

**CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Planning Commission

FROM: Richard Thompson, Director of Community Development
Laurie B. Jester, Planning Manager

DATE: April 23, 2014

SUBJECT: Consideration of a Master Use Permit Amendment and Possible Modifications, Including but not Limited to: Noise Mitigation Measures, Hours of Operation, Food Service, Special Events, and Alcohol Service, at the Shade Hotel, Metlox Site, 1221 North Valley Drive (Manhattan Inn Operation Company, LLC- Michael A. Zislis, Owner)

RECOMMENDATION

Staff recommends that the Planning Commission **OPEN THE CONTINUED 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

A Master Use Permit for 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. An Amendment to the Master Use Permit was approved in 2005, a 2010 Amendment was never implemented and it expired, and therefore the 2002 Use Permit, as amended in 2005, is still in effect.

The objective of tonight's meeting is to provide a status report and update on the project, as well as to present several draft Resolutions and conditions, prepared by staff, the applicant and the residents, for the Commission to review, discuss and provide direction. Staff has held several meetings with various groups and individuals as discussed below.

The original request for an Amendment to the existing Master Use Permit from the Shade Hotel is outlined below.

1. **Noise Mitigation Measures**-Revolving front door adjacent to Valley Drive (and a secondary non-revolving door for disabled access and oversized luggage), acoustic laminated glass on the wall next to the reception desk opposite the new accessible door to replace the open decorative wall, acoustic laminated glass enclosure on the southeast corner of the Terrace located from floor-to-ceiling, acoustic absorbent panels on the ceiling and suspended acoustic panel “clouds” below the ceiling of the Terrace, and curtains surrounding the Terrace in the areas where there is not a full glass enclosure.
2. **Full Food Service and Marketing**-Throughout the entire Hotel, breakfast, lunch and dinner open to the general public as well as hotel guests. In the Lounge and Terrace from 6 AM to 11 PM daily, and the Courtyard and Skydeck 8 AM to 10 PM; currently limited to breakfast and evening appetizers with limited hours. Allow posting of menus in front of the Terrace, and advertising, marketing and promotion of the full food service as well as the Lounge component of the Hotel; currently outside menu posting is not permitted and marketing is limited to attracting Hotel guests and event planners.
3. **Special Events on the Terrace**-Events until 11 pm Sunday through Thursday and until midnight Friday and Saturday; currently special events are not specified on the Terrace. Plans show a proposed occupancy of 90 occupants; currently the area is posted for 47 occupants.
4. **Later Alcohol Service on the Roofdeck**- Alcohol service on the roof (Skydeck) until 9:30 PM; currently the roof deck can serve alcohol until 9:00 PM, closing to remain at 10:00 PM.
5. **Awnings, curtains and decorative lighting**- Decorative perforated metal shade awnings on the south side of the Terrace extending over the walkway and partially over the Terrace, existing curtains floor to ceiling except shorter over the exit steps, and lights on support posts. Addition of a fiberglass canopy over the existing metal arches at the front entry off of Valley Drive.

There are a few revisions to the original applicants request, include retaining the existing Terrace curtains instead of replacing with acoustic curtains, retaining the current occupancy on the Terrace at 47 instead of increasing to 90, and no new fiberglass canopy over the existing metal arches at the front entry off of Valley Drive.

DISCUSSION

Planning Commission meeting March 12, 2014

At the last meeting, staff provided a status report and update on the application. The Commission requested that the Acoustical Engineer from Behrens and Associates be present at the April 23rd meeting, and provide a presentation and respond to questions from the Commission. The consultant’s report is attached as Exhibit E and a representative will be at the meeting. Additionally, representatives from the Police and Fire Departments as well as the Building Official will be at this meeting to respond to Commission questions. The residents and Commission asked if the staff report for tonight’s meeting could be posted early. All of the information for the report was not received until Wednesday the 16th, so the report will be posted on the City website and distributed on Thursday the 17th.

Building Safety, Fire and Police input

Draft conditions (Exhibit A) were prepared by Planning staff for review and input from the Building Safety Division, Fire and Police Departments, as well as the City Attorney's office. Staff meet with all of the other Departments several times and revised the conditions based on their input. The City Attorney's office also provided comments and revisions that will be incorporated into the final Resolution. Staff will continue to work closely with all Departments to ensure that any conditions developed are realistic and enforceable. Representatives from all the Departments will be present at the meeting to respond to Commission questions.

The preliminary plans that were submitted by the applicant to plan check for the revolving door and the Terrace modifications were returned to the City and the applicant with comments and corrections from the City's outside consultants for Building and Fire commercial plan check. The applicant is currently in the process of reviewing and responding to those comments and corrections and will work with the plan check consultants to address and resolve any issues. The plans are only preliminary at this point and do not include the structural, mechanical, electrical or other details that are required for a complete plan check, so this review is limited. The review strives to focus on if there are any aspects of the project that could be potentially infeasible due to Building Safety, Fire and other Code requirements. Additionally, the applicant has hired a structural engineer to evaluate modifying the structural column at the front of the hotel outside of the main entry off of Valley Drive. This would allow adequate room for a vestibule, instead of a revolving door, as well as the required Building Safety and Fire access. The applicant has indicated that if needed they will proceed with this evaluation after the direction from this Planning Commission meeting is provided.

At the last meeting the Commission asked for more information on the "zero tolerance" enforcement policy of the Police Department. In September 2012, the swing shift Watch Commander met with Shade Hotel management to discuss Police Department protocol and their zero tolerance position regarding verified noise complaints. Basically the "zero tolerance" policy means that if there is a violation of the noise ordinance Police Officers will issue a citation instead of just a warning. Police staff proactively patrol the neighborhood occasionally during evening hours, particularly on Thursday through Saturday. The Police will continue to maintain a "zero tolerance" policy responding to any neighbor complaints in a timely manner.

Noise consultant

The noise consultant, Behrens and Associates, prepared a Noise Mitigation Evaluation Report that evaluates options for the Terrace and the front entrance to mitigate noise. This evaluation is attached as Exhibit E. These improvements would be in addition to those already evaluated in the February 4, 2014 report (Exhibit F) that included additional Terrace glass panels and sealing the existing glass panel gaps, installing acoustic material on the Terrace ceiling, and installing a revolving door and disabled access door at the main east Hotel entrance off of Valley Drive. The report indicates that when assessing noise reduction, a decrease in noise level of 3 dB is just perceptible; a decrease of 5 dB is considered clearly noticeable and a decrease of 10 dB is very significant and corresponds to a perceived halving in noise level. A minimum reduction of 5 dB must be achieved for the reduction to be considered significant. The report concludes that a door on the Terrace entrance and new upgraded sound rated curtains are the only really effective and

clearly significant noise mitigation improvement. A door alone on the Terrace entrance would possibly be a noticeable improvement. The addition of a fiberglass canopy over the existing metal arches at the front entry off of Valley Drive could have a negative impact on noise and is not recommended. Options for a vestibule in lieu of a revolving door are being further explored by the applicant and this option is anticipated to provide more noise mitigation than the revolving door. The Commission also requested that the Acoustical Engineer provide an explanation of selective hearing/selective attention. The Acoustical Engineer from Behrens and Associates will be at the meeting to address questions that the Commission may have.

This Noise Evaluation gives the Commission the ability to determine which noise mitigation measures are most effective and desirable and develop a list of conditions. The draft proposed conditions have been written to require that certain noise mitigation be installed initially, that there will then be a review for effectiveness, and if necessary additional noise mitigation measures could be required.

Code Noise Standards

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 reports (MBMC Section 5.48.160). A subjective, or “reasonable person standard”(MBMC Section 5.48.140) is also provided in the Code and these technical noise reports do 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 studies (the objective standards), as well as the neighbors and patrons testimony (the subjective standard). The Use Permit and General Plan purpose, findings, criteria, goals and policies should also be considered by the Commission when making the decision. Below is a link to the MBMC Section 5.48 that regulates Noise:

http://library.municode.com/HTML/16473/level2/TIT5SAHE_CH5.48NORE.html

Applicant meetings

Staff meet with the applicant several times to discuss the input from the Planning Commission, and proposed draft Use Permit conditions to address the comments from the Commission as well as the residents. The applicant has prepared draft conditions for the Commissions consideration attached as Exhibit B. This document was submitted just prior to the distribution of the staff report so staff has not had time to thoroughly review and comment on the proposal at this time, however the following highlights some of the key aspects of the applicants proposed conditions that differ from staff’s recommendation:

1. Closing- All areas to be vacated 30 minutes after closing time.
2. Hours of operation (closing)- Zinc bar/Lobby/Terrace-11 PM Sunday to Thursday and midnight Friday, Saturday and Sundays before Memorial Day and Labor Day.
3. Alcohol service to stop 20 minutes before closing.

The applicant also submitted an e-mail to the Commission dated April 14, 2014 attached as Exhibit D, that indicates that the existing Use Permit (PC Resolution No. 05-08), as well as the draft proposed Use Permit conditions (Exhibit A) contain restrictions that apply to Shade only and no other businesses in town. . The applicant indicates the revisions would not be acceptable to the Shade or to any hotel in town. In particular the Shade is concerned with conditions related to the hours of operation and the definition of “closing or closed” which are included in staffs draft conditions. Additionally, the applicant objects to any requirement for a Courtyard corridor wall and the related requirements regarding entering and exiting to the west that were included in the 2010 Use Permit. Staff is not proposing these two requirements in the current draft conditions.

There are only two other hotels in town that provide similar services to the Shade, with guest rooms, food service and event space. The Marriott Hotel on Parkview Avenue is not near residential and so is not a similar situation. The Belamar Hotel on Valley and Oak is adjacent to residential but their event space and restaurant/bar are oriented to the interior of the property. Staff is not aware of any noise complaints related to the Marriott or the Belamar, although in the past there have been some neighborhood parking concerns surrounding the Belamar.

Public comments

Staff and the Commission have received a few e-mails since the last meeting. The most recent e-mail dated April 11, 2014 that included a draft Resolution and conditions, is included as Exhibit C. In summary the conditions propose the following:

1. Further enclosure of the Terrace including double doors and a landing on the south side, and new acoustic curtains.
2. Replace the east Lobby exterior wall with acoustic glass
3. Require a new corridor wall separating the Lobby and the Courtyard and exiting through the corridor out to the west after 9:00 PM
4. New acoustic curtains in the Courtyard
5. Closing at 11 PM until all mitigation is completed then closing at midnight (except Skydeck.) Six months to complete all mitigation.

CONCLUSION:

The project before the Planning Commission is an Amendment to the Master Use Permit for the Shade Hotel. Staff believes that the current operations of the Hotel have minimized impacts to the neighborhood. There is no evidence of recent noise violations and the hotel management has taken steps, such as an increase in security and modified sound systems, to successfully address and mitigate issues. Staff believes that the proposed conditions are a balanced approach that capture and reflect the current hotel operations, while clarifying the provisions of Use Permit and requiring milestones to implement improvements to address concerns of the neighbors.

The objective of tonight’s meeting is for staff to provide a status report and update, present draft proposed conditions, provide an opportunity for input from the applicant and the public, and for the Planning Commission to provide direction. Staff recommends that the Commission conduct the public hearing, discuss, provide direction then close the public hearing. Staff will then refine the conditions, including input from the City Attorney, and bring back those revisions to the Planning Commission with a Resolution for final review and action.

EXHIBITS:

- A. City’s draft conditions-April 16, 2014
- B. Applicants draft conditions- April 16, 2014
- C. Residents draft Resolutions, conditions, e-mail and attachments- April 11, 2014
- D. Applicant’s e-mail- April 14, 2014
- E. Behrens and Associates Noise Mitigation Report- April 16, 2014
- F. Behrens and Associates Noise Mitigation Report- February 4, 2014
- G. Project concept Plans- February 4, 2014

- c: Mike Zislis- Shade Hotel
- Katie Kruft Richardson- Shade Hotel
- Jon Tolkin- Tolkin Group
- Glenn Loucks- Tolkin Group
- Eve Irvine- Police Chief
- Robert Espinosa- Fire Chief
- Sal Kaddorah- Building Official
- Don Behrens, Behrens and Associates
- Tom Corbishley, Behrens and Associates
- Quinn Barrow, Richards, Watson, Gershon
- Diana Varat, Richards, Watson, Gershon

RESOLUTION NO. PC 14-XX
REVISED 4-16-14

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH FOR APPROVAL OF AN AMENDMENT TO A MASTER USE PERMIT REQUIRING NOISE MITIGATION MEASURES, AND ALLOWING REVISIONS TO HOURS OF OPERATION, FOOD SERVICE AND MARKETING, SPECIAL EVENTS, AND ALCOHOL SERVICE HOURS AT THE SHADE HOTEL, METLOX SITE, 1221 NORTH VALLEY DRIVE (MANHATTAN INN OPERATING COMPANY, LLC- MICHAEL A. ZISLIS, OWNER)

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

Entertainment and Noise

1. General. The Director of Community Development shall not reduce restrictions or conditions as set forth in this Amendment, without approval by the Planning Commission, with notice to property owners within a 300 foot radius with standard notice procedures.

2. Noise Mitigation and other improvements. The following noise mitigation measures, as shown on the approved concept plans dated XXXX, 2014, are required to be installed:

- A) Revolving front door or vestibule adjacent to Valley Drive, and a secondary non-revolving door for disabled and oversized luggage access, if required.
- B) Laminated acoustic glass enclosure at the front reception desk on the open display feature wall facing the new accessible door described in "A", off of Valley Drive.
- C) A laminated sound glass enclosure on the southeast corner of the Terrace located from floor-to-ceiling.
- D) Acoustic sealing of all existing openings and gaps in the glass enclosure on the southeast corner of the Terrace.
- E) Acoustic absorbent panels on the ceiling and suspended acoustic panel "clouds" below the ceiling of the Terrace.
- F) Acoustic curtains surrounding the Terrace on all sides in the areas where there is not a floor-to-ceiling glass enclosure, except the access steps on the south side the curtains shall be a minimum of 7 feet 6 inches above the finished floor of the Terrace. Curtains are not required on the west side of the Terrace.

ATTACHMENT A
PC MTG 4-23-14

One or more of the following improvements shall be installed if required by the Director of Community Development based on noise complaints that have been verified by the Police Department:

- G) A laminated sound glass enclosure and double doors on the south opening entry of the Terrace located from floor-to-ceiling, and required access landing.
- H) Acoustic material over the existing metal arches at the front entry off of Valley Drive.
- I) Other reasonable improvements to mitigate noise as determined by the Community Development Director.

These required enclosures and other noise mitigation features shall be acoustically sealed, designed and constructed to meet the City Noise consultants' acoustical standards consistent with their noise studies, and shall be reviewed and approved by the City Noise consultant to confirm conformance.

3. Public Areas-Venue. Any area or space open to the public where sales, service and consumption of alcoholic beverages is permitted.

4. Special events and functions-definition.

A) Special Events are private events in which an unaffiliated third party under contract has exclusive use of one or more venues or a portion of a venue. Attendees at special events shall have an invitation from the host client, with the exception of non-profit or charity types of events such as the Downtown Open House, Charity Education Wine Events, and Chamber events.

B) Functions are generally "themed" public events held periodically for the general public, up to twelve (12) per year, such as, Halloween, New Years, Valentines, St Patrick's Day, AVP, Surf Festival, Mothers Day, Fathers Day and Six-Man. Special Events and functions over 100 people require pre-approval from the Community Development Department through the annual Entertainment Permit.

5. Special Events/functions and required noise mitigation improvements- All noise mitigation improvements as detailed in Conditions No. 2, 8, 9, 15 and 24 must be completed to the satisfaction of the Community Development Director within 3 months of the final approval of this Amendment. No special events or functions after 10:00 PM with more than 100 people may take place during this 3 month period unless they have been booked prior to the approval of this Amendment. After this 3 month period no special events shall be conducted after 10:00 PM with more than 100 people, until all of the required noise mitigation improvements are completed to the satisfaction of the Community Development Director.

2. Background music. Sound intensity anywhere in a room or venue not greater than 65 dBa.

7. Entertainment and amplified sound- Non-amplified music and sound is permitted

in all venues described in Condition #19 subject to meeting the MBMC Noise regulations, with the exception that none is permitted on the Terrace. All amplified music and sound, including live entertainment and live music, shall use the house system only and shall be limited to background music, including background music with DJ's, with the following exceptions.;

A) Courtyard-Microphones are allowed only prior to 10 PM and shall use the house system;

B) Terrace- Background music through house system only is allowed. No DJ's, microphones, live entertainment, or live music, whether it is amplified or non-amplified sound.

C) Skydeck- Microphones are allowed and shall use the house system only. No amplified live entertainment or amplified live music is permitted.

D) Zinc bar and Lobby-Amplified sound for DJ's, live entertainment or live music, other than background music is permitted, provided all doors and windows leading to the outside, including those adjacent to the Courtyard, shall remain closed at all times.

8. Terrace enclosure- A laminated sound glass enclosure on the southeast corner of the Terrace located from floor-to-ceiling, acoustic sealing of all existing opening in the glass enclosure on the southeast corner, acoustic absorbent panels on the ceiling and suspended acoustic panel "clouds" below the ceiling of the Terrace shall be installed.

Acoustic curtains shall surround the Terrace on all sides in the areas where there is not a floor-to-ceiling glass enclosure, except the access steps on the south side shall have curtains that are a minimum of 7 feet 6 inches above the finished floor of the Terrace to allow required emergency access. Additionally, curtains shall not be required on the west side of the Terrace, but if they are installed they are subject to prior Fire Department and Building Safety approval and shall not be higher than 12 feet above the finished floor of the Terrace floor, so that the top portion is always open to provide ventilation to meet Fire Department and Building Safety requirements.

The curtains shall remain open in the daytime and closed at nighttime, starting at 9:00 PM at the latest and then open again at 11:30 PM. Curtains may also be closed at anytime during inclement weather; such as cold or rain. Closure of curtains may be subject to special conditions by the Fire Department.

Existing heaters or other patio features shall be modified as required to meet Fire and Building Safety requirements. No temporary heaters, umbrellas, covers or other features that violate Fire and Building Safety requirements shall be placed on the Terrace. The applicant shall verify, to the satisfaction of the Fire Department, that the heaters may be operational when the curtains are closed or the heaters shall be turned off when the curtains are closed. An emergency gas shut-off for the heaters shall be installed at the ground level in an accessible location. An emergency strobe light shall be provided on the

Terrace.

The Terrace and improvements shall meet all Building Safety, Fire and other City requirements, including but not limited to emergency egress and accessibility requirements.

9. Front (East) Main Entryway- The existing primary front entrance/exit doors shall be replaced with a revolving door or vestibule, and if required a single secondary door to meet the accessibility requirements of the most current California Building Code shall be installed to the side of the revolving door. The accessible door, if required to be installed, shall remain closed and locked/unopenable from the outside at all times between 10:00 PM and 6:00 AM, with the exceptions below. Hotel staff shall be available at all times to open the door from the inside to allow access from the outside at anytime for disabled persons and persons with oversized luggage that can not be accommodated through the revolving door. Laminated acoustic glass shall be installed at the front reception desk on the side facing the new accessible door.

If a double-door vestibule is installed instead of the revolving door then the vestibule shall include an automatic mechanism that does not allow more than one set of doors to be open at a time. This mechanism shall include an emergency override device, so that both doors can remain open in emergency situations. The vestibule shall be sized large enough to allow gurney access. Between 10 PM and 6 AM, both sets of doors will remain closed and the automatic mechanism shall be operational. This is to mitigate noise from escaping out of the front door to the east.

The doors shall meet all Building Safety, Fire and other City requirements, including but not limited to emergency egress and accessibility requirements.

10. Courtyard- Only special events and functions may use the courtyard. No general public gatherings permitted in the courtyard, and no "spillover" from the Zinc bar and lobby or other public areas.

11. Zinc bar and Lobby interior separation wall- A separation wall or retractable partition as detailed in Finding "O." of Resolution No. PC 05-08 is not required to be installed.

12. Sound audibility- The volume of music, entertainment, group singing or group voices, 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 background ambient noise, nor disturb surrounding residents, as defined in the MBMC "reasonable person" noise regulations, as well as the annual Entertainment Permit. Additionally, noise from the business shall not be audible beyond 150 feet of the subject site as determined by the Police Department.

13. Entertainment Permit- Each year, the hotel shall apply for an annual entertainment permit on or before March 1, in accordance with Condition 40 in Resolution 5770, Metlox Master Use Permit. Special events and functions with more than 100 people require an Entertainment Permit.

14. Resident notification- The hotel shall e-mail to adjacent neighbors who sign-up, the schedule of special events and functions sent to the City, excluding client information.

15. Balconies- A permanent notice shall be placed on or near the doors to the hotel room balconies informing guests to be respectful of the neighbors at all times and to make no noise on the balconies or outside after 10:00 PM.

16. Exterior Doors- All exterior doors and windows to the public areas of the hotel facility shall be closed after 10:00 PM

17. Noise Compliance Verification- The privileges within this Use Permit shall only be granted after the installation of the mitigation measures, implementation of the improvements and modifications to the operations of the facility. After completion of these measures, the Community Development Director, in cooperation with the Noise consultant, shall determine if the measures are effective and meeting the objective noise criteria and mitigation standards described in the previously submitted Noise reports. The neighbor representative may have input on the location, days and hours of the monitoring for any follow-up noise studies. The privileges and rights within this Use Permit shall not be effective unless the objective noise criteria and dBA reductions, as described in the previously submitted Noise reports, dated February 4, and April 16, 2014 are achieved.

18. Closed-definition.

A) All outside public areas, including but not limited to the Terrace, Courtyard, and Skydeck, no sales, service or consumption of alcohol or any drinks or food. Music off, and lights turned up or turned off. All areas vacated, except for staff.

B) Zinc bar and Lobby, no sales, service or consumption of alcohol. Sales, service and consumption of non-alcoholic drinks and food (primarily small-plates) permitted. Background music only through the house system permitted, no DJ's or live entertainment or live music. All doors and windows, including the folding doors/wall on the east side of the Lobby that opens onto the Courtyard, shall remain closed.

19. Hours of operation – See condition #18 for definition of closed and further regulations for when venues are closed. See condition #32 for food service regulations. Although the hotel is a 24-hour operation and is the primary use on the site, there are limits to the hours of operation on the secondary uses of the site for food, drink and alcohol service, events, and other activities, as addressed below and in other conditions.

<u>Public Area/Venue</u>	<u>Day-to-day Hours of Operation- Opening and Closing times</u>	<u>Special Events and Functions Hours of Operation- Opening and Closing times</u>
	<u>(See Closed regulations in Condition #1); No sales, service or consumption of Alcohol after Closing Time</u>	
Zinc bar and Lobby	6 AM to 11 PM	6 AM to 11 PM Sunday-Thursday 6 AM to 12 PM Friday-Saturday
Terrace/Porch- south side of Lobby outside	6 AM to 11 PM	6 AM to 11 PM
Conference Room (Green)	6 AM to 11 PM	6 AM to 11 PM Sunday-Thursday 6 AM to 12 AM (midnight) Friday-Saturday
Courtyard- Special events and functions only allowed	Not permitted except as pass-through area	6 AM to 11 PM Sunday-Thursday 6 AM to 12 AM (midnight) Friday-Saturday
Skydeck	8 AM to 10 PM	8 AM to 10 PM

Note 1. All sales and service of alcohol in public areas shall stop 30 minutes prior to closing time (closed), with the exception of room service for alcohol which is subject to ABC regulations of 6:00 AM to 2:00 AM.

Note 2. New Years Eve closed for all venues as regulated by MBMC- currently may request 1:00 AM closing time through a Temporary Use Permit, except the Skydeck shall close at 10:00 PM.

General Conditions

20. Substantial Compliance- The proposed changes shall be in substantial conformance with the plans submitted, and the project description as approved by the Planning Commission, subject to any special conditions set forth in this amendment. The design, specifications and layout of sound mitigation measures is subject to further review and approval by the Director of Community

Development, and the Planning Commission as determined to be necessary by the Director of Community Development. Any substantial deviation from the approved plans, or project description, shall require review by the Director of Community Development and a determination if Planning Commission review and an amendment to the Master Use Permit or other approvals are required.

21. Occupancy Limits- Required occupancy loads shall not be exceeded and required access and exits shall remain unobstructed at all times. The exact occupancy numbers stated below are required to be posted on the site:

- Roof Deck – 92
- Lobby Bar (Zinc Lounge) – 159
- Patio to south of Zinc Lounge- 47
- Courtyard Area – 151
- Conference Room - 44

22. Terrace Use- The Terrace shall not be a conditioned interior space as defined by the Uniform Building Code.

23. Public property clean up- The Shade staff shall monitor the area so that Shade patrons do not litter adjacent public property, including but not limited to the sidewalk, street, Metlox Town Square and all other public areas at Metlox. The hotel staff shall police and promptly clean up all areas with any litter and spills after all special events and functions. Public Works may bill Shade for any special event and function related public property clean-up costs.

24. Security. The Hotel shall provide a 3rd party security staff person for all Special Events and functions with over 100 people, and any Special Event or Function that has amplified sound, live entertainment or live music after 10:00 PM, or when required by the Fire Department. Security staff shall also be provided for any Special Event or Function on the Skydeck that ends at 10:00 PM and has 50 or more people. The Security staff shall supervise the site and surrounding area to ensure that all conditions of approval, including but not limited to noise, sales and service of alcohol, access, windows and doors being closed, littering, occupancy limits and any other nuisances are complied with. The Security staff shall work cooperatively, and meet periodically with the Police and Fire Departments, if requested.

Ingress-Egress Control

25. Valet- After 10:00 PM daily, customers using the Shade valet service shall wait inside of the lobby, not outside, until the valet arrives with their vehicle. The hours and days may be modified to be more, but not less, restrictive as determined to be necessary by the Director of Community Development. The valet shall keep all driving lanes, parking back up areas, and all vehicular and pedestrian accessways free and accessible to the general public, subject to approval of the Director of Community Development.

26. Taxis- Hotel employees shall discourage the public from using taxis on Valley Drive after 10 PM. Taxi pickups and drop-offs for the general public at the Shade entrance shall be prohibited after 10 PM. Everyone, except for registered hotel guests and disabled, shall be directed to the taxi stand on Morningside Drive and 13th Street, after 9 PM. Hotel staff may call for a taxi to pickup registered guests and disabled at the hotel entrance on Valley Drive at any time.

27. Entry-Exit Queue- After 10:00 PM, no queue or line or gathering of people waiting to enter or exit the Shade shall be located outside of the building except the queue may be located on the Terrace, or customers may be directed to the Metlox Town Square area near the outdoor fireplace and fountain and be provided with “beepers” or electronic notification devices.

28. Staff parking- The hotel shall instruct their employees, contract employees, contractors servicing events, and all others providing services to the Hotel to not park on the public streets east of Valley Drive, 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 or lots such as Lot 3.

29. Buses- Any large transportation such as buses, oversized shuttles, or recreational vehicles shall not use the hotel drop off area on the east side after 9 PM daily, 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.

30. Town Square- Special Events and functions may not use the Town Square or other Public Open Areas unless prior approval is granted by the City. The applicant shall work cooperatively with the Management Co, landlord, any security personnel and the City to ensure that Shade facility patrons are not gathering in the Town Square and public areas outside of the hotel and disturbing the neighbors after the hotel public areas are close. The doorman or other Shade employee shall ensure that patrons do not leave the hotel facility premises with alcoholic beverages.

31. Front Drop Off- Vehicles occupying the drop off/driveway area , in front of the hotel off Valley Drive, shall not park on the curb or sidewalk or past the end of the south landscaped “island”. Any temporary barricade across the driveway shall not block access to 12th Walk at the bollards. The area at Valley and 12th Walk by the bollards shall remain open, unobstructed and free of vehicles at all times, to allow for emergency vehicle access at the bollards, and vehicle access into the parking structure.

Food service

32. Food Service- The hotel may provide full food service (breakfast, lunch and dinner) on the entire Terrace. The Zinc Bar and Lobby may have several seats of

“spill-over” from the Terrace with full food service. Full food service may be provided in all other public areas only during special events and functions. Food service, primarily small-plates, may be provided in the Zinc Bar and Lounge at any time, and on the Roofdeck only during the hours of operation. This shall not preclude 24-hour room service for food and non-alcoholic drinks, and room service of alcohol in compliance with ABC regulations. A full scale restaurant will not be provided; the primary use on the site will continue to be a hotel.

Marketing

33. Marketing-General- Any marketing and promotion of the facility will be first and foremost as a hotel use. The availability of the hotel for special events and functions, as well as food and the bar service, may be marketed as secondary uses, but not as the primary use. The hotel shall not advertise, market or promote drink or “happy hour” type of specials.

34. Menu Posting- The hotel may post drink or food menus or signage outside of the hotel, with the exception of no posting of any drink or “happy hour” type of specials. Any menu posted on the south side of the Terrace shall be adjacent to the outside of the Terrace and not extent past the existing planters on the south side.

Procedural

35. Review and Violations. All provisions of the Master Use Permit Amendment are subject to review by the Community Development Department 6 months after completion of improvements and yearly thereafter. The Planning Commission shall hold a public hearing one year after the adoption of this Resolution to review the status of the implementation of the Resolution, conformance with the conditions of approval, and any related information as the Director of Community Development deems appropriate. At any time in the future, the Planning Commission or City Council may review the Master Use Permit Amendment for the purposes of revocation or modification. Modification may consist of conditions deemed reasonable to mitigate or alleviate impacts to adjacent land uses. If the applicant fails to meet the conditions within this Resolution, the City will schedule a revocation or modification hearing. Any violation of this Use Permit Amendment shall result in Special Events and Functions being prohibited for a 3 month period.

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1 GOALS AND POLICIES: NOISE

2 Goal N-2: incorporate noise considerations into land use planning decisions.

Policy N-2.2: Ensure acceptable noise levels near residences, schools, medical facilities, and other noise-sensitive areas.

5 Policy N-2.5: Require that the potential for noise be considered when approving new development to reduce the possibility of adverse effects related to noise generated by new development, as well as impacts from surrounding noise generators on the new development.

6 Policy N-3.4: Recognize in the Noise Ordinance that nighttime noise levels create a greater sensitivity than do daytime noise levels.

8 3. The proposed use will comply with the provisions of this title, including any specific condition required for the proposed use in the district in which it would be located since, the required notice and public hearing requirements have been met, all of the required findings have been addressed, and conditions will be required to be met prior to the implementation of the new conditions. The proposed amended use permit is consistent with the already approved primary and secondary uses of the facility.

12 4. The proposed use will not adversely impact nor be adversely impacted by nearby properties. Potential impacts are related but not necessarily limited to: traffic, parking, noise, vibration, odors, resident security and personal safety, and aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated. All of the potential impacts related to the proposed project were evaluated and addressed in the Certified EIR. The Mitigation Measures applicable to the project will all be complied with. Conditions to conform to applicable Code standards will apply. Because the proposed amended use permit will not alter the fundamental use, purpose or character of the hotel facility, and because there will not be any change in occupancy or intensification of the property, the proposed amended use will not create adverse impacts on traffic or create demands exceeding the capacity of public services and facilities.

17 AA. Based upon State law, and MBMC Section 10.84.060, relating to the Variance application for the proposed project, the following findings CAN NOT be made:

18 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;

21 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

24 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.

26 SECTION 2. The City Council of the City of Manhattan Beach hereby APPROVES the subject Master Use Permit Amendment, subject to the following conditions, and DENIES the subject Variance.

28 Definitions

29 1. Closed. Music off and lights turned up in all public areas. Terrace, courtyard, Skydeck, Zinc bar and Lobby, and all public areas vacated within 30 minutes, except for staff throughout, as well as registered guests in the

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Lobby only. All members of the general public, including special event and function guests who are not registered guests, shall be out of the hotel within 30 minutes. In the Zinc bar and lobby, terrace, courtyard, skydeck and all public areas, without exception, on or before closing, staff shall actively collect glasses, bottles, cans, and drinks, including from registered guests.

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2. Special event. An event in which an unaffiliated third party under contract has exclusive use of one or more venues or a portion of a venue. Attendees at special events shall have an invitation from the host client. The general public may not join nor participate in special events other than non-profit or charitable events such as Chamber events, Downtown Open House and Charity Education Wine Events.

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Deleted: , to comply with the ABC definition of closed, as 'no sale, service, or consumption of alcoholic beverages."

3. Function. A "themed" function held periodically for the general public, up to twelve (12) per year, such as, Halloween, New Years, Valentines, St Patrick's Day, AVP, Surf Festival, Mothers Day, Fathers Day and Six-Man. Functions shall not include "spillover" of the general public from day-to-day operations from the Zinc bar and lobby, or any other area, into the Courtyard.

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4. Registered Guest. A guest who occupies a room overnight. Privileges for registered guests extend to a limited number of their invitees only, and not the general public.

5. Invitee. Invited guests of a registered guest.

6. 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 general public and the Shade website. This does not include marketing and promotions to customers who have specifically signed up to be included on a Shade mailing, e-mailing or similar mass notification list.

7. Background music. Sound intensity anywhere in a room or venue not greater than 65 dBA.

8. Public Areas. Any public area or space where sales, service and consumption of alcoholic beverages is permitted.

Entertainment and Noise

9. General- The Director of Community Development shall not reduce restrictions or conditions as set forth in this Amendment, without approval by the Planning Commission, with notice to property owners within a 300 foot radius with standard notice procedures.

10. Entertainment and amplified sound- All amplified music and sound shall use the house system only and shall be limited to background music with the following exceptions;

A.

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B. The Courtyard may use amplification, other than the house system for background music and microphones, prior to 9 PM.

C. The Zinc bar and lobby may have amplified DJ's, live entertainment or music, other than background music. All doors leading to the outside shall remain closed.

11. Terrace enclosure- A laminated sound glass enclosure on the southeast corner of the Terrace located from floor-to-ceiling, acoustic sealing of all existing opening in the glass enclosure on the southeast corner, acoustic absorbent panels on the ceiling and suspended acoustic panel "clouds" below the ceiling of the Terrace shall be installed. Acoustic curtains shall surround the Terrace on all sides in the areas where there is not a floor-to-ceiling glass enclosure, except the access steps on the south side shall have curtains that are a minimum of 7 feet 6 inches above the finished floor of the Terrace to allow required emergency access. Additionally, curtains shall not be required on the west side of the Terrace, but if they are installed they shall not be higher than 12 feet above the finished floor of the Terrace floor, so that the top portion is always open to provide ventilation to meet Fire Department and Building Safety requirement. The curtains shall remain open in the anytime and closed at nighttime, starting at 9:00 PM and then open again at 11:30 PM. Curtains may also be closed at anything during inclement weather, such as cold or rain. Existing heaters or other patio features shall be modified as required to meet Fire and Building Safety requirements. No temporary heaters, umbrellas, covers or other features that violate Fire and Building Safety requirements shall be placed on the Terrace.

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Deleted: 11. Terrace enclosure- A deployable means (glass or similar panels that roll or slide down from the top

12. Front (East) Main Entryway- The existing primary front entrance/exit doors shall be replaced with a revolving door or vestibule, and if required a single secondary door to meet the accessibility requirements if the most current California Building Code shall be installed to the side of the revolving door. The accessible door, if required to be installed, shall remain closed and locked/unopenable from the outside at all times between 10.00 PM and 6.00 AM, with the exceptions below. Hotel Staff shall be available at all times to open the door from the inside to allow access from the outside at anytime for disabled persons and persons with oversized luggage that can not be accommodated through the revolving door. Laminated acoustic glass shall be installed at the front reception desk on the side facing the new accessible door. The doors shall meet all Building Safety, Fire and other City requirements, including but not limited to emergency egress and accessibility requirements.

13. Courtyard- Only special events and functions may use the courtyard. No other general public gatherings permitted in the courtyard, and no "spillover" from the Zinc bar and lobby or other public areas.

15. Skydeck- Microphones shall use the house system only. No amplified live entertainment or amplified live music is permitted.

16. Sound audibility- 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 background ambient noise, nor violate the MBMC noise regulations. After cessation of alcohol service in any venue or for any event or function, only background music is permitted.

17. Temporary Use Permit- Special events and functions of more than 125 attendees require City notice and a temporary use permit.

18. Entertainment Permit- Each year, the hotel shall apply for an annual entertainment permit on or before March 1, in accordance with Condition 40 in Resolution 5770, Metlox Master Use Permit.

19. Resident notification- The hotel shall e-mail to adjacent neighbors who sign-up, the schedule of special events and functions sent to the City, excluding client information.

20. Balconies- A permanent notice shall be placed on the doors to the hotel room balconies informing guests to be respectful of the neighbors at all times and to make no noise on the balconies or outside after 10:00 PM.

21. Exterior Doors- All exterior doors to the public areas of the hotel facility shall be closed after 9:00 PM on Fridays, Saturdays, Sundays before Memorial Day and Labor Day, New Years Eve, and daily for all special events and functions.

22. Noise Compliance Verification- The privileges within this Use Permit for extension of hours of operation shall only be granted after the installation of the mitigation measures, implementation of the improvements and modifications to the operations of the facility.

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Deleted: 12. Front (East) Entry Vestibule- A permanent front entrance vestibule, bonded and sealed to the

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Deleted: All amplified music and sound, including DJ's for weddings only, shall use the house system only. No live amplified music is permitted. Amplified sound is prohibited on the skydeck after 9 PM, except for background music. The hotel shall relocate house speakers nearer to floor-level, not atop glass windscreen posts. The location and number of the speakers shall be based on the recommendations from an audio specialist in cooperation with the City's noise consultant, and shall be designed to mitigate off-site noise impacts and maximize efficiency on-site.

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The neighbor representative may have input on the location, days and hours of the monitoring for any follow-up noise studies.

23. Hours for alcohol service

Alcohol service restricted to venues below; not permitted in any other public areas.

Venue/Event/Services	Venue Closing Time (Closed): Open 6 AM- per Cond. 39, Reso. 5770	End of Alcohol Service, (Before Closed in, Minutes)
Zinc bar and lounge, Fridays-Saturdays and Sundays before Memorial Day and Labor Day	Midnight	20
Zinc bar and lounge, Sundays-Thursdays	11 PM	20
Terrace	11 PM Sun-Thu; midnight Fri-Sat and Sundays before Memorial Day and Labor Day	20
Conference (Green) Room(s)	11 PM Sun-Thu; midnight Fri-Sat and Sundays before Memorial Day and Labor Day	20
Courtyard- Special events	11 PM Sun-Thu; midnight Fri-Sat and Sundays before Memorial Day and Labor Day	20
Courtyard- Functions	10 PM	20
Skydeck	10 PM	20

Note 1. New Years Eve closed for all venues as regulated by MBMC- currently 1:00 AM, except the skydeck shall close at 10:00 PM.

General Conditions

24. Substantial Compliance- The proposed changes shall be in substantial conformance with the plans submitted, and the project description as approved by the Planning Commission, subject to any special conditions set forth in this amendment. The design, specifications and layout of Sound mitigation measures is subject to further review and approval by the Director of Community Development, and the Planning Commission as determined to be necessary by the Director of Community Development. Any substantial deviation from the approved plans, or project description, shall have review and approval by the Planning Commission.

25. Occupancy Limits- Required occupancy loads shall not be exceeded and required access and exits shall remain unobstructed at all times. The exact occupancy numbers stated below are required to be posted on the site:

- Roof Deck —92
- Lobby Bar (Zinc Lounge) 159
- Patio to south of Zinc Lounge- 47
- Courtyard Area— 151
- Conference Room -44

26. Terrace Use- The terrace shall not be a conditioned interior space as defined by the Building Code.

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Deleted: The privileges and rights within this Use Permit shall not be effective unless the objective noise criteria and dBA reductions, as described in the previously submitted Noise reports, are achieved.

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1 27. Public property clean up- The Shade staff shall monitor the area so that Shade patrons do not litter adjacent public property, including but not limited to the sidewalk, street, Metlox Town Square and all other public areas at Metlox. The hotel staff shall police and promptly clean up all areas with any litter and spills after all special events and functions. Public Works may bill Shade for any special event and function related public property clean-up costs.

3 Ingress-Egress Contra!

4 28. Valet- After 10.00 PM daily, customers using shade valet service shall wait inside of the lobby, not outside, until the valet arrives with their vehicle. The hours and days may be modified to be more, but not less, restrictive as determined to be necessary by the Director of Community Development. The valet shall keep all driving lanes, parking back up areas, and all vehicular and pedestrian and accessways free and accessible to the general public, subject to approval of the Director of Community Development.

29. Taxis- Hotel Employees shall discourage the public from using taxis on Valley Drive after 10 PM. Taxi pickups and drop-offs for the general public shall be prohibited after 10 PM. Everyone except for registered hotel guests and disabled, shall be directed to the taxi stand on Morningside Drive and 13th Street, after 9 PM. Hotel Staff may call for a taxi to pickup registered guests and disabled at the hotel entrance on Valley Drive at anytime.

5 30. Entry-Exit Queue Years registered

6 30. After 10pm, no queue or line or gathering of people waiting to enter or exit the Shade shall be located outside of the building except the queue may be located on the Terrace, or customers may be directed to the Metlox Town Square area near the outdoor fireplace and fountain, and be provided with "beepers" or electronic notification devices.

9 32. Staff parking- The hotel shall instruct their employees, contract employees, contractors servicing events, and all others providing services to the Hotel to not park on the public streets east of Valley Drive, 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 or lots such as Lot 3.

30. Entry- Exit- Queue e- After 10.00 PM, no queue or line

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Katie 4/15/14 3:56 PM Deleted: 10:00 PM on

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Entry-Exit Queue- The hotel shall locate the entry and exit queue at the west side of the building as required in Condition 31, but the queue shall not extend past the south or north sides of the building.

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33. Buses - Any large transportation such as buses, shuttles, or recreational vehicles shall not use the hotel drop off area on the east side after 9 PM daily, 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.

34. Town Square- Special Events and functions may not use the Town Square or other Public Open Areas unless prior approval is granted by the City. The applicant shall work cooperatively with the Management Co, landlord, any security personnel and the City to ensure that Shade facility patrons are not gathering in the Town Square and public areas outside of the hotel and disturbing the neighbors after the hotel public areas are close. The doorman or other Shade employee shall ensure that patrons do not leave the hotel facility premises with alcoholic beverages.

35. Front Drop Off- Vehicles occupying the drop off driveway area, in front of the hotel off Valley Drive, shall not park on the curb or sidewalk or past the end of the south landscaped "island". Any temporary barricade across the driveway shall not block access to 12th Walk at the bollards. The area at 12th Walk by the bollards shall remain open, unobstructed and free of vehicles at all times, to allow for emergency vehicle access at the bollards, and vehicle access into the parking structure.

Food service

36. Food Service- The hotel may serve food in all public areas during the hours consistent with the service of alcohol. This shall not preclude 24-hour room service.

Marketing

37. Marketing-General- Any marketing and promotion of the facility will be first and foremost as a hotel use. The availability of the hotel for special events and functions 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 pool parties.

38. Marketing-Bar and Functions- The hotel shall not advertise, market or promote drink or "happy hour" type of specials. Primary advertising and marketing shall be for the hotel, food and special events. Marketing and promotion for the bar and functions shall be secondary. The Zinc bar/lounge, terrace, and Skydeck will not be exclusively marketed to the general public as separate hospitality attractions.

39. Menu Posting- The hotel may post drink or food menus or signage outside of the hotel, with the exception of no posting of any drink or "happy hour" type of specials.

Procedural

40. Review. All provisions of the Master Use Permit Amendment are subject to review by the Community Development Department 6 months after completion of improvements and yearly thereafter. At any time in the future, the Planning Commission or City Council may review the Master Use Permit Amendment for the purposes of revocation or modification. Modification may consist of conditions deemed reasonable to mitigate or alleviate impacts to adjacent land uses.

41. Expiration. Unless appealed to the City Council, the subject Use Permit and Coastal Development Permit shall become effective after expiration of the time limits established by Manhattan Beach Municipal Code and Local Coastal Program.

42. Fish and Game. Pursuant to Public Resources Code Section 21089 (b) and Fish and Game Code Section 711.4 (c), the project is not operative, vested, or final until the required filing fees are paid.

43. Lapse of Approval. The Master Use Permit Amendment shall lapse three (3) years after its date of approval unless implemented or extended in accordance with Manhattan Beach Municipal Code (MBMC) Section 10.84.090.

44. Terms and Conditions are Perpetual. These terms and conditions shall be perpetual, and it is the intention of the Director of Community Development and the permittee to bind all future owners and possessors of the subject property to the terms and conditions. Further, the applicant shall record the conditions of approval of this Resolution with the Office of the County Clerk/Recorder of Los Angeles. The format of the recording instrument shall be reviewed and approved by the City Attorney.

45. Effective Date. Unless appealed to the City Council, the subject Master Use Permit Amendment shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030 have expired.

46. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Planning Commission.

47. Inspections. The Community Development Department staff shall be allowed to inspect the site and the development during construction at any time.

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Deleted: Front Drop Off- The drop off driving lane, in front of the hotel off Valley Drive, including the area at

1 48. Legal Fees. The applicant agrees, as a condition of approval of this project, to pay all reasonable
2 legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal action associated
3 with the approval of this project brought against the City. In the event such a legal action is
4 filed against the project, the City shall estimate its expenses for the litigation. Applicant shall deposit
5 said amount with the City or enter into an agreement with the City to pay such expenses as they
6 become due.

7 SECTION 3. Pursuant to Government Code Section 65009 and Code of Civil
8 Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this
9 decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to
10 such decision or to determine the reasonableness, legality or validity of any condition attached to this
11 decision shall not be maintained by any person unless the action or proceeding is commenced within 90
12 days of the date of this resolution and the City Council is served within 120 days of the date of this
13 resolution. The City Clerk shall send a certified copy of the resolution to the applicant, and if any, the
14 appellant at the address of said person set forth in the record of the proceedings and such mailing shall
15 constitute the notice required by Code of Civil Procedure Section 1094.6.

16 SECTION 4. The City Clerk shall make this Resolution reasonably available for public
17 inspection within thirty (30) days of the date this Resolution is adopted.

18 SECTION 5. This resolution shall take effect immediately.

19 SECTION 6. The City Clerk shall certify to the adoption of this Resolution and
20 thenceforth and thereafter the same shall be in full force and effect

21 PASSED, APPROVED, and ADOPTED this 7th day of September, 2010.

22 Ayes: Tell, Powell, Cohen, Montgomery and Mayor Ward.
23 Noes: None.
24 Abstain: None.
25 Absent: None.

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ATTEST:

Is! Liza Tainura
City Clerk

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of the original of said
document on file in my
office.

City Clerk of the City of
Manhattan Beach, California

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Angela Soo

From: Don McPherson <dmcphersonla@gmail.com>
Sent: Friday, April 11, 2014 12:25 PM
To: Christopher Conaway; Kathleen Paralusz; Martha Andreani; Paul Gross; Steve Ortmann
Cc: John Jalili; David Biggs; Quinn Barrow; Diana Varat; Joan S. Jenkins; Richard Thompson; Laurie B. Jester; Eve R. Irvine; Robert D. Espinosa; Nate Hubbard; Wayne Partridge
Subject: Proposed 2014 CUP Amendment Resolution for Shade Hotel
Attachments: 140410-Overview-2014CUP-Compiled.pdf; 140408-2014CUP-Reso6275-FullRedline-v2.pdf; 140410-MitigationConcepts-v2-Compiled.pdf; 140408-2014CUP-Reso6275-FullRedline-v2.docx

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Planning Commission
City of Manhattan Beach
Via Email

Subject: Proposed 2014 CUP Amendment Resolution and Physical Mitigation Measures, Shade Hotel
Chairman Gross and Commissioners,

This submission provides drafts of the new 2014 CUP and proposed physical mitigation for Shade Hotel. Nate Hubbard and Wayne Partridge travel out of the country, so they could not review the material, before the due date for inclusion into the packet for the April 23 hearing.

At the February 12 hearing, now-Chairman Gross observed the new use permit should take as much as possible from the 2010 CUP where agreement exists and build on that. We have adopted that approach.

The major differences between the draft resolution herein and the Shade application arises from the requirements for physical mitigation.

On March 3, I submitted proposed mitigation measures to Director Thompson. At the March 12 hearing, a commissioner asked Ms. Jester if we had presented our proposal, when meeting with her and Director Thompson on March 5. Ms. Jester answered, "Yes. Absolutely." At that meeting, we neither presented nor discussed the mitigation proposal. We deliberately used all the time in the meeting to obtain information from staff.

Also at the March 12 hearing, Chairman Conaway asked whether the acoustic analysis would address various issues that I have raised. Regarding my inputs, Mr. Thompson answered, "...if anything makes sense or has merit..." then staff would discuss the information with the noise consultant, but the proposed mitigation measures will not be submitted for evaluation.

Because staff chose not to evaluate our mitigation measures with acoustic modeling, we request that commissioners consider the merits of our proposal, using common sense instead.

The 2014 CUP will grant Mr. Zislis legal title to lucrative new entitlements for higher occupancies and longer operating hours, as well as increases in alcohol and food sales. By violating the 2005 CUP for over eight years, Mr. Zislis has profited from all of these intensifications and more, at the expense of the residents, in terms of noise disturbances and lost property values. The City has the responsibility to balance the scales of justice, by imposing effective physical noise mitigation, which the Shade application sorely lacks.

ATTACHMENT C
PC MTG 4-23-14

The 1st and 2nd attachments provide an overview of the proposed use permit amendment and the redlined 2010/2014 use permit itself, respectively. The third attachment provides the proposed physical mitigation measures.

The Overview includes an itemization of all 2010 CUP modifications needed for the 2014 CUP, taking less than two pages, with lots of white space.

Thanks,

Don McPherson

1014 1st St, Manhattan Beach 90266

Cell: 310 487 0383

dmcphersonla@gmail.com

P.S. The 4th attachment provides a MS Word 7 file of the draft 2014 CUP, for editing.

REVISED RESOLUTION NO. 6275 FOR SHADE 2014 CUP

RESOLUTION OF THE ~~CITY COUNCIL PLANNING COMMISSION~~ OF THE CITY OF MANHATTAN BEACH ~~UPHOLDING AN APPEAL OF LIMITED CONDITIONS OF A PLANNING COMMISSION APPROVAL FOR AN AMENDMENT TO A MASTER USE PERMIT~~ FOR MODIFICATIONS TO THE PREVIOUSLY APPROVED HOURS OF OPERATION, NOTIFICATION FOR EVENTS, ALLOWING EXPANDED FOOD SERVICE OPERATIONS, ~~AND APPROVING VARIOUS NOISE MITIGATION MEASURES AND DENYING A HEIGHT VARIANCE FOR A 6 FOOT HIGH ROOFDECK NOISE BARRIER AT~~ THE SHADE HOTEL, METLOX SITE, 1221 NORTH VALLEY DRIVE (MANHATTAN INN OPERATING COMPANY, LLC- MICHAEL A. ZISLIS, PRESIDENT)

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

SECTION 1. The ~~City Council~~ Planning Commission of the City of Manhattan Beach, California, hereby makes the following findings: **[Section 1 requires updating. Some changes made, most notably at new Finding RR, that Shade Hotel violates its 2005 CUP, pursuant to MBMC 10.084.090(D)]**

[Items A-D below rewriting in their entirety, to bring them up to date]

~~A. The Planning Commission of the City of Manhattan Beach conducted public hearings regarding the second Amendment to the Master Use Permit related to the Shade Hotel on June 24, 2009, July 22, 2009, October 28, 2009, May 12, 2010 and June 23, 2010. The public hearings were advertised pursuant to applicable law and testimony was invited and received, and on June 23, 2010, the public hearing was closed. The Planning Commission directed staff to bring back a final Resolution on July 28, 2010. The Planning Commission approved the Amendment for the Shade Hotel, and adopted Resolution No. PC 10-05 on July 28, 2010.~~

~~B. On August 11, 2010, the applicant, Shade Hotel, and the neighborhood representative, Nate Hubbard, filed a joint appeal of limited conditions of the Planning Commission approval. The Shade and neighbors have agreed to minor revisions to conditions 12, 23, 28 and 31. The conditions relate to the valet service and skydeck.~~

~~C. The City Council of the City of Manhattan Beach conducted a public hearing on September 7, 2010 to consider the appeal. Said hearing was advertised pursuant to applicable law, and testimony was invited and received.~~

~~D. At the City Council hearing the City Council upheld the appeal and upheld the Planning Commission approval of the project with minor modifications to conditions 12, 23, 28 and 31.~~

1 ~~E.A.~~ **[The struck out text requires updating to reflect the November 2013**
 2 **application.]** Manhattan Inn Operating Company, LLC is seeking approval of an
 3 Amendment to a Master Use Permit, to allow modifications to the previous approval.
 4 The three changes include: 1 Extension of hours of operation to midnight on Fridays,
 5 Saturdays and Holidays, except for the skydeck and other minor exceptions, 2 An
 6 increase to 125 people for special events (weddings, parties, etc.) without administrative
 7 approval, and 3 Expanded public food service (breakfast, lunch and evening “small
 8 plates”). Additionally, a Variance for six foot high noise barriers around the north, south
 9 and east sides of the roof deck is requested. The current Use Permit approval allows
 10 hours until 11:00 PM daily for the lobby bar ~~and outside terrace~~, morning hours for
 11 breakfast only on the terrace, 10:00 PM daily for the ~~roofdeck~~ roof deck, and 11:00 PM
 12 Thursdays-Sundays and 12 midnight Fridays-Saturdays for special event use only for the
 13 Courtyard, 99 people for special events without notification, and limited food service for
 14 hotel guests and the general public.

15 ~~F.B.~~ In accordance with the Master Use Permit approval an Amendment to the existing
 16 Master Use Permit approval is required for the project.

17 ~~G.C.~~ The subject property is located within the City of Manhattan Beach Coastal Zone, and the
 18 Coastal Development Permit for the Master Use Permit was issued by the California
 19 Coastal Commission. An amendment to the Coastal Permit will not be required to be
 20 processed as there are no relevant coastal issues related to the subject application. An
 21 amendment to the Disposition and Development Agreement (DDA) may be required, and
 22 that action will be determined by the City Council.

23 ~~H.D.~~ The applicant is Manhattan Inn Operating Company, LLC and the property owner is the
 24 City of Manhattan Beach.

25 J. An Environmental Impact Report for the Metlox/Civic Center project was certified by the
 26 City of Manhattan Beach City Council on April 17, 2001 (State Clearinghouse No.
 27 99121090), which includes the environmental clearance for the Metlox project. There
 28 have been no substantial changes to the project, the surrounding area or environment,
 29 and the facts associated with the project have not substantially changed from those
 30 evaluated in the certified EIR from an environmental impact viewpoint. Therefore, the
 31 existing certified EIR is a valid environmental document that adequately evaluates the
 32 environmental impacts of the project in accordance with the requirements of CEQA and
 33 the project can rely upon this document for conformance with the requirements of
 34 CEQA. The EIR includes Mitigation Measures and a Mitigation Monitoring and Reporting
 35 Program in accordance with the requirements of CEQA. The Environmental Impact
 36 Report is on file and available for public review at the City of Manhattan Beach
 37 Community Development Department, City Clerk's office, the public Library, and on the
 38 City's website.

39 K. The property is located within Area District III and is zoned Downtown Commercial. The
 40 properties to the west and south are also zoned Downtown Commercial, the property to
 41 the north is zoned Public and Semipublic, and the property to the east is zoned Open
 42 Space, with Single Family Residential and High Density Residential to the east past Valley
 43 and Ardmore Drives.



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City Clerk of the City of Manhattan Beach

- 1 L. The General Plan designation for the property is Downtown Commercial.
- 2 M. The following is a summary of some of the key milestones for the Metlox site:
 - 3 1995- 96- The City Council authorized development of the Downtown Strategic Action
 - 4 Plan (DSAP) to provide a comprehensive approach and community vision for the
 - 5 Downtown including the Metlox site
 - 6 1997/98- The City purchased the Metlox property to control development and Master
 - 7 Plan the site
 - 8 1998- 2001 Numerous public meetings and workshops held to solicit public input on the
 - 9 site and Downtown.
 - 10 December 1998- The City selected the Tolkin Group as a development
 - 11 partner April 2001- The City Council certified the EIR
 - 12 April 2002- The City Council approved the Disposition and Development Agreement
 - 13 (DDA)/Ground Lease
 - 14 July 2002- Master Use Permit and Coastal Development Permit for the Metlox project
 - 15 approved by the City Council
 - 16 November 2002- California Coastal Commission denied the appeal of the Coastal
 - 17 Development Permit, and unanimously approved the Permit February 2003-
 - 18 Groundbreaking for the Metlox parking structure January 2004- Grand opening of public
 - 19 parking structure with 460 parking spaces April 2004- Shade Hotel construction
 - 20 commenced September 2004- Construction of the Metlox commercial buildings started
 - 21 May 2005- Planning Commission approved first Shade Amendment Resolution No. PC 05-
 - 22 08
- 23 N. The Planning Commission of the City of Manhattan Beach conducted a public hearing
- 24 regarding the first Amendment to the Master Use Permit for the Shade related to alcohol
- 25 sales and special events at their regular scheduled meeting of May 25, 2005. The public
- 26 hearing was advertised pursuant to applicable law and testimony was invited and
- 27 received. The Planning Commission approved the Amendment for the Shade Hotel, and
- 28 adopted Resolution No. PC ~~05-0814-XX~~. The facts and findings for that approval are
- 29 included in the public records for that application.
- 30 O. The original approval (Condition No. 38- City Council Resolution No. 5770) allowed full
- 31 liquor in self-service in-room mini-bars and beer and wine throughout the Hotel facility
- 32 for guests only. The original approval (Condition No. 28- City Council Resolution No.
- 33 5770) also limited special events (weddings, parties, etc.) to 60 people.
- 34 P. Resolution No. PC 05-08 allowed a Type 47 ABC license for the site, allowing full liquor
- 35 open to the general public and including the service of food in order to allow the in-room
- 36 mini-bars (Type 66 license), as well as the portable bar with full liquor (Type 66 license),
- 37 all for on-site consumption of alcohol only, as well as events up to 99 people without
- 38 approval of a Temporary Use Permit.

1 Q. ~~Portions of Resolution No. PC 05-08 have been subject to interpretation as to~~ The hotel is a
 2 24- hour operation while the support services of the bar, food service and events are
 3 limited, ~~which precludes enforcement of closing time for alcohol service.~~ Additionally,
 4 there are no definitions of special events, guests, closing, and other regulatory terms in
 5 the Resolution. ~~One of the goals of this Amendment is to~~ This Amendment ~~is~~ has a goal to clarify definitions
 6 and language in the Resolution.

7 R1. Many neighboring residents at the Planning Commission public hearings have testified
 8 that Shade Hotel makes noise that discomforts and irritates “reasonable persons of
 9 normal sensitiveness,” as defined by the subjective standard in Chapter 5.48 of the
 10 MBMC. The Manhattan Beach Police Department has responded to numerous calls
 11 regarding Shade disturbances, and for several of these incidents, has reports and
 12 recordings of noise from Shade.

13 R2. Pursuant to Section MBMC 10.084.090(D), and by reference to Section MBMC
 14 10.104.030, Shade Hotel violates a number of conditions in Resolution No. PC 05-08,
 15 such as: 1) No sound wall between the Zinc Lounge and hotel lobby; 2) Excessive
 16 occupancies in the Zinc Lounge and on the roof deck; 3) Operation of a full-scale
 17 restaurant; 4) Serving alcohol and food on the terrace until 11 PM; and, 5) Marketing the
 18 Zinc Lounge, roof deck and terrace as separate attractions.

19 S. Neighbors indicate that taxi pickup and drop-off on Valley Drive create disturbances. The
 20 City established a taxi stand on Morningside Drive at 13th Street in 2009 to address this
 21 issue and has notified the taxi franchises of the requirements.

22 T. **[Rewrite in entirety to reflect 2013-2014 acoustic analyses].** Two independent acoustics
 23 analysis, dated October 21, 2009 and March 10, 2010, were conducted by Don Behrens &
 24 Associates under the direction of the Community Development Department. The reports
 25 indicate that noise from the Shade Hotel does not exceed the objective noise standards
 26 in the MBMC; the subjective standard was not evaluated in the reports. Actual noise
 27 measurements and continuous noise monitoring was conducted during large events on
 28 the skydeck, courtyard, lounge and terrace. A three-dimensional modeling of noise to
 29 assess various mitigation was also constructed. The reports proposed a variety of
 30 mitigation options including a front (east) entry vestibule, terrace enclosure,
 31 ~~roof deck~~ roof deck extensions, west entry/exit/queue and taxi stand. Mitigation is
 32 incorporated into the conditions based on these recommendations, public hearing
 33 comments and Planning Commission discussion and direction.

34 U. Due to the open design, the terrace has minimal soundproofing and constitutes a major
 35 noise source, particularly for residents south of 12th Street. Additionally, the front (east)
 36 entry door has noise leakage that impacts residents, largely between 12th and 13th
 37 Streets. The rooftop deck generates noise that largely impacts residents north of 13th
 38 Street.

39 V. The primary use and purpose of Shade Hotel, is and will continue to be, to serve the
 40 community as a hotel offering first-class accommodations to visitors. The hotel may also
 41 offer event, function, food, and other similar support functions as secondary uses.
 42 Marketing and promotion of the hotel shall be consistent with these uses as provided in
 43 the conditions.

- 1 W. Potential noise and other neighborhood impacts from Entertainment, as defined and
2 regulated in Chapter 4.20 of the MBMC, will be addressed through the administrative
3 review of the annual Entertainment Permit. The Entertainment Permit is a separate
4 administrative permit, and is regulated independently from the land use entitlement of
5 the Master Use Permit and Master Use Permit Amendment.
- 6 X. The project will not individually ~~nor~~ cumulatively have an adverse effect on wildlife
7 resources, as defined in Section 711.2 of the Fish and Game Code.
- 8 Y. This Resolution, upon its effectiveness, constitutes the Amendment to the Master Use
9 Permit for the subject property. This Resolution supersedes Resolution No. PC 05-08 and
10 Resolution No. PC 10-05. It also amends only Conditions No's 28 and 38 of Resolution No.
11 5770. ~~all~~All other conditions in that Resolution (unless amended by other separate
12 Resolutions for other Metlox tenants) remain effective and in full force.
- 13 Z. Based upon State law, and MBMC Section 10.84.060, relating to the Amendment to the
14 Master Use Permit application for the proposed project, the following findings are
15 hereby made:
 - 16 1. The proposed location of the use is in accord with the objectives of this title and the
17 purposes of the district in which the site is located since, the proposed amendments to
18 the use permit for Shade Hotel is consistent with the Commercial Downtown
19 designation. This area is specifically designated for commercial activity and services for
20 residents and out-of-town visitors. Several other business operations in the area already
21 engage in similar uses. The project provides a full range of services needed by residents
22 of, and visitors to, the city and region. The project will strengthen the City's economic
23 base, but also protect small businesses that serve city residents. The project protects
24 surrounding residential uses from the potential adverse effects of inharmonious uses by
25 minimizing the impact of commercial development on adjacent residential districts
26 through the conditions of approval which require physical noise mitigation and
27 operational revisions.
 - 28 2. The proposed location of the use and the proposed conditions under which it would be
29 operated or maintained will be consistent with the General Plan; will not be detrimental
30 to the public health, safety or welfare of persons residing or working on the proposed
31 project site or in or adjacent to the neighborhood of such use; and will not be
32 detrimental to properties or improvements in the vicinity or to the general welfare of
33 the City since, the proposed amended use permit is consistent with the General Plan for
34 the Commercial Downtown designation, because it is granting additional privileges to
35 already approved uses that will result in minimal fundamental change of those uses.
36 Amending the use permit will have no environmental impact and will not be detrimental
37 to the public health, safety, or welfare of persons residing or working in or adjacent to
38 the location of the hotel facility. There will be no negative impact on properties or
39 improvements in the vicinity, or on the general welfare of the city, due to the conditions.
40 Additionally, the project is consistent with the following General Plan Goals and Policies:



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1 **GOALS AND POLICIES: LAND USE**

2 Policy LU-5.2: Work with all commercial property owners bordering residential areas to
3 mitigate impacts and use appropriate landscaping and buffering of residential
4 neighborhoods.

5 Policy LU-5.4: Discourage the outdoor commercial and industrial use of property
6 adjacent to residential use.

7 Policies LU-5.7, 6.4 and 7.6: Recognize the unique qualities of mixed-use areas, and
8 balance the needs of both the residential and commercial uses.

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

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

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

14 Policy LU-7.1: Encourage the upgrading and growth of businesses in the Downtown area
15 to serve as a center for the community and to meet the needs of local residents and
16 visitors.

17 **GOALS AND POLICIES: NOISE**

18 **Goal N-2: Incorporate noise considerations into land use planning decisions.**

19 Policy N-2.2: Ensure acceptable noise levels near residences, schools, medical facilities,
20 and other noise-sensitive areas.

21 Policy N-2.5: Require that the potential for noise be considered when approving new
22 development to reduce the possibility of adverse effects related to noise generated by
23 new development, as well as impacts from surrounding noise generators on the new
24 development.

25 Policy N-3.4: Recognize in the Noise Ordinance that nighttime noise levels create a
26 greater sensitivity than do daytime noise levels.

27 3. The proposed use will comply with the provisions of this title, including any specific
28 condition required for the proposed use in the district in which it would be located since,
29 the required notice and public hearing requirements have been met, all of the required
30 findings have been addressed, and conditions will be required to be met prior to the
31 implementation of the new conditions. The proposed amended use permit is consistent
32 with the already approved primary and secondary uses of the facility.

33 4. The proposed use will not adversely impact nor be adversely impacted by nearby
34 properties. Potential impacts are related but not necessarily limited to: traffic, parking,
35 noise, vibration, odors, resident security and personal safety, and aesthetics, or create
36 demands exceeding the capacity of public services and facilities which cannot be
37 mitigated. All of the potential impacts related to the proposed project were evaluated
38 and addressed in the Certified EIR. The Mitigation Measures applicable to the project will
39 all be complied with. Conditions to conform to applicable Code standards will apply.

1 Because the proposed amended use permit will not alter the fundamental use, purpose
 2 or character of the hotel facility, and because there will not be any change in occupancy
 3 or intensification of the property, the proposed amended use will not create adverse
 4 impacts on traffic or create demands exceeding the capacity of public services and
 5 facilities.

6 **AA. [Delete Section AA.]** Based upon State law, and MBMC Section 10.84.060, relating to
 7 the Variance application for the proposed project, the following findings CAN NOT be
 8 made:

- 9 1. Because of special circumstances or conditions applicable to the subject property—
 10 including narrowness and hollowness or shape, exceptional topography, or the
 11 extraordinary or exceptional situations or conditions—strict application of the
 12 requirements of this title would result in peculiar and exceptional difficulties to, or
 13 exceptional and/or undue hardships upon, the owner of the property;
- 14 2. The relief may be granted without substantial detriment to the public good; without
 15 substantial impairment of affected natural resources; and not be detrimental or
 16 injurious to property or improvements in the vicinity of the development site, or to the
 17 public health, safety or general welfare; and-
- 18 3. Granting the application is consistent with the purposes of this title and will not
 19 constitute a grant of special privilege inconsistent with limitations on other properties
 20 in the vicinity and in the same zoning district and area district.

21 SECTION 2. The City Council of the City of Manhattan Beach hereby APPROVES the
 22 subject Master Use Permit Amendment, subject to the following conditions, and DENIES the
 23 subject Variance.

24 Definitions

- 25 1. Closed. Music off and lights turned up in all public areas. Terrace, courtyard, skydeck, Zinc
 26 bar and Lobby, and all public areas vacated, except for staff throughout, as well as
 27 registered guests in the Lobby only. All members of the general public, including special
 28 event and function guests who are not registered guests, shall be out of the hotel. In the
 29 Zinc bar and lobby, terrace, courtyard, skydeck and all public areas, without exception, on
 30 or before closing, staff shall collect all glasses, bottles, cans, and drinks, including from
 31 registered guests, to comply with the ABC definition of closed, as “no sale, service, or
 32 consumption of alcoholic beverages.”
- 33 2. Special event. An event in which an unaffiliated third party under contract has exclusive use
 34 of one or more venues or a portion of a venue. Attendees at special events shall have an
 35 invitation from the host client. The general public may not join nor participate in special
 36 events other than non-profit or charitable events such as Chamber events, Downtown
 37 Open House and Charity Education Wine Events.
- 38 3. Function. A “themed” function held periodically for the general public, up to twelve (12) per
 39 year, such as, Oktoberfest, Halloween, New Years, Valentines, St Patrick’s Day, AVP, Surf
 40 Festival, Mothers Day, Fathers Day and Six-Man. Functions shall not include “spillover” of
 41 the general public from day-to-day operations from the Zinc bar and lobby, or any other
 42 area, into the Courtyard.

- 1 4. Registered Guest. A guest who occupies a room overnight. Privileges for registered guests
 2 extend to a limited number of their invitees only, and not the general public.
 3 5. Invitee. Invited guests of a registered guest.
 4 6. Marketing and Promotion. Any marketing, promotion or advertising, using any media,
 5 including but not limited to, fliers, newspapers, radio-TV, Internet, social networking sites,
 6 email to the general public and the Shade website. This does not include marketing and
 7 promotions to customers who have specifically signed up to be included on a Shade
 8 mailing, e-mailing or similar mass notification list.
 9 7. Background music. Sound intensity anywhere in a room or venue not greater than 65 dBa.
 10 8. Public Areas. Any public area or space where sales, service and consumption of alcoholic
 11 beverages is permitted.

12 Entertainment and Noise

- 13 9. General- The Director of Community Development shall not reduce restrictions or
 14 conditions as set forth in this Amendment, without approval by the Planning Commission,
 15 with notice to property owners within a 300 foot radius with standard notice procedures.
 16 10. Entertainment and amplified sound- All amplified music and sound shall use the house
 17 system only and shall be limited to background music with the following exceptions;
 18 A. ~~The Courtyard may have one annual function, for example, Oktoberfest, with live~~
 19 ~~amplified entertainment, from 4 to 8 PM.~~
 20 B. The Courtyard may use amplification, other than the house system for background
 21 music and microphones, for wedding ceremonies only prior to 9 PM and not to exceed 30
 22 minutes in length;
 23 C. The Zinc bar and lobby may have amplified DJ's, live entertainment or music, other than
 24 background music. ~~All doors leading to the outside shall remain closed.~~
 25 11. Terrace
 26 A. The south face shall have a window-wall of acoustic glass, STC -39 dB or better, from
 27 the southeast corner to approximately half of the length, past the south ingress-egress.
 28 The latter shall have double-doors of acoustic glass, STC -39 dB or better, opening onto a
 29 landing extending into the Metlox Plaza.
 30 B. Drapes of acoustic fabric shall replace the existing drapes and overlap the south
 31 window-wall up to the doors. Openable acoustic drapes shall cover the existing single-
 32 glazed east window-wall. All drapes shall have a certified Sound Absorption Average [SAA]
 33 of 0.55 or better. The east and south window-walls, shall have all gaps acoustically sealed.
 34 The doors shall have weather stripping to seal all edges.
 35 C. The upper portion of the terrace above the metal bands may remain open on the
 36 west wall and the west draped portion of the south wall. The upper tier shall have
 37 acoustic absorbers installed on the ceiling and suspended below the ceiling.
 38 D. The terrace drapes and the south ingress-egress shall remain closed from 9 PM to 6
 39 AM every day, during special events and whenever entertainment or music provided in the
 40 Zinc Lounge.
 41 E. The terrace shall not operate past 11 PM on Fridays and Saturdays until all physical
 42 noise mitigation implemented, pursuant to Conditions 11, 12, 13 and 14.



City Clerk of
the City of
Manhattan
Beach

- 1 **12. Front (East) Entry Vestibule-**
2 **A.** A ~~permanent~~ front entrance vestibule of acoustic glass, STC -39 dB or better, ,
3 ~~bonded and sealed to the building,~~ shall ~~be constructed to~~ enclose the front doors. The
4 vestibule shall be acoustically sealed and bonded to the building, designed and
5 constructed to ~~comply meet the City Noise consultants' acoustical standards consistent~~
6 ~~with their noise studies~~ with the 75-foot inaudibility standard, Condition 16. ~~The vestibule~~
7 ~~shall also meet all Building Safety and other City requirements, including but not limited to~~
8 ~~emergency egress and disabled access.~~
9 **B.** Between 9:00 PM and 6:00 AM on Fridays, Saturdays, New Years Eve and Sundays
10 before Memorial Day and Labor Day, the following conditions shall apply: a) the front
11 entrance doors shall be closed and only operable though the interlock/double door
12 vestibule; b) the hotel clerk or other hotel employee shall only allow passage for disabled,
13 registered hotel guests and valet patrons as permitted in Condition #28, and all others
14 shall use the west entrance; c) the vestibule may also be operable with a hotel room key,
15 and; d) only one set of doors may be opened at any time.
16 **C.** The lobby façade shall have all glass replaced by acoustic glass, STC -39dB or better,
17 with all gaps acoustically sealed.
18 **D.** The Zinc Lounge shall not operate past 11 PM on Fridays and Saturdays until all
19 physical noise mitigation implemented, pursuant to Conditions 11, 12, 13 and 14.
- 20 **13. Courtyard-** Acoustic fabric shall replace the existing drapes. The material shall have a
21 certified SAA of 0.55 or higher. Shade Hotel may install a retractable canopy of acoustic
22 fabric over the courtyard, subject to compliance with state and city regulations, without
23 requiring a variance or other extraordinary approvals. Only special events and functions
24 may use the courtyard. No general public gatherings permitted in the courtyard, and no
25 "spillover" from the Zinc bar and lobby or other public areas. ~~The courtyard shall not~~
26 ~~operate past 11 PM on Fridays and Saturdays until all physical noise mitigation~~
27 ~~implemented, pursuant to Conditions 11, 12, 13 and 14.~~
- 28 **14. Courtyard-bar corridor wall-** A new acoustic moveable wall shall be installed to separate
29 the interior courtyard from the corridor north of the lobby bar. ~~Except when special events~~
30 ~~or functions held in the courtyard, both walls shall be closed after 9 P.M. every day.~~ ~~After 9~~
31 ~~PM Friday, Saturday, New Years Eve, and Sundays before Memorial and Labor Day, and any~~
32 ~~day if the entry/exit queue is greater than 5 people for more than 15 minutes, both~~
33 ~~corridor walls (adjacent to the courtyard and the lobby bar) shall remain closed for the rest~~
34 ~~of the night, unless there is a special event or function using both the Courtyard and Zinc~~
35 ~~bar/ lobby. Whenever the Zinc bar and lounge has amplified sound, other than background~~
36 ~~music, after 9 PM the north acoustic wall shall remain closed.~~ There shall be no sale,
37 service or consumption of alcohol in the corridor when one or both moveable walls are
38 closed.
- 39 **15. Skydeck-** All amplified music and sound, including DJ's for weddings only, shall use the
40 house system only. No live amplified music is permitted. Amplified sound is prohibited on
41 the skydeck after 9 PM, except for background music. The hotel shall relocate house
42 speakers nearer to floor-level, not atop glass windscreen posts. The location and number of

- 1 the speakers shall be based on the recommendations from an audio specialist in
 2 cooperation with the City's noise consultant, and shall be designed to mitigate off-site
 3 noise impacts and maximize efficiency on-site.
- 4 16. Sound audibility- ~~Notwithstanding Manhattan Beach Municipal Code Chapter 5.48, Noise~~
 5 ~~Regulations, ¶~~the volume of music, entertainment, group singing, or voice, whether or not
 6 amplified, may not be audible outside of the hotel facilities to the following extent. ~~Noise~~
 7 ~~from the business shall not be audible at or beyond 75 feet from the Shade Hotel premises, at any~~
 8 ~~height above grade, as determined by the Police Department. For any length of time, except for~~
 9 ~~the one function referenced in Condition No. 10 A., the noise may not dominate the~~
 10 ~~background ambient noise, nor disturb surrounding residents, as defined in the MBMC~~
 11 ~~noise regulations.~~ After cessation of alcohol service in any venue or for any event or
 12 function, only background music is permitted.
- 13 17. Temporary Use Permit- Special events and functions of more than 125 attendees require
 14 City notice and a temporary use permit.
- 15 18. Entertainment Permit- Each year, the hotel shall apply for an annual entertainment permit
 16 on or before March 1, in accordance with Condition 40 in Resolution 5770, Metlox Master
 17 Use Permit.
- 18 19. Resident notification- The hotel shall e-mail to residents who sign-up, the schedule of
 19 special events and functions sent to the City, excluding client information.
- 20 20. Balconies- A permanent notice shall be placed on the doors to the hotel room balconies
 21 informing guests to be respectful of the neighbors at all times and to make no noise on the
 22 balconies or outside after 10:00 PM.
- 23 21. Exterior Doors- All exterior doors to the public areas of the hotel facility shall be closed
 24 after 9:00 PM ~~every day on Fridays, Saturdays, Sundays before Memorial Day and Labor~~
 25 ~~Day, New Years Eve, and daily and~~ for all special events and functions. ~~The doors between~~
 26 ~~the Zinc Lounge and the terrace may remain open when the terrace drapes closed and the~~
 27 ~~south ingress-egress shut, pursuant to Condition 11. In that case, the south ingress-egress~~
 28 ~~shall not be used, except in case of emergency for egress.~~
- 29 22. Noise Compliance Verification- ~~The privilege for the Zinc Lounge and the terrace to operate~~
 30 ~~until midnight on Fridays and Saturdays, pursuant to Condition 23 Hours of Operation, shall~~
 31 ~~not become effective, until installation and verification of the physical noise mitigation in~~
 32 ~~Conditions 11, 12, 13 and 14. For verification of said mitigation measures, an accredited~~
 33 ~~acoustical expert shall certify to the planning commission, compliance with Condition 16~~
 34 ~~Sound Audibility. All other privileges, requirements, terms and conditions in this Use Permit~~
 35 ~~shall become effective immediately, pursuant to Finding Y, Conditions 41, 43 and 45, and~~
 36 ~~Sections 5 and 6. The privileges within this Use Permit for extension of hours of operation~~
 37 ~~shall only be granted after the installation of the mitigation measures, implementation of~~
 38 ~~the improvements and modifications to the operations of the facility. After completion of~~
 39 ~~these measures, the Community Development Director, in cooperation with the Noise~~
 40 ~~consultant, shall determine if the measures are effective and meeting the objective noise~~
 41 ~~criteria and mitigation standards described in the previously submitted Noise reports. The~~
 42 neighborhood representative may have input on the location, days and hours of the

1 monitoring for any follow-up noise studies. ~~The privileges and rights within this Use Permit~~
 2 ~~shall not be effective unless the objective noise criteria and dBA reductions, as described in~~
 3 ~~the previously submitted Noise reports, are achieved.~~

4 ~~22.~~

5 23. Hours for alcohol service

Alcohol service restricted to venues below; not permitted in any other public areas.		
Venue/Event/Services	Venue Closing Time (Closed): Open 6 AM- per Cond. 39, Reso. 5770	End of Alcohol Service, (Before Closed in. Minutes)
Zinc bar &and lounge and terrace, Fridays-Saturdays and Sundays before Memorial Day and Labor Day (See Note 1 below)	Midnight 11 PM, until physical noise mitigation implemented, and midnight thereafter (See Note 1 below)	20
Zinc bar &and lounge and terrace, Sundays-Thursdays	11 PM	20
Terrace	11 PM Sun-Thu; midnight Fri-Sat and Sundays before Memorial Day and Labor Day	20
Conference (Green) Room(s)	11 PM Sun-Thu; midnight Fri- Sat and Sundays before Memorial Day and Labor Day	20
Courtyard- Special events	11 PM Sun-Thu; midnight Fri- Sat and Sundays before Memorial Day and Labor Day	20
Courtyard- Functions	10 PM	20
Skydeck	10 PM	20 60

6 **Note 1: For the Zinc Lounge and the terrace, extension of hours from 11 PM to midnight on**
 7 **Fridays, Saturdays and Sundays before Memorial Day and Labor Day permitted only**
 8 **when physical noise mitigation implemented and verified, pursuant to Conditions 11,**
 9 **12, 13, 14, 16 and 22.**

10 Note ~~24~~. New Years Eve closed for all venues as regulated by MBMC- currently 1:00 AM,
 11 except the skydeck shall close at 10:00 PM.

12 General Conditions

13 24. Substantial Compliance- The proposed changes shall be in substantial conformance with the
 14 plans submitted, and the project description as approved by the Planning Commission,
 15 subject to any special conditions set forth in this amendment. The design, specifications
 16 and layout of sound mitigation measures is subject to further review and approval by the
 17 Director of Community Development, and the Planning Commission as determined to be
 18 necessary by the Director of Community Development. Any substantial deviation from the
 19 approved plans, or project description, shall have review and approval by the Planning
 20 Commission.

21 25. Occupancy Limits- Required occupancy loads shall not be exceeded and required access and
 22 exits shall remain unobstructed at all times. The exact occupancy numbers stated below
 23 are required to be posted on the site:

- 24 Roof Deck - 92
- 25 Lobby Bar (Zinc Lounge) - 159
- 26 Patio to south of Zinc Lounge - 47



Certified to be a true copy of said document on file in my office.

-f'A

City Clerk of the City of Manhattan Beach

1 Courtyard Area - 151
2 Conference Room - 44.

3 26. Terrace Use- The terrace shall not be a conditioned interior space as defined by the Building
4 Code.

5 27. Public property clean up- The Shade staff shall monitor the area so that Shade patrons do
6 not litter adjacent public property, including but not limited to the sidewalk, street, Metlox
7 Town Square and all other public areas at Metlox. The hotel staff shall police and promptly
8 clean up all areas with any litter and spills after all special events and functions. Public
9 Works may bill Shade for any special event and function related public property clean-up
10 costs.

11 Ingress-Egress Control

12 28. Valet- The Shade valet service shall relocate away from the Shade east or south entrances
13 after 10:00 PM on Fridays, Saturdays, Sundays before Memorial Day and Labor Day, New
14 Years Eve, and after 10:00 PM for special events and functions any day of the week.
15 Everyone, except for registered hotel guests and disabled, shall be prohibited from picking
16 up their vehicles from the Shade front (east) entrance. The hours and days may be
17 modified to be more, but not less, restrictive as determined to be necessary by the Director
18 of Community Development. The valet shall keep all driving lanes, parking back up areas,
19 and all vehicular and pedestrian ~~accessways~~ ~~access ways~~ free and accessible to the general
20 public, subject to approval of the Director of Community Development.

21 29. Taxis- Hotel employees shall discourage the public from using taxis on Valley Drive after 9
22 PM. Taxi pickups and drop-offs for the general public at the Shade entrance shall be
23 prohibited after 9 PM. Everyone, except for registered hotel guests and disabled, shall be
24 directed to the taxi stand on Morningside Drive and 13 Street, after 9 PM on Fridays,
25 Saturdays, Sundays before Memorial Day and Labor Day, New Years Eve and after special
26 events and functions any day of the week. Hotel staff may call for a taxi to pickup
27 registered guests and disabled at the entrance at any time.

28 30. Entry-Exit Queue- The hotel shall locate the entry and exit queue at the west side of the
29 building as required in Condition 31, but the queue shall not extend past the south or north
30 sides of the building.

31 31. West entry-exit- After 9:00 PM ~~every day, on Fridays, Saturdays, Sundays before Memorial~~
32 ~~Day and Labor Day, New Years Eve, and after 9:00 PM for special events, and functions,~~
33 everyone except registered hotel guests and disabled shall use the west door, opening on
34 to the Metlox Plaza, to enter and exit the hotel. The front east door that opens onto Valley
35 Drive, and the south terrace doors shall not be used for entry and exit at these times,
36 except registered hotel guests, disabled and valet patrons as permitted in Condition #28,
37 may use the front east door.

38 ~~On Sundays through Thursdays, if more than five patrons are waiting for more than 15~~
39 ~~minutes to enter, staff shall establish the queue at the west side of the building for the rest~~
40 ~~of the night. Employees shall close and monitor the front (east) entry door as required to~~
41 ~~ensure access only by registered hotel guests and the disabled, and that everyone else uses~~

~~the west door. Employees shall 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.~~

32. Staff parking- The hotel shall instruct their employees, contract employees, contractors servicing events, and all others providing services to the Hotel to not park on the public streets east of Valley Drive, 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 or lots such as Lot 3.

33. Buses- Any large transportation such as buses, shuttles, or recreational vehicles shall not use the hotel drop off area on the east side after 9 PM daily, 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.

34. Town Square- Special Events and functions may not use the Town Square or other Public Open Areas unless prior approval is granted by the City. The applicant shall work cooperatively with the Management Co, landlord, any security personnel and the City to ensure that Shade facility patrons are not gathering in the Town Square and public areas outside of the hotel and disturbing the neighbors after the hotel public areas are close. The doorman or other Shade employee shall ensure that patrons do not leave the hotel facility premises with alcoholic beverages.

35. Front Drop Off- The drop off driving lane, in front of the hotel off Valley Drive, including the area at Valley and "12th Walk" by the bollards shall remain open, unobstructed and free of vehicles at all times, except for vehicles transitioning during valet drop off and pick up.

Food service

36. Food Service- The hotel may serve food in all public areas during the hours consistent with the service of alcohol. This shall not preclude 24-hour room service.

Marketing

37. Marketing-General- Any marketing and promotion of the facility will be first and foremost as a hotel use. The availability of the hotel for special events and functions 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 pool parties.

38. Marketing-Bar and Functions- The hotel shall not advertise, market or promote drink or "happy hour" type of specials. Primary advertising and marketing shall be for the hotel, food and special events. Marketing and promotion for the bar and functions shall be secondary. The Zinc bar/lounge, terrace, and Skydeck will not be exclusively marketed to the general public as separate hospitality attractions.

39. Menu Posting- The hotel may post drink or food menus or signage outside of the hotel, with the exception of no posting of any drink or "happy hour" type of specials.

1 Procedural

2 40. Review. All provisions of the Master Use Permit Amendment are subject to review by the
 3 Community Development Department 6 months after completion of improvements and
 4 yearly thereafter. At any time in the future, the Planning Commission or City Council may
 5 review the Master Use Permit Amendment for the purposes of revocation or modification.
 6 Modification may consist of conditions deemed reasonable to mitigate or alleviate impacts
 7 to adjacent land uses.

8 41. Expiration. Unless appealed to the City Council, the subject Use Permit and Coastal
 9 Development Permit shall become effective after expiration of the time limits established
 10 ~~for appeals~~ by Manhattan Beach Municipal Code and Local Coastal Program.

11 42. Fish and Game. Pursuant to Public Resources Code Section 21089 (b) and Fish and Game
 12 Code Section 711.4 (c), the project is not operative, vested, or final until the required filing
 13 fees are paid.

14 43. Lapse of Approval. ~~This Use Permit has no lapse of approval, pursuant to Manhattan Beach
 15 Municipal Code (MBMC) Sections 10.84.090(A)(2) & (3). The Master Use Permit
 16 Amendment shall lapse three (3) years after its date of approval unless implemented or
 17 extended in accordance with Manhattan Beach Municipal Code (MBMC) Section 10.84.090.~~

18 44. Terms and Conditions are Perpetual. These terms and conditions shall be perpetual, and it
 19 is the intention of the Director of Community Development and the permittee to bind all
 20 future owners and possessors of the subject property to the terms and conditions. Further,
 21 the applicant shall record the conditions of approval of this Resolution with the Office of
 22 the County Clerk/Recorder of Los Angeles. The format of the recording instrument shall be
 23 reviewed and approved by the City Attorney.

24 45. Effective Date. Unless appealed to the City Council, the subject Master Use Permit
 25 Amendment shall become effective when all time limits for appeal as set forth in MBMC
 26 Section 10.100.030 have expired.

27 46. Interpretation. Any questions of intent or interpretation of any condition will be resolved
 28 by the Planning Commission.

29 47. Inspections. The Community Development Department staff shall be allowed to inspect the
 30 site and the development during construction at any time.

31 48. Legal Fees. The applicant agrees, as a condition of approval of this project, to pay all
 32 reasonable legal and expert fees and expenses of the City of Manhattan Beach, in
 33 defending any legal action associated with the approval of this project brought against the
 34 City. In the event such a legal action is filed against the project, the City shall estimate its
 35 expenses for the litigation. Applicant shall deposit said amount with the City or enter into
 36 an agreement with the City to pay such expenses as they become due.

37 ~~48.~~49. Schedule. ~~Within six months after final approval of this resolution, all physical noise
 38 implementation required by Conditions 11, 12, 13 and 14 shall be implemented and
 39 verified, pursuant to Condition 22. Failure to comply shall result in a penalty of \$500 per
 40 day. Payment shall not relieve Shade Hotel from complying with this resolution.~~



Certified to
to a true
copy of said
document on
file in my
office.

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1 SECTION 3. Pursuant to Government Code Section 65009 and Code of Civil
2 Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul
3 this decision, or concerning any of the proceedings, acts, or determinations taken, done or
4 made prior to such decision or to determine the reasonableness, legality or validity of any
5 condition attached to this decision shall not be maintained by any person unless the action or
6 proceeding is commenced within 90 days of the date of this resolution and the City Council is
7 served within 120 days of the date of this resolution. The City Clerk shall send a certified copy
8 of the resolution to the applicant, and if any, the appellant at the address of said person set
9 forth in the record of the proceedings and such mailing shall constitute the notice required by
10 Code of Civil Procedure Section 1094.6.

11 SECTION 4. The City Clerk shall make this Resolution reasonably available for public
12 inspection within thirty (30) days of the date this Resolution is adopted.

13 SECTION 5. This resolution shall take effect immediately.

14 SECTION 6. The City Clerk shall certify to the adoption of this Resolution and
15 thenceforth and thereafter the same shall be in full force and effect

16 PASSED, APPROVED, and ADOPTED this ~~7th day of September, 2010.~~

17

Ayes: 18 ~~Tell, Powell, Cohen, Montgomery and Mayor Ward.~~

Noes: 19 None.

Abstain: 20 None.

Absent: 21 None.

22



Mayor, City of Manhattan Beach, California

23

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26 ATTEST:

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y Clerk
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Certified to be a true c of the original of said document on file in my office.



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/v/ City Clerk of the City o Manhattan Beach. Califoi

OVERVIEW OF PROPOSED 2014 CUP FOR SHADE HOTEL

This overview summarizes the amended use permit proposed for Shade Hotel, based on the suggestion from Chairman Gross at the February 12 hearing, to take as much as possible from the 2010 CUP, wherein agreement exists, and build on that.

The current application by Shade to amend the Metlox Master Use Permit fails to include many conditions in the 2010 CUP. Although staff let the 2010 CUP expire, its findings and conditions mostly remain valid. The commissioners will commendably honor their predecessors, by respecting their accomplishments achieved during 2009-2010.

A great deal of the 2010 CUP still applies, such as most of the Section 1 Findings and the Section 2 Definitions, Conditions 1 through 8. In addition, Conditions 24 through 48 largely need little or no change.

Before final approval of the 2010 CUP, Mr. Zislis joined with Nate Hubbard in an agreement that accepted all terms and conditions in Resolution 10-05, approved in July 2010 by the planning commission for Shade Hotel. [Agreement, Exhibit CUP-1] To correct some technicalities, in September 2010, the city council heard a 15-minute appeal on the aforementioned resolution, which then became Resolution 6275.

Presumably, Mr. Zislis will stand by the 2010 agreement he signed with Nate Hubbard and will accept into the 2014 CUP, the 2010-CUP terms and conditions that remain viable.

The principal disagreements relate to the physical mitigation required for the terrace, lobby and courtyard, addressed by 2010 CUP Conditions 11, 12 and 13.

During 2009-2010, the planning commission labored under serious misunderstandings regarding the entitlements granted by the 2005 CUP. For example, they did not know that staff had used the annual entertainment permit to increase terrace closing to 11 PM, from breakfast-hours only, and to over double the occupancies in the Zinc Lounge and on the Skydeck.

As result, the commissioners continually struggled to balance requirements for physical mitigation, against what they believed the only new entitlement, a one-hour extension to midnight, from 11 PM, for Friday and Saturday. Consequently, the 2010 CUP required only two physical mitigation measures, a front-door vestibule and full-enclosure of the terrace.

During the intervening four years, we have discovered that the 2010 CUP would have granted a number of additional lucrative entitlements, by increasing occupancies, tripling terrace hours, eliminating the Zinc-lobby sound-wall and permitting higher alcohol sales as result of full food service. The ABC license requires alcohol sales not to exceed those of food.

The 2014 CUP will also grant legal title for these new entitlements. Consequently, the planning commission can now demand effective noise mitigation for the 2014 CUP, in exchange for legalizing all the valuable new entitlements Mr. Zislis will receive. For over eight years, he has profited from these intensifications and more, by violating the Shade 2005 CUP at expense of the neighbors. The City has the responsibility to balance the new entitlements with effective physical mitigation measures. [Entitlement List, Exhibit CUP-2]

The following table itemizes the changes to the 2010 CUP proposed for the 2014 CUP. By building on the solid base of the 2010 CUP, the modifications required for the new amendment take less than two pages to summarize, with lots of white space.

OVERVIEW OF PROPOSED 2014 CUP FOR SHADE HOTEL

ITEMIZED TABLE OF CHANGES TO 2010 CUP FOR 2014 CUP

SECTION 1. FINDINGS

[Does not include updates for the current application by Shade]

Finding	Modification Explanation
E	The 2010 CUP incorrectly stated that the planning commission [PC] made a finding the 2005 CUP permitted the terrace to serve alcohol and food to 11 PM every day. The video record shows that the PC never considered this issue. Staff improperly provided the 11 PM closing time in their June 2009 staff report, because they had improperly increased the closing time in the 2006 annual entertainment permit. The 2005 CUP at Finding L and Condition 5 limits terrace hours to breakfast only.
Q	Interpretations of the 2005 CUP by staff have no relevance to the 2014 CUP
R2	A new finding that Shade violates the 2005 CUP, which thereby invokes by reference, MBMC 10.104.030. This makes the 2014 CUP binding , if the modifications result from Shade having violated its 2005 CUP.
Y	Delete reference to Reso 10-05 approved by the PC in July 2010
AA	Delete. No variance for the Skydeck in the Shade application

SECTION 2. CONDITIONS

Condition	Modification Explanation
10(A)	Delete condition for one annual function in courtyard with live entertainment. These have invariably resulted in disturbances.
10(C)	Delete reference to closed exterior doors, an impossibility for the terrace. See Conditions 11(D) and 21.
11	1) Does not entirely enclose the terrace, leaving partially open-space above the horizontal bands; 2) Replaces implied roll-up glass doors with acoustic drapes; and, 3) Adds openable acoustic drapes to cover single-glazed east window-wall
12	Replaces lobby frontage windows with STC -39 dB acoustic glass
13	Replaces drapes in courtyard with acoustic fabric, SAA 0.55 or better
14	Simplifies closing times of courtyard-Zinc corridor wall, consistent with Condition 31 to move the queue from the 12 th St walkway to the west door
16	Adds the new audibility standard imposed on Strand House, of no audibility at 75-ft from Shade Hotel premises. See Exhibit CUP-3 for the 75-ft boundary.
21	1) Requires external doors closed <u>every day</u> after 9 PM; and, 2) Adds an exception for doors between the Zinc Lounge and the terrace. See Condition 11.
22	Condition rewritten to eliminate the contradicting last sentence added by staff during the June 2010 hearing, when the PC approved the 2010 CUP. The resulting ambiguous language made the condition unenforceable, contributing to the demise of the 2010 CUP.

OVERVIEW OF PROPOSED 2014 CUP FOR SHADE HOTEL

SECTION 2. CONDITIONS (CONCLUDED)

Condition	Modification Explanation
23	1) Reinstates alcohol cutoff on the Skydeck to the 9 PM time in the 2005 CUP. Mr. Zislis required the 20-minute concession from Nate Hubbard, as a condition to sign Exhibit CUP-1; and 2) Reduces closing for special events to 11 PM on Friday-Saturday, until all physical mitigation implemented and verified.
31	1) Extends to every day the 9 PM requirement to use the west door for ingress-egress by patrons not hotel guests, disabled or valet-parking users; and, 2) Moves the queue to the west door <u>every day</u> after 9 PM, regardless of how many in line.
43	Eliminates the lapse of approval. The municipal code at MBMC 10.84.090(A) excludes from lapse of approval, any businesses with an occupancy certificate or an ongoing operation, which Shade Hotel has. Staff let the 2010 CUP expire, based on the expiry condition improperly applied to Shade Hotel in Condition 43.
49	New condition. Imposes a \$500 per day penalty if Shade does not implement the physical noise mitigation within six months.

SECTIONS 3, 4, 5, AND 6 REQUIRE NO MODIFICATIONS

Offices of John A.

Strain

A Professional Corporation

*Certified Specialist Taxation Law

California Board of Legal Specialization

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August 11, 2010

8867.022

Ms. Laurie B. Jester
Community Development Acting Director
City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach, California 90266

Re: *Shade Hotel*
Master Use Permit Amendment

Dear Laurie:

After the Planning Commission met on July 28 and approved its Resolution (PC-05) related to amendments to the Master Use Permit applying to Shade Hotel, the principals considered whether to appeal that Resolution. Everyone's preference was to have this matter fully resolved. However, there were a few details that we felt needed attention.

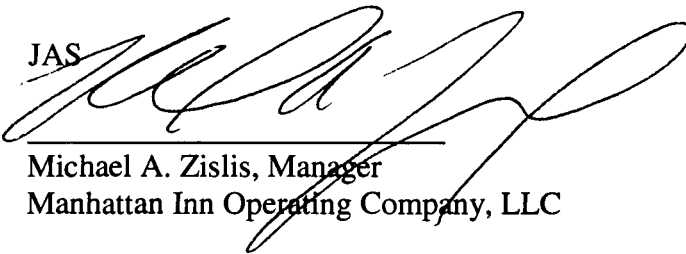
With your assistance and guidance, Michael Zislis (on behalf of Shade Hotel) and Nate Hubbard (continuing his role as the principal representative of neighbors) have met and discussed these details. Together, they have reached a mutually acceptable resolution that merely involves a few minor changes to the Resolution as approved.

It is our understanding that adoption of this Resolution with these changes now requires an appeal to the City Council. Accordingly, the parties are filing that appeal jointly with the expectation and intention that this matter will be dealt with summarily by the City Council. They are both signing this letter to be included with the appeal as evidence of that agreement.

Thank you, Laurie, for your tireless efforts throughout this long process.

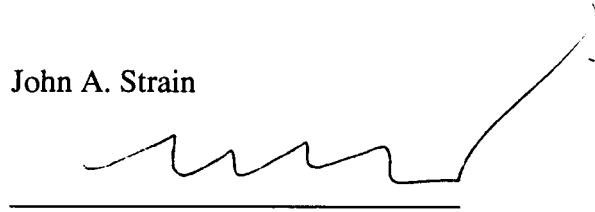
Best Regards

JAS



Michael A. Zislis, Manager
Manhattan Inn Operating Company, LLC

John A. Strain



Nate Hubbard
Neighbors' Representative

CUP AMENDMENT CONVERTS USE PERMIT VIOLATIONS INTO ENTITLEMENTS

<u>2005 CUP VIOLATIONS</u>	<u>2005 CUP TERMS AND CONDITIONS</u>
No 50 dB acoustic wall between Zinc Lounge & lobby	<ul style="list-style-type: none"> ● Finding O & Condition 1; ● Entertainment permits¹, 2006-2014
<ul style="list-style-type: none"> ● Total Occupancy increase: 334 to 493 ● Skydeck occupancy: 45 to 92 ● Zinc Lounge occupancy: 77 to 159 	<ul style="list-style-type: none"> ● Cond. 1 & 2005 CUP application; ● Entertainment permits¹, 2008-2014; ● Exhibit F in 25 May 2005 staff report
Terrace closing increased to 11 PM, from mornings-only for breakfast	<ul style="list-style-type: none"> ● Finding L: Permits only breakfast, ● 10 AM Mon-Fri and 11 AM Sat-Sun; ● Condition 5, breakfast only
Special events conducted on terrace	<ul style="list-style-type: none"> ● Not permitted by Condition 2
Lunch service and full-scale restaurant	<ul style="list-style-type: none"> ● Prohibited: Finding L and Cond. 3 & 5
Advertising Zinc lounge and Skydeck as separate attractions	<ul style="list-style-type: none"> ● Prohibited: Condition 4
Menu posting outside hotel	<ul style="list-style-type: none"> ● Prohibited: Condition 6

Note 1: Finding O states, "Potential noise concerns will be addressed through the review of the annual Entertainment Permit..."

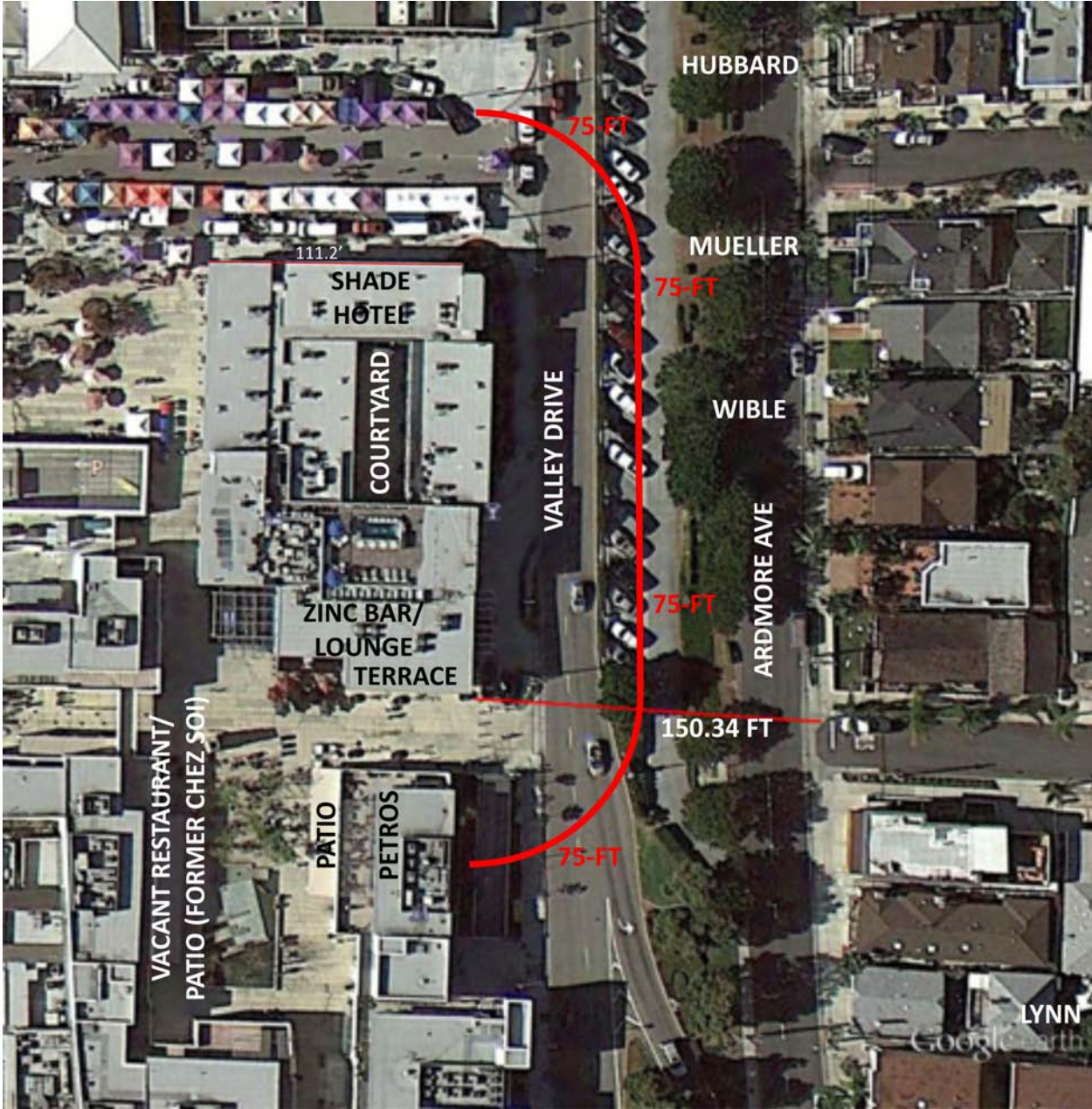
The 2014 CUP legalizes violations by Shade Hotel of its 2005 CUP.

Thereby, it converts the violations into entitlements, as follows:

- Deletes the requirement for enclosing the Zinc Lounge in a 50 dB acoustic enclosure, which enables increasing nightclub occupancy from 77 to 159;
- Increases total occupancy from 334, which includes guests in rooms, to 493 in the public areas, but not including room occupancy. Skydeck occupancy will increase from 45 to 92 and Zinc Lounge occupancy will increase from 77 to 159;
- Increases hours for consumption of alcohol and food in the Zinc Lounge on Friday and Saturday to midnight, from 11 PM;
- Increases hours for consumption of alcohol and food on the terrace from 10 AM weekdays and 11 AM weekends to 11 PM Sunday-Thursday and to midnight Friday-Saturday;
- Increases time for service of alcohol for special events and functions to 20 minutes before closing, from 30 minutes before;
- Permits special events on the terrace;
- Increases food service from no lunch and only evening appetizers to a full-service restaurant for breakfast, lunch and dinner; and,
- Permits marketing for the courtyard, Zinc Lounge, terrace and Skydeck as separate attractions, including outdoor menus.

SHADE HOTEL 75-FOOT INAUDIBILITY LINE

75-FOOT INAUDIBILITY LINE APPROXIMATELY HALF WAY TO RESIDENTIAL AREA



MITIGATION MEASURES PROPOSED FOR SHADE HOTEL

SUMMARY.

This report proposes noise mitigation concepts for the lobby, terrace and courtyard in Shade Hotel. We have developed these concepts based on data and facts documented during nearly five years of study, since the first public hearing on the 2010 CUP, conducted by the Planning Commission on 24 June 2004.

The proposed concepts resolve the deficiencies in the Shade application, filed in November 2013.

The proposed concepts have the following principal attributes:

- **Lobby [Exhibit 3].**
 - ◆ Double-door vestibule to replace the revolving door and its side-hinged bypass door
 - ◆ Replacement of existing single-glazed windows with laminated glass, STC -39 dB;
- **Terrace [Exhibit 4 & 5].**
 - ◆ Extension westward of the new glass panels on south terrace wall, to include the ingress-egress, covering approximately 50% of the south wall
 - ◆ Enclosing the 80 sq-ft open south ingress-egress, with glass sound-doors, 8-Ft wide
 - ◆ Acoustic drapes to cover existing single-glazed east glass panel wall, after 9 PM
 - ◆ Replacement of non-acoustic fabric in existing drapes, with fire-retardant material having a Sound Absorption Average of 0.55, or better; and,
- **Courtyard [Exhibit 5].**
 - ◆ Replacement of existing drapes with abovementioned acoustic fabric.
 - ◆ An optional pair of horizontally sliding canopy covers, to close the open top during special events and functions

At the public hearing on April 23, experts from the Fire Department, Police Department and Building Division should attend to explain in detail to the Planning Commission, any concerns they have regarding these mitigation measures. Staff has sufficient time to articulate such concerns in their report, so that we have the opportunity to rebut.

The following briefly summarizes deficiencies in the Shade application, including an analysis of the Behrens's noise report, demonstrating that the predictions have no validity, considering Mr. Behrens testified they do not know how much noise reduction required.

Then, we briefly discuss the mitigation measures for the lobby, terrace and courtyard.

SHADE APPLICATION DEFICIENCIES REGARDING NOISE MITIGATION.

As Mr. Behrens testified on February 12, noise mitigation requires enclosure with acoustic materials. He describe in detail, that they must close all gaps in the east single-glazed wall of the terrace, yet Shade ignores the approximately 80 sq-ft open ingress-egress adjoining the east wall. Likewise, the courtyard has an open top. The lobby has a single-glazed window-wall as frontage. Mitigation measures must address all these issues.

The Shade application leaves all these areas untreated. For over a decade, staff has justified not enclosing the Zinc nightclub within STC-50 walls, as required by the 2005 CUP, because the hotel construction used STC 50 materials. The single glazed windows fronting the

MITIGATION MEASURES PROPOSED FOR SHADE HOTEL

lobby do not have a STC-50 rating. Actually, our mitigation approach uses STC -39 dB glass, the same as in the Strand House. STC-50 windows would prove far too costly for Shade.

For a second deficiency, where the Shade application does propose mitigation, they do not specify the important parameters, such as the Sound Absorption Average [SAA], the current standard, or the Sound Transmission Coefficient [STC]. All of our measures specify these numerical parameters, as well as citing the state-code standards for certification.

For the third deficiency, the amount of noise reduction estimated by Behrens has no significance. Exhibit 1 provides an analysis of noise reduction at three residences along N. Ardmore Ave; two houses for the lobby revolving door and one for the terrace. The analysis counted pixels in the Behrens's sound maps [Pages 2 and 3] and assigned dB bins corresponding to the calibration colors at the right side-bar.

Where Behrens state a 4-6 dB reduction for the revolving door, the analysis on Exhibit 1, Page 1, discloses a 2-4 dB reduction, at the threshold of sensing by a person. For the terrace mitigation, Behrens predicts 6-8 dB, whereas the data shows 4-6 dB. Behrens does not know what dB reduction required, so these miniscule dB reductions have no relevance.

MITIGATION MEASURES

Exhibit 2 shows the overview of mitigation concepts for the lobby, terrace and courtyard.

Lobby [Exhibit 3].

At the February 12 hearing, commissioners doubted that patrons would use the revolving door. Additionally, they judged the proposed mitigation measures as inadequate.

Exhibit 3 depicts the two elements required to construct a solid noise barrier across the lobby façade, namely a double-door vestibule and replacement of the single-glazed window-wall with laminated glass panels, specified at STC -39 dB or better. This corresponds to the windows used in the Strand House.

The vestibule poses the problem of having adequate door landings, 44-in long minimum, within the area available. Angling the external doors appears feasible. If staff requires larger landings, reducing the door widths and extending the exterior towards Valley Dr. will work.

Ironically, Shade proposes a laminated-glass sound-wall, to isolate the stairs from the Zinc nightclub noise. They chose, however, not to extend that benefit to the residents.

Terrace [Exhibits 4 & 5].

The terrace poses no particular challenges to enclose the area below the upper belt of horizontal bars, depicted in the south-elevation view in Exhibit 5.

It appears the suspended acoustic disks and ceiling coverings reduce noise sufficiently, so the top can remain open for ventilation. The Behrens report, dated 4 Feb 2014, states at Page 2 bottom, that enclosing the upper level has little effect on reducing external noise levels.

Exhibit 4 depicts the landing required for the doors that will close the terrace south ingress-egress after 9 PM, seven days a week.

MITIGATION MEASURES PROPOSED FOR SHADE HOTEL

Exhibit 5 illustrates extending the glass panels at the east end of the south wall, to cover the area past the ingress-egress door assembly. At the end of the glass panels, acoustic drapes, with SAA 0.55 or better, take over, covering approximately half of the south wall, and wrapping around the southwest corner to cover the west wall, facing the Metlox Plaza.

Additionally, our design requires openable acoustic drapes to cover the existing single-glazed glass wall on the east, bordering Valley Dr., after 9 PM, seven days a week.

Shade proposes to use their existing fire-retardant drapes, but do not provide the SAA or STC values required to evaluate their acoustic effectiveness. The manufacturer of Shade's drapes, Kovenex, does not mention acoustical properties. We requested acoustical data from them, but did not receive any.

A web search discloses a number of firms that do provide acoustical materials and drapes. Their websites indicate that SAA values of 0.55 or better appear feasible.

Courtyard [Exhibit 2].

The 2010 CUP did not address the courtyard for noise mitigation. Because the City Prosecutor has filed a complaint over noise from the courtyard, it obviously needs some means to close the open top, temporarily.

We propose to replace the existing drapes with acoustical material, SAA 0.55 or better, to reduce reverberation, and therefore, noise levels.

Exhibit 2 also shows an optional concept to reduce noise by 20 dB, namely a retractable canopy of acoustical fabric, supported by horizontal east-west structural members that run on north-south rails. With the canopy opened, the fabric will hang in folds, bunched at either end. It would behoove Shade to exercise this option, to lessen likelihood of receiving another citation for courtyard noise.

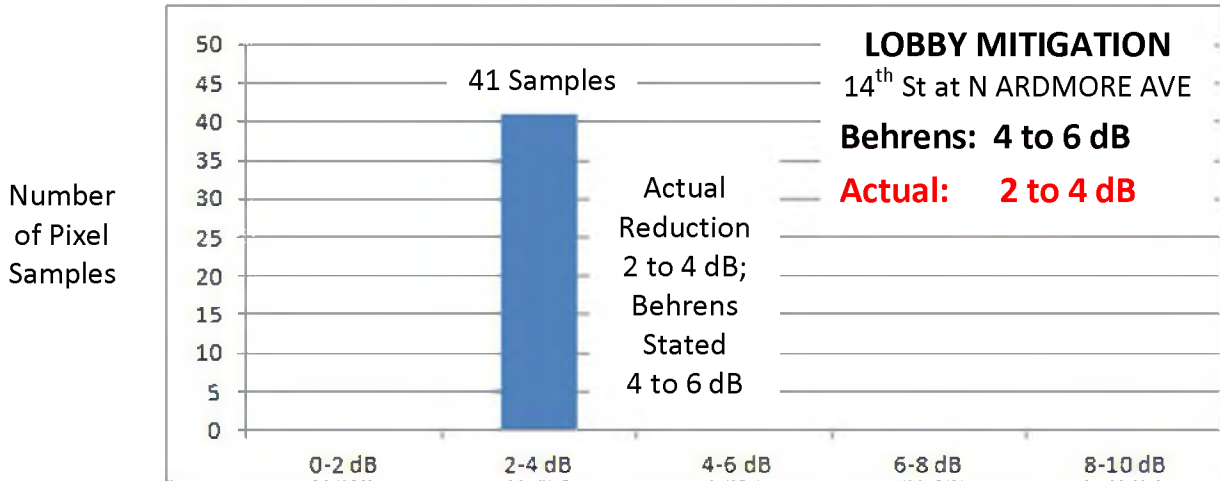
CONCLUSION.

Exhibits 2 through 5 provide the specifications for our proposed noise mitigation measures.

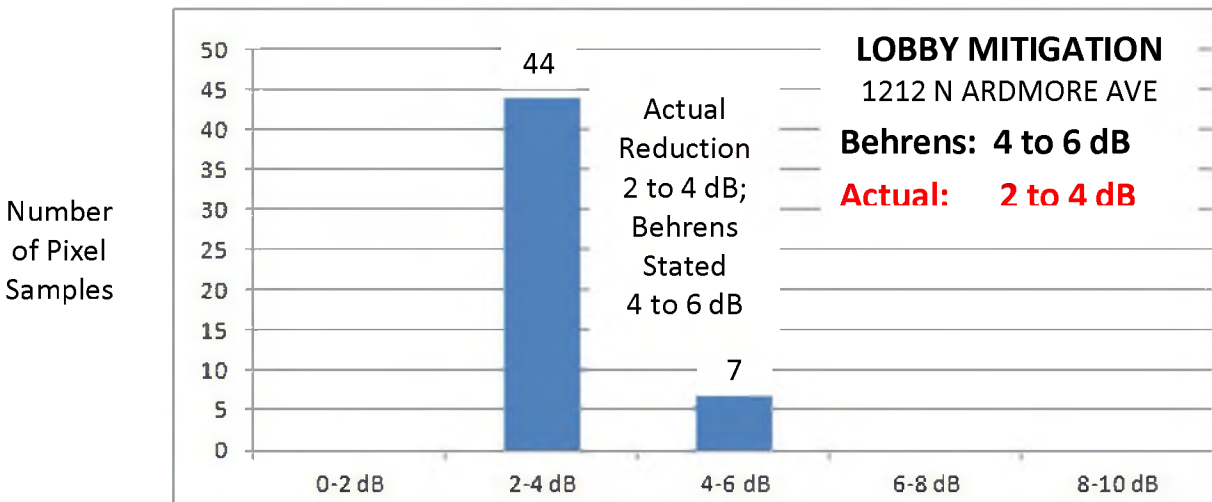
At the March 12 hearing on Shade, experts from the Fire Department, Police Department and Building Division should attend to explain any concerns they have with these mitigation measures.

Additionally, we would like those concerns stated in the staff report, so that we can rebut at the hearing.

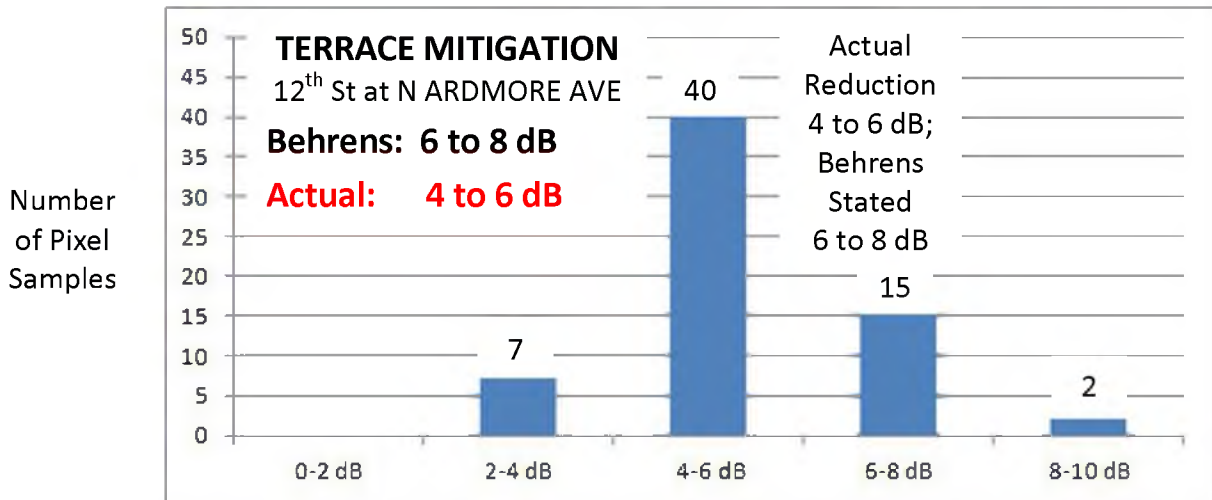
BEHRENS REPORT OVERSTATES MITIGATION REDUCTION



Mitigation Noise Reduction, dB



Mitigation Noise Reduction, dB



Mitigation Noise Reduction, dB

LOBBY MITIGATION REDUCES NOISE BY 2-4 dB AT ARDMORE RESIDENTIAL FRONTAGE

Behrens and Associates, Inc.

Acoustics, Noise and Vibration Consultants

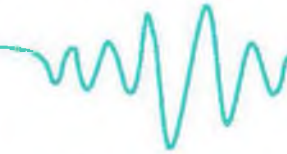
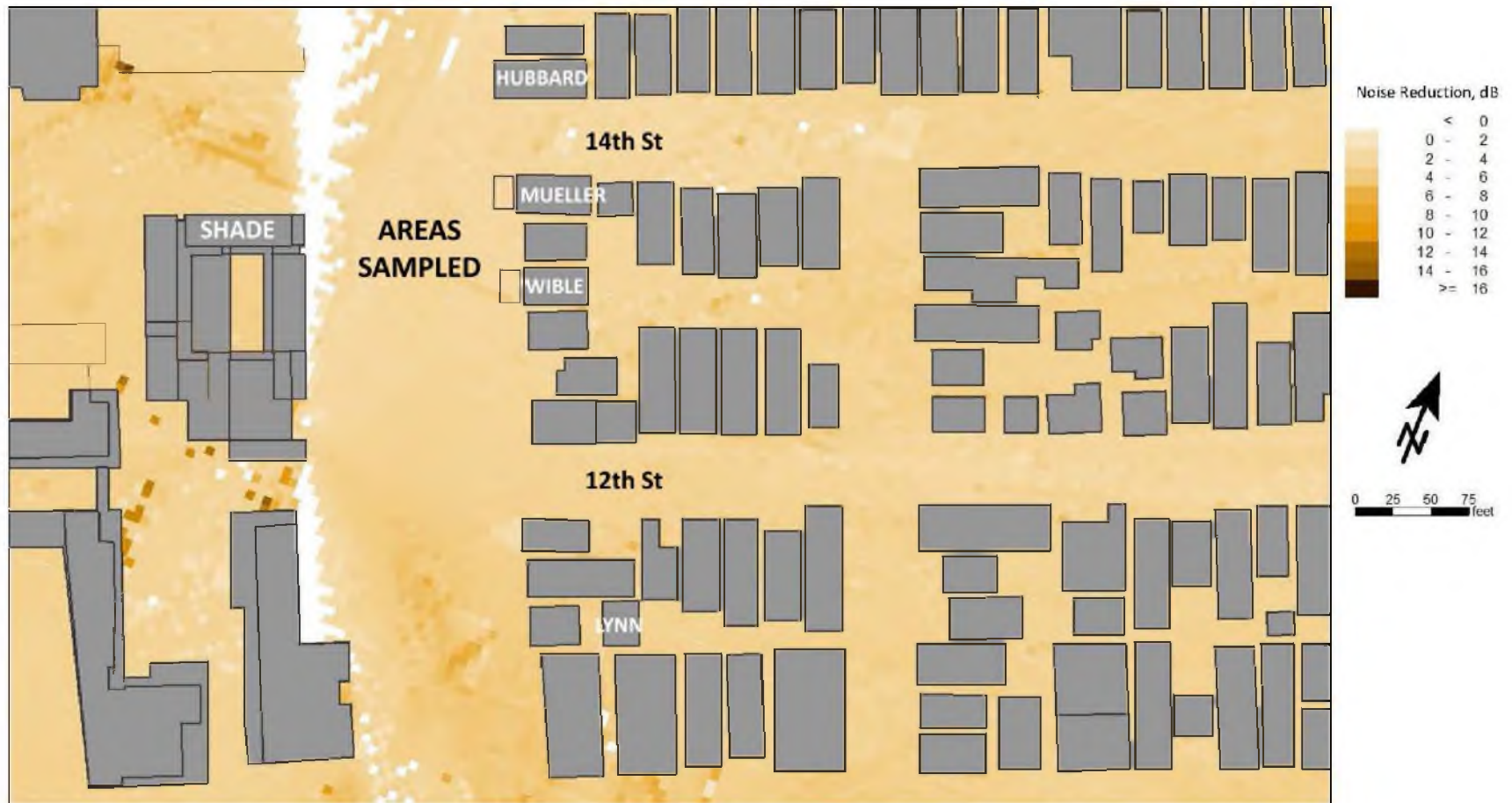


Figure 3. Noise Difference Map - Reduction of Front Entrance Noise at 1st Floor



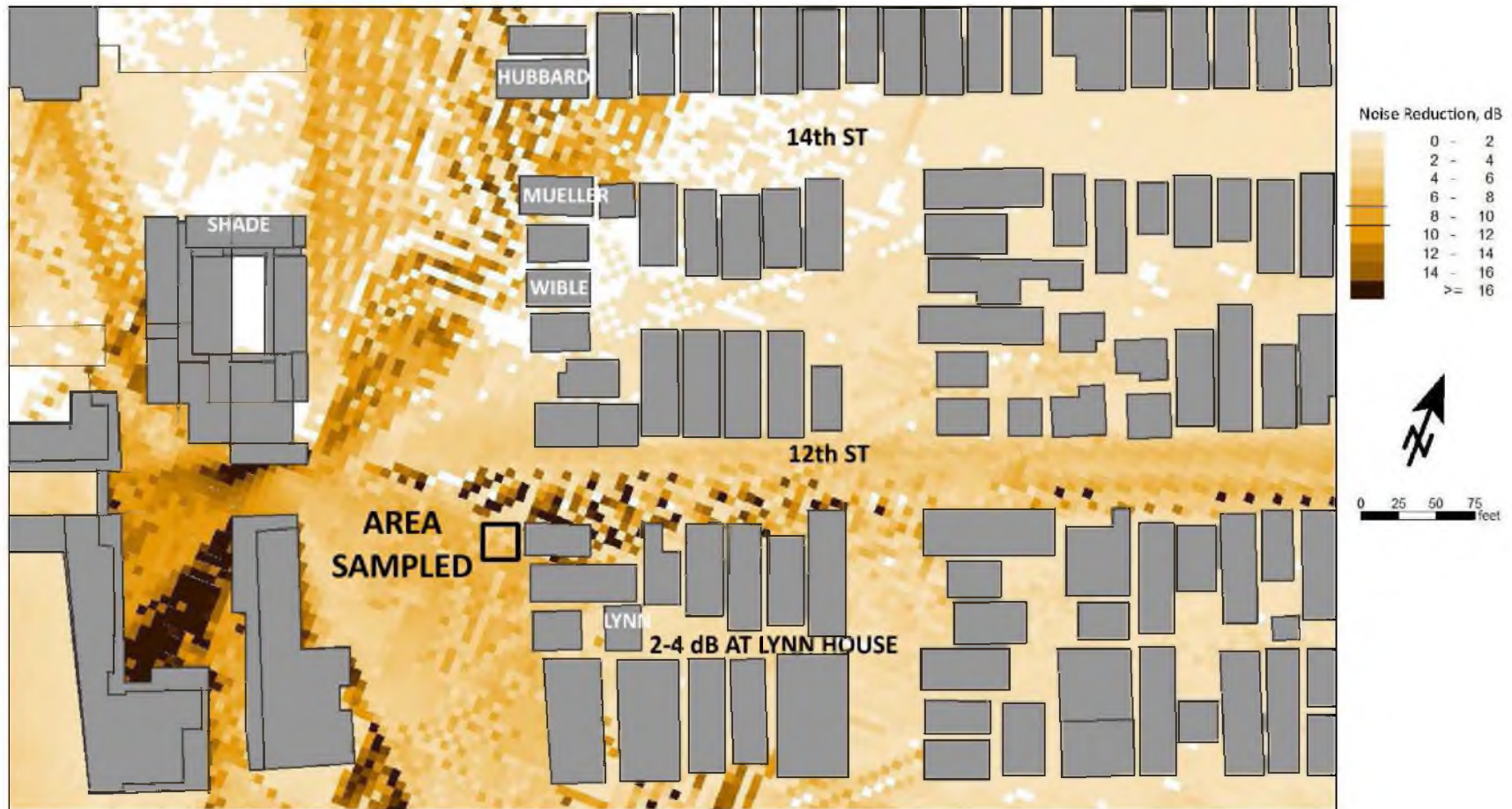
TERRACE NOISE REDUCTION AT N. ARDMORE, 4-6 dB, NOT BARRONS'S 6-8 dB

Behrens and Associates, Inc.

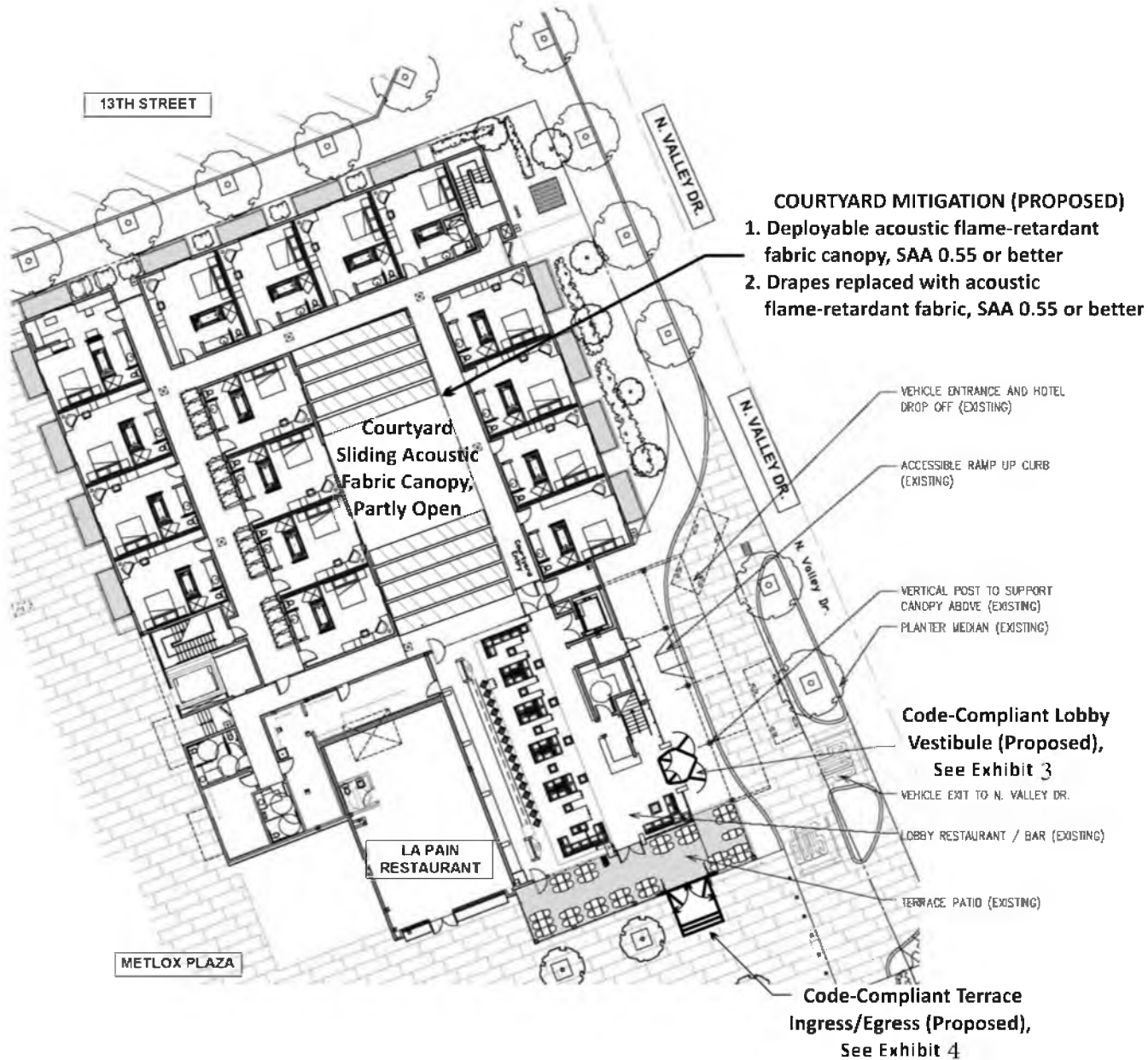
Acoustics, Noise and Vibration Consultants



Figure 6. Noise Difference Map - Reduction of South Terrace Noise at 1st Floor

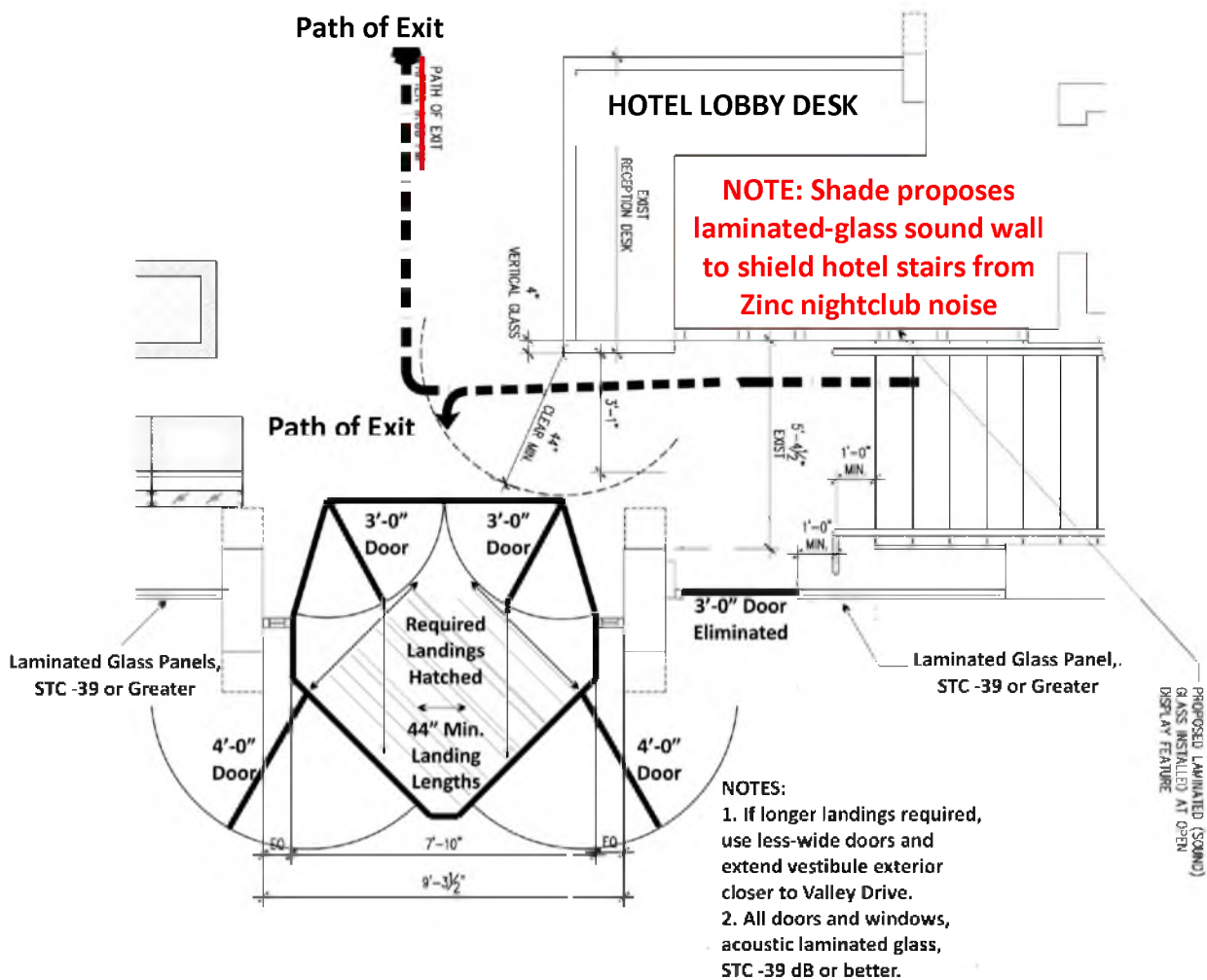


PROPOSED LOBBY, TERRACE AND COURTYARD NOISE MITIGATION FOR SHADE HOTEL

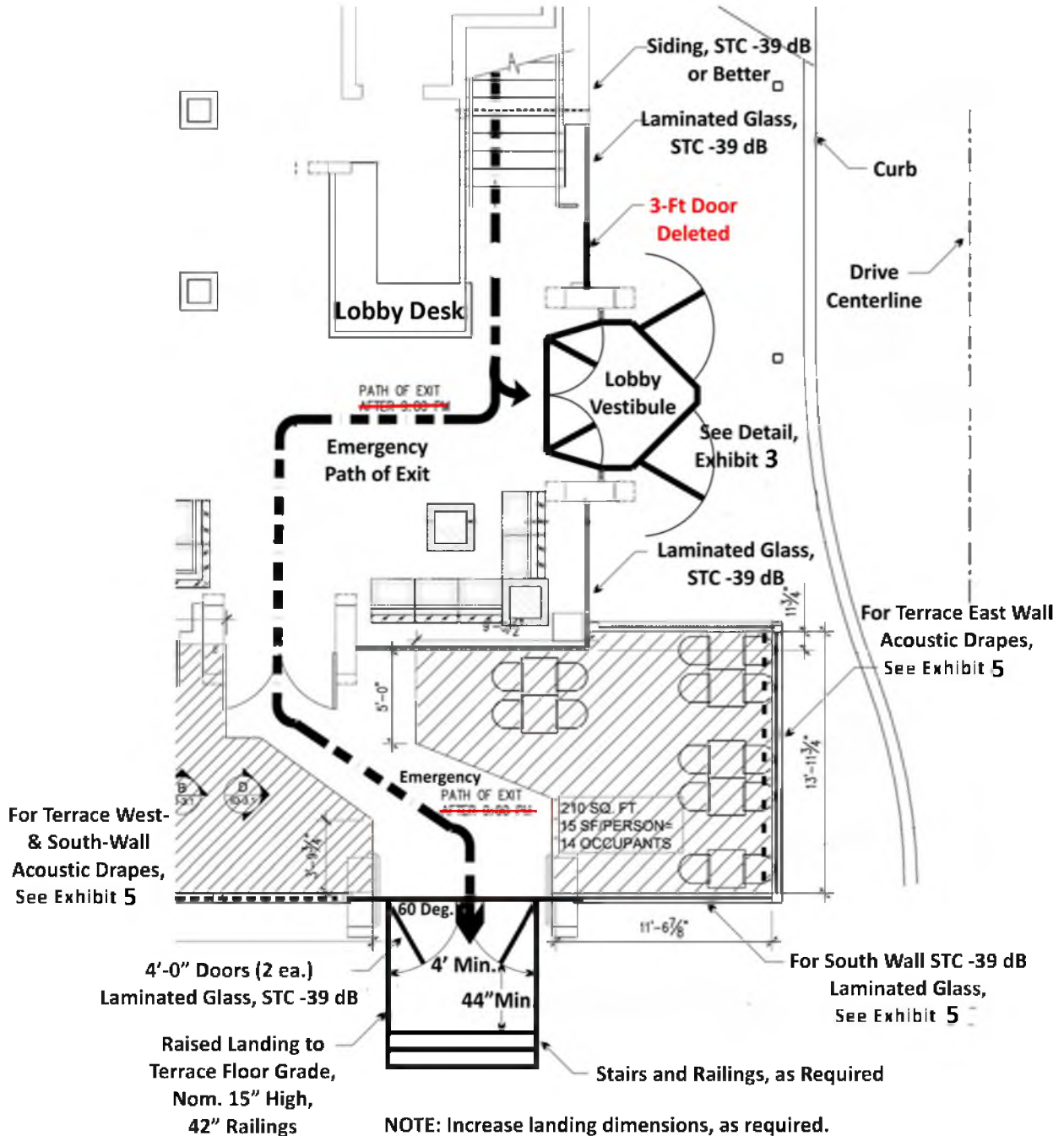


LOBBY MITIGATION: VESTIBULE & LAMINATED SOUND-GLASS PANELS

- Vestibule meets all California Building Code standards
- Considerable room to increase landing dimensions, if required
- Laminated sound-glass panels, STC -39 dB, replace existing single-glazed windows



TERRACE ENCLOSURE INCLUDES 8-FT WIDE INGRESS-EGRESS DOORS

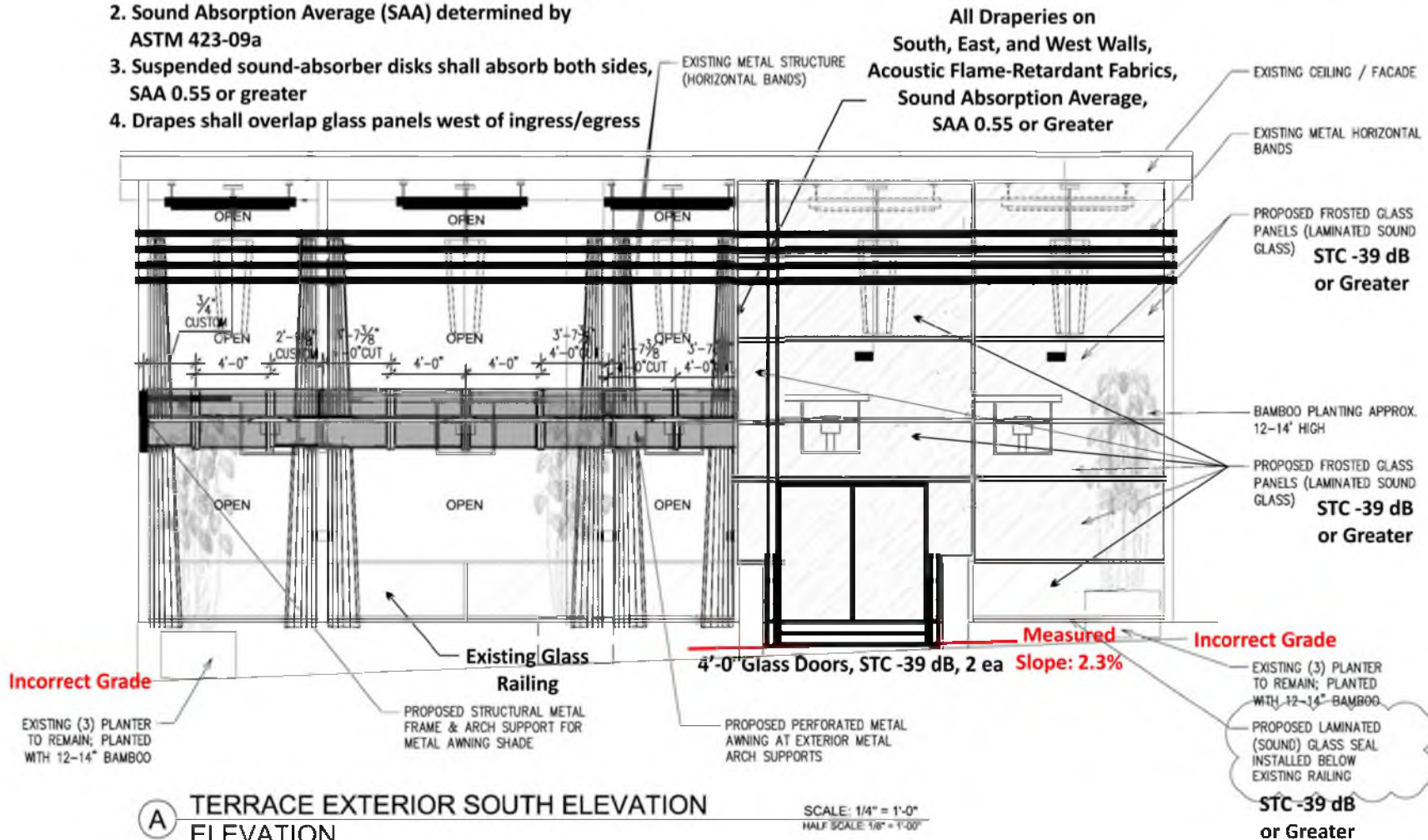


TERRACE ENCLOSURE: GLASS PANELS EAST SIDE; ACOUSTIC DRAPES WEST SIDE

- STC -39 dB glass panels on terrace south wall extended to include ingress-egress double-door assembly
- After 9 PM, acoustic drapes shall cover the east single-glazed glass panel wall
- Acoustic drapes shall have Sound Absorption Average [SAA] of 0.55 or greater
- Acoustic drapes fire retardant treated, pursuant to California Code of Regulations Title 19, Articles 3 and 8

NOTES:

1. Flame-retardant shall comply with CA fire code, California Code of Regulations Title 19, Articles 3 and 8
2. Sound Absorption Average (SAA) determined by ASTM 423-09a
3. Suspended sound-absorber disks shall absorb both sides, SAA 0.55 or greater
4. Drapes shall overlap glass panels west of ingress/egress



Angela Soo

From: Michael Zislis <zislis@aol.com>
Sent: Monday, April 14, 2014 1:00 PM
To: List - Planning Commission
Cc: List - City Council; Richard Thompson; Laurie B. Jester
Subject: Shade CUP

Follow Up Flag: Flag for follow up
Flag Status: Flagged

April 14, 2014

By email

City of Manhattan Beach

Planning Commissioners

1400 Highland Avenue

Manhattan Beach, California

Re: Shade Hotel Use Permit

Dear Commissioners:

At its April 23 meeting, the Planning Commission will resume consideration of Shade Hotel's request for a minor amendment to the Metlox Center Master Use Permit as applying to Shade Hotel. I am writing this letter to be sure that Shade's position is clear to everyone.

Shade's Application as Filed. Shade Hotel's mission and business plan is to be a four star luxury hotel that serves Manhattan Beach's residents and visitors very well. We are confident that we perform that task well and in a way that is sensitive to concerns of other businesses and residents of our City. A stated purpose of PC Res. 05-08, adopted at the outset of Shade's business, was to approve Shade's business plan (see Recital J). The existing Use Permit as applying to Shade already contains numerous restrictions that are applied uniquely to

Shade Hotel (and not to any other business in the City) and that make it difficult for Shade to serve the City's residents and visitors as well as we would like.

At the urging of the City, Shade recently filed an Application seeking some very simple things that are integral to operating a four-star luxury hotel. Notably, these included: a clarification that Shade may serve food throughout the day; permission to post menus and do some marketing; an increase of the occupancy limit on the Terrace; and an additional 30 minutes of time to serve alcohol on the Skydeck (with no increase in hours for that venue). In connection with that request, Shade has offered to spend a large amount of money to add some facility improvements that will further reduce noise from the Hotel (even though professional noise studies consistently show that Shade already complies with the City's noise ordinances). Shade subsequently agreed to withdraw the request for increased Terrace occupancy. The Planning Commission should simply accept or reject the proposal that has been submitted by Shade.

More Complicated Alternative. After our Application was filed and initially reviewed by the Planning Commission, the Director of Community Development and others at the City have worked diligently to try to craft a detailed set of rules and restrictions that might be applied to the Hotel. Increasingly, that process has moved toward imposing significant new restrictions on the Hotel. Those changes would not be acceptable to any hotel and they are not acceptable to Shade. There is no justification for imposing restrictions on the Hotel where nothing similar applies to any other business in the City. A review of the hours generally permitted for restaurants and bars in the City shows that we are far more restricted than practically every competitor we have in the downtown area.

Among other things, Shade will not accept adoption of unique new "closing" definitions and similar terms if the purpose and effect is to cut back further on Shade's already limited operating hours. Such changes would unduly undermine our ability to operate profitably and would surely disappoint most residents of and visitors to Manhattan Beach.

The whole idea of overregulating our business in this way is unwise for the City and generally unacceptable to us. If that approach is to be considered at all, it should start with those terms of the now-void 2010 Resolution that could be implemented. A few terms would need to be eliminated from that Resolution because they were unworkable due both the City building problems and hotel operational issues. This would eliminate the terms of the 2010 Resolution related to enclosing the Terrace and constructing the vestibule and replace those with the improvements terms that have recently been under study. It would eliminate the concept of a courtyard corridor wall (and related terms regarding entering and exiting to the west).

Owner
Michael Zislis
Michael@Zislisgroup.com

Copies:

Manhattan Beach City Council

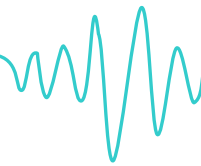
Mr. Richard Thompson

Ms. Laurie Jester

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Behrens and Associates, Inc.

Acoustics, Noise and Vibration Consultants



April 16, 2014

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,

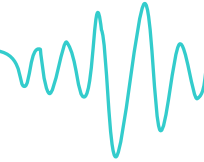
As requested, we have completed additional noise mitigation evaluation for the Shade Hotel, located at 1221 N Valley Dr in the City of Manhattan Beach. This report provides an assessment of mitigation measures provided in the plans dated February 19, 2014 to analyze the effective of these measures on noise levels experienced at the residential properties east of Ardmore Avenue.

This report deals with noise associated with the front entrance and south terrace of the hotel. Our previous assessment, dated February 4, 2014, addressed the effectiveness of the installation of a revolving door at the front entrance and curtains and acoustically absorptive material at the south terrace. These measures are incorporated into this analysis in addition to other proposed measures. The various mitigation measures that have been proposed for this latest analysis include sound rated curtains, an awning and an entrance door at the terrace, acoustically absorptive areas on the north wall of Petros consisting of 'Living Wall' panels and a canopy above the front entrance.

In addition, the sealing of gaps around the existing terrace wall glass panels and the installation of glass panels on one side of the interior reception desk has been proposed. The noise modeling software used for this analysis does not easily permit the assessment of these mitigation measures and these were not specifically modeled; however, this report does provide information on the expected effectiveness of these mitigation measures.

This report assesses the noise levels for the following combinations of noise sources and mitigation:

ATTACHMENT E
PC MTG 4-23-14



City of Manhattan Beach

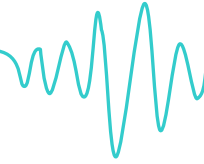
April 16, 2014

Page 2

Scenario No.	Noise Source	Mitigation Measures
1	South terrace	Acoustically absorptive terrace ceiling panels Sound rated terrace curtains
2	South terrace	Acoustically absorptive terrace ceiling panels Sound rated terrace curtains Terrace awning
3	South terrace	Acoustically absorptive terrace ceiling panels Sound rated terrace curtains Terrace awning Living wall on north façade of Petros
4	South terrace	Acoustically absorptive terrace ceiling panels Sound rated terrace curtains Terrace awning Living wall on north façade of Petros Door at south entrance to terrace
5	Front entrance	Revolving front entrance door Canopy above front entrance
6	South terrace Front entrance	Acoustically absorptive terrace ceiling panels Sound rated terrace curtains Terrace awning Living wall on north façade of Petros Revolving front entrance door
7	South terrace Front entrance	Acoustically absorptive terrace ceiling panels Sound rated terrace curtains Terrace awning Living wall on north façade of Petros Door at south entrance to terrace Revolving front entrance door

As for previous reports, 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. In this report the color scale of the difference maps has been changed to a red and blue scale to permit easier assessment of the noise reduction.

When assessing the noise reduction, a decrease in noise level of 3 dB is just perceptible; a decrease of 5 dB is considered clearly noticeable and a decrease of 10 dB is very significant and



City of Manhattan Beach

April 16, 2014

Page 3

corresponds to a perceived halving in noise level. A minimum reduction of 5 dB must be achieved for the reduction 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.

All noise impact modeling was completed using SoundPLAN version 6.5. 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.

South Terrace Noise (Figures 1 through 9)

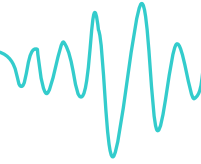
The unmitigated noise map for the south terrace noise only is presented in Figure 1. This is the same noise map presented in our previous noise assessment reports for the unmitigated scenario. This noise map was calibrated to noise measurements made as part of our original 2009 noise study. Although noise levels may be lower now than at that time, these levels have been used as a basis for this latest assessment to permit a like-for-like comparison of the various proposed mitigation measures across all the studies performed since 2009.

The noise maps in Figures 2 through 9 provide the estimated noise levels and difference maps for Scenarios 1 through 4. The noise maps in Figures 2 and 3 indicate that the upgraded sound rated curtains at the terrace (Scenario 1) will reduce the noise by up to 8 dB at the residences. This represents an improvement of only 1 dB compared to the existing curtains. This reason that a larger decrease in level is not achieved is attributed to the fact that the south entrance to the terrace remains open for this scenario. For this scenario it was assumed that the curtains would have a Sound Transmission Class (STC) rating of at least 17.

The noise maps in Figures 4 and 5 indicate the installation of the awning in addition to the sound rated curtains at the terrace (Scenario 2) will reduce the noise by up to 8 dB at the residences and will therefore not produce any further reduction in sound level. This is also true of the noise levels after the installation of the acoustically absorptive living wall on the north façade of Petros (Scenario 3), for which an 8 dB reduction is also observed (see Figures 6 and 7). The absorptive wall was modeled as covering the areas of the upper and lower façades of the north wall where it would not obstruct windows or doors.

Figures 8 and 9 indicate that the addition of a door at the south entrance to the terrace (Scenario 4) would significantly improve the noise reduction. For this scenario the estimated noise reduction at the residences is 16 dB.

Although the sealing of gaps in the existing terrace glass walls has not been specifically analyzed, it is our opinion that these gaps should be sealed to give the best chance of achieving



City of Manhattan Beach
April 16, 2014
Page 4

the estimated sound reduction since even small holes in a wall can significantly reduce the sound reduction performance of the wall.

Front Entrance Noise (Figures 10 through 12)

Figure 10 provides a noise map of the unmitigated front entrance noise. The noise maps in Figures 11 and 12 indicate the installation of a canopy above the front entrance in addition to the revolving door and separate glass entrance door (Scenario 5) would reduce the noise level by 4 dB at the residences. The canopy therefore produces a slight increase in level compared to the front entrance scenario modeled in our February 2014 assessment, when the entrance was modeled without the canopy and 5 dB reduction was estimated. Further analysis of the noise levels indicates that the increase due to the canopy is approximately 0.3 dB. The change in noise reduction from 5 dB to 4 dB is due to the rounding the estimated value.

It is not possible to quantitatively assess the effect of the proposed interior glass partition at the reception desk. However, based on the size of the partition and assumed interior acoustical properties it is concluded that this partition would have little effect on the noise that would escape through the front entrance doors and windows. Due to the reflective nature of the noise inside the room, the partition would have to form a much larger partition between the entrance and the main Zinc lounge area.

Combined Terrace and Front Entrance Noise Levels (Figures 13 through 17)

Figure 13 shows the combined unmitigated noise levels of the south terrace and front entrance. The noise maps in Figures 14 and 15 indicate that the reduction in noise level of the combined sources due to the sound rated curtains, terrace awning, acoustically absorptive living wall and revolving front entrance door (Scenario 6) would be up to 7 dB at the residences. With the addition of an entrance door at the south terrace (Scenario 7), the noise reduction would be up to 13 dB.

Please contact the undersigned with any questions or comments.

Very truly yours,

Thomas Corbishley
Acoustical Engineer

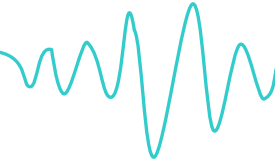
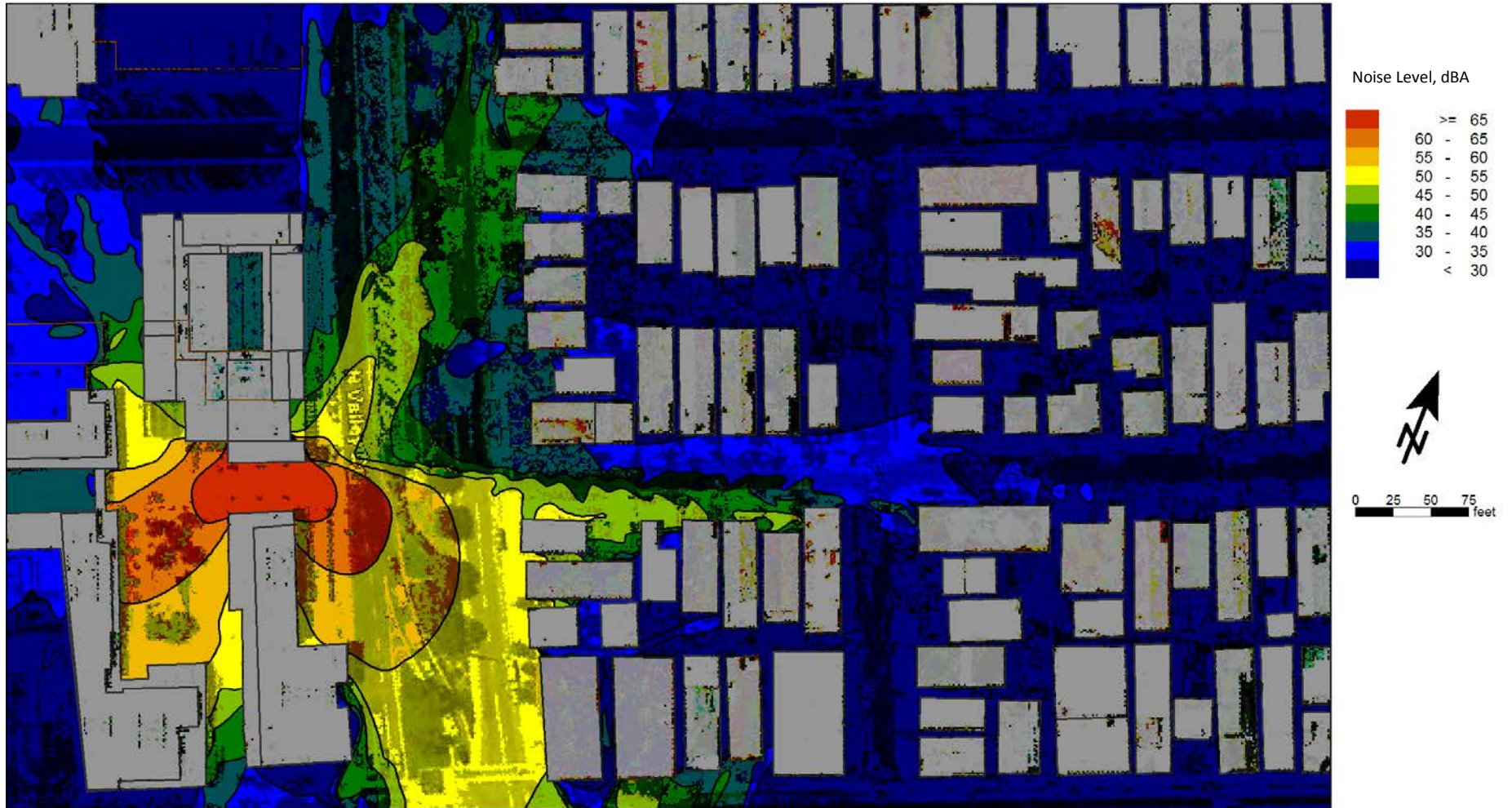


Figure 1. Unmitigated South Terrace Noise Level at 1st Floor



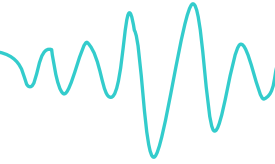
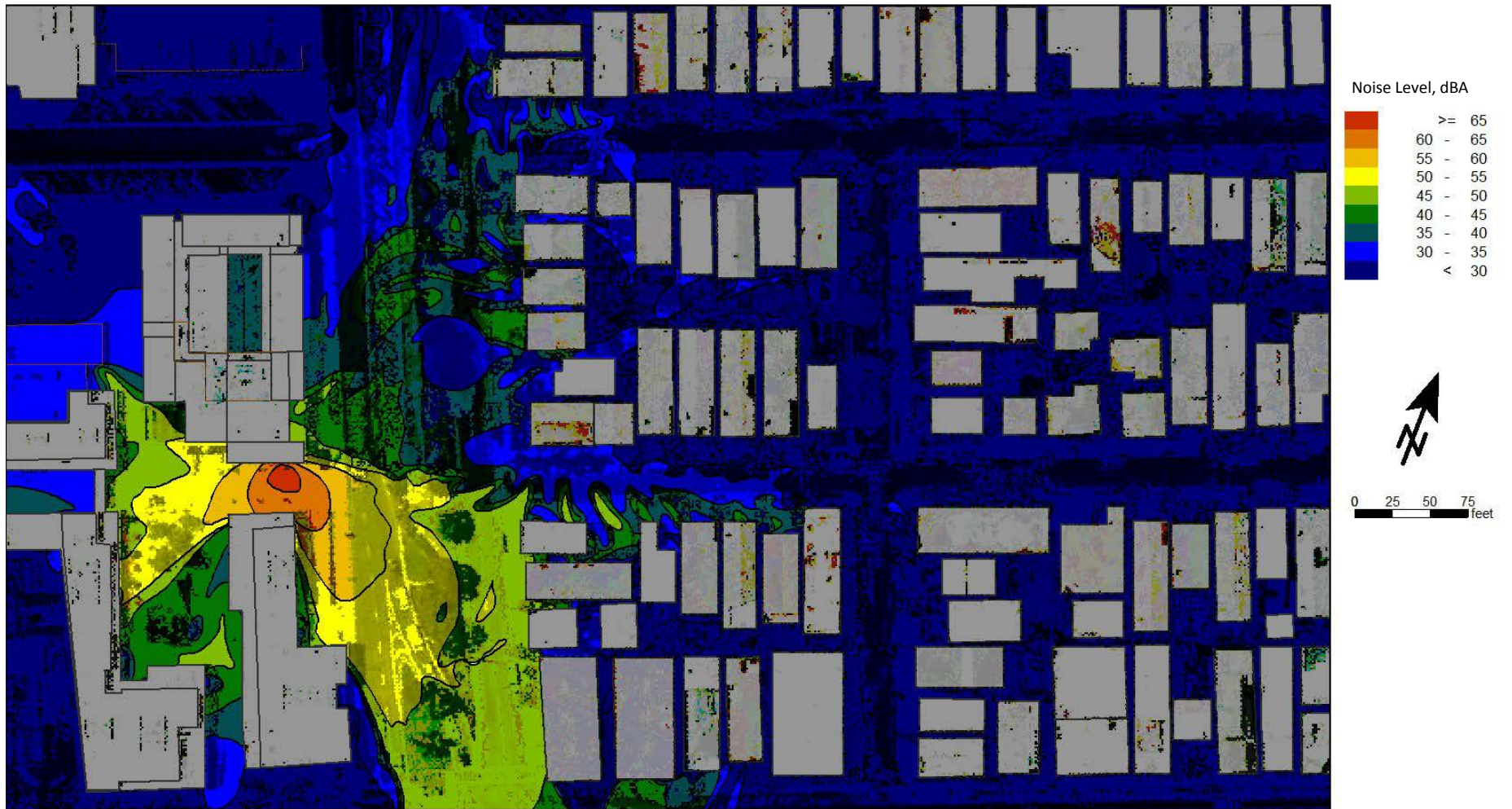


Figure 2. Mitigated South Terrace Noise Level at 1st Floor with Sound Rated Curtains (Scenario 1)



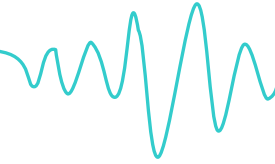


Figure 3. Mitigated South Terrace Difference Map at 1st Floor with Sound Rated Curtains (Scenario 1)



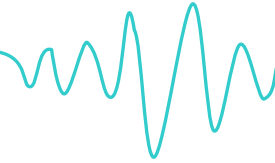
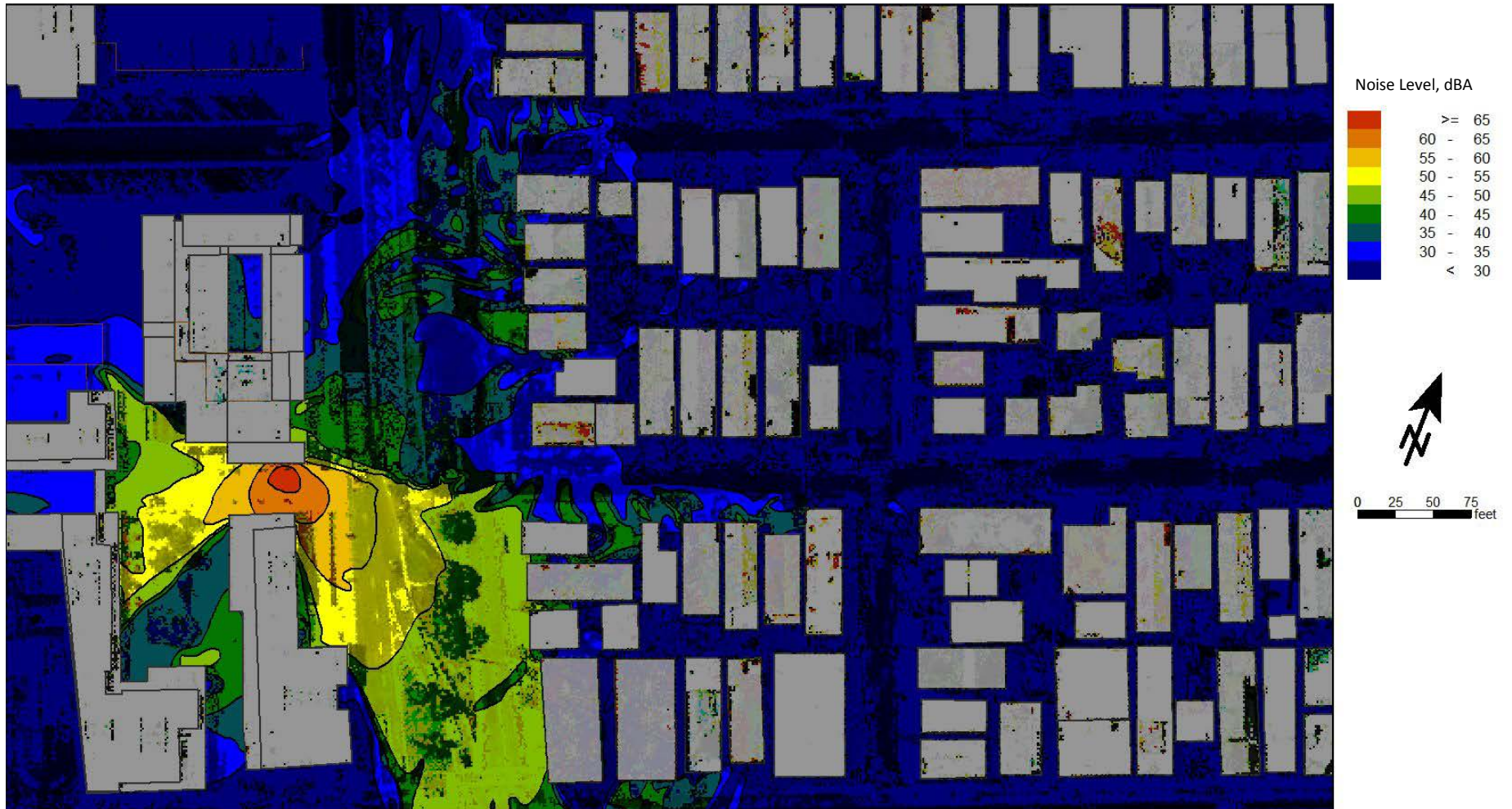


Figure 4. Mitigated South Terrace Noise Level at 1st Floor with Sound Rated Curtains and Awning (Scenario 2)



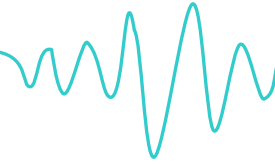
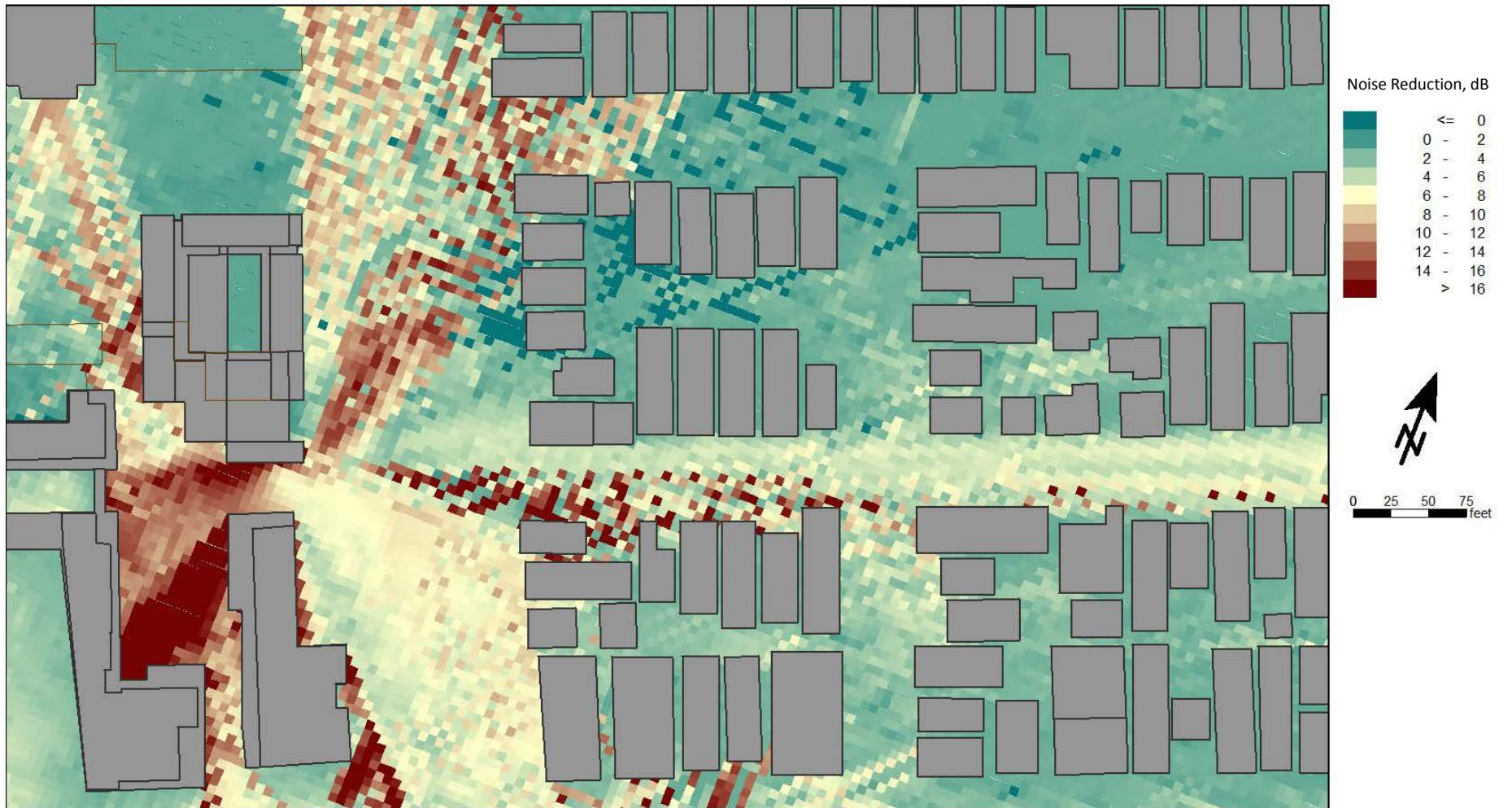


Figure 5. Mitigated South Terrace Difference Map at 1st Floor with Sound Rated Curtains and Awning (Scenario 2)



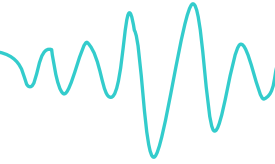
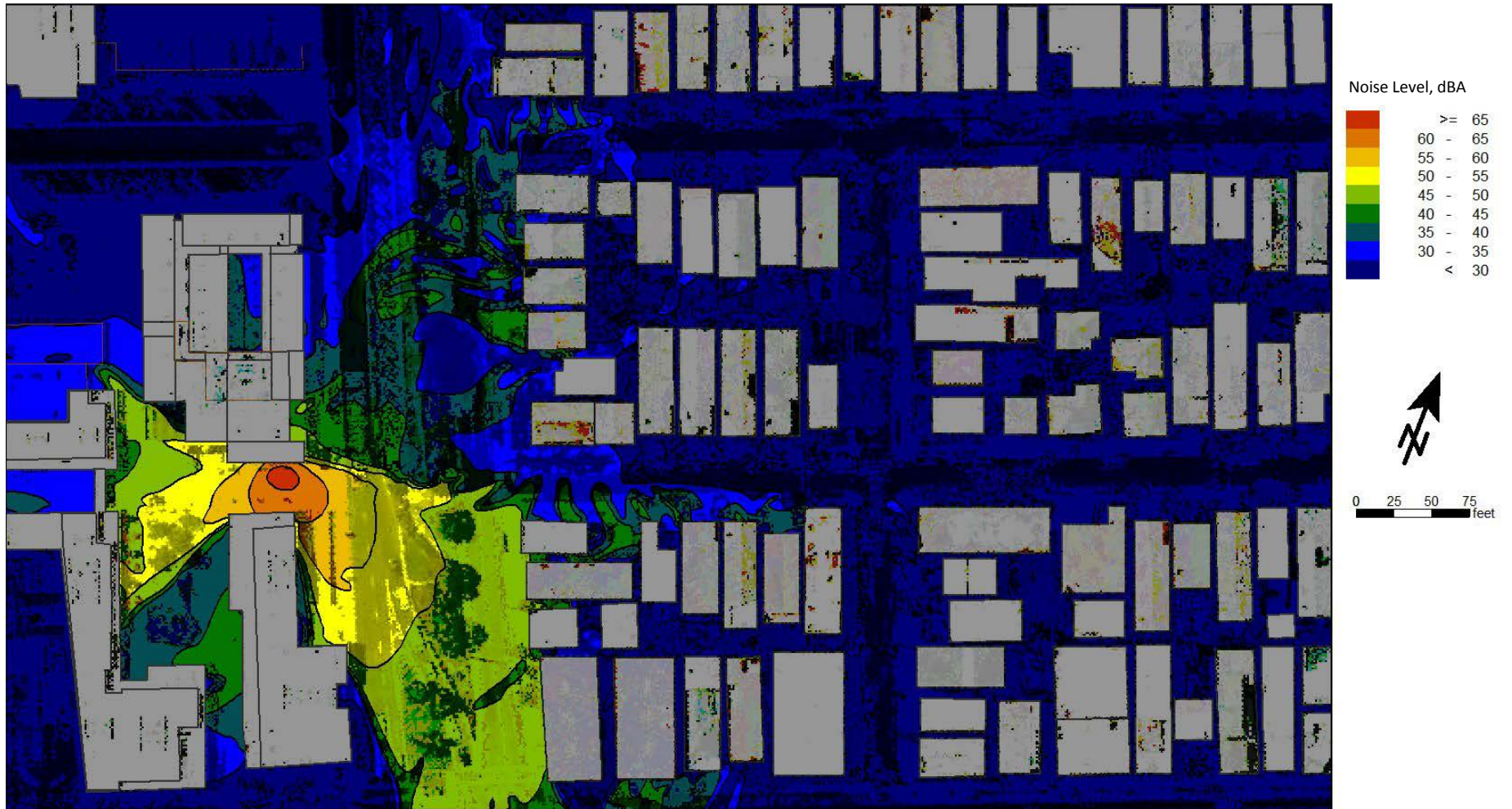


Figure 6. Mitigated South Terrace Noise Level at 1st Floor with Sound Rated Curtains, Awning and Petros Living Wall (Scenario 3)



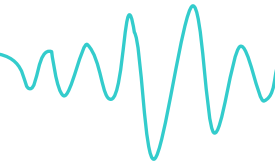


Figure 7. Mitigated South Terrace Difference Map at 1st Floor with Sound Rated Curtains, Awning and Petros Living Wall (Scenario 3)



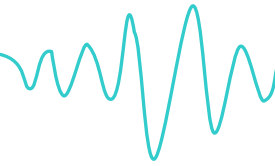
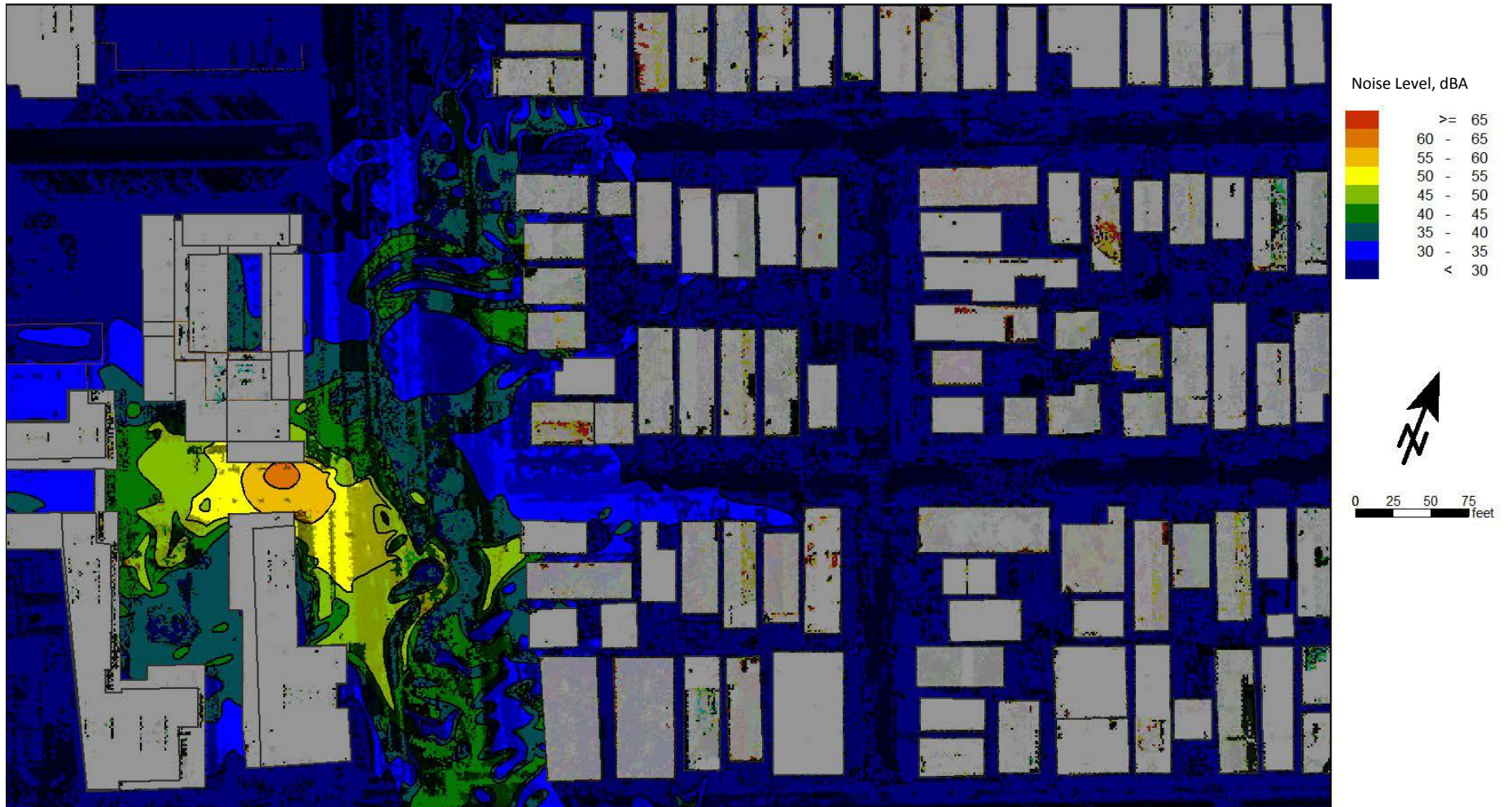


Figure 8. Mitigated South Terrace Noise Level at 1st Floor with Sound Rated Curtains, Awning, Petros Living Wall and Terrace Entrance Door (Scenario 4)



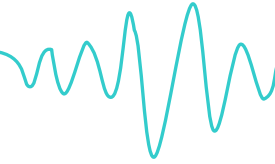
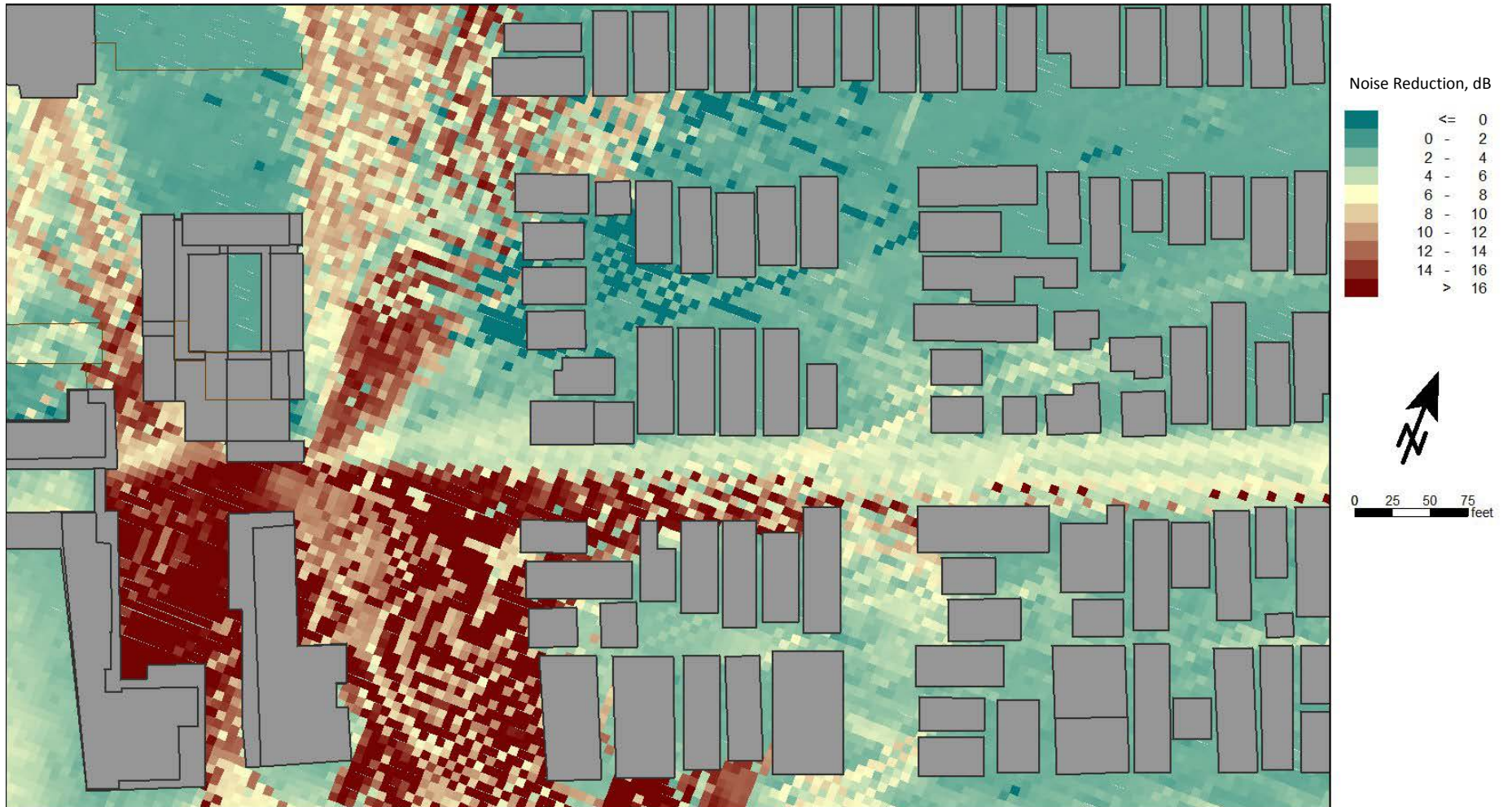


Figure 9. Mitigated South Terrace Difference Map at 1st Floor with Sound Rated Curtains, Awning, Petros Living Wall and Terrace Entrance Door (Scenario 4)



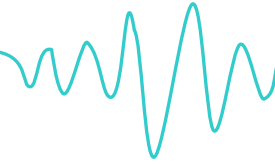
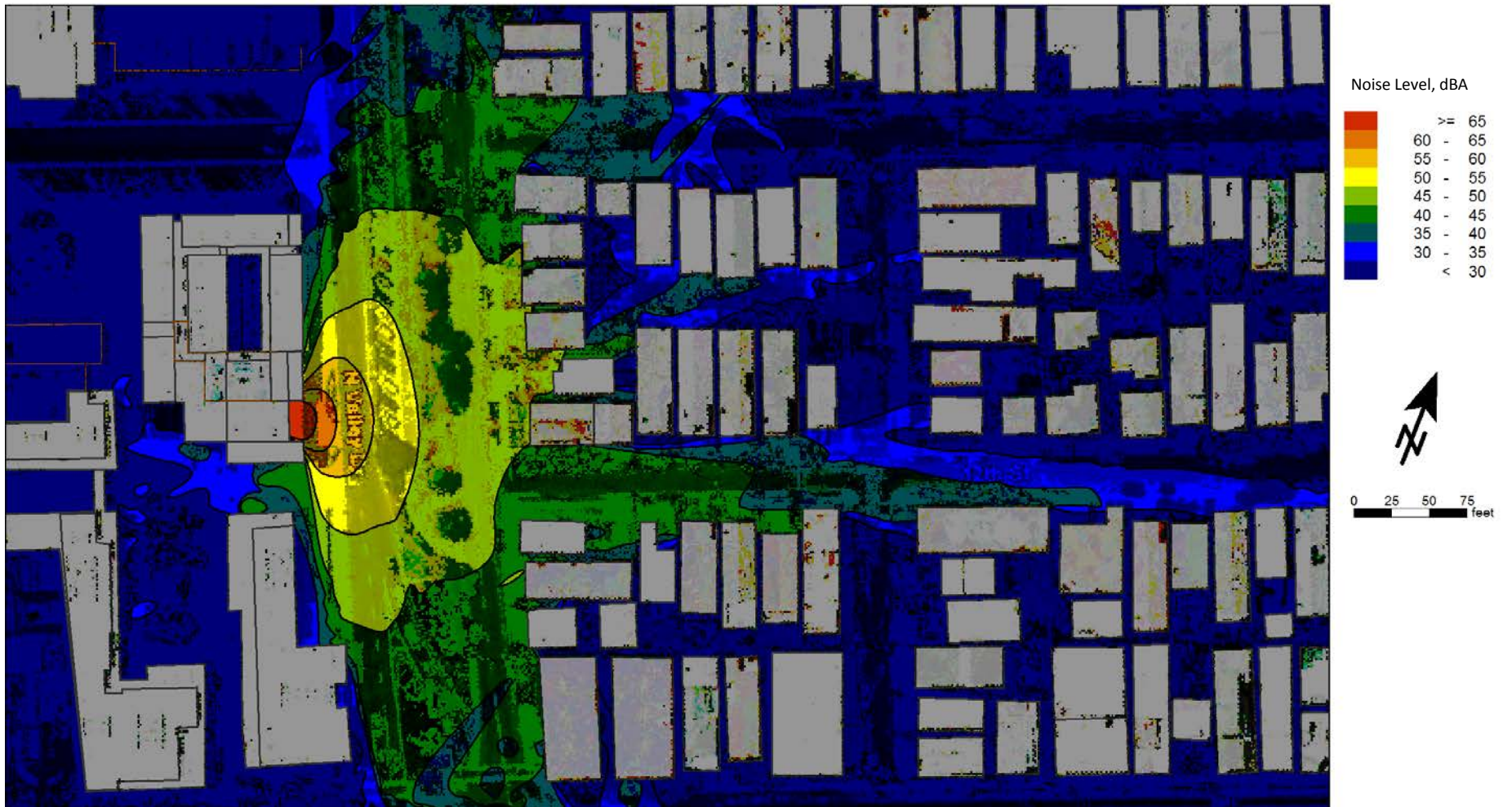


Figure 10. Unmitigated Front Entrance Noise Level at 1st Floor



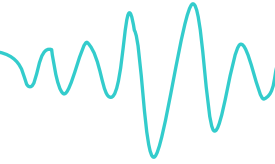
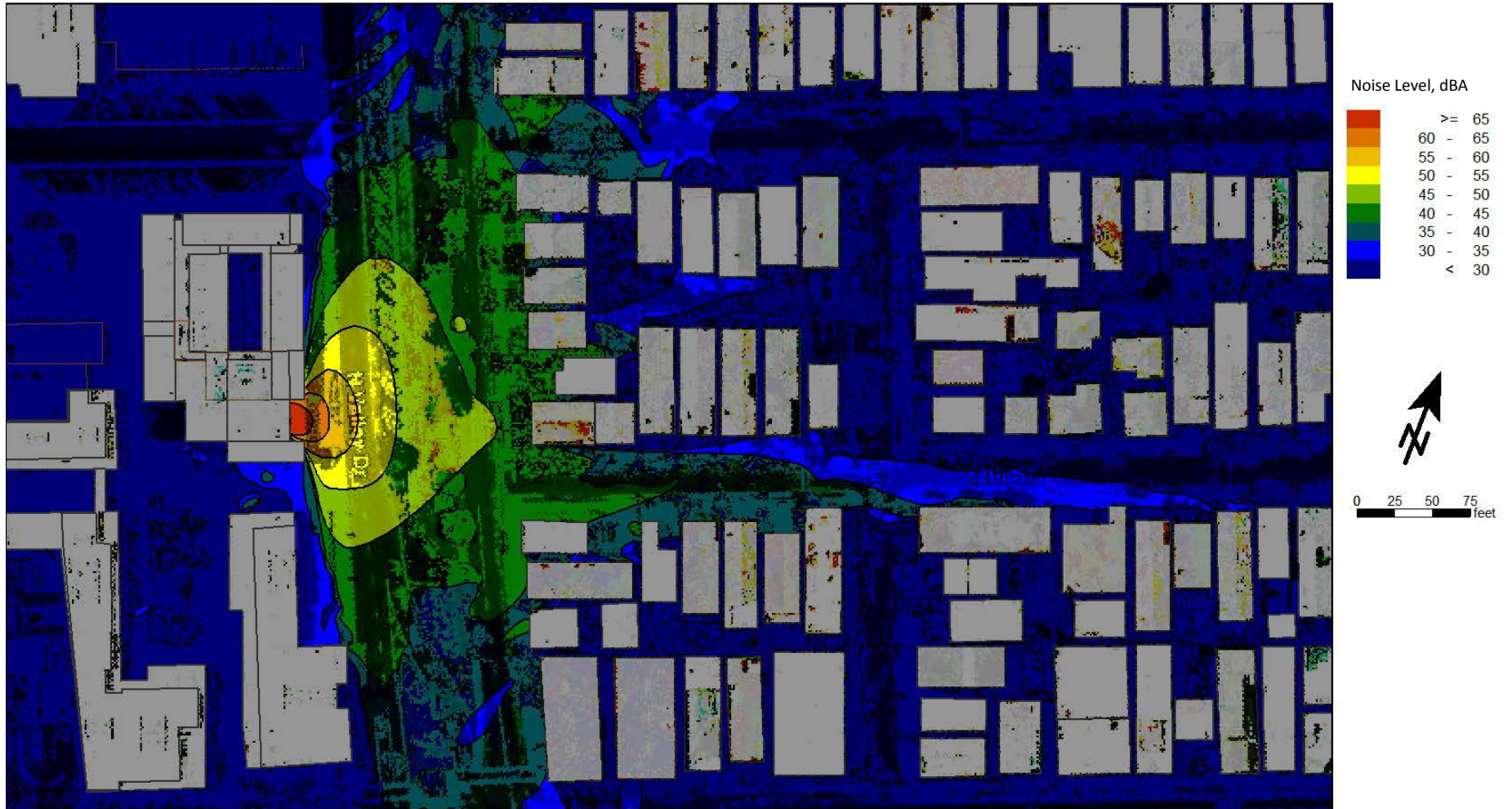


Figure 11. Mitigated Front Entrance Noise Level at 1st Floor with Canopy (Scenario 5)



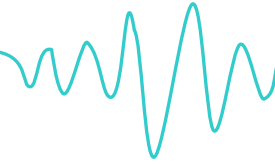
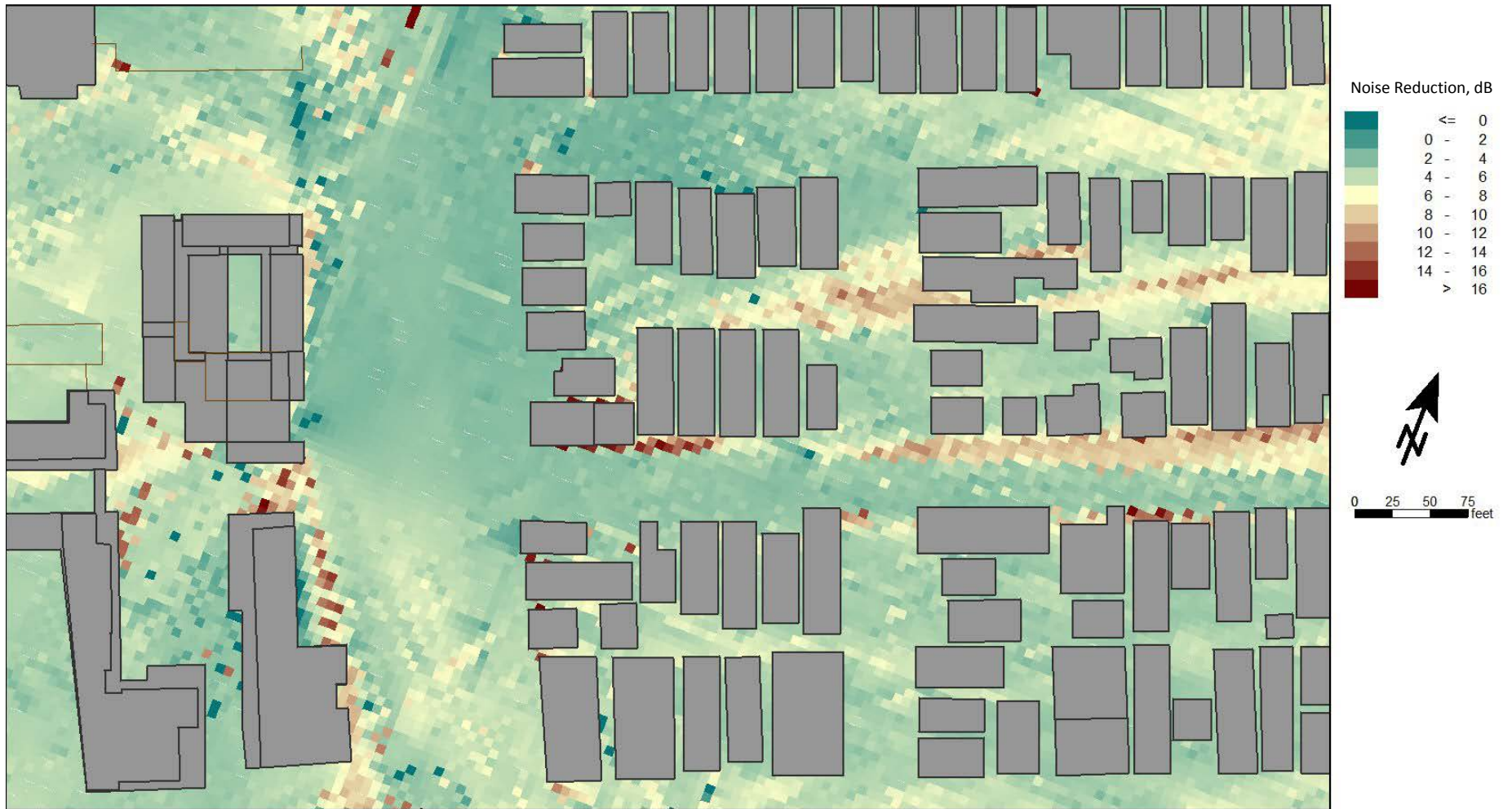


Figure 12. Mitigated Front Entrance Difference Map at 1st Floor (Scenario 5)



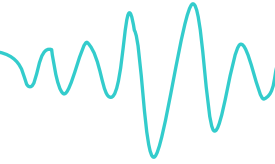
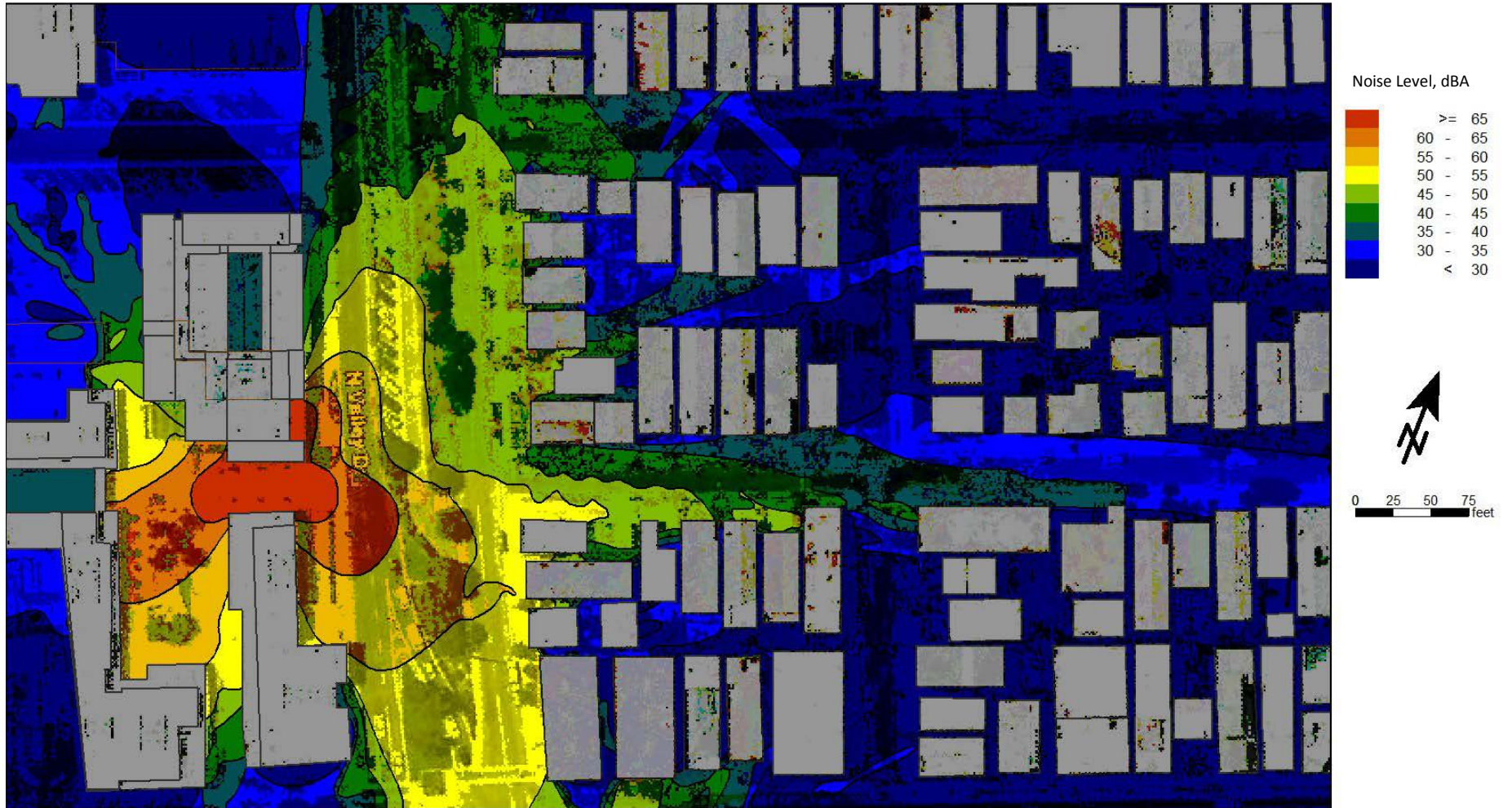


Figure 13. Unmitigated South Terrace and Front Entrance Noise Level at 1st Floor



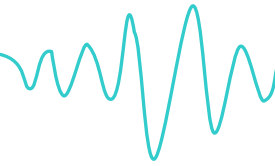
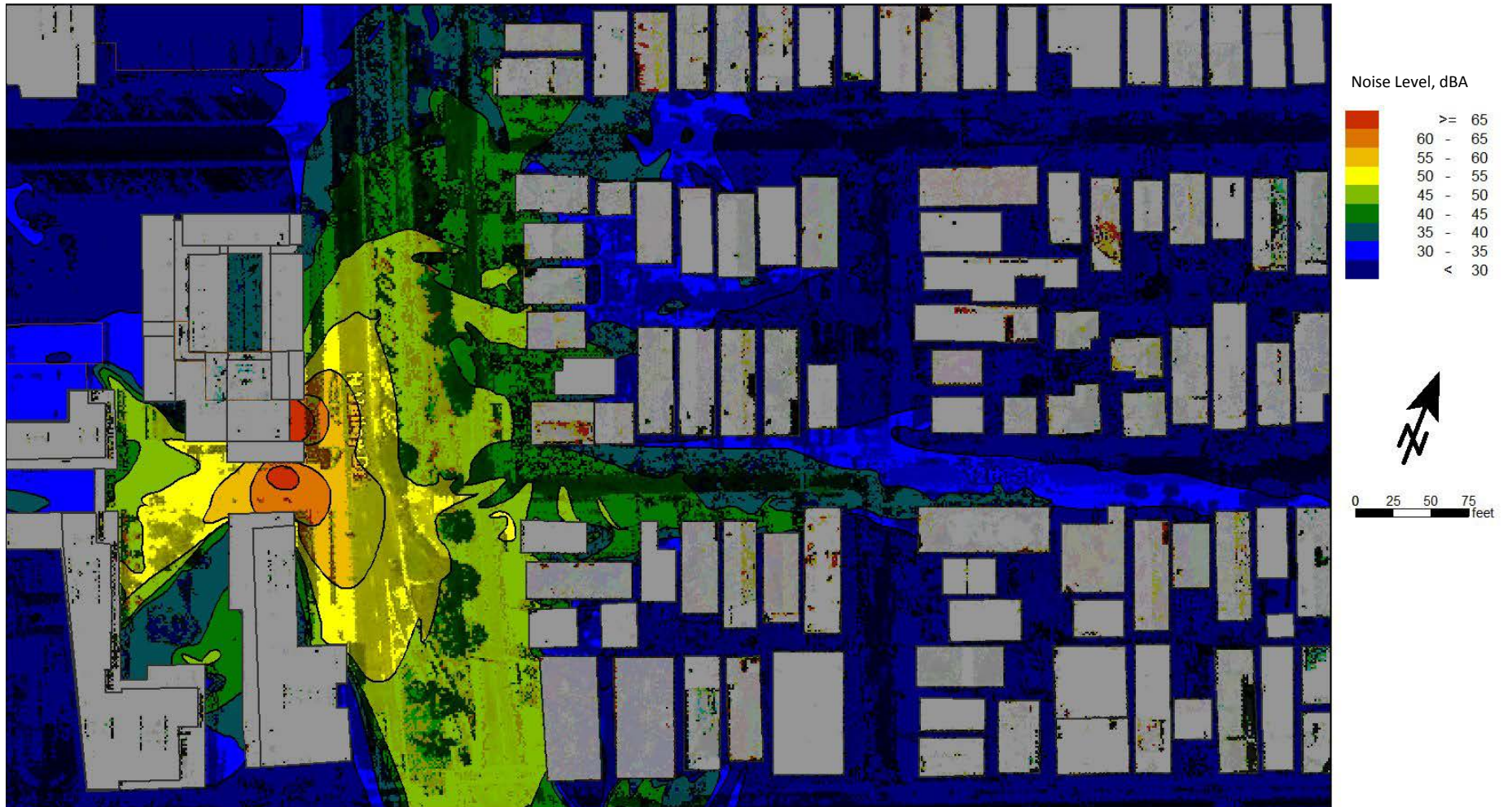


Figure 14. Mitigated South Terrace and Front Entrance Noise Level at 1st Floor with Sound Rated Curtains, Awning, Petros Living Wall, Terrace Entrance Door (Scenario 6)



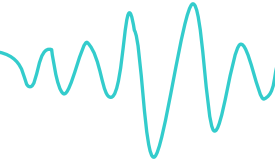
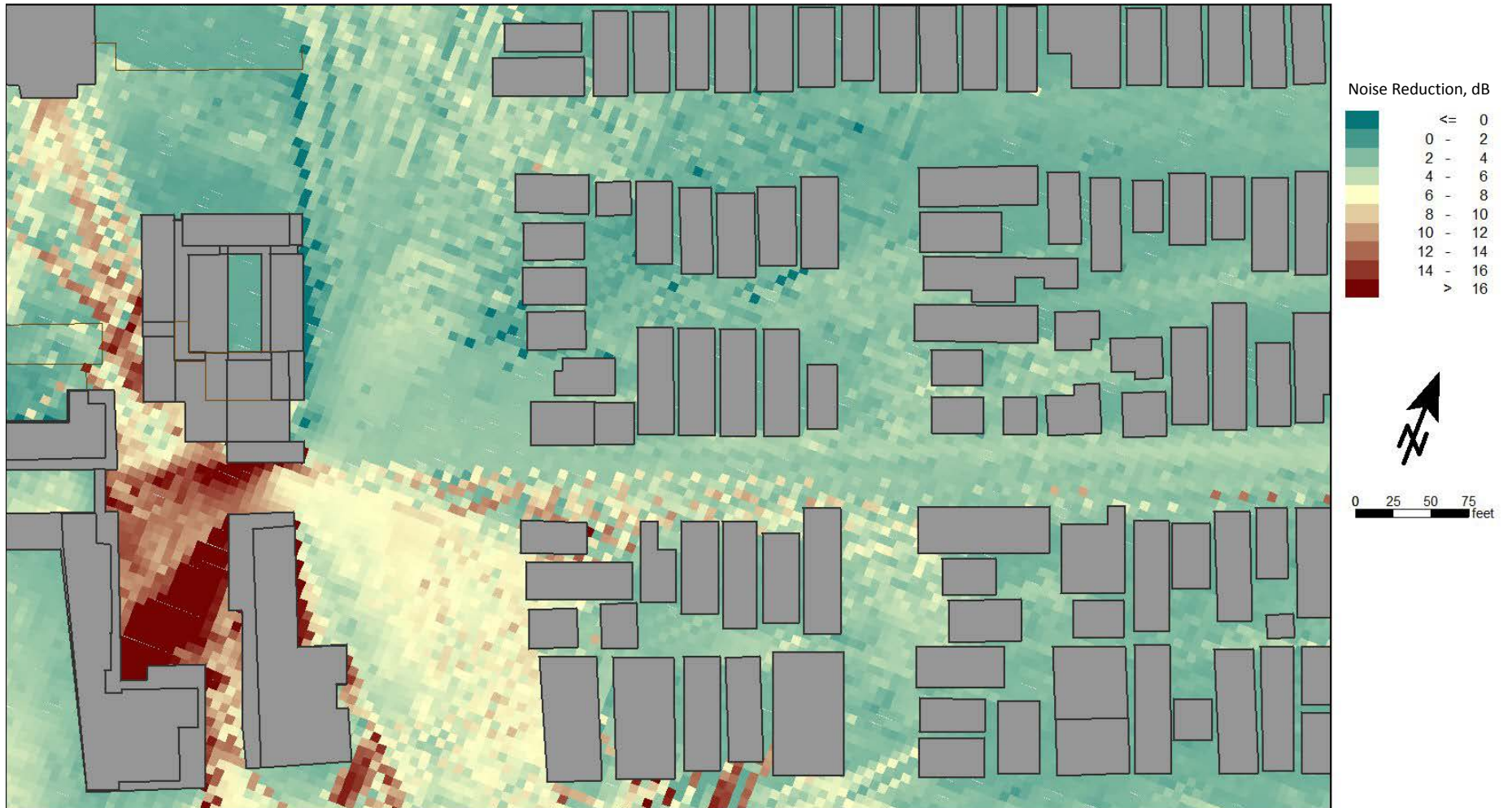


Figure 15. Mitigated South Terrace and Front Entrance Difference Map at 1st Floor with Sound Rated Curtains, Awning, Petros Living Wall, Terrace Entrance Door and Front Entrance Canopy (Scenario 6)



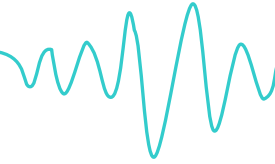
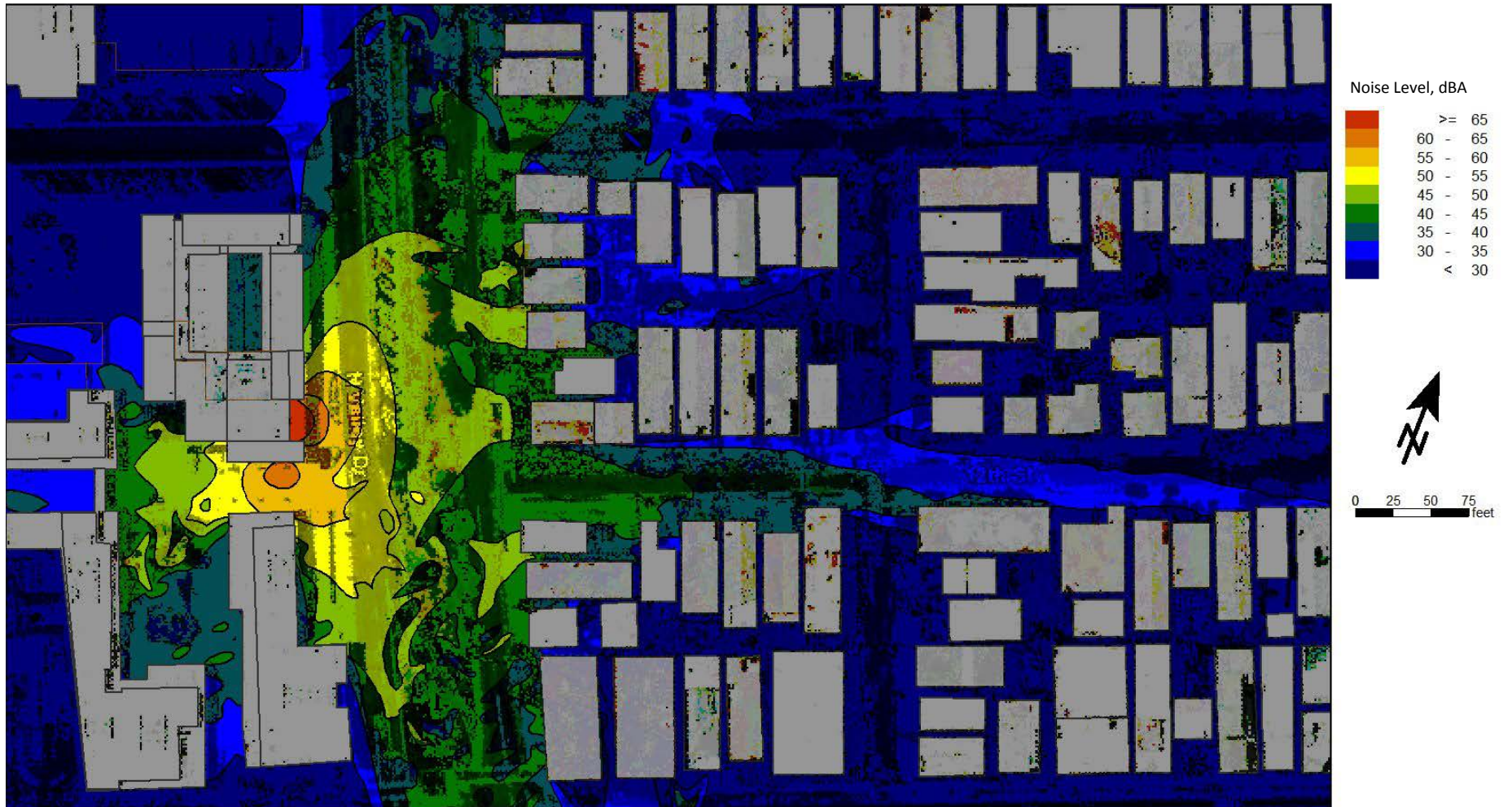


Figure 16. Mitigated South Terrace and Front Entrance Noise Level at 1st Floor with Sound Rated Curtains, Awning and Petros Living Wall (Scenario 7)



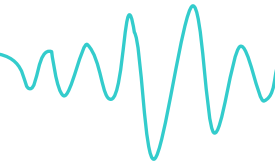
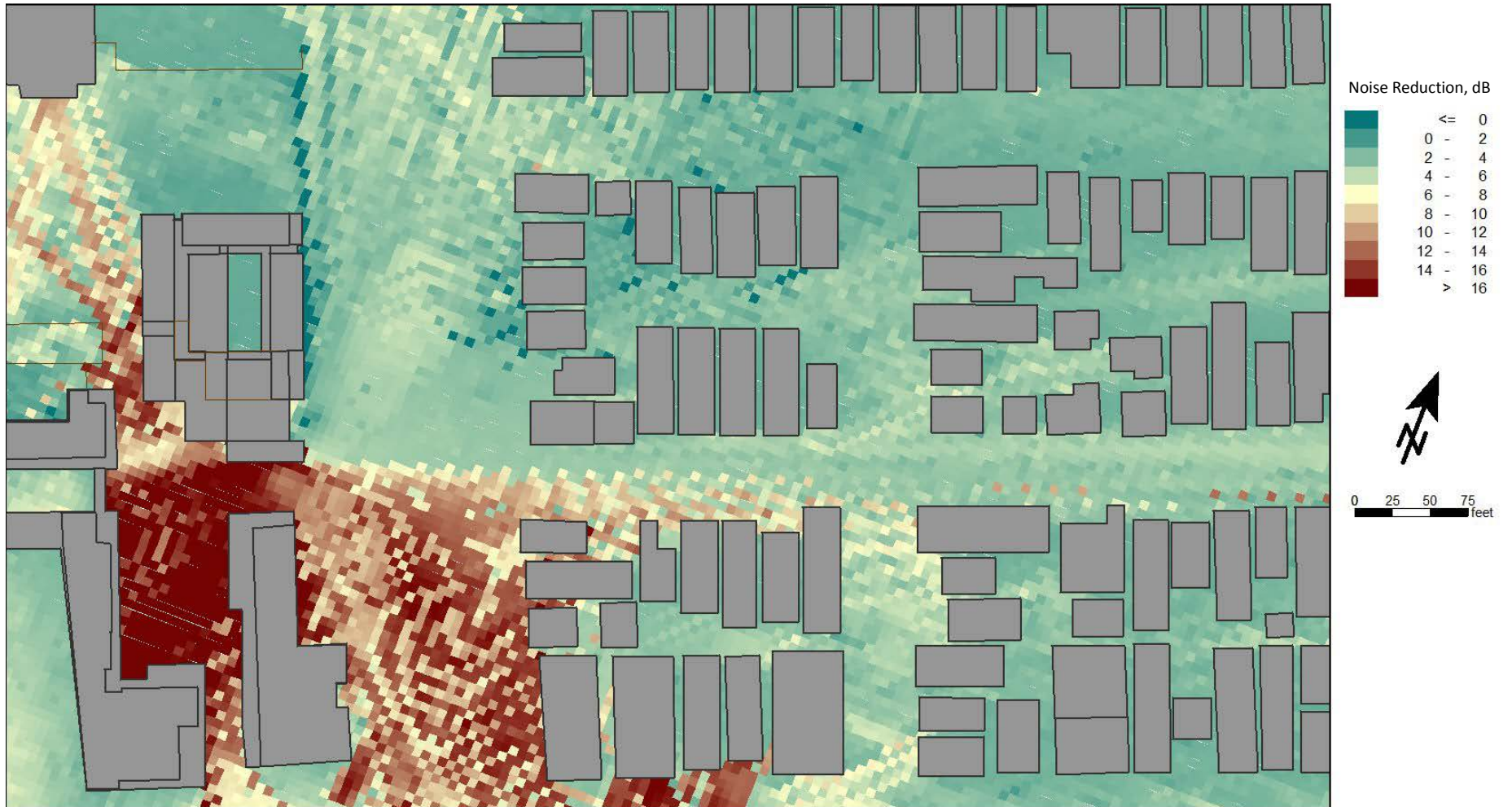


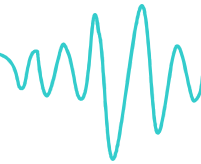
Figure 17. Mitigated South Terrace and Front Entrance Difference Map at 1st Floor with Sound Rated Curtains, Awning, Petros Living Wall and Terrace Door (Scenario 7)



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Behrens and Associates, Inc.

Acoustics, Noise and Vibration Consultants



February 4, 2014

Zislis Group
321 12th Street, Ste 112
Manhattan Beach, CA 90266

Attention: Mike Zislis

Subject: Shade Hotel Noise Mitigation Evaluation Report

Dear Mr. Zislis,

We have completed the noise mitigation evaluation for the Shade Hotel, located at 1221 N Valley Dr in the City of Manhattan Beach. The evaluation assessed the noise mitigation measures outlined in the architectural plans by Drasin Design dated December 10, 2013.

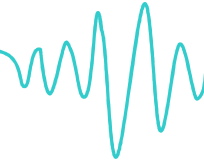
This evaluation was carried out to supplement our previous noise analyses of the hotel performed in 2009 and 2010. Our previous analyses assessed the noise levels of the various noise-producing areas of the hotel and the performance of noise mitigation measures that could be applied to these areas. Three main sources of noise were identified. These were the front entrance, the rooftop deck and the south terrace. This analysis considers the noise levels of the front entrance and south terrace only. A conclusion of our previous study was that noise levels would not be significantly reduced whenever there is activity on the rooftop deck due to the significant contribution to the overall noise levels from this source and the infeasibility of applying mitigation measures to this area. This analysis therefore only considers the condition when there is noise produced on the terrace and inside the Zinc Lounge but there is no significant noise produced the deck.

This report provides our assessment of the following mitigation measures:

- A revolving door in place of the existing front entrance doors and a new glass entrance door located to the north of the revolving door. The new entrance door would be used for disabled access only.
- A new glass panel system extending from the floor to the ceiling, partially enclosing the south terrace area east of the existing entrance. Curtains will partially enclose the area above and west of the entrance. All gaps around the existing glass panel system at the terrace area would be filled. Acoustically absorptive panels would be installed on the ceiling of the terrace area.

ATTACHMENT F
PC MTG 4-23-14

Hawthorne, California ~ Aledo, Texas ~ Napa California ~
Denver, Colorado ~ Mead, Colorado
Phone 800-679-8633 ~ Fax 310-331-1538
www.environmental-noise-control.com ~ www.drillingnoisecontrol.com



Zislis Group
February 4, 2014
Page 2

This report provides noise modeling results for unmitigated and mitigated scenarios with the above measures implemented. The sound levels used in the models are the same as those used in our original reports. Measurements were made at the hotel specifically for this analysis and it was noted that the noise levels during our visit were lower than had previously been measured in 2009. However, the use of the original 2009 modeling data permits direct comparison of the noise contour maps in this report with those produced for our previous studies and therefore it is possible to directly compare the effectiveness of the various mitigation measures assessed in each report.

This report presents calibrated unmitigated noise maps and predicted unmitigated noise maps. In addition, 'noise difference maps are presented, which are calculated by subtracting the mitigated noise level from the unmitigated level at every point over the mapped area. A change in noise level of 5 dB is considered 'clearly noticeable' and this is the minimum value by that must be achieved for the noise reduction to be considered significant.

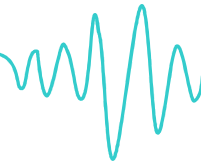
Front Entrance Noise (Figures 1 to 3)

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 mitigated noise map is provided in Figure 2. The difference map in Figure 3 shows that the redesigned front entrance will reduce the noise by up to 5 dB at the residences. Therefore, the redesigned entrance can be considered an effective mitigation measure. In addition to reducing the average noise level, the revolving door will lessen the number of instances of short-duration increases in noise level that occur when the existing entrance doors are opened. Short duration increases in noise would occur when the new glass disabled access door is opened, which is expected to be an infrequent occurrence.

South Terrace Noise (Figures 4 to 6)

The unmitigated noise map for the terrace only is presented in Figure 4. This noise map shows the original unmitigated terrace scenario provided in our 2009 report with the curtains open. The noise map and difference map for the mitigated design are provided in Figures 5 and 6. The noise maps indicate that the south terrace's mitigation measures will reduce noise from this source by up to 7 dB at the residences. Therefore the mitigation measures proposed for the south terrace can be considered effective.

It is our opinion that the proposed glass panels around the top of the terrace are not critical to achieving a significant noise reduction. It is likely that a significant reduction will be achieved without the installation of these panels.



Zislis Group
February 4, 2014
Page 3

Combined Noise Levels (Figures 7 to 9)

Noise maps showing the unmitigated and mitigated combined noise levels of the terrace and front entrance noise are provided in Figures 7 and 8 respectively. The noise difference map in Figure 9 shows that the overall reduction for the combined mitigated scenario is up to 6 dB at the residences. It is noted that the noise reduction at the residences south of 12th Street is better than at the residences on the north side. This is due to the fact that the properties on the south side of this street are exposed to more noise from the terrace than from the front entrance and the mitigation measures applied to the terrace are more effective than those applied to the front entrance.

The noise impact modeling was completed using SoundPLAN version 6.5 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.

Recommendations

The following recommendations are provided to ensure the mitigation measures are implemented as effectively as possible:

1. The revolving door should have a Sound Transmission Class (STC) rating of at least 27 (doors manufactured by the International Revolving Door Company have STC ratings of 29 to 33).
2. The proposed 36" wide ingress/egress door should be a well-sealed and weather stripped assembly that provides an STC rating of at least 27.
3. The new glass and metal frame system should be well sealed without any gaps or openings. The openings around the new frame and the existing frame system should be sealed with a material that provides a surface density at least that of the existing glass.
4. The acoustically absorptive material to be installed on the terrace ceiling should have a Noise Reduction Coefficient (NRC) of at least 0.70.

Please contact the undersigned with any questions or comments.

Very truly yours,

Thomas Corbishley
Acoustical Engineer

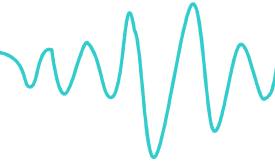
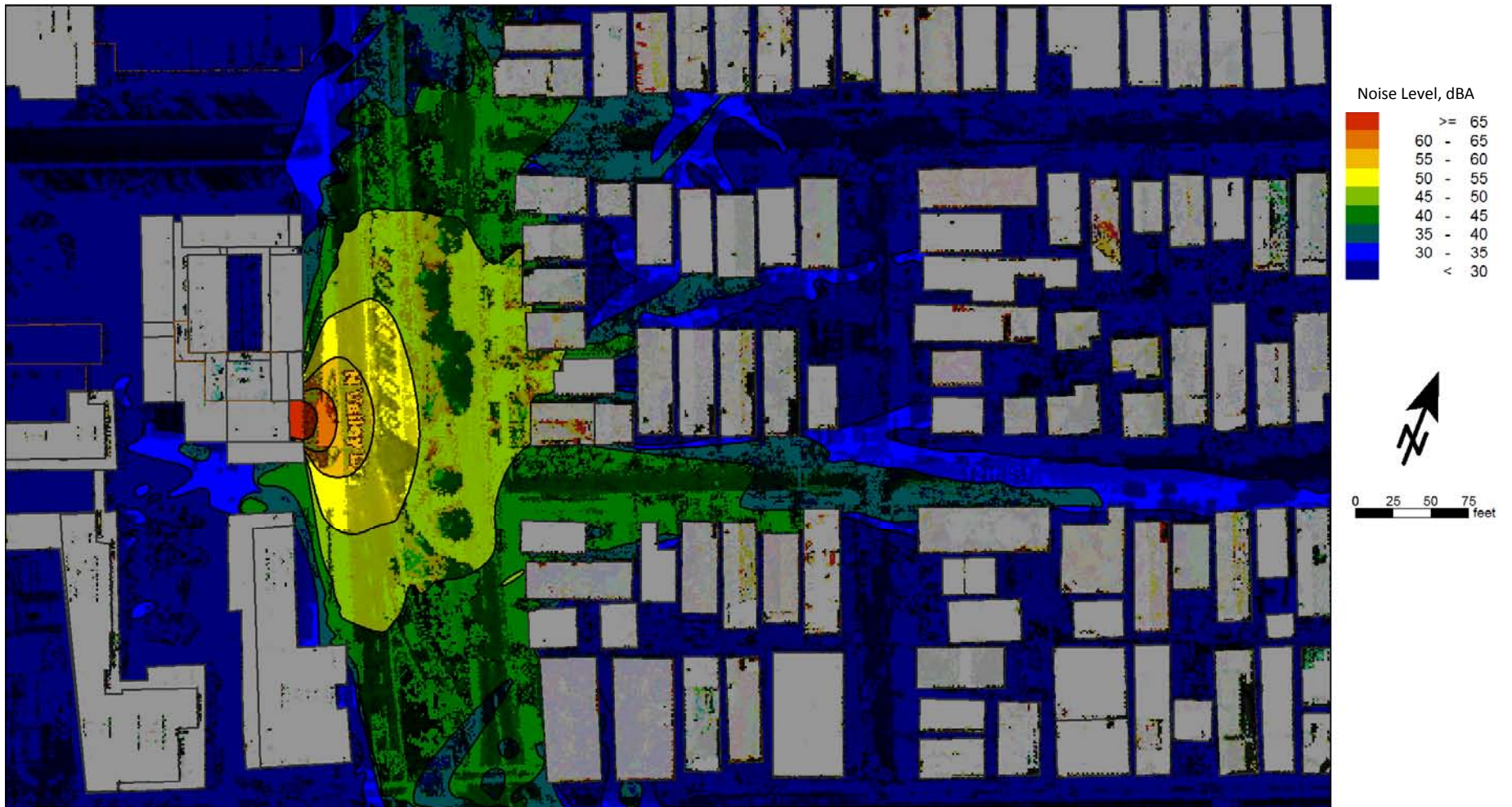


Figure 1. Unmitigated Average Noise Level at 1st Floor - Front Entrance Only



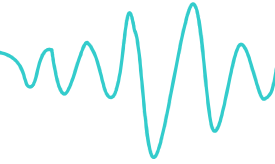
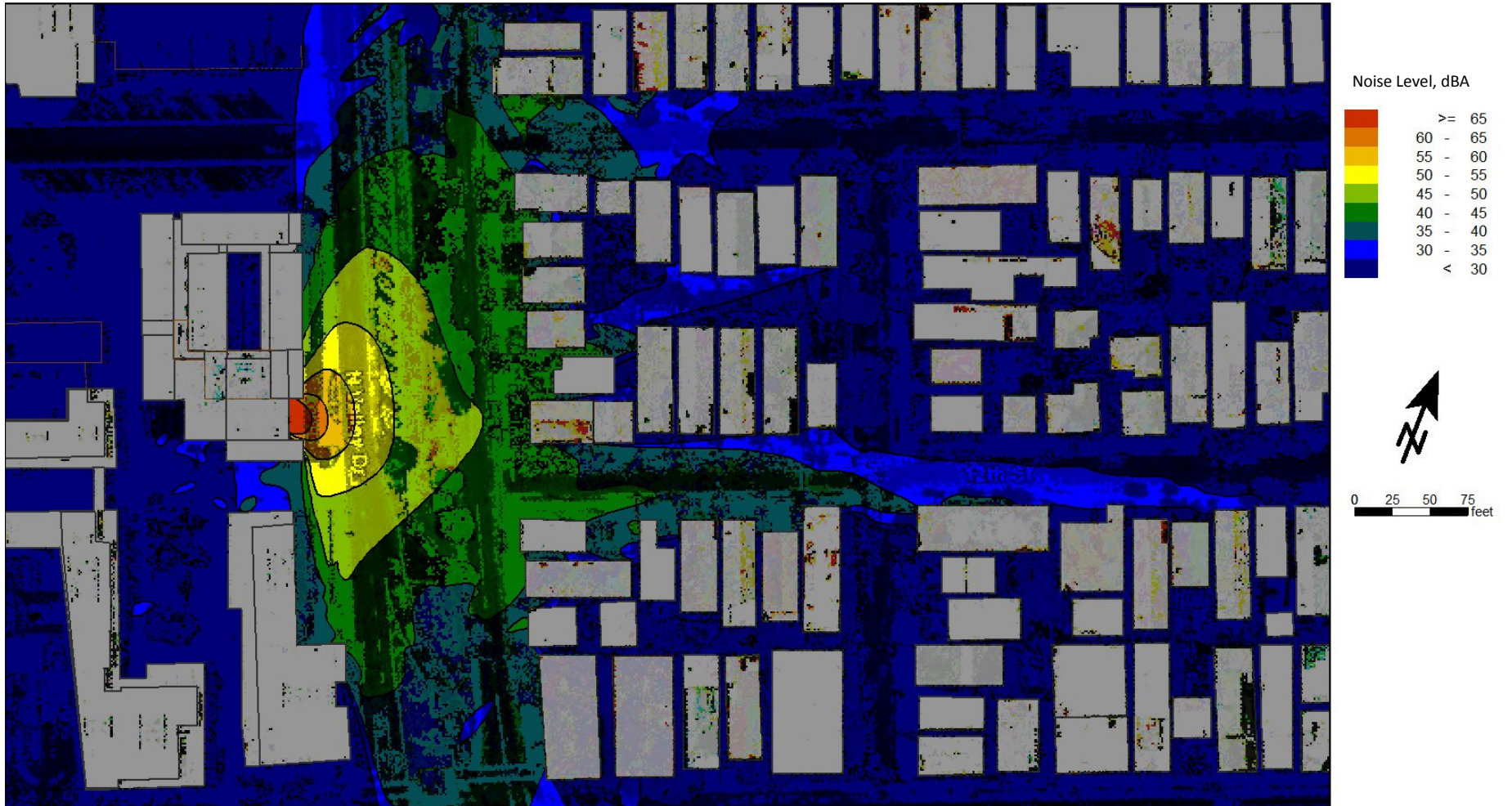


Figure 2. Mitigated Average Noise Level at 1st Floor - Front Entrance Only



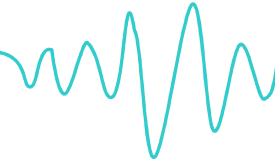
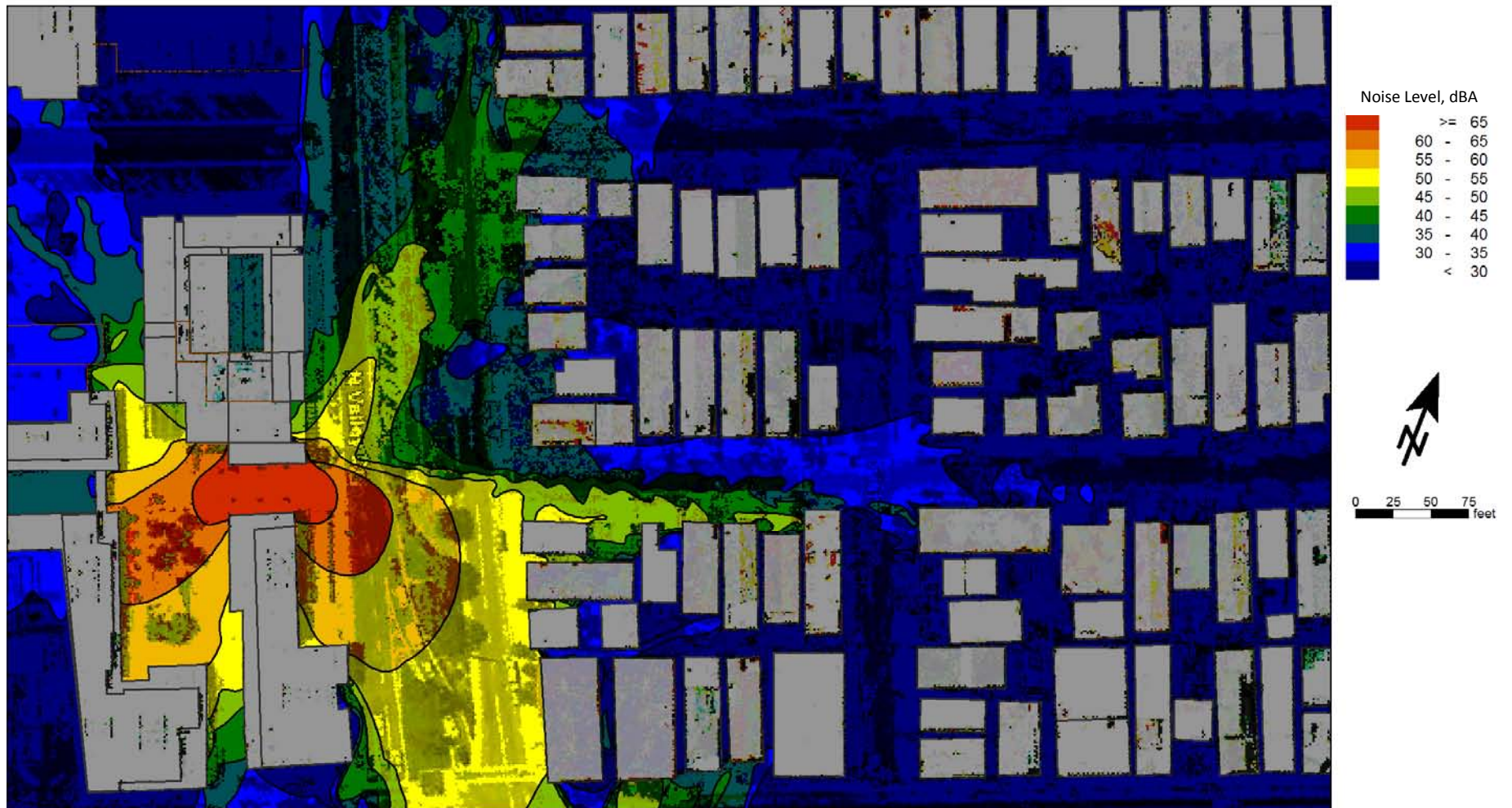


Figure 3. Noise Difference Map - Reduction of Front Entrance Noise at 1st Floor





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



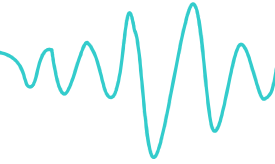
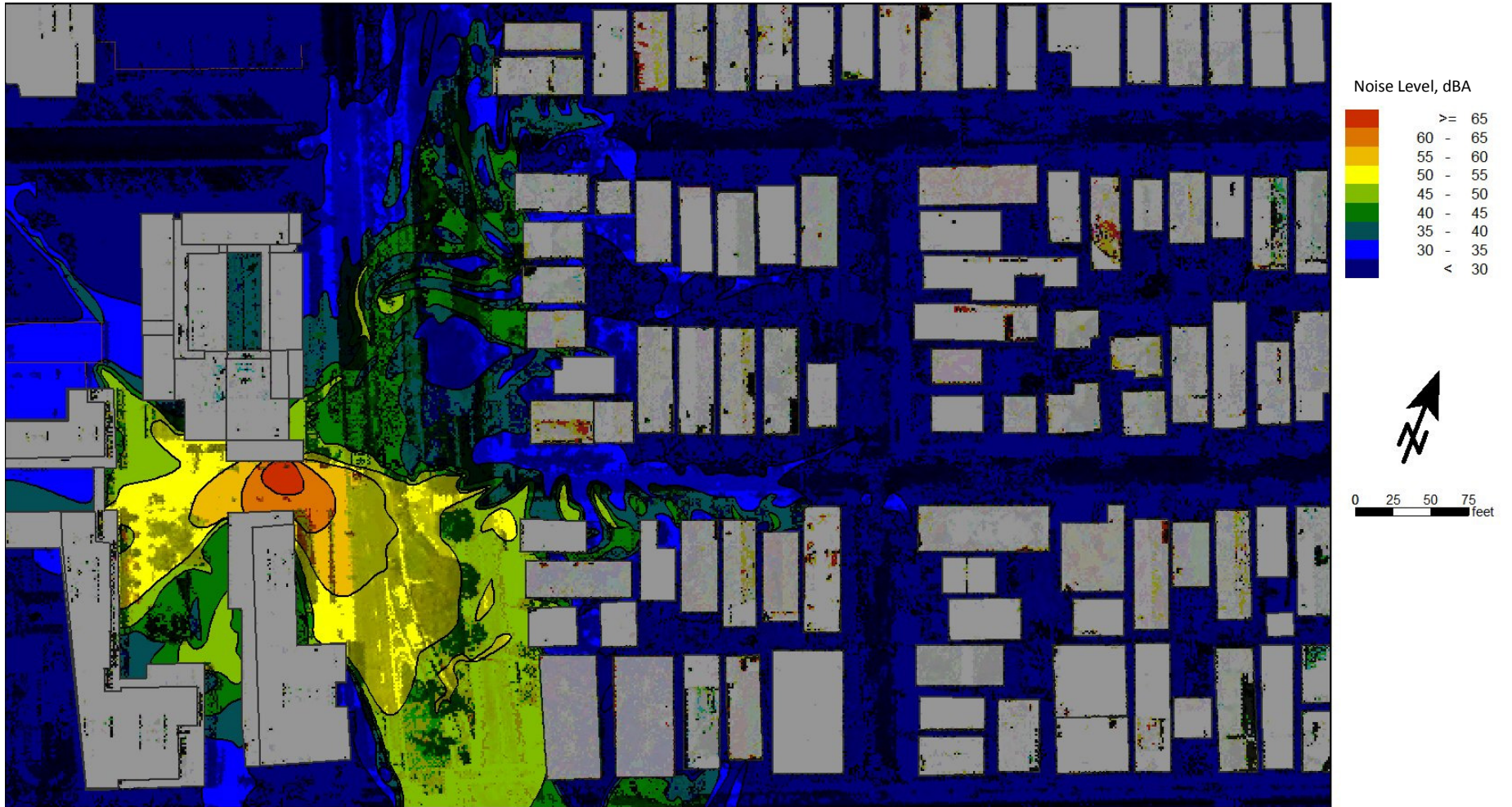


Figure 5. Mitigated Average Noise Level at 1st Floor - South Terrace Only



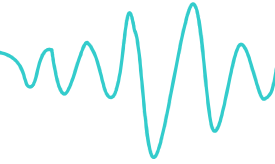
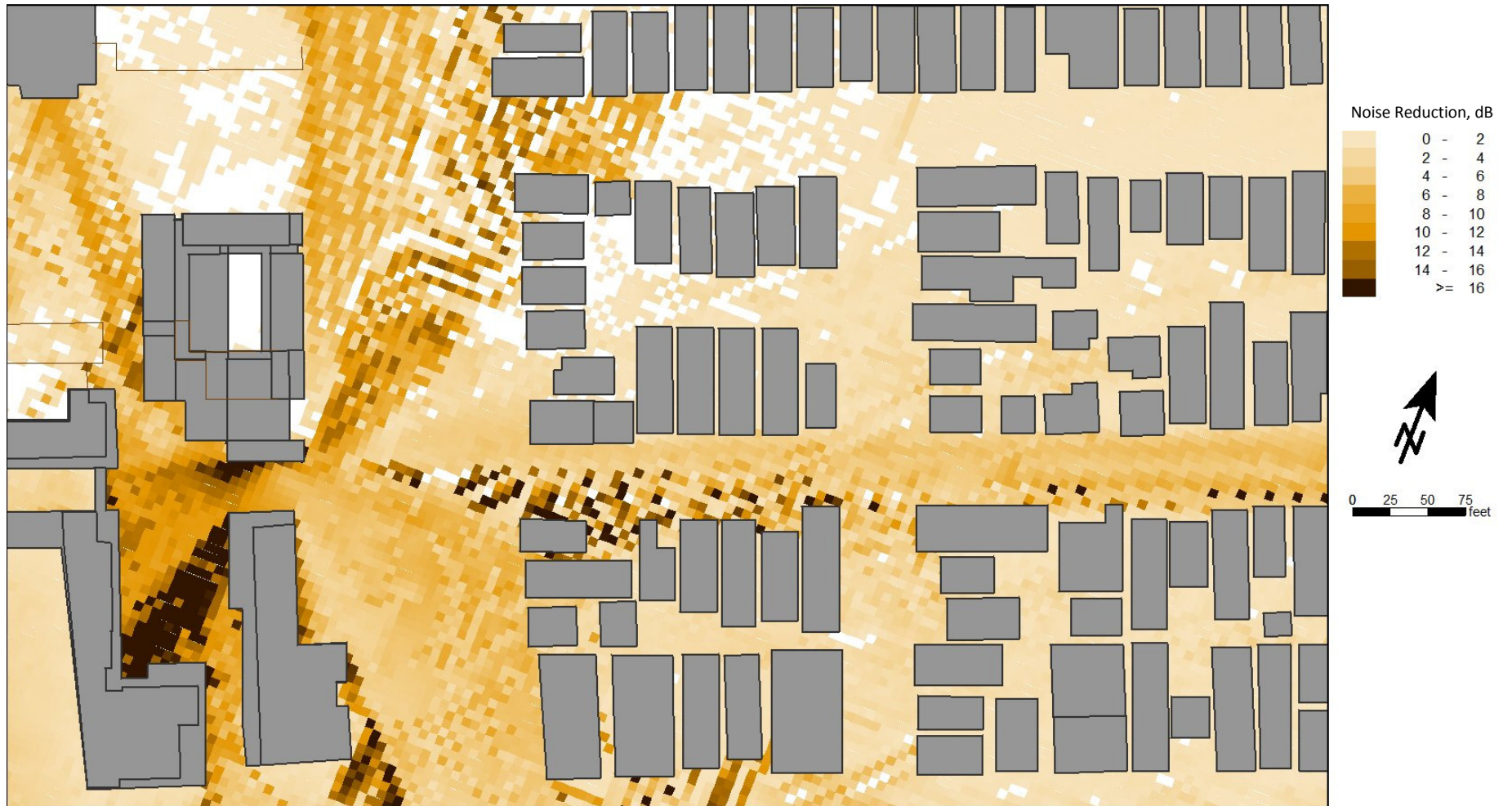


Figure 6. Noise Difference Map - Reduction of South Terrace Noise at 1st Floor



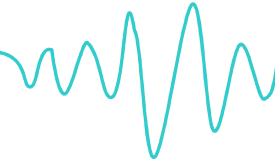
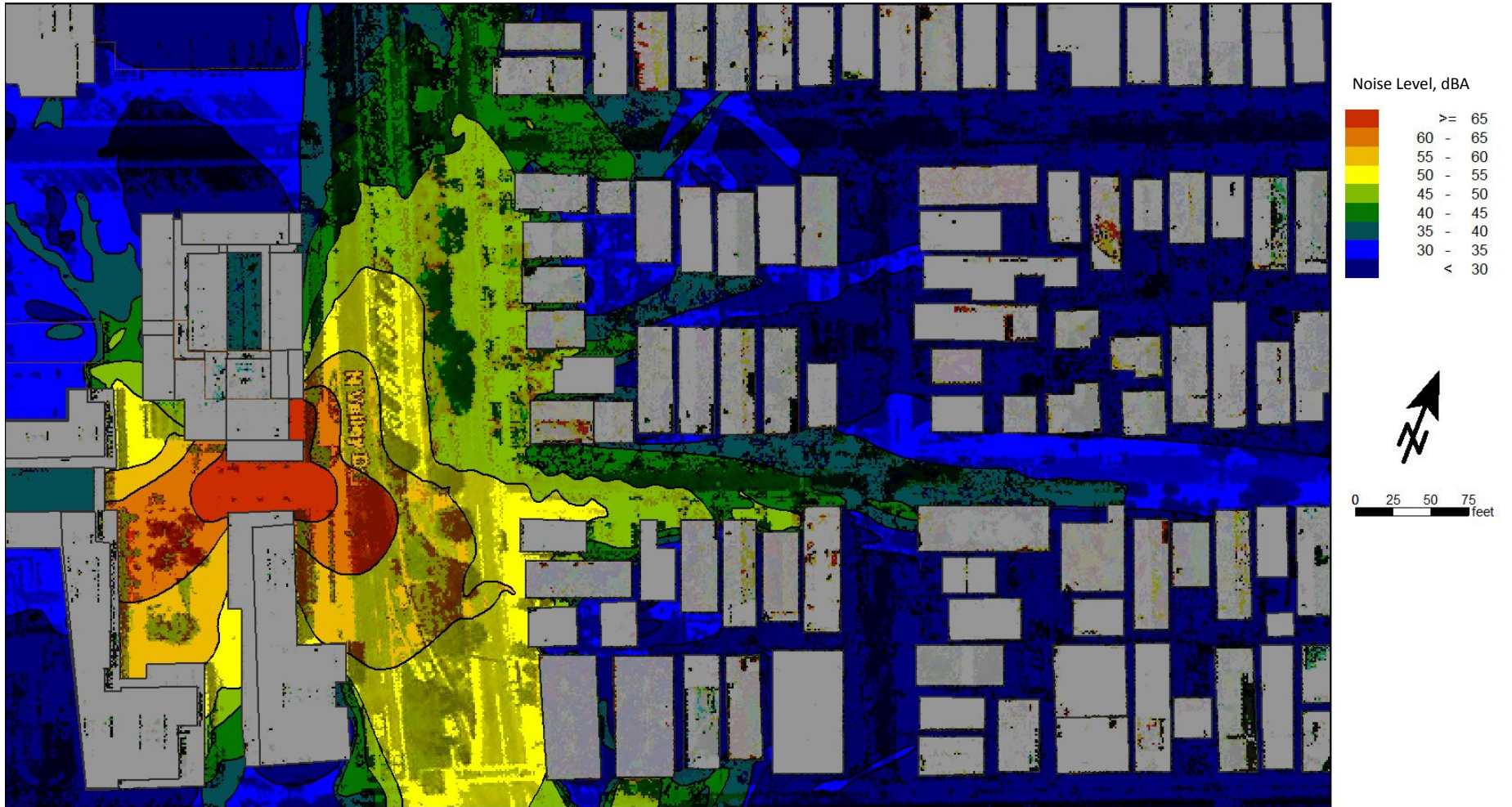


Figure 7. Unmitigated Average Noise Level at 1st Floor – Combined Front Entrance and South Terrace Noise



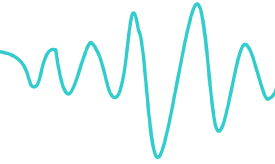
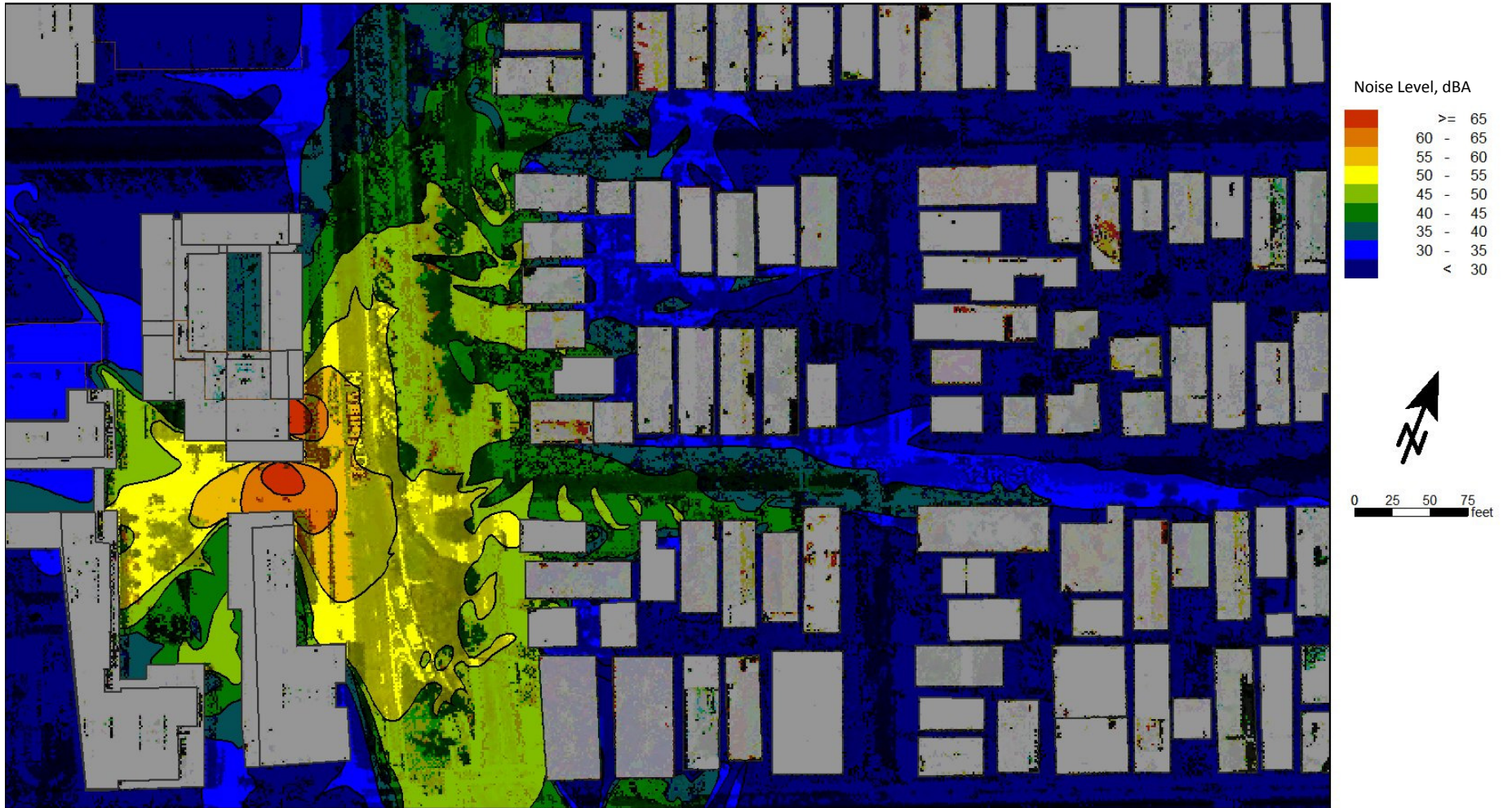


Figure 8. Mitigated Average Noise Level at 1st Floor – Combined Front Entrance and South Terrace Noise



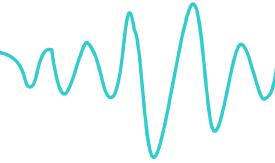
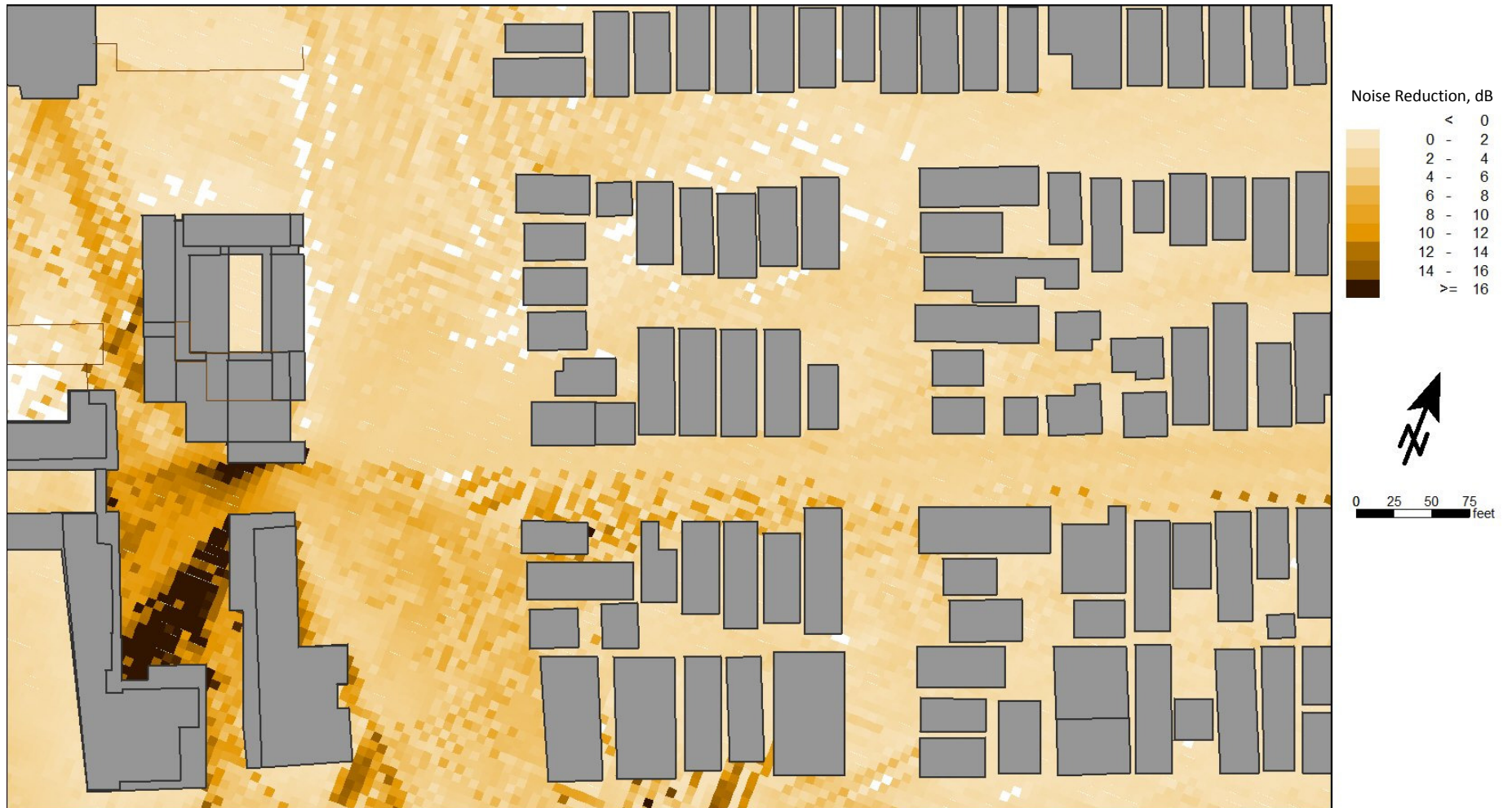
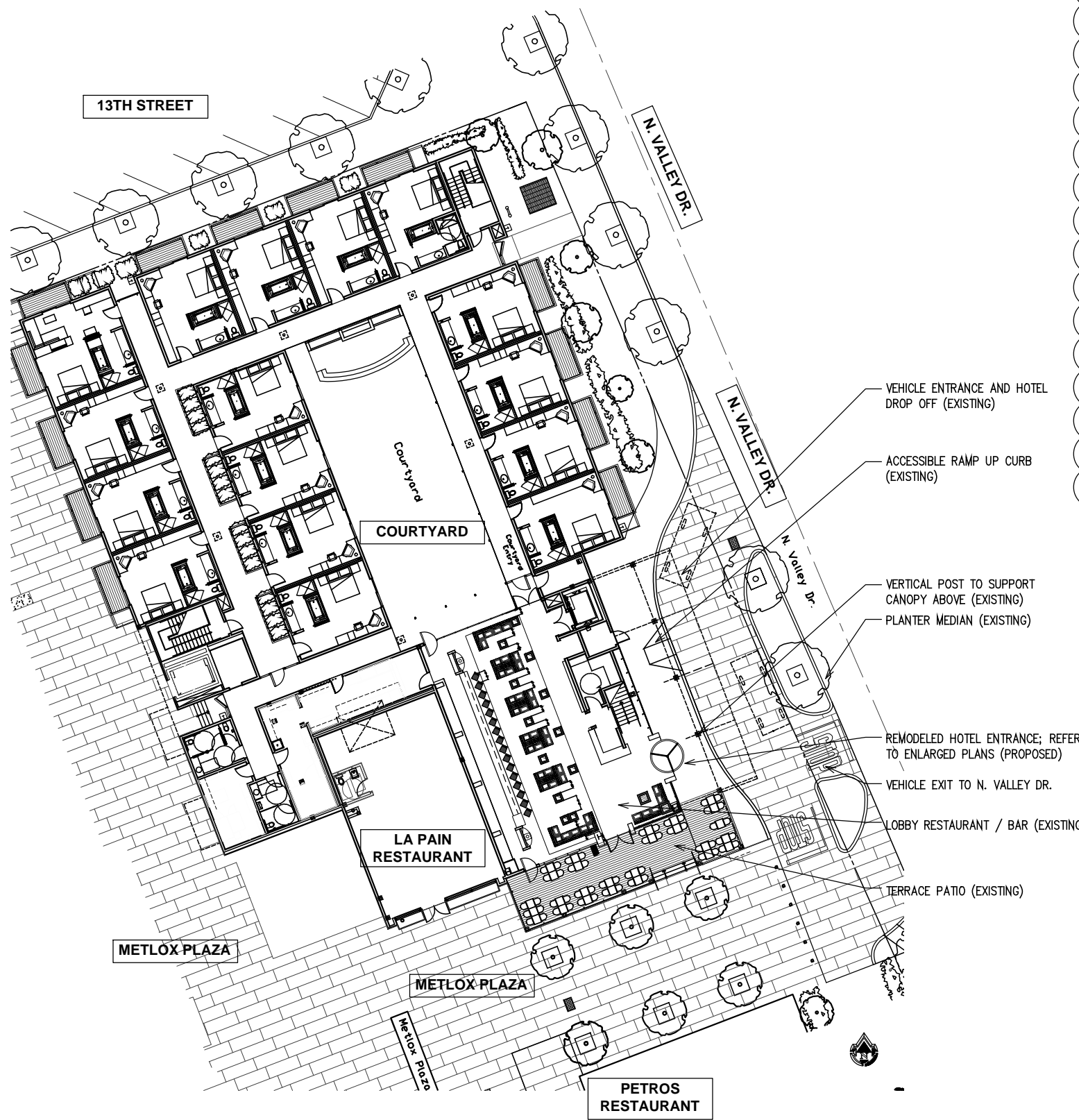


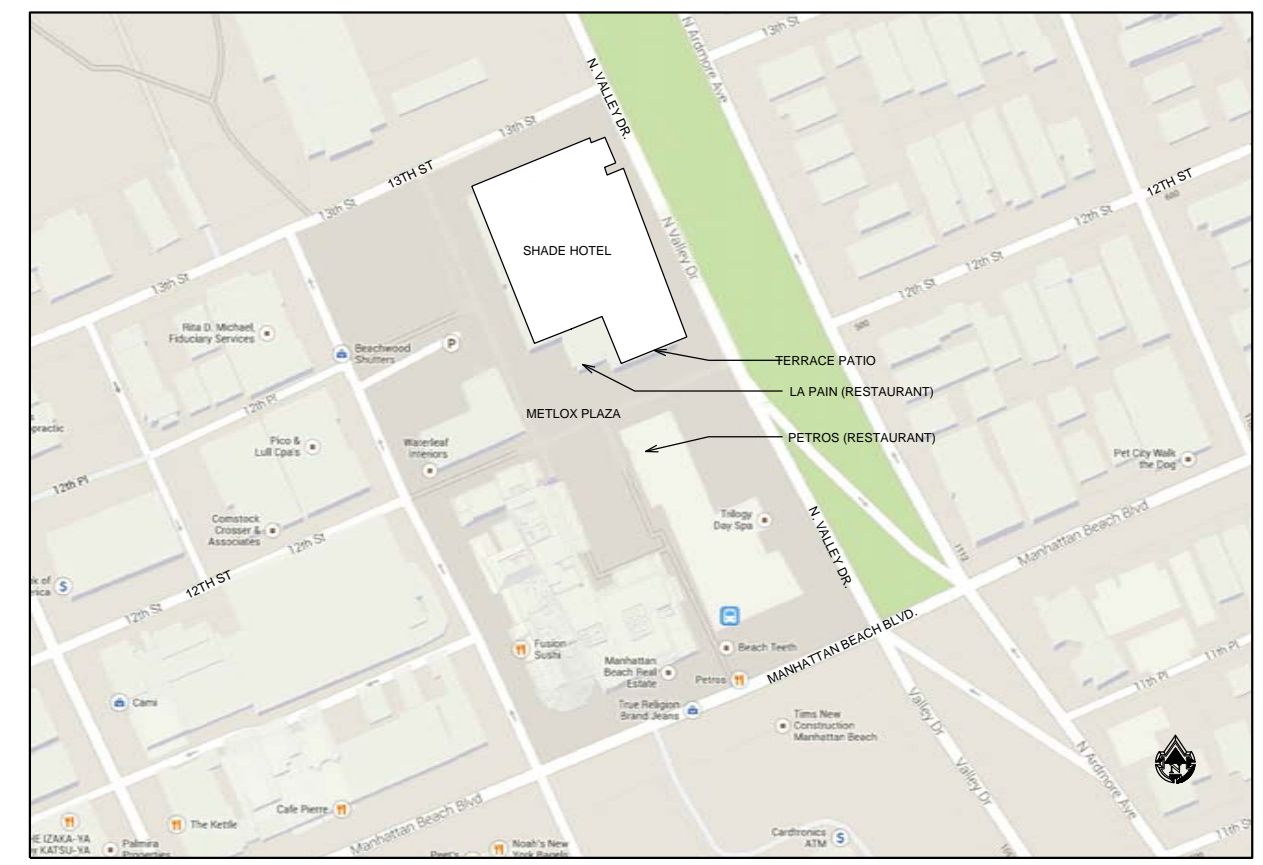
Figure 9. Noise Difference Map – Reduction of Combined Front Entrance and South Terrace Noise at 1st Floor





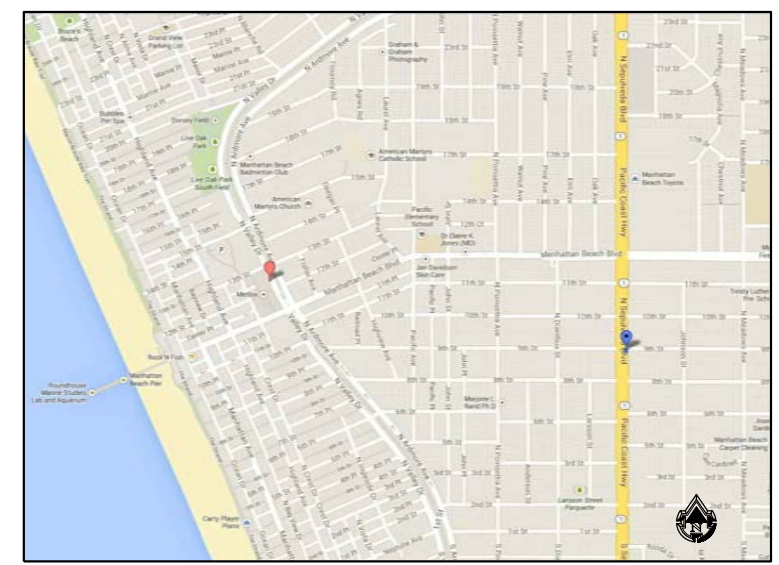
3 LEVEL 1 FLOORPLAN PLAN

SCALE: 1/16" = 1'-0"
HALF SCALE: 1/32" = 1'-00"
02' 4' 8' 16'
SCALE: 1/16" = 1'-0"



2 VICINITY PLAN 1 ENLARGED PLAN

SCALE: NTS



SCALE: NTS

DRAWINGS INDEX

- ID-1.0 COVER / INDEX / SITE MAP
- ID-1.1 TERRACE PATIO PLAN & ENLARGED ENTRANCE
- ID-2.1 TERRACE PATIO REFLECTED CEILINGS
- ID-2.2 PATIO REFLECTED CEILINGS (LOWEST LEVEL)
- ID-3.1 TERRACE PATIO EXTERIOR ELEVATIONS
- ID-3.2 HOTEL ENTRANCE ELV & PATIO FACADE DETAILS
- ID3.3 HOTEL ENTRANCE DETAIL
- ID-3.4 ACOUSTIC REPORTS
- ID-3.5 MATERIALS ACOUSTICAL DATA
- ID-3.6 MATERIALS ACOUSTICAL & FIRE DATA

**ATTACHMENT G
PC MTG 4-23-14**

SHADE MANHATTAN BEACH
1221 N Valley Drive
Manhattan Beach, California 90266
PROJECT #1306

DATE: 2/4/2014

SCALE: REFER TO PLAN

SHEET NAME:

ID-1.0

REVISIONS:

156 S Almont Dr
Beverly Hills, CA 90211
TEL: 310.413.9332

DRASIN design

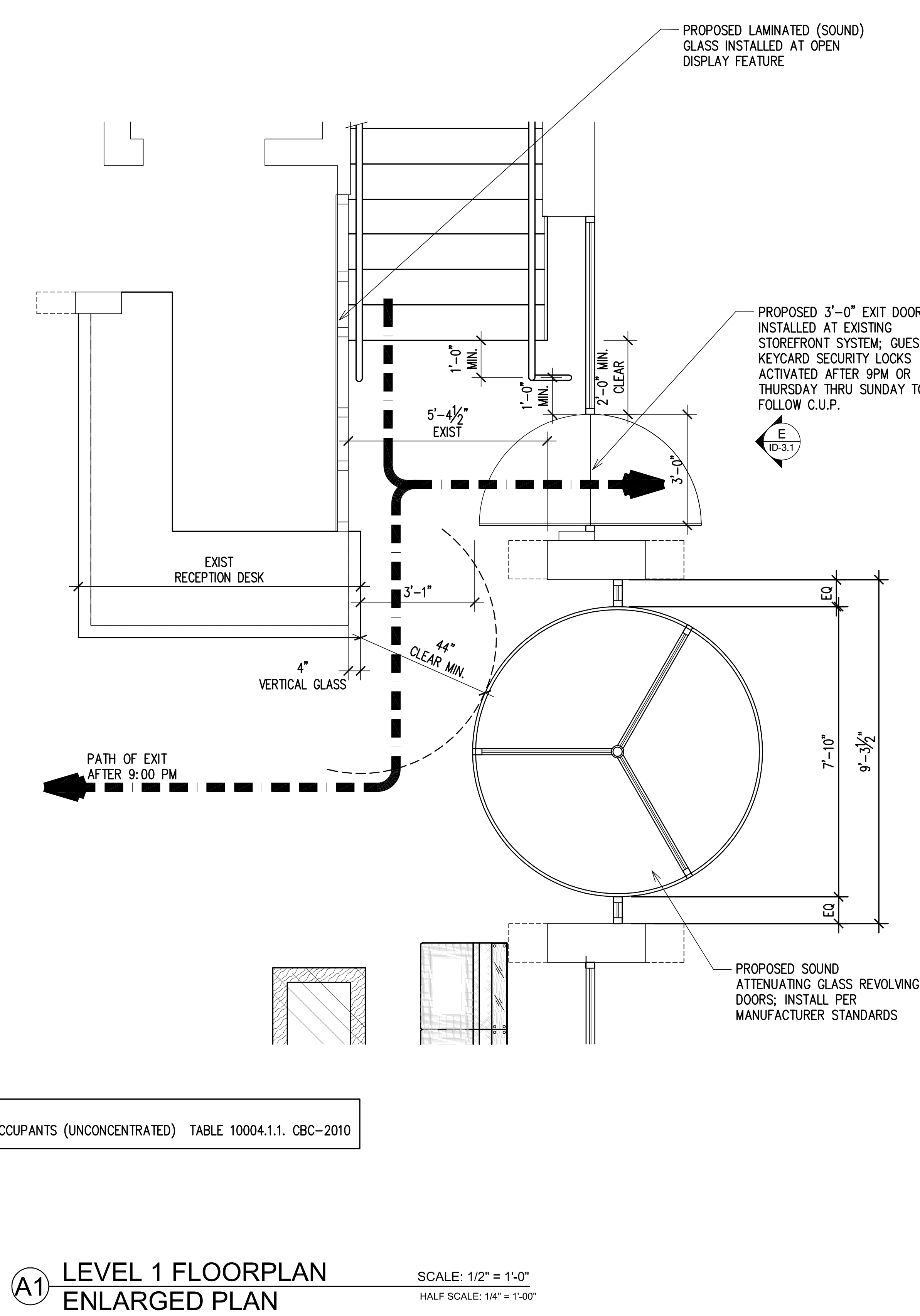
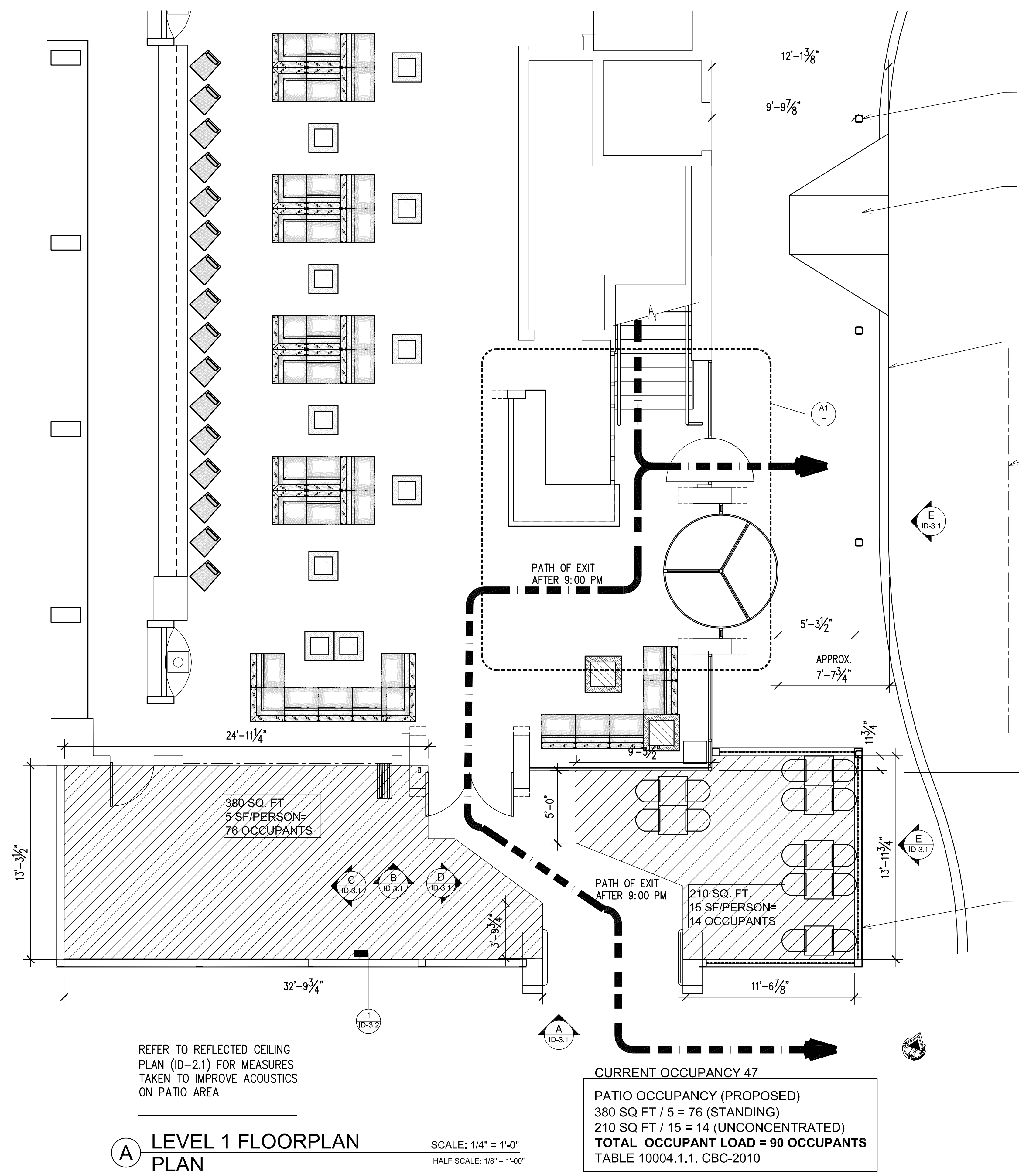
SHADE MANHATTAN BEACH
1221 N Valley Drive
Manhattan Beach, California 90266
PROJECT #1306

DATE:
2/4/2014

SCALE:
1/4" = 1'-00"

SHEET NAME:

ID-1.1
PLAN



REFER TO REFLECTED CEILING PLAN (ID-2.1) FOR MEASURES TAKEN TO IMPROVE ACOUSTICS ON PATIO AREA

A LEVEL 1 FLOORPLAN PLAN

SCALE: 1/4" = 1'-0"
HALF SCALE: 1/8" = 1'-00"

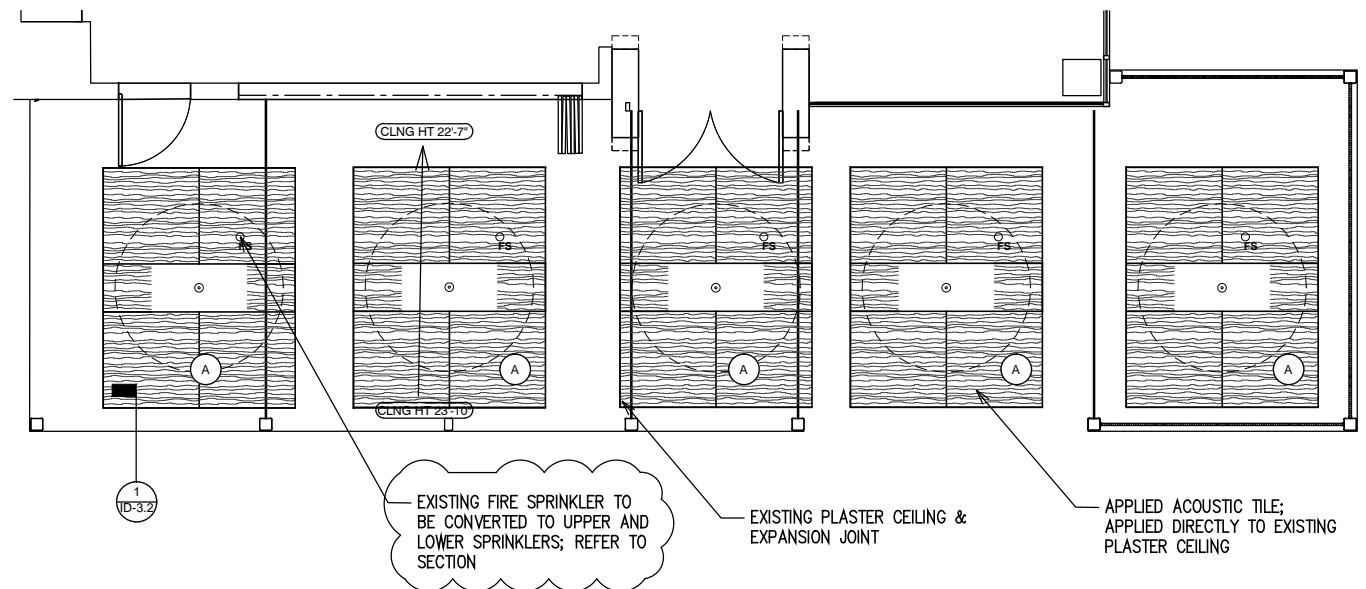
CURRENT OCCUPANCY 47
PATIO OCCUPANCY (PROPOSED)
380 SQ FT / 5 = 76 (STANDING)
210 SQ FT / 15 = 14 (UNCONCENTRATED)
TOTAL OCCUPANT LOAD = 90 OCCUPANTS
TABLE 10004.1.1. CBC-2010

0 2' 4' 8'
SCALE: 1/4" = 1'-0"

A1 LEVEL 1 FLOORPLAN ENLARGED PLAN

SCALE: 1/2" = 1'-0"
HALF SCALE: 1/4" = 1'-00"

0 1' 2' 4'
SCALE: 1/2" = 1'-0"



GENERAL NOTES / MATERIAL SPECIFICATION

- (A) ACOUSTIC ENTERPRISES INC.: FIBERGLASS ACOUSTIC PANELS; 1" THICK PATTERN 821 SAND DUNE WITH QUARRY BLUE FABRIC STYLE 2335 OR SIMILAR
- (B) FIBERGLASS ACOUSTIC INSULATION IN PERFORATED METAL BASKET CLOUD SUSPENDED FROM UPPER PLASTER CEILING SEE ID-3.5 FOR REFERENCE
- (C) PARASOLIEL ALUMINUM PANEL Nukubalavu 1/8" ALUMINUM NATURAL FINISH OR SIMILAR
- (D) LUMAsite RESIN / FIBERGLASS PANEL IN CRYSTAL II COLOR OR SIMILAR SEE ID-3.6 FOR REFERENCE.

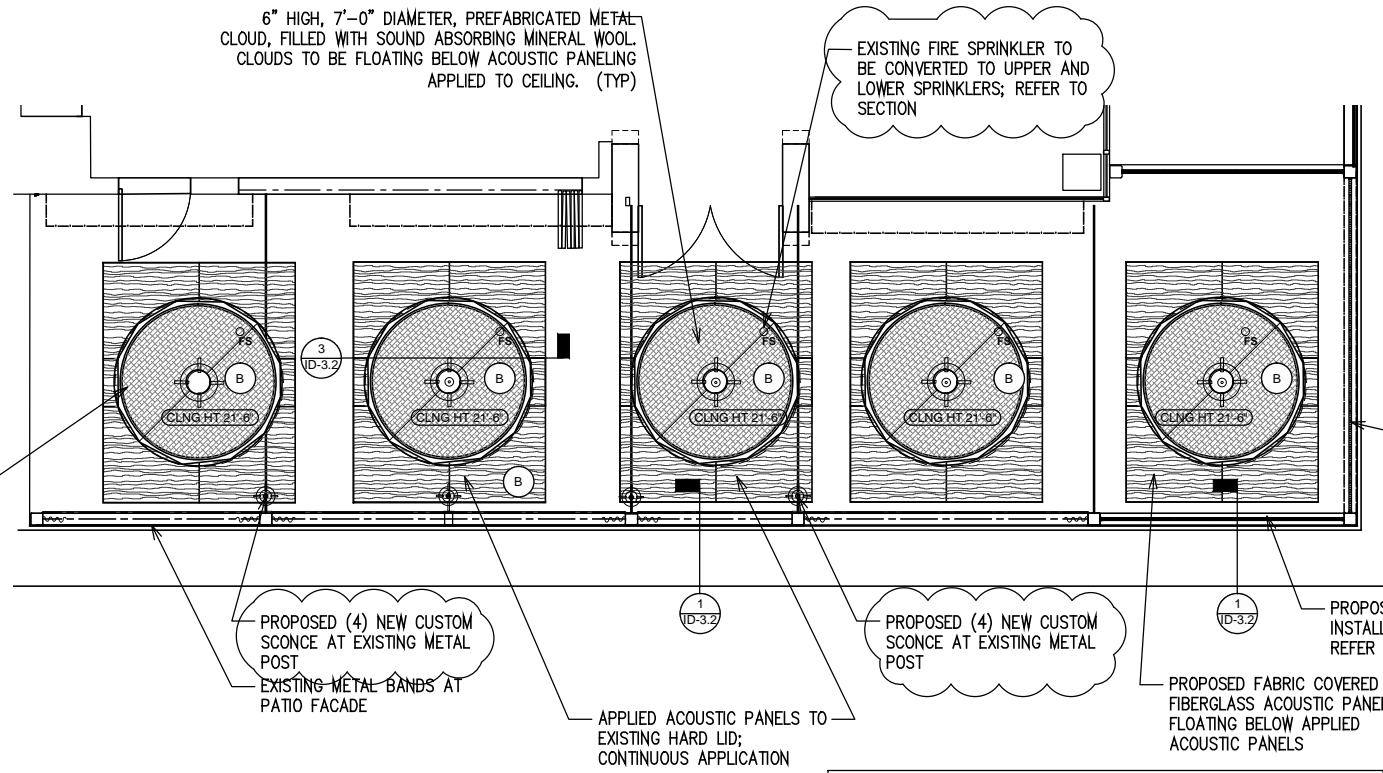
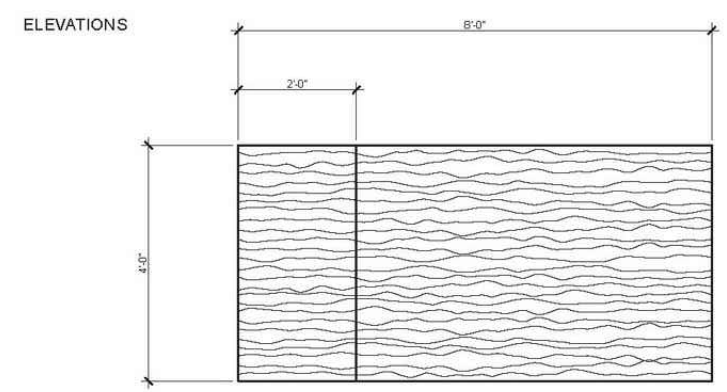
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* FIELD VERIFY DIMENSIONS PRIOR TO FABRICATION

* DRAWINGS ARE FOR DESIGN INTENT ONLY; REFER TO ENGINEERED / FABRICATION DRAWINGS FOR ALL FIXING SPECIFICATION

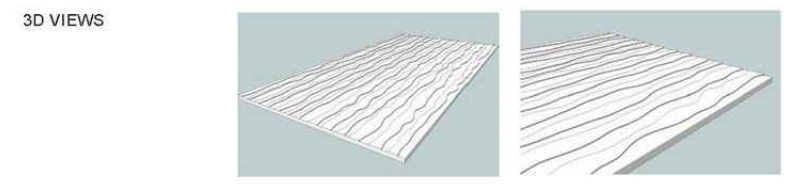
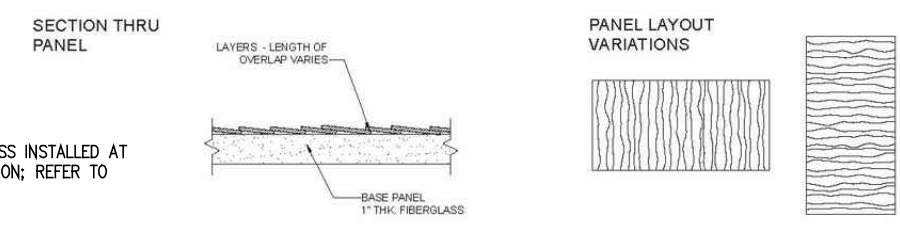
C1 LEVEL 1 PATIO RCP PATIO UPPER CEILING
SCALE: 1/4" = 1'-0"
HALF SCALE: 1/8" = 1'-00"

TOTAL CEILING AREA: 706 SQFT.
ACOUSTIC PANEL APPLIED TO HARD CEILING: 360 SQFT. (51%)
(20) 4'-0" X 4'-0" PANELS
(10) 2'-0" X 2'-0" PANELS



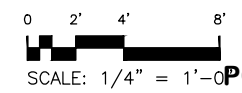
C2 MID LEVEL CEILING PATIO MID LEVEL CEILING
SCALE: 1/4" = 1'-0"
HALF SCALE: 1/8" = 1'-00"

TOTAL CEILING AREA: 706 SQFT.
ACOUSTIC PANEL APPLIED IN FLOATING CLOUDS: 192 SQFT. (27%)
7" DIA. CLOUD = 38.6 SQFT EACH
(5) 7" DIA. CLOUDS = 192 SQFT.



Custom design and sizing available
Customer specific designs can be created
NRC (Noise Reduction Coefficient) = 0.85
All materials utilized are Class (A)

921 Sand Dunes



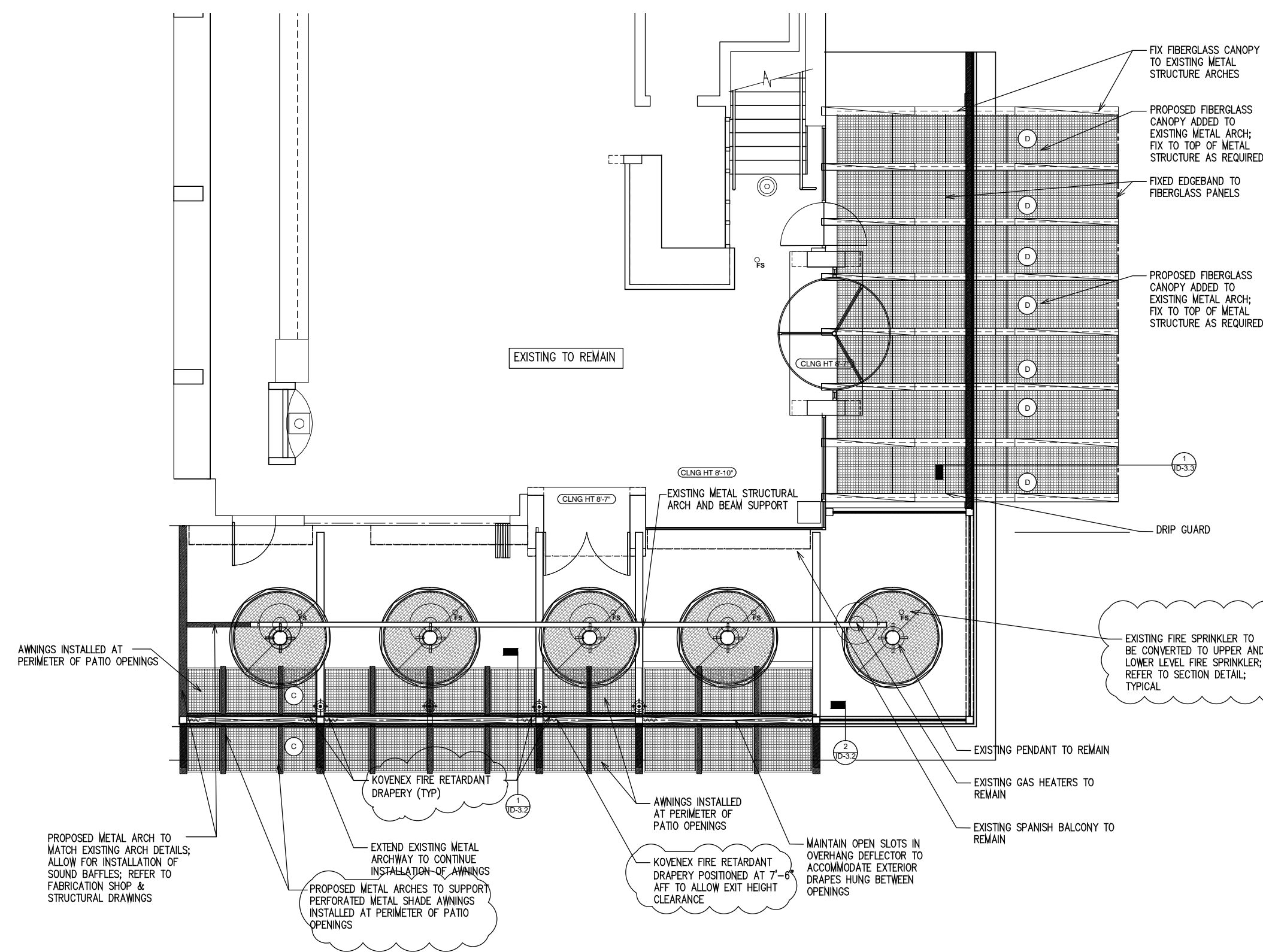
GENERAL NOTES / MATERIAL SPECIFICATION

- (A) ACOUSTIC ENTERPRISES INC.: FIBERGLASS ACOUSTIC PANELS; 1" THICK PATTERN 821 SAND DUNE WITH QUARRY BLUE FABRIC STYLE 2335 OR SIMILAR
- (B) FIBERGLASS ACOUSTIC INSULATION IN PERFORATED METAL BASKET CLOUD SUSPENDED FROM UPPER PLASTER CEILING SEE ID-3.5 FOR REFERENCE
- (C) PARASOLIEL ALUMINUM PANEL Nukubalavu 1/8" ALUMINUM NATURAL FINISH OR SIMILAR
- (D) LUMAsite RESIN / FIBERGLASS PANEL IN CRYSTAL II COLOR OR SIMILAR SEE ID-3.6 FOR REFERENCE.

* CONFIRM ALL MATERIAL SELECTIONS WITH OWNER PRIOR TO INSTALL

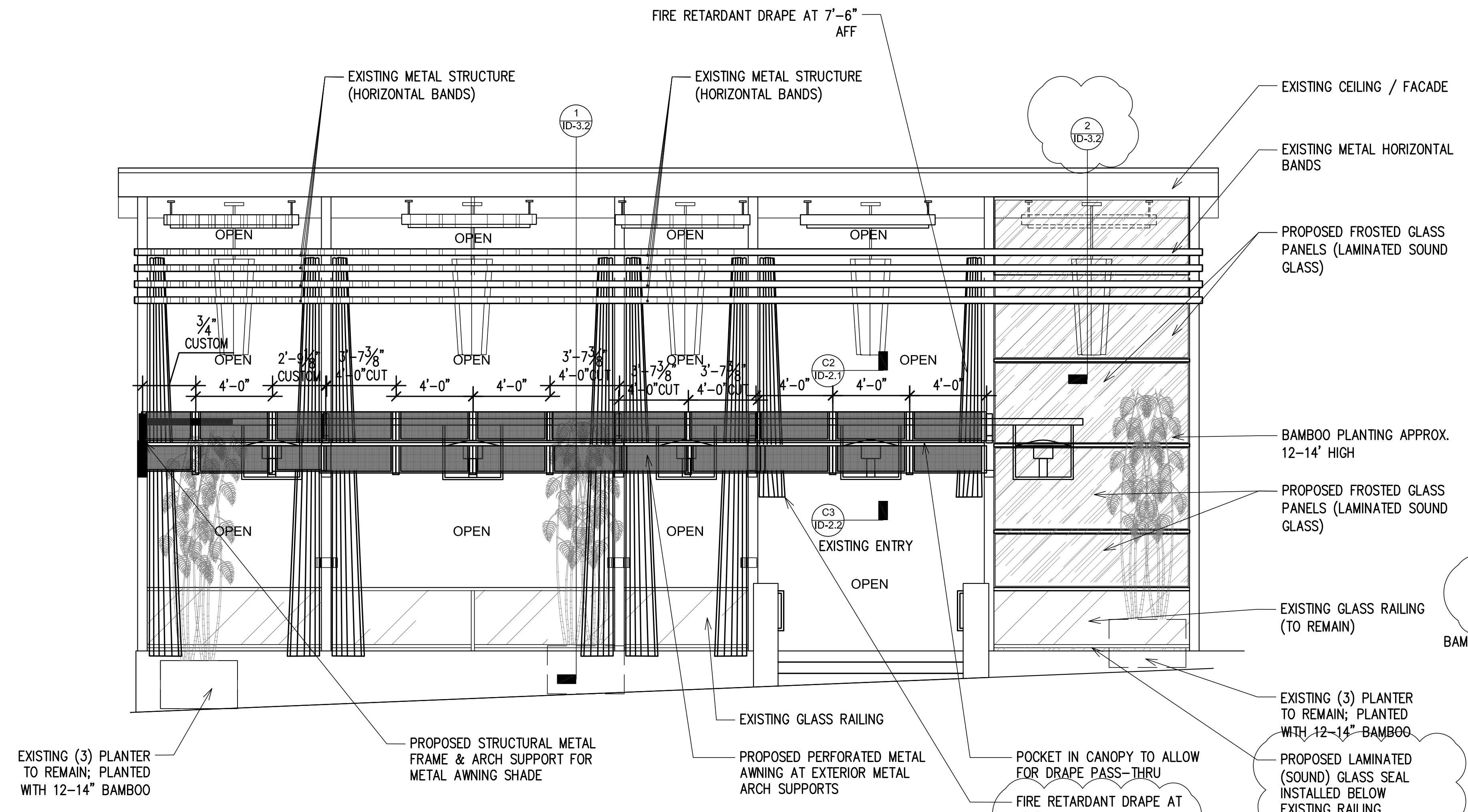
* FIELD VERIFY DIMENSIONS PRIOR TO FABRICATION

* DRAWINGS ARE FOR DESIGN INTENT ONLY; REFER TO ENGINEERED / FABRICATION DRAWINGS FOR ALL FIXING SPECIFICATION



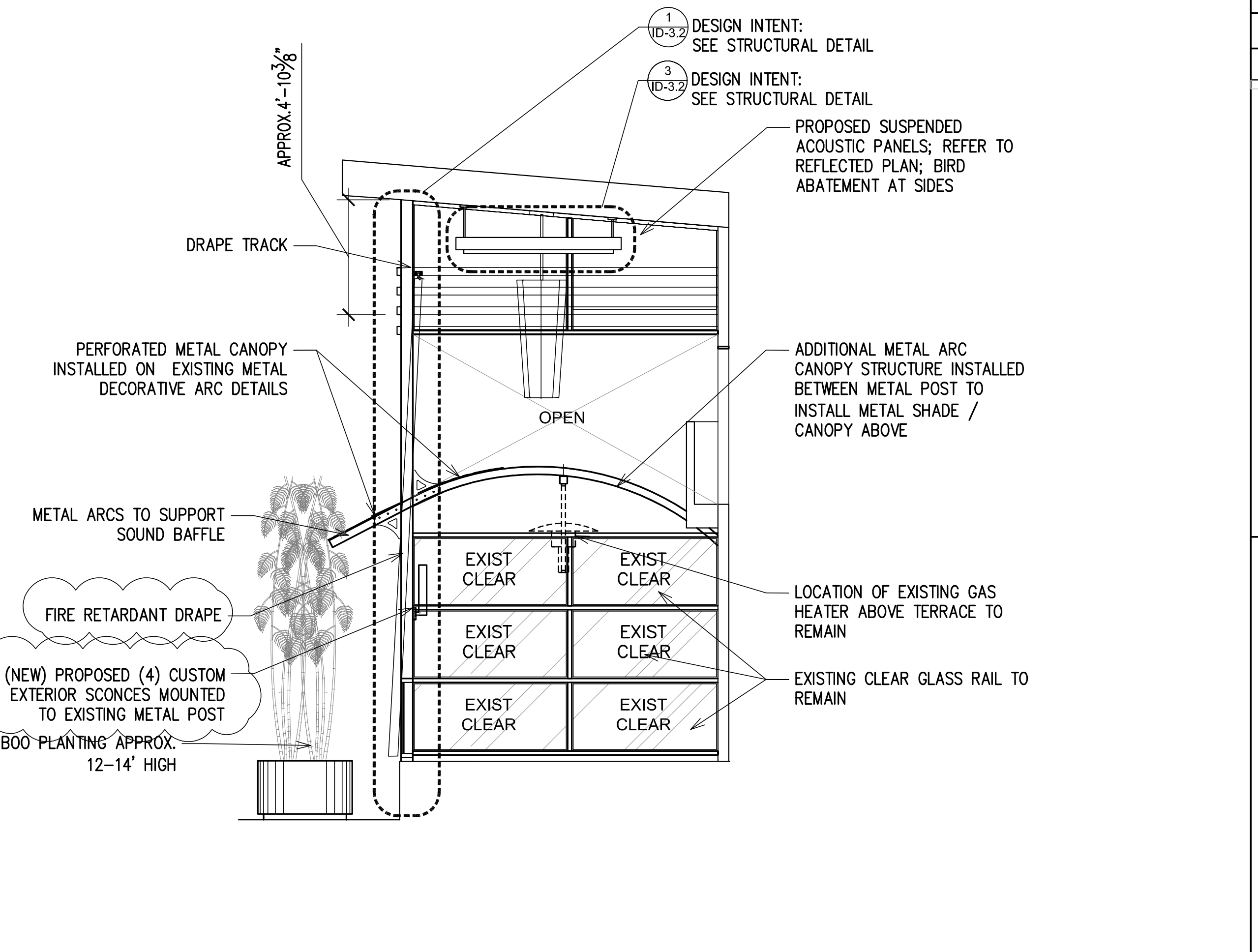
**C3 LEVEL 1 PATIO RCP
LOWER PATIO CEILING**

SCALE: 1/4" = 1'-0"
HALF SCALE: 1/8" = 1'-00"



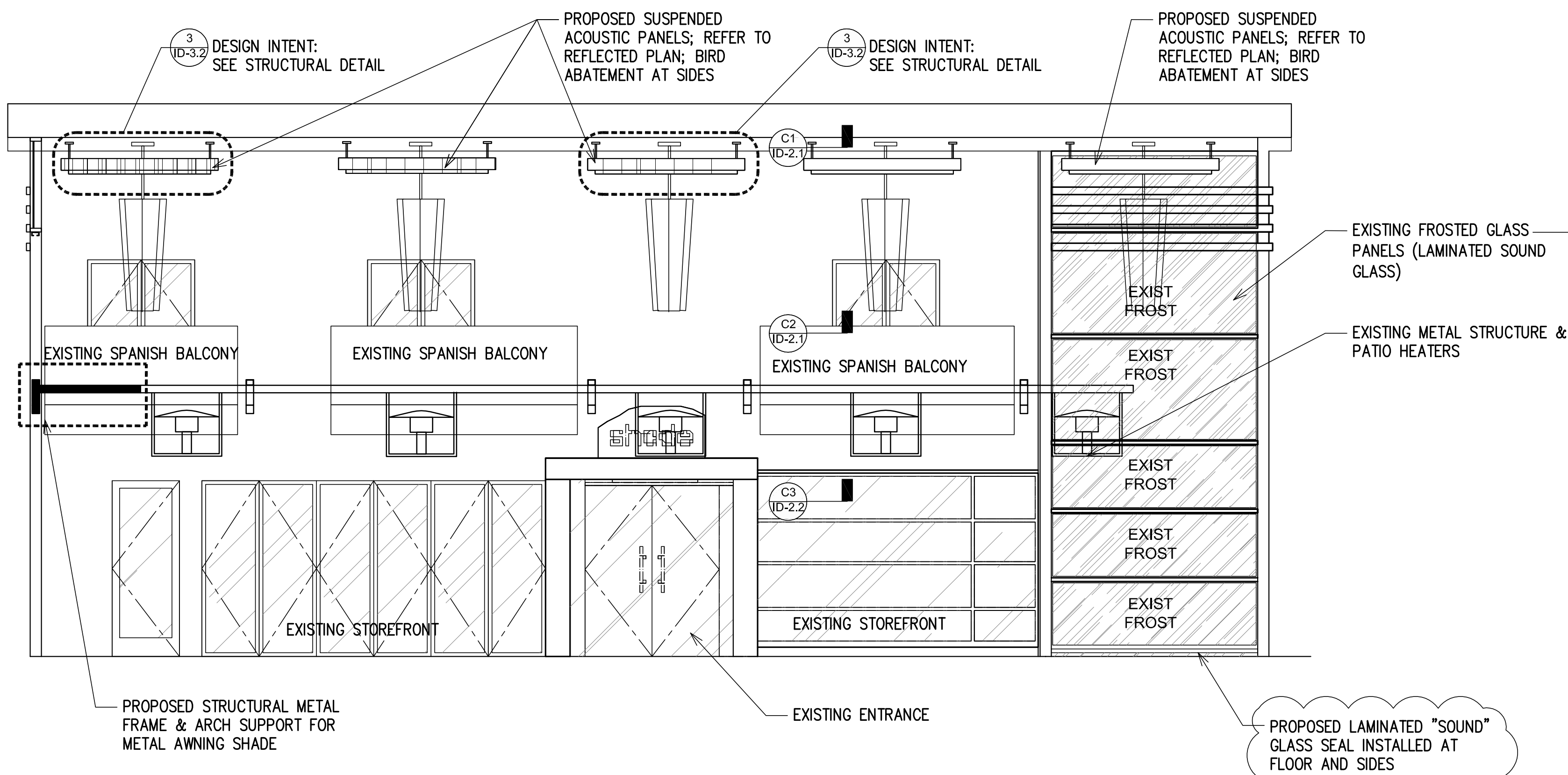
A TERRACE EXTERIOR SOUTH ELEVATION ELEVATION

SCALE: 1/4" = 1'-0"
HALF SCALE: 1/8" = 1'-00"



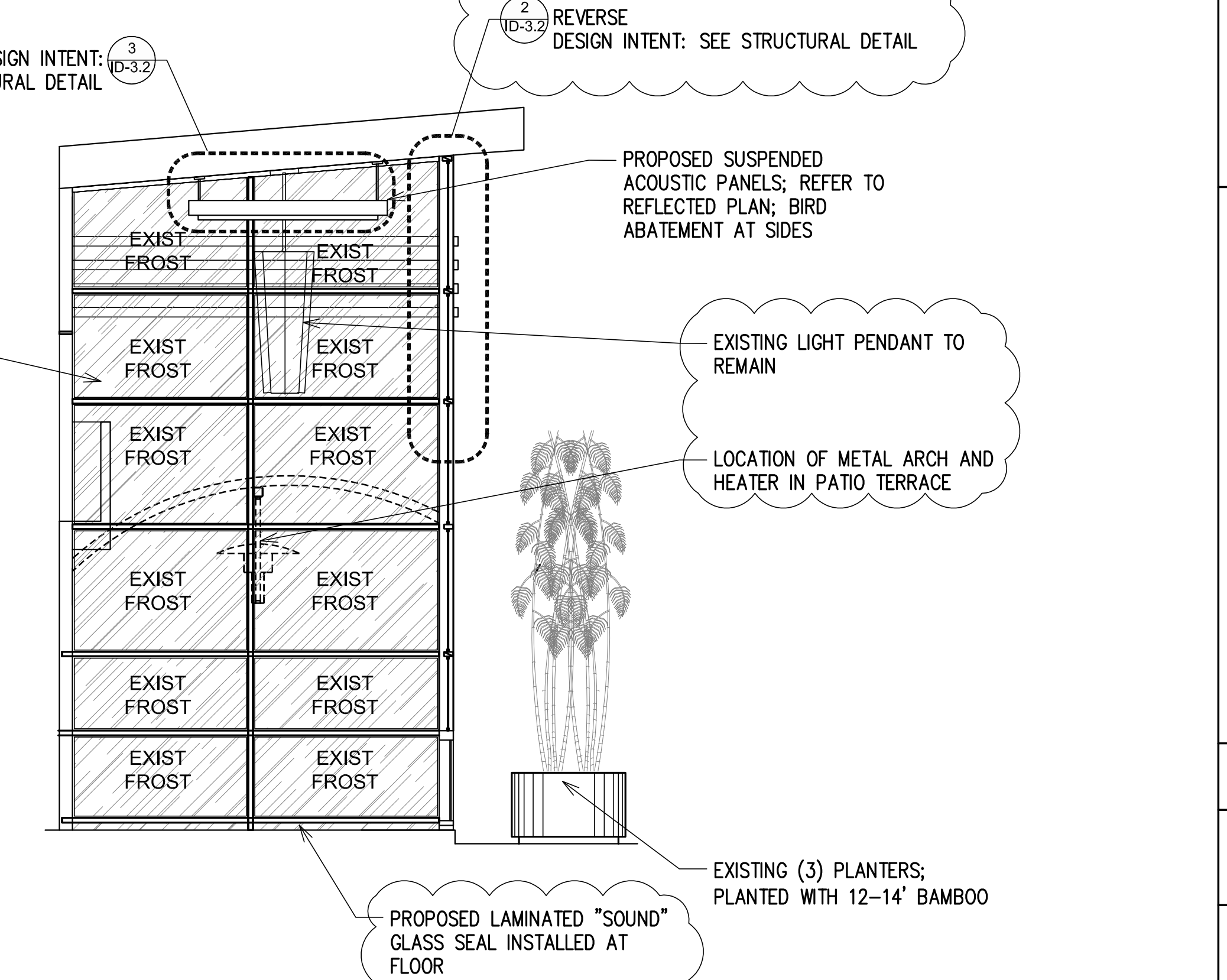
C TERRACE INTERIOR LOOKING WEST TOWARD LE PAIN INTERIOR ELEVATION/SECTION

HALF SCALE: 1/8" = 1'-00"
SCALE: 1/4" = 1'-0"



B TERRACE SOUTH ELEVATION INTERIOR VIEW ELEVATION

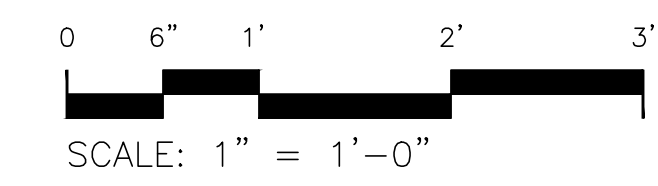
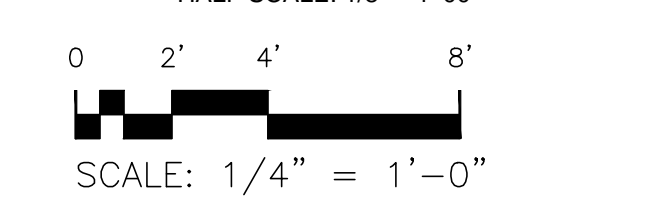
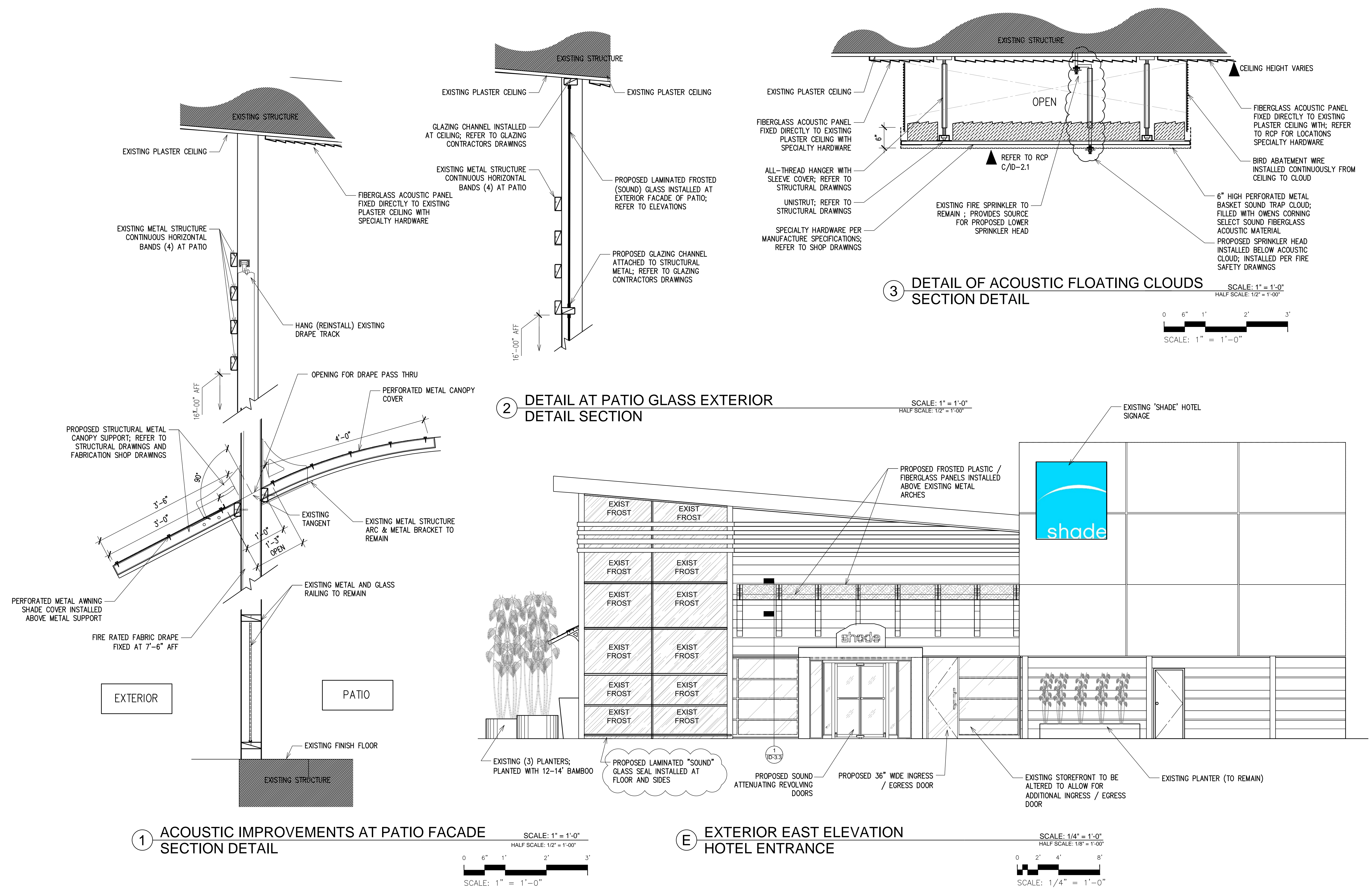
SCALE: 1/4" = 1'-0"
HALF SCALE: 1/8" = 1'-00"



D TERRACE INTERIOR ELEVATION LOOKING EAST ELEVATION

SCALE: 1/4" = 1'-0"
HALF SCALE: 1/8" = 1'-00"

SCALE: 1/4" = 1'-0"



GENERAL NOTES / MATERIAL SPECIFICATION

(A) ACOUSTIC ENTERPRISES INC.: FIBERGLASS ACOUSTIC PANELS; 1" THICK PATTERN 821 SAND DUNE WITH QUARRY BLUE FABRIC STYLE 2335 OR SIMILAR

(B) FIBERGLASS ACOUSTIC INSULATION IN PERFORATED METAL BASKET CLOUD SUSPENDED FROM UPPER PLASTER CEILING SEE ID-3.5 FOR REFERENCE

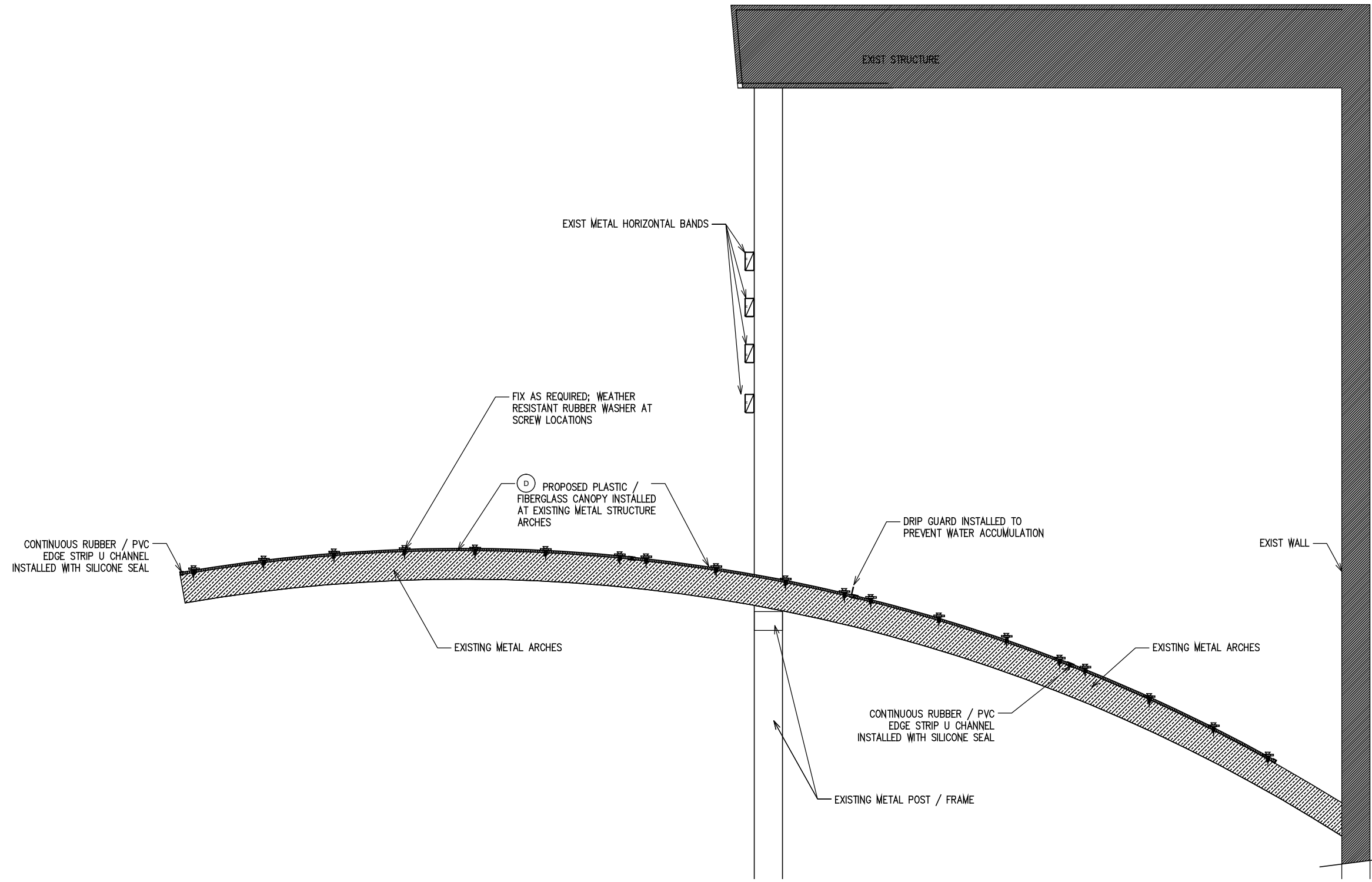
(C) PARASOLIEL ALUMINUM PANEL Nukubalavu 1/8" ALUMINUM NATURAL FINISH OR SIMILAR

(D) LUMAsite RESIN / FIBERGLASS PANEL IN CRYSTAL II COLOR OR SIMILAR SEE ID-3.6 FOR REFERENCE.

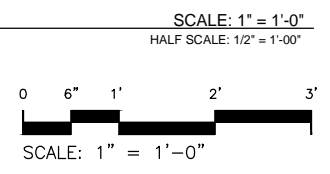
* CONFIRM ALL MATERIAL SELECTIONS WITH OWNER PRIOR TO INSTALL

* FIELD VERIFY DIMENSIONS PRIOR TO FABRICATION

* DRAWINGS ARE FOR DESIGN INTENT ONLY; REFER TO ENGINEERED / FABRICATION DRAWINGS FOR ALL FIXING SPECIFICATION



1 DETAIL AT HOTEL ENTRY CEILING SECTION DETAIL



Dear Mr. Zislis,

We have completed the noise mitigation evaluation for the Shade Hotel, located at 1221 N Valley Dr in the City of Manhattan Beach. The evaluation assessed the noise mitigation measures outlined in the architectural plans by Drasin Design dated December 10, 2013.

This evaluation was carried out to supplement our previous noise analyses of the hotel performed in 2009 and 2010. Our previous analyses assessed the noise levels of the various noise-producing areas of the hotel and the performance of noise mitigation measures that could be applied to these areas. Three main sources of noise were identified. These were the front entrance, the rooftop deck and the south terrace. This analysis considers the noise levels of the front entrance and south terrace only. A conclusion of our previous study was that noise levels would not be significantly reduced whenever there is activity on the rooftop deck due to the significant contribution to the overall noise levels from this source and the infeasibility of applying mitigation measures to this area. This analysis therefore only considers the condition when there is noise produced on the terrace and inside the Zinc Lounge but there is no significant noise produced the deck.

This report provides our assessment of the following mitigation measures:

- A revolving door in place of the existing front entrance doors and a new glass entrance door located to the north of the revolving door. The new entrance door would be used for disabled access only.
- A new glass panel system extending from the floor to the ceiling, partially enclosing the south terrace area east of the existing entrance. Curtains will partially enclose the area above and west of the entrance. All gaps around the existing glass panel system at the terrace area would be filled. Acoustically absorptive panels would be installed on the ceiling of the terrace area.

This report provides noise modeling results for unmitigated and mitigated scenarios with the above measures implemented. The sound levels used in the models are the same as those used in our original reports. Measurements were made at the hotel specifically for this analysis and it was noted that the noise levels during our visit were lower than had previously been measured in 2009. However, the use of the original 2009 modeling data permits direct comparison of the noise contour maps in this report with those produced for our previous studies and therefore it is possible to directly compare the effectiveness of the various mitigation measures assessed in each report.

This report presents calibrated unmitigated noise maps and predicted unmitigated noise maps. In addition, 'noise difference maps' are presented, which are calculated by subtracting the mitigated noise level from the unmitigated level at every point over the mapped area. A change in noise level of 5 dB is considered 'clearly noticeable' and this is the minimum value by that must be achieved for the noise reduction to be considered significant.

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 mitigated noise map is provided in Figure 2. The difference map in Figure 3 shows that the redesigned front entrance will reduce the noise by up to 5 dB at the residences. Therefore, the redesigned entrance can be considered an effective mitigation measure. In addition to reducing the average noise level, the revolving door will lessen the number of instances of short-duration increases in noise level that occur when the existing entrance doors are opened. Short duration increases in noise would occur when the new glass disabled access door is opened, which is expected to be an infrequent occurrence.

South Terrace Noise (Figures 4 to 6)

The unmitigated noise map for the terrace only is presented in Figure 4. This noise map shows the original unmitigated terrace scenario provided in our 2009 report with the curtains open. The noise map and difference map for the mitigated design are provided in Figures 5 and 6. The noise maps indicate that the south terrace's mitigation measures will reduce noise from this source by up to 7 dB at the residences. Therefore the mitigation measures proposed for the south terrace can be considered effective.

Combined Noise Levels (Figures 7 to 9)

Noise maps showing the unmitigated and mitigated combined noise levels of the terrace and front entrance noise are provided in Figures 7 and 8 respectively. The noise difference map in Figure 9 shows that the overall reduction for the combined mitigated scenario is up to 6 dB at the residences. It is noted that the noise reduction at the residences south of 12th Street is better than at the residences on the north side. This is due to the fact that the properties on the south side of this street are exposed to more noise from the terrace than from the front entrance and the mitigation measures applied to the terrace are more effective than those applied to the front entrance.

The noise impact modeling was completed using SoundPLAN version 6.5 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.

Recommendations

The following recommendations are provided to ensure the mitigation measures are implemented as effectively as possible:

1. The revolving door should have a Sound Transmission Class (STC) rating of at least 27 (doors manufactured by the International Revolving Door Company have STC ratings of 29 to 33).
2. The proposed 36" wide ingress/egress door should be a well-sealed and weather stripped assembly that provides an STC rating of at least 27.
3. The new glass and metal frame system should be well sealed without any gaps or openings. The openings around the new frame and the existing frame system should be sealed with a material that provides a surface density at least that of the existing glass.
4. The acoustically absorptive material to be installed on the terrace ceiling should have a Noise Reduction Coefficient (NRC) of at least 0.70.

Please contact the undersigned with any questions or comments.

Very truly yours,

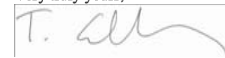


Figure 1. Unmitigated Average Noise Level at 1st Floor - Front Entrance Only

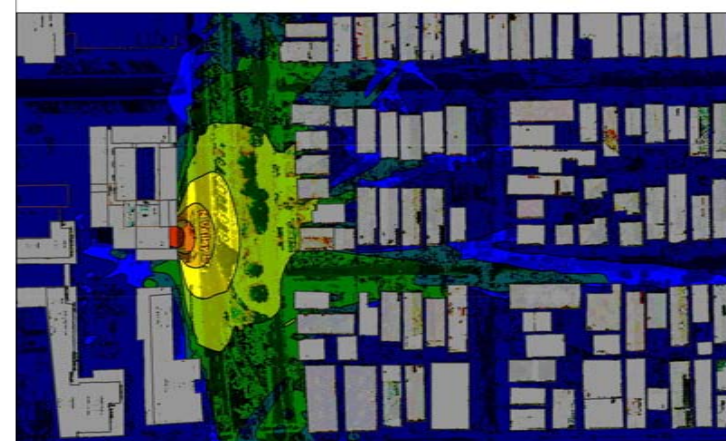


Figure 2. Mitigated Average Noise Level at 1st Floor - Front Entrance Only

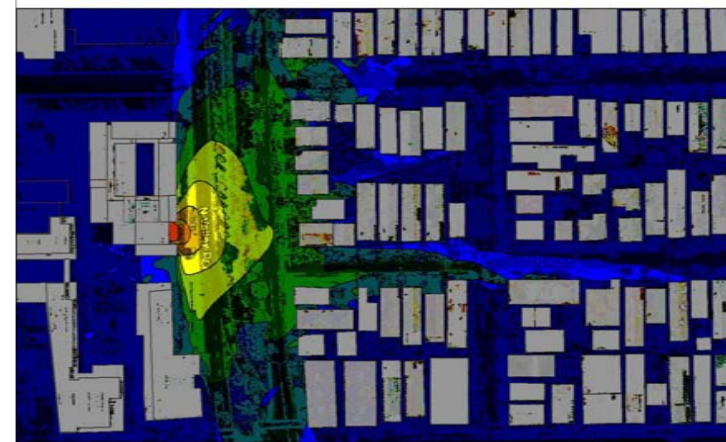


Figure 3. Noise Difference Map - Reduction of Front Entrance Noise at 1st Floor

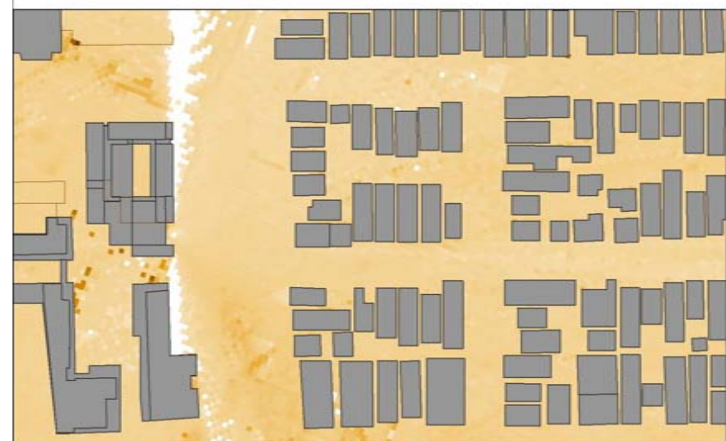


Figure 4. Unmitigated Average Noise Level at 1st Floor - South Terrace Only

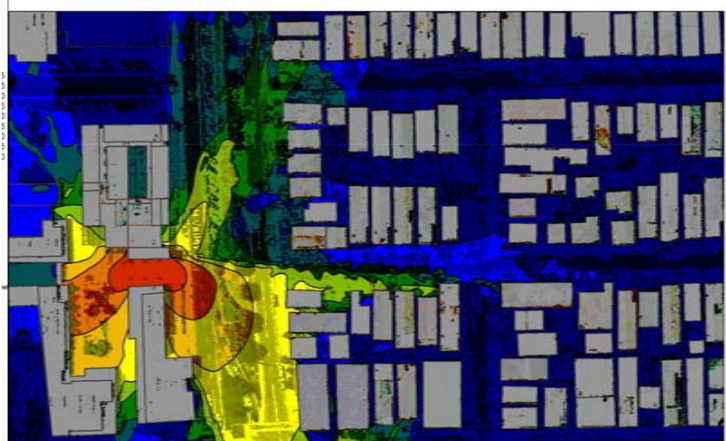


Figure 5. Mitigated Average Noise Level at 1st Floor - South Terrace Only

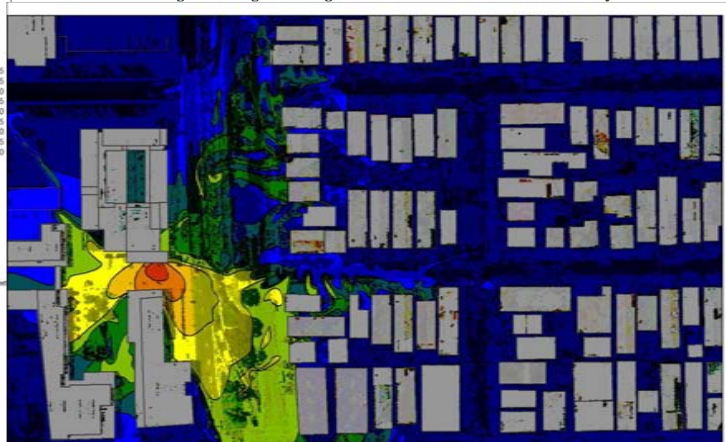


Figure 6. Noise Difference Map - Reduction of South Terrace Noise at 1st Floor

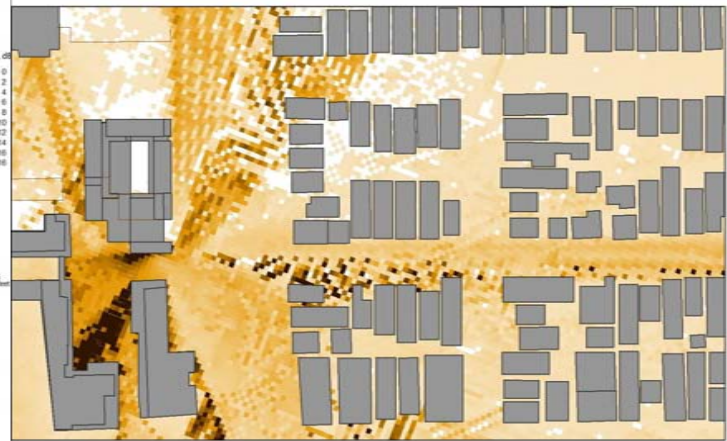


Figure 7. Unmitigated Average Noise Level at 1st Floor - Combined Front Entrance and South Terrace Noise

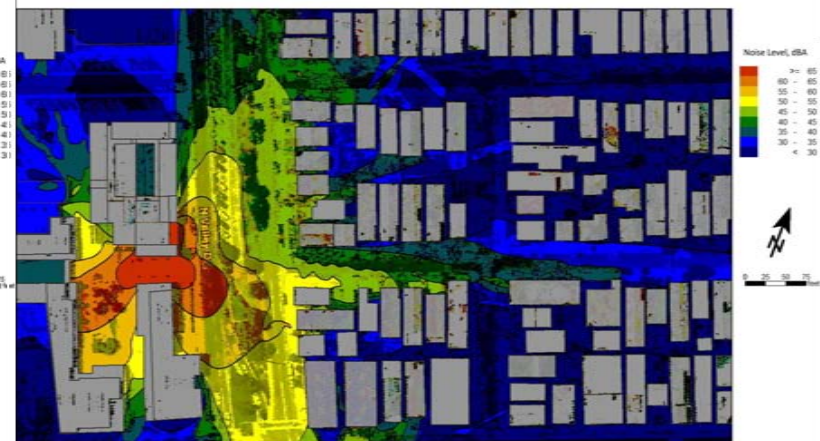


Figure 8. Mitigated Average Noise Level at 1st Floor - Combined Front Entrance and South Terrace Noise

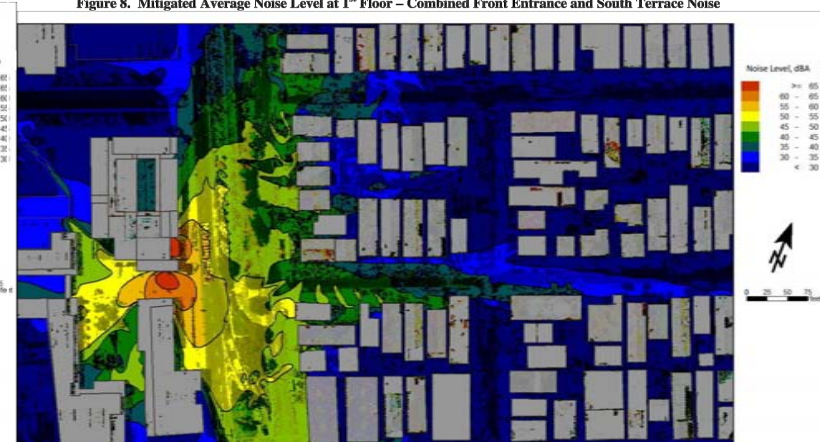
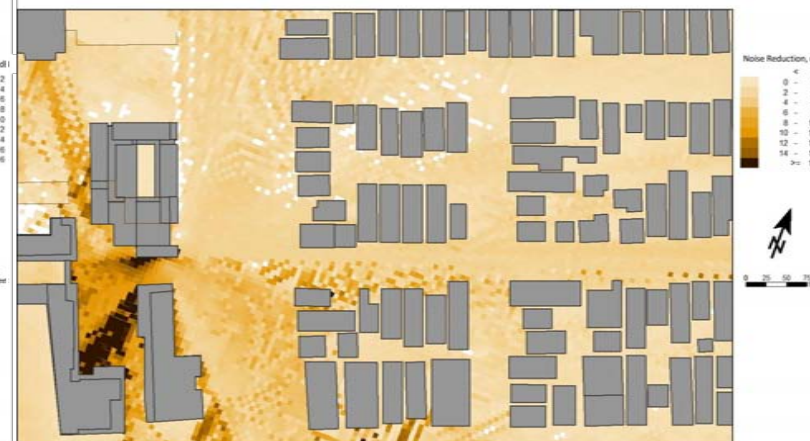
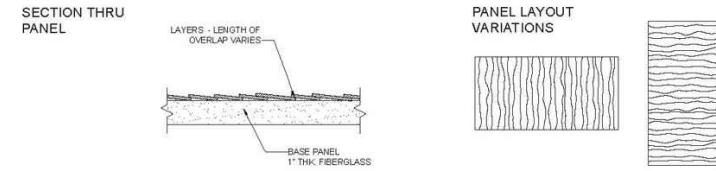
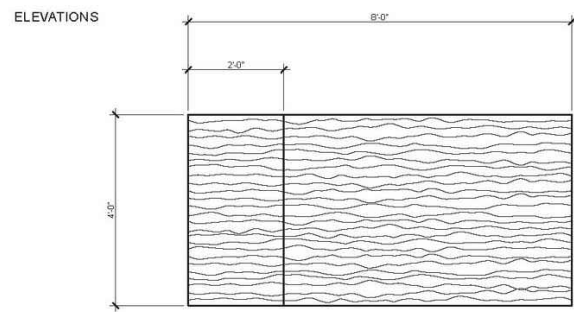


Figure 9. Noise Difference Map - Reduction of Combined Front Entrance and South Terrace Noise at 1st Floor





Custom design and sizing available.
Customer specific designs can be created.
NRC (Noise Reduction Coefficient) = 0.85
All materials utilized are Class (A)

921
Sand Dunes

ACOUSTIC ENTERPRISES INC. Patented Products and Services

Dimensional Acoustic Panels



Dimensional Acoustic Panels (DAP) combine 3-dimensional designs with fabric-covered, sound absorbing acoustical panels to create a dynamic, beautiful product. Dimensional panels capture beauty and sound control for every environment where sound performance is necessary.

Standard size for DAP-1* or DAP-2* panels are 4'x8' (designs are formatted for this size). Custom sizes or smaller panels may require pattern resizing.

Custom designs require submittal of drawings.

Hz	125	250	500	1000	2000	4000	N.R.C.
DAP-1*	.02	.37	.87	1.09	1.01	1.00	.85
DAP-2*	.21	.78	1.04	1.07	1.06	1.04	1.05

- SIZE**
4' x 8' standard
Custom sizes as requested
Designs formatted for standard size may require pattern resizing.
- FINISH**
Standard fabric:
Guilford of Maine, Anchorage 2335
Other panel fabrics approved upon submittal
- EDGES**
Standard = Square
Hardened
Half Bevel (x2 sides or x4 sides)
or
Quarter Bevel (x2 sides or x4 sides)
- FIRE RATING**
ASTM E84 Class "A" materials

Beautiful Sound Control
8006 Sunrise Circle, Frederick, CO 80516-9428 888-287-4183 303-774-9992 fax 303-774-0081
www.dimensionalacoustics.com

ACOUSTIC ENTERPRISES INC. Patented Products and Services

INSTALLATION INSTRUCTIONS

DIMENSIONAL AND FLAT WALL PANELS:
Particular care must be taken not to bend panels during installation, especially longer panels, as it could create bubbles in the fabric. Keeping panels in a vertical, straight upright position is the safest and required way to handle the panels.

When mounting Rotofast panel anchors or other types of hardware, please make sure you lay the panels on a clean flat surface free from dirt or debris so panels do not get soiled, punctured or damaged in any way. Never stand panels on their corners as it could cause crushing and de-laminate the material from the corner of the panel. The fiberglass core is a soft material that can be dented if proper care is not used when handling.

Please keep pencils, markers, liquid nails, knife blades and other such tools away from the face of the panels you are installing.

BAFFLES:
Baffles come with hardware already installed; it is a matter of hanging them in your designated space. Please use the same care instructions as the wall panels.

CLOUDS:
We make various types and configurations of clouds. Each type of cloud will come with its own type of assembly and installation instructions. For two-piece clouds lay both parts on flat, smooth, clean surface. "U" channel will be labeled A-B, C-D, E-F to cross over to each half. Match up to inserted Rotofast anchors that are also marked A-B, C-D, E-F. Gently tighten screws thru the "U" channel to hold both halves into place. Hang cloud from holes drilled in ends of each 3' cross piece. Please use the same care instructions as the wall panels.

ROTOFAST ANCHORS:
Remove panels from the crate. Lay panels face-down on a clean or covered work surface. Follow the instruction sheet that is provided in the package of Rotofast anchors. It is important that you screw the anchors in the back of the fiberglass panel until the flat part of the anchor is flush to the panel. If you screw the anchor in too far (especially in a 1" panel) you will create a bulge in the face of the panel. Never screw anchors into the fabric or material that is wrapped around the back of the panels, as it can delaminate the fabric from the corners and edges of the panel.

Use Acoustic Enterprises Inc. placement recommendation sheet included with panel order for quantity and anchor location on panels and clouds.

Using Rotofast Cloud Anchors:
Insert loop into flat side of anchor until it snaps into locked position. Using the loop as a handle, screw clouds/anchor into fiberglass back.

Notes:
If cloud has a perforated white vinyl back (used for white light reflection), cut a small slot in vinyl to start anchor in.

When installing the screw with the black ratchet into either the white screw anchor or the wall with the screw only, leave the ratchet slightly loose for easier alignment.
Each Roto-fast anchor will hold up to 43 lbs. Each square foot of 7" panel weighs approximately 1/8 lb.

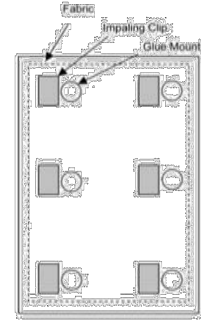
Rotofast anchors are used for easy installations of permanently mounted panels. If the white wall anchors are installed, and the black ratchet is screwed into it, upon removal the drywall will be torn. Semi-permanent installation can be achieved by not using the white wall anchor.

Panels can be removed, with a carpenter square by inserting the short side behind the panel, and the long side as a handle. Once panels are removed, and channel locks can be used to unscrew the yellow anchor, then the ratchet can be pushed thru. All the parts can be removed and reused, for reinstallation of the panel.

ACOUSTIC ENTERPRISES INC. Patented Products and Services

INSTALLATION INSTRUCTIONS

NOTE:
A flat board or plywood piece should be used on the face of the acoustical panel to make sure that pressure necessary to push panel onto the clip, does not crease or wrinkle the facing.



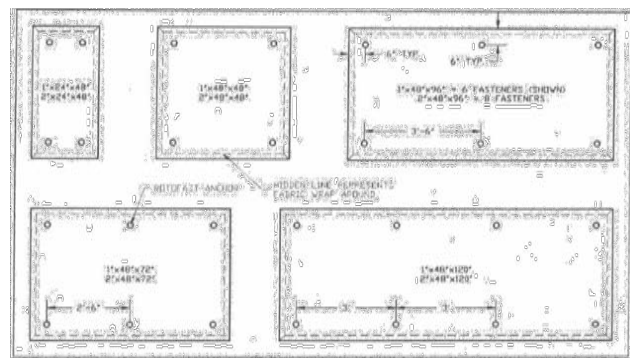
PANEL LENGTH	STANDARD NUMBER OF CLIPS PER PANEL	
	NUMBER OF CLIPS	CLIP SIZE
Up to 24"	2	2" x 2"
24" x 48"	4	2" x 2"
48" x 72"	8	2" x 2"
48" x 96"	12	2" x 2"
48" x 120"	16	2" x 2"

If you should have any questions or concerns about installing your new custom products, please call your project coordinator.

8006 Sunrise Circle, Frederick, CO 80516-9428 ☎ 888-287-4183 ☎ 303-774-9992 ☎ fax 303-774-0081
www.reskin.com

ACOUSTIC ENTERPRISES INC. Patented Products and Services

INSTALLATION INSTRUCTIONS



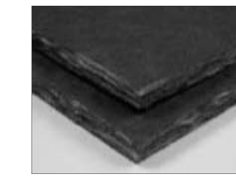
Using "Z" Clips:
Panels are fabricated with a line across the width. Resin hardened spots are poured across the line so the center of the "Z" clip can be installed on site on the line. The installer can mark the wall with the same measurement from the panel, and the "Z" bar, or "Z" clips can be installed for the desired panel location.
"Z" bar comes in six foot lengths or 2 each of the 2" "Z" clips can be used on both panel and wall.

Using Impaling Clips:
Clips should be installed using the Acoustic Enterprises Inc. placement recommendation sheet included with each panel order.
Mounting on drywall can be done with screws only or with screws and adhesive. Mounting on concrete or masonry with adhesive should be done ahead of installation time for maximum strength.

- If the wall panels are not required to be removable, the easiest method of installation is **Impaling Clips**.
- Impaling clips are shipped from the factory with the panels and should be screwed into the wall where the panels are to be installed. Care should be taken to screw the impaling clips into a stud when possible and to space the clips so that they will be evenly spaced on the back of the panel.
 - The back of the wall panel should be covered with a construction adhesive and placed onto the wall in the desired location.
 - The impaling clips will hold the panel in place while the adhesive sets.

Submittal Sheet

SelectSound® Acoustic Blanket



Superior Acoustical Performance

SelectSound Black acoustic blanket provides excellent acoustical performance for walls in multiplex theaters, sound studios and performing arts centers. SelectSound Black acoustic blanket is also ideal for use above suspended metal ceiling systems. Depending on specified thickness, SelectSound Black acoustic blanket absorbs up to 100% of the sound striking its surface. SelectSound Black acoustic blanket helps provide the highest quality audio reproduction by reducing sound reverberation within spaces. Sound transfer from space to space is also noticeably reduced.

Physical Property Data

Property	Test Method	Value
Water vapor sorption (by weight)	ASTM C 1104	<3% by weight at 120°F (49°C), 85% R.H.
Fungal resistance	ASTM C 1338	Meets requirement
Corrosiveness	ASTM C 665 Corrosiveness Test	Will not cause corrosion greater than that caused by sterile cotton on aluminum or steel**
Surface burning characteristics	UL 723, ** or CANULC-S102-M**	Flame spread 25** Smoke developed 50
Maximum Air Velocity Erosion Test	UL 181 Erosion Test	6,000 fpm (30.5 m/sec.)

** When wet, coated surfaces in contact with galvanized steel may cause discoloration of the sheet metal.
** The surface burning characteristics of these products have been determined in accordance with UL 723 and CANULC-S102-M. These standards should be used to measure and describe the properties of materials, products or assemblies in response to heat and flame under controlled laboratory conditions and should not be used to describe or appraise the fire hazard or fire risk of materials, products or assemblies under actual fire conditions. However, results of this test may be used as elements of a fire risk assessment which takes into account all of the factors which are pertinent to an assessment of the fire hazard of a particular end use. Values are reported to the nearest 5 rating.

Durable Material Composition
SelectSound Black acoustic blanket is dimensionally stable and will not shrink or warp. The blanket's resilient composition resists job-site damage. Composed of inorganic glass fibers, SelectSound Black acoustic blanket will not rot or mildew and is noncorrosive to steel, copper and aluminum.

Fast, High Quality Installation

This wider product improves job site productivity and requires less seams. Lightweight and resilient, SelectSound Black acoustic blanket is easy to handle, fabricate and install. Both stick pins and adhesives can be used to secure insulation to drywall, concrete block or precast concrete.

Size Availability

SelectSound Black acoustic blanket is available in standard thicknesses of 1" and 2". A 1 1/2" thickness is available through special order.
The 1" and 1 1/2" product is available in 72" W x 70' L rolls, while the 2" product is available in a 72" W x 50' L roll.

All Black Wool with Black Mat Finish
SelectSound Black acoustic blanket is an all black wool product with a black mat surface. It is excellent for eliminating light reflections while providing superior acoustical performance.

Design Considerations

Acoustical performance of interior surfaces can generally be improved by increasing product thickness. SelectSound Black acoustic blanket can be specified for use in conjunction with other Owens Corning acoustical material to provide additional performance.

Applicable Standards

SelectSound Black acoustic blanket complies with the property requirements of ASTM C 563, Type III, 250°F maximum use temperature. The noise reduction coefficients of SelectSound Black acoustic blanket were derived from tests conducted in accordance with ASTM C 423 on a Type A mounting. Meets New York City MEA No.306-03-M.

Installation Procedure

SelectSound Black acoustic blanket can be installed on drywall, concrete block or precast concrete using impaling pins or appropriate adhesives. When installing insulation with adhesive, follow adhesive manufacturer's recommendations for surface preparation and pattern. When using impaling pins, follow the pin manufacturer's recommendations for surface preparation, location and amount of pins. Pin length should be selected to ensure tight fit. Where subject to physical contact, protect pin tips. Keep product dry during shipping, storage and installation.

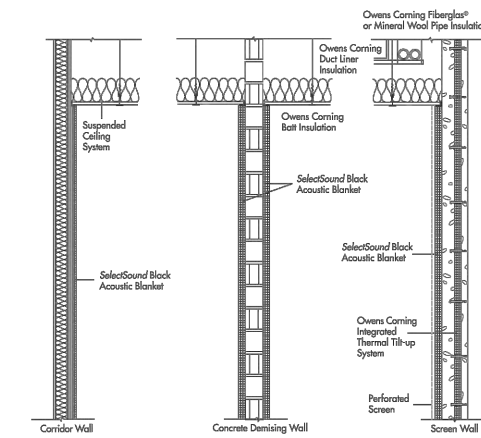
SelectSound® Acoustic Blanket

Acoustical Performance
Tested Values - SelectSound Black Acoustic Blanket
Sound Absorption Coefficients (ASTM C 423, Type "A" Mounting)

Product	Density pcf (kg/m ³)	Thickness in (mm)	Octave Band Center Frequencies, Hz						Thermal Resistance* R-Value (hr·ft ² ·°F)/Btu	
			125	250	500	1000	2000	4000		NRC
SelectSound Black	1.5 (24)	1.0 (25)	.10	.34	.64	.87	.91	.91	.70	4.2
Acoustic Blanket	1.5 (24)	1.5 (38)	.12	.62	1.07	1.10	1.01	0.95	0.95	6.3
		2.0 (51)	.27	.80	1.12	1.07	1.02	1.01	1.00	8.5

* ASTM C518
These data were collected using a 1ft² sample size and are not absolute values. Reasonable tolerances must therefore be applied. All tests were conducted in accordance with ASTM C 423, Type A mounting (material placed against a solid backing such as a block wall). Owens Corning Granville Science & Technology Acoustical Lab is National Military Laboratory Accredited Program (NVLAP) approved.

Conceptual Details



For CSI type sample specification, please contact your local Owens Corning representative.



OWENS CORNING WORLD HEADQUARTERS
ONE OWENS CORNING PARKWAY
TOLEDO, OHIO, USA 43659
1-800-GET-PINK
www.owenscorning.com

Owens Corning reserves the right to change this product as needed.

REVISIONS:

156 S Almont Dr
Beverly Hills, CA 90211
TEL: 310.413.9332

DRASIN design

SHADE MANHATTAN BEACH
1221 N Valley Drive
Manhattan Beach, California 90266
PROJECT #1306

DATE: 2/4/2014
SCALE: NONE
SHEET NAME: ID-3.5

Crystal II panels are used in glazing and partition applications requiring high light transmission and superior impact strength. These near-clear panels are supplied with a micrograin gloss finish on both sides, or with a matte or pebbled surface on one side (refer to Crystal II-SOS and Crystal II-POS). The standard micrograin gloss is a medium-reflectivity surface with a slight texture that contributes less diffusion than the matte or pebbled finishes.



By embedding various materials into the panel when casting reinforced acrylic-modified polyester panels, new vistas are opened to the specifier. Woven cane-like embeddings with a natural look include Coco Reed, Rattan, and Kane. Honeycomb and Black Lace are knitted fabric embeddings with a contemporary look.

Embedment of special papers printed with graphics seals the graphics into the panel. Once cast into fiberglass, the sign, display or decorative panel exhibits superior toughness, durability and vandal-resistance. Common applications for graphic embeddings include industrial and safety signage, transit sign panels, and interpretive panels for parks, zoos and museums.

Diamond Design (DD3448) is the designation given to an embedment panel incorporating 3/4"x 1-1/2" expanded aluminum mesh, resulting in a panel with toughness, rigidity and resistance to penetration. At the same time, the diamond-shaped openings form an attractive pattern that allows generous passage of light.

AMERICAN ACRYLIC CORPORATION
400 Sheffield Avenue • West Babylon, New York 11704
(631) 422-2200 • (800) 627-9025 • Fax (631) 422-2811

MATERIAL SAFETY DATA SHEET for fiberglass-reinforced acrylic panels Revised 9/3/02

SECTION 1 - Material Identification

Product names: Panels marketed under the LUMAsite® and AMAC™ trade names.

Appearance: Solid flat plastic panels in translucent or opaque whites and colors.

SECTION 2 - Composition

Panels are composed of cured acrylic resin and fiberglass mat reinforcement. Resin and reinforcement contents fall within the ranges indicated below:

Acrylic polymer	65 to 85% by weight
Fiberglass reinforcement	15 to 35% by weight
Methyl methacrylate monomer	trace

SECTION 3 - Hazard Identification

Fire hazard: Fiberglass-reinforced acrylic sheets are combustible. Fire precautions similar to those appropriate for wood-based products should be observed. Use the following extinguishing media: water spray, dry chemical or carbon dioxide. Fire-fighters must wear appropriate self-contained breathing apparatus and full protective gear.

Fabrication hazard: Dust generated during cutting and fabricating can be hazardous. Wear a protective mask to avoid inhaling the dust.

Dust may be irritating to the eyes. Wear eye protection. If irritation develops, flush eyes with water. Get medical attention if irritation persists. Dust may be irritating to the skin. Wash dust from exposed skin using mild soap and cool water. Wash protective clothing separately.

Over-heating reinforced acrylic materials can produce fumes. Use exhaust ventilation during fabrication if necessary. If nausea, headache or dizziness occurs, move to fresh air.

SECTION 4 - Special Protection

Wear heavy-duty work gloves to protect hands from sharp edges. This is particularly important when handling thinner gauges.

Wear eye protection during handling and fabrication.

Dust generated during cutting and machining can be hazardous. Wear respiratory protection to avoid inhaling the dust.

Dust generated during cutting and machining can be irritating to skin. Wear protective clothing if necessary to minimize exposure to the dust. Wash protective clothing separately.

SECTION 5 - Storage and Handling

Store at ambient temperatures. The material is combustible. Fire precautions similar to those appropriate for wood-based products should be observed.

Wear heavy-duty work gloves to protect hands from sharp edges. This is particularly important when handling thinner gauges.

Wear eye protection during handling and fabrication.

SECTION 6 - Toxicity

These materials are solid sheets, and are not hazardous under normal conditions of storage, handling and installation.

Cutting and machining can produce hazardous dust and vapors. Refer to Section 3 for additional information.

Flammability

LUMAsite® sheets are combustible. Fire precautions similar to those appropriate for wood-based products should be observed.

Fiberglass-reinforced acrylic classifies as a CC 2 material, which means that it exhibits a burning rate of less than 2-1/2-inches per minute when tested by the ASTM D-635 method.

Some reinforced acrylic varieties of LUMAsite® sheets, include Frost-SOS and White 1000-SOS, are available in a type FR (fire-retardant) that classifies as a CC 1 material in .090" and thicker gauges, which means that the material stops burning when tested by the ASTM D-635 method.

Type FR panels also fall into a Class C category (NFPA 255) in some thicknesses, which means that they exhibit flamespread and smoke density values within specific ranges when tested by the ASTM E-84 method. Additional information regarding burning characteristics can be supplied upon request.

Note that no fire-retardant version of the Crystal II or embedment varieties is available.

LIGHTING SPECIFICATIONS

Specification page for translucent varieties of LUMAsite® reinforced acrylic sheets and diffusers (often used for a lighting diffuser in the thinner gauges, and in partitions or as a translucent architectural panel in thicker gauges up to 1/4").

VARIETIES	PERCENT LIGHT TRANSMISSION						
	(Typical values: air = 100%)						
	.045"	.060"	.090"	.125"	.150"	.187"	.250"
Frost-SOS	82	80	76	72	69	64	59
Parchment-SOS			70	66		55	50
White 1000-SOS	71	70	62	58	55	49	42
Rice-SOS		72	66	62	59	52	44
Sky-SOS		52	46	41		29	20
Jade-SOS		62	55	48		38	30

PROPERTY	METHOD	VALUE
Flexural strength, 73 F.	ASTM D-790	20,000 psi
Flexural modulus, 73 F.	ASTM D-790	1,000,000 psi
Tensile strength, 73 F.	ASTM D-638	14,000 psi
Compressive strength, 73 F.	ASTM D-695	25,000 psi
Impact strength, 73 F.	Izod, notched	6 ft-lbs/in
Hardness	Barcol Impressor	55
Heat distortion temp, 264 psi	ASTM D-648	210 F.
Coeff. of expansion	ASTM D-696	.00002 in/in F.

Observed Deflection of edge-supported flat diffusers:

Thickness	Size	Initial	Two Years	Comments
.045"	24" x 24"	3/16"	1/4"	satisfactory if clipped in place
.045"	24" x 48"	3/8"	1/2"	not recommended
.060"	24" x 24"	1/8"	3/16"	satisfactory
.060"	24" x 48"	1/4"	3/8"	satisfactory if clipped in place

.080"	36" x 36"	5/16"	7/16"	not recommended
.080"	24" x 48"	3/16"	1/4"	satisfactory
.090"	36" x 36"	3/16"	1/4"	satisfactory
.090"	36" x 48"	3/8"	1/2"	marginal
.125"	24" x 48"	1/8"	3/16"	satisfactory
.125"	36" x 36"	1/8"	3/16"	satisfactory
.125"	36" x 48"	3/16"	3/16"	satisfactory
.125"	48" x 48"	3/8"	3/8"	satisfactory
.125"	48" x 60"	1/2"	3/4"	marginal

performance fabric

Kovenex thermal barriers are built upon three decades of experience in innovating and manufacturing industrial-grade, engineered performance fabrics and materials.

Certifications & Testing

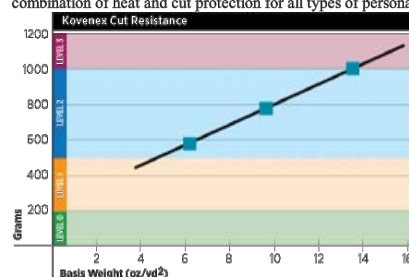
Kovenex TPP levels per basis weight are equal to or better than more expensive woven thermal barriers on the market today.

Kovenex needle-punch battings provide outstanding thermal protection in very light weights for use in all types of protective apparel and equipment. Ounce per ounce, Kovenex fabrics match or outperform other commercially available thermal barriers, including fiberglass, aramid and Modacrylic. Kovenex is tested to:

- NFPA 1971-2007 (structural glove liner)
- NFPA 1971-2007 (protective garments and hoods for structural firefighting)
- ASTM D6413, ASTM D4151 and ASTM D5587
- AATCC-22 and AATCC-35 (water repellent)
- AATCC-135 (moisture water vapor transmission)

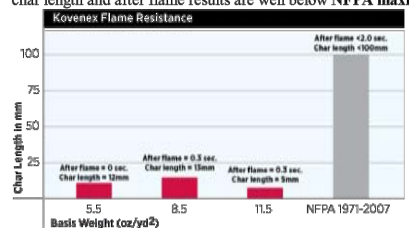
Cut

Tested to ASTM F1790, Kovenex stitchbonded fabrics produce Level 2 cut resistance, creating a unique combination of heat and cut protection for all types of personal protective applications.



Flame

All of the fibers that make up Kovenex fabrics are inherently resistant to extreme temperature and flames. In the Kovenex fabric structure, these fibers act synergistically to provide a heat and fire protection barrier. The char length and after flame results are well below NFPA maximums for performance.



Tear

As a nonwoven fabric, stitch-bonded Kovenex offers outstanding tear resistance. Its minimal fiber migration is the result of a locking structure created by stitch-bonding.

