

**CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Planning Commission

FROM: Laurie B. Jester, Acting Director of Community Development

DATE: May 12, 2010

SUBJECT: Consideration of a Master Use Permit Amendment for Modifications to the Previously Approved Hours of Operation, Notification for Special Events, Restaurant Operations, and a Height Variance for a Six Foot High Noise Barrier at the Roofdeck 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 Shade Hotel is requesting that three changes be made to the existing Master Use Permit for the site as follows: 1-Extension of hours of operation, 2- An increase to 125 people for special events (weddings, parties, etc.) without administrative approval, and 3- A full-service restaurant (breakfast, lunch and evening “small plates”). Additionally, the project includes a Variance request for six foot high noise barriers around the north, south and east sides of the roofdeck. The hotel is currently at the maximum 30 foot height limit. To further mitigate noise impacts, the proposal also includes moveable acoustic panels to enclose the south terrace and terrace entrance at night; and an acoustic entry vestibule at the front (east) main entry. The current approval allows hours until 11:00 PM for the lobby bar and outside terrace and 10:00 PM for the roofdeck, 99 people for special events without notification, and limited food service for guests.

BACKGROUND

The Metlox project is the culmination of many years of community participation and input through workshops and meetings. The previous staff report provides a complete summary of some of the key milestones for the Metlox site. The following are some of the highlights related to the Shade Hotel and other Use Permit Amendments for the site:

- July 2002- Master Use Permit and Coastal Development Permit for the Metlox project approved by the City Council- (CC Resolution No. 5770)
- April 2004- Shade Hotel construction commenced
- 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)
- 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.

This is the fourth public hearing before the Planning Commission for the subject proposal. The first hearing was held on June 24, 2009, at which time the Commission conducted the public hearing, took public testimony, discussed the project, provided direction to staff and continued the public hearing to the July 22nd meeting. At the July meeting the Commission heard from a number of neighbors and residents with concerns about the existing site operations and the proposal to extend the hours and modify the business operations. The main concern that the neighbors have is noise, particularly during the midweek and later at night. The Commission generally supported the requests for no administrative approval for events up to 125 people, and allowing increased food service. The initial requests for dancing throughout the facility and a new interior partition wall between the Zinc Lounge and Courtyard was withdrawn.

The main concern from the Commission at the July 22nd meeting was the noise and its impact to the neighborhood. After hearing public testimony and discussing the item, the Commission then requested that staff have an independent acoustic study conducted to evaluate the existing noise levels and possible mitigation measures to minimize noise impacts. The applicant agreed and the noise impact and mitigation evaluation report was prepared by Behrens and Associates, Inc., under the direction of the City staff. The report was then presented to the Commission on October 28, 2009.

The Manhattan Beach Municipal Code provides two standards for evaluating noise. The first is a decibel level standards, and as an objective standard this is the standard that is used to evaluate impacts and mitigation in the Behrens report. A subjective, or “reasonable person standard”, is also provided in the Code and this technical noise report does not address the subjective standard. For land use decisions, such as this Master Use Permit Amendment, it is appropriate for the Planning Commission to consider all sorts of evidence. The Commission will consider the

noise study (the objective standards), as well as the neighbors and patrons testimony (the subjective standard). The Use Permit, Variance and General Plan purpose, findings, criteria, goals and policies should also be considered by the Commission when making the decision.

Although the noise report presented on October 28, 2009 concludes that the objective decibel level standards established in the Code are not currently exceeded, it states that there is a potential for the noise standards to be exceeded during the early morning hours if hours are extended and additional sound mitigation is not implemented. This is due to a decrease in traffic volumes and ambient or background noise levels in the area, which would then cause the Shade noise level to be more audible. The report concludes that there are three main residential areas, to the south, east and north, with noise impacts. Additionally, there are three main areas at the Shade Hotel that impact the residents; the south terrace, the east main entry and rooftop deck.

At the October 28th meeting the Commission again expressed concerns with the noise from the Shade Hotel impacting the neighbors. The neighbors indicated that they wanted no increase in hours and they wanted a resolution of the existing noise issues. Although the Shade is in a commercial zone it is adjacent to residential and the Commission expressed that they felt it was necessary for the two uses to coexist. The Commission indicated that they could not support an increase in hours for the skydeck at that time. They encouraged the applicant to work with the neighbors to develop noise mitigation before the Commission could even consider extending the hours. The applicant agreed and offered to work with the neighbors, staff and the consultants to develop a plan to address noise concerns. Exhibit E provides the Planning Commission minutes from the October 28th meeting.

PROJECT DESCRIPTION AND DISCUSSION

The following is a summary of the proposed Use Permit Amendment and height Variance.

1. Special Events-

Allow an increase to 125 people for special events without City notification. The current approval allows 99 people for special events without City notification. The Planning Commission previously indicated support for this Amendment.

2. Food Service-

Allow full food service 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. The Planning Commission also previously indicated support for this Amendment.

3. **Wall-** (withdrawn)

The project originally requested approval to allow the 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 request would create an enclosed hallway to separate the lobby from the hotel courtyard and rooms. This new hallway would also connect the Zinc bar with the public restrooms and the rear entry/exit staircase to the west. This request was withdrawn at the October 28th meeting.

4. **Dancing-**(withdrawn)

At the June 24th meeting the applicant stated that the request to allow dancing throughout the facility during all hours of operation for all customers, instead of limiting dancing to guests at special events only, was not really necessary and that request was withdrawn.

5. **Hours-**

The following is a summary chart that compares the allowed hours of operation under the existing Use Permit with the previous and current proposed revisions to the hours. Detailed charts with more operational information are provided in Exhibit A.

SHADE HOTEL CLOSING HOURS			
LOCATION	CURRENT USE PERMIT	APPLICANT'S PROPOSAL 10/28/09	APPLICANT'S PROPOSAL 5/12/10
Lobby Bar (Zinc Lounge)	11:00 PM Daily	<ul style="list-style-type: none"> • Sunday-Wednesday- 11:00 PM • Thursday- 11:30 PM • Friday-Saturday and Nights Before Holidays - 12:00 AM midnight 	<ul style="list-style-type: none"> • Sunday-Wednesday- 11:00 PM • Thursday- 11:30 PM • Friday-Saturday- 12:00 AM Midnight
Terrace/ Patio South Side	11:00 PM Daily		<ul style="list-style-type: none"> • Sunday-Wednesday- 10:30 PM • Thursday- 11:00 PM • Friday-Saturday- 12:00 AM Midnight
Interior Courtyard- Special Events Only	<ul style="list-style-type: none"> • Sunday-Thursday- 11:00 PM • Friday-Saturday- 12:00 AM midnight 		<ul style="list-style-type: none"> • 12:00 AM Midnight
Skydeck/ Rooftop Deck	10:00 PM Daily	<ul style="list-style-type: none"> • Sunday-Thursday 10:00 PM • Friday-Saturday and Nights Before Holidays- 11:00 PM 	<ul style="list-style-type: none"> • 11:00 PM

Noise Mitigation Evaluation Report

After the October 28th Planning Commission meeting, the City's noise consultant, Behrens and Associates, met with the applicants' architect to develop physical design revisions to the Shade that would meet the goals of mitigating noise impacts, being compatible with the architecture of the hotel, and working with the business operations. The October report prepared by Behrens identified the three main sources of noise from the hotel as being the front (east) entrance, the terrace to the south of the Zinc Lounge, and the rooftop deck. Behrens then prepared a new report dated March 10, 2010 that evaluated noise mitigation (Exhibit B). The mitigation measures include a permanent glass entry vestibule at the front entrance to the hotel, moveable glass panel walls that would roll down to enclose the terrace and a portable temporary folding acoustic screen at the entry to the terrace for nighttime only, and a permanent barrier on the rooftop deck extending 6-foot high above the existing height of the drink service area on the north, south, and east sides.

In general, the report indicates that a 10 db reduction in noise reduces the noise level in half, and a minimum of 5 dB reduction in noise is considered to be a significant reduction. The front entrance vestibule is anticipated to reduce noise levels by 6 to 8 dB at the residences. The moveable panel enclosures on the Terrace and portable barrier in front of entry queue by the Terrace are anticipated to reduce noise levels at the residences 6 to 10 dB if the Terrace is left open for the top 8 feet, and 8 to 10 dB if the Terrace is fully enclosed. These Terrace noise mitigation improvements are proposed to be in place only at night, during the daytime the terrace would remain open. The rooftop deck panels on the north, east and south sides, are anticipated to reduce noise levels at the residences a bit over 2 to 5 dB. These primarily reduce noise for properties to the northeast. These rooftop deck panels require a height Variance. The general concept for these improvements are shown on the architectural plans (Exhibit G). If the project is approved then detailed drawings and specifications will need to be prepared by the architect and Noise consultant.

Neighbor Meeting

Staff met with the Shade, neighborhood representatives, the architect and the Noise consultants on March 23, 2010 and discussed the proposed noise mitigation, the findings of the report and the ongoing neighbor concerns. At that meeting the neighbor representatives discussed a number of on-going issues that they felt were not addressed including single event noises (microphone, yells, whoops), taxis circling, slowing down, stopping and picking up people on Valley after 10:00 PM, and loud groups of people waiting for taxis on Valley after 10:00 PM.

The Shade owners discussed a number of operational modifications to address neighbors concerns, including relocation of the valet pick up to downstairs inside the garage and relocation of the valet podium to near Petros after 10:00 PM on Friday and Saturday. However, registered hotel guests that are arriving or leaving anytime day or night may use the front entrance for valet or self-parking. The Shade indicated that for special events the event date, time, location and number of people will be posted on the Shade website or other neighbor notification will be provided. They also stated that the exterior doors have been disabled so they are not able to remain locked in the open position to help prevent noise from spilling out. Regarding music and amplification, the background music in any location in the building has been adjusted so that is it not audible to the extent that is disturbs the neighbors, music is piped in through the house

system only, Dj's, live music or anything other than background music is only allowed in the Zinc Lounge with a special permit, and special events are subject to the conditions in the Entertainment Permit. Staff is working with the Finance Department to notify the taxi companies that it is illegal to stop in the street and they have been directed to use the taxi stand on Morningside Drive near 13th Street.

One of the major areas of concern has been defining what "Closed" means. Since the hotel is a 24 hour operation, it is not like a restaurant or bar where the whole building closes, everyone leaves and all the doors are locked. The applicant outlined at the neighbor meeting a proposal to refine the operations of the hotel to address the neighbors concerns as shown in the attached charts (Exhibit A). The goal of the meeting was to try to come to a consensus on the proposal and to narrow the areas of disagreement. The neighbor representatives seemed receptive to the concepts presented and appreciated the opportunity to discuss concerns and try to resolve issues. The Shades proposal was then presented to the entire neighborhood by the neighbor representatives, and the neighbors overwhelmingly rejected the proposal in April as indicated in the attached e-mails (Exhibit E). The applicant requested that the proposal then be brought before the Planning Commission.

Staff Discussion

The Shade Hotel is requesting that three changes be made to the existing Master Use Permit as follows: 1-Extension of hours of operation, 2- An increase to 125 people for special events (weddings, parties, etc.) without administrative approval, and 3- A full-service restaurant (breakfast, lunch and evening "small plates"). Additionally, the project includes a height Variance request for six-foot high noise barriers around the north, south and east sides of the roofdeck. The hotel is currently at the maximum 30 foot height limit. To mitigate noise impacts at the ground level, the proposal also includes moveable acoustic panels to enclose the south terrace at night and a moveable partition at the entry for the terrace, and an acoustic entry vestibule at the front (east) main entry. The current approval allows hours until 11:00 PM for the lobby bar and outside terrace and 10:00 PM for the roofdeck, 99 people for special events without notification, and limited food service for guests.

Staff believes that the noise mitigation evaluation report provides the information requested from the Planning Commission. There are a number of e-mails from a resident, attached as Exhibit F, questioning the acoustical analysis, claiming the Shade is a public nuisance and is violating State Department of Alcoholic Beverage Control (ABC) regulations, alleging Police enforcement issues and Use Permit violations, and generally detailing concerns with noise. Staff has discussed these issues with the City's Noise consultant and they have been addressed previously at the Commission meetings and in the noise studies. The Noise studies are consistent with the City's regulations, and are complete and accurate. The Noise consultant will be at the meeting to address any questions from the Commission. Staff has also discussed the Shade Hotel operations with the Police Department and a representative from the Department that has been dealing with the hotel, the neighbors and the noise issues will also be at the meeting to respond to questions from the Commission. The Commission is reviewing the Use Permit and through this process will determine the appropriate course of action for the hotel operations.

Staff believes that there needs to be a balanced approach with this request, and that the Planning

Commission should focus on how best to minimize and mitigate impacts associated with the Shade Hotel operations. One of the key issues to recognize is that the hotel is a 24-hour operation; however the bar is not. This is the fourth public hearing before the Planning Commission, two Noise reports have been prepared, and numerous e-mails, phone calls and meetings have been exchanged with the neighbors and the Shade. The applicant has requested that the Planning Commission reach a decision and take final action. The Planning Commission decision will then be received and filed by the City Council, unless it is appealed, then a public hearing will be held before the Council.

Master Use Permit, Variance and Coastal Permit

In accordance with Chapter 10.84 of the MBMC the Planning Commission conducts a public hearing and has the authority to approve, approve with conditions or deny the Use Permit Amendment and a Variance. With any action the Use Permits findings must be considered (10.84.060 A and B) , and conditions (10.84.070) may be placed on an application. The Commission has the ability to approve only portions of the request and modify the proposal to meet the Use Permit and Variance purpose, findings and criteria. Exhibit D provides the Chapter 10.84 criteria.

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.

CONCLUSION

The project before the Planning Commission is an Amendment to the Master Use Permit and a height Variance for the Shade Hotel. At the previous meetings the Commission was generally in agreement with the proposals for special events, and food service. The area where the Commission felt that more information was needed was the proposal to increase the hours of operation. A second report and mitigation recommendations from a noise consultant has been provided. Staff recommends that the Planning Commission review the information presented in the report, open the public hearing, discuss the project, close the public hearing, and provide direction. Staff will return at the next meeting with a Resolution for adoption based on the Planning Commission action.

ATTACHMENTS

- Exhibit A: Hours of Operation Charts- Lounge/Terrace and Courtyard/Roofdeck
- Exhibit B: Behrens and Associates, Inc- Shade Hotel Noise Mitigation Evaluation Report– March 10, 2010
- Exhibit C: October 28, 2009 Planning Commission adopted minute excerpts
- Exhibit D: Use Permit and Variance Sections of MBMC- Portions of Chapter 10.84
- Exhibit E: E-mails from Nate Hubbard- 11-3-09, 12-4-09, 2-11-10, 4-2-10, 4-9-10, 4-12-10, and 5-5-10

Exhibit F: E-mails from Don McPherson- 10-29-09, 11-13-09, 3-9-10, 3-20-10, 4-22-10, 5-1-10, and 5-6-1 (Separate document)

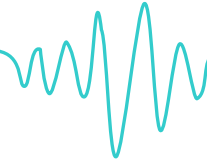
Exhibit G: Architectural concept plans- dated May 15, 2010 (four sheets)

c: Mike Zislis- Shade Hotel
Jon Tolkin- Tolkin Group
Glenn Loucks- Tolkin Group
Bryan Klatt, Police
Don Behrens and Tom Corbishley, Behrens and Associates

SHADE HOTEL HOURS OF OPERATION- INTERIOR COURTYARD & ROOFTOP DECK				
LOCATION	CURRENT USE PERMIT	APPLICANT'S PROPOSAL 10/28/09	APPLICANT'S PROPOSAL 5/12/10	NOTES
Interior Courtyard-Special Events Only	<ul style="list-style-type: none"> • Sunday-Thursday 10:30 PM- Last drink served. • Sunday-Thursday 11:00 PM- Closed 	<ul style="list-style-type: none"> • Sunday-Wednesday 11:00 PM- Closed • Thursday 11:30 PM- Closed • Friday-Saturday and Nights Before Holidays 12:00 AM midnight- Closed 	<ul style="list-style-type: none"> • 12:00 AM Midnight- Closed Everyone to be out of the public areas except staff. • 1:00 AM New Years Eve- Closed 	<ul style="list-style-type: none"> • Area for special event use only. • Music allowed- Harp, violin and similar instruments- no live bands. • Oktoberfest only, live band- 4 to 8 PM, one Sunday annually. • Chamber, Open House, and other occasional Community events with local school bands, choir or similar.
	<ul style="list-style-type: none"> • Friday-Saturday 11:30 PM- Alcohol service stops. • Friday-Saturday 12:00 AM midnight- Closed 			
Skydeck/ Rooftop Deck	<ul style="list-style-type: none"> • Daily 9:00 PM- Alcohol service stops. • Daily 10:00 PM- Closed 	<ul style="list-style-type: none"> • Sunday-Thursday 10:00 PM- Closed • Friday-Saturday and Nights Before Holidays 11:00 PM- Closed 	<ul style="list-style-type: none"> • 9:00 PM- No further use of microphone. • 10:30 PM- Last call for drinks, lights turned up and music off. • 11:00 PM- Closed. Everyone to be out of the public areas except staff. 	<ul style="list-style-type: none"> • Music and all sound piped in through house system only, no dj's, and no live music. Background music only.

Behrens and Associates, Inc.

Acoustics, Noise and Vibration Consultants



March 10, 2010

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

Attention: Laurie Jester, Planning Manager

Subject: Shade Hotel Noise Mitigation Evaluation Report

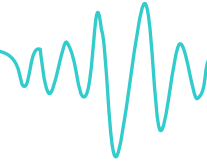
Dear Ms. Jester,

We have completed the noise mitigation evaluation for the Shade Hotel, located at 1221 N Valley Dr in the City of Manhattan Beach. This report provides an assessment of mitigation measures that have been designed to reduce the hotel noise experienced at the residential properties east of Ardmore Avenue. Our previous report, dated October 21, 2009, identified the three main sources of noise at the hotel as being the front entrance, the south terrace and the rooftop deck. The mitigation measures assessed in this report are an enclosed glass vestibule at the front entrance to the hotel, movable panel walls enclosing the terrace at the south end of the hotel and barriers extending above the existing walls on the north, east and south sides of the rooftop deck.

This report presents both calibrated unmitigated noise maps and predicted mitigated noise maps showing the noise after the proposed mitigation measures have been installed. In addition, 'noise difference maps' are presented. These maps are calculated by subtracting the mitigated noise level from the unmitigated level at every point over the mapped area. They therefore show the reduction in noise with the mitigation measures installed. For each mitigated noise map presented in this report, a corresponding difference map is shown. In the difference maps, increasing noise reduction is shown with progressively darker shades of brown. The noise levels presented represent the levels experienced during a typical weekend evening when there is activity in the Zinc lounge and south terrace and a party event on the rooftop deck.

It is difficult to estimate the amount of noise reduction required to bring the noise levels down to a value that would be perceived to be acceptable to the residents. In our previous study, our findings showed that the noise levels of the hotel are below the background noise levels in each L_n percentile category analyzed pursuant to Section 5.48.160 of the City of Manhattan Beach Municipal Code. This indicates that the noise problem perceived by the residents is strongly influenced by the character of the noise. This report therefore assesses each mitigation measure on whether that particular noise control solution can significantly reduce the noise levels. When assessing noise reduction, a decrease in noise level of a minimum of 5 dB must be achieved to be considered significant. The term 'significant' means that the noise reduction will be noticeable but does not necessarily mean that the mitigation measure will reduce the noise to a level where it is no longer an issue for the residents.

EXHIBIT B
PC MTG 5-12-10



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All noise impact modeling was completed using SoundPLAN versions 6.5 and 7.0 software. This noise model predicts noise levels based on the locations, noise levels and frequency spectra of the noise sources, and the geometry and reflective properties of the local terrain, buildings and barriers.

The noise measurements made for the sound survey were performed with Type 1 hand-held Analyzer Type 2250 integrating sound level meters manufactured by Brüel & Kjær. The sound level meters were calibrated using a model QC-10 calibrator manufactured by Quest Technologies.

Front Entrance Noise (Figures 1 to 3)

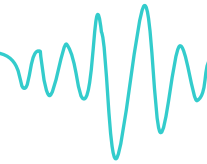
The unmitigated noise map for the front entrance noise only is presented in Figure 1. This noise map indicates that the properties most affected by the entrance noise are those located directly opposite the entrance between 12th Street and 13th Street, and just south of 12th Street. The front entrance was modeled with an enclosed glass vestibule in front of the door. The mitigated noise map for first floor locations is provided in Figure 2. The difference map in Figure 3 shows that this mitigation measure will reduce the noise by 6 to 8 dB at the residences. Therefore, the vestibule significantly reduces the noise from this source and can be considered an effective mitigation measure.

South Terrace Noise (Figures 4 to 12)

The unmitigated noise map for the terrace noise only is presented in Figure 4. This noise map indicates that the residential properties most affected by this noise are those located south of 12th Street.

It has been proposed that the south terrace is enclosed with moveable panels to reduce noise emanating from this area. Two designs for the south terrace have been modeled. The first design involves partially enclosing the terrace area, leaving a gap approximately 8 feet in height between the roof and the wall on the south side. The purpose of this gap is to maintain the view from the south-facing balcony windows of the rooms located on the second floor at the south end of the hotel. The entrance to this partially enclosed area will be open and a folding screen will be positioned to help block noise escaping from this opening. This design is shown in the referenced drawings, produced by Louis Skelton & Associates. The ceiling of the terrace area was modeled with acoustically absorptive baffles.

The mitigated noise maps and difference maps for this design are provided in Figures 5 through 8. Figures 7 and 8 show the noise levels at the 3rd floor elevation. The area



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modeled is at a constant height relative to the topography, so the noise impact at residents' 3rd floor areas can be evaluated at all locations in the residential area. The noise maps indicate that the architect's partially enclosed design will reduce noise at the residences south of 12th Street by 6 to 10 dB.

The second design was modeled with the south wall of the terrace extended upwards to meet the roof above the area. In this design the terrace is almost fully enclosed, with the entrance being the only opening through which noise can escape. The mitigated noise maps and difference maps for this design are provided in Figures 9 through 12. This alternative design will reduce the noise by approximately 8 to 10 dB at the residential properties south of 12th Street. The noise maps show this design to be better at reducing the terrace noise over a greater proportion of the residential community.

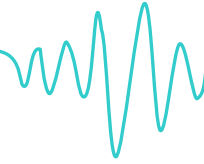
Rooftop Deck Noise (Figures 13 to 15)

The unmitigated noise map for the rooftop deck noise only is presented in Figure 13. Our analysis indicates that the noise from this source contributes significantly to the overall noise level experienced at all the residences.

For the mitigated noise model, the rooftop deck was modeled with vertical extensions of varying heights above the existing walls. The heights of the barriers were increased incrementally from their existing heights to 6 feet above the roof of the drink service area in 1 foot increments. The noise was modeled at the four measurement points used in our previous report. These are at the third floor deck at the front of 1300 Ardmore Avenue, the front yard of 1212 Ardmore Avenue, the rear yard of 1212 Ardmore Avenue and the third floor deck at the front of 1148 Ardmore Avenue. These locations are shown in Figure 14. The noise reduction of the barriers for each of the modeled barrier heights for each location is shown in Figure 15. The data indicates that even for the highest barriers modeled, the reduction in noise level will only be significant at one of the modeled locations (1300 Ardmore Ave.). Generally the barriers make little difference to the noise levels experienced at the residential properties and therefore cannot be considered an effective mitigation measure.

Combined Noise Levels (Figures 16 to 20)

Figure 16 shows the combined unmitigated noise levels of all three major noise sources at first floor level. Figures 17 and 18 shows the noise levels and difference map with the terrace partially enclosed, the vestibule on the front entrance and no activity on the rooftop deck. For this situation, the noise levels are generally reduced by 6 to 12 dB over the entire residential area.



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Figures 19 and 20 show the noise levels and difference map with the terrace partially enclosed, the vestibule on the front entrance and activities still occurring on the rooftop deck.

The noise maps in Figures 17 and 18 indicate that when no noise is produced on the rooftop deck, the proposed noise control measures for the front entrance and south terrace significantly reduce the overall noise levels of the hotel. By comparing Figure 18 with Figure 20, it can be seen that the overall noise is not reduced significantly when there is still activity on the deck. Therefore, for the combined noise levels to be significantly reduced, the rooftop deck noise must be mitigated.

Noise Control Recommendations

The proposed entrance vestibule will be effective at reducing the noise coming from the front entrance. The vestibule should be well sealed to the wall and should not have any holes, vents or other open areas in its surfaces. Both the existing hotel entrance doors and the vestibule doors should be kept closed during noisy periods.

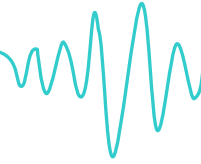
The terrace area should be enclosed as fully as possible with solid walls. For the best noise control solution, the fully enclosed design is preferred over the partially enclosed design proposed by the architect. If the partially enclosed version is to be constructed, it is recommended that consideration is given to the fact that the wall may have to be extended up to the roof in the future if further noise control is necessary. The existing gaps around the sheets of glass in the wall at the east end of the terrace should be sealed in addition to sealing any gaps around the metal frame. The folding barrier shown in the referenced drawings should be positioned so that it can be folded around the enclosed terrace entrance so as to block noise from this opening during noisy periods.

Acoustically absorptive baffles should be attached to the ceiling of the terrace area. These will help to reduce the build-up of noise that will occur when this area is enclosed. A suitable product is 3-inch Whisperwave acoustical baffles manufactured by Pinta Acoustic. At least 12 of these baffles measuring 8 feet by 2 feet should be installed.

The noise produced on the rooftop deck cannot be effectively mitigated using barrier extensions to the walls. This source is best mitigated using either administrative controls to manage the level of noise and the times during which noisy events take place, or by enclosing this part of the hotel.

Behrens and Associates, Inc.

Acoustics, Noise and Vibration Consultants



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References

1. *MBSshade2009-A-3.0_A-3.1-Elev.dwg*. Shade Hotel Architectural Drawings. Louis Skelton & Associates. Received January 3, 2010.
2. *MBSshade2009_sound study_1stFP-Rev010510.pdf*. Shade Hotel Architectural Drawings. Louis Skelton & Associates. Received January 6, 2010.

Please contact the undersigned with any questions or comments.

Very truly yours,

Don Behrens
President

Attachments

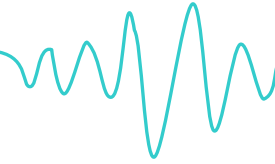
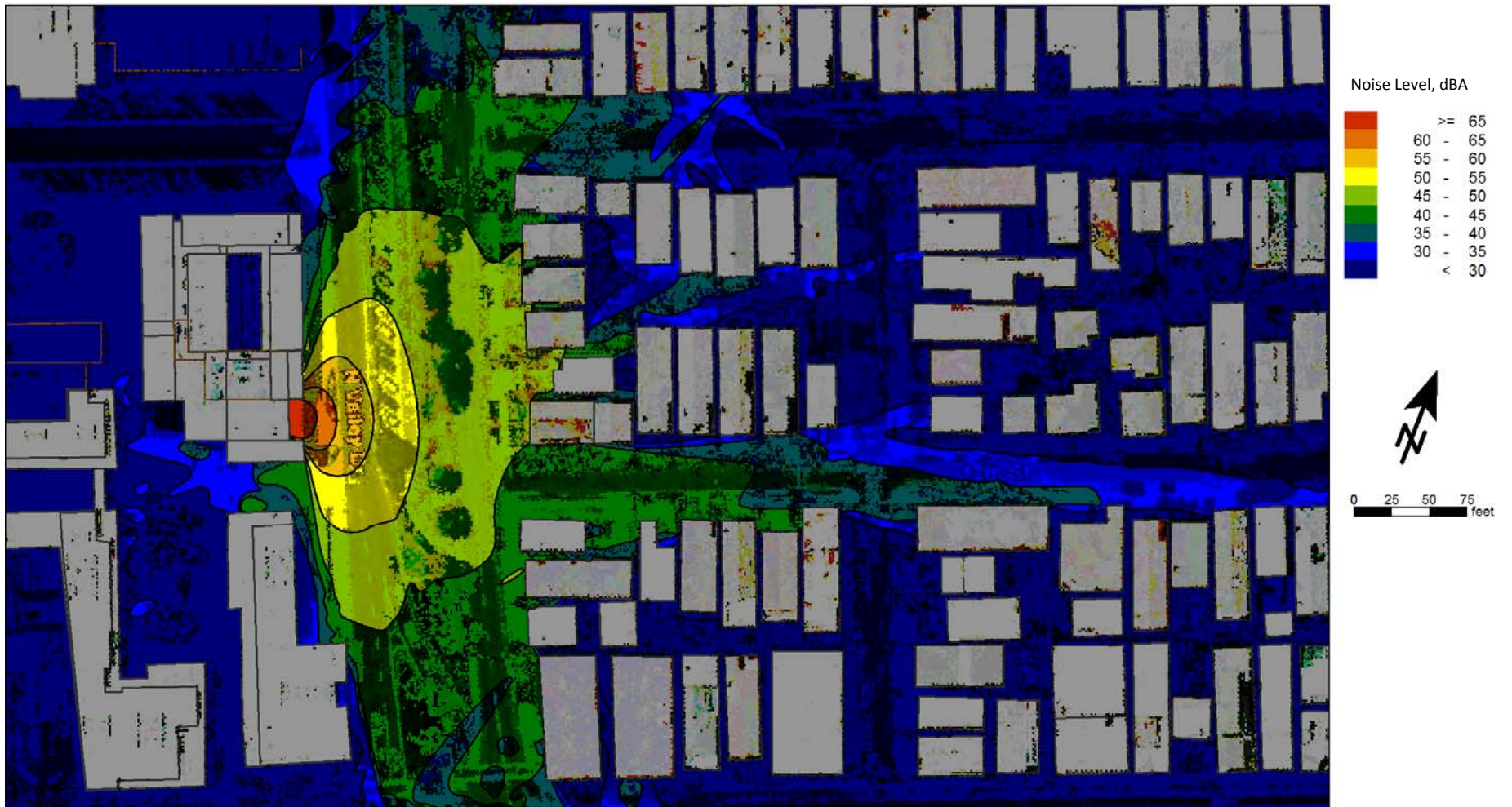


Figure 1. Unmitigated Average Noise Level at 1st Floor - Front Entrance



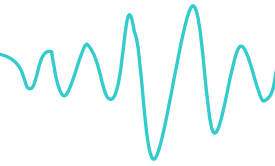
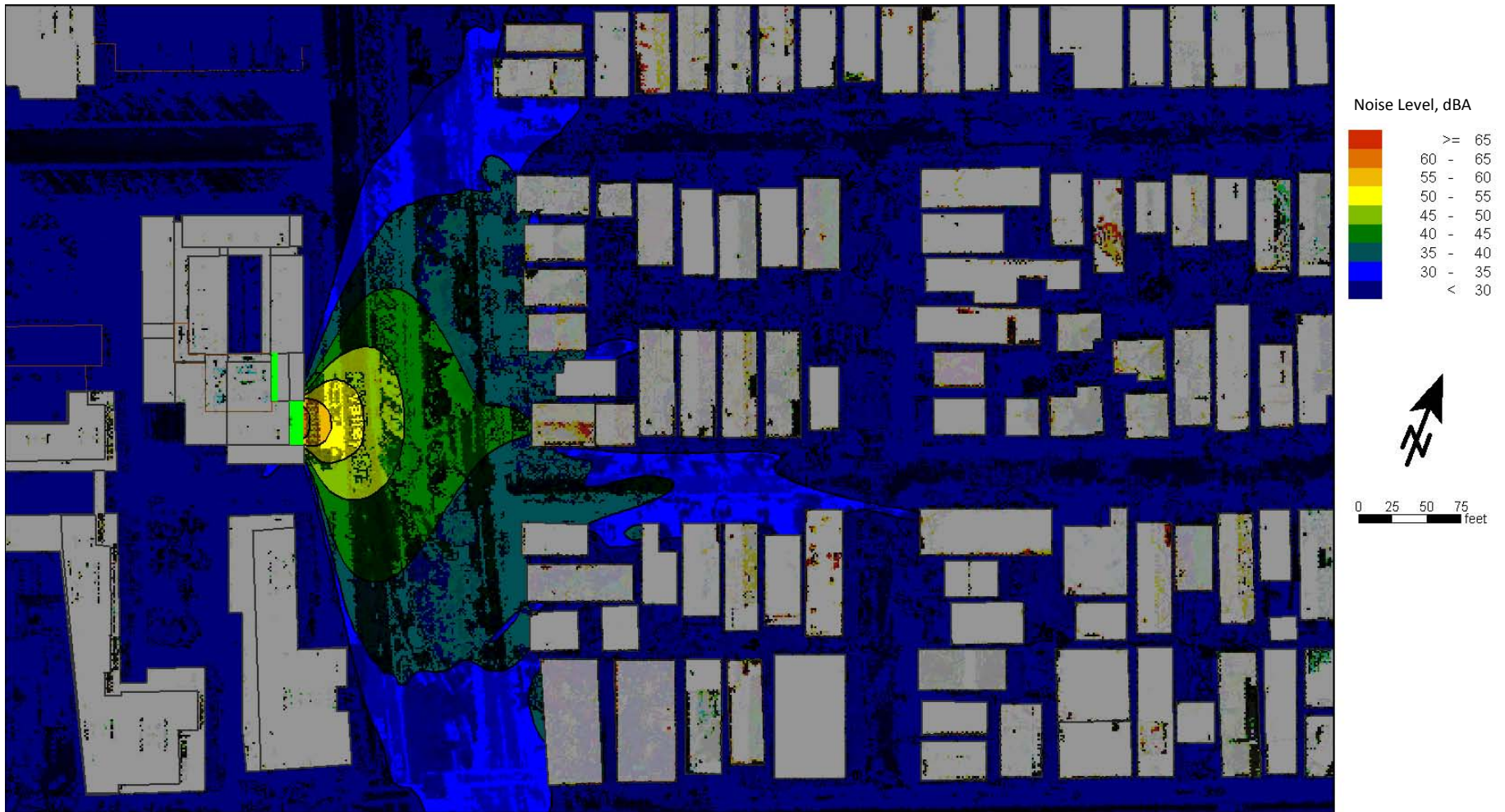


Figure 2. Mitigated Average Noise Level at 1st Floor - Front Entrance Only



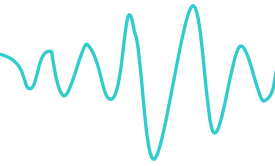
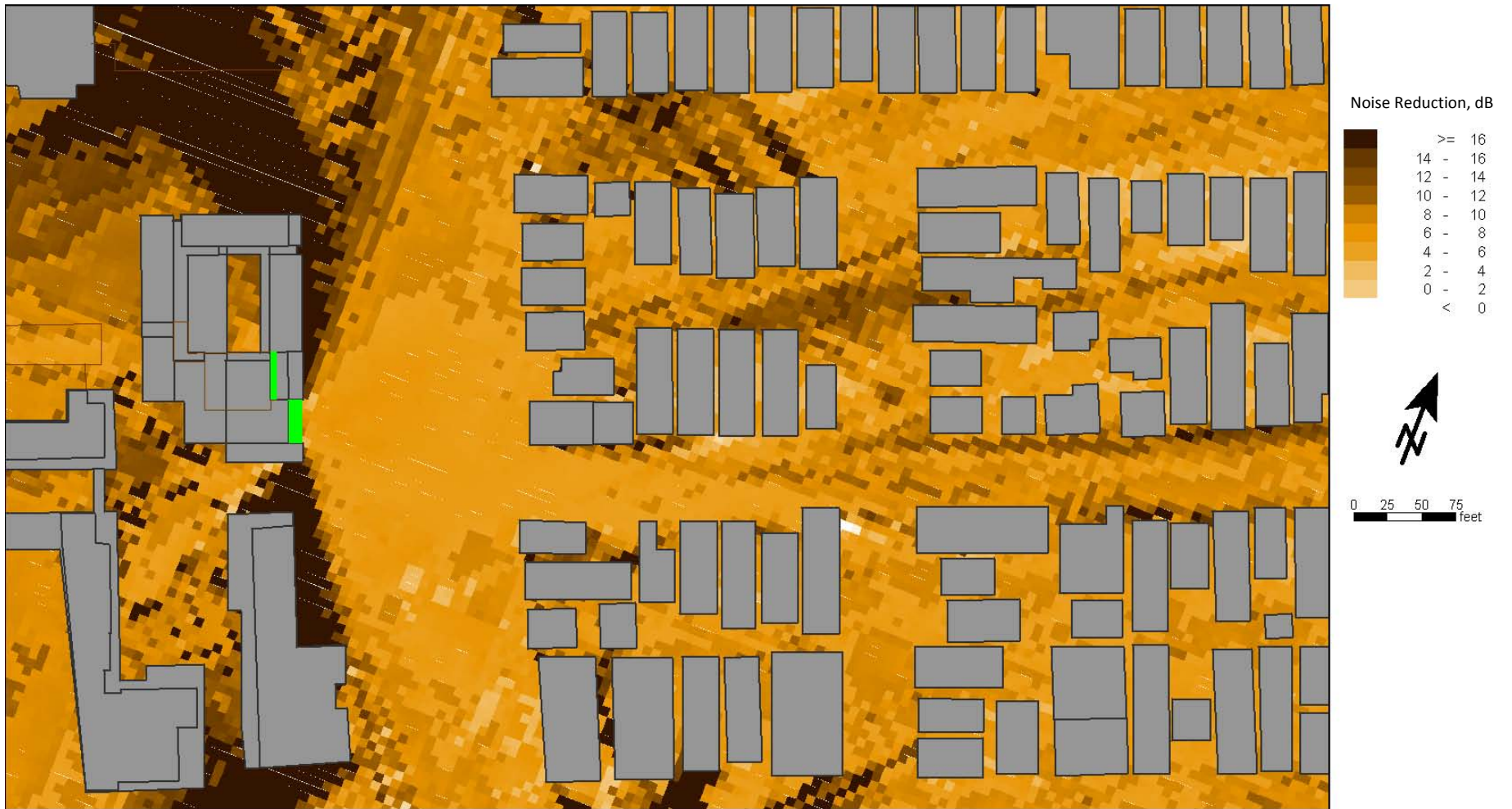


Figure 3. Noise Difference Map - Mitigation of Front Entrance Noise at 1st Floor



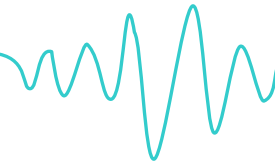
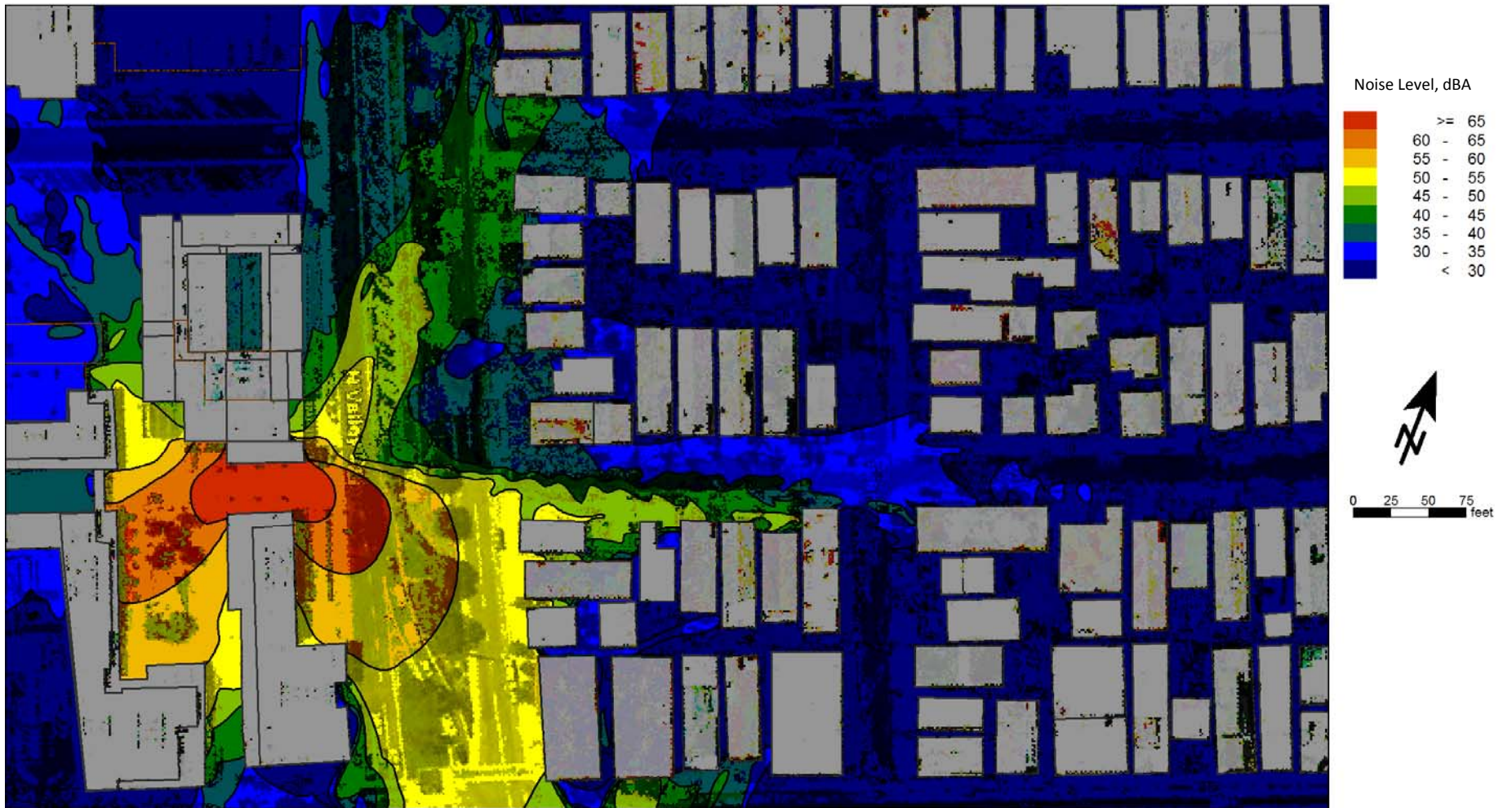


Figure 4. Unmitigated Average Noise Level at 1st Floor - South Terrace Only



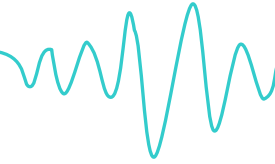
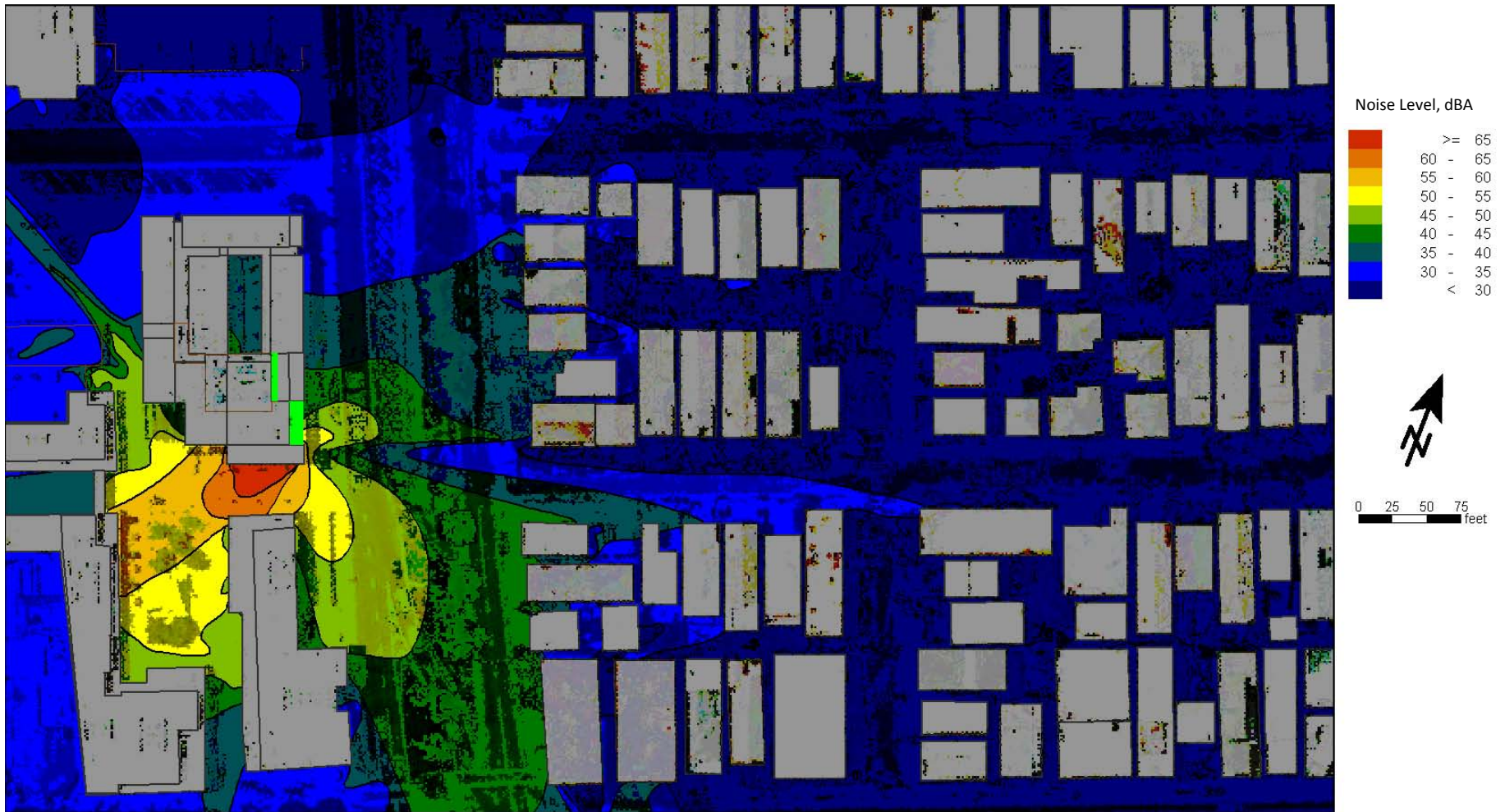


Figure 5. Mitigated Average Noise Level at 1st Floor - Partially Enclosed South Terrace Only



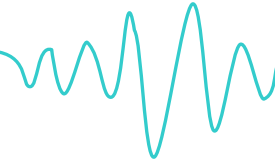
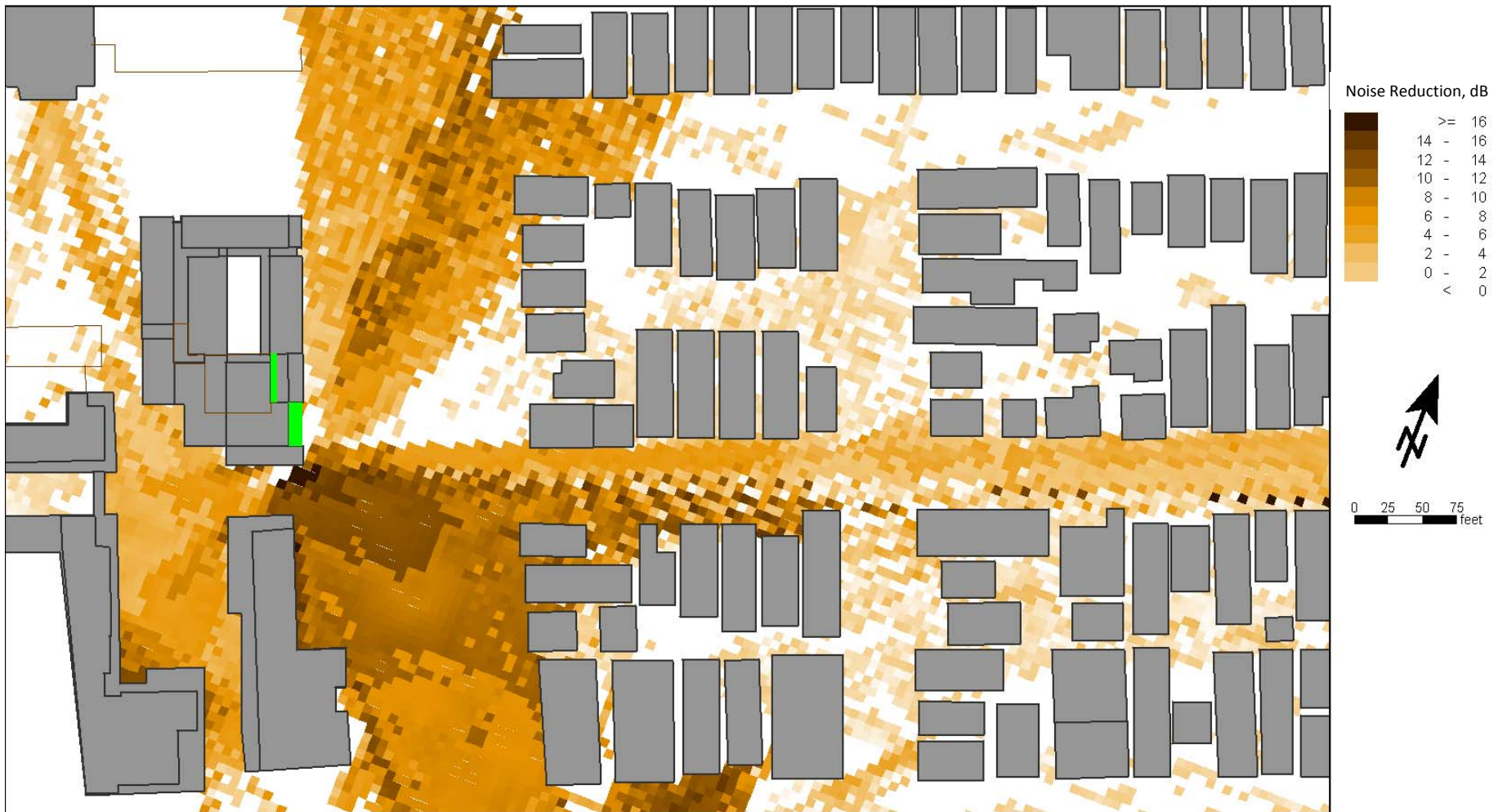


Figure 6. Noise Difference Map - 1st Floor Noise Reduction with Partially Enclosed South Terrace



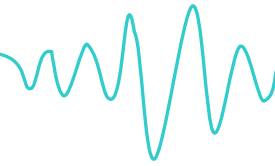
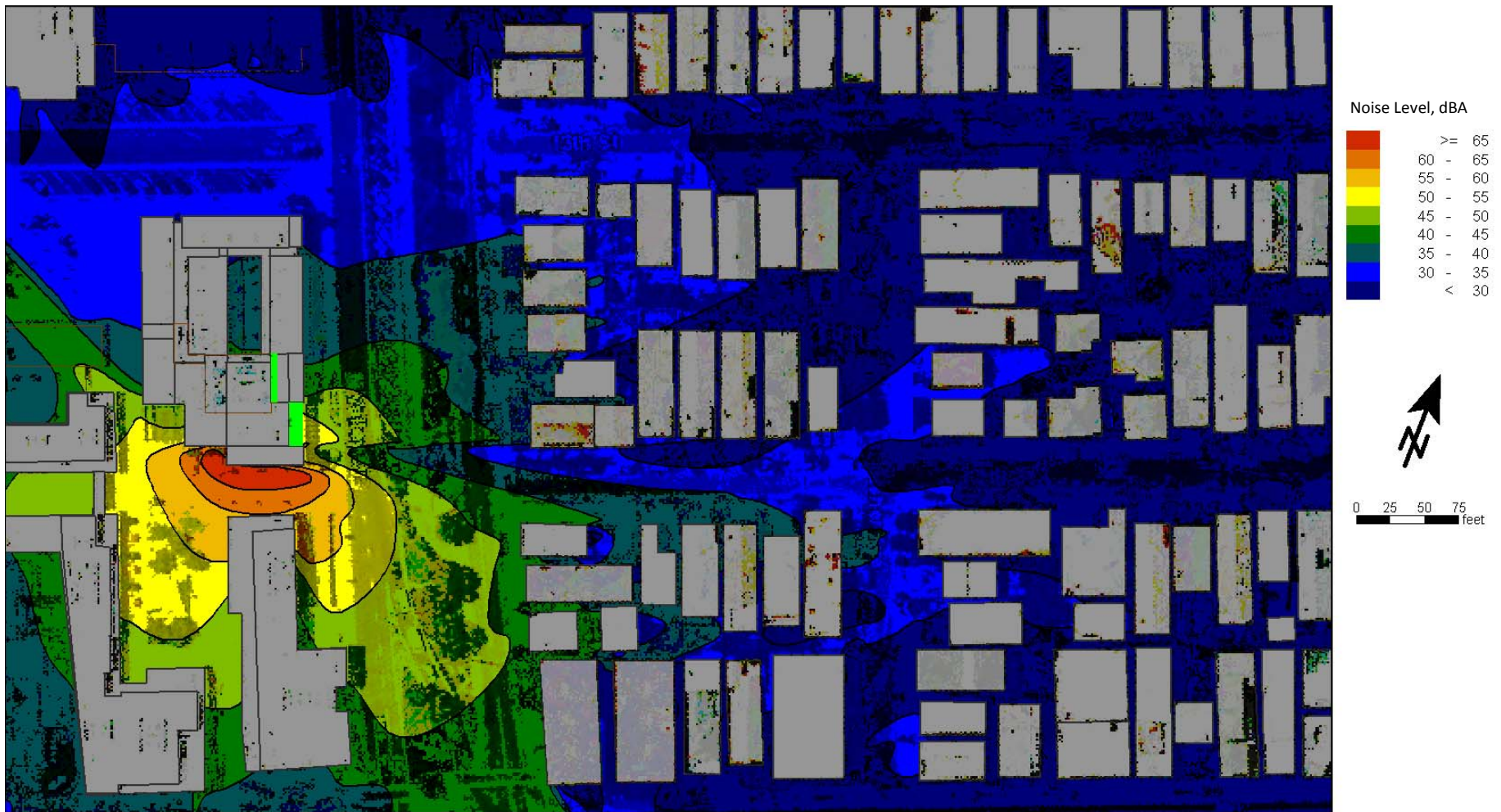


Figure 7. Mitigated Average Noise Level at 3rd Floor - Partially Enclosed South Terrace



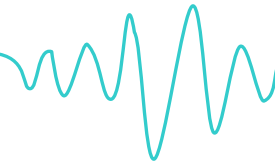
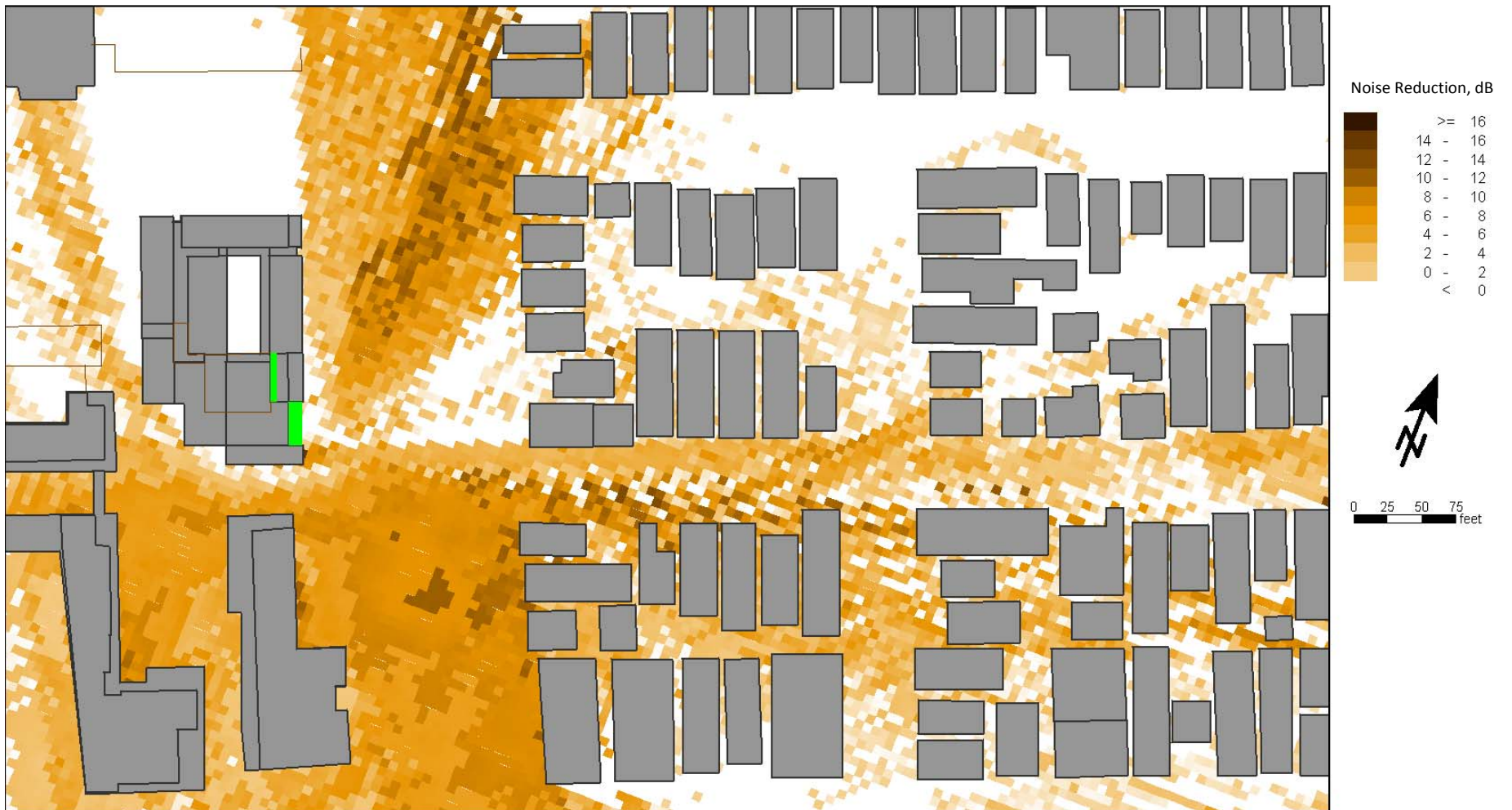


Figure 8. Noise Difference Map - 3rd Floor Noise Reduction with Partially Enclosed South Terrace



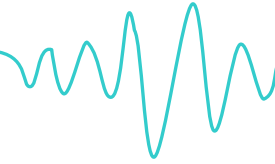
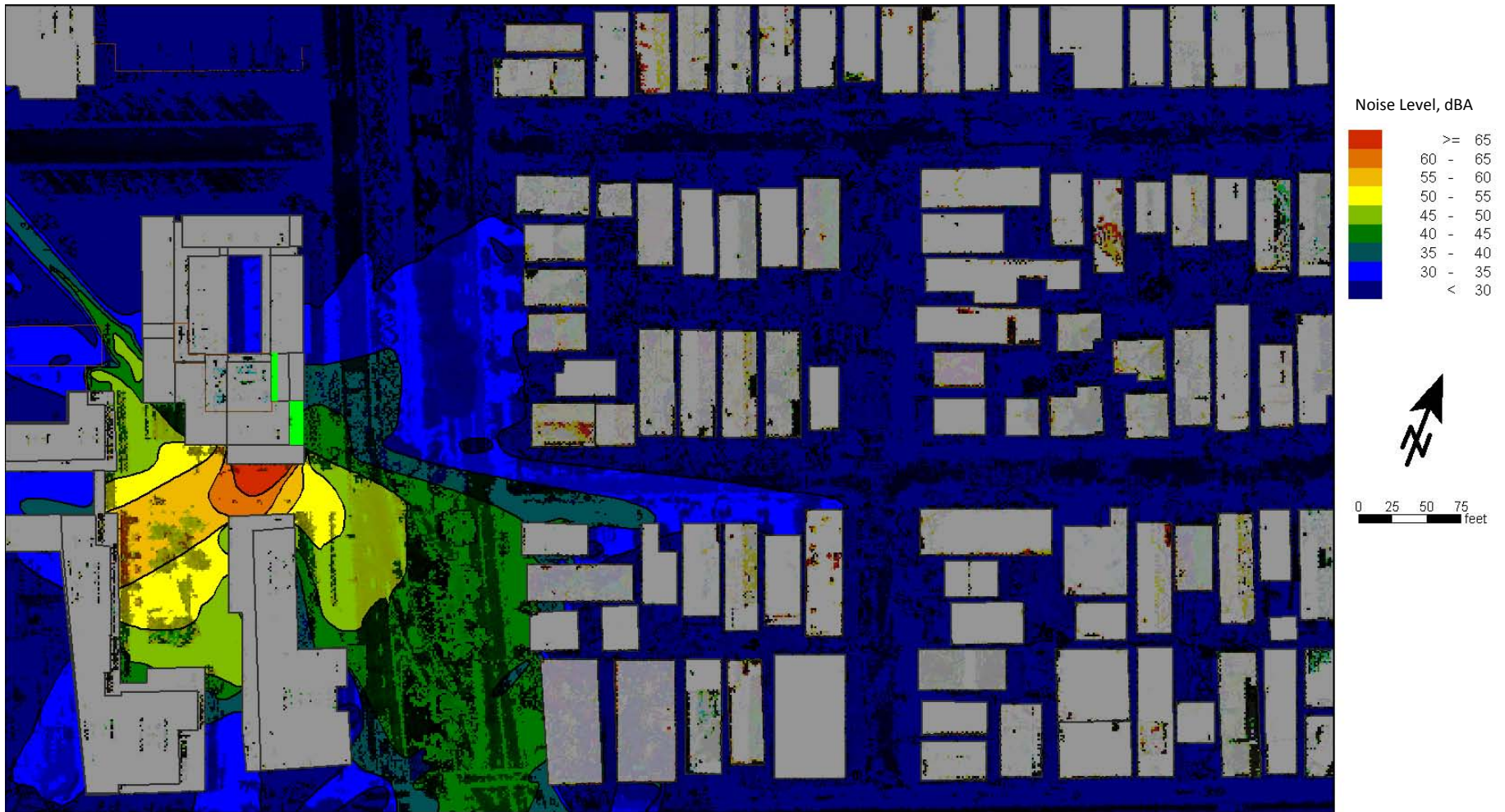


Figure 9. Mitigated Average Noise Level at 1st Floor - Enclosed South Terrace



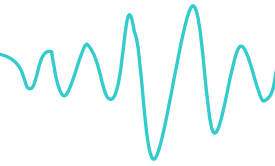
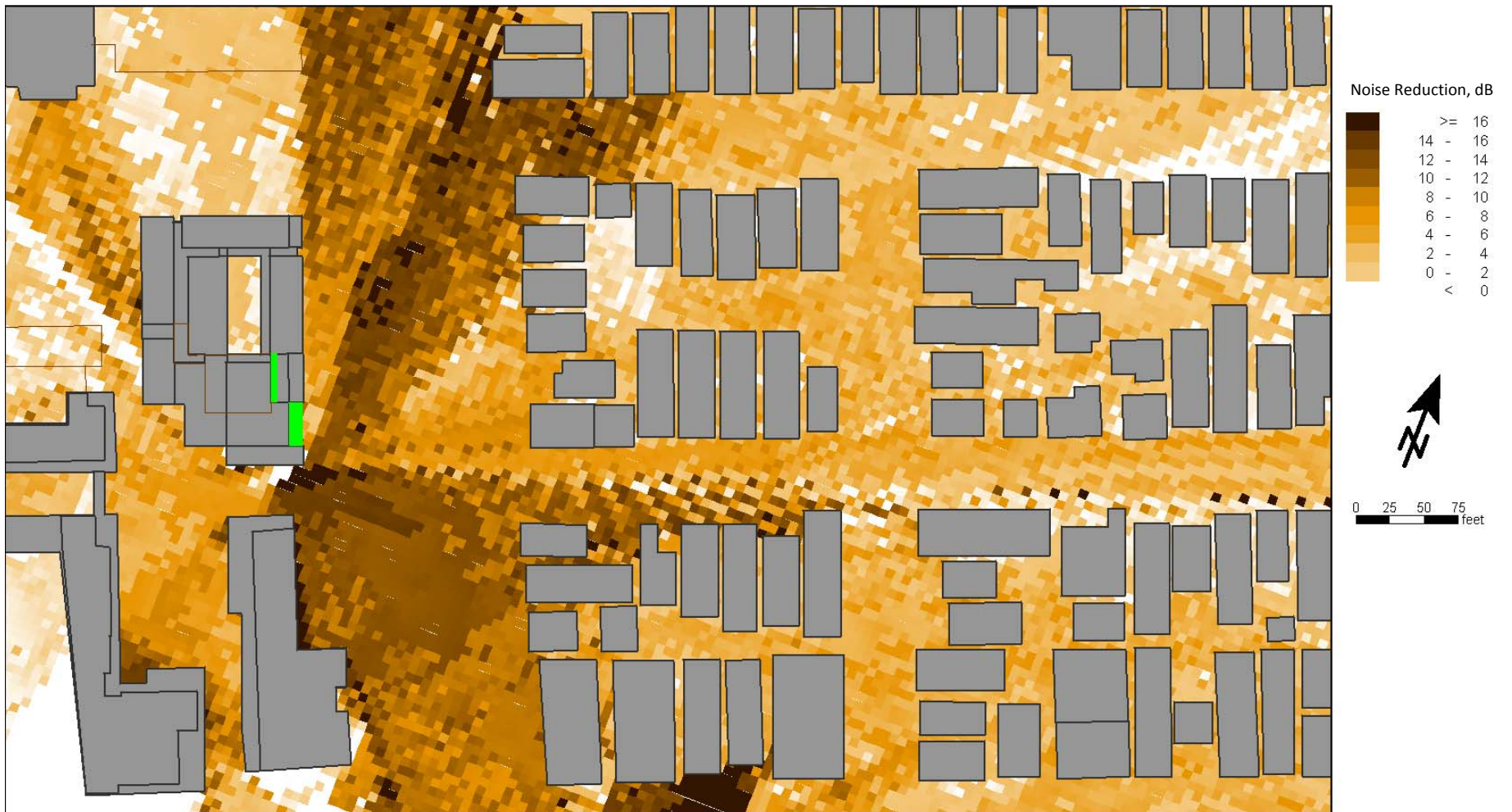


Figure 10. Noise Difference Map - 1st Floor Noise Reduction with Enclosed South Terrace



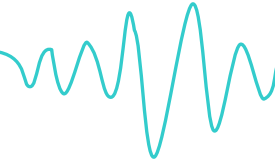
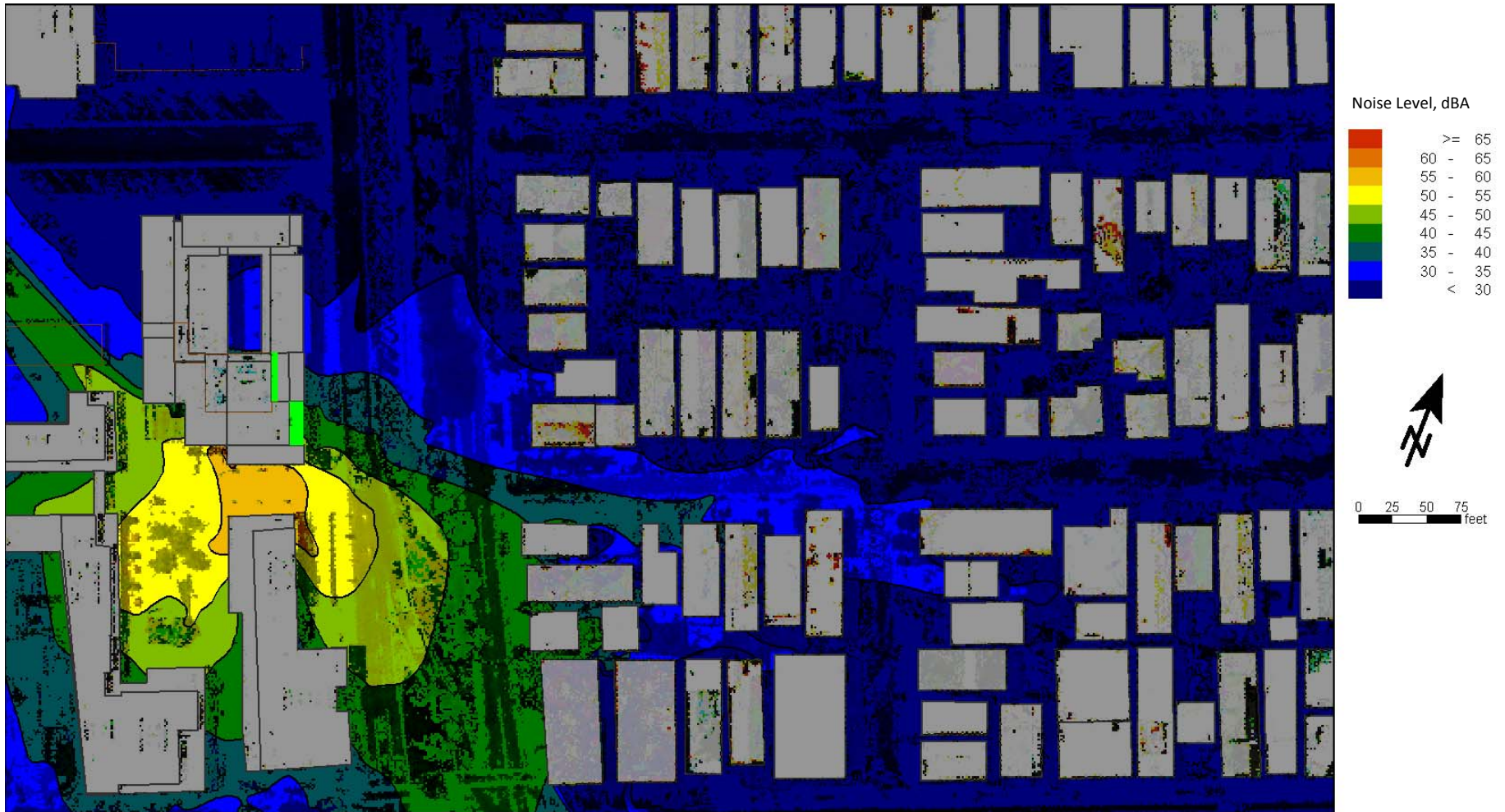


Figure 11. Mitigated Average Noise Level at 3rd Floor - Enclosed South Terrace



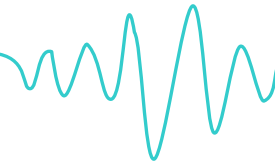
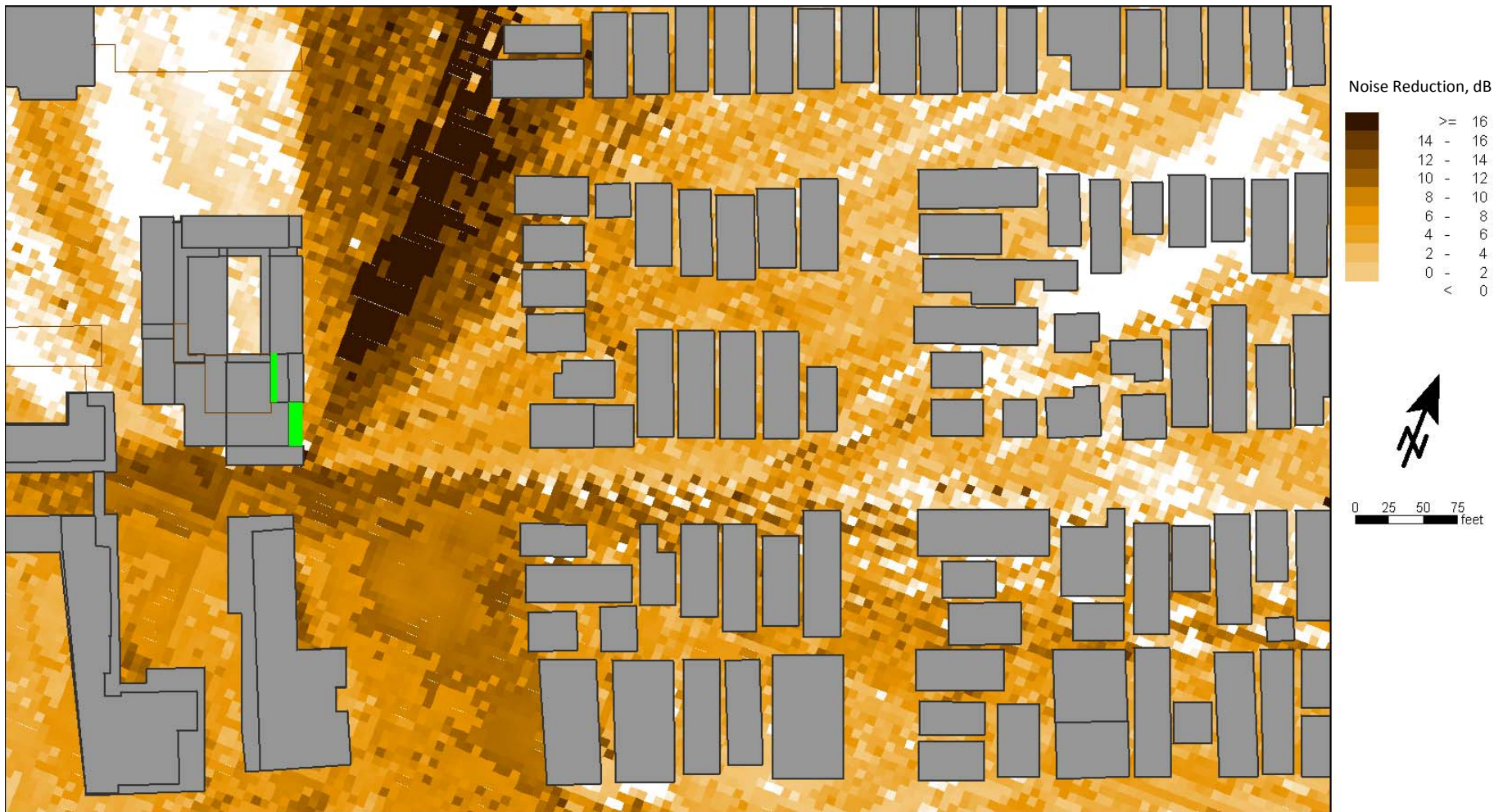


Figure 12. Noise Difference Map - 3rd Floor Noise Reduction with Enclosed South Terrace



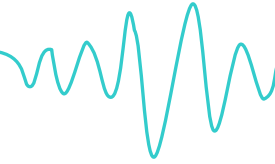


Figure 13. Unmitigated Average Noise Level at 1st Floor - Rooftop Deck Only

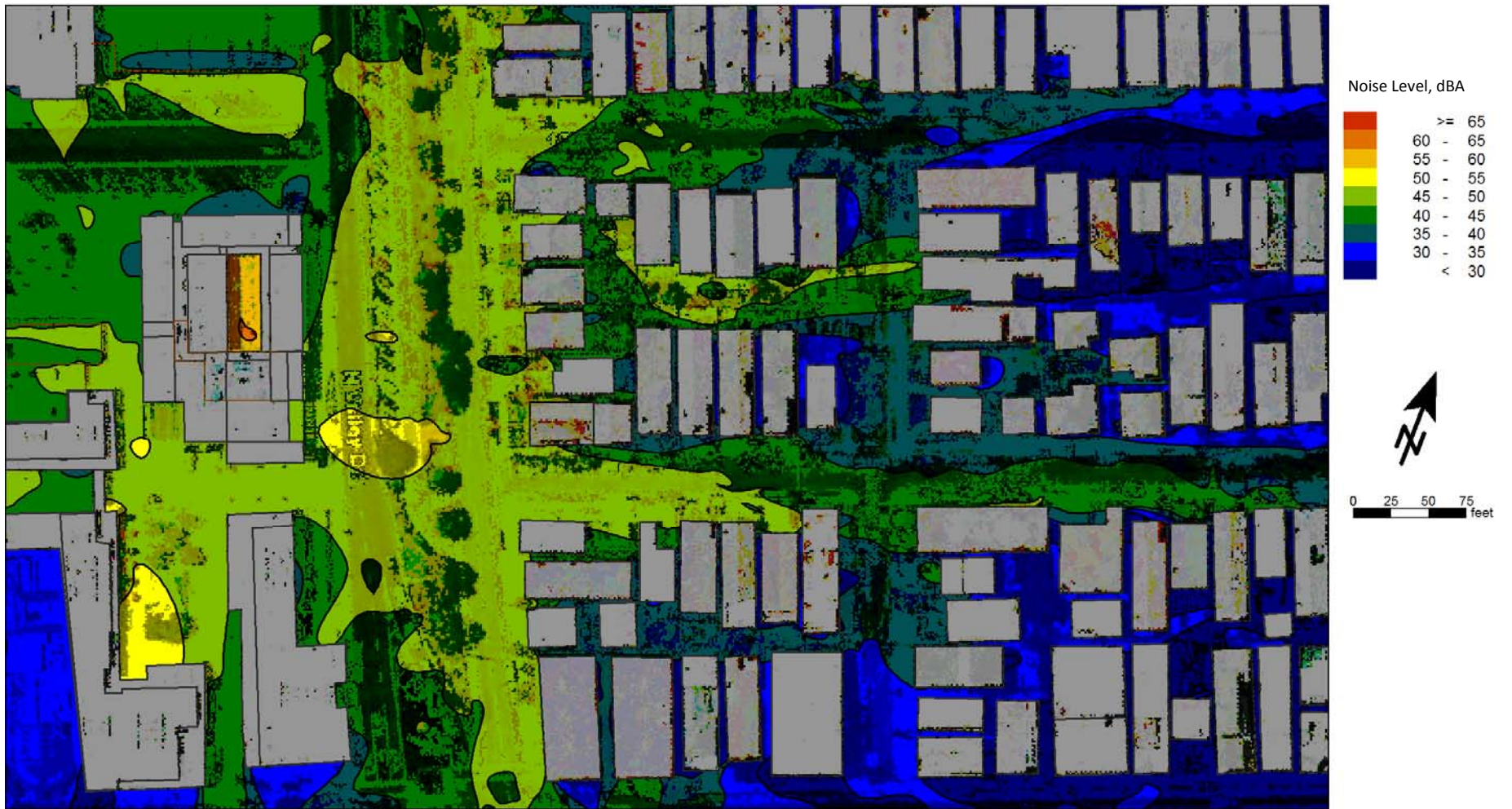




Figure 14. Rooftop Deck Modeling Locations



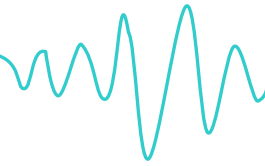
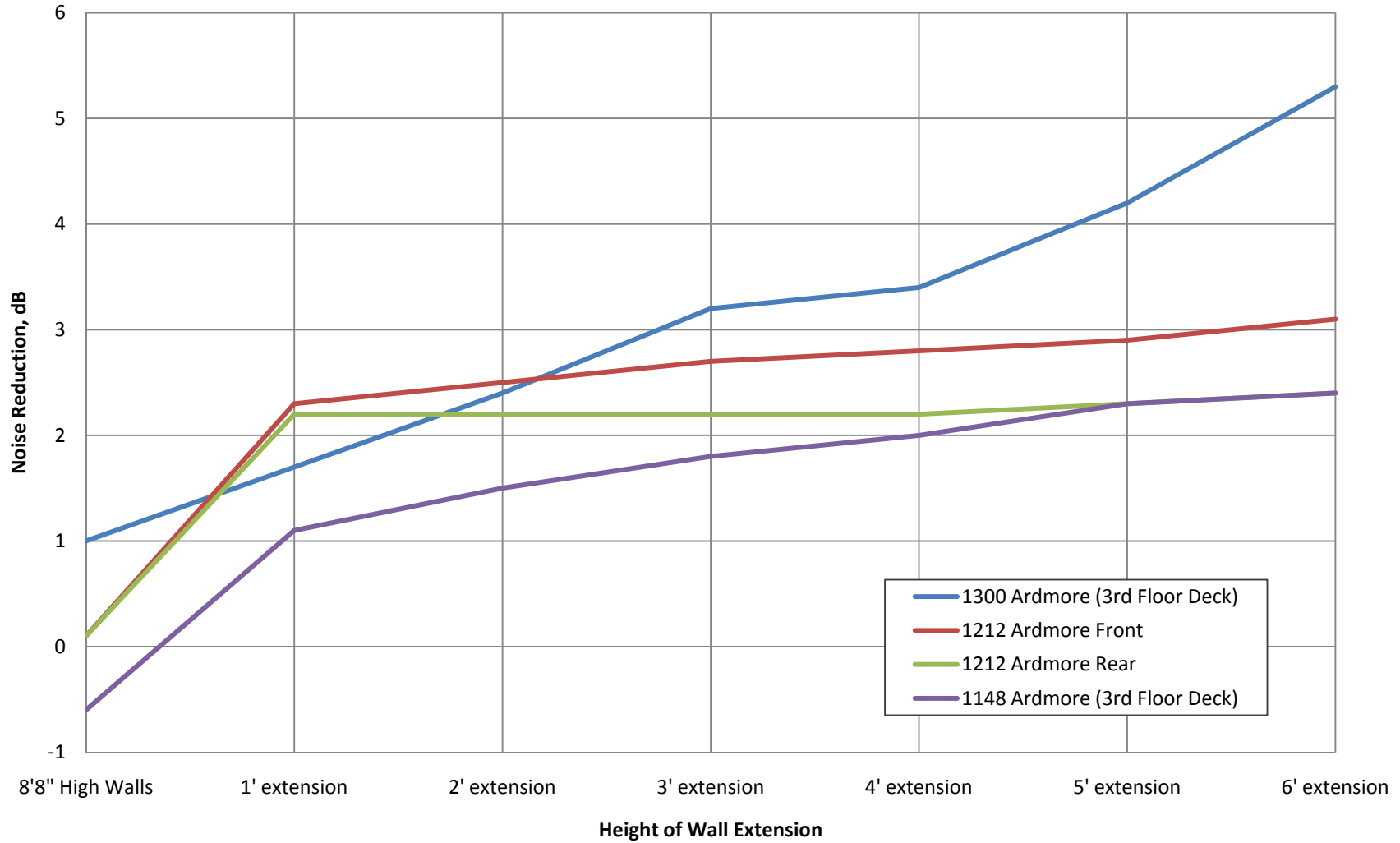


Figure 15. Reduction of Rooftop Deck Noise with Extended Barrier Walls



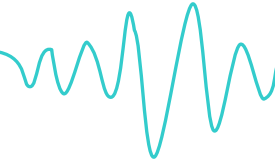
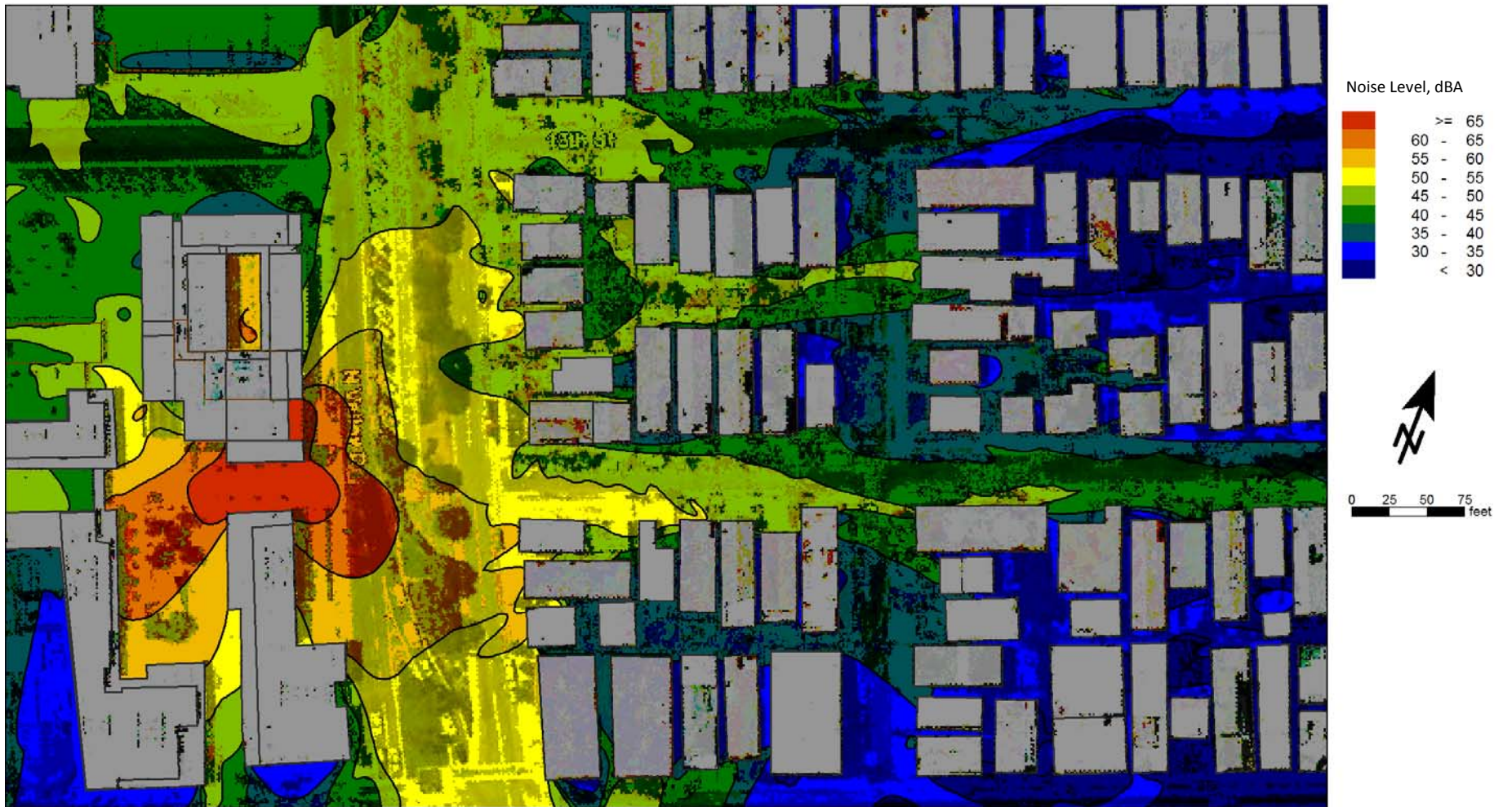


Figure 16. Unmitigated Average Noise Level at 1st Floor - All Sources



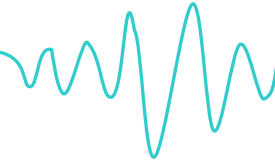
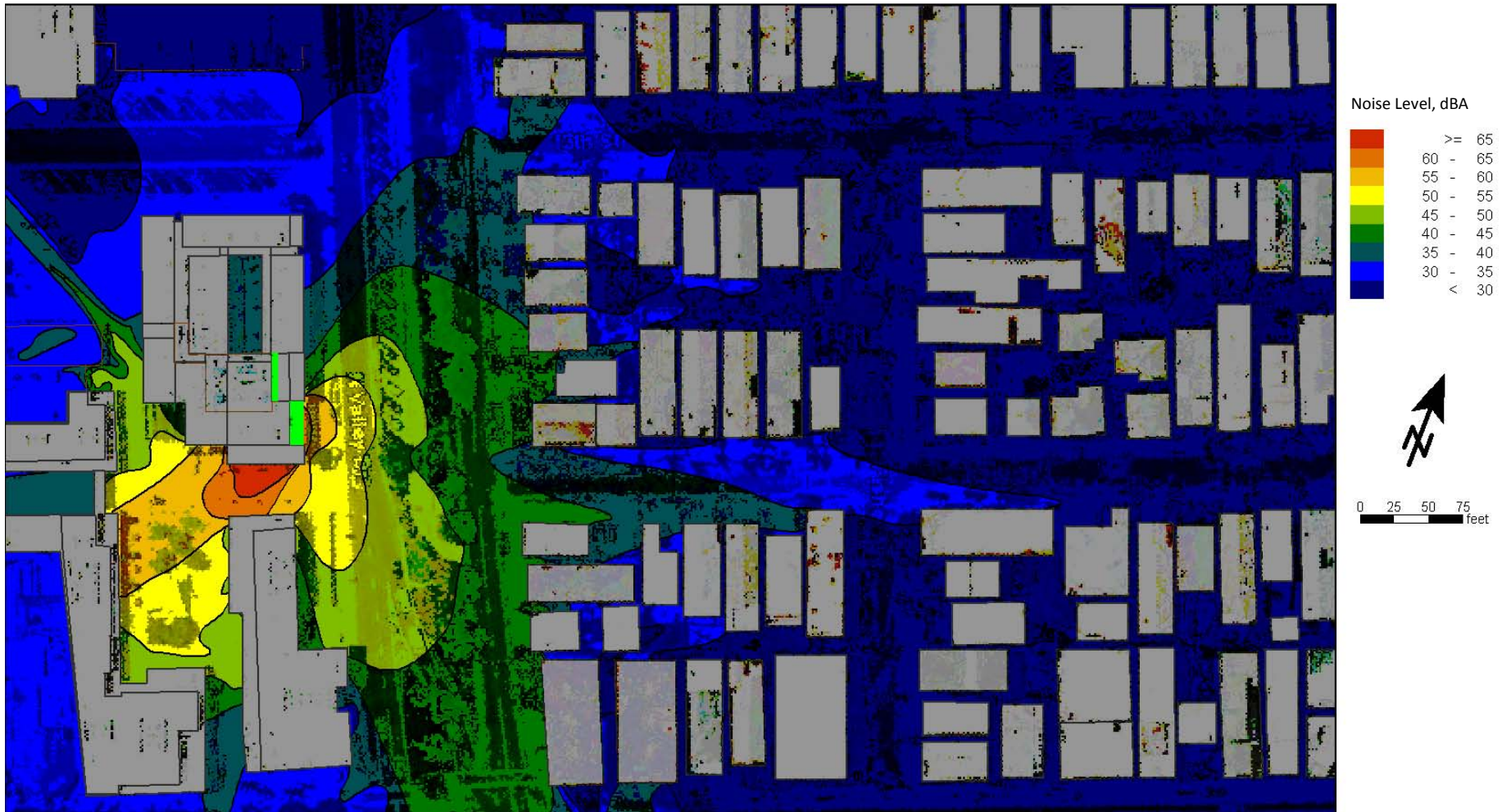


Figure 17. Mitigated Average Noise Level at 1st Floor - Partially Enclosed South Terrace, Front Entrance Vestibule and No Rooftop Deck Activity



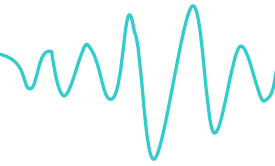
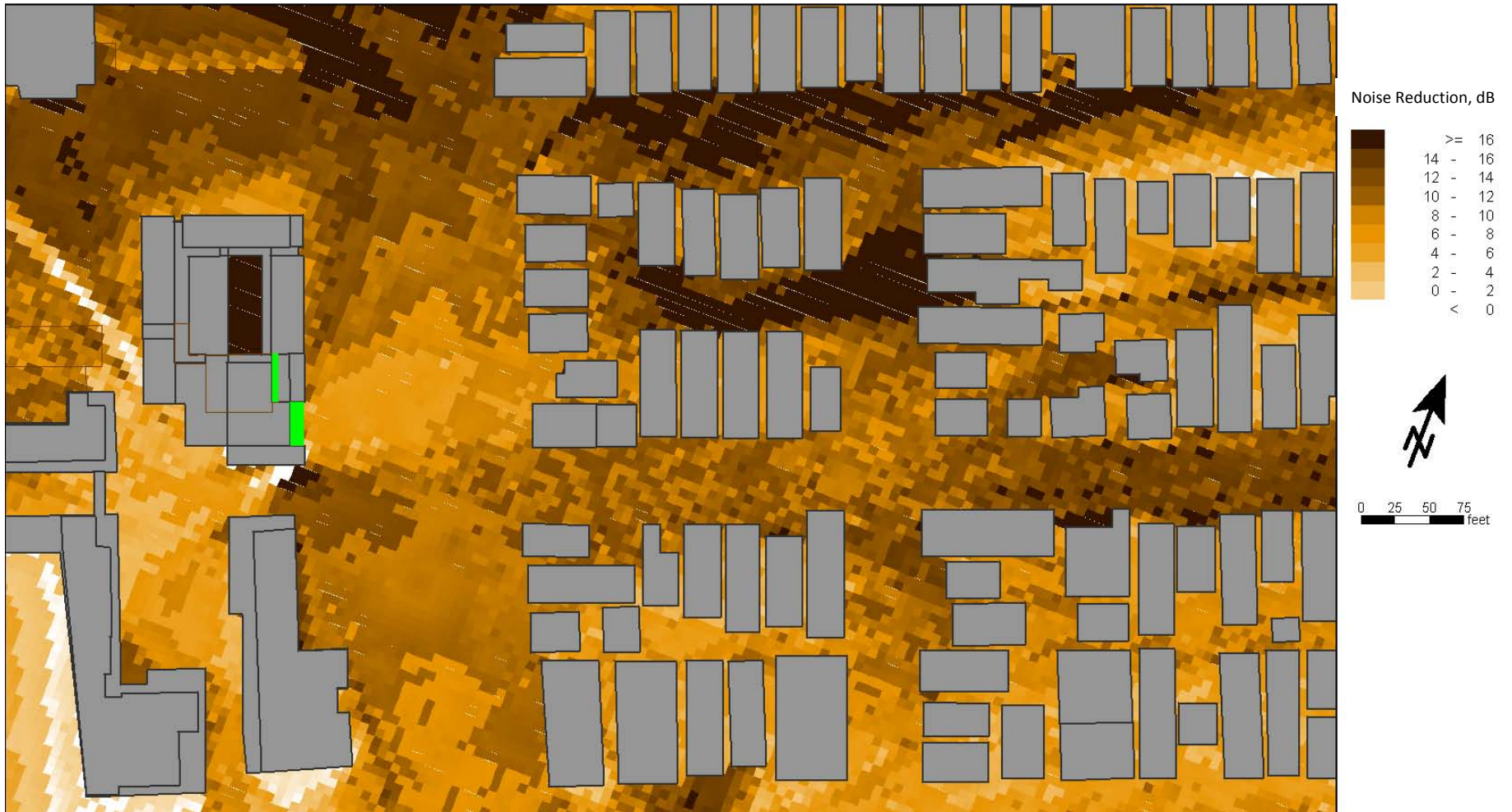


Figure 18. Noise Difference Map - 1st Floor Noise Reduction with Partially Enclosed South Terrace, Front Entrance Vestibule and No Rooftop Deck Activity



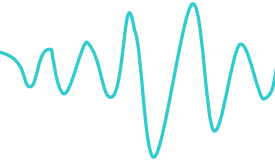
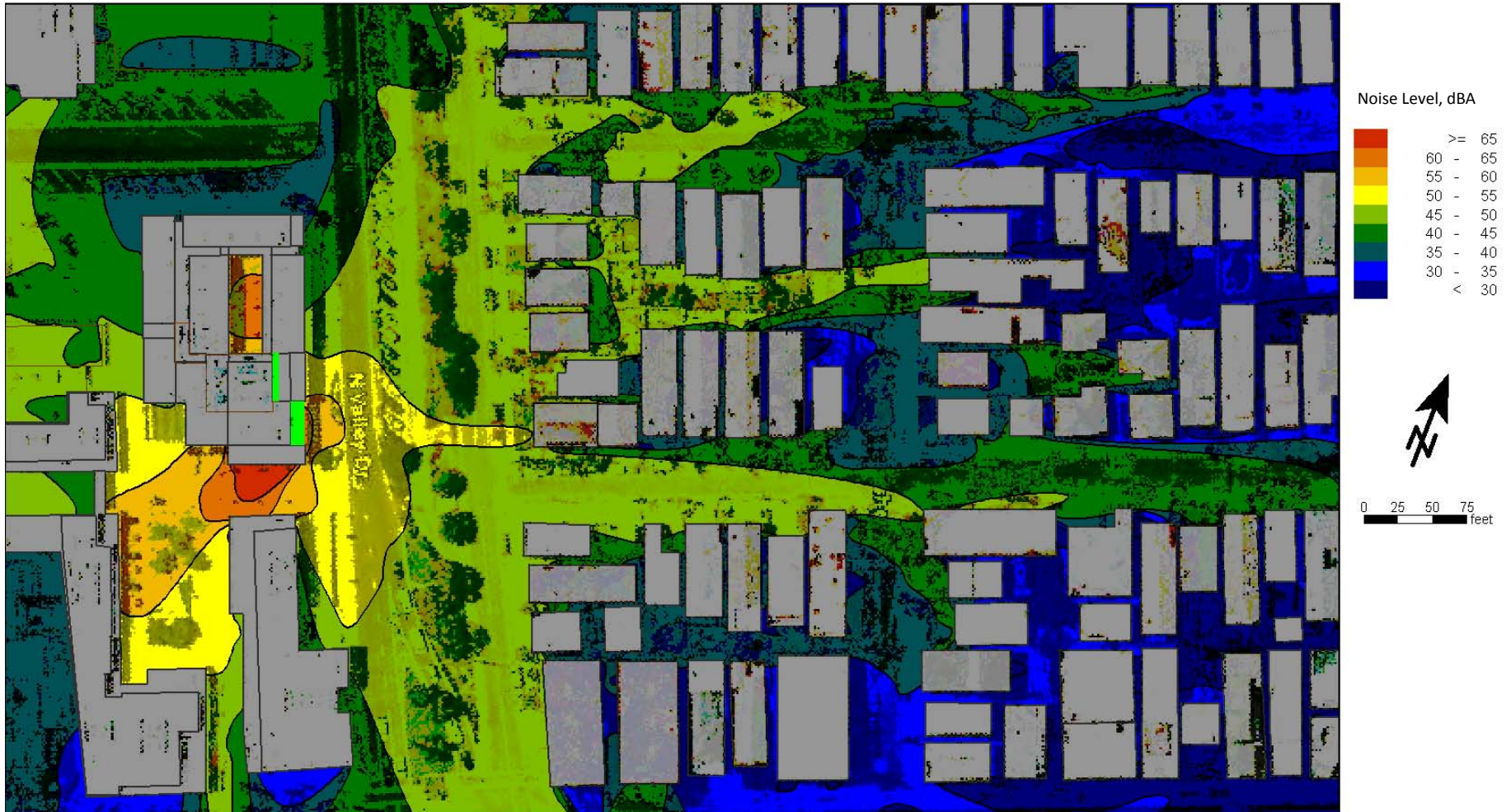


Figure 19. Mitigated Average Noise Level at 1st Floor - Partially Enclosed South Terrace, Front Entrance Vestibule with Rooftop Deck Activity



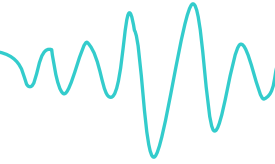
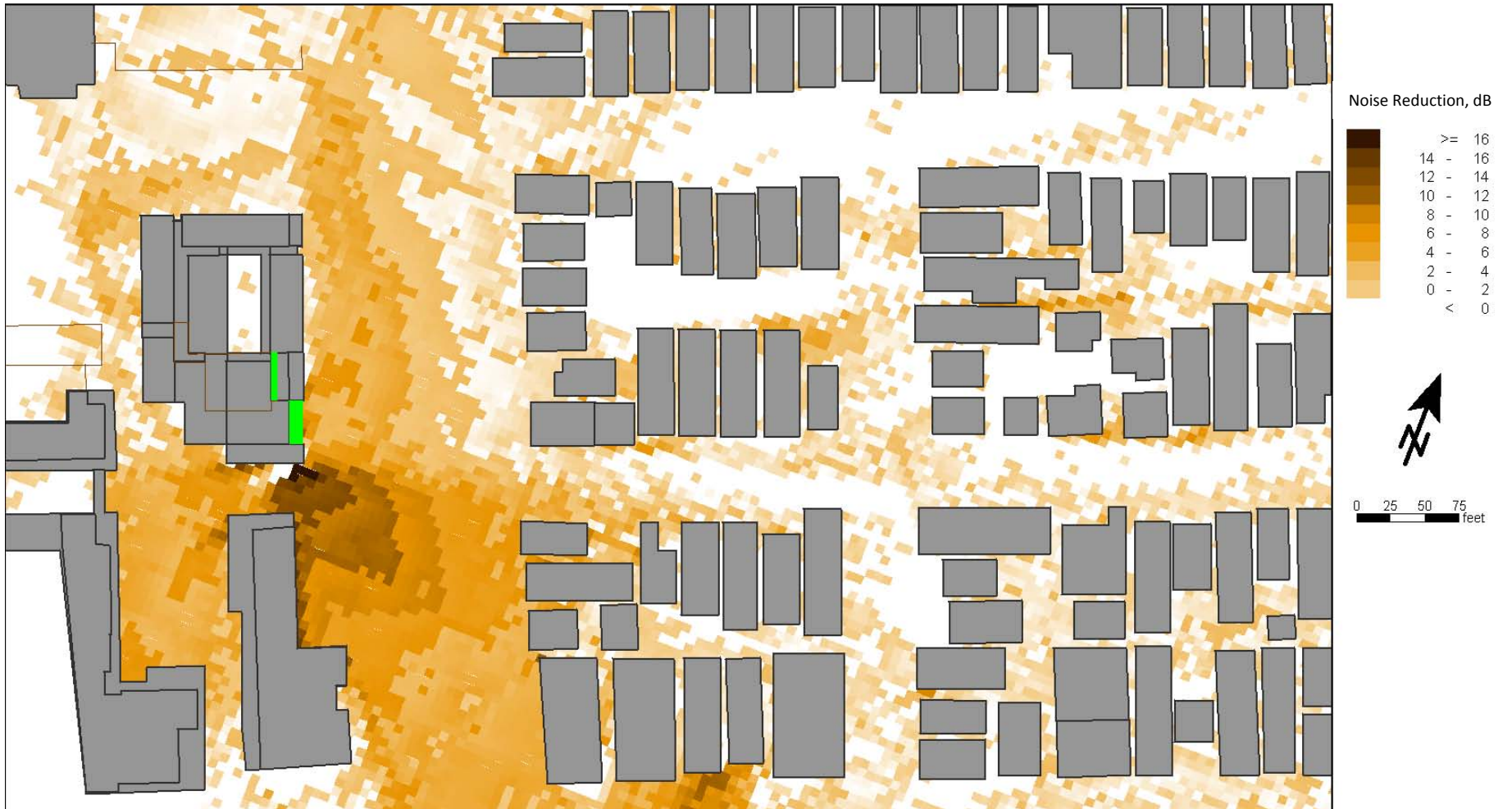


Figure 20. Noise Difference Map - 1st Floor Noise Reduction with Partially Enclosed South Terrace, Front Entrance Vestibule with Rooftop Deck Activity



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**CITY OF MANHATTAN BEACH
PLANNING COMMISSION
MINUTES EXCERPTS OF REGULAR MEETING
OCTOBER 28, 2009**

The Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 28th day of October, 2009, at the hour of 6:35 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

A. ROLL CALL

Present: Andreani, Fasola, Lesser, Paralusz, Chairperson Seville-Jones
Absent: None
Staff Present: Richard Thompson, Director Community Development
Laurie Jester, Planning Manager
Recording Secretary: Sarah Boeschen

D. PUBLIC HEARINGS

10/28/09-2 Consideration of a Master Use Permit Amendment for Modifications to the Existing Approvals for Hours of Operation, Size of Special Events, 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

Commissioner Fasola stated that he is recusing himself from consideration of the item.

Planning Manager Jester summarized the staff report. She commented that the Commissioners were provided with correspondence that was received after the staff report was written. She indicated that the Commissioners have been provided with several e-mails that were received from Nate Hubbard; an addendum to the noise impact study from the noise consultant; and a series of surveys that were received by staff. She commented that the proposal is for an amendment to the existing Use Permit for the Metlox site to allow for the Shade hotel to have special events of up to 125 people rather than 99 people without providing prior notification to the City; to increase food service to allow breakfast, lunch and dinner service; to install a wall partition between the interior courtyard and the Zinc Lounge; and to extend the hours of operation. She said that staff is requesting that the discussion of the Commission focus on mitigation of the noise impacts and whether they would support extending the hours. She commented that staff's understanding from the last hearing is that there was a general consensus of the Commission supporting the increase for the maximum number of people at special events without prior notification; supporting the increase in food service; and supporting the wall partition. She stated that there were concerns raised regarding extending the hours of operation, and the Commission requested further information from a noise consultant.

Planning Manager Jester indicated that increasing the capacity for special events up to 125 people without prior notification would not increase occupancy but rather would only change the limits for the requirement of notification to the City. She commented that the food service is currently limited to breakfast, 24 hour room service, evening appetizers and full food service only for special events. She said that the proposal is to allow full food service for the general public. She stated that there is currently an open walkway between the bar and the interior courtyard of the hotel. She indicated that the proposal is to create an enclosed walkway with an accordion glass wall similar to walls that separate other areas within the

hotel. She stated that currently the hours of operation are limited to 11:00 p.m. for the hotel bar and terrace; 10:00 p.m. for the sky deck; and midnight on Friday and Saturday nights only for special events in the interior courtyard. She indicated that the proposal is to operate until 11:00 p.m. Sunday through Wednesday evenings, 11:30 p.m. on Thursday evenings; and midnight on Friday and Saturday evenings and on holidays. She stated that the sky deck is proposed to have hours of operation to 10:00 p.m. Sunday through Thursday evenings and 11:00 p.m. on Friday and Saturday evenings and holidays.

She indicated that objective standards regarding noise are specific DBA levels which staff uses as a reference in making land use decisions, and subjective standards are the impact of noise to a reasonable person based on public input. She commented that the police use the subjective standard in enforcing the Noise Ordinance. She indicated that the City Attorney has advised that the Commission and City Council should consider both the subjective and objective noise standards when making a land use decision along with the Use Permit and General Plan findings.

Planning Manager Jester commented that staff has concerns with enclosing the rooftop deck, as it is already at the height limit. She indicated that staff feels keeping the existing limit on the hours for the rooftop deck is appropriate for mitigating noise. She commented that staff feels enclosing the terrace and relocating the customer queue to the west side of the site would be beneficial. She stated that staff is also recommending that a wall be installed to separate the lobby bar from the interior courtyard. She said that staff feels it may be appropriate to extend the hours of operation to midnight on Friday and Saturday evenings and 1:00 a.m. on New Years Eve if the noise is mitigated by enclosing the terrace, relocating the customer queue, installing a wall between the lobby bar and the interior courtyard, and limiting the hours on the rooftop deck. She indicated that staff would not recommend any changes to the existing hours of operation for the rooftop deck.

She commented that the hearing was noticed to the properties within 500 feet of the site and advertised in the Beach Reporter. She indicated that staff did receive a number of public comments. She pointed out that the Use Permit requires compliance with the STC 50 (sound transmission control) noise standards as indicated by one of the adjacent residents. She indicated that the applicant was able to reach the STC 50 standards with the use of certain construction materials rather than building a wall. She commented that the hotel does not completely close down after designated hours, as there are hotel guest at the facility 24 hours. She introduced the noise consultant, Don Behrens.

Don Behrens, Behrens and Associates, said that the Shade was in compliance with the objective portion of the Noise Ordinance during the period of September in which they performed their study. He said that they were asked to provide an assessment of the effects on noise level of various noise control solutions by means of three-dimensional modeling. He indicated that the study does not consider the subjective impacts of noise and does not recommend specific sound mitigation solutions.

Tom Corbisley, Behrens and Associates, summarized the findings of the noise study that was conducted for the subject site relative to the Manhattan Beach noise standards. He stated that they did not consider interior noise limit standards. He played an audio recording of the noise level from 1300 Ardmore Avenue that was recorded on a Saturday evening at approximately 10:00 p.m. He indicated that measurements were taken on a Saturday evening when there was a lot of noise from the hotel and on a Monday evening when the hotel was quiet. He said that the Shade hotel is in compliance with the City's Municipal Code objective noise standard limits. He stated, however, that there is potential for the noise limit to be exceeded if the

hours for the hotel are extended due to lower ambient noise levels during later hours. He commented that there is not an increase of noise levels at the neighboring residential properties when the noise levels at the hotel are increased, and the noise from the hotel on average is below the ambient level of the noise in the adjacent area.

In response to a question from Commissioner Lesser, **Mr. Beherens** said that their study looked at the objective standards for noise levels, which is the standard used by the City in evaluating the impact that a certain property has on the environment.

Planning Manager Jester pointed out that the objective standard includes the measurement of DBA levels. She indicated that the subjective standard is the standard at which a reasonable person would be impacted by noise levels as determined through public testimony and input. She indicated that the Commission needs to consider both the objective and subjective noise standards in making a land use decision. She said that the subjective standard is used by the police in enforcing the Noise Ordinance.

In response to a question from Commissioner Lesser, **Mr. Beherens** stated that the ambient noise level in the adjacent neighborhood drops significantly after midnight because the level of traffic on Valley/Ardmore and Manhattan Beach Boulevard drops significantly. He said that decrease in traffic noise can increase the impact of other sources of noise. He commented that there are no low frequency sound levels or pure tones emanating from the hotel.

Mr. Corbisley said that the three major sources of noise from the hotel are the rooftop deck, the front entrance and the south terrace. He stated that the contribution of the impact from each source changes with the location within the residential community and height above ground level. He said that in modeling different noise mitigation measures, their conclusions are that an interior wall inside the lobby would be more effective in reducing the noise level than a vestibule at the front entrance; relocation of the customer queue may be effective in reducing noise levels if the terrace is enclosed; the wall in the Shade/Petros corridor would be effective in reducing noise but not as effective as enclosing the terrace; and noise from the rooftop deck would be mitigated effectively if it were enclosed. He said that noise control solutions should be applied at all three major noise sources. He stated that enclosing areas of the hotel may have an effect on the noise generated within that area.

Lieutenant John Dye indicated that the Police Department responded to 124 calls related to the Shade during the 15 months between July of 2008 and October 25 of this year. He stated that 37 of the calls were related to noise from music or a party, with an average of 2 or 3 calls per month. He commented that the other calls were related to issues such as credit card fraud or traffic stops in front of the hotel. He commented that the responding officer will take into account the subjective criteria established in the code such as the level of the noise; whether the nature of the noise is typical; whether the origin of the noise is natural or unnatural; the level and intensity of the background noise; the proximity of the noise to residential bedrooms; the nature and the zoning area at the location of the noise; the density of the area within which the noise emanates; the time of day and duration of the noise; whether the noise is recurrent, intermittent, or constant; whether the noise is produced by a commercial or non commercial entity; and whether the noise occurs on a weekend, weekday or holiday. He said that the police want to provide fairness to the community as well as to the operators of businesses within the City. He stated that he is not aware of an officer citing the hotel for a noise violation.

In response to a question from Commissioner Lesser, Lieutenant Dye indicated that the majority of noise complaints have occurred primarily later in the evening on Friday and Saturday nights.

Commissioner Andreani pointed out that item 2 under “Special Events” on page 3 of the staff report incorrectly indicates the request for the number of people permitted for special events without prior approval as being 150 rather than 125 as is actually proposed.

John Strain, representing the applicant, said that the hotel consists of three functions; the operation of the lodging business, a venue for special events, and a lounge business. He indicated that all three parts of the operation are important in order for them to operate as a premier facility, to pay their employees, and to pay taxes and rent to the City. He said that the Commission must consider the specific standards as reflected in the Municipal Code and General Plan. He commented that they were confident that the hotel met the noise standards of the Municipal Code and paid \$10,000 for the City to have Behrens and Associates to prepare the sound report. He said that the report indicates that the hotel is in compliance with the objective standards of the Code. He pointed out that page 5 of the report shows that the difference in decibel levels between residences ranges by about 15 decibels. He said, however, that the incremental decibel level between the measurement when the hotel was quiet and the measurement when there was a lot of activity was about 2 decibels. He indicated that the specific location within the adjacent neighborhood from where the noise is being measured makes much more difference in terms of the noise impact than whether there is a lot of activity within the hotel.

Mr. Strain pointed out that many of the complaints submitted to staff by **Mr. Hubbard** date back to the period before the Shade hotel was in operation and are not a result of current operation. He said that part of operating a lodging business is having guests who enter and exit the facility during all hours. He stated that people enter and leave the hotel independent of the lounge operation or special events. He stated that the concept of having a venue for special events at the facility was written into the original Master Use Permit for the Metlox development, and cheering for weddings and similar occasions is part of such events. He pointed out that the hotel has not been cited for violations of the Noise Ordinance. He said that the police officers are professional and make appropriate determinations when responding to complaints. He said that the resolution of the Planning Commission in 2005 indicates that the proposed closing time for the hotel is 11:00 p.m. daily. He said that he believes that no specific operating hours were originally imposed for the proposed wine bar. He stated that all of the approved hours for the Metlox development indicated midnight on Friday and Saturday and 11:00 p.m. during the week. He commented that Resolution 05-08 also includes in the conditions that alcohol service shall stop 30 minutes before the hotel closes, or 11:30 p.m. on weekends and 10:30 p.m. during the week. He said that the language of the condition would indicate that the closing hours of the hotel are midnight on weekends and 11:00 during the week. He indicated that the hotel lobby bar currently closes at 11:00 p.m.; however, their understanding is that they are able to close at midnight on Friday and Saturday nights. He commented that it does not appear necessary to enclose the rooftop deck.

In response to a question from Chairperson Seville-Jones, **Mr. Strain** said that the noise report indicates that the ambient noise level drops after midnight which may result in more noise from the hotel impacting the adjacent neighborhood. He commented that he believes that the noise level from the hotel would be a concern if they were proposing to remain open until 1:00 a.m. rather than midnight as is proposed.

Michael Zislis, the applicant, said that dinner service would consist of small plates. He commented that they need the wall separating the interior courtyard from the lobby bar if they are required to exit people from the rear door. He pointed out that the recording of noise from 1300 Ardmore Avenue demonstrates that the noise of cars driving past is louder than the noise of people at the hotel. He also pointed out that the recording was made on a very busy weekend at the hotel. He stated that they do not allow any use of microphones after 9:00 p.m.

He indicated that the sound study indicates that the sound level does not increase in the adjacent neighborhood as sound is increased at the hotel. He said that requiring all of the patrons to leave at one time results in more noise than if patrons leave over a longer period. He indicated that the sound study demonstrates that the hotel is not in violation of the Sound Ordinance, and the City should stand by the findings of the study. He said that the study also indicated that the staff of the hotel works diligently to keep the noise from reaching the adjacent neighborhood.

Mr. Zislis commented that it is not justified to limit the use of the penthouse, limit the use of the conference room, or limit room service as has been suggested by **Mr. McPherson**. He indicated that he does not want to have his rights to do business denied. He commented that enclosing the rooftop deck would be prohibitively expensive. He said that they want to operate for an hour longer on weekends and would not wish to reduce their hours. He indicated that a 4 foot glass rail or noise curtain around the deck would prevent noise from reaching the adjacent neighborhood, as suggested to be studied by the sound engineer. He indicated that he would not want for a wall to be placed in the lobby in the middle of the hotel check-in area. He said that the sound engineer also suggested that a double door system for the front door would eliminate sound from the front of the hotel. He said that he would prefer for a 12 foot barrier to be placed around the Zinc terrace rather than having a movable barrier placed in the corridor between the hotel and Petros. He commented that the best way to help the neighbors is by mitigating the noise issue rather than by limiting his business by restricting the hours.

Chairperson Seville-Jones opened the public hearing.

In response to a question from Chairperson Seville-Jones, **Mr. Behrens** indicated that the ambient noise level from traffic drops dramatically after midnight.

Nate Hubbard showed a recording taken from his home of an Oktoberfest event in the courtyard of the hotel on Sunday, September 27. He indicated that the existing Use Permit and Entertainment Permit contain the requirements necessary to control the use of the hotel. He stated that the hotel does not comply with many of the requirements, and they are not enforced by the City. He commented that the use and entertainment permits require that the Zinc bar be soundproofed, which would solve many of the noise issues. He stated that both permits also require that the terrace close at 11:00 p.m.; however there often are patrons on the terrace until midnight or later. He said that there has been an indication by the Police Department that they are enforcing the 11:00 p.m. closing time for the terrace. He said that similar enforcement needs to be done for the noise of special events. He indicated that until the City stops the existing noise disturbances to the neighbors, they do not feel the findings can be met that extended hours for the hotel would not create a further impact. He said that they propose to work with staff and **Mr. Zislis** to address the concerns. He indicated that they wish to remain informed and involved with staff in any revisions to the Use Permit.

Theresa Cho, a resident of the 500 block of 12th Street, stated that Municipal Code Section 5.14.140 prohibits noise which causes discomfort or annoyance to any reasonable person of normal sensitiveness and prohibits noise which disturbs the peace and quiet. She said that it is the subjective rather than objective standard of the Noise Ordinance which governs in a court of law. She indicated that there is indisputable evidence that noise from the hotel causes discomfort and annoyance to any person of reasonable sensitivity and disturbs the peace and quiet of the adjacent neighborhood. She pointed out that the Commissioners have heard testimony from numerous residents and received formal complaints. She said that the Police Department has received 94 calls regarding the hotel over the period of time that it has been in operation, and 19 residents have sent in their opposition to the proposed extension of hours. She stated that the graphics included with the noise study demonstrate that the noise of the

hotel extends out into the adjacent neighborhood.

Ms. Cho commented that although the hotel is operating within the commercial zone, it was originally intended to be an inn with a lobby bar that catered to guests staying at the facility rather than to the general public. She indicated that the Police Department has been called to the hotel 94 times in the past four years and has not issued a single citation. She indicated that the officers have sided with the hotel on every occasion. She said that the adjacent residents have provided statements that the hotel does not close on time. She stated that there should be clarification so that there is no ambiguity as to the required closing time. She indicated that it is also undisputed that the applicant has not notified the City until recently of special events that exceed the maximum required for notification. She said that the noise from the hotel does cause disturbances in the adjacent neighborhood and results in lowering of property values of the adjacent homes. She commented that the proposed extension of hours should not be approved, as the hotel currently creates a disturbance.

Mike Welsh, a resident of the 600 block of 13th Street, said that the hotel provides a great service to the community and brings much needed revenue to the City. He indicated, however, said that he is unclear of the findings in the sound report. He commented that it is possible to tune out the noise of cars driving down the street; however, it is not possible to tune out loud music and noise and people screaming. He said that he feels the main question is whether it is acceptable for the hotel to make loud noise that disturbs the neighbors. He said that the proposal to extend the hours of operation should only go forward at this time if it is acceptable for the hotel to generate noise that disturbs the neighborhood. He said that otherwise, mitigation measures need to be put in place before consideration is given to extending the hours. He indicated that extending the hours cannot be considered until it is proven that the hotel is in compliance with the Municipal Code. He stated that the residents are simply asking that the Shade comply with the same rules required of all members of the community. He commented that the issue is the close proximity of the site to adjacent residences. He indicated that he does not have an issue with the other uses in the Metlox development staying open until later hours. He suggested that a height Variance be granted for a barrier around the rooftop deck which would help to keep the noise from reaching the adjacent neighbors.

Chairperson Seville-Jones clarified that the issue before the Commission at this hearing is the extension of hours for the Shade and not whether the hotel is in compliance with the existing Use Permit. She said that the Commission does not have the power to impose additional conditions on the current Use Permit.

Director Thompson said that issues of violations of the Noise Ordinance are addressed on an administrative level with the Police Department and the City's Code Enforcement team. He indicated that it is not the jurisdiction of the Planning Commission to make interpretations regarding the existing Use Permit or to impose additional restrictions unless an Amendment to the Use Permit is approved.

Demira Botic, a resident of the 400 block of 10th Place, stated that the comments have been very long and suggested that the speakers limit their comments, and not be repetitive.

Stephanie Hubbard, 1300 Ardmore Avenue, said that she is confused by the results of the sound study. She stated that she is a reasonable person and has been disturbed from the noise at the hotel. She commented that the subject site is unique in that it is located 170 feet from residences. She stated that the hotel needs to comply with more noise regulations than other businesses in the Metlox development that are not located as close to residential properties. She indicated that she can hear noise from the rooftop deck, the interior corridor, and the front door of the hotel from her home. She commented that special events at the hotel routinely

continue past permitted hours. She said that she does not understand the reason for considering longer hours for the bar area when her understanding is that a bar was not originally permitted. She also requested that a Variance be approved for a 4 foot barrier along the rooftop deck which would help to reduce noise to the adjacent neighborhood. She commented that her concern is not with the operation of the hotel but rather with the noise spilling over into the adjacent neighborhood.

John Li, a resident of the 500 block of 15th Street, said that he can hear music from his second story often between 8:00 p.m. and 10:00 p.m., although he cannot confirm whether it is from the hotel. He pointed out that sound does carry, and he would want to be certain that any mitigation measures that are intended to reduce sound to one area do not result in more noise disturbances to other areas. He said that the mitigation measures need to be effective for all properties around the subject site. He stated that he would be opposed to extending the service of alcohol for any additional hours beyond what is currently permitted. He commented that he recently was nearly hit by a car when he was running in the area of the hotel in front of the hotel drop off. He said that there is not a pedestrian walkway along the hotel, and increasing the time for alcohol service increases the chances that someone in the area can be hurt by a drunk driver.

Dan Levin, a resident of the 600 block of 11th Street, said that he enjoys utilizing the hotel. He indicated that people leaving the hotel over a longer period creates less of a noise disturbance than if they are all required to leave at one specific time. He said allowing the hotel to continue in its normal course of business would allow for a more orderly flow of patrons exiting the establishment. He pointed out that the residents on the street did make the decision to live adjacent to a commercial area.

Constantine Diamond, a resident of the 400 block of 10th Place, said that he specifically chose to move to the downtown area because of its charm. He indicated that the hotel is a great place to entertain clients. He said that along with the charm of the downtown area also comes noise. He indicated that there is a great amount of energy downtown, which is the reason he has chosen to live there.

Viet Ngo said that the subject site is on public property, and the Commission has authority over the use of the land. He commented that the property was acquired in part with federal funds. He indicated that Resolution PC 05-08 and the minutes of the meeting of May 25, 2005, state that the original permit does not allow for a bar and that alcohol service is limited to beer and wine. He said that the hotel does not have a permit to have a bar. He said that there is clear evidence that City staff misused public funds and channeled funds to Metlox LLC and Manhattan Inn Operation Company. He said that the Commission should stop the racketeering enterprise and will be responsible for their actions.

Rod Ragle, a Manhattan Beach resident, said that it is good that there are successful businesses in the downtown area. He stated that forcing patrons of the hotel to leave at 11:00 p.m. results in people congregating in front of the hotel to decide where they will go next. He pointed out that the modernization of the City results in greater noise. He stated that the hotel has taken many steps to mitigate the noise impacts to the neighbors. He said that he would ask whether the adjacent neighbors have taken any measures on their properties to mitigate noise, considering that they have chosen to live across from a very large commercial property.

Peter Gombrect, a resident of 19th Place, said that the residents of Manhattan Beach live in a very dense City. He said that the interests of the residents must be balanced with the interests of the businesses. He commented that there is a limited amount of public space in the City, and there are rules established for the enjoyment of those areas for all of the residents. He indicated

that 11:00 p.m. is not a reasonable closing time for such a business in a commercial area and is not equal to the hours permitted for other establishments. He indicated that there are noise ordinances that can be enforced if the hotel is not in compliance. He said that the interests of the residents would be better served by suggesting changes to the existing Noise Ordinance. He stated that the hotel is in compliance with the Noise Ordinance. He commented that some of the adjacent residents would not be happy with any commercial business at the subject site.

Rich Walker, a Manhattan Beach resident, thanked **Mr. Zislis** for providing a location like the Shade within the City. He said that he is proud to have friends and business associates stay at the hotel. He indicated that it is a great asset to the City and should be supported.

Steve Wible, a resident of the 1200 block of North Ardmore Avenue, said that several residents went to speak to **Mr. Zislis** several times, and his response was that it was the City who originally built the hotel. He indicated that residents in the adjacent neighborhood have moved as a result of the noise generated from the hotel. He commented that the noise which reaches his home is from the hotel terrace and the front entrance. He indicated that it would help for the noise to be reduced for the bar area to be soundproofed. He commented that he is opposed to allowing any extension of hours. He said that he would also like for the City to investigate past violations of non compliance with notification to the City of special events.

Tony Doriko, a Manhattan Beach resident, indicated that there has been concern expressed by the residents who are being impacted by the noise from the hotel. He said that he understands that is not up to the Commission to enforce the conditions of the existing Use Permit. He commented that if the residents were in agreement to support the hotel operating two additional hours on weekends, **Mr. Zislis** would implement the additional noise mitigation measures as has been recommended.

Nancy Gilombardo, a resident of the 1100 block of North Ardmore Avenue, said that she is opposed to increasing the operating hours for the hotel, as it would only worsen the existing problems with the noise from the current operation. She said that extending the hours is not a solution to the problem. She stated that she has to close her windows at night and run a fan in order to reduce the level of noise from the hotel, and she has been woken up after 11:00 p.m. when she did leave her window open.

Jeff Dooley, a resident of the 1100 block of North Ardmore Avenue, indicated that placing a partition to separate the bar area would solve a great deal of the noise issues from the patio. He commented that he heard pounding music at his home coming from the hotel at 11:00 p.m. the following night after the previous hearing regarding the subject proposal. He said that he does not feel comfortable with **Mr. Zislis** being responsible for implementing the noise mitigation and would hope that the City would help to solve the issue.

Don McPherson, a resident of the 1000 block of 1st Street, indicated that he stands behind the comments that he has provided to the Commissioners that the methodology used for the sound study is incorrect. He commented that if the noise from the hotel is less than the ambient noise level in the adjacent area as suggested by the noise report, then the noise from the hotel should not be audible from the neighborhood. He indicated that the recording played by **Mr. Hubbard** and the testimony of the residents demonstrate that the hotel noise is audible from the neighborhood. He said that the Use Permit and Entertainment Permit for the hotel contain the requirements that if enforced will control the noise problem. He said that the Use Permit requires a retractable wall between the Zinc bar and the lobby as part of the STC 50 standards. He indicated that the Entertainment Permit indicates that the Zinc bar will have soundproofing treatments on the wall, the partition and the ceiling. He said that no additional hours need to be approved for those requirements to be enforced. He said that there is the possibility of

negotiating if the applicant works with staff and the neighbors to resolve the noise issues.

Karol Wahlberg, a Manhattan Beach resident, commented that there is not only an issue with noise from the patrons but also with employees who leave the downtown businesses an hour after closing and generate noise. She indicated that she believes the residents are significantly impacted by the noise from the hotel. She commented that she feels it would set a very bad precedent to consider the request for additional hours for the hotel before addressing the concerns regarding noise.

Daryl Nisnick, a resident of 15th Street, said that although he does not hear noise at his home from the Shade, he hears noise from police and fire vehicles and general traffic. He commented that noise is part of life in a close community. He indicated that the sound engineer has concluded that the hotel is not in violation of the Sound Ordinance. He said that noise in the area cannot be completely eliminated, and it is a fact of life living near a commercial area. He stated that the applicant has offered to provide additional mitigation, but the noise cannot be completely eliminated. He said that there would be blight if the subject site was vacant, and the community would suffer. He said that he enjoys being able to go downtown and visit the Shade. He said that he feels the additional hours should be approved and that a requirement be included that **Mr. Zislis** provide additional mitigation measures as suggested.

Michelle Patterson, a resident of 23rd Place, commented that she does not feel the applicant should be rewarded when they are not able to address existing issues regarding noise. She indicated that several downtown establishments that are open later depend on the overflow of hotel patrons after the Shade closes. She said that the impact to other businesses should be considered in discussing any extension of hours for the hotel.

Chairperson Seville-Jones closed the public hearing.

Mr. Zislis commented that the Oktoberfest party that was recorded by **Mr. Hubbard** only occurs once a year. He indicated that they file a permit with the City for the party, and it ends at 8:00 p.m. He said that the general public is allowed at the Zinc bar. He stated that the hotel is not in violation of the City's objective noise standards. He pointed out that there is generally noise associated with living next to a commercial zone. He said that he was up front with the City regarding the design of the hotel. He indicated that he is willing to do a barrier to completely surround the rooftop deck; however, the main concern is regarding the noise that emanates towards the neighborhood rather than toward the adjacent commercial area. He pointed out that special events currently are permitted until midnight, inside the hotel.

In response to a question from Commissioner Lesser, **Mr. Zislis** said that it would be much more aesthetically pleasing to put a double vestibule barrier as proposed at the front door rather than in the middle of the lobby.

At 9:15, a 10 minute recess was taken.

Discussion

In response to a question from Commissioner Lesser, Director Thompson said that the Police Chief has indicated that the officers have been instructed to respond immediately and take appropriate action to any complaints that are received regarding the Shade. He indicated that it is the practice of the Police Department to attempt to resolve issues before issuing citations.

Commissioner Andreani indicated that after looking at City Council Resolution No. 5770,

Planning Commission Resolution No. 05-08, the Entertainment Permit for the hotel, the noise evaluation study, and the request of the residents for conditions for the Use Permit, it appears to her that the problem of noise emanating from the Shade hotel to nearby residents is primarily a result of the hotel not being in compliance with the original Use Permit and of the City's lack of enforcement. She said that the Metlox development was intended to provide a full range of office, retail and commercial activities while being mindful of being located near a residential neighborhood. She commented that the applicant knew that they would be opening the hotel near a residential area. She stated that the City is primarily a residential community, and the businesses are to be supported in ways that are not detrimental to the local residents. She indicated that extending the hours will exacerbate the noise and diminish the small town atmosphere of the downtown area.

Commissioner Andreani said that PC Resolution 05-08 states that the primary use and purpose of the hotel is to serve the community as a hotel offering first class accommodations to visitors; that all advertising, marketing and promotions will be focused on potential hotel guests and not the general public; and that the inn may provide wedding party and other special events in the courtyard, meeting room and living room as a secondary service to the primary inn use. She indicated that PC Resolution 5770 states that the availability of the inn for special events shall not be marketed as a primary use. She suggested that guests for special events be required to stay overnight and that special events not be marketed as a primary use. She pointed out that PC Resolution 05-08 provides no change of hours of operation for alcohol sales or special events. She said that the Resolution also states that all advertising, marketing and promotions will be focused on hotel guests and not the general public. She stated that there has been advertising for events at the Shade that were not paid for by clients of the hotel. She said that the hotel should not be promoted as a bar. She indicated that it was originally promoted to be a lodging establishment with only limited breakfast service for hotel guests only; however, breakfast has been served to the general public. She indicated that the hotel was not to provide lunch service; however, lunch has been advertised and provided to the public. She indicated that the retractable wall that was originally required for the "living room" area, the Lobby bar, has not been installed, and the noise study indicated that it is one of the areas of concern. She indicated that the operating hours, special events, hotel guests, and closing times all need to be more clearly defined. She said that she could not support additional hours of operation based upon compliance with the current permitted hours of operation.

Commissioner Lesser said that there is no question that the neighbors have been disturbed and annoyed by the noise from the Shade. He said that he toured the hotel at later hours on a busy weekend. He stated that the Commissioners have received numerous e-mails documenting the noise that emanates from the hotel into the adjacent area. He commented that the challenge is that the applicant is under no obligation to implement additional mitigation measures unless the additional hours of operation are approved. He said that the subject site is in a commercial zone located near residents, many of whom were living there before the Metlox development was built. He commented that he would support allowing the applicant to further review specific options to address the issues regarding noise.

Commissioner Paralusz thanked the members of the audience who have participated in the issue. She said that the Commission does not have the authority to require enforcement of the existing Use Permit. She commented that she agrees that the hotel may be in compliance with the objective noise standard; however, they may not be in compliance with the subjective standard. She commented that she feels it is reasonable for adjacent residents to be annoyed when they hear music from the hotel at 11:00 p.m. She commented that she wants to help the adjacent residents without hurting the applicant by denying any extension of hours. She said that she would be in favor of allowing the applicant to further consider additional mitigation measures including double doors. She suggested that the sound engineer provide input on

measures that would be the most effective. She said that if she could be convinced that mitigation measures would be effective, she would be in favor of requiring that they put in place before she would consider allowing an extension of the hours.

Chairperson Seville-Jones commented that the neighbors have demonstrated that there is a noise issue in the adjacent neighborhood resulting from the hotel. She indicated that there has been testimony from residents at three hearings regarding the issue. She said that the sound report indicates that there is no issue regarding compliance with the objective noise standards. She commented, however, that the subjective standard is not met, as reasonable people living in the adjacent area are being impacted by the noise. She said that the hotel is located in a commercial area; however, it needs to coexist with the adjacent residential area. She said that although the hotel has not been cited, the fact that there have been numerous calls to the police suggests that there is a problem.

Chairperson Seville-Jones commented that implementing additional mitigation measures at the same time as extending the hours for the hotel may be a benefit; however it would still be allowing additional hours of operation. She indicated that the residents have indicated that they do not want additional hours of operation for the hotel. She commented that regardless of any additional mitigation measures, there would still be noise emanating from the hotel. She said that given the current complaints, she cannot support any additional hours of operation for the hotel. She commented that she is unlikely to approve the request given that she is applying the subjective noise standard. She also said that she is uncertain that any additional mitigation measures would be effective. She indicated that she would rather vote against the application at this point rather than asking the applicant to continue to spend money to prove further mitigation measures would work. She indicated that she did not hear from the neighbors that they would be willing to support additional hours of operation in exchange for additional mitigation measures.

The commissioners indicated that they agreed that the current permitted operating hours for the sky deck should not be extended.

Commissioner Paralusz said that she is in favor of reducing notification for special events to 125 people; extending food service; and granting the request for the interior accordion wall as proposed.

Commissioner Andreani said that she is in support of allowing special events of up to 125 people without requiring City notification; allowing full food service with the same hours as the hotel; and requiring installation of the accordion wall between the lobby and interior courtyard. She commented that she is concerned about the material used for the wall, as glass does not absorb noise.

Mr. Zislis commented that the accordion wall would be constructed to mitigate noise. He said that he wants for the rooftop deck to remain open an additional hour, particularly in the summer during wedding season. He said that he would like to work with the neighbors, staff and the sound engineer. He said that he would not want to spend additional money to work further with the sound engineer if the proposal is ultimately going to be denied. He said that they would like to do all of the proposed mitigation measures while being allowed to have two additional hours of operation on weekends. He indicated that there could be a review of the permit in a year at which time the additional hours of operation could be revoked.

Commissioner Andreani said that the applicant has indicated previously that 70 percent of the revenue is generated from the hotel rooms rather than from the Zinc lounge or from special events. She indicated that she fails to see how two additional hours of operation for the sky

deck, lounge and terrace on the weekends would significantly increase the hotel's revenue, and it would potentially disrupt the adjacent neighborhood.

Mr. Zislis said that the Commission can require that the operation of the hotel be reviewed after a year and can revoke the two extra hours at that time if it is determined to be an issue. He pointed out that other establishments in the area do not close at 11:00 p.m.

Commissioner Andreani suggested the possibility of allowing the Zinc bar to remain open until midnight on weekends for hotel guests only and that the current hours for the sky deck and terrace not be extended.

Director Thompson suggested that the item be tabled so that it can be readvertised when it is ready to come back before the Commission.

Chairperson Seville-Jones said she would like further clarification of the definition of special events and public advertising.

A motion was MADE and SECONDED (Lesser/Paralusz) to **TABLE** a Consideration of a Master Use Permit Amendment for modifications to the existing approvals for hours of operation, size of special events, 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.

AYES: Andreani, Lesser, Paralusz, Chairperson Seville-Jones
NOES: None
ABSTAIN: Fasola

E. DIRECTORS ITEMS

F. PLANNING COMMISSION ITEMS

G. TENTATIVE AGENDA November 12, 2009

H. ADJOURNMENT

The meeting was adjourned at 12:00 a.m. to Thursday, November 12, 2009, in the City Council Chambers, City Hall, 1400 Highland Avenue

SARAH BOESCHEN
Recording Secretary

ATTEST:

RICHARD THOMPSON
Community Development Director

Chapter 10.84 USE PERMITS AND VARIANCES

10.84.010 Purposes.

This chapter provides the flexibility in application of land-use and development regulations necessary to achieve the purposes of the ordinance codified in this title by establishing procedures for approval, conditional approval, or disapproval of applications for use permits, variances.

Use permits are required for use classifications typically having unusual site development features or operating characteristics requiring special consideration so that they may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area.

Variances are intended to resolve practical difficulties or unnecessary physical hardships that may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or other physical conditions on the site or in the immediate vicinity; or from street locations or traffic conditions in the immediate vicinity of the site.

Variances may be granted with respect to fences, walls, landscaping, screening, site area, site dimensions, yards, height of structures, distances between structures, open space, off-street parking and off-street loading, and performance standards.

Authorization to grant variances does not extend to use regulations because sufficient flexibility is provided by the use permit process for specified uses and by the authority of the Planning Commission to determine whether a specific use belongs within one (1) or more of the use classifications listed in Chapter 10.08. Further, Chapter 10.96 provides procedures for amendments to the zoning map or zoning regulations. These will ensure that any changes are consistent with the General Plan and the land use objectives of the ordinance codified in this title.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1861, Amended, 12/03/92: § 3 (part), Ord. 2068, eff. February 4, 2005, and § 19, Ord. 2111, eff. March 19, 2008)

10.84.60 Required findings.

An application for a use permit or variance as it was applied for, or in modified form as required by the Commission, shall be approved if, on the basis of the application, plans, materials, and testimony submitted, the Commission finds that:

A. For All Use Permits.

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;

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;
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; 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 mitigated.

B. For Variances.

1. Because of special circumstances or conditions applicable to the subject property—including narrowness and hollowness or shape, exceptional topography, or the extraordinary or exceptional situations or conditions—strict application of the requirements of this title would result in peculiar and exceptional difficulties to, or exceptional and/or undue hardships upon, the owner of the property;
2. The relief may be granted without substantial detriment to the public good; without substantial impairment of affected natural resources; and not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare; and
3. Granting the application is consistent with the purposes of this title and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district and area district.
4. OS District Only. Granting the application is consistent with the requirements of Section 65911 of the Government Code and will not conflict with General Plan policy governing orderly growth and development and the preservation and conservation of open-space laws.

C. Mandatory Denial. Failure to make all the required findings under (A) or (B) shall require denial of the application for a use permit or variance.

10.84.70 Conditions of approval.

In approving a use permit or variance, reasonable conditions may be imposed as necessary to:

- A. Achieve the general purposes of this ordinance or the specific purposes of the zoning district in which the site is located, or to make it consistent with the General Plan;
- B. Protect the public health, safety, and general welfare; or
- C. Ensure operation and maintenance of the use in a manner compatible with existing and potential uses on adjoining properties or in the surrounding area.
- D. Provide for periodic review of the use to determine compliance with conditions imposed, and Municipal Code requirements.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1861, Amended, 01/06/94)

EXHIBIT E

NATE HUBBARD CORRESPONDENCES

DATED

11-3-09

12-4-09

2-11-10

4-2-10

4-9-10

4-12-10

5-5-10

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Angela Soo

From: Laurie B. Jester
Sent: Tuesday, November 03, 2009 4:12 PM
To: 'Nate Hubbard'; Richard Thompson
Cc: List - Planning Commission; 'Nate Hubbard'; 'Stephanie Hubbard'; 'Teresa Cho'; 'Aksi Kikut'; 'Don McPherson'; 'Giabardo Giabardo'; 'Scott Murch'; 'Jeff Dooley'; 'Steve Wibel'
Subject: RE: Participation in Neighborhood-Shade Discussions
Follow Up Flag: Follow up
Flag Status: Red

Nate,

The Planning Commission asked the applicant and the neighbors to work together on a solution that meets both of your needs and concerns.

The applicant needs to take a lead on these meetings

We envision an initial joint meeting with The Shade, neighbors, and staff to make sure we are all headed in the same direction. Then the neighbors and Shade meeting to develop a consensus, mitigation and conditions. At some point the Noise consultant will need to be brought in. The details of this process are up to the applicant, working with the neighbors.

Then wrapping up with staff, and heading back to Planning Commission with the proposal. We will do the best we can to get information out to all parties with as much advanced time as we can. There are a lot of factors to take into consideration and coordinate.

Laurie Jester
310-802-5510

From: Nate Hubbard [mailto:natehubz@mac.com]
Sent: Thursday, October 29, 2009 1:37 PM
To: Laurie B. Jester; Richard Thompson
Cc: List - Planning Commission; Nate Hubbard; Stephanie Hubbard; Teresa Cho; Aksi Kikut; Don McPherson; Giabardo Giabardo; Scott Murch; Jeff Dooley; Steve Wibel
Subject: Participation in Neighborhood-Shade Discussions

Dear Rich and Laurie,

Thanks for continuing to act as the objective mediator in the Shade hearings, by not taking sides.

Although aware of your busy schedule, I request that you also participate in the forthcoming discussions that we plan to have with Shade, regarding a possible agreement for a set of administrative and physical mitigation measures to reduce noise, in exchange for extended hours.

Primarily, we need staff to act as an objective observer, to preclude either the neighbors or Shade from making inaccurate claims at the next PC hearing, regarding positions taken in the discussions by either party.

05/06/2010

In the discussions, we will welcome any opinions or comments by staff, but understand if you choose to make none.

We anticipate at most, two sessions. At the first, the two parties will state their preferences for conditions in the amended use permit and discuss them. We will submit our preferences in advance to the city, so that Shade can have time for review. We hope they would reciprocate. The parties may or may not need a second session to modify their preferences, as result of the first session.

At best, we hope for an agreement on many items in the amended use permit. Undoubtedly, the neighbors will want some conditions that Shade will not accept, and vice versa. Just as inevitably, staff will draft a resolution unacceptable to both parties. Perhaps, this process will filter the contentious items down to a few high priority issues, which only the planning commission can resolve.

We recognize the necessity for the planning commission to approve at the next hearing a resolution on the Shade application. As result, we request a commitment from staff to give us at least a two-week window to review a draft of the Draft Resolution to be placed before the commissioners, in order to coordinate the all-important consensus with the neighbors for an extension of hours.

We realize this constitutes a break from the tradition of disclosing the draft resolution on the Friday evening before the Wednesday hearing. After festering for four years, however, the Shade noise disturbances can wait a couple more weeks for us all to successfully conclude this endless loop of hearings.

Sincerely

Nate Hubbard

Angela Soo

From: Nate Hubbard [natehubz@mac.com]
Sent: Friday, December 04, 2009 9:46 AM
To: Mike Zislis; Laurie B. Jester; John Dye
Cc: Richard Thompson; List - Planning Commission; Rod Uyeda; Scott Ferguson; Jeff Dooley; Lloyd Bell; Joseph Taylor; Paul Muenchow; Maria Reinhart; Ian; Ralph & Joan Mueller; Heidi Walter; Debbie Taylor; Katie Deist; Scott Murch; Steve Wibel; Giabardo Giabardo; Don & Edna Murphy; Aksi Kikut; Teresa Cho; Chris Johnson; Bob & Arleen Neelraeck; Brent Taylor; Lee & Pat Dolley; kddr100@aol.com; Brion T; Stephanie Hubbard; Julie Woodsen; Richard Haft; Andrew & Elizabeth Fouch; DJ Shaeway; Nancy & Dan Giallombardo; RD Cameron
Subject: Neighborhood Submission of Use Conditions
Follow Up Flag: Follow up
Flag Status: Red

To: Mike Zislis, Laurie Jester and Lt John Dye,

We submit the attached draft conditions as our starting position in the negotiations to accept a closing-hour extension for the Zinc bar on Friday and Saturday, in exchange for measures that will stop Shade from disturbing the peace and quiet of the neighborhood. We have spent a lot of time researching and drafting this document.

We include MBPD & MBFD as addressees, because noise mitigation measures alone will not solve the problem, unless the police have effective, clear-cut and unambiguous methods to enforce the requirements. Consequently, all parties involved must ensure that the eventual revised use permit conforms with MBPD & MBFD procedures for enforcement.

The attachment provides a one-page executive summary that emphasizes our major issues and required conditions. Exhibit A presents our conditions. It also encompasses all noise-abatement requirements in PC Resolution 05-08, the amendment to the Metlox Master Use Permit, which enabled a full liquor license for Shade in 2005.

Additionally, we have incorporated into Exhibit A some of staff's noise control requirements from the annual entertainment permit.

With exception to certain physical and administrative noise mitigation measures, we desire no other significant restrictions on Shade. Exhibit B provides a one-page index that relates, where possible, the relationship of each of the Exhibit A conditions to existing Shade use and entertainment permit requirements, as well as to municipal code noise regulations.

As result, we believe our Exhibit A conditions constitute a single comprehensive, well-organized and internally consistent document that will expedite the negotiations, as well as the subsequent decisions and approval by the planning commissioners.

We look forward to cooperating with all involved parties to bring the Shade application to a successful conclusion.

Sincerely
 Nate Hubbard
 Resident Representative

DRAFT NEIGHBORHOOD CONDITIONS FOR SHADE EXTENDED HOURS

Executive Summary.

Our core group of residents will recommend to the neighborhood that they accept an extension of Zinc bar closing from 11 PM to midnight for Friday and Saturday, in exchange for specific terms and conditions required to stop the noise disturbances. Exhibit A lists these requirements, with narratives as required, for staff to include in their draft resolution.

In three public hearings since June 24, the neighborhood has unanimously opposed any extension of hours. Residents express the following concerns.

1. By committing many violations of use and entertainment permits, as well as noise regulations, Shade constitutes a public nuisance, so extended hours will worsen the situation.
2. Shade will not comply with new permit conditions, nor will the city enforce them.
3. Shade will continue to operate primarily as a nightclub, not the small hotel stipulated by the Metlox Master Use Permit and PC Resolution 05-08.

To address the concerns expressed above, we require these high-priority conditions:

- As currently required by Finding O in PC Resolution 05-08, the Zinc bar/lounge shall have a retractable partition between it and the lobby, as well as other soundproofing measures to meet the ASTM International standard, STC-50, for a room.
- The terrace shall have soundproofing measures to satisfy enclosure requirements after 9 PM, at least equal to those used in the Behrens analysis for noise mitigation. Soundproofing measures meeting fire-exit requirements shall close the south terrace entrance after 9 PM. which requires the Zinc queue to move to the hotel west door.
- Noise created by Shade in the adjoining neighborhood shall not dominate the intrusive noise, as determined by the police, in accordance with MBMC §5.48.160 (C)

PC Resolution 05-08 requires a retractable partition to separate the Zinc area from the lobby, obviously to shield the registration desk from lounge hubbub and loud music, as well as to keep noise out of hotel rooms and the neighborhood. A real first-class hotel would not combine the registration area with a boisterous bar.

Furthermore, MBPD has commented they cannot enforce closing hours in the Zinc lounge, because it adjoins the lobby, which must operate 24 hours a day. If the city extends Zinc hours, they must support the police with an effective means for enforcement, which requires physically separating the bar and lounge from the lobby, during evening hours.

For our requirements, Exhibit A, we provide explanations of the three high-priority conditions above, as well as others. With exception of certain physical and administrative noise abatement measures, we add no new significant restrictions on Shade. Exhibit B provides an index showing the linkage of our conditions to current Shade regulations and requirements.

To simplify the commissioners' determination, we propose that the new resolution should include all relevant requirements in PC Resolution 05-08, as well as rescinding it.

Furthermore, when approving the Metlox Master Use Permit and its Amendment 05-08, the city could not know that Shade would operate as a large noisy nightclub. Consequently, staff has had to incorporate several conditions missing from the use permits into the annual entertainment permit, first issued in 2006. We also propose to move some of those conditions into the new resolution, as per Exhibit A, for consideration by the planning commission.

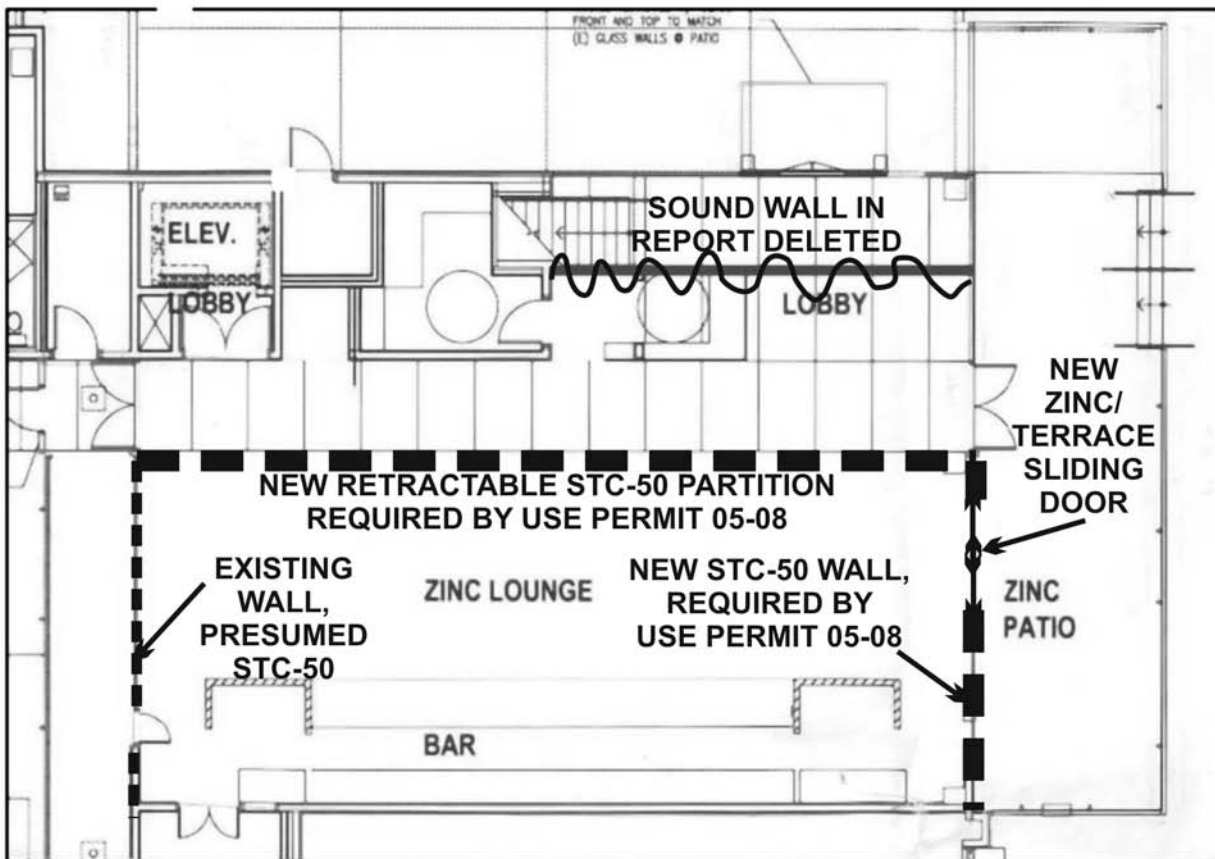
EXHIBIT C

LAYOUT OF ZINC SOUNDPROOFING REQUIRED BY USE PERMIT RESOLUTION 05-08

Text of Finding O, PC RESOLUTION 05-08, Shade amendment to use permit.

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.

- Underlying graphic taken from Behrens acoustic engineering report, Figure 2-23.
- STC-50 standard in ASTM E 90, Test Method for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions and Elements



AMENDED GROUP ENTERTAINMENT PERMIT: Class I. Effective to March 1, 2009.

Location: 1221 N Valley- Shade Hotel- Metlox

CONDITIONS OF APPROVAL

Use Permit Condition 4. Noise mitigation strategies shall be implemented including door, wall and ceiling treatments, as required within the Zinc Lounge and Zinc Terrace area in order to mitigate noise. The Zinc Lounge shall demonstrate that the insulation achieves an STC (Sound Transmission Code) rating of 50 to mute the noise.

DRAFT NEIGHBORHOOD CONDITIONS FOR SHADE EXTENDED HOURS

Guide to Exhibits.

In Exhibit A, we number findings and conditions as follows:

- 'RF' refers to 'Residents' Finding'
- 'RC' refers to 'Residents' Condition

To organize the conditions, we have grouped them into the following categories:

1. Definitions
2. Entertainment and Noise Regulations
3. Space Layouts and Building Plans
4. Hours for Alcohol Service
5. Ingress-Egress Control
6. Food Service
7. Promotion and Advertising.

For those conditions in Exhibit A needing additional explanation, we have boxed-in a short narrative immediately following the item.

To show compatibility with previous requirements, where applicable, we prefaced each condition with the relevant sections in the use and entertainment permits, listed as follows:

- Reso 5770: Metlox Master Use Permit, Resolution 5770, July 22, 2002
- Reso 05-08: PC Resolution 05-08, Amendment to Reso 5770, June 21, 2005
- Annual Entertainment Permit, December 19, 2008

We have attempted to show where changes in each condition occur with *italicized emphasis*.

The city has approved four annual entertainment permits, starting July 2006. All have identical language, except in the most recent version, December 19, 2008, the fire department over doubled the capacities of the Zinc bar and the skydeck.

Since inception in 2006, the entertainment permits have included 13 requirements originated by Community Development, many of which address noise issues raised during the recent public hearings, such as restricting valet service at the hotel entrance. We identify the relevant Community Development conditions as 'CD-N', with 'N' being the numbered condition in the entertainment permit.

In the entertainment permit, staff also included from Reso 5770 and PC Reso 05-08 a number of use permit requirements, 12 all told, which address suppression of disturbances. In some cases, staff expanded on the use permit conditions. We identify staff's relevant use permit conditions as 'UP-N', with N being the numbered condition in the entertainment permit.

Exhibit B provides an index listing the linkage of all our conditions to the current permits cited above. For new conditions related to noise mitigation, the index identifies them as 'new.'

Exhibit C provides the layout for soundproofing the Zinc bar and lounge, including the retractable partition that separates the lobby from the drinking area. Exhibit C includes the text from Finding O in PC Resolution 05-08, which requires both the separating partition and the room soundproofed to the ASTM International standard, STC-50.

Below the drawing in Exhibit C, Community Development Condition 4 in the entertainment permit requires that the STC-50 standard in the Zinc lounge be demonstrated.

EXHIBIT A

NEIGHBORHOOD DRAFT USE PERMIT TERMS AND CONDITIONS

FINDINGS.

RF-1. Based on testimony from many residents in the neighborhood, the Shade Hotel makes noise that discomforts and irritates reasonable persons of normal sensitiveness. The police have responded to numerous calls regarding Shade disturbances, and for several of these incidents, have booked as evidence, reports and recordings of noise from Shade.

Narrative. Since June 24, 2009, in three public hearings, the planning commission has heard testimony from many residents living near Shade. They unanimously opposed extending hours, because of the noise that Shade makes, thus providing evidence that the hotel violates the subjective standards in the municipal code, §5.48.140 Noise Disturbances.

RF-2. The hotel has violated several requirements in PC Resolution 05-08, an amendment to the Metlox Master Use Permit, Resolution 5770. Additionally, the hotel has violated requirements in its annual entertainment permit. Violations having the most impact on the neighborhood include failure to soundproof the Zinc bar (as required by Resolution 05-08), operation past closing times, and amplification of entertainment, so that it disturbs the peace and quiet of the neighborhood.

RF-3. If a retractable partition separates the Zinc bar and lounge from the lobby, as required by PC Resolution 05-08, those alcohol-service areas will provide adequate room and capacity to provide registered hotel guests and their guests a place to relax and socialize.

Narrative. Mr. Zislis has testified that registered guests expect the bar to operate until midnight. The Zinc bar, separated from the lobby by a retractable partition, will meet that requirement.

RF-4. The governing use permits, Resolution 5770 and amendment PC Resolution 05-08, express the intent for Shade operate as a first-class hotel, with the primary purposes to attract visitors downtown for support of existing businesses, as well as providing residents with a special place for celebrations. The Zinc bar/lounge, terrace and skydeck, as well as public functions, shall not be publicized.

RF-5. Community Development has conducted an acoustic engineering analysis to evaluate possible measures to mitigate Shade noise. Some noise sources, such as disturbances on the public right of way at the entrance to the hotel, require administrative means to mitigate. Although conditions below mandate physical and administrative mitigation measures, they alone cannot guarantee abatement of disturbances in the residential neighborhood. Furthermore, effectiveness of the conditional mitigation measures cannot be fully demonstrated, until tested throughout a summer. As result, Community Development shall use the annual entertainment permit as a supplemental tool to provide the necessary flexibility to require compliance with Chapter 5.48, Noise Regulations, of the Manhattan Beach municipal code, by imposing new conditions, or by modifying existing conditions, regardless of whether those conditions or modifications relate to entertainment per se. Community Development can administratively tighten restrictions, but cannot loosen them.

EXHIBIT A

CONDITIONS.

RC-1. Definitions.

RC1-1. Closed or closing-time. Area vacated by all customers and alcohol sales ended, including room service and in-room service.

Narrative. To enforce this definition of closing, the Zinc bar/lounge must have the retractable partition for physical separation from the lobby, which remains open all night.

RC1-2. Special event. An event under contract that has exclusive use of one or more venues. All special events shall pay charges consistent with those for other special events of similar nature and scheduling. Special events may not use the terrace or skydeck. Attendees at special events must have an invitation from the host client. The general public may not join nor participate in special events. Individual special events may not be marketed nor promoted.

Narrative. Special events require a detailed definition, to prevent Shade from using them as cover for public use of the courtyard, conference rooms or penthouses. Regarding exclusion of the terrace and skydeck, Reso 05-08 Condition 2 limits special events to the Zinc bar/lounge, courtyard and conference rooms (Green Rooms.)

RC1-3. Function. An event held in the courtyard for the public, including, but not limited to, Oktoberfest, Halloween, New Years, Valentines, St Patrick's Day and AVP. The entertainment permit shall authorize the number of functions permitted annually.

RC1-4. Registered Guest. A guest who occupies a room, as opposed to a non-registered guest. Privileges for registered guests extend to their guests only as stated in this amendment.

RC1-5. Marketing and Promotion. Any marketing, promotion or advertising, using any media, including but not limited to, fliers, newspapers, radio-TV, Internet, social networking sites, email to the public and the Shade website.

RC-2. Entertainment and Noise Regulations

RC2-1. (From Resolution 08-05 Finding O and Condition 1, and entertainment permit UP-4; *modifications italicized.*) The Zinc bar and lounge shall be soundproofed, including door, wall, and ceiling treatments, with a retractable partition between the lobby and the bar area, to a sound transmission coefficient of STC-50. *The retractable partition shall be deployed whenever entertainment provided, or no later than 5 PM each day, until close. The STC-50 sound transmission coefficient shall be demonstrated in accordance with the appropriate ASTM International standard for sound transmission between rooms, in all directions, including up, but not westerly.*

Narrative. Without this condition, as per their comments, the police cannot enforce the closing time on the Zinc bar, because of co-use by the lobby, open 24-hours a day. See Exhibit C for drawings of the retractable wall, which shows no impact on the size of the Zinc bar and lounge. According to the Event Space Layout in the entertainment permit, Shade must keep clear a 6.5-ft wide corridor, to allow access to the lobby desk, elevator and hotel fire passage. The retractable wall physically creates and maintains that corridor, when the bar heavily patronized.

EXHIBIT A

RC2-2. The terrace shall have drapes of sound-absorbing material, having spectral absorption coefficients equal to or better than Acousti-Curtain™ and being hung inside windscreens. The west glass windscreen shall continue around the south side, with a south-entrance closable entry, which meets fire-exit standards. Sound absorbing panels shall enclose the open upper tier above the drapes. The ceiling shall have sound-absorbing material applied. After 9 PM every day, the drapes shall entirely enclose the terrace. They shall be pulled open at closing hour to enable enforcement.

Narrative. We do not have a documented description of sound control for the terrace. We postulate acoustic measures based on enclosing the terrace, as modeled in the Behrens report.

RC2-3. The courtyard shall have acoustic treatments by replacing the drapes with the same sound-absorbing material as used for the terrace. Where possible, areas on the north wall shall have sound-absorbing material applied. A sound-absorbing retractable wall shall close off the courtyard from the east-west corridor, north of the Zinc bar wall. Because the courtyard will remain open at the top, the hotel shall maintain sound volumes, including non-amplified voice, not to exceed noise levels specified in this amendment.

Narrative. The Behrens report concluded the courtyard not a sound source, whereas we demonstrated otherwise at the Oct 28 hearing, with the recordings of the Sep 27 Oktoberfest. We postulate acoustic measures based general principles, subject to further acoustic analysis.

RC2-4. For the skydeck, other than enclosure, no physical mitigation measures appear feasible. Because the skydeck will remain open, the hotel shall maintain sound volumes, including non-amplified voice, not to exceed noise levels specified in this amendment.

RC2-5. When the penthouses used for special events, hotel staff shall close and lock balcony doors after 10 PM.

Narrative. An Internet review states that Shade continues to serve alcohol to the public in the penthouses, after the Zinc bar closes.

RC2-6. (From entertainment permit CD-5; *modifications italicized*) The volume of music, entertainment, *group singing, or voice, whether or not amplified*, may not be audible outside of the hotel facilities to the *following* extent. *For any length of time, the noise may not dominate the intrusive background noise in the residential neighborhood, as defined in municipal code noise regulations, nor disturb surrounding tenants. After cessation of alcohol service in any venue or for any event, only low-volume "background" type of music is allowed.*

Narrative. We have modified this condition from the annual entertainment permit into a form that the police can enforce. In the entertainment permit, Condition CD-5 cites "...disturbs the neighbors..." as a violation. We have changed that to municipal code language, which states that the police may determine "the total noise level...shall be considered to be the alleged intrusive noise if in the opinion of the officer the alleged noise is the dominant noise sources." Consequently, police recordings of the noise will constitute evidence of violation.

EXHIBIT A

- RC2-7. Special events and functions of more than 125 attendees require notice and a temporary use permit. In the annual entertainment permit, Community Development may reduce the maximum number of attendees for special events and functions not needing notification, but cannot increase the maximum number. Special events and functions cannot exceed fire department capacities for the various venues or spaces.
- RC2-8. From entertainment permit CD-2; *modification italicized*) Entertainment or amplified sound is prohibited on the Zinc Terrace (*south patio.*)
- RC2-9. (From entertainment permit CD-3, *as italicized*) *Dancing is limited to the Zinc bar/lounge.*
- RC2-10. Each year, the hotel shall apply for an annual entertainment permit on March 1, in accordance with Condition 40 in Resolution 5770, Metlox Master Use Permit.

RC-3. Event Space Layouts and Building Plans.

- RC3-1. (From Event Space Layout plan in the entertainment permit) Except for special events, at all other times, the alcohol-serving venues shall maintain tables, chairs, and other furnishings as typical of daily hotel operations, such as shown in the annual entertainment permit dated December 19, 2008, for which the Fire Department will determine maximum occupancies. Arrangements shall expedite food consumption.

Narrative. A resident has observed that Shade removed all the tables and chairs from the terrace, as well as moving the sofas in the Zinc lounge along the walls of the terrace, thus creating a large open space for patrons to stand shoulder-to-shoulder on big bar nights. This configuration violates the Event Space Layout in the entertainment permit.

- RC3-2. For special events in the courtyard and the Zinc bar/lounge, the applicant shall provide event space layouts representative of typical serving table and seating arrangements, for which the fire department will determine maximum occupancies. Arrangements shall expedite food consumption and resemble the layouts shown in the annual entertainment permit dated December 19, 2008.

- RC3-3. The skydeck and terrace shall at all times maintain the same seating and table arrangements as for daily hotel operations.

Narrative. Reso 05-08 Condition 2 limits special events to the Zinc bar/lounge, courtyard and conference rooms, but does not authorize special events to use the skydeck or terrace.

- RC3-4. *Under no circumstances shall the lobby area east of the Zinc retractable wall be used for general public or event alcohol consumption.*

- RC3-5. (From Reso 05-08 Condition 1; *revised as italicized*) The proposed *changes* shall be in substantial conformance with the plans submitted and the project description, as approved by the Planning Commission on (approval date), subject to any special conditions set forth *in this amendment*. The layout of sound mitigation measures 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.

EXHIBIT A

RC-4. Hours for alcohol service (*Changes and additions italicized.*)

Hours for alcohol service restricted to venues below; no other spaces permitted.		
Venue/Event/Services	Venue Closing Time; Open 6 AM, per Cond. 39, Reso. 5770	End of Alcohol Service, Before Closing, Minutes
<i>Zinc bar and lounge, Fri-Sat</i>	<i>Midnight¹ (see Note 1 below)</i>	30
Zinc bar and lounge, Sun-Thu	11 PM ¹	30
Terrace, no special events	11 PM ¹	30
Conference (Green) Room(s)	Special events only; no public ¹	Same as special events
<i>Penthouses, two</i>	<i>Special events only ; no public¹</i>	Same as special events
Skydeck	10 PM; no exceptions (see Note 2)	60
Courtyard, special events	Special events only; no public ¹	Same as special events
Courtyard, functions	Same as special events ¹	30
Special Events	11 PM Sun-Thu ¹ ; midnight ¹ Fri-Sat	30
<i>Room Service, Alcohol</i>	<i>Same as Zinc</i>	<i>0 (Zinc closing time)</i>

Note 1. *New Years Eve closing and public use, as permitted by ordinance.*

Note 2. Skydeck closes at 10 PM; no exceptions, including special events and New Years Eve.

Narrative. In exchange for conditions that will stop Shade from disturbing the neighborhood, we agree to increasing the Zinc bar and lounge closing hour from 11 PM to midnight, Friday and Saturday. The table also lists other closing times stipulated in several sections of the Reso 5770 and Reso 05-08 use permits, as detailed in Exhibit B. We use italicized emphasis for items changed or not covered in the existing use permits.

RC-5. Ingress-Egress Control

RC5-1. The general Metlox Plaza valet service shall move from the Shade entrance

Narrative. It appears that Morningside Drive can accommodate Metlox valet parking.

RC5-2. (From entertainment permit CD-9, *modifications italicized*) *Except for registered guests, after 10:00 PM on Thursday, Friday and Saturday, on holidays, and after all special events at the hotel during any day of the week, the pick-up for cars that are parked in the valet area shall be inside of the Metlox parking structure on the P-1, first level, near the escalators to minimize noise and disturbance to the neighbors. Pickup by the valet shall also not be permitted at the hotel entrance off Valley Drive at these times. The valet shall keep all driving lanes, parking back-up areas, and all vehicular and pedestrian access ways free and accessible to the general public, subject to approval of the Director of Community Development. No permanent signage or structures shall be allowed. Any temporary signage or structures shall only be placed from 9:00 PM to midnight. The hours and days may be administratively modified in the annual entertainment permit to be more, but not less, restrictive as determined to be necessary by the Director of Community Development.*

EXHIBIT A

RC5-3. The city shall prohibit taxi pickups and drop-offs on Valley Dr after 10 PM. Hotel employees shall discourage the public from using taxis on Valley Dr after 10 PM. Taxi pickups and drop-offs at the Shade entrance shall be prohibited after 10 PM. Hotel staff may call for a taxi to pickup registered guests at the entrance after 10 PM.

Narrative. The Behrens acoustic report at §2.5.4 recommends signage at Valley Drive to control pickup and drop-off by taxis.

RC5-4. The Zinc queue shall move to the west-side Shade door, to prevent noise from escaping the terrace south-side entrance. The hotel shall obtain an encroachment permit to align the queue on the Metlox Plaza, along the hotel west wall. Registered guests and their guests shall continue to have direct access, without waiting, into the bar and terrace areas.

Narrative. At the Oct 28 hearing, the Behrens analyst testified that the south entrance of the terrace must close to obtain sound mitigation, which would require the queue to move to the west entrance of the hotel. Registered guests currently have direct access to the bar and terrace, without having to wait in line.

RC5-5. (From entertainment permit CD-10, *modification italicized*) After 10: 00 PM on *Thursday, Friday and Saturday, on holidays, and after all special events at the hotel during any day of the week, non-registered* guests at the hotel facilities shall use the *west door*, opening on to the Metlox Plaza, to *enter and exit* the hotel, and not the front entry door that *opens* onto Valley Drive. Employees shall close and monitor the front entry door as required to ensure *access only by registered guests, and that non-registered guests use the west door while maintaining required emergency access.* Employees shall also remind the patrons as they depart to respect the neighbors and to minimize noise and disturbance. The hours and days may be administratively modified in the annual entertainment permit to be more, but not less, restrictive as determined to be necessary by the Director of Community Development.

Narrative. We have changed this entertainment permit condition, to require bar patrons after 10 PM to enter and exit the hotel from the west door, rather than the south terrace entrance, which will temporarily close after 9 PM.

RC5-6. (From entertainment permit CD-6) The hotel shall ensure that their employees, contract employees, contractors servicing events, and all others providing services to the Hotel shall not park on the public streets, in the residential areas or in Parking Lot 8 (the lot in the median of Valley and Ardmore). All parking shall be on the Metlox site or in other public parking structures such as Lot 3.

RC5-7. (From entertainment permit CD-8) Any large transportation such as buses, shuttles, or recreational vehicles shall not use the hotel drop off area, but shall load and unload off of Morningside Drive or 13th Street. The vehicles shall observe and comply with all parking regulations in these areas.

RC5-8. (From Reso 5770 Condition 28 and Reso 05-08 Condition 2) Events may not use the Town Square or other Public Open Areas unless prior approval is granted by the City.

EXHIBIT A

RC-6 Food service.

RC6-1. (From Reso 05-08 Finding L and Conditions 3 and 5; *rewritten as italicized*) *In addition to room service, which includes the penthouses, breakfast and lunch may be served in the Zinc bar, lounge, terrace, conference room(s) and skydeck. Except for special events and functions, food will not be served in the courtyard. Small plates may be served in all venues, when authorized for alcohol service. The hotel shall not operate a full-scale restaurant.*

Narrative. This condition combines several requirements regarding food service in PC Resolution 05-08, as well as legitimizing the lunch service that Shade currently provides.

RC-7. Promotion and Advertising.

RC7-1. (From Reso 5770 Condition 28, Reso 05-08 Condition 2 and entertainment permit UP-7; *modifications italicized*) The availability of the Inn for special events shall not be marketed as the primary use. *The hotel website may have pages that describe various venues, including costs and availability, but may not advertise individual functions or periodic events, such as pool parties.*

RC7-2. (From Reso 05-08 Finding M & Condition 4, and entertainment permit UP-9; *modifications italicized*) All hotel marketing, advertising, and promotions shall be limited to attracting potential hotel guests and event planners. The Zinc *bar/lounge, terrace* and Skydeck will not be marketed to the general public as separate hospitality attractions. All advertising, marketing and promotions will be focused on potential hotel guests and not the general public.

RC7-3. (From Reso 05-08 Condition 6 and entertainment permit UP-11) The hotel shall not post any drink or food menus, or any drink or food signage outside of the hotel.

EXHIBIT B**INDEX OF NEIGHBORHOOD CONDITIONS TO EXISTING REQUIREMENTS**

Neighborhood Conditions	Corresponding Existing Regulations and Acoustic Analysis
RC2-1 Zinc bar soundproofing	Reso 05-08, Finding O and Condition 1
RC2-2 Terrace soundproofing	New; requirement identified in Behrens report, §2.5.3
RC2-3 Courtyard soundproofing	New; Behrens failed to identify courtyard as noise source
RC2-4 Skydeck noise	Conformance to MBMC §5.48.160 (C)
RC2-5 Penthouse noise	New. According to an Internet review, groups use the penthouses to party, after Zinc bar closes
RC2-6 Noise level limits	Entertainment Permit CD-5, as per MBMC §5.48.160 (C)
RC2-7 Special Event Attendance	Reso 5770 Condition 28 and Reso 05-08 Condition 2
RC2-8 No music on terrace	Entertainment Permit CD-2
RC2-9 Dancing limited to Zinc bar	Entertainment Permit CD-3
RC2-10 Entertainment permit annual March 1 application	Reso 5770 Condition 40 and Entertainment Permit Condition CD-13
RC3-1 Hotel routine use space layouts	Event space layout drawing in entertainment permit
RC3-2 Special event space layouts	Above drawing
RC3-3 Skydeck & terrace layouts	Above drawing and Reso 05-08 Condition 2
RC3-4 No alcohol use in lobby	New; Reso 05-08 Finding M
RC3-5 PC approval required for substantial changes	Reso 05-08 Condition 1
RC4 Hours of alcohol service <ul style="list-style-type: none"> • Alcohol service start, 6 AM • Zinc bar 12 AM close, Fri-Sat • Zinc bar 11 PM close, Sun-Thus • Terrace 11 PM close • Conference rooms & penthouses • Skydeck close, 10 PM • Special Event close, 11 PM Sun-Thu; 12 AM Fri-Sat • Courtyard function close, 8 PM • Skydeck end of service, 9 PM • All other venues end of service, 30 min before close 	<ul style="list-style-type: none"> • Reso 5770 Condition 39 • New • Reso 05-8 Finding L • Reso 05-8 Finding L • See special events • Reso 5770 Condition 30 • Reso 5770 Cond. 28 and Reso 05-08 Condition 2 • New • Reso 05-08 Condition 7 • Reso 05-08 Condition 8
RC5-1 Move Metlox valet	New
RC5-2 Valet parking after 10 PM	Entertainment Permit CD-9
RC5-3 Taxi pickups after 10 PM	New; included in Behrens report, §2.5.4
RC5-4 Move Zinc queue	New; included in Behrens report, §2.4.3 and 2.5.3
RC5-5 West-door use by bar patrons	Entertainment Permit CD-10, modified
RC5-6 Employee parking	Entertainment Permit CD-6
RC5-7 Bus parking	Entertainment Permit CD-8
RC5-8 Metlox Plaza use	Reso 5770 Condition 28 and Reso 05-08 Condition 2
RC6-1 Food service	Reso 5770 Condition 38 and Reso 05-08 Finding L and Conditions 3 & 5
RC7-1 Special event marketing	Reso 5770 Condition 28 and Reso 05-08 Condition 2
RC7-2 Hotel marketing	Reso 05-08 Finding M and Condition 4
RC7-3 Outside hotel signage	Reso 05-08 Condition 6

Angela Soo

From: Laurie B. Jester
Sent: Thursday, February 11, 2010 1:32 PM
To: 'Nate Hubbard'
Cc: Richard Thompson; Jeff Dooley; Lloyd Bell; Ralph & Joan Mueller; Joseph Taylor; Gary Osterhout; Maria Reinhart; Ian; Paul Muenchow; Heidi Walter; Don McPherson; Debbie Taylor; Katie Deist; Scott Murch; Steve Wibel; Giabardo Giabardo; Aksi Kikut; Don & Edna Murphy; Teresa Cho; Chris Johnson; Bob & Arleen Neelraeck; Lee & Pat Dolley; Brent Taylor; kddr100@aol.com; Brion T; Stephanie Hubbard; Julie Woodsen; Richard Haft; Andrew & Elizabeth Fouch; DJ Shaeway; Nancy & Dan Giallombardo; RD Cameron
Subject: RE: New Questions re Shade Alcohol Licenses

Nate-

Planning staff and the applicants from the Shade met several times in 2005 with the State Alcoholic Beverage Control (ABC) staff to discuss different options for their license. After these discussions the ABC concluded that the Type 47, 66 and 68 licenses are the appropriate licenses for the site. They indicated that the Type 70 is a restrictive license and would not allow the sale of alcohol to the general public. The applicant requested an Amendment and the City processed the request through the public hearing process.

Attached is the only correspondence in the file from the ABC. You may contact the Lakewood office of the ABC for further information on their license requirements.

ABC

Vincent Cravens
 3950 Paramount Blvd., Suite 250
 Lakewood CA 90712
 (562) 982-1337

Laurie Jester
 310-802-5510

From: Nate Hubbard [mailto:natehubz@mac.com]
Sent: Sunday, February 07, 2010 11:02 AM
To: Laurie B. Jester
Cc: Richard Thompson; Jeff Dooley; Lloyd Bell; Ralph & Joan Mueller; Joseph Taylor; Gary Osterhout; Maria Reinhart; Ian; Paul Muenchow; Heidi Walter; Don McPherson; Debbie Taylor; Katie Deist; Scott Murch; Steve Wibel; Giabardo Giabardo; Aksi Kikut; Don & Edna Murphy; Teresa Cho; Chris Johnson; Bob & Arleen Neelraeck; Lee & Pat Dolley; Brent Taylor; kddr100@aol.com; Brion T; Stephanie Hubbard; Julie Woodsen; Richard Haft; Andrew & Elizabeth Fouch; DJ Shaeway; Nancy & Dan Giallombardo; RD Cameron
Subject: New Questions re Shade Alcohol Licenses

Laurie,

It has come to my attention that the ABC has an on sale general license, Type 70, which for hotels, enables issuance of a Type 66 in-room mini-bar license, while restricting alcohol service to registered hotel guests and their invitees.

Presumably, the Type 70 license would have applied to the Shade Hotel, under conditions of the

05/06/2010

original 2002 Metlox Master Use Permit, with only minor modifications. If so, then it appears the city should not have amended the use permit in 2005, for Shade to obtain the Type 47 license, which expanded alcohol service to the general public. The latter expansion of use has caused the disturbances that traumatize our neighborhood.

In the 2005 meetings that staff had with the ABC, surely the latter would have suggested the Type 70 license to enable the Type 66 mini-bar license, while restricting alcohol service to overnight guests and their invitees.

What reasons did the ABC provide, that the Type 70 license did not cover the requirements of the Metlox Master Use Permit for the hotel? What documentation does the city have as evidence, to substantiate the claim that no license or combination of licenses would have worked for Shade?

I do not believe that the city should take any further action on the Shade application, until resolving these issues, including concurrence from the ABC.

Don McPherson has discussed this matter with ABC LBH (Long Beach), as well as requesting relevant information from their administrative record on Shade.

Thanks
Nate Hubbard

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

1 Manchester Blvd., Sixth Floor
P.O. Box 6500
Inglewood, CA 90306
(310) 412-6311



May 13, 2005

Mr. Michael Zislis
Managing Member
Manhattan Inn Operating Company LLC
477 29th St.
Manhattan Beach, CA 90266

RE: File #418408
Shade Hotel

Dear Mr. Michael Zislis,

Per your request, I am providing the following information regarding your application as listed above:

The application for Manhattan Inn Operating Company LLC for the alcoholic beverage licenses #47 (On-Sale General Eating Place), #66 (Controlled Access Cabinet Permit) and #68 (Portable Bar) was filed at the Inglewood District Office on 01/26/05.

To date, no protests for this application have been received at the Department of Alcoholic Beverage Control.

Should you have any further questions regarding your application, please contact me at (310) 412-6344.

Sincerely,

A handwritten signature in cursive script that reads "Margot L. Hoffman".

Margot L. Hoffman
Licensing Representative II

EXHIBIT
D

Angela Soo

From: Laurie B. Jester
Sent: Friday, April 02, 2010 5:10 PM
To: 'Katie Kruff'; 'Mike Zislis'; 'Nate Hubbard'; 'Stephanie Hubbard'; 'Steve Wibel'; 'Don McPherson'; 'Jolise Vought'
Cc: 'Donbehrens@aol.com'; 'tcorbishley@baenc.com'; 'louis@louisskelton.com'; Richard Thompson; Rod Uyeda
Subject: RE: Shade- Meeting summary
Follow Up Flag: Follow up
Flag Status: Red

All-

I met with Mike Zislis the other day after he and his staff reviewed the summary below and he had a few changes that I wanted to pass along.
 See red changes below and strikeout changes.

Also- The acoustic screen on the roofdeck would require a height Variance. If the neighbors are supportive of this we would like to know.

Have a very Happy Easter!

Thanks Laurie

From: Laurie B. Jester
Sent: Wednesday, March 24, 2010 6:24 PM
To: 'Katie Kruff'; 'Mike Zislis'; 'Nate Hubbard'; 'Stephanie Hubbard'; 'Steve Wibel'; 'Don McPherson'; Jolise Vought
Cc: 'Donbehrens@aol.com'; 'tcorbishley@baenc.com'; 'louis@louisskelton.com'; Richard Thompson; Rod Uyeda
Subject: RE: Shade- Meeting summary

Here are my notes from what was discussed at our neighbor/Shade/Staff meeting yesterday. If I got anything wrong or missed something major please let me know.

The neighborhood reps are now going to meet with the other neighbors and discuss these points. We will then get back together (fewer people) and try to come to consensus. My goal is to narrow the areas of disagreement down to just a few or no items. When we get to that point I will then schedule the item for a Planning Commission meeting.

I am aiming for the April 28th Planning Commission meeting, and I would need to have agreement on issues by April 9th to allow adequate time for the required notice to the paper.

Thanks Laurie

General-

1. 10 db reduction in noise reduces the noise level in half
2. A minimum of 5 dB reduction in noise is considered to be significant
3. Front entrance vestibule anticipated to reduce noise levels 6 to 8 dB at the residences
4. Moveable panel enclosures on Terrace and portable barrier in front of entry queue by

Terrace anticipated to reduce noise levels at the residences 6 to 10 dB if Terrace is left open for the top 8 feet, and 8 to 10 dB if Terrace is fully enclosed

5. Rooftop deck panels on the north, east and south sides, 6 feet above the height of the drink service roof, anticipated to reduce noise levels at the residences a bit over 2 to 5 dB. Panels of this height would require a Variance for height.
6. Single event noises (microphone, yells, whoops) are a concern
7. Taxis circling, slowing down, stopping and picking up people on Valley after 10:00 PM is a concern
8. Loud groups of people waiting for taxis on Valley after 10:00 PM is a concern
9. Valet **pick up** is located downstairs inside the garage **and the podium is by Petros** after 10:00 PM **on Friday and Saturday** (except as noted in #10 below)
10. Registered Hotel Guests only-arriving or leaving anytime day or night use the front entrance for valet or self-park
11. Event date, time, location and number of people will be posted on the Shade website or other neighbor notification
12. Doors **have been** disabled so not able to remain ~~open in~~ "locked" **in open** position
13. Background music in any location to not be audible **to the extent that is disturbs the neighbor's residences**
14. Music piped in through house system only. Dj's, live music or anything other than background music only in Lounge with special permit
15. Definition of "Closing time" - Everyone to be out of the Shade except staff (see proposed exception for Zinc Lounge below).
16. **Special events subject to conditions in the Entertainment Permit.**

Zinc Lounge and Terrace to south- Everyday

1. 9:00 PM- front entrance doors (east side) "locked" and only operable through interlock/double door vestibule where hotel clerk will allow entry or registered guest can pass with a room key. Only one set of doors may be open at any time (needs to meet Fire and Building existing requirements)
2. 9:00 PM- Terrace moveable panel enclosures to be closed and portable barrier in front of Terrace side entry queue to be in place
3. 9:00 PM- Nana wall on south side of Lounge separating Lounge and Terrace closed
4. 9:00 PM- All exterior doors closed
5. Nana wall systems on both the north and south sides of Lounge to be closed when live music in Lounge ~~or Courtyard~~
6. **Nana wall system on the south side of Lounge to be closed when live music in Courtyard**

Friday and Saturday

1. 11:00 PM- Music off on Terrace
2. 11:30 PM- Last call for drinks, lights turned up and music off in Zinc Lounge also
3. 11:40 PM- Last drink served
4. 12:00 midnight- Closing time- Everyone to be out of the Shade public areas except staff. Exception for Registered guests with a key, maximum of 15 in the Zinc Lounge in the north half of the room.
5. 1:00 AM- All guests to leave public areas.

Thursday

1. 10:30 PM- Music off on Terrace
2. 11:00 PM- Terrace closed **and customers to move inside or leave** (~~we did not discuss earlier backup times for last call ect. — if the Terrace customers move to the Lounge inside this could lead to the occupant load set by Fire being exceeded~~)
3. 11:00 PM- Last call for drinks, lights turned up and music off in Zinc Lounge also
4. 11:10- Last drink served
5. 11:30 - Closing time- Everyone to be out of the Shade public areas except staff. Exception for Registered guests with a key, maximum of 15 in the Zinc Lounge in the north half of the room.
6. 12:30 AM- All guests to leave public areas.

Sunday through Wednesday

1. 10:00 PM- Music off **and last call for drinks** on Terrace
2. **10:30 PM- Terrace closed**
3. 10:30 PM- Last call for drinks, lights turned up and music off in Zinc Lounge also
4. 10:40 PM- Last drink served
5. 11:00 PM- Closing time- Everyone to be out of the Shade public areas except staff. Exception for Registered guests with a key, maximum of 15 in the Zinc Lounge in the north half of the room.
6. 12:00 midnight- All guests to leave public areas.

Skydeck**Everyday**

1. Music and all sound piped in through house system only, no dj's, no live music, background music only
2. 9:00 PM- No further use of microphone
3. 10:30 PM- Last call for drinks, lights turned up and music off
4. 11:00 PM- Closed

Courtyard**Everyday**

1. 12:00 midnight Closed- (area for special event use only)
2. Special events in Courtyard, harp, violin and similar instruments- no live bands.
3. Octoberfest only, live band- 4 to 8 PM , one Sunday annually
4. Chamber, Open House, and other occasional Community events with local school bands, choir or similar

From: Laurie B. Jester

Sent: Wednesday, March 24, 2010 12:35 PM

To: Katie Kruft; Mike Zislis; 'Nate Hubbard'; Stephanie Hubbard; Steve Wibel; 'Don McPherson'

Cc: 'Donbehrens@aol.com'; tcorbishley@baenc.com; louis@louisskelton.com

Subject: Shade- Meeting summary

When I got back to the office last night after our meeting an unexpected issue at a job site had come up. I have been dealing with it and need to continue to deal with it immediately today with a number of various staff so I may not get the summary done today. I'll do my best.

05/06/2010

Angela Soo

From: Nate Hubbard [natehubz@mac.com]
Sent: Friday, April 09, 2010 9:35 AM
To: Laurie B. Jester
Cc: Katie Kruff; Mike Zislis; Stephanie Hubbard; Donbehrens@aol.com; tcorbishley@baenc.com; louis@louisskelton.com; Richard Thompson; Rod Uyeda; Jeff Dooley; Lloyd Bell; Ralph & Joan Mueller; Paul Muenchow; Gary Osterhout; Maria Reinhart; Joseph Taylor; Heidi Walter; Don McPherson; Michael Madrinkian; Brion Tyler; Debbie Taylor; Katie Deist; Scott Murch; Steve Wibel; Giabardo Giabardo; Don & Edna Murphy; Aksi Kikut; Teresa Cho; Lee & Pat Dolley; Chris Johnson; Bob & Arleen Neelraeck; Brent Taylor; kddr100@aol.com; Julie Woodsen; Andrew & Elizabeth Fouch; Richard Haft; DJ Shaeway; Nancy & Dan Giallombardo; RD Cameron; Don McPherson
Subject: Neighborhood Response Input
Follow Up Flag: Follow up
Flag Status: Red

Laurie,

I have attached the neighborhood response to the issues raised at our March 23 meeting on Shade.

Fifteen residents responded to my questionnaire, overwhelmingly opposing any time extension, including the one hour on Friday and Saturday.

I think that the continued disturbances by Shade have turned the neighbors off and the police logs of will reflect this. Just the same, we will propose to the planning commission a one hour extension for Friday and Saturday night, in exchange for noise-reduction conditions in the use permit.

The attachment summarizes the questionnaire poll, lists major items of contention, and provides comments on your minutes for the March 23 meeting. At the end, the attachment includes the two email questionnaires sent to the neighbors. We wanted to give them an overview of the situation, as unbiased as possible. I did not get much response, so I sent out the second, a simplified email.

We had planned on providing an updated version of our draft use permit, to accompany the neighborhood response. Inconsistencies in the Behrens March report have prevented a verification of the dB sound reductions estimated for the various mitigation methods proposed. We will submit our critique of the Behrens March report early next week.

Thanks Nate

NEIGHBORHOOD REPOSE TO MARCH 23 MEETING AT SHADE

This note describes the neighborhood response to issues raised at the Shade meeting on March 23. I emailed two questionnaires to over two dozen neighbors, as well as knocking on some doors. The attached emails at the end of this note provide the documents distributed to the neighborhood.

Fifteen residents replied, overwhelmingly opposing any extension of hours, even the one hour for the Zinc/Terrace bar on Friday and Saturday.

SURVEY RESULTS.

As per the attached emails, I requested the neighbors to answer ‘Yes’ or ‘No’ to the following questions:

Zislis’s Proposed Extension of Hours in Exchange for Installing Sound Mitigation (detailed in earlier e-mail)

1 Yes, 14 No **Extend Skydeck hours** from 10:00 to 11:00 PM seven days a week

1Yes, 14 No **Thursday, Zinc/Terrace** -Extend Zinc bar hours from 11:00 PM to 11:30 PM

3 Yes, 12 No **Friday and Saturday, Zinc/Terrace** Extend Zinc bar hours on Friday and Saturday nights from 11:00 PM to midnight.

4 Yes, 11 No **Zinc Bar Hours for Registered Guests**- Keep the bar open for fifteen registered guests until 1:00 AM, seven days a week.

At the October 28 hearing, we believe that the planning commission directed us to negotiate with Mike Zislis for noise reduction, in exchange for closing-time extension of one hour for the Zinc bar on Friday and Saturday. As the neighborhood facilitator, I will continue to work toward that goal. The neighbors apparently believe, however, that the proposed mitigation measures do not justify even the one hour on Friday and Saturday, much less the additional extensions requested. Continued, unabated disturbances by Shade aggravate the situation.

We stand by the closing times summarized in the draft use permit submitted December 5.

RC-4. Hours for alcohol service (*Changes and additions italicized.*)

Hours for alcohol service restricted to venues below; no other spaces permitted.		
Venue/Event/Services	Venue Closing Time; Open 6 AM, per Cond. 39, Reso. 5770	End of Alcohol Service, Before Closing, Minutes
<i>Zinc bar and lounge, Fri-Sat</i>	<i>Midnight¹ (see Note 1 below)</i>	30
Zinc bar and lounge, Sun-Thu	11 PM ¹	30
Terrace, no special events	11 PM ¹	30
Conference (Green) Room(s)	Special events only; no public ¹	Same as special events
<i>Penthouses, two</i>	<i>Special events only ; no public¹</i>	Same as special events
Skydeck	10 PM; no exceptions (see Note 2)	60
Courtyard, special events	Special events only; no public ¹	Same as special events
Courtyard, functions	Same as special events ¹	30
Special Events	11 PM Sun-Thu ¹ ; midnight ¹ Fri-Sat	30
<i>Room Service, Alcohol</i>	<i>Same as Zinc</i>	<i>0 (Zinc closing time)</i>

Note 1. New Years Eve closing and public use, as permitted by ordinance.

Note 2. Skydeck closes at 10 PM; no exceptions, including special events and New Years Eve.

With this email, we had planned to submit an updated version of our draft use permit, based on new information received since December. We have not finalized the analysis of the mitigation measures proposed, however, because of uncertainty in their effectiveness. Inconsistencies in the latest Behrens acoustic analysis have prevented verification of the sound reduction estimates for the various sound-reduction concepts, such as 6-8 dB for the front-door vestibule and 6-10 dB for the terrace.

We plan on submitting the critique of the Behrens March report early next week, with the update of our draft use permit later in the week.

We do summarize below the major items of contention, as well as comments on staff minutes for the March 23 meeting at Shade.

MAJOR ITEMS OF CONTENTION.

Folding sound wall between Zinc/lounge bar and lobby. As per our December draft use permit, we require the folding sound wall as specified in the current use and entertainment permits. This wall provides sound reduction far superior to the proposed front-door vestibule. More importantly, however, enforcement of closing times by MBPD requires the wall, in order to create a unique space for the Zinc/terrace bar, separate from the lobby common area.

Full enclosure of terrace after 9 PM; no south entrance. The Behrens acoustic study does not include measurements of amplified voice or music, nor disturbances outside the hotel front entrance, the major cause of complaints by the neighbors. As result, the Behrens reports from December and March provide no valid information on absolute noise levels and reductions required to comply with the municipal code. The study has established that the background noise typically exceeds the quantitative levels in the noise regulations, as specified in MB §5.48.160.

Resident testimony states that music emanating from the terrace openings physically shakes homes on Ardmore Ave. The 6-10 dB estimated reduction by the proposed terrace mitigation will not reduce amplified music at Ardmore homes to levels compliant with the municipal code.

The December Behrens report estimates a 20 dB decrease in sound for a fully-enclosed terrace, which may or may not suffice for reduction of noise to levels compliant with regulations.

Because the city does not know absolute noise levels and reductions required, they should impose a condition that will obtain the maximum. As it stands, the potential 20 dB reduction does not come close to the STD-50 standard stipulated in the current use and entertainment permits.

Closure of the south terrace entrance also facilitates moving Metlox valet parking to Morningside, as specified in the December draft use permit, Condition RC5-1.

Courtyard sound mitigation. The Behrens reports conclude that the courtyard does not constitute a noise source, because it did not have an event in progress, when they made their measurements last September.

Evidence booked by MBPD and testimony from residents for the September 27 Oktoberfest proves the courtyard does constitute a noise source. We require a combination of physical and administrative measures that will reduce noise to levels compliant with regulations.

Skydeck. The Behrens March report concludes that no viable mitigation means exist for the skydeck, other than complete enclosure.

Our updated draft use permit will prohibit amplified voice and music with two exceptions: background music and amplified voice only at weddings for the certified individual conducting the ceremony, the bride and the groom. The amplified voices must still comply with city noise regulations and must end at 8:00 PM.

COMMENTS ON MARCH 23 MINUTES.

This section provides comments on the minutes for the March 23 meeting at Shade. For those items in the minutes not included below, we have no comment at this time. Also, for all items that address proposed closing times and sound mitigation measures, we provide comments above.

Changes indicated with italics.

General.

7 & 8. Taxis. *The draft use permit, Item RC5-3, requires the city to prohibit taxi drop-off and pick-up on Valley Dr after 9 PM, as a moving violation.*

9. Metlox valet. *The draft use permit, Item RC5-1, requires Metlox valet to move from Shade, preferably to Morningside Drive.*

13. Background music in any location not audible ~~to the extent that it disturbs the neighbor's residences in the residential area.~~

14. *Amplified voice and music* piped in through house system only. Dj's, live music or anything other than background music only in Lounge with special permit.

15. ~~Definition of "Closing time"—Everyone to be out of the Shade except staff (see proposed exception for Zinc Lounge below).~~ *As per draft use permit Item RC1-1, definition of closing time, "Closed or closing-time. Area vacated by all customers and alcohol sales ended, including room service and in-room service."*

Zinc Lounge and Terrace to South.

3. 9:00 PM- Nana wall on south side of Lounge separating Lounge and Terrace Closed, *except for one open panel to allow passage between Zinc and the terrace. (Required to allow access with folding sound wall deployed between Zinc and lobby.)*

Friday and Saturday.

2-5. *We do not accept any times other than end of service at 11:30 PM and close 12 PM.*

Thursday and Sunday through Wednesday.

3-6. *We do not accept any times other than end of service at 10:30 PM and close 11 PM.*

Skydeck.

1. Music. *See skydeck comments in section on major items of contention.*

2-4. *We do not accept any times other than end of service at 9:00 PM and close at 10:00 PM.*

From: [Nate Hubbard](#)
To: [Jeff Dooley](#); [Lloyd Bell](#); [Ralph & Joan Mueller](#); [Paul Muenchow](#); [Gary Osterhout](#); [Maria Reinhart](#); [Joseph Taylor](#); [Heidi Walter](#); [Don McPherson](#); [Michael Madrinkian](#); [Brion Tyler](#); [Debbie Taylor](#); [Katie Deist](#); [Scott Murch](#); [Steve Wibel](#); [Giabardo Giabardo](#); [Don & Edna Murphy](#); [Aksi Kikut](#); [Teresa Cho](#); [Lee & Pat Dolley](#); [Chris Johnson](#); [Bob & Arleen Neelraeck](#); [Brent Taylor](#); [kddr100@aol.com](#); [Stephanie Hubbard](#); [Julie Woodsen](#); [Andrew & Elizabeth Fouch](#); [Richard Haft](#); [DJ Shaeway](#); [Nancy & Dan Giallombardo](#); [RD Cameron](#)
Subject: IMPORTANT INFORMATION ABOUT SHADE HOTEL...YOUR INPUT IS CRITICAL TO OUR CAUSE
Date: Monday, March 29, 2010 09:00:27

To Our Shade Neighbors,

The city wants me to get your opinion on additional time extensions that Mike Zislis has introduced into our negotiations, in exchange for implementing noise reduction measures. Below, we provide a form, easily filled out, for you to express your opinions on Zislis's proposals.

We will not submit your forms to the city, nor distribute them. We will simply summarize the results and send to the city.

Please forward this email to me, filling out the form below before sending. You can also add comments. Alternatively, you can print the form, fill it out, and give it to me, 1300 N Ardmore Ave. Any questions: email or call 310-345-1301.

At the last planning commission meeting, October 28, the commissioners requested that we accept extended Shade hours on Friday and Saturday from 11 PM to midnight, in exchange for noise reduction. On December 5, we submitted a draft use permit with conditions designed to stop the disturbances, in exchange for the extension of hours. Neither the city nor Shade has responded, although we have raised the issue a couple times, most notably at the joint meeting of the city council and planning commission on February 23.

Last Tuesday, March 23, I and others met with Mike Zislis and the city planner, Laurie Jester. Joining me were Stephanie Hubbard, Steve Wible and Don McPherson. Mike Zislis had with him the Behrens acoustics experts, his architect Louis Skelton, his attorney and a couple Shade staffers.

At the meeting, Zislis and Jester described proposed noise reduction measures and a new Behrens acoustic analysis.

Zislis also proposed a number of other changes, such as keeping the bar open until 1:00 AM seven days a week for fifteen registered hotel guests. He also wants the skydeck open until 11:00 PM every day, rather than the current 10:00 PM close. On Thursday, the Zinc bar and terrace hours would increase to 11:30 PM from the current 11:00 PM closing. He requires all this, in addition to extending Friday and Saturday hours from 11 PM to midnight, which the planning commission requested us to consider.

I stated the need to obtain the neighborhood opinion regarding additional increases of Shade operating hours, compared to just one hour longer for Friday and Saturday. This email gives you the opportunity to express your opinion on extending Shade hours more than just one hour on Friday and Saturday, an increase from 11:00 PM to midnight.

Zislis proposes the sound mitigation measures listed below. The parentheses enclose Behrens's estimates of sound reduction. To evaluate the mitigation measures, Don Behrens

provided the following guidelines: 3 db corresponds to a discernible reduction, 5 dB a significant reduction, and 10 dB about one-half, or 50%, reduction in loudness.

Proposed Sound Mitigation Measures.

- A glass vestibule at the front door (6-8 dB, a significant reduction, but less than 50% reduction in loudness)
- Partial enclosure of the terrace, with a south entrance (6-10 dB, a significant reduction, up to 50% reduced loudness)
- Extending the skydeck walls from 8'-8" to 14'-8"; requiring a variance (Behrens says wall extensions will not significantly reduce noise, and no effective mitigation exists, other than enclosing the skydeck)

Below, at the end of this email, I provide an email from Laurie Jester, who listed the items presented at the Tuesday March 23 meeting. For you to express your opinion, we have abstracted into the form below Zislis's proposed additional time extensions, beyond the one hour on Friday and Saturday discussed by the planning commission on October 28.

If you have an issue with any of Jester's items left off the form, email me, and we will address your concerns.

Our use permit has many restrictions not addressed in Jester's list below. After we update our draft use permit with new information, we will provide you a copy for review and comment, well in advance of the next PC hearing, tentatively scheduled for May 12.

To fill-out the form, forward this email to me, but before sending, select the underlined area at each item and type 'Yes' or 'No'. You can abbreviate 'Y' or 'N', and also add comments. Any questions? Email or call me 310-345-1301.

A preponderance of No's in our forms may result in Shade refusing to install any noise mitigation. The planning commission, however, may require noise mitigation. We make no prediction regarding the commissioners' decision.

Zislis's Proposed Additional Extension of Hours in Exchange for Installing Above Sound Mitigation

_____ **Friday and Saturday, Zinc/Terrace Close.** In addition to extending Zinc bar hours on Friday and Saturday nights from 11:00 PM to midnight, only what we consider, Zislis also proposes to keep the bar open for fifteen registered guests until 1:00 AM, seven days a week. The current use permit does not have special hours for registered guests. If you want to extend Zinc hours for registered hotel guests until 1:00 AM, rather than midnight, enter 'Yes'; otherwise enter 'No'.

_____ **Thursday, Zinc/Terrace Close.** Shade proposes an 11:30 PM close on Thursday for the Zinc bar and terrace, outside the scope of the planning commission direction for us to consider only increasing one hour on Friday and Saturday, from 11:00 PM to midnight. Also, they propose 1:00 AM for fifteen registered guests. If you want to extend bar hours on Thursday to 11:30 PM, with end of service at 11:10 PM, as well

as keeping the bar open to registered hotel guests until 1:00 AM, enter 'Yes'; otherwise enter 'No'.

_____ **Sunday through Wednesday, Zinc/Terrace Close.** Bar hours on Sunday through Wednesday would remain at 11:00 PM for the general public. Zislis proposes to keep the bar open for fifteen registered hotel guests until 1:00 AM. If you want to keep the bar open until 1:00 AM for registered guests, enter 'Yes'; otherwise enter 'No'.

_____ **Skydeck, Everyday Hours.** Zislis proposes end of service at 10:40 PM and close at 11:00 PM, seven days a week. The current use permit requires end-of-service at 9:00 PM and close at 10:00 PM. If you want to extend skydeck hours from 10:00 PM to 11:00 PM, with end of service at 10:40 PM, enter 'Yes; otherwise 'No'.

This ends the form. Thanks for responding. Please forward this email to me, but before sending, enter your opinions in the form above. Otherwise, print the form, fill it out and deliver to me at 1300 N Ardmore Ave. Questions? Email or call: 310-345-1301.

Thanks again, Nate

From: Laurie B. Jester [mailto:ljester@citymb.info]

Sent: Wednesday, March 24, 2010 18:24

To: Katie Krufft; Mike Zislis; Nate Hubbard; Stephanie Hubbard; Steve Wibel; Don McPherson; Jolise Vought

Cc: Donbehrens@aol.com; tcorbishley@baenc.com; louis@louisskelton.com; Richard Thompson; Rod Uyeda

Subject: RE: Shade- Meeting summary

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I am aiming for the April 28th Planning Commission meeting, and I would need to have agreement on issues by April 9th to allow adequate time for the required notice to the paper.

Thanks Laurie

General-

1. 10 db reduction in noise reduces the noise level in half
2. A minimum of 5 dB reduction in noise is considered to be significant
3. Front entrance vestibule anticipated to reduce noise levels 6 to 8 dB at the residences
4. Moveable panel enclosures on Terrace and portable barrier in front of entry queue by Terrace anticipated to reduce noise levels at the residences 6 to 10 dB if Terrace is left open for the top 8 feet, and 8 to 10 dB if Terrace is fully enclosed
5. Rooftop deck panels on the north, east and south sides, 6 feet above the height of the drink service roof, anticipated to reduce noise levels at the residences a bit over 2 to 5 dB. Panels of this height would require a Variance for height.
6. Single event noises (microphone, yells, whoops) are a concern
7. Taxis circling, slowing down, stopping and picking up people on Valley after 10:00 PM is a concern
8. Loud groups of people waiting for taxis on Valley after 10:00 PM is a concern
9. Valet is located downstairs inside the garage after 10:00 PM (except as noted in #10 below)
10. Registered Hotel Guests only-arriving or leaving anytime day or night use the front entrance for valet or self-park

11. Event date, time, location and number of people will be posted on the Shade website or other neighbor notification
12. Doors disabled so not able to remain open in “locked” position
13. Background music in any location to not be audible to residences
14. Music piped in through house system only. Dj’s, live music or anything other than background music only in Lounge with special permit
15. Definition of “Closing time” - Everyone to be out of the Shade except staff (see proposed exception for Zinc Lounge below).

Zinc Lounge and Terrace to south-
Everyday

1. 9:00 PM- front entrance doors (east side) “locked” and only operable through interlock/double door vestibule where hotel clerk will allow entry or registered guest can pass with a room key. Only one set of doors may be open at any time (needs to meet Fire and Building existing requirements)
2. 9:00 PM- Terrace moveable panel enclosures to be closed and portable barrier in front of Terrace side entry queue to be in place
3. 9:00 PM- Nana wall on south side of Lounge separating Lounge and Terrace closed
4. 9:00 PM- All exterior doors closed
5. Nana wall systems on both the north and south sides of Lounge to be closed when live music in Lounge or Courtyard

Friday and Saturday

1. 11:00 PM- Music off on Terrace
2. 11:30 PM- Last call for drinks, lights turned up and music off in Zinc Lounge also
3. 11:40 PM- Last drink served
4. 12:00 midnight- Closing time- Everyone to be out of the Shade public areas except staff. Exception for Registered guests with a key, maximum of 15 in the Zinc Lounge in the north half of the room.
5. 1:00 AM- All guests to leave public areas.

Thursday

1. 10:30 PM- Music off on Terrace
2. 11:00 PM- Terrace closed (we did not discuss earlier backup times for last call ect. – if the Terrace customers move to the Lounge inside this could lead to the occupant load set by Fire being exceeded)
3. 11:00 PM- Last call for drinks, lights turned up and music off in Zinc Lounge also
4. 11:10- Last drink served
5. 11:30 - Closing time- Everyone to be out of the Shade public areas except staff. Exception for Registered guests with a key, maximum of 15 in the Zinc Lounge in the north half of the room.
6. 12:30 AM- All guests to leave public areas.

Sunday through Wednesday

1. 10:00 PM- Music off on Terrace
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5. 12:00 midnight- All guests to leave public areas.

Skydeck

Everyday

1. Music and all sound piped in through house system only, no dj's, no live music, background music only
2. 9:00 PM- No further use of microphone
3. 10:30 PM- Last call for drinks, lights turned up and music off
4. 11:00 PM- Closed

Courtyard

Everyday

1. 12:00 midnight Closed- (area for special event use only)
2. Special events in Courtyard, harp, violin and similar instruments- no live bands.
3. Oktoberfest only, live band- 4 to 8 PM , one Sunday annually
4. Chamber, Open House, and other occasional Community events with local school bands, choir or similar

From: [Nate Hubbard](#)
To: [Jeff Dooley](#); [Lloyd Bell](#); [Ralph & Joan Mueller](#); [Joseph Taylor](#); [Gary Osterhout](#); [Paul Muenchow](#); [Maria Reinhart](#); [Heidi Walter](#); [Don McPherson](#); [Michael Madrinkian](#); [Brion Tyler](#); [Debbie Taylor](#); [Katie Deist](#); [Scott Murch](#); [Steve Wibel](#); [Giabardo Giabardo](#); [Aksi Kikut](#); [Don & Edna Murphy](#); [Teresa Cho](#); [Lee & Pat Dolley](#); [Chris Johnson](#); [Bob & Arleen Neelraeck](#); [Brent Taylor](#); [kddr100@aol.com](#); [Stephanie Hubbard](#); [Richard Haft](#); [Julie Woodsen](#); [Andrew & Elizabeth Fouch](#); [DJ Shaeway](#); [Nancy & Dan Giallombardo](#); [RD Cameron](#)
Cc: [Don McPherson](#); [Stephanie Hubbard](#)
Subject: Metlox Survey...PLEASE RESPOND
Date: Saturday, April 03, 2010 08:09:26

Dear Shade Neighbors...Next week starts the beginning of a new part of our Shade noise dispute.

I sent out a survey last Sunday which asked for your response to Mike Zislis's sound mitigation proposals. Next week I am supposed to report to Laurie Jester (Acting Community Development Director) the results of this survey.

I have only received **one** response to the survey. I realize now that it was too complicated so I've trimmed it down. If you need more information, please refer back to the email I sent on Mar 28

PLEASE take the time to reply back to me with either a YES or NO to the following:

Zislis's Proposed Extension of Hours in Exchange for Installing Sound Mitigation (detailed in earlier e-mail)

_____ **Extend Skydeck hours** from 10:00 to 11:00 PM seven days a week

_____ **Thursday, Zinc/Terrace** - Extend Zinc bar hours from 11:00 PM to 11:30 PM

_____ **Friday and Saturday, Zinc/Terrace** - Extend Zinc bar hours on Friday and Saturday nights from 11:00 PM to midnight.

_____ **Zinc Bar Hours for Registered Guests** - Keep the bar open for fifteen registered guests until 1:00 AM, seven days a week.

This may be our **LAST** chance to be heard by the Planning Commission before they decide on extended hours for Shade. If you have any comments regarding ongoing Shade noise issues, please e-mail them to us so we can make sure your views are represented at the next meeting between the neighborhood, Shade, and the City.

Thanks for your time
Nate & Stephanie Hubbard

Angela Soo

From: Nate Hubbard [natehubz@mac.com]
Sent: Monday, April 12, 2010 7:59 AM
To: Michael Zislis; Laurie B. Jester
Subject: Re: Neighborhood Response Input
Follow Up Flag: Follow up
Flag Status: Red

After further review of our neighborhood group, we do NOT want the wall on the Skydeck (as indicated by it's omission from the attachment sent out 4/9/10
 thanks Nate

On Apr 10, 2010, at 12:01 AM, Michael Zislis wrote:

Nate,
 Did you want the 5 foot barrier on the skydeck?

Cheers,

Michael Zislis
 Owner
 Shade Hotel Manhattan Beach
 Shade Hotel Redondo Beach (2013)
 Mucho Ultima Mexicana
 ROCK'N FISH Manhattan Beach
 ROCK'N FISH LA LIVE
zislis@aol.com

-----Original Message-----

From: Nate Hubbard <natehubz@mac.com>
To: Laurie B. Jester <ljester@citymb.info>
Cc: Katie Kruff <kkruft@shadehotel.com>; Mike Zislis <zislis@shadehotel.com>; Stephanie Hubbard <steffhubz@verizon.net>; Donbehrens@aol.com; tcorbishley@baenc.com; louis@louisskelton.com; Richard Thompson <rthompson@citymb.info>; Rod Uyeda <ruyeda@citymb.info>; Jeff Dooley <jdooley64@hotmail.com>; Lloyd Bell <belloyd3@verizon.net>; Ralph & Joan Mueller <r-jmueller@msn.com>; Paul Muenchow <paulmuenchowinsurance@msn.com>; Gary Osterhout <gosterhout@roadrunner.com>; Maria Reinhart <mreinhart@aol.com>; Joseph Taylor <joseph.taylor50@gmail.com>; Heidi Walter <heidi.walter@lexisnexis.com>; Don McPherson <dmcphersonla@gmail.com>; Michael Madrinkian <madrinkian@mac.com>; Brion Tyler <briontt@yahoo.com>; Debbie Taylor <dmteeth@yahoo.com>; Katie Deist <katiedeist@gmail.com>; Scott Murch <scottkmurch@yahoo.com>; Steve Wibel <jinx1212@earthlink.net>; Giabardo Giabardo <giabardo@roadrunner.com>; Don & Edna Murphy <donandedna.murphy@verizon.net>; Aksi Kikut <akikut@msn.com>; Teresa Cho <xterescot@yahoo.com>; Lee & Pat Dolley <ldolley@verizon.net>; Chris Johnson <chrismjohnson32@yahoo.com>; Bob & Arleen Neelraeck <neelraeck@yahoo.com>; Brent Taylor <brentjtaylor@gmail.com>; kddr100@aol.com; Julie Woodsen <jewelzrw@yahoo.com>; Andrew & Elizabeth Fouch <fouchae1@verizon.net>; Richard Haft <rahaft@yahoo.com>; DJ Shaeway <djshaeway2play@webtv.net>; Nancy & Dan Giallombardo <giabardo@roadrunner.com>; RD Cameron <cameronrd@msn.com>; Don McPherson <dmcphersonla@gmail.com>
Sent: Fri, Apr 9, 2010 9:35 am
Subject: Neighborhood Response Input

Laurie,

I have attached the neighborhood response to the issues raised at our March 23 meeting on Shade.

Fifteen residents responded to my questionnaire, overwhelmingly opposing any time extension, including the one hour on Friday and Saturday.

I think that the continued disturbances by Shade have turned the neighbors off and the police logs of will reflect this. Just the same, we will propose to the planning commission a one hour extension for Friday and Saturday night, in exchange for noise-reduction conditions in the use permit.

The attachment summarizes the questionnaire poll, lists major items of contention, and provides comments on your minutes for the March 23 meeting. At the end, the attachment includes the two email questionnaires sent to the neighbors. We wanted to give them an overview of the situation, as unbiased as possible. I did not get much response, so I sent out the second, a simplified email.

We had planned on providing an updated version of our draft use permit, to accompany the neighborhood response. Inconsistencies in the Behrens March report have prevented a verification of the dB sound reductions estimated for the various mitigation methods proposed. We will submit our critique of the Behrens March report early next week.

Thanks Nate

=

Angela Soo

From: Nate Hubbard [natehubz@mac.com]
Sent: Wednesday, May 05, 2010 11:14 AM
To: Laurie B. Jester; Richard Thompson; Rod Uyeda
Cc: Bryan Klatt
Subject: Request from MBPD
Follow Up Flag: Follow up
Flag Status: Red

Laurie,

Please request for the Wednesday hearing, that MBPD updates the statistics on complaints regarding Shade since September 2009, and also status on the crime reports regarding noise violations they have forwarded to the City Attorney.

I have included below all the recent correspondence between the city and me regarding MBPD items.

Thanks. Nate

From: Bryan Klatt <bklatt@citymb.info>
Date: May 3, 2010 5:51:10 PM PDT
To: Nate Hubbard <natehubz@mac.com>
Cc: Rod Uyeda <ruyeda@citymb.info>, Derrick Abell <dabell@citymb.info>, "Laurie B. Jester" <ljester@citymb.info>
Subject: RE: Some questions

Mr. Hubbard,

The basis for a noise violation by the Shade Hotel would be based on the City's Municipal Code. Section 5.48.140. I have attached a copy of the municipal code for your reference.

5.48.140 Noise Disturbances.

A. Notwithstanding any other provisions of this chapter and in addition thereto, it shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary and unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness. The standard which may be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to, the following:

1. The level of the noise;
2. Whether the nature of the noise is usual or unusual;
3. Whether the origin of the noise is natural or unnatural;
4. The level and intensity of the background noise if any;
5. The proximity of the noise to residential sleeping facilities;
6. The nature and zoning of the area within which the noise emanates;
7. The density of the inhabitation of the area within which the noise emanates;
8. The time of the day and night the noise occurs;
9. The duration of the noise;
10. Whether the noise is recurrent, intermittent or constant;

05/06/2010

11. Whether the noise is produced by a commercial or noncommercial entity;
 12. Whether the noise occurs on a weekday, weekend, or holiday.
- B. The City may issue a citation against the person, persons, or entity responsible for the noise including, but not limited to, the property owner or business operator on whose premises the noise originates.
(§ 6, Ord. 1957, eff. December 5, 1996)

In situations where an officer responds and witnesses a possible Noise Disturbance violation a citation may be issued. In all cases of possible violations, a police report will be generated and forwarded to the City Attorney's office for possible prosecution. It is also always an option for the reporting party to make a citizen's arrest for violations of this Municipal Code. A citizen's arrest will cause a citation to be issued and a police report to be generated.

I hope this clarifies the response by the Police Department for these violations. If you have any further questions, please let me know....Bryan

Bryan Klatt
Watch Commander Lieutenant

P: (310) 802-5170
E: bklatt@citymb.info

From: Nate Hubbard [<mailto:natehubz@mac.com>]
Sent: Monday, May 03, 2010 17:17
To: Bryan Klatt
Cc: Rod Uyeda; Laurie B. Jester; Richard Thompson; List - Planning Commission; List - Police - Exec
Subject: Re: Some questions

Thanks Lt Klatt...could you tell me specifically what would constitute a noise violation by Shade? What is your criteria for this determination?

Thanks. Nate

On May 3, 2010, at 2:24 PM, Bryan Klatt <bklatt@citymb.info> wrote:

Mr. Hubbard,

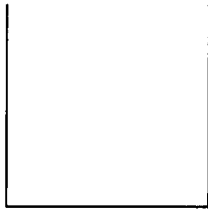
I am responding on behalf of Chief Uyeda as to your questions regarding the number of citations that have been issued over the past several years. As the Chief indicated, legally proving the Shade Hotel is responsible for the noise is necessary to issue them a citation. So since January 2009, no citations have been issued.

However, since January 2009, ten crime reports have been generated documenting potential noise violations caused by the Shade Hotel. Some of these reports have been written for documentation purposes only, while several have been referred to our City Attorney for possible filing of violations of the Noise ordinance.

With the retirement of Lt. John Dye in December of 2009, I have taken over his position as the liaison for issues with the Shade Hotel.....If you have any further questions; please feel free to contact me....Lieutenant Bryan Klatt.

Bryan Klatt
Watch Commander Lieutenant

P: (310) 802-5170
E: bklatt@citymb.info



From: Nate Hubbard [mailto:natehubz@mac.com]

Sent: Monday, May 03, 2010 8:56 AM

To: Rod Uyeda

Cc: Laurie B. Jester; Richard Thompson; List - Planning Commission; List - Police - Exec

Subject: Re: Some questions

Thanks for the response, Chief. Can you tell me how many time they have been "cited without warning" in the past few years?

Thanks Nate Hubbard

On May 3, 2010, at 4:37 AM, Rod Uyeda wrote:

The Shade Hotel, for its first few years of operation, were treated the same as all residents and businesses in the City, enforcing he spirit of the law versus the letter of the law, warning when possible; citing when warnings did little good. In the past few years, the policy of the MBPD has been to cite without warning. Once people leave the Shade Hotel, legally proving the Shade Hotel has anything to do with their behavior (noise) is extremely difficult.

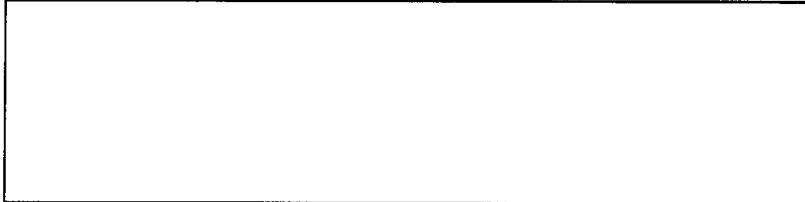
R. Uyeda

Rod Uyeda

Police Chief

P: (310) 802-5102

E: ruyeda@citymb.info



From: Laurie B. Jester

Sent: Sun 5/2/2010 5:41 PM

To: 'Nate Hubbard'; Richard Thompson

Cc: Rod Uyeda; List - Planning Commission

Subject: RE: Some questions

Nate-

1- I can not reply for Police

2- The City mails public notices for all applications; the applicant does not mail notices

3-No I am not planning on having a Resolution

4- We previously responded in detail to this, so briefly again. The City has only had one set of occupancies for Shade, ever.

Laurie

Laurie B. Jester
Community Development Acting Director

P: (310) 802-5510

E: ljester@citymb.info



From: Nate Hubbard [<mailto:natehubz@mac.com>]

Sent: Monday, April 26, 2010 3:59 PM

To: Laurie B. Jester; Richard Thompson

Cc: Rod Uyeda; List - Planning Commission

Subject: Some questions

Laurie,

Please provide answers to the following questions:

1. Shade obviously serves alcohol well after the 10:30 PM end of service required by the use permit. The MBPD has never observed this violation, when responding to disturbance calls by residents. In the past, have the police called Shade to alert them that an officer will investigate? Did MBPD have any written or oral instructions to call Shade to alert them that an officer would investigate? The neighbors believe that MBPD calls Shade beforehand, so I would like to get the city's opinion.
2. For the public hearing at the May 25, 2005 meeting of the planning commission, did Shade or the city distribute the notices. We have a copy of the property owner's affidavit, but do not know whether Shade or the city mailed the notices.
3. Will you submit a draft resolution to the planning commission at the May 12 hearing?
4. In response to our document request for information on occupancies, staff stated that MBFD only approved one set of occupancies, as listed in the December 19, 2008 entertainment permit. Actually, the city provided different occupancies in the entertainment permit issued almost three months earlier, October 3, 2008, which over doubled the numbers for the Zinc bar and skydeck. Please explain why MBFD doubled the Zinc and skydeck occupancies from the October 3, 2008 entertainment permit to the December 19, 2008 version?

Thanks

Nate Hubbard

THIS

PAGE

LEFT

INTENTIONALLY

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VALLEY DRIVE

13TH STREET

MORNINGSIDE DRIVE

MANHATTAN BEACH BLVD

SHADE HOTEL
25,608 SF

BAKERY

RESTAURANT

RETAIL

PLAZA

RETAIL

RESTAURANT

TRASH ENCLOSURE

RETAIL

OFFICES ABOVE

RESTAURANT

RESTAURANT

RESTAURANT

OFFICE BUILDING

OFFICE BUILDING

PARKING STRUCTURE

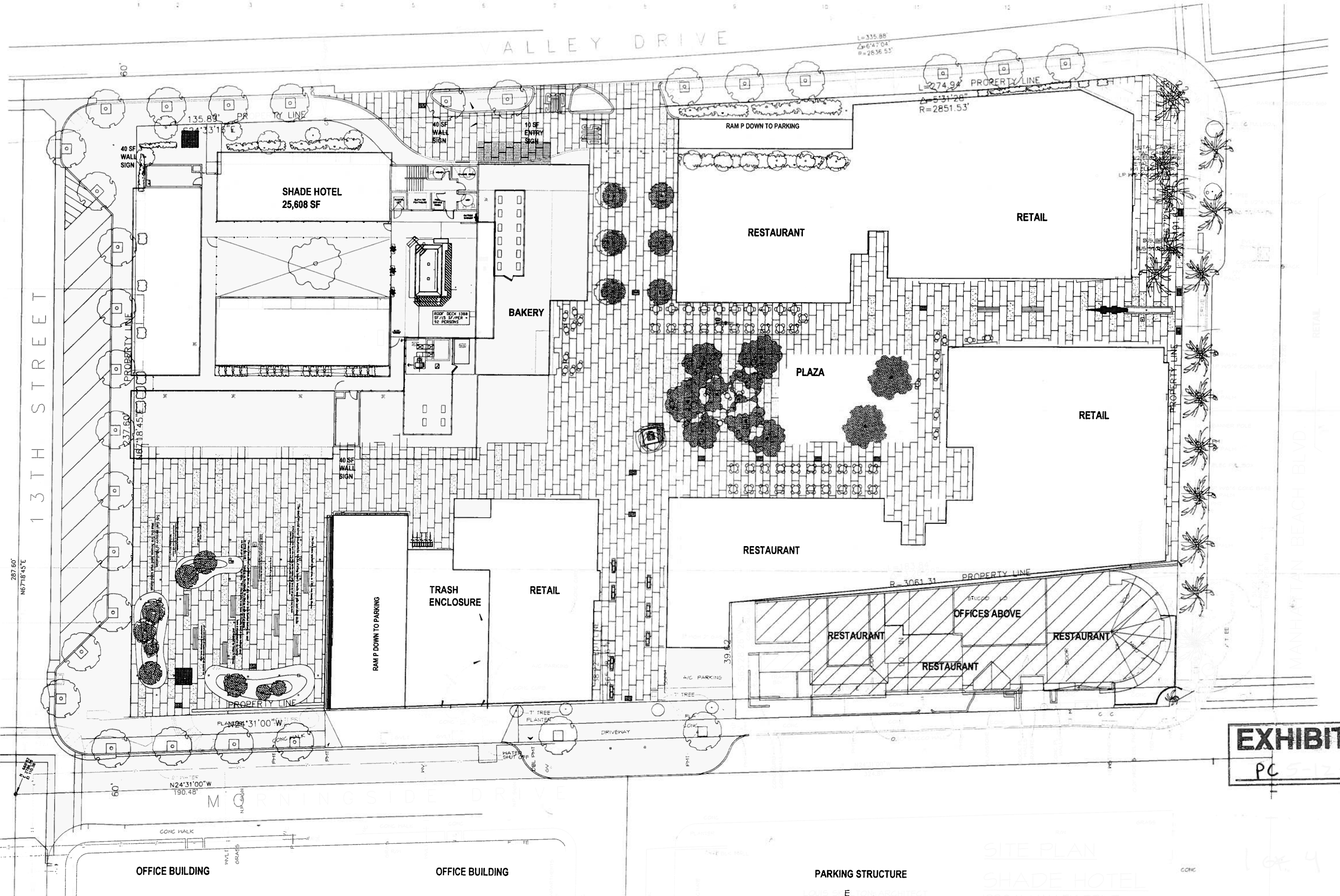
SITE PLAN
SHADE HOTEL
1220 N. VALLEY DRIVE
MANHATTAN BEACH, CA

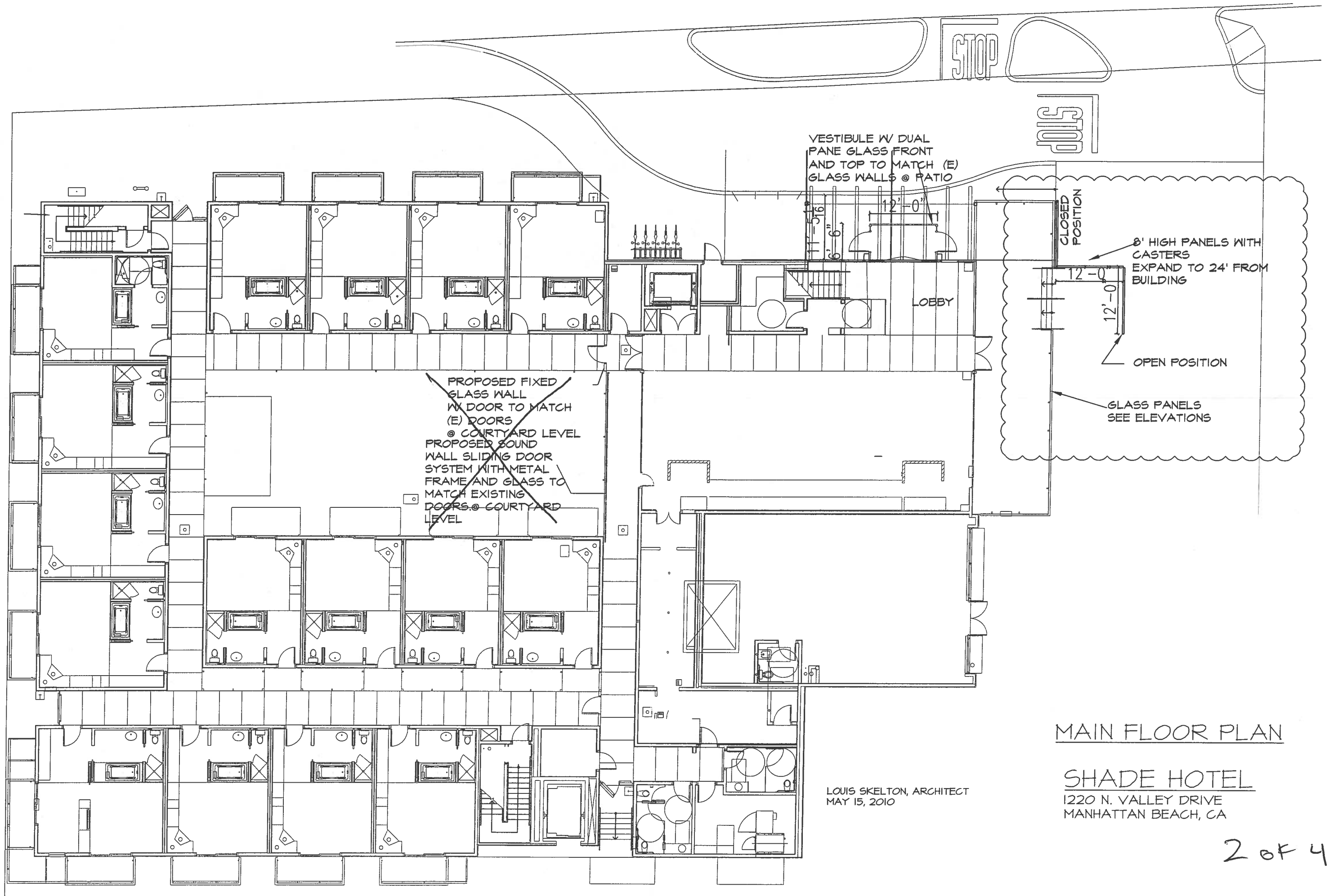
EXHIBIT G
PC 5-12-18

LOUIS SKEIN ARCHITECT
MAY 15, 2010

CGHC

1059





VESTIBULE W/ DUAL
 PANE GLASS FRONT
 AND TOP TO MATCH (E)
 GLASS WALLS @ PATIO

LOBBY

~~PROPOSED FIXED
 GLASS WALL
 W/ DOOR TO MATCH
 (E) DOORS
 @ COURTYARD LEVEL
 PROPOSED SOUND
 WALL SLIDING DOOR
 SYSTEM WITH METAL
 FRAME AND GLASS TO
 MATCH EXISTING
 DOORS @ COURTYARD
 LEVEL~~

CLOSED
 POSITION

8' HIGH PANELS WITH
 CASTERS
 EXPAND TO 24' FROM
 BUILDING

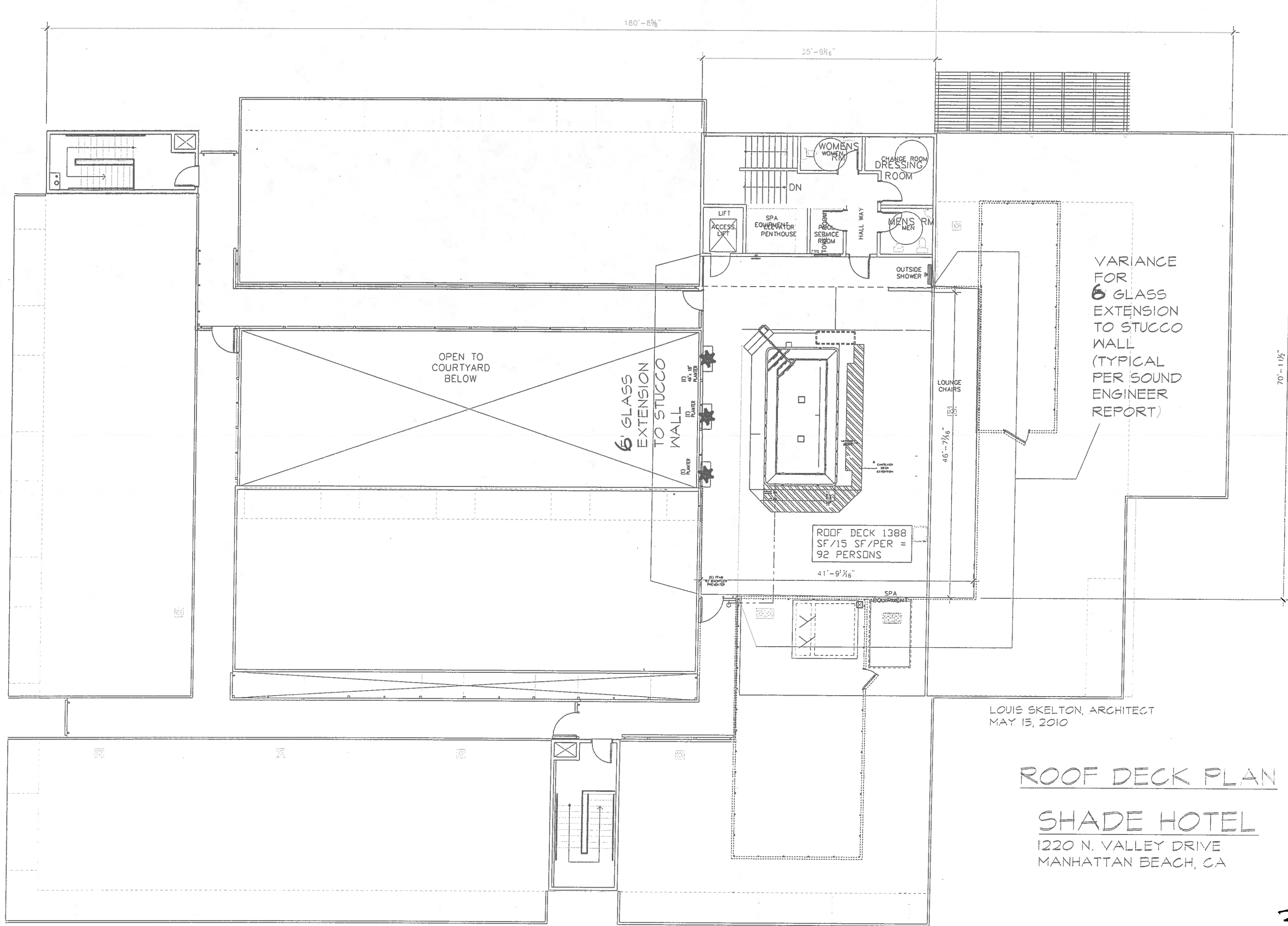
OPEN POSITION

GLASS PANELS
 SEE ELEVATIONS

MAIN FLOOR PLAN

SHADE HOTEL
 1220 N. VALLEY DRIVE
 MANHATTAN BEACH, CA

LOUIS SKELTON, ARCHITECT
 MAY 15, 2010



LOUIS SKELTON, ARCHITECT
MAY 13, 2010

ROOF DECK PLAN

SHADE HOTEL

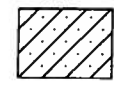
1220 N. VALLEY DRIVE
MANHATTAN BEACH, CA



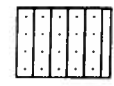
SOUTH ELEVATION

LOUIS SKELTON, ARCHITECT
MAY 15, 2010

LEGEND



FIXED PANEL GLASS



VERTICAL DOOR
PANEL GLASS W/
VINYL JAMB SEALS

VERTICAL DOOR
PANEL GLASS W/
VINYL JAMB SEAL
(TYPICAL - 4 PLACES)

VERTICAL DOOR
PANEL GLASS W/
VINYL JAMB SEALS

SHADE HOTEL
1220 N. VALLEY DRIVE
MANHATTAN BEACH, CA