

**CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Planning Commission

FROM: Anne McIntosh, Director of Community Development

THROUGH: Laurie B. Jester, Planning Manager

BY: Angelica Ochoa, Associate Planner

DATE: January 24, 2018

SUBJECT: Consideration of a Master Use Permit Amendment to Modify the Existing Uses located at 451 Manhattan Beach Boulevard, Metlox (Metlox, LLC)

RECOMMENDATION

Staff recommends that the Planning Commission conduct the public hearing, review the existing use permit and provide direction to prepare a Resolution approving with modifications and conditions amendments to Resolution No. 5770 (Attachment A) as follows:

- 1) Modification for the two full service restaurants, Nicks and Petros to allow more than two restaurant uses and increase the allowed square footage.
- 2) Modification of previously approved personal service use on the second floor, Kasai Hair Salon to allow a restaurant with an outdoor patio.
- 3) Modification of previously approved retail use, Waterleaf (two tenant spaces) to be converted to restaurant with an outdoor patio, personal service or personal improvement service use.

PROPERTY OWNER

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

APPLICANT

Metlox, LLC c/o Tolkin Group
451 Manhattan Beach Boulevard
Manhattan Beach, CA 90266

PROJECT OVERVIEW

The Metlox project 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 Master Use Permit for the project site was approved by the City Council in July 2002. The commercial development includes two full service restaurants with outdoor dining adjacent

to the central Town Square with up to 8,000 square feet, dining/seating area limited to 6,400 square feet and various retail sales, personal services, and specialty food services uses limited to a maximum of 20,000 square feet. Other uses on the second floor, include offices and personal services not to exceed 17,500 square feet. The Master Use Permit has been revised a number of times over the years to amend various individual tenants conditions for the Shade Hotel, Le Pain Quotidian, and Petros restaurant, related to hours, alcohol and operational characteristics, but no changes to land uses.

A request was submitted by the applicant on April 4, 2016 to amend the current Master Use Permit, City Council Resolution No. 5770 (Exhibits A and B). The applicant would like to provide a mix of services that will continue making Metlox successful and meet the future demands of the community. The proposal would not be implemented immediately or all at once, but the applicant wants to be prepared and provide flexibility for those needs as the retail, restaurant and service industries continue to evolve. The proposed request is a modification of the previously approved permits for one of the restaurant use, Nicks Restaurant, two retail uses, Beehive and Waterleaf, and a personal service use, Kasai Hair Salon located on the second floor.

Specifically, the applicant proposes to amend the Master Use Permit for the Metlox project as follows:

1. **Modification for the two full service restaurants, Nicks and Petros.** The request is to allow a future division of Nicks restaurant space into two separate restaurants to total maximum three restaurants for the site. (Condition No. 25. B, City Council Resolution No. 5770, Exhibit A).
2. **Modification of previously approved personal service use on the second floor, Kasai Hair Salon.** This would allow the area to be converted to restaurant use and to be incorporated with the Petros restaurant down below. Also, the existing outdoor patio area of approximately 500 square feet is proposed to be converted to outdoor dining area. The converted space would be used to accommodate large parties, meetings and special events. (Condition No. 25. B), City Council Resolution No. 5770).
3. **Modification of previously approved retail use, Waterleaf (two tenant spaces) to be converted to restaurant use.** The concept for this space would be a café or small bistro style restaurant. The outdoor patio areas of approximately 300 square feet would be converted to outdoor dining areas related to the proposed restaurant use. In addition, the applicant would like the flexibility to convert the tenant space adjacent to Morningside Drive to a service oriented commercial use, such as a bank, yoga studio or hair care services. (Condition No. 25. B, C (a and b), City Council Resolution, No. 5770).

4. **Request to add a provision under “Procedural” in City Council Resolution, No. 5770 to allow City Manager to approve future modifications to Sections 25 through 32 of the Resolution.** As long as a particular use is permitted within the zoning of the subject property the applicant would like revisions approved administratively instead of going through a Use Permit Amendment and public hearing process.

No amendments to any other conditions of approval are proposed. All other conditions will remain the same per Resolution No. 5770, as previously amended for individual tenants.

BACKGROUND

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

1995-96 - The City Council authorized development of the Downtown Strategic Action Plan (DSAP) to provide a comprehensive approach and community vision for the Downtown including the Metlox site.

1997-98 - The City purchased the Metlox property to control development and Master Plan the site.

1998- 2001 - Numerous public meetings and workshops held to solicit public input on the site and Downtown.

December 1998 - The City selected the Tolkin Group as a development partner

April 2001- The City Council certified the EIR.

April 2002 - The City Council approved the Disposition and Development Agreement (DDA)/Ground Lease

July 2002- Master Use Permit and Coastal Development Permit for the Metlox project approved by the City Council

November 2002 - California Coastal Commission denied the appeal of the Coastal Development Permit, and unanimously approved the Permit

February 2003 - Groundbreaking for the Metlox parking structure

January 2004 - Grand opening of public parking structure with 460 parking spaces

April 2004 - Shade Hotel construction commenced

September 2004- Construction of the Metlox commercial buildings started

December 2005-Ribbon-cutting and grand opening of the Metlox project

The project before the Planning Commission is an amendment to the Master Use Permit and related entitlements for only the above mentioned four requests. As the property owner, the City is also required through the Disposition and Development Agreement (DDA) with Metlox LLC to authorize a review of any proposed changes in uses. The DDA is an agreement between the City (Landlord) and Metlox LLC (tenant) that

details the rights and responsibilities of each party. The City Council has stated, through the City Manager, that they are willing to review the proposal. The Council will review the proposed project when it comes forward at a future meeting date for consideration, after Planning Commission action.

The Coastal Development Permit for the Master Use Permit was issued by the California Coastal Commission on February 11, 2003 (Exhibit D). After the City takes action on the application, the applicant and staff will forward the decision to the Coastal Commission to review. The Coastal Commission permit includes special conditions that allow the Executive Director of the Coastal Commission to make a determination on whether an amendment is required for any proposed changes.

DISCUSSION

The applicant proposes the following amendments to the Master Use Permit and project approvals:

Land Use

1) Per Resolution No. 5770, Condition No. 25. B), the Master Use Permit for the project limits restaurants to two (2) total maximum, 8,000 square feet total maximum, (including 6,400 square feet maximum dining/seating area regardless of whether located indoors or outdoors).

The applicant proposes five additional restaurants, more than the maximum allowable of two restaurants. Specifically, Nicks space is proposed to be split into two restaurants within the existing space (no change to number of restaurants), Beehive space to be converted to restaurant use, Waterleaf space to be converted to two restaurants and Kasai Hair Salon space converted to restaurant use. The applicant is also proposing more restaurant square footage than the allowable of 8,000 square feet. The Waterleaf and Kasai Hair Salon tenant spaces will have outdoor patio dining seating areas for a total of 800 square feet.

2) Per Resolution No. 5770, Condition No. 25, C, the Master Use Permit for the project allows offices on the second floor only and personal improvement services on the first floor are subject to Community Development Director approval. .

The applicant is requesting to allow the existing Waterleaf space, on the first floor, facing Morningside Drive to be converted to a bank (bank and savings and loan use), yoga studio (personal improvement service use) or hair care service (personal service use). These are permitted uses per Resolution No. 5770, Condition No. 25. C) c) but offices, and similar uses such as banks, are not allowed on the first floor. The applicant would like the flexibility of allowing either the above mentioned uses or restaurant use. The parking requirement calculation numbers were used for restaurant use as it is more restrictive than

office, bank, personal improvement service and personal service uses.

3) Per Resolution No. 5770, Condition No. 25. A) d) and C) c), the Master Use Permit allows the Director of Community Development to allow similar uses not listed in the permitted uses of the Master Use Permit.

The applicant is requesting that any future modifications under the Land Use conditions, No. 25 through 32 be approved by the City Manager. These modifications include some conditions related to hours of all uses, events at the Shade and use of the Town Square area, etc.

Staff does not have any major concerns regarding request 1 and 2, as long as the change in uses does not increase the parking requirement and appropriate conditions are required. Staff has concerns with request number 3 in that conditions numbers 25 through 32 impacts the overall use of the site and staff believes that a use permit amendment and a public hearing is the appropriate process to approve any significant changes to these conditions.

Parking Analysis

The first half of the attached chart (Exhibit C) details each tenant space with the existing square footage, current use and related parking requirement. The second half of the attached chart details the proposed converted use, the square footage of the dining area and the parking requirement. The existing Waterleaf on the first floor (300 square feet) and the Kasai Hair Salon on the second floor (500 square feet) above Petros are proposed to have outdoor/dining patio areas totaling a maximum of 800 square feet. The last column shows the total increase in parking requirement of 51 spaces from converted retail use (1 space required for every 200 square feet and personal service use (1 space for every 300 square feet) to restaurant uses (1 space required for every 50 square feet).

The existing subterranean public parking structure has 460 parking spaces. The total number of required parking spaces for the Metlox development project that was approved in the Coastal Development Permit on February 3, 2002 (Exhibit D) was 330 spaces (160 for the commercial uses per a parking demand study, 15 replacement spaces for 1148 Morningside Drive and 155 replacements spaces for Lot M). The Coastal Commission determined that the parking demand study that was done for the original development was consistent with Section A.64.050 of the Certified Local Coastal Program (LCP) and therefore approved the reduced parking requirement of 160 parking spaces. The additional 51 spaces from the change in uses increases the total parking requirement to 381 parking spaces. Based on the existing 460 parking spaces and proposed parking requirement of 381 spaces, it leaves a parking surplus of 79 spaces. Since the proposed project meets the required parking spaces, staff is in support of the proposed change in uses.

The City Traffic Engineer has reviewed the parking calculations in Exhibit C for the proposed changes in land use, and concurs that they are the best estimate of the expected increase in parking demand. It is understood that the prior approvals did not require that a minimum number of parking spaces in the Metlox parking structure be reserved for Metlox uses only, but rather that all spaces remain open on a first-come first serve basis to all users, including the public. All surplus spaces over the parking requirement for the Metlox development are to be treated in the same manner. The proposed changes in land use would be consistent with this methodology, albeit the proportion of “surplus” to “required parking” spaces would be reduced within the parking structure.

Downtown Specific Plan

The Downtown Specific Plan was approved by the City Council on December 20, 2016 in response to concerns from the community that banks and offices were dominating ground level floor spaces instead of viable pedestrian uses, such as restaurants, retail, and services in the Downtown area of the City. The Downtown Specific Plan is currently under review with the Coastal Commission and therefore is not yet effective in the Coastal zone. The following land use changes approved as part of the Downtown Specific Plan specifically address the changes in this Use Permit Amendment:

- Second-floor outdoor dining on private property is a prohibited use. Outdoor dining on balconies projecting over the public right-of-way is also prohibited and cannot be approved by the City Council, superseding MBMC 07.36.170.

The proposed outdoor second floor dining for the proposed restaurant above Petros is not facing any major streets and therefore staff believes that it would not impact any nearby residential use if properly conditioned. The proposed second floor outdoor dining is facing the interior courtyard that is already used as a gathering and seating/eating area. Staff does not feel that this change would be in conflict with the intent of the Specific Plan. However, staff and the Police Department (Exhibit E) have concerns with potential noise and other impacts, and staff would suggest that the Commission consider conditions related to limiting hours of operation, special events, amplified sound, security and a one-year review after implementation.

- Offices and banks are only permitted above the ground floor. These uses are also permitted if the use exclusively fronts an alley subject to Community Development Director's approval. Other locations require a Use Permit such as ground floor space adjacent to pedestrian areas. A use permit is required for any office with more than 2,500 square feet of Buildable Floor Area, regardless of the office's location.

The proposed bank/yoga studio or hair care service for the existing Waterleaf space facing Morningside Drive on the ground floor would not be permitted per the Downtown Specific Plan without a Use Permit. A hair care service or personal service

use may be suitable for the area and overall Metlox site, since these uses have more activity on the weekends. This street/area is an active pedestrian activity area and staff feels that a bank/office use may create a “dead” or low-activity space on the weekends and/or in the evenings since they would be closed, and this is a topic that staff would like Commission input.

Downtown Specific Plan Purpose

The purpose of the Specific Plan is to perpetuate and enhance the Downtown’s quaint, small town character, quality of life, and economic vitality through regulations, guidelines, and recommendations that address land use, architectural and urban design, circulation and parking, and infrastructure in the district.

Downtown Specific Plan Goals

Goal 1: Implement the General Plan and Local Coastal Program policies and the Specific Plan’s vision and goals through the application of land use designations to properties.

Goal 2: Provide for a mix of land uses that will preserve Downtown’s small town character while ensuring its continued economic vitality.

Goal 3: Support a vital Downtown business district that is primarily composed of small, pedestrian-oriented commercial businesses that serve Manhattan Beach residents, but includes low-intensity businesses that provide goods and services primarily to visitors.

Goal 4: Encourage activities along streetscapes and in public spaces.

Goal 5: Promote sustainable site design.

Staff is in support of the proposed changes in that they still comply with the above stated Downtown Specific Plan purpose and goals. The proposed project will still maintain a mix of pedestrian and visitor services, and promote economic viability in the Downtown area of the City. The bank use is the one use that staff has concern about compatibility with the Specific Plan as discussed above.

General Plan

Staff believes the proposed project will comply with the following goals and policies of the general plan. The proposed changes will still maintain a viable commercial mix of uses that will support the needs of the community and development of the overall Downtown in the City:

Goal LU-3: Achieve a strong, positive community aesthetic.

Goal LU-4: Preserve the features of each community neighborhood, and develop solutions tailored to each neighborhood’s unique characteristics.

Policy LU-4.1: Protect public access to and enjoyment of the beach while respecting

the privacy of beach residents.

Goal LU-5: Protect residential neighborhoods from the intrusion of inappropriate and incompatible uses.

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

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

Staff believes that the proposed change in use from retail to restaurant still maintains a strong connection and relationship between the public, outdoor areas and overall mix of services offered.

Noticing and comments

Notices of the public hearing were provided to all property owners within a 500 foot radius of the project site and published in the Beach Reporter. No public comments were received. The application was also circulated to other Departments for review and comments. The Public Works and Building Departments will review the proposed changes through the plan check process. The Police Department, Alcohol Division, has concerns regarding alcohol and noise in the patio areas of the proposed restaurants (Exhibit E). The Planning Commission may consider limiting hours and regulating outdoor amplified sound and entertainment with a one year review as mentioned above.

Environmental Review

The proposed changes has been determined to be exempt from the California Environmental Quality Act under the general exemption provided by Section 15303 (c) - General Rule exemption. Environmental Impact Report for the Metlox/Civic Center project was certified by the City of Manhattan Beach City Council on April 17, 2001 (State Clearinghouse No. 99121090), which includes the environmental clearance for the Metlox project. There have been no substantial changes to the project, the surrounding area or environment, and the facts associated with the project have not substantially changed from those evaluated in the certified EIR from an environmental impact viewpoint. Therefore, the existing certified EIR is a valid environmental document that adequately evaluates the environmental impacts of the project in accordance with the requirements of CEQA and the project can rely upon this document for conformance with the requirements of CEQA. The EIR includes Mitigation Measures and a Mitigation Monitoring and Reporting Program in accordance with the requirements of CEQA. The Environmental Impact Report is on file and available for public review at the City of Manhattan Beach Community Development Department, City Clerk's office, the public Library, and on the City's website.

CONCLUSION

Staff recommends that that Planning Commission take the following actions:

1. Conduct the public hearing,
2. Discuss the project and
3. Provide direction to staff

Staff will return with a Resolution of approval with conditions at a future date addressing the direction provided by the Commission.

ATTACHMENTS

Exhibit A: City Council Resolution No. 5770

Exhibit B: Applicant Information and Project Description

Exhibit C: Chart of Proposed Uses and Parking Requirement

Exhibit D: Coastal Commission Permit dated February 11, 2003

Exhibit E: Police Department comments

cc: Jonathon Tolkin, Tolkin Group
Glenn Loucks, Tolkin Group

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RESOLUTION NO. 5770

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

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

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

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

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

- G. The City Council of the City of Manhattan Beach conducted a public hearing regarding the project at their regular scheduled meetings of July 16, 2002. The public hearing was advertised pursuant to applicable law and testimony was invited and received. All decisions set forth in this resolution are based upon substantial evidence received at said public hearing.
- H. An Environmental Impact Report for the Metlox/Civic Center project was certified by the City of Manhattan Beach City Council on April 17, 2001 (State Clearinghouse No. 99121090), which includes the environmental clearance for the Metlox project. The Environmental Impact Report is on file and available for public review at the City of Manhattan Beach Community Development Department, City Clerks office, public Library and on the City's website. On June 26 and July 10, 2002 the Planning Commission held public hearings to discuss the proposed project, including the Master Use Permit, Coastal Development Permit, and compliance with the requirements of CEQA. On July 10, 2002 the Planning Commission adopted Resolution No. PC 02-17 determining the project is in compliance with CEQA, and adopting a Statement of Overriding Considerations with regard to unavoidable significant impacts.
- H. The property is located within Area District III and is zoned Downtown Commercial. The properties to the west and south are also zoned Downtown Commercial, the properties to the north are zoned Downtown Commercial and Public and Semipublic, and the properties to the east are zoned Open Space.
- I. The General Plan designation for the property is Downtown Commercial.
- J. The proposed project will provide a new approximate 63,850 square foot commercial development and approximately 40,000 square feet of public areas. A separate Master Use Permit and Coastal Development Permit for approximately 430 subterranean public parking spaces on the project site is proposed. Street improvements were approved with the Public Safety Facility Use Permit and Coastal Development Permit, including the extension of 13th Street as a two-way street from Morningside Drive east to Valley Drive, conversion of Valley Drive from one-way southbound traffic to two-way traffic between 13th and 15th Streets, and conversion of Morningside Drive to one-way northbound traffic between Manhattan Beach Boulevard and 13th Street.
- K. The existing surface parking lot at 1148 Morningside Drive, approximately 400 square feet in area and located south of the Metlox loading area, may be added to the project site to provide a pedestrian and/or vehicular entryway into the project from Morningside Drive. The City is currently in the process of negotiating the purchase of the parking lot site. This may result in more than three buildings being included in the project however the total approved square footage (63,850 square feet) would not be exceeded. The total parking provided in the subterranean public parking structure would increase by approximately 28 spaces.
- L. Construction of the commercial buildings and public areas are anticipated to take approximately 10 months beginning in October 2003, with completion in August 2004. Prior to construction of the commercial building and the public areas, the subterranean parking structure will be constructed, with construction anticipated from January 2003 through October 2003.
- M. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- N. This Resolution, upon its effectiveness, constitutes the Master Use Permit and Coastal Development Permit for the subject property.
- O. Based upon State law, and MBLCP Section A.84.050, relating to the Master Use Permit application for the proposed project, the following findings are hereby made:

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

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

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

2. The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working on the proposed project site or in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City since, the Metlox project is consistent with the following General Plan Goals and Policies. Additionally, since the project is consistent with the Local Coastal Program (LCP), as discussed below, and since the LCP is consistent with the General Plan, the project is also consistent with the General Plan.

GOALS AND POLICIES: LAND USE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. The proposed use will comply with the provisions of this title, including any specific condition required for the proposed use in the district in which it would be located since, the required notice and public hearing requirements have been met, all of the required findings have been addressed, and conditions will be required to be met prior to the issuance of a certificate of occupancy.
 4. The proposed use will not adversely impact nor be adversely impacted by nearby properties. Potential impacts are related but not necessarily limited to: traffic, parking, noise, vibration, odors, resident security and personal safety, and aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated. All of the potential impacts related to the proposed project were evaluated and addressed in the Certified EIR. The Mitigation Measures applicable to the Metlox commercial development and public areas portion of the EIR will all be complied with. Conditions to conform to applicable Code standards will apply. A temporary construction plan will ensure that construction impacts will be minimized to the extent feasible.
- P. Based on the MBLCP Sections A.96.150 the following findings are made:
That the project, as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified Manhattan Beach Local Coastal Program, since the project is consistent with the following applicable policies from Chapter 4 of the Local Coastal Program:

COASTAL ACCESS POLICIES

A. Access Policies

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

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

B. Transit Policies

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

II. COASTAL LOCATING AND PLANNING NEW DEVELOPMENT POLICIES

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

A. Commercial Development

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

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

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

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

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

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

General Conditions

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

Site Preparation/Construction

2. A Traffic Management and Construction Plan shall be submitted in conjunction with any construction and other building plans, to be approved by the Police and Public Works Departments prior to issuance of building permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including but not limited to delivery of materials and parking of construction related vehicles.
3. During the demolition and construction phases of development, a daily clean-up program for all areas affected by the project shall occur, including the pickup of all debris (utilizing an approved trash dumpster or other trash control method) at day's end and the sweeping and continued watering down of the site to assist in mitigating the movement of dirt and dust upon adjoining properties.
4. All electrical, telephone, cable television system, and similar service wires and cables shall be installed underground to the appropriate utility connections in compliance with all applicable Building and Electrical Codes, safety regulations, and orders, rules of the Public Utilities Commission, the serving utility company, and specifications of the Public Works Department. Existing utility poles and lines on the project site and immediately adjacent to the project site, not including any across any street, must be placed underground pursuant to the requirements of Public Works.

Operational

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

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

Public Works

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

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

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

Land Use

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

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

Design Review

33. The applicant shall submit plans, material boards, color samples, renderings, and other visual displays for Design Review to the Planning Commission at a noticed public hearing prior to issuance of building permits for the commercial buildings. The general location of the building footprints, as shown on the plans approved by the Planning Commission on July 10, 2002, are approved with this Master Use Permit and Coastal Development Permit and are not subject to Design Review. The plans shall address the following design issues and details:
 - Facades/elevations
 - Colors, textures, and materials
 - Landscaping, lighting, signage, and public art
 - Gateway treatment
 - Town Square, 13th Street Garden and Public areas
 - Civic Center linkage, relationship and compatibility
 - Streetscape design- pavement treatment, sidewalks, pedestrian crosswalks, street furniture
 - Pedestrian orientation
 - Incorporation of the Metlox sign

The plans and details shall address linkage to the Downtown and the Civic Center, pedestrian orientation, the Downtown Design Guidelines, the City's vision for the site, access from Morningside Drive near 12th Street (12th Walk), and other design details of the project. The possibility of limited 3rd story rooms for the Inn will be considered.
34. A sign program in accordance with the requirements of the MBMC shall be submitted for review and approval of the Director of Community Development. Signage shall be consistent with the Downtown Design Guidelines and the conceptual plans submitted for Design Review. Signs shall be installed per the approved plans prior the building permit final.
35. An outdoor lighting program shall be submitted for review and approval of the Director of Community Development. Outdoor lighting shall be shielded and meet all other requirements of the MBMC and shall be consistent with the plans submitted for Design Review. Lighting shall be installed per the approved plans prior the building permit final.

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

Alcohol

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

Entertainment

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

Procedural

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

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

Mitigation Measures (CEQA)

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

51. AESTHETICS/VIEWS

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

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

52. Air Quality

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

53. PUBLIC SAFETY

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

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

54. RISK OF UPSET

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

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

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

55. TRANSPORTATION AND CIRCULATION

REQUIRED MITIGATION MEASURES

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

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

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

RECOMMENDED MITIGATION MEASURES

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

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

56. HYDROLOGY/WATER QUALITY

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

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

57. NOISE

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

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

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

SECTION 3. Pursuant to Government Code Section 65009 and Code of Civil Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution.

SECTION 4. This resolution shall take effect immediately.

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

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

PASSED, APPROVED AND ADOPTED this 16th day of July 2002.

Ayes:
Noes:
Absent:
Abstain:

Mayor, City of Manhattan Beach, California

ATTEST:

City Clerk

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**Attachment to Metlox, LLC Application
for
Amendment to Master Use Permit and Coastal Development Permit
Resolution Number 5770
451 Manhattan Beach Blvd and 1200 Morningside Drive**

The following modifications to the Master Use Permit and Coastal Development Permit Resolution Number 5770 are requested:

1) It is requested that Section 25(B) be modified to permit the space currently occupied by Nick's Restaurant (previously Junior's Deli, Sashi and Chez Soi), Space No. D-126, approximately 4,723 rentable square feet of building area, to be divided into two (2) separate restaurants as may be necessary in the future. This would permit a large restaurant space that has not been successful to be leased to two smaller restaurants with a higher likelihood for success and also add to the variety of uses on the plaza.

2) It is requested that Section 25 be modified to permit the space occupied by Kasai Salon (previously Salon Brit), Space No. B210, approximately 2,028 rentable square feet of building area, which includes a large trellis covered patio area, to be integrated into the restaurant below, currently Petros' Greek Cuisine, and be used for additional dining area to accommodate large parties, meetings, and special occasions and events.

3) It is requested that Section 25 be modified to permit the space occupied by Waterleaf, Space No. 130 and 1210 Morningside, approximately 1,638 rentable square feet of building area and 1,195 rentable square feet of building area, respectively, to be used either as a café or small bistro style restaurant where outside seating area would utilize the large level patio areas. This use would generate more pedestrian interest and activity on the public plaza and enhance the European town square nature of the plaza. Additionally, it is requested that this Section be modified to permit the Morningside portion of this space to be used for service-oriented commercial uses, like a bank branch. This will permit a space with little pedestrian traffic on Morningside, across from an office building without ground floor uses, to be leased to a business that is a destination not supported by pedestrian traffic.

4) It is requested the Amendment to the Master Use Permit and Coastal Development Permit contain a provision that gives the City Manager the ability to approve future modifications requested by Metlox, LLC to the provisions of Sections 25 thru 32 of Resolution 5770 provided such requested modifications are consistent with the then applicable property zoning.

These proposed use modifications will allow Metlox to maintain a vibrant tenant mix of successful businesses that will enhance the appeal of this community amenity. Further, they allow Metlox's uses to evolve with the times as tastes and leisure and consumption patterns evolve, thereby continuing economic and financial vitality.

**EXHIBIT B
PC MTG 01-24-18**

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Metlox - Master Use Permit Amendment

5/3/17

451 Manhattan Beach Boulevard

Calculation of Increased Parking Demand Per Code - Worst Case Scenario

Application Originally Submitted: 4-6-16

Suite	Location	Floor Area (sf)	Current Use	Current Parking	Proposed Use	Dining Area (sf)	Proposed Parking	Increase in Parking Demand
	<u>Ground Floor</u>					50% of Floor Area		
D124	Nicks Restaurant	4,487	Restaurant	44.87	Two Restaurants	2,243	44.87	0.00
B100	Beehive	2,017	Retail	10.08	Restaurant	1,008	20.17	10.08
C130	Waterleaf	1,556	Retail	7.78	Restaurant	778	15.56	7.78
1200	Waterleaf	1,135	Retail	5.68	Restaurant	568	11.35	5.68
					Restaurant Patio	300	6.00	6.00
	<u>Second Floor</u>					50% of Floor Area		
B210	Kasai Hair Salon	1,724	Personal Services	5.75	Restaurant	862	17.24	11.49
					Restaurant Patio	500	10.00	10.00
Total:				74.16			125.19	51.03

Note:

- 1) Does not consider reduction in parking from shared use parking analysis
- 2) Calculations include patio area for restaurant uses converted from retail.
- 3) Floor Area as set forth Section 8.1 of DDA Ground Lease

EXHIBIT C
PC MTG 01-24-18

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CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 OceanGate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

Page 1 of 9

Date: February 11, 2003

Permit No: **A-5-MNB-02-257**

COASTAL DEVELOPMENT PERMIT A5-MNB-02-257

On **November 5, 2002**, the California Coastal Commission granted to **City Of Manhattan Beach** Coastal Development Permit **A-5-MNB-02-257**, subject to the attached Standard and Special Conditions, for development consisting of: **Construction of a two-level 460-space public subterranean parking structure, 63,850 square feet of new two-story commercial development, and 40,000 square feet of grade-level public areas including a Town Square, at the Metlox site.** More specifically described in the application file in the Commission offices.

The development is within the coastal zone in Los Angeles County at **1200 Morningside Drive, (Metlox site), City of Manhattan Beach, Los Angeles County.**

Issued on behalf of the California Coastal Commission on February 11, 2003.

PETER DOUGLAS
Executive Director

By: Charles R. Posner
Title: Coastal Program Analyst

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance . . . of any permit . . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 CAL. ADMIN. CODE SECTION 13158(a).

2-19-03

Date

Signature of Permittee

Please sign and return one copy of this form to the Commission office at the above address.

EXHIBIT D
PC MTG 01-24-18

STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS

1. Permit Compliance

Coastal Development Permit A-5-MNB-02-257 permits the construction of a two-level, 460-space (approximate) public subterranean parking structure, 63,850 square feet of new two-story commercial development (including a 35-40 room inn), and 40,000 square feet of open public areas including a Town Square. Any proposed change in use, change in management of the parking facility, use of the parking to satisfy the parking requirements of new development or future commercial intensification, or any other deviation from the approved development, shall be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. If the Executive Director determines that an amendment is necessary, no changes shall be made until the permit is amended by the Commission and issued by the Executive Director.

2. Local Government Approval

This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act, including the conditions of the City of Manhattan Beach Master Use Permits approved pursuant to City Council Resolution Nos. 5770 and 5771. In the event of conflict between the terms and conditions imposed by the local government and those of this coastal development permit, the terms and conditions of Coastal Development Permit A5-MNB-02-257 shall prevail.

3. Building Height

The proposed development is limited to a maximum of two-stories above the elevation of the existing grade, and shall not exceed a height of thirty feet (30') as measured from the average elevation of existing grade pursuant to Section A.60.050 of the Manhattan Beach certified LCP implementing ordinances.

4. On-site Parking Supply

All parking stalls within the proposed 460-space subterranean public parking structure shall be reserved for the use of the general public and shall be available for use on a first-come, first-served basis. There shall be no exclusive use of parking spaces or reserved parking spaces within the approved structure by any person or group other than the general public (handicapped spaces excluded).

5. Parking Management

The proposed 460-space subterranean public parking facility shall be managed as follows. Any proposed change to the parking facility management or parking fees shall be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. If the Executive Director determines that an amendment is necessary, no changes shall be made until the permit is amended by the Commission and issued by the Executive Director.

- A. Parking Fee: A parking fee may be charged for use of the subterranean public parking facility. Such fee may be collected at the facility by parking meters, automated ticket machines, or by parking attendants. Identical parking rates shall be available to all users of the facility, except that customers of the inn may be granted free or validated parking during their entire stay in the inn as part of the inn customers' paid accommodations. The fee charged for public parking shall be consistent with the hourly rates charged for parking in the downtown area, which is approved to range from \$0.50 to \$1.00 per hour. A flat rate fee for all day parking shall not exceed \$10.00.
- B. Parking Permits: The general public shall have equal opportunity to participate in any parking permit system implemented in the subterranean public parking facility. No parking spaces shall be reserved for permit or hangtag holders. The City's issuance and use of any parking hangtags or parking permit system in the subterranean public parking facility shall be consistent with Sections A.64.060 and A.64.230 of the Manhattan Beach certified LCP implementing ordinances, and the conditions of this coastal development permit.
- C. Vehicle Storage: No vehicle shall be parked within the subterranean public parking facility for longer than 24 hours at one time, except by customers of the inn during their paid visit.

- D. Parking for Inn Customers: Special hangtags or permits shall be available to customers of the inn which allow the inn customers to keep their vehicles in the subterranean public parking facility throughout their paid visit, including overnight parking.
- E. Validation Programs. As noted above, customers of the inn may be granted free or validated parking throughout their entire stay in the inn as part of their paid accommodations. No other parking validation program is permitted by this action. Any future proposal for a parking validation program in the facility (except by customers of the inn) shall be submitted to the Commission as an amendment to this coastal development permit along with provisions to ensure consistency with the terms of this coastal development permit and the certified Manhattan Beach LCP.
- F. Overnight Parking: Any proposed plan for overnight use of the subterranean public parking facility (except by customers of the inn) shall be submitted for the review and approval of the Executive Director. Such plan shall include appropriate enforcement mechanisms that will ensure that an adequate public parking supply will be available to meet the demands for parking during daytime and evening hours. In addition to the requirements noted above, overnight parkers shall be required to remove their vehicle from the facility each morning. The permittee shall allow overnight parking only in accordance with the plan approved by the Executive Director pursuant to this condition.
- G. Valet Parking: Any proposed plan for valet parking within the subterranean public parking facility shall be submitted for the review and approval of the Executive Director. Such plan shall not interfere with the general public's ability to self-park in the facility, and shall not grant any preference to the valet service. Any approved valet parking program shall be available to the general public with no preference granted to any group or type of use (i.e., restaurant customers vs. beach goers). The hourly cost for utilizing the valet parking service shall be equal for all patrons of the valet parking program. Discounted parking rates for valet parking service shall not be provided or obtained pursuant to any type of parking validation system or preferential system. The permittee shall allow valet parking only in accordance with the plan approved by the Executive Director pursuant to this condition.

6. Signage

Signage shall be provided, consistent with the City's downtown parking program, to direct the public to the subterranean public parking facility. The signage shall be visible from vehicles on Manhattan Beach Boulevard, Highland Avenue and Valley Drive; and shall clearly state "Public Parking."

7. Interim Parking Programs

- A. Prior to displacement of the existing surface parking on the project site (Lot M), the applicant shall submit an interim public parking plan, for the review and approval of the Executive Director, which provides temporary replacement public parking spaces to replace all of the public parking spaces that would be displaced by the proposed project during the peak beach use period that commences at the start of Memorial Day weekend and ends on September 30 each year. The temporary replacement parking shall be provided for public use during each day (7 a.m. to 8 p.m.) of the peak beach use period (start of Memorial Day weekend until September 30) each year until such time as the proposed 460-space subterranean public parking structure is made available for use by the general public. Existing public parking facilities that are already available for public use during these time periods shall not be used to satisfy this requirement for interim parking. If the interim public parking supply is located more than one thousand feet from the project site, the applicant shall provide a public shuttle service to transport people between the interim parking supply and the downtown. Such shuttle must make at least one complete circuit each hour. The permittee shall provide the interim public parking in accordance with the plan approved by the Executive Director pursuant to this condition.

The City's proposed use of the South Live Oak Park baseball field to provide approximately one hundred free public parking spaces during each day (7 a.m. to 8 p.m.) of the peak beach use period (start of Memorial Day weekend until September 30) is an acceptable alternative interim parking plan that may be implemented for the satisfaction of Special Condition No. 7.A.

- B. The proposed 460-space subterranean public parking structure shall be available for use by the general public as soon as possible after completion of construction. The subterranean public parking structure shall be available for use by the general public during the construction of the buildings to be located on top of the parking structure, and during construction of the Public Safety Facility.

8. Lease to Private Operators

The lease of any development approved by this coastal development permit to private operators shall explicitly include the conditions of Coastal Development Permit A5-MNB-02-257. All lessees and operators of the project site shall be subject to the terms and conditions of this coastal development permit.

9. Protection of Water Quality – During Construction

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director, a Construction Best Management Practices Plan for the project site, prepared by a licensed professional, and shall incorporate erosion, sediment, and chemical control Best Management Practices (BMPs) designed to minimize to the maximum extent

practicable the adverse impacts associated with construction to receiving waters. The plan shall include the following requirements:

- (i) No construction materials, debris, or waste shall be placed or stored in a manner where it may be subject to wave, wind, rain, or tidal erosion and dispersion. All trash generated on the construction site shall be properly disposed of at the end of each construction day.
- (ii) Any and all debris resulting from construction and demolition activities shall be removed from the project site within 72 hours of completion of demolition and construction. Construction and demolition debris and sediment shall be removed or contained and secured from work areas each day that construction or demolition occurs to prevent the accumulation of sediment and other debris that could be discharged into coastal waters. All demolition/construction debris and other waste materials removed from the project site shall be disposed of or recycled in compliance with all local, state and federal regulations. No debris shall be placed in coastal waters. If a disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
- (iii) Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control dust and sedimentation impacts to coastal waters during construction and demolition activities. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the storm drain system and Pacific Ocean.
- (iv) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and kept as far away from storm drain inlets and receiving waters as possible.
- (v) In the event that lead-contaminated soils or other toxins or contaminated material are discovered on the site, such matter shall be stockpiled and transported off-site only in accordance with Department of Toxic Substances Control (DTSC) rules and/or Regional Water Quality Control Board (RWQCB) regulations.

B. The required Construction Best Management Practices Plan for the project site shall also include the following BMPs designed to prevent spillage and/or runoff of construction and demolition-related materials, sediment, or contaminants associated with construction activity. The applicant shall:

- (i) Develop and implement spill prevention and control measures and shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible.

- (ii) Maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a controlled location not subject to runoff into coastal waters, and more than fifty feet away from a storm drain, open ditch or surface waters.
- (iii) Provide and maintain adequate disposal facilities for solid waste, including excess concrete, produced during construction.
- (iv) Provide and maintain temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, wind barriers such as solid board fence, snow fences, or hay bales and silt fencing.
- (v) Stabilize any stockpiled fill with geofabric covers or other appropriate cover, and close and stabilize open trenches as soon as possible.
- (vi) Implement the approved Construction Best Management Practices Plan on the project sites prior to and concurrent with the demolition and construction operations. The BMPs shall be maintained throughout the development process.

C. The Construction Best Management Practices Plan approved by the Executive Director pursuant to this condition shall be attached to all final construction plans. The permittee shall undertake the approved development in accordance with the approved Construction Best Management Practices Plan. Any proposed changes to the approved Construction Best Management Practices Plan shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

10. Protection of Water Quality – Project Design & Post Construction

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a Water Quality Management Plan (WQMP) for the post-construction project site, prepared by a licensed water quality professional. The WQMP shall incorporate structural and non-structural Best Management Practices (BMPs) designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of storm water and nuisance flow leaving the developed site. The WQMP shall be in substantial conformance with the following requirements:

A. Water Quality Goals.

- (i) Appropriate structural and non-structural BMPs shall be designed to treat, infiltrate, or filter the runoff from all surfaces and activities on the development site, without the construction of drain outlets onto the sandy beach.

- (ii) Post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate or filter the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.
- (iii) Runoff from all roofs, parking areas, maintenance areas, and driveways shall be collected and directed through a system of appropriate structural BMPs. The filter elements shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through filtration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff in excess of this standard from the building site in a non-erosive manner.

B. Parking Areas, Vehicle and Equipment Service and Maintenance Areas

- (i) The WQMP shall provide for the treatment of runoff from parking areas using appropriate structural BMPs, unless the drainage is directed into the sanitary sewer system. At a minimum this must include a bioswale and/or filter designed specifically to remove vehicular contaminants (oil, grease, automotive fluids, heavy metals), sediments, floatables and particulate debris.
- (ii) The applicant shall ensure regular sweeping of all parking area surfaces using an appropriate mechanical sweeper and shall, at a minimum, sweep all parking areas on a weekly basis in order to prevent dispersal of pollutants that may collect on those surfaces.
- (iii) The detergents and cleaning components used on site shall comply with the following criteria: they shall be phosphate-free, biodegradable and non-toxic to marine wildlife; amounts used shall be minimized to the maximum extent practicable; no fluids containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye shall be used.
- (iv) The applicant shall not spray down or wash down the parking areas unless the water used is directed through the sanitary sewer system or a filtered drain.
- (v) The applicant shall use trash and recycling containers that, if they are to be located outside or apart from the principal structure, are fully enclosed and watertight in order to prevent storm water contact with waste matter, which can be a potential source of bacteria, grease, and other pollutants in runoff.

C. Restaurants and Kiosks

- (i) Each restaurant shall have a wash down area for restaurant equipment and accessories which shall be designed as follows: a) Designate equipment-cleaning areas indoors, and install berms to direct all runoff to the sewer system; or, if equipment cleaning areas are to be located outdoors, all wash-down areas

shall be routed to the sanitary sewer system and shall not contribute to polluted runoff or nuisance flows; b) Prohibit the cleaning of equipment in any area where water may flow to a street, gutter, creek, or storm drains; and, c) Minimize to the maximum extent practicable the amount of wash water used.

- (ii) The above restriction on restaurants and kiosks shall be incorporated into a lease agreement with the concessionaire or operator of such facilities so that such requirements are binding upon them.

D. Education and Training

- (i) Provide annual training of employees on chemical management and proper methods of handling and disposal of waste. Make sure all employees understand the on-site BMPs and their maintenance requirements.
- (ii) Provide informational signs around the establishment for customers and employees about water quality and the BMPs used on-site.
- (iii) Label/stencil outdoor drains to indicate whether they flow to an on-site treatment device, a storm drain, or the sanitary sewer as appropriate.

E. Landscaping. Minimize to the maximum extent practicable the use of pesticides and fertilizers.

F. Monitoring and Maintenance

- (i) All BMPs shall be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired, at the following minimum frequencies: 1) prior to October 15th each year; 2) during each month between October 15th and April 15th of each year and, 3) at least twice during the dry season (between April 16 and October 14 of every year).
- (ii) Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner.
- (iii) It is the applicant's responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specification and to ensure maximum pollutant removal efficiencies.

The permittee shall undertake and maintain the approved development in accordance with the Water Quality Management Plan approved by the Executive Director pursuant to this condition. Any proposed changes to the approved Water Quality Management Plan shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

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Angelica Ochoa

From: Chris Vargas
Sent: Tuesday, January 16, 2018 12:34 PM
To: Angelica Ochoa
Subject: RE: Metlox Amendment

There are no objections to the proposed amendments, though there are some concerns about noise and alcohol service/consumption in the proposed patio area(s).

The patio area(s) should be clearly defined as part of the licensed business to discourage alcoholic beverages from being taken outside the licensed areas.

Consideration should be given to discourage noise that would disturb the neighboring residential areas, such as music, yelling or any other noise other than a normal level of talking, emitting from the patio area(s).

Chris Vargas
Watch Commander Sergeant
P: (310) 802-5170
E: cvargas@citymb.info



Office Hours: M - Th 7:30AM - 5:30 PM | Alternate Open Fridays 8:00AM - 5:00 PM | Closed Alternate Fridays | Not Applicable to Public Safety

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From: Angelica Ochoa
Sent: Thursday, January 11, 2018 3:42 PM
To: Chris Vargas <cvargas@citymb.info>
Subject: Metlox Amendment

Hi Chris,

Did you ever receive the attached Amendment request for the Metlox project? The Master Use Permit amendment is going before the Planning Commission on January 24, 2017.

Jonathon Tolkin is proposing to convert some of the existing retail uses, Waterleaf, Beehive to restaurant uses. Nicks restaurant is proposed to be split into two restaurants. Also, Kasai Hair Salon, on the second floor will become an extension of Petros restaurant for meetings and events to accommodate larger parties. The Waterleaf and Kasai spaces will both have outdoor patio dining seating areas.

Can you please provide any comments or concerns you have regarding this request?

EXHIBIT E
PC MTG 01-24-18

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