landscaping standards for the Downtown which serve as a unifying and humanizing theme for the area.

Policy 3.3: Encourage the replacement of mature trees removed by new construction activity throughout the City with specimen trees.

Policy 4.1: Protect all small businesses throughout the City which serve City residents.

Policy 5.1: The City recognizes the need for a variety of commercial development types and has designated areas appropriate for each. The City shall encourage development proposals which meet the intent of these designations.

Policy 5.2: Require the separation or buffering of low-density residential areas from businesses which produce noise, odors, high traffic volumes, light or glare, and parking through the use of landscaping, setbacks, and other techniques.

GOAL 6: CONTINUE TO SUPPORT AND ENCOURAGE THE VIABILITY OF THE "DOWNTOWN" AREA OF MANHATTAN BEACH.

Policy 6.1: Encourage the upgrading and expansion of business in the Downtown area to serve as a center for the community and to meet the needs of beach area residents.

Policy 6.2: Develop and encourage the use of design standards for the Downtown area to improve its visual identification as a unique commercial area.

GOAL 7: PROTECT EXISTING RESIDENTIAL NEIGHBORHOODS FROM THE INTRUSION OF INAPPROPRIATE AND INCOMPATIBLE USES.

3. The proposed use will comply with the provisions of this title, including any specific condition required for the proposed use in the district in which it would be located since, the required notice and public hearing requirements have been met, all of the required findings have been addressed, and conditions will be required to be met prior to the issuance of a certificate of occupancy.
4. The proposed use will not adversely impact nor be adversely impacted by nearby properties. Potential impacts are related but not necessarily limited to: traffic, parking, noise, vibration, odors, resident security and personal safety, and aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated. All of the potential impacts related to the proposed project were evaluated and addressed in the Certified EIR. The Mitigation Measures applicable to the Metlox commercial development and public areas portion of the EIR will all be complied with. Conditions to conform to applicable Code standards will apply. A temporary construction plan will ensure that construction impacts will be minimized to the extent feasible.

P. Based on the MBLCP Sections A.96.150 the following findings are made:  
That the project, as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified Manhattan Beach Local Coastal Program, since the project is consistent with the following applicable policies from Chapter 4 of the Local Coastal Program:

**COASTAL ACCESS POLICIES**

**A. Access Policies**

Policy I.A.1: The City shall maintain the existing vertical and horizontal accessways in the Manhattan Beach Coastal Zone.

Policy I.A.3: The City shall preserve pedestrian access systems including the Spider Web park concept (Spider Web park concept: a linear park system linking the Santa Fe railroad right-of-way jogging trail to the beach with a network of walkstreets and public open spaces. See Figure NR-1 of the General Plan).

**B. Transit Policies**

Policy I.B.3: The City shall encourage pedestrian and bicycle modes as a transportation means to the beach.

**II. COASTAL LOCATING AND PLANNING NEW DEVELOPMENT POLICIES**

Policy II.1: Control Development within the Manhattan Beach coastal zone.

**A. Commercial Development**

Policy II.A.2: Preserve the predominant existing commercial building scale of one and two stories, by limiting any future development to a 2-story maximum, with a 30' height limitation as required by Sections A.04.030, A.16.030, and A.60.050 of Chapter 2 of the Implementation Plan.

Policy II.A.3: Encourage the maintenance of commercial area orientation to the pedestrian.

Policy III.3: The City should continue to maintain and enforce the City ordinances that prohibit unlawful discharges of pollutants into the sewer system or into the tidelands and ocean. (Title 5, Chapter 5, Article 2; Chapter 8).

Policy III.14: City Storm Water Pollution Abatement Program: The City of Manhattan Beach has initiated a storm water pollution abatement program that involves not only several of the City departments working together, but also the other cities in the Santa Monica Bay watershed. The initial action plan was to create a new ordinance regarding illegal dumping to catch basins and the storm drain systems. In the process it was found that a number of ordinances already exist on the books that cover most of the original concerns. It was determined that those significant codes contain strong enforcement capabilities and that the present city staff needs to be educated and made aware of those existing codes, some of which date back to the 1920's but are still enforceable. The program is to develop codes and building standards to implement the Good Housekeeping requirement and the Best Management Procedures of the Santa Monica Bay Restoration Project Action Plan, educate staff, eliminate potential loopholes within the existing code sections, and initiate supplemental ordinances regarding storm water pollution abatement giving the County the right to prosecute polluters to the County storm drain system (a requirement of the Santa Monica Bay storm way discharge permit).

The Final EIR for the Civic Center/Metlox project also provides a discussion on consistency with the policies of the LCP.

**SECTION 2.** The City Council of the City of Manhattan Beach hereby APPROVES the subject Master Use Permit and Coastal Development subject to the following conditions.

**General Conditions**

1. The proposed project shall be in substantial conformance with the plans submitted and the project description, as approved by the City Council on July 16, 2002, subject to any special conditions set forth below. Any substantial deviation from the approved plans and project description must be reviewed and approved by the Planning Commission.

***Site Preparation/Construction***

2. A Traffic Management and Construction 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 but not limited to delivery of materials and parking of construction related vehicles.
3. During the demolition and construction phases of development, a daily clean-up program for all areas affected by the project shall occur, including the pickup of all debris (utilizing an approved trash dumpster or other trash control method) at day's end and the sweeping and continued watering down of the site to assist in mitigating the movement of dirt and dust upon adjoining properties.
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. Existing utility poles and lines on the project site and immediately adjacent to the project site, not including any across any street, must be placed underground pursuant to the requirements of Public Works.

***Operational***

5. Operations shall comply with all South Coast Air Quality Management District Regulations and shall not transmit excessive emissions or odors across property lines.
6. Plans shall be submitted to the Director of Community Development for review and approval that shows all proposed rooftop mechanical equipment screened from the public right-of-way in accordance with the requirements of the MBMC. Equipment and screening may be incorporated into the architectural features allowed on the buildings. Equipment shall be installed per the approved plans prior the building permit final.
7. Post construction (operational) noise emanating from the site shall be in compliance with the Manhattan Beach Municipal Code Noise Ordinance, Chapter 5.48.
8. Delivery operations shall be conducted in such a manner so as not to be in violation of the city's noise ordinance. The term "delivery activities" shall include, vehicles or delivery equipment being started or idled, playing of radios, tape players or other devices, loud talking, and unloading of materials. Business delivery doors shall not be opened before hours of permitted deliveries as specified herein. Delivery vehicles shall park in designated commercial loading areas only and shall not obstruct designated fire lanes.

9. Landscaping and maintenance activities (including, but not limited to parking lot cleaning, grounds-keeping, and outdoor equipment cleaning) shall occur in accordance with a Landscape Maintenance Plan to be approved by the Director of Community Development. The Maintenance Plan shall establish permitted hours of operation for specific maintenance activities and areas of site, based on compatibility with nearby land uses, both on and adjacent to the center.
10. All landscaping materials shall be maintained to the satisfaction of the Director of Community Development.
11. Routine trash collection on the entire site shall be consistent with the hours that are specified in the City's trash contract (which is currently after 7:30 a.m. and before 6:00 p.m.), unless other hours are approved by the Public Works Director. Construction material trash collection activities (drop off and pick-up) shall be limited to hours of permitted construction as specified in the City's Noise Ordinance, which is between 7:30 and 6:00 p.m. Mondays through Fridays, and between 9:00 a.m. and 6:00 p.m. on Saturdays.
12. All trash storage areas shall be screened, secured and maintained in a sanitary condition and all tenants/business owners shall take appropriate measures to prevent prohibited or undesirable activities as defined in the Municipal Code (Sec. 5.24.060) including but not limited to, scavenging, excessive accumulation of refuse, and allowing any portion of the property to become a breeding ground for flies, wild rodents or other pests. Trash storage areas shall be designated and bins shall be maintained within the designated areas.
13. The facility operator shall prohibit employees from parking personal vehicles on the surrounding public streets. Employees must park on-site or be transported to the site from other off-street parking facilities subject to Community Development Department approval. The property owner shall include prohibitions against employee parking on local streets in any lease and/or rental agreements.
14. The operators of the facility shall police the property, and all areas immediately adjacent to the businesses, during the hours of operation to keep it free of litter.
15. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject businesses.
16. Public bicycle parking shall be incorporated into the design of the project. Plans shall be submitted to the Director of Community Development for review and approval showing the bicycle parking.
17. Safety and security features shall be incorporated into the design of the project. The Security Plan shall be submitted to the Police Chief and Director of Community Development for review and approval. The Security Plan shall include but not be limited to, security lighting.
18. The applicant shall make every effort to provide shower facilities for use by the office tenants. The facilities shall be shown on the plans and installed prior to the issuance of a Certificate of Occupancy.
19. The applicant is required to eliminate any Congestion Management Plan (CMP) debits created by the project prior to the issuance of a Building Permit for the Commercial buildings.
20. All tenants in the project are encouraged to join the Downtown Business Association.

***Public Works***

21. The plans shall be checked and stamped for approval by the Public Works Department before the building permit is issued. Project must comply with all Public Works requirements. All Public Works notes and corrections must be printed on the plan and all requirements must be completed per the approved plans prior to the issuance of a building final.
22. The new trash enclosure(s) shall meet all Public Works requirements. Trash must be picked up by a refuse company as often as necessary to ensure that the trash enclosure has adequate space to

accommodate the needs of the entire site. No trash storage/disposal shall be placed in the public right-of-way on Manhattan Beach Boulevard, Morningside Drive, 13<sup>th</sup> Street or Valley Drive.

23. No outside cleaning of kitchen floor mats or other items will be permitted on the site. All kitchen floor mats and other items shall be cleaned in such a manner that the run-off wastewater drains only to a private sewer drain on the premises.
24. There shall be no discharge of construction wastewater, building materials, debris, or sediment from the site.

**Land Use**

25. The following land uses and maximum square footages, as defined and approved by the DDA/Ground Lease, and shall allowed:
  - A) Retail Sales and services, including food service uses, 20,000 square feet total maximum, including:
    - a) Retail sales;
    - b) Personal Services;
    - c) Retail/specialty food service uses that are non-destination type establishments such as a bakery, tea salon, coffee house, ice cream shop, yogurt, candy, cookies, juices, and other similar limited specialty food items. Each business is limited to a maximum of 300 square feet of outdoor seating area, including table, chairs and benches, within the Town Square and Public Areas-; and,
    - d) Similar uses identified as permitted (by right) in the underlying zoning district (CD) which are not included in this Master Use Permit shall be left to the discretion of the Director of Community Development.
  - B) Eating and Drinking Establishments (restaurants), two (2) total maximum, 8,000 square feet total maximum, (including 6,400 square feet maximum dining/seating area regardless of whether located indoors or outdoors).
  - C) Offices, however no offices shall be permitted on the first floor, and Personal Services, 17,500 square feet total maximum, including:
    - a) Offices, Business and Professional;
    - b) Personal Services; and,
    - c) Similar uses identified as permitted (by right) in the underlying zoning district (CD) which are not included in this Master Use Permit shall be left to the discretion of the Director of Community Development.
  - D) Visitor Accommodations (Bed and Breakfast Inn), 35 to 40 rooms, 26,000 square feet total maximum.
26. Uses identified as conditionally permitted (use permit required) in the underlying zoning district (CD) shall require an amendment to the Master Use Permit at a duly noticed public hearing, unless otherwise permitted in this Resolution.
27. There shall be no drive-through service allowed in conjunction with any Eating and Drinking Establishment (restaurant) or any other use.
28. The Inn may provide wedding, party, and other special event services in their Courtyard, Meeting Room, and Living Room, as a secondary service to the primary Inn use. These types of events are limited to 6:00 am to 11:00 p.m. Sunday through Thursday, and 6:00 am to 12:00 am (mid-night) Friday and Saturday. Events are limited to a maximum of 60 people, or whatever the maximum occupancy is as determined by the Building or Fire Code limits, whichever is less. The Director of Community Development may approve Temporary Use Permits for events which exceed 60 people, not to exceed the maximum occupancy as allowed by the Building or Fire Code limits. Events may not use the Town Square or other Public Open Areas unless prior approval is granted by the City. The availability of the Inn for special events shall not be marketed as the primary use.

29. The hours of operation for the site shall be permitted as follows:
- Restaurant, food service, retail and personal service: Up to 6:00 am to 11:00 p.m. Sunday through Thursday, and 6:00 am to 12:00 am (mid-night) Friday and Saturday.
  - Offices: Up to 24 hours
  - Town Square and Public Areas: Up to 6:00 am to 11:00 p.m. Sunday through Thursday, and 6:00 am to 12:00 am (mid-night) Friday and Saturday, seasonal, depending on weather.
30. The second floor roof deck with the jacuzzi at the Inn shall be redesigned. The floor level of the roof deck may not exceed 21 feet in height, and the deck area must be properly screened. The deck area may only be open for use from 6:00 am to 10:00 pm, seven days per week
31. Any outdoor uses in the Town Square and Public Areas shall meet all access and safety requirements of the Uniform Building and Fire Codes and any other similar safety regulations. Retail and food service carts or kiosks may be allowed subject to review and approval of the City Manager. Standard liability insurance naming the City as additionally insured shall be provided and subject to approval of the Director of Community Development. Insurance shall meet approval of the City's Risk Manager and shall be as set forth in the DDA/Ground Lease (currently a minimum \$3 million insurance endorsement). Tenants with said outdoor uses shall be responsible for maintaining the area clean and free of trash and debris.
32. A restroom shall be available to the public at all times when the non-office uses are open to the public. Adequate signage to direct the public to the restroom(s) shall be provided throughout the Town Square and public areas, subject to review and approval of the Director of Community Development. The tenant or building owner, not the City, shall be responsible for maintaining and securing the restroom(s).

#### **Design Review**

33. The applicant shall submit plans, material boards, color samples, renderings, and other visual displays for Design Review to the Planning Commission at a noticed public hearing prior to issuance of building permits for the commercial buildings. The general location of the building footprints, as shown on the plans approved by the Planning Commission on July 10, 2002, are approved with this Master Use Permit and Coastal Development Permit and are not subject to Design Review. The plans shall address the following design issues and details:
- Facades/elevations
  - Colors, textures, and materials
  - Landscaping, lighting, signage, and public art
  - Gateway treatment
  - Town Square, 13<sup>th</sup> Street Garden and Public areas
  - Civic Center linkage, relationship and compatibility
  - Streetscape design- pavement treatment, sidewalks, pedestrian crosswalks, street furniture
  - Pedestrian orientation
  - Incorporation of the Metlox sign
- The plans and details shall address linkage to the Downtown and the Civic Center, pedestrian orientation, the Downtown Design Guidelines, the City's vision for the site, access from Morningside Drive near 12<sup>th</sup> Street (12<sup>th</sup> Walk), and other design details of the project. The possibility of limited 3<sup>rd</sup> story rooms for the Inn will be considered.
34. A sign program in accordance with the requirements of the MBMC shall be submitted for review and approval of the Director of Community Development. Signage shall be consistent with the Downtown Design Guidelines and the conceptual plans submitted for Design Review. Signs shall be installed per the approved plans prior the building permit final.
35. An outdoor lighting program shall be submitted for review and approval of the Director of Community Development. Outdoor lighting shall be shielded and meet all other requirements of the MBMC and shall be consistent with the plans submitted for Design Review. Lighting shall be installed per the approved plans prior the building permit final.



36. A site landscaping plan, utilizing drought tolerant plants to the extent feasible, shall be submitted for review and approval. The landscaping shall be in compliance with the Downtown Design Guidelines and the requirements of the MBMC. All plants shall be identified on the plan by the Latin and common names. The current edition of the Sunset Western Garden Book contains a list and description of drought tolerant plants suitable for this area. This plan shall be reviewed and approved by the Public Works and Community Development Departments. Landscaping shall be installed per the approved plans prior to the building permit final.
37. A low pressure or drip irrigation system shall be installed in landscaped areas. Details of the irrigation system shall be noted on the landscape plans. The type and design shall be subject to the approval of the Public Works and Community Development Departments. Irrigation shall be installed per the approved plans prior to the building permit final.

#### **Alcohol**

38. The two restaurants may provide full liquor service, which is incidental to, and in conjunction with, the service of food. Service of alcohol at the restaurants shall be in conjunction with the service of food at all times during all hours of operation. The Inn may provide beer and wine service for its guests only, and may also provide full liquor self-service in room "mini-bars". Sale of alcoholic beverages for consumption off-premise is not approved with this Master Use Permit. This approval shall operate within all applicable State, County and City regulations governing the sale of alcohol prior to the start of business operations. Any violation of the regulations of the Department of Alcohol and Beverage Control as they pertain to the subject location, or of the City of Manhattan Beach, as they relate to the sale of alcohol, may result in the revocation and/or modification of the subject Master Use Permit.
39. Restaurant uses, including the service of alcoholic beverages, shall be limited in their operation to the hours between 6:00 a.m. to 11:00 pm, Sunday through Thursday, and 6:00 am to 12:00 am (mid-night) Friday and Saturday.

#### **Entertainment**

40. Dancing and amplified live music is prohibited within the business establishments. Non-amplified live music or entertainment, limited to background-type music, with a maximum of 2 entertainers is permitted. Any live entertainment proposed in conjunction with any use (with exception of background music, television and no more than 3 games or amusements per business establishment) shall require a Class I annual Entertainment Permit consistent with the provision of Section 4.20.050 of the Manhattan Beach Municipal Code. The Entertainment Permit shall be submitted to the Director of Community Development for review and approval, with input from the Police and Fire Departments. Appropriate conditions shall be placed on the Permit to minimize potential negative impacts. These conditions shall include, but not be limited to, hours, size and location of performance or dance area, size of band and number of performers, numbers of performance days per week, type and location of amplification, speakers and soundproofing, and volume of amplification. The Permit will be reviewed annually to determine if it is appropriate to renew the permit, deny the permit, or modify the conditions of approval.

#### **Procedural**

41. Expiration. Unless appealed to the City Council, the subject Use Permit and Coastal Development Permit shall become effective after expiration of the time limits established by Manhattan Beach Municipal Code and Local Coastal Program.
42. Fish and Game. Pursuant to Public Resources Code Section 21089 (b) and Fish and Game Code Section 711.4 (c), the project is not operative, vested, or final until the required filing fees are paid.
43. Lapse of Approval. The Master Use Permit shall lapse three (3) years after its date of approval unless implemented or extended in accordance with Manhattan Beach Municipal Code (MBMC) Section 10.84.090.

44. Terms and Conditions are Perpetual. These terms and conditions shall be perpetual, and it is the intention of the Director of Community Development and the permittee to bind all future owners and possessors of the subject property to the terms and conditions. Further, the applicant shall record the conditions of approval of this Resolution with the Office of the County Clerk/Recorder of Los Angeles. The format of the recording instrument shall be reviewed and approved by the City Attorney.
45. Effective Date. Unless appealed to the City Council, the subject Master Use Permit and Coastal Development Permit shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030 have expired.
46. Review. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter. At any time in the future, the Planning Commission or City Council may review the Use Permit for the purposes of revocation or modification. Modification may consist of conditions deemed reasonable to mitigate or alleviate impacts to adjacent land uses.
47. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Planning Commission.
48. Inspections. The Community Development Department staff shall be allowed to inspect the site and the development during construction at any time.
49. Assignment. Pursuant to Section A.96.220 of the City's certified Local Coastal Program (Implementation Program), the Coastal Development Permit may be assigned to any qualified persons subject to submittal of the following information to the Director of Community Development.
50. Legal Fees. The applicant agrees, as a condition of approval of this project, to pay all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal action associated with the approval of this project brought against the City. In the event such a legal action is filed against the project, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

***Mitigation Measures (CEQA)***

The following Mitigation Measures as identified in the EIR, and as discussed within Resolution No. 5769 adopted July 16, 2002, determining compliance with CEQA, are applicable to the Metlox project.

51. AESTHETICS/VIEWS

The project shall be developed in conformance with the following City of Manhattan Beach Downtown Design Guidelines:

- A. Where feasible, incorporate landscaped areas into new development and existing development. Such landscaped areas could utilize window boxes and similar landscape amenities. Landscaping should be designed to enhance and accentuate the architecture of the development.
- B. Signs should be designed at a scale appropriate to the desired village character of downtown. The size and location of signs should be appropriate to the specific business. Pre-packaged "corporate" signs should be modified to a scale and location appropriate to the desired village character of downtown Manhattan Beach. Signs should not block, or obliterate, design details of the building upon which they are placed. Pedestrian oriented signage is encouraged. Such signs may be located on entry awnings, directly above business entrances, and "hanging signs" located adjacent to entrances.
- C. Low level ambient night lighting shall be incorporated into the site plans to minimize the effects of light and glare on adjacent properties.

52. Air Quality

- A. The construction area and vicinity (500-foot radius) shall be swept and watered at least twice daily.
- B. Site-wetting shall occur often enough to maintain a 10 percent surface soil moisture content throughout all site grading and excavation activity.
- C. All haul trucks shall either be covered or maintained with two feet of free board.
- D. All haul trucks shall have a capacity of no less than 14 cubic yards.
- E. All unpaved parking or staging areas shall be watered at least four times daily.
- F. Site access points shall be swept/washed within thirty minutes of visible dirt deposition.
- G. On-site stockpiles of debris, dirt, or rusty material shall be covered or watered at least twice daily.
- H. Operations on any unpaved surfaces shall be suspended when winds exceed 25 mph.
- I. Car-pooling for construction workers shall be encouraged.

53. PUBLIC SAFETY

Although no significant impacts upon public safety (police services) have been identified, the following mitigation measures shall be implemented to further reduce the risk to public safety.

- A. Prior to the issuance of building permits, project site plans should be subject to review by the Manhattan Beach Police Department and Manhattan Beach Fire Department. All recommendations made by the Manhattan Beach Police Department and Manhattan Beach Fire Department relative to public safety (e.g. emergency access) should be incorporated into the project prior to project completion.
- B. Prior to the approval of the final site plan and issuance of each building permit, plans shall be submitted to the Manhattan Beach Police Department for review and approval for the purpose of incorporating safety measures in the project design, including the concept of crime prevention through environmental design (i.e., building design, circulation, site planning, and lighting of parking structure and parking areas). Design considerations should include an evaluation of electronic surveillance systems, emergency call boxes and lighting systems in addition to architectural elements that allow direct vertical and horizontal views outside of the structure.
- C. The provision of an on-site valet attendant and/or patrol by private security officers during operation of the project shall be considered at peak parking demand times, as needed. This mitigation measure shall be incorporated into the conditions of project approval (i.e., Master Land Use Permit or Development Agreement) at the discretion of the City Council.

54. RISK OF UPSET

Potential impacts associated with the release of potentially hazardous substances during demolition activities can be mitigated to a level of insignificance by the following mitigation measure:

- A. Comprehensive surveys for asbestos containing materials (ACMs), lead based paint, and Poly Chlorinated Biphenyls (PCBs) shall be conducted by a registered environmental assessor for each existing on-site structure to be demolished or renovated under the proposed project. ACMs, lead based paint, or PCBs found in any structures shall be stabilized and/or removed and disposed of in accordance with applicable laws and regulations including, but not limited to, SCAQMD Rule 1403 and Cal OSHA requirements.

- B. If during construction of the project, soil contamination is suspected, construction in the area should stop and appropriate Health and Safety procedures should be implemented. The Department of Toxic Substances Control (DTSC) Voluntary Cleanup Program (VCP) should be contacted at (818) 551-2866 to provide the appropriate regulatory oversight.

## 55. TRANSPORTATION AND CIRCULATION

### REQUIRED MITIGATION MEASURES

The following traffic-related mitigation measures are required to mitigate potentially significant project-related traffic impacts:

- A. Prior to any construction activities, a Construction Plan, which shall include phasing of construction of the project, shall be submitted for review and approval to the City of Manhattan Beach Public Works Department and Community Development Department. Construction Plans shall address parking availability and minimize the loss of parking for existing on-site Civic Center operations that will continue to operate throughout the construction period, as well as provide parking for Civic Center visitors and construction workers. To minimize potential adverse impacts upon the Downtown Commercial District construction workers shall not be permitted to park within in the adjacent public parking structures or street parking spaces. The parking plans shall provide adequate on-site parking areas for construction workers and/or consider providing additional construction parking at off-site parking lot locations and providing bussing or car-pool services to the construction site. The proposed construction plan shall designate appropriate haul routes into and out of the project area. Truck staging areas shall not be permitted on residential roadways or adjacent to any school site.
- B. Manhattan Beach Blvd. & Sepulveda Blvd. -Contribute to the installation of dual left-turn lanes in the northbound and eastbound directions. A fair-share contribution will be required. The City is currently actively pursuing implementation of this Mitigation Measure. These projects are identified in the City's 2004-2005 Capital Improvement Program (CIP). The City is currently in the process of having engineering studies conducted for the design of the dual left-turn lanes. A Grant application will be submitted to the Metropolitan Transportation Authority (MTA) in their Call- for- Projects after completion of the engineering study.
- C. Highland Avenue & 13th Street -Install a two-phase signal at this intersection if warranted based on actual traffic counts taken after the project is developed. The implementation of peak-hour southbound left-turn restrictions at this intersection is another option to mitigate project impacts as this restriction would improve traffic flow through this intersection, as it would reduce northbound through and southbound left-turn conflicts, and allow for the free flow of southbound traffic. In addition, the conversion of 13th Street to a one-way eastbound scheme is another option.
- D. Manhattan Beach Blvd. & Valley Drive/Ardmore Ave. -Install a dual southbound left-turn lane at this intersection at such a time that two left turn lanes are warranted based on actual traffic counts.
- E. The City Traffic Engineer shall conduct secondary "post-project" traffic assessments at the intersections of Highland Avenue & 13th Street, and Manhattan Beach Boulevard & Valley Drive/Ardmore Avenue to determine the actual traffic impacts of the proposed project. Should the results of this assessment verify significant impacts are realized, the mitigation measures recommended in the Draft EIR, or measures of equivalent effectiveness shall be implemented.
- F. An employee parking program shall be required for the Metlox commercial establishments to alleviate the parking demands within the Downtown Commercial District. Potential mitigation

options may include satellite parking programs and/or providing tandem parking stalls designated for employees only.

#### RECOMMENDED MITIGATION MEASURES

Although the proposed project will meet the shared parking demand anticipated for the planned development, the following parking mitigation measures are recommended to further increase parking availability on the project site, reduce traffic congestion, and to promote shared parking within the Downtown Commercial District:

- G. Valet parking operations should be considered during peak demand times, as needed. Valet parking operations should utilize tandem parking methods within the parking garage(s) to increase parking availability for the project site.

#### 56. HYDROLOGY/WATER QUALITY

The following mitigation measures would ensure water quality impacts would be less than significant:

- A. The project shall comply with the requirements of the National Pollution Discharge Elimination System (NPDES) General Permit for stormwater discharge. Such compliance shall include submittal of a drainage plan to the City of Manhattan Beach Department of Public Works in accordance with the minimum applicable requirements set forth in the Los Angeles County Standard Urban Stormwater Mitigation Plan (SUSMP).
- B. Design criteria for the project should, to the extent feasible, minimize direct runoff to the adjacent streets and alleys by directing runoff from roofs and impervious surfaces to landscaped areas. In addition to reducing runoff volumes, due to infiltration into the soil, landscaped areas may also filter some pollutants from stormwater, such as particulate matter and sediment.
- C. Commercial trash enclosures must be covered so that rainwater cannot enter the enclosure and the trash enclosure must be connected to the sanitary sewer system.

#### 57. NOISE

The following mitigation measures are recommended to reduce noise impacts during the construction phases of the proposed project:

- A. Use noise control devices, such as equipment mufflers, enclosures, and barriers.
- B. Erect a temporary sound barrier of no less than six feet in height around the construction site perimeter before commencement of construction activity. This barrier shall remain in place throughout the construction period.
- C. Stage construction operations as far from noise sensitive uses as possible.
- D. Avoid residential areas when planning haul truck routes.
- E. Maintain all sound-reducing devices and restrictions throughout the construction period.
- F. When feasible, replace noisy equipment with quieter equipment (for example, a vibratory pile driver instead of a conventional pile driver and rubber-tired equipment rather than track equipment).
- G. When feasible, change the timing and/or sequence of the noisiest construction operations to avoid sensitive times of the day.

- H. Adjacent residents shall be given regular notification of major construction activities and their duration.
- I. A sign, legible at a distance of 50 feet, shall be posted on the construction site identifying a telephone number where residents can inquire about the construction process and register complaints.
- J. An annual City permit in accordance with Chapter 4.20 of the MBMC shall be required prior to the installation/setup of any temporary, or permanent, PA or sound system.
- K. The maximum allowable sound level shall be in conformance with Chapter 5.48 of the MBMC.

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.

SECTION 4. This resolution shall take effect immediately.

SECTION 5. The City Clerk shall certify to the adoption of this resolution; enter it into the original records of the City and thenceforth and thereafter the same shall be in full force and effect.

SECTION 6. The City Clerk shall make this Resolution reasonably available for public inspection within thirty (30) days of the date this Resolution is adopted.

PASSED, APPROVED AND ADOPTED this 16<sup>th</sup> day of July 2002.

Ayes:  
 Noes:  
 Absent:  
 Abstain:

\_\_\_\_\_  
 Mayor, City of Manhattan Beach, California

ATTEST:

\_\_\_\_\_  
 City Clerk

RESOLUTION NO. PC 05-08

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING AN AMENDMENT TO A MASTER USE PERMIT FOR MODIFICATIONS TO THE PREVIOUSLY APPROVED ALCOHOL SALES AND SPECIAL EVENTS AT THE SHADE HOTEL, METLOX SITE, 1221 NORTH VALLEY DRIVE (MANHATTAN INN OPERATION COMPANY, LLC-MICHAEL A. ZISLIS, PRESIDENT)

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

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

- A. Manhattan Inn Operation Company, LLC is seeking approval of an Amendment to a Master Use Permit, to allow modifications to the previously approved alcohol sales and special events at the Shade Hotel, Metlox site, 1221 north Valley Drive in the City of Manhattan Beach.
- B. In accordance with the Master Use Permit approval an Amendment to the existing Master Use Permit approval is required for the project.
- C. The subject property is located within the City of Manhattan Beach Coastal Zone, and the Coastal Development Permit for the Master Use Permit was issued by the California Coastal Commission and therefore they will review the project and make a determine if an amendment to the Permit will be required to be processed.
- D. The applicant is Manhattan Inn Operation Company, LLC and the property owner is the City of Manhattan Beach.
- E. The following is a summary of some of the key milestones for the Metlox site:
  - 1995- 96- The City Council authorized development of the Downtown Strategic Action Plan (DSAP) to provide a comprehensive approach and community vision for the Downtown including the Metlox site
  - 1997/98- The City purchased the Metlox property to control development and Master Plan the site
  - 1998- 2001 Numerous public meetings and workshops held to solicit public input on the site and Downtown.
  - December 1998- The City selected the Tolkin Group as a development partner
  - April 2001- The City Council certified the EIR
  - April 2002- The City Council approved the Disposition and Development Agreement (DDA)/Ground Lease
  - July 2002- Master Use Permit and Coastal Development Permit for the Metlox project approved by the City Council
  - November 2002- California Coastal Commission denied the appeal of the Coastal Development Permit, and unanimously approved the Permit
  - February 2003- Groundbreaking for the Metlox parking structure
  - January 2004- Grand opening of public parking structure with 460 parking spaces
  - April 2004- Shade Hotel construction commenced
  - September 2004- Construction of the Metlox commercial buildings started
- F. The Planning Commission of the City of Manhattan Beach conducted a public hearing regarding the project at their regular scheduled meeting of May 25, 2005.

The public hearing was advertised pursuant to applicable law and testimony was invited and received.

- G. An Environmental Impact Report for the Metlox/Civic Center project was certified by the City of Manhattan Beach City Council on April 17, 2001 (State Clearinghouse No. 99121090), which includes the environmental clearance for the Metlox project. There have been no substantial changes to the project, the surrounding area or environment, and the facts associated with the project have not substantially changed from those evaluated in the certified EIR from an environmental impact viewpoint. Therefore, the existing certified EIR is a valid environmental document that adequately evaluates the environmental impacts of the project in accordance with the requirements of CEQA and the project can rely upon this document for conformance with the requirements of CEQA. The EIR includes Mitigation Measures and a Mitigation Monitoring and Reporting Program in accordance with the requirements of CEQA. The Environmental Impact Report is on file and available for public review at the City of Manhattan Beach Community Development Department, City Clerks office, the public Library, and on the City's website.
- H. The property is located within Area District III and is zoned Downtown Commercial. The properties to the west and south are also zoned Downtown Commercial, the property to the north is zoned Public and Semipublic, and the property to the east is zoned Open Space.
- I. The General Plan designation for the property is Downtown Commercial.
- J. The proposed project is a modification of the previously approved alcohol sales for the Shade Hotel to provide high quality service to their customers consistent with the business plan for the four-star hotel, as well as to provide consistency with the State Alcoholic Beverage Control (ABC) regulations. The previous approval (Condition No. 38- City Council Resolution No. 5770) allows full liquor in self-service in-room mini-bars and beer and wine throughout the Hotel facility for guests only. The State Alcoholic Beverage Control (ABC) regulations require a full liquor license throughout the Hotel facility (Type 47 license) that is open to the general public and includes the service of food in order to allow the in-room mini-bar license (Type 66 license). There is no ABC license, or series of licenses that would allow beer and wine only for guests, and full liquor for the mini-bars. A portable bar with full liquor (Type 68 license), for special events, is also proposed. Full liquor is proposed throughout the Hotel including the Courtyard, the Living Room which includes the Lobby and Wine Bar, the Porch, the Meeting Room and the rooftop Sun Deck. Alcohol is only allowed to be consumed on the site, it may not be taken off-site for consumption.
- K. The previous approval (Condition No. 28- City Council Resolution No. 5770) also limits special events (weddings, parties, etc.) to 60 people, and the modification requests a maximum of 99 people, without approval of a Temporary Use Permit.
- L. No changes to the previously approved hours of operation are proposed for either the alcohol sales or the special events. Breakfast Service in the Living Room, Porch, and/or Courtyard is proposed from 6:00 AM to 10:00 AM Monday-Friday and 6:00 AM-11:00 AM Saturday and Sunday. The "Wine Bar" is proposed to operate in the evenings from 5:00 PM to 11:00 PM daily, although flexibility for earlier hours based on the needs of the customer is desired. Although the emphasis of the "Wine Bar" will be on providing a wide selection of premium wines, full liquor will be available. Additionally, the Wine Bar will provide a variety of appetizers in order to qualify as an eating establishment as required by the ABC. Mid-day (lunch) food service will not be provided, except for room service.
- M. The primary use and purpose of Shade Hotel is and will continue to be to serve the community as a hotel offering first-class accommodations to visitors. The



changes will make the hotel a better, more attractive facility for Manhattan Beach and a more sustainable business for its owners and investors and the city. All services of the hotel will be focused directly on its guests and event clients. All advertising, marketing and promotions will be focused on potential hotel guests and not the general public.

- N. As part of the ABC license application process completed in February 2005 public notices were mailed to the neighbors located within a 500 yard radius of the property, the application sign was posted on the exterior of the property for thirty days, and the application was advertised publicly in the newspaper three times. Not one neighbor or citizen protested the application.
- O. Potential noise concerns will be addressed through the review of the annual Entertainment Permit as well as a retractable partition in the Living Room will be installed which is capable of separating the Wine Bar/Living Room facility from the reception area. The walls and partition of the Living Room will insulate the sound produced by events as the room will have a STC (Sound Transmission Code) rating of 50. The Sun Deck is designed to minimize noise and maximize privacy. The Sun Deck will be enclosed by decorative walls on all four sides: the walls stand eight feet to the east and six feet in all others directions.
- P. The ABC has identified the Downtown area of Manhattan Beach as having an "undue concentration" of alcohol licenses, which is typical for South Bay Cities. The criteria that the ABC uses in their calculations and determination of "undue concentration" takes into account all of Los Angeles County, including areas with very little population. This tends to create areas of "undue concentration" of alcohol licenses in areas where there is concentration of people and businesses, such as Downtown and other commercial areas. The Planning Commission makes the findings of public convenience and necessity for the alcohol license as the license for the hotel use is compatible with similar uses that have alcohol licenses, and other Downtown uses and the City Council has reviewed alcohol licenses in the past and has supported alcohol in conjunction with food service and hotel uses.
- Q. 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.
- R. This Resolution, upon its effectiveness, constitutes the Amendment to the Master Use Permit for the subject property. This Resolution only amends Conditions No's 28 and 38 of Resolution No. 5770, all other conditions remain effective and in full force.
- S. Based upon State law, and MBLCP Section A.84.050, relating to the Amendment to the Master Use Permit application for the proposed project, the following findings are hereby made:
  - 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 since, the proposed amendments to the 'use permit' of Shade Hotel are consistent with the Commercial Downtown designation. This area is specifically designated for commercial activity and services for residents and out-of-town visitors. Several other business operations in the area already engage in similar uses. The project provides a full range of services needed by residents of, and visitors to, the city and region. The project will strengthen the city's economic base, but also protect small businesses that serve city residents. The project protects surrounding residential uses from the potential adverse effects of inharmonious uses by minimizing the impact of commercial development on adjacent residential districts.
  - 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 since, the proposed amended 'use permit' of this business property is consistent with the General Plan for the Commercial Downtown designation, because it is merely the granting of additional privileges to an already approved use that will result in no fundamental change of that use. Amending the 'use permit' to comply with ABC regulations and the approval of larger special events will have no environmental impact and will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the location of the boutique hotel. There will be no negative impact on properties or improvements in the vicinity, or on the general welfare of the city. Additionally, the project is consistent with the following General Plan Goals and Policies:

**GOALS AND POLICIES: LAND USE**

**Goal LU-6: Maintain the viability of the commercial areas of Manhattan Beach.**

Policy LU-6.1: Support and encourage small businesses throughout the City.

Policy LU-6.2: Encourage a diverse mix of businesses that support the local tax base, are beneficial to residents, and support the economic needs of the community.

**Goal LU-7: Continue to support and encourage the viability of the Downtown area of Manhattan Beach.**

- 3. The proposed use will comply with the provisions of this title, including any specific condition required for the proposed use in the district in which it would be located since, the required notice and public hearing requirements have been met, all of the required findings have been addressed, and conditions will be required to be met prior to the issuance of a certificate of occupancy. The proposed amended 'use permit' for the boutique hotel is consistent with the already approved primary and secondary uses of the facility. The new uses will comply with the provisions and conditions of this title.
- 4. The proposed use will not adversely impact nor be adversely impacted by nearby properties. Potential impacts are related but not necessarily limited to: traffic, parking, noise, vibration, odors, resident security and personal safety, and aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated. All of the potential impacts related to the proposed project were evaluated and addressed in the Certified EIR. The Mitigation Measures applicable to the project will all be complied with. Conditions to conform to applicable Code standards will apply. Because the proposed amended use permit will not alter the fundamental use, purpose or character of the boutique hotel, and because there will not be any change in occupancy or intensification of the property, the proposed amended use will not create adverse impacts on traffic or create demands exceeding the capacity of public services and facilities.

SECTION 2. The Planning Commission of the City of Manhattan Beach hereby APPROVES the subject Master Use Permit Amendment subject to the following conditions.

**General Conditions**

1. The proposed project shall be in substantial conformance with the plans submitted and the project description, as approved by the Planning Commission on May 25, 2005, subject to any special conditions set forth below. The layout of the Lobby area, including the sound insulation, and roof deck is subject to further review and approval by the Director of Community Development. Any substantial deviation from the approved plans and project description must be reviewed and approved by the Planning Commission.

**Land Use**

2. (This condition replaces Condition No. 28- City Council Resolution No. 5770) The Inn may provide wedding, party, and other special event services in their Courtyard, Meeting Room, and Living Room, as a secondary service to the primary Inn use. These types of events are limited to 6:00 am to 11:00 p.m. Sunday through Thursday, and 6:00 am to 12:00 am (mid-night) Friday and Saturday. Events are limited to a maximum of 99 people, or whatever the maximum occupancy is as determined by the Building or Fire Code limits, whichever is less. The Director of Community Development may approve Temporary Use Permits for events which exceed 99 people, not to exceed the maximum occupancy as allowed by the Building or Fire Code limits. Events may not use the Town Square or other Public Open Areas unless prior approval is granted by the City. The availability of the Inn for special events shall not be marketed as the primary use.

**Alcohol**

3. (This condition replaces Condition No. 38- City Council Resolution No. 5770) The two restaurants may provide full liquor service, which is incidental to, and in conjunction with, the service of food. Service of alcohol at the restaurants shall be in conjunction with the service of food at all times during all hours of operation. The Hotel may provide full liquor service throughout the Hotel, including self-service in room "mini-bars", and a portable bar for special events. The service of alcohol at the Hotel shall be in conjunction with food. The hours of food service, and the associated alcohol service, shall be consistent with the project description, which is generally breakfast, evening appetizers and for special events. The Sale of alcoholic beverages for consumption off-premise is not approved with this Master Use Permit. This approval shall operate within all applicable State, County and City regulations governing the sale of alcohol prior to the start of business operations. Any violation of the regulations of the Department of Alcohol and Beverage Control as they pertain to the subject location, or of the City of Manhattan Beach, as they relate to the sale of alcohol, may result in the revocation and/or modification of the subject Master Use Permit.

**New conditions**

4. All hotel marketing, advertising, and promotions shall be limited to attracting potential hotel guests and event planners. The Wine Bar (now called "Zinc") and Sun Deck will not be marketed to the general public as separate hospitality attractions.
5. The Wine Bar shall limit its food menu to appetizers or "small plates" (or "tapas"), to qualify as a "bonafide eating place" as required by the ABC Type 47 license. The Wine Bar shall provide food service but shall not operate as a full scale "restaurant". Breakfast may be served daily in the Living Room, Porch, and/or Courtyard.
6. Shade Hotel shall not post any drink or food menus, or any drink or food signage outside of the hotel.
7. The Sun Deck shall stop regular alcohol service no later than 9:00 p.m. daily.
8. Alcohol service at events and functions shall stop thirty minutes prior to the hotel closing hours: 10:30 p.m., Sunday – Thursday; 11:30 p.m., Friday and Saturday.

***Procedural***

9. Expiration. Unless appealed to the City Council, the subject Use Permit and Coastal Development Permit shall become effective after expiration of the time limits established by Manhattan Beach Municipal Code and Local Coastal Program.
10. Fish and Game. Pursuant to Public Resources Code Section 21089 (b) and Fish and Game Code Section 711.4 (c), the project is not operative, vested, or final until the required filing fees are paid.
11. Lapse of Approval. The Master Use Permit Amendment shall lapse three (3) years after its date of approval unless implemented or extended in accordance with Manhattan Beach Municipal Code (MBMC) Section 10.84.090.
12. Terms and Conditions are Perpetual. These terms and conditions shall be perpetual, and it is the intention of the Director of Community Development and the permittee to bind all future owners and possessors of the subject property to the terms and conditions. Further, the applicant shall record the conditions of approval of this Resolution with the Office of the County Clerk/Recorder of Los Angeles. The format of the recording instrument shall be reviewed and approved by the City Attorney.
13. Effective Date. Unless appealed to the City Council, the subject Master Use Permit Amendment shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030 have expired.
14. Review. All provisions of the Master Use Permit Amendment are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter. At any time in the future, the Planning Commission or City Council may review the Master Use Permit Amendment for the purposes of revocation or modification. Modification may consist of conditions deemed reasonable to mitigate or alleviate impacts to adjacent land uses.
15. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Planning Commission.
16. Inspections. The Community Development Department staff shall be allowed to inspect the site and the development during construction at any time.
17. Legal Fees. The applicant agrees, as a condition of approval of this project, to pay all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal action associated with the approval of this project brought against the City. In the event such a legal action is filed against the project, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

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.

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 **May 25, 2005**, and that said Resolution was adopted by the following vote:

**AYES:** Chairman O'Connor, Vice-Chair Savikas, Commissioners Kuch and Simon

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

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**RICHARD THOMPSON**  
Secretary to the Planning Commission

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Sarah Boeschen  
Recording Secretary



# MASTER APPLICATION FORM

CITY OF MANHATTAN BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT

1221 N Valley Drive Manhattan Beach, CA 90266

**Office Use Only**  
Date Submitted: 4/16/09  
Received By: [Signature]  
F&G Check Submitted: -225  
*(need \$)*

Project Address

See Attached

Legal Description

Downtown Commercial

CD

General Plan Designation

Zoning Designation

Area District

For projects requiring a Coastal Development Permit, select one of the following determinations<sup>1</sup>:

Project located in Appeal Jurisdiction

Project not located in Appeal Jurisdiction

Major Development (Public Hearing required)

Public Hearing Required (due to UP, Var., etc.)

Minor Development (Public Hearing, if requested)

No Public Hearing Required

### Submitted Application (check all that apply)

- |                                                            |       |                                                              |       |
|------------------------------------------------------------|-------|--------------------------------------------------------------|-------|
| <input type="checkbox"/> Appeal to PC/PWC/BBA/CC           | _____ | <input type="checkbox"/> Use Permit (Residential)            | _____ |
| <input type="checkbox"/> Coastal Development Permit        | _____ | <input type="checkbox"/> Use Permit (Commercial)             | _____ |
| <input type="checkbox"/> Environmental Assessment          | _____ | <input checked="" type="checkbox"/> Use Permit Amendment     | _____ |
| <input type="checkbox"/> Minor Exception                   | _____ | <input type="checkbox"/> Variance                            | _____ |
| <input type="checkbox"/> Subdivision (Map Deposit)4300     | _____ | <input type="checkbox"/> Public Notification Fee / \$65      | _____ |
| <input type="checkbox"/> Subdivision (Tentative Map)       | _____ | <input type="checkbox"/> Park/Rec Quimby Fee 4425            | _____ |
| <input type="checkbox"/> Subdivision (Final)               | _____ | <input type="checkbox"/> Lot Merger/Adjustment/\$15 rec. fee | _____ |
| <input type="checkbox"/> Subdivision (Lot Line Adjustment) | _____ | <input type="checkbox"/> Other                               | _____ |

### Fee Summary: Account No. 4225 (calculate fees on reverse)

Pre-Application Conference: Yes \_\_\_\_\_ No X Date: \_\_\_\_\_ Fee: \_\_\_\_\_

Amount Due: \$ 4730 (less Pre-Application Fee if submitted within past 3 months)

Receipt Number: \_\_\_\_\_ Date Paid: \_\_\_\_\_ Cashier: \_\_\_\_\_

### Applicant(s)/Appellant(s) Information

Manhattan Inn Operating Company, LLC

Name

1221 North Valley Drive Manhattan Beach, CA 90266

Mailing Address

Manhattan Inn Operating Company, LLC (Lessee), Michael Zislis (Manager)

Applicant(s)/Appellant(s) Relationship to Property

Michael Zislis, Manager

Katie Kruff

310.704.8507 / zislis@aol.com

Contact Person (include relation to applicant/appellant)

Phone number / e-mail

1221 North Valley Drive Manhattan Beach, CA 90266

Address,

[Signature]

310.704.8507

Applicant(s)/Appellant(s) Signature

Phone number

Complete Project Description- including any demolition (attach additional pages if necessary)

See Attached Pages

-

**EXHIBIT D**  
PC Mtg. 6/24/09

<sup>1</sup> An Application for a Coastal Development Permit shall be made prior to, or concurrent with, an application for any other permit or approvals required for the project by the City of Manhattan Beach Municipal Code. (Continued on reverse)

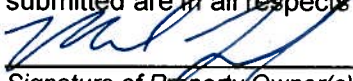
**RECEIVED**  
APR 16 2009  
By \_\_\_\_\_

PAID  
C/001-01241036  
04-17-2009

# OWNER'S AFFIDAVIT

STATE OF CALIFORNIA  
 COUNTY OF LOS ANGELES

I/We Michael Zislis being duly sworn, depose and say that I am/we are the owner(s) of the property involved in this application and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my/our knowledge and belief(s).

 - For Manhattan Inn Operating Company, LLC  
 \_\_\_\_\_  
 Signature of Property Owner(s) – (Not Owner in Escrow or Lessee)

Michael Zislis

Print Name

1221 North Valley Drive Manhattan Beach, CA 90266

Mailing Address

310.704.8507

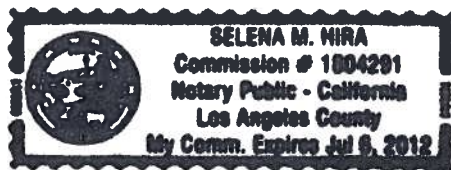
Telephone

Subscribed and sworn to before me, this 15<sup>th</sup> day of April, 2009

in and for the County of Los Angeles

State of CA

Notary Public 



## Fee Schedule Summary

Below are the fees typically associated with the corresponding applications. Additional fees not shown on this sheet may apply – refer to current City Fee Resolution (contact the Planning Department for assistance.) Fees are subject to annual adjustment.

**Submitted Application (circle applicable fees, apply total to Fee Summary on application)**

*Coastal Development Permit*

- Filing Fee (public hearing – no other discretionary approval required): \$ 4,275
- Filing Fee (public hearing – other discretionary approvals required): \$ 815
- Filing Fee (no public hearing required): \$ 560

*Use Permit*

- Use Permit Filing Fee: \$ 5,200
- Master Use Permit Filing Fee: \$ 8,145
- Amendment Filing Fee: \$ 4,730
- Master Use Permit Conversion \$ 4,080

*Variance*

- Filing Fee: \$ 4,925

*Minor Exception*

- Filing Fee (with notice): \$ 1,095
- Filing Fee (without notice): 547.50

*Subdivision*

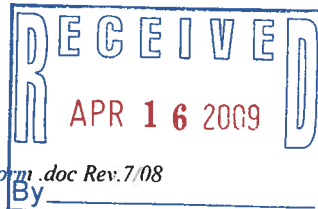
- Certificate of Compliance \$1,505
- Final Parcel Map / Final Tract Map 585
- Lot Line Adjustment or Merger of Parcels 1,010
- Mapping Deposit (paid with Final Map application) 473
- Quimby (Parks & Recreation) fee (per unit/lot) 1,817
- Tentative Parcel Map (less than 4 lots / units) No Public Hearing 805
- Tentative Parcel Map (less than 4 lots / units) Public Hearing 3,180\*\*
- Tentative Tract Map (more than 4 lots / units) 3,770\*\*

*Environmental Review (contact Planning Division for applicable fee)*

- Environmental Assessment: \$ 215
- Environmental Assessment (if Initial Study is prepared): \$ 2,210
- Fish and Game County Clerk Fee<sup>2</sup>: \$ 50

*Public Notification Fee* applies to all projects with public hearings and covers the city's costs of envelopes, postage and handling the mailing of public notices. Add this to filing fees above, as applicable. \$ 65

<sup>2</sup> Make \$50 check payable to LA County Clerk, (DO NOT PUT DATE ON CHECK)



## SHADE/MUP AMENDMENT

### WRITTEN DESCRIPTION

#### **Purpose of Application:**

**Background.** Shade Hotel has proven itself as a very valuable addition to the City of Manhattan Beach. The Hotel has established itself as a popular four-star hotel destination, while its Zinc Lounge has been a hit with locals. The attractiveness of our community has been enhanced. The Hotel brings substantial revenue to the City, both in direct taxes (occupancy, sales and property) and by attracting an affluent clientele toward other businesses in the area. The Hotel employs approximately 100 people.

During the three years of the Hotel's operations, the Metlox Plaza has evolved. For example, Deli Boys has given way to Sashi, which attracts a more upscale evening crowd. Based on our experience over this time frame, we believe that various terms in the original Master Use Permit (as applying to the Hotel) should be clarified and fine tuned to be consistent with the Hotel's status as a four star destination and as the anchor for the Metlox Plaza. These clarifications relate principally to hours and to ancillary services (such as food, bar and events). The changes will put Shade Hotel on a level playing field not only with other luxury hotels, but also with other hospitality businesses in the City.

**Clarification of Hours.** Paragraph 29 of the original Master Use Permit for the Metlox Plaza established general hours for operation of the Metlox Project. Those are: 6:00 a.m. to 11:00 p.m. Sunday through Thursday, and 6:00 a.m. to 12:00 a.m. (mid-night) Friday and Saturday (with no specific exception for special occasions such as New Year's Eve).

Paragraph 29 specifically states that those hours apply to the "Town Square and Public Areas" and also to "restaurant, food service, retail and personal services." No specific mention was made of the Hotel. PC Res. 05-08 applied similar hours to the Hotel (at least for special events), but imposed several more restrictive conditions (such as calling for bar service to stop 30 minutes before closing and for the Sky Deck to close at 10:00 p.m. with bar service ending at 9:00 p.m.).

These restrictions are contrary to the general trend of expanding use of the Metlox Plaza. For example, by an amendment to the Master Use Permit, the hours for Petros Restaurant are now extended to 1:00 a.m. on Friday and Saturday nights and 12:00 mid-night on other nights. The restrictions are not consistent with Shade Hotel's importance to the Metlox Plaza and to the City in general.

The principal purpose for the proposed amendment is to establish that the Hotel's hours should be similar to those of other hospitality businesses in the City.

**Sound Issues.** The staff and owners of Shade Hotel take pride in the Hotel's good relations to the community. Shade has incurred considerable expense in designing and



installing various sound barriers including, for example, two sound barriers on the East Side of the Hotel's Terrace. The Hotel will install additional sound barriers on the East Side of the Sky Deck

Manhattan Inn Operating Co, LLC requests a glass door structure designed to separate the courtyard/guest room area of the hotel from the Zinc Lounge. A permanent door will be installed near room 101 (same as existing door in front of room 116) and a glass "accordion" wall will be installed from room 116 to room 101. This accordion wall will remain open at all times except during certain events and busy nights in Zinc Lounge. The purpose of this wall and door is to prevent lounge patrons from loitering in the courtyard and disrupting hotel guests. Please see attached plans.

The Hotel provides a security team to maintain tight controls and decorum on all evenings when a significant number of guests is expected. The operations of the valets are modified at late hours (at some inconvenience for the Hotel and its guests) in order to limit noises on the East side of the Hotel. As a result of these steps, we believe that Hotel activities are less of a noise and security concern than surrounding areas within and outside the Metlox Plaza.

Such steps cannot completely satisfy every person all the time. However, it is clear that the response of the Community to all of the Hotel's activities has been overwhelmingly positive.

Other Modifications. The Hotel as ultimately approved and built differs in some details from what was contemplated when the Master Use Permit was first adopted (and when PC Resolution 05-08 was approved). Some minor modifications to language will clarify how the MUP applies to Hotel activities in a way that allows the Hotel to maintain its four-star status. For example, the MUP doesn't literally specify that the Hotel may serve lunch on its Terrace.

By preserving the Hotel's stature, changes of this sort will also help to support the Hotel's revenue (and thus the financial benefits to the City) against economic pressures arising from the current economic slowdown.

Proposed Findings.

Based on the foregoing, it is proposed that the Commission find as follows:

1. The proposed location of the use is in accord with the objectives of Title 10 of the Manhattan Beach Municipal Code and the purposes of the district in which the site is located;
2. The proposed location of the use and the purposed 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 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;

3. The proposed use will comply with the provisions of Title 10 of the Manhattan Beach Municipal Code, including any specific condition required for the proposed use in the district in which it would be located; and
4. The proposed use will not adversely impact nor be adversely impacted by nearby properties. Potential impacts are related but not necessarily limited to; traffic, parking, noise, vibration, odors, resident security, and personal safety, and aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigate.

Group Entertainment Permit. The MUP contemplates that certain events at the Hotel will require a Group Entertainment Permit. The Permit currently applying to the Hotel contains various restrictions that are more restrictive than the MUP seems inconsistent with the Hotel's intended stature. These matters will be addressed when the Group Entertainment permit is renewed.

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4/16/2009

Updated

**Metlox Plaza and Associated Businesses  
Mark Up of Existing Master Use Permit Terms**

*Land Use*

25. The following land uses and maximum square footages, as defined and approved by the DDA/Ground Lease, ~~and shall be~~ allowed
- A) Retail Sales and service [etc., no change]
  - B) *“Eating and Drinking Establishment (restaurants), two (2) total maximum, 8,000 square feet total maximum (including 6,400 square feet maximum dining/seating area regardless of whether located indoors or outdoors).*
  - C) *Offices [etc., no change]*
  - D) *“Visitor Accommodations (**Boutique Hotel** ~~Bed and Breakfast Inn~~), 35 to 40 rooms, **31,000** ~~26,000~~ square feet total maximum.*

28. *The ~~Hotel Inn~~ may provide wedding, party, and other special event services in its ~~their~~ **Lounge, Courtyard, Terrace, Meeting Room, and rooftop deck Living Room, as a secondary service to the primary Inn use in addition to providing hotel rooms for its guests. These types of events are limited to the hours specified in Paragraph 29 below. 6:00 am to 11:00 p.m. Sunday through Thursday, and 6:00 am to 12:00 pm (mid-night) Friday and Saturday. Events are limited to a maximum of 150 people, or whatever the maximum occupancy is as determined by the Building or Fire Code limits, whichever is less. The Director of Community Development may approve Temporary Use Permits for events which exceed 150 people, not to exceed the maximum occupancy as allowed by the Building or Fire Code limits. Events may not use the Town Square or other Public Open Areas unless prior approval is granted by the City. The availability of the Inn for special events shall not be marketed as the primary use.***

(note: the above terms already reflect an amendment made by PC Res. 05-08)

29. *The hours of operation for the site shall be permitted as follows:*

- \* *Restaurant, food service, retail and personal service: Up to 6:00 am to 11:00 p.m Sunday through Thursday, and 6:00am to 12:00am (mid-night) Friday and Saturday.*
- \* *Offices: Up to 24 hours.*
- \* *Town Square and Public Areas: Up to 6:00 am to 11:00 p.m. Sunday*

through Thursday, and 6:00 am to 12:00 am (mid-night) Friday and Saturday, seasonal, depending on weather.

\* *The Hotel Lounge, Terrace, Courtyard and Skydeck: Up to 6:00 a.m. to 12 a.m., Sunday through Thursday and 6:00 a.m. to 1:00 a.m. Friday and Saturday.*

*For purposes of this Paragraph, nights before Holidays shall be treated the same as a Friday or Saturday. Closing on New Years Eve shall be 1:00 a.m.*

30. *The second floor roof deck with the relaxation pool jacuzzi at the Hotel Inn shall be has been redesigned. The floor level of the roof deck may not exceed 21 feet in height, and the deck area must be properly screened. —The deck area may only be open for use from 6:00 am to 10:00 pm, seven days per week.*

### *Alcohol*

38. *The two restaurants may provide full liquor service, which is incidental to, and in conjunction with, the service of food. Service of alcohol at the restaurants shall be in conjunction with the service of food at all times during all hours of operation. The Hotel may provide full liquor service throughout the Hotel, including self-service in room “mini-bars,” and a portable bar for special events. the service of alcohol at the Hotel shall be in conjunction with food. The hours of food service, and the associated alcohol shall be consistent with the hours specified in Paragraph 29 the project description. Permitted food service at the Hotel shall, which is generally include breakfast, lunch, evening appetizers and light “small plates.” and Dinner may be served at for special events and as room service. The Sale of alcoholic beverages for consumption off-premise is not approved with this Master Use Permit . . . .*

*(the above terms reflect paragraph 38 as previously amended by PR Res. 05-08)*

2 *Restaurant uses, including the service of alcoholic beverages, shall be limited in their operation to the hours specified in paragraph 29. between 6:00 a.m. to 11:00 pm, Sunday through Thursday, and 6:00 am to 12:00 am (mid-night) Friday and Saturday. The rules specified in this Paragraph 39 shall also apply to the Hotel lounge, terrace, and rooftop deck.*

### *Entertainment*

40. *Dancing and amplified live music is prohibited within the business-office and retail establishments. Non-amplified live music or entertainment, limited to background-type music, with a maximum of 2 entertainers is permitted. Any live entertainment proposed in conjunction with any use (with the exception of background music, television and no more than 3 games or amusements per business establishment) shall require a Class 1 annual Entertainment Permit consistent with the provision of Section 4.20.050 of the Manhattan Beach Municipal code. . . . Appropriate*

conditions shall be placed on the Permit to minimize potential negative impacts (consistent with the nature and customary use of the facility involved). These conditions shall include, but not be limited to, hours, size and location of performance or dance area, size of band and number of performers, numbers of performance days per week, type and location of amplification, speakers and soundproofing, and volume of amplification. The Permit will be reviewed annually to determine if it is appropriate to renew the permit, deny the permit, or modify the conditions of approval.

***New Conditions as Set Forth Under PC Resolution No. 05-08:***

1 ***The proposed project shall be in substantial conformance with the plans submitted and the project description, as approved by the Planning Commission on May 25, 2005, subject to any special conditions set forth below. The layout of the Lobby area, including the sound insulation, and the roof deck is subject to further review and approval by the Director of Community Development. Any substantial deviation from the approved plans and project description must be reviewed and approved by the planning commission.***

2 ***[See Paragraph 28 above]***

3 ***[See Paragraph 38 above]***

4 ***All hotel marketing, advertising, and promotions shall be limited to attracting potential hotel guests and event planners. The Wine Bar (now called "Zinc") and Sun Deck will not be marketed to the general public as separate hospitality attractions.***

5 ***Except for events and special occasions, the The Zinc Lounge Wine Bar shall limit its food menu to appetizers or "small plates" (or "tapas"), to qualify as a***

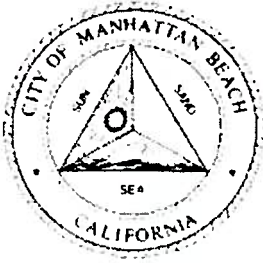
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***"bonafide eating place" as required by the ABC Type 47 license. The Lounge and Terrace Wine Bar shall provide food service but shall not operate as a full scale "restaurant." Breakfast and lunch may be served daily in the Lounge, Terrace Living Room, Poreh, Skydeck, and/or Courtyard.***

1 ***Shade Hotel shall not post any drink or food menus, or any drink or food signage outside of the hotel.***

2 ***The Sun Deck shall stop regular alcohol service no later than 9:00 p.m. daily.***

6 & ***Except for events and special occasions, Alcohol service at events and functions shall stop thirty fifteen minutes prior to the applicable closing time. hotel closing hours: 10:30 p.m., Sunday - Thursday; 11:30 p.m., Friday and Saturday.***



# ENVIRONMENTAL INFORMATION FORM

(to be completed by applicant)

CITY OF MANHATTAN BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT

Date Filed: 4/15/09

### APPLICANT INFORMATION

Name: Manhattan Inn Operating Co.

Contact Person: Michael Zislis

Address: 1221 N. Valley Drive

Address: 1221 N. Valley Drive

Phone number: 310.546.4995

Phone number: 310.704.8507

Relationship to property: Tenant

Association to applicant: Manager

### PROJECT LOCATION AND LAND USE

Project Address: 1221 North Valley Drive Manhattan Beach, CA 90266

Assessor's Parcel Number: 8940-211-011

Legal Description: See Attached

Area District, Zoning, General Plan Designation: Commercial Downtown

Surrounding Land Uses:

North Public

West Downtown Commercial

South Downtown Commercial

East Open Space

Existing Land Use: Commercial Hotel.

### PROJECT DESCRIPTION

Type of Project: Commercial  Residential  Other

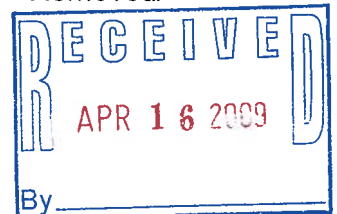
If Residential, indicate type of development (i.e.; single family, apartment, condominium, etc.) and number of units: N/A

If Commercial, indicate orientation (neighborhood, citywide, or regional), type of use anticipated, hours of operation, number of employees, number of fixed seats, square footage of kitchen, seating, sales, and storage areas: \_\_\_\_\_

See Attached Description.

If use is other than above, provide detailed operational characteristics and anticipated intensity of the development: See Attached Description.

Removed/



	<u>Existing</u>	<u>Proposed</u>	<u>Required</u>	<u>Demolished</u>
Project Site Area:	_____	_____	_____	_____
Building Floor Area:	_____	_____	_____	_____
Height of Structure(s)	_____	_____	_____	_____
Number of Floors/Stories:	_____	_____	_____	_____
Percent Lot Coverage:	_____	_____	_____	_____
Off-Street Parking:	_____	_____	_____	_____
Vehicle Loading Space:	_____	_____	_____	_____
Open Space/Landscaping:	_____	_____	_____	_____

Proposed Grading:  
 Cut \_\_\_\_\_ Fill \_\_\_\_\_ Balance \_\_\_\_\_ Imported \_\_\_\_\_ Exported \_\_\_\_\_

Will the proposed project result in the following (*check all that apply*):

- | <u>Yes</u> | <u>No</u> |                                                                                                                              |
|------------|-----------|------------------------------------------------------------------------------------------------------------------------------|
| _____      | <u>X</u>  | Changes in existing features or any bays, tidelands, beaches, lakes, or hills, or substantial alteration of ground contours? |
| _____      | <u>X</u>  | Changes to a scenic vista or scenic highway?                                                                                 |
| _____      | <u>X</u>  | A change in pattern, scale or character of a general area?                                                                   |
| _____      | <u>X</u>  | A generation of significant amount of solid waste or litter?                                                                 |
| _____      | <u>X</u>  | A violation of air quality regulations/requirements, or the creation of objectionable odors?                                 |
| _____      | <u>X</u>  | Water quality impacts (surface or ground), or affect drainage patters?                                                       |
| _____      | <u>X</u>  | An increase in existing noise levels?                                                                                        |
| _____      | <u>X</u>  | A site on filled land, or on a slope of 10% or more?                                                                         |
| _____      | <u>X</u>  | The use of potentially hazardous chemicals?                                                                                  |
| _____      | <u>X</u>  | An increased demand for municipal services?                                                                                  |
| _____      | <u>X</u>  | An increase in fuel consumption?                                                                                             |
| _____      | <u>X</u>  | A relationship to a larger project, or series of projects?                                                                   |

Explain all "Yes" responses (*attach additional sheets or attachments as necessary*):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**CERTIFICATION:** I hereby certify that the statements furnished above and in attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature: \_\_\_\_\_ Prepared For: \_\_\_\_\_

Date Prepared: 4/15/09

Revised 7/97

## Laurie B. Jester

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**From:** Scott Murch [smurch@wcb-law.com]  
**Sent:** Tuesday, June 16, 2009 10:20 AM  
**To:** Portia P. Cohen; Mitch Ward; Richard Montgomery; Nick Tell; Wayne Powell  
**Cc:** Laurie B. Jester; Cho, Teresa; Scott Murch  
**Subject:** Opposition to modification to master use permit for Shade Hotel

Dear Council Members,

Please see the attached letter to Laurie Jester, Planning Manager, opposing the proposed modification to Shade Hotel's master use permit. My wife and I, as well as our neighbors, strongly oppose increasing the hours and capacity of that hotel. It already generates too much noise and too many other problems for nearby residents. Thank you for your anticipated attention to this matter.

Scott K. Murch  
WAXLER CARNER BRODSKY LLP  
1960 Grand Avenue, Suite 1210  
El Segundo, CA 90245  
(310) 416-1300 (main)  
(310) 416-1306 (direct)  
(310) 416-1310 (fax)  
smurch@wcb-law.com (email)



SCOTT MURCH, Esq. and TERESA CHO, Esq.  
528 12<sup>th</sup> Street  
Manhattan Beach, CA 90266

June 13, 2009

*Via Email*

Laurie B. Jester, Planning Manager  
Manhattan Beach City Hall  
1400 Highland Avenue  
Manhattan Beach, CA 90266

Re: Shade Hotel  
Proposed Modification of Master Use Permit

Dear Laurie,

We write to express our vehement opposition to the proposed modification of Shade Hotel's master use permit. We enclose comments from our neighbors on this issue.

Shade Hotel already creates substantial noise pollution, particularly during the summer months. Increasing the occupancy by 50 percent and extending the hours into the wee hours of the morning will only compound the problems created by this hotel.

Shade Hotel is, primarily, a singles bar and attracts a loud, boisterous and frequently drunk crowd. Although we live two blocks away, we hear them many weekend nights partying at the hotel. Additionally, patrons of the hotel frequently park on our street, and we often hear their loud, drunken voices as they return to their cars late at night after visiting the hotel. We also find used alcoholic beverage containers in our yard that have been left by these patrons.

We have even telephoned the Manhattan Beach Police Department to complain about the noise coming from Shade Hotel. That call was made while the hotel was hosting a rooftop party. The DJ or host at the party was using the PA system at a high volume, and the party noise and DJ's comments over the system could be heard for at least a quarter mile away. There was at least one police car parked on the 600 block of our street monitoring the noise. All of this occurred after 10 p.m. – the current end time for rooftop usage. The noise prevented our young children from falling asleep.

We are the parents of two young children, ages 4 and 5. All told, there are eight children age 6 or younger on the 500 block of 12<sup>th</sup> Street. There are many families with young children both up the block and on neighboring streets to the north. These kids need sleep, and noise from Shade Hotel and its patrons frequently disturbs their sleep. Our kids have school every weekday. We do not wish to have their well-being and progress impeded by

sleep problems. The proposed modification to Shade Hotel's master use permit will undoubtedly increase these incidents.

Finally, it is worth noting that Shade Hotel is not what it was originally represented to Manhattan Beach residents to be when the Metlox property was in the planning and development stage. We were told that the hotel would be a small bed and breakfast. Shade Hotel is definitely not that. If residents had known then what they now know about the hotel, few, if any, would have supported the development plan.

We will be closely monitoring the Planning Commission's decision. We ask that we be kept informed of any proceedings on this matter, as we wish to voice our views before any decisions are made about this civil nuisance.

Very truly yours,



SCOTT K. MURCH

TERESA CHO

Cc: James and Anna O'Brien, 529 12<sup>th</sup> St.  
Joe Burghardt and Aparna Voleti, 525 12<sup>th</sup> St.  
William and Mary Allison, 521 12<sup>th</sup> St.  
Joe and Debbie Taylor, 520 12<sup>th</sup> St.  
Maria Reinhardt, 1145 Fisher  
Andrea Newmark, 524 12<sup>th</sup> St.

COMMENTS REGARDING PROPOSED MODIFICATION  
TO SHADE HOTEL USE PERMIT

I agree with the comments set forth in Scott Murch and Teresa Cho's letter above  
and add comments below.

Name STEVE & JINX WIBLE  
Address 1212 N. ARDMORE MANHATTAN BEACH  
Comments: I WOULD LIKE TO REDUCE THE EXISTING HOURS!

Name Debbie Taylor & Joe Taylor  
Address 520 12<sup>th</sup> Street MB  
Comments: Somehow the image of the bed & breakfast  
was never created.

Name Jim & Anna O'Brien  
Address 529 12<sup>th</sup> St  
Comments: It's odd enough we have to deal w/ parking  
issues.

Name John [Signature]  
Address \_\_\_\_\_  
Comments: 1200 FISHER AVE

Name William & Sawanna Krizman  
Address 613 12<sup>th</sup> ST.  
Comments: Manhattan Beach, CA.  
Expand the hours 21? I vote to  
reduce the hours.

Name MARLETTA + PETER MANFIELD  
Address 629 12<sup>th</sup> ST  
Comments: MANHATTAN BEACH, CA 90266

**CITY OF MANHATTAN BEACH  
DEPARTMENT OF COMMUNITY DEVELOPMENT**

**TO:** See distribution below  
**FROM:** Angela Soo, Executive Secretary  
**DATE:** April 20, 2009  
**SUBJECT:** Review Request for Proposed Project at:

**1221 N. VALLEY DRIVE (SHADE HOTEL)  
Clarification/modification of exstg. Use Permit**

The subject application has been submitted to the Planning Division. Please review the attached material(s) and provide specific comments and/or conditions you recommend to be incorporated into the draft Resolution for the project. Conditions should be primarily those which are not otherwise addressed by a City Ordinance.

If no response is received by **APRIL 30**, we will conclude there are no conditions from your department.

Comments/Conditions (attach additional sheets as necessary):

*FIRE DEPT.*

- ADHERENCE TO OCCUPANCY LEVEL AS DETERMINED BY BUILDING & SAFETY DEPT.*
- EXCEPTIONS TO THIS THAT EXCEED OCC. LEVEL COULD REQUIRE FIRE SAFETY OFFICER STANDBY, AT CITY PSO RATES PER ORD. FEE SCHEDULE.*

Distribution (circle all that apply):

*4/24/09 JLS.*

Yes / No Building Dept  
Yes / No Fire Dept  
Yes / No Public Works (Roy)  
Yes / No Engineering (Mike)  
Yes / No Waste Mgmt (Anna)

Yes / No City Attorney  
Yes / No Police Dept.  
\_\_\_ Traffic  
\_\_\_ Detectives  
\_\_\_ Crime Prevention

**EXHIBIT F**  
*PC Mtg. 6/24/09*

**CITY OF MANHATTAN BEACH  
DEPARTMENT OF COMMUNITY DEVELOPMENT**

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If no response is received by **APRIL 30**, we will conclude there are no conditions from your department.

Comments/Conditions (attach additional sheets as necessary):

① ENSURE NO USE change or OCCUPANCY change FOR AREAS where operation hours are requested to be expanded.

*John K... [Signature]*

Distribution (circle all that apply):

Yes / No  Building Dept  
Yes / No  Fire Dept  
Yes / No  Public Works (Roy)  
Yes / No  Engineering (Mike)  
Yes / No  Waste Mgmt (Anna)

Yes / No  City Attorney  
Yes / No  Police Dept.  
 Traffic  
 Detectives  
 Crime Prevention

City of Manhattan Beach  
Department of Public Works  
Memorandum

*Pub Works*  
*JAA*  
*SP*  
*RJM*

**To:** Angela Soo, Planning Division Secretary  
**Through:** Jim Arndt, Director of Public Works  
**From:** Steve Finton, City Engineer  
Lee Morlet, Public Works Inspector (310) 802-5305  
Roy Murphy, Public Works Inspector (310) 802-5306  
3621 Bell Avenue, Manhattan Beach CA 90266  
**Subject:** 1221 N. Valley Drive (Shade Hotel)  
**Date:** April 30, 2009

Entered on  
Page or  
Sheet #

ALL THE PUBLIC WORKS NOTES AND CORRECTIONS MUST BE PRINTED ON THE PLAN. NO EXCEPTIONS.

This property was inspected by Public Works staff on April 30, 2009 and the following items are required and must be added to the plans. Indicate location of correction on blanks at left.

1. The Contractor must show to the City of Manhattan Beach's Building Department and to the Public Work Department that the grease interceptor is at the proper capacity for any new restaurants in the Shade Hotel and a maintenance program with regular inspections and removal of grease buildup.
2. The trash area must be rereviewed by Waste Management and Anna Luke regarding the possible impact of a new restaurant in the Shade Hotel.
3. Commercial establishments are required, by municipal code 5.24.030 (C)(2) to have a sufficient refuse and recycling storage space to enclose a commercial lift container(s). The refuse storage space or facility must be screened from public view and be either constructed within the building structure or in a screened enclosure on private property. Please read the code section for further clarification
4. Erosion and sediment control devices BMPs (Best Management Practices) must be implemented around the construction site to prevent discharges to the street and adjacent properties. BMPs must be identified and shown on the plan. Control measures must also be taken to prevent street surface water entering the site.
5. Plan holder must have the plans rechecked and stamped for approval by the Public Works Department before the building permit is issued

cc: Roy Murphy

0 Application-newcommercial

**SURVEY OF DOWNTOWN EATING AND DRINKING ESTABLISHMENTS**

<b>Establishment</b>	<b>Address</b>	<b>Hours of Operation</b>	<b>Alcohol License</b>	<b>Date</b>
900 Manhattan Club/Sidedoor	900 Manhattan Ave.	M-Th 11am-12 am F 11am-1 am Sat 9am-12am Sun 9am-12am	Full Liquor	
Coco Noche	1140 Highland Ave.	Su-Th 6am-10pm F-Sa 6am-11pm	Beer and Wine	
Beaches	117 Manhattan Beach Blvd.	M-F 10am-1am Sa-Sun 8 am-1am	Full Liquor	
Café Pierre	317 Manhattan Beach Blvd.	Su-Sa 9am-1am	Full Liquor	
Pasta Pomodoro	401 Manhattan Beach Blvd.	Sun-Wed 9am-11pm Thu-Sat 7am-12am	Beer and Wine	03/05
Ebizio	229 Manhattan Beach Blvd.	M-Th 6am - 11pm F-Sa 6am-12am	Beer and Wine	
El Sombrero	1005 Manhattan Ave.	Su-Th 7am-11pm F-Sa 7am-12am	Beer and Wine	
Ercoles	1101 Manhattan Ave.	Su-Sa 11am-2am	Full Liquor	
Fonzs	1017 Manhattan Ave.	Su 9am-9pm M-Th 5:30am-10pm F-Sa 5:30am-11pm	Full Liquor	
Creperie	1209 Highland Ave.	Sun-Th 7am-11pm F-Sat 7am-12am	Beer and Wine	05/07
Hennesseys	313 Manhattan Beach Blvd.	Su-Sa 11am-2am	Full Liquor	
Fusion Sushi	1150 Morningside Dr.	Su-W 9am -11pm Th-Sa 7am-12am	Full Liquor	
Kettle	1138 Highland Ave.	Su-Sa 24 Hours	Beer and Wine	
Le Pain Quotidien	451 Manhattan Beach Blvd.	M-Sun 7 am -7:30 PM- (alcohol 10 am)	Limited beer and wine	5/08
Mama D's	1125 A Manhattan Ave.	Su-Sa 7am-2am	Beer and Wine	
Mangiamo	128 Manhattan Beach Blvd.	Su-Sa 8am-12am	Full Liquor	
Manhattan Brewing Company	124 Manhattan Beach Blvd.	Su-Sa 7am-12am F-Sat 7am-1am	Full Liquor	
Sharks Cove	309 Manhattan Beach Blvd.	Su-Sa 7am-2am	Full Liquor	
Manhattan Pizzeria	133 Manhattan Beach Blvd.	No Reso	Beer and Wine	
Mucho	903 Manhattan Ave.	Su-T 11am-12am F-Sat 11am-2am	Full Liquor	
Octopus	1133 Highland Ave.	M-F 11:30am-2:30pm to 5:30pm-11pm F-Sa 5:30pm-12am	Beer and Wine	
Old Venice/El Sombrero	1001 Manhattan Ave.	Sun-Thu 7am-11pm Fri-Sat 7am-12am	Beer and Wine	07/07
Penny Lane	820 Manhattan Ave.	Su-Th 7am-10:30pm F-Sa 7am-11:30pm	Beer and Wine	
Rock N Fish	120 Manhattan Beach Blvd.	Su-Th 7am-12am F-Sa 7am-1am	Full Liquor	
Shellback	116 Manhattan Beach Blvd.	No Reso	Full Liquor	

Sun & Moon Café	1131 Manhattan Ave.	Su-Th 6am-11pm F-Sa 6am-12am	Beer and Wine	
Talia's	1148 Manhattan Ave.	Su-W 7am-11pm Th-Sa 7am-12am	Full Liquor	11/01
Towne	1142 Manhattan Ave.	M-W 11am-11pm Th-F 11am-12am Sa 7am-12am Su 7am-11pm	Full Liquor	
12th+Highland	304 12th Street	Su-Th 10am-12am F-Sa 10am-1am	Full Liquor	
Wahoo's	1129 Manhattan Ave.	Su-Th 6am-11pm F-Sa 6am-12am	Beer and Wine	
Avenue	1141 Manhattan Ave.	Su-Th 11am-11pm F-Sa 11am-12am	Full Liquor	
Shade Hotel	1221 Valley Drive	Lobby Bar- daily 5pm-11pm Courtyard Su-Th 6am-11pm F-Sat 6am-12am Roofdeck daily 6am-10pm	Full Liquor	
Petro's	451 Manhattan Beach Blvd Suite B-110	Su-Th 6am-12 am F-Sa 6am-1am Off-site specialty wine	Full Liquor	12/06
Sashi	451 Manhattan Beach Blvd Suite D-126 1200 Morningside	Su-Th 6am-11pm F-Sa 6am-12am	Full Liquor	