



Agenda Item #: \_\_\_\_\_

# Staff Report

## City of Manhattan Beach

**TO:** Honorable Mayor Fahey and Members of the City Council

**THROUGH:** Geoff Dolan, City Manager

**FROM:** Richard Thompson, Director of Community Development  
Laurie B. Jester, Senior Planner

**DATE:** June 21, 2005

**SUBJECT:** Consideration of a Planning Commission Decision to Approve a Master Use Permit Amendment for Modifications to the Previously Approved Alcohol Sales and Special Events at the Shade Hotel, Metlox Site, 1221 North Valley Drive

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### **RECOMMENDATION:**

Staff recommends that the City Council **RECEIVE AND FILE** the Planning Commissions approval of the Amendment.

### **FISCAL IMPLICATION:**

There are no fiscal implications associated with the recommended action

### **BACKGROUND:**

The Metlox project, which 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, was approved by the City Council with a Master Use Permit in July 2002. The commercial development includes a 38-room Inn, the Shade Hotel.

On May 25, 2005, the Planning Commission voted (4-0) to approve the Amendment to the Master Use Permit. There were several speakers at the public hearing including two residents in support of the proposal as well Carol Rowe representing the Downtown Business and Professional Association. One resident spoke in opposition citing concerns with traffic and parking, and stating that there is no need for additional alcohol in the Downtown.

### **DISCUSSION:**

The proposed project is a modification of the previously approved alcohol sales for the Shade Hotel to provide high quality service to their customers consistent with the business plan for the four-star hotel, as well as to provide consistency with the State Alcoholic Beverage Control (ABC) regulations. The previous approval (Condition No. 38- City Council Resolution No. 5770) allows full liquor in self-service in-room mini-bars and beer and wine throughout the Hotel facility for guests only. The State Alcoholic Beverage Control (ABC) regulations require a full

liquor license throughout the Hotel facility that is open to the general public and includes the service of food in order to allow the in-room mini-bar license. There is no ABC license, or series of licenses that would allow beer and wine only for guests, and full liquor for the mini-bars. A portable bar with full liquor, for special events, is also proposed. Full liquor is proposed throughout the Hotel including the Courtyard, the Living Room which includes the Lobby and Wine Bar, the Porch, the Meeting Room and the rooftop Sun Deck. Alcohol is only allowed to be consumed on the site, it may not be taken off-site for consumption. The previous approval of full liquor sales for the two restaurants will not be modified with this Amendment.

The previous approval (Condition No. 28- City Council Resolution No. 5770) also limits special events (weddings, parties, etc.) to 60 people, and the modification requests a maximum of 99 people. No amendments to any other conditions of approval are proposed.

No changes to the previously approved hours of operation are proposed for either the alcohol sales or the special events. Breakfast Service in the Living Room, Porch, and/or Courtyard is proposed from 6:00 AM to 10:00 AM Monday-Friday and 6:00 AM to 11:00 AM Saturday and Sunday. The "Wine Bar" is proposed to operate in the evenings from 5:00 PM to 11:00 PM daily, although flexibility for earlier hours based on the needs of the customer is desired. Although the emphasis of the "Wine Bar" will be on providing a wide selection of premium wines, full liquor will be available. Additionally, the Wine Bar will provide a variety of appetizers in order to qualify as an eating establishment as required by the ABC. Mid-day, lunch, food service will not be provided, except for room service.

The project approved by the Planning Commission is an amendment to the Master Use Permit for the Shade Hotel. The Coastal Development Permit for the Master Use Permit was issued by the California Coastal Commission and therefore they will review the proposed amendment and determine if further amendments to the Coastal Permit will be required, which they would be responsible for.

**ALTERNATIVES:**

The alternative to the staff recommendation includes **REMOVE** this item from the Consent Calendar, **SET** the item for **PUBLIC HEARING**.

- Attachments: A. Approved Planning Commission Resolution No. 05-08  
B. Planning Commission Minutes (draft), Staff Report and attachments- May 25, 2005 (Portions not available electronically)

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

RESOLUTION NO. PC 05-08

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

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

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

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

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

advertising, marketing and promotions will be focused on potential hotel guests and not the general public.

- N. As part of the ABC license application process completed in February 2005 public notices were mailed to the neighbors located within a 500 yard radius of the property, the application sign was posted on the exterior of the property for thirty days, and the application was advertised publicly in the newspaper three times. Not one neighbor or citizen protested the application.
- O. Potential noise concerns will be addressed through the review of the annual Entertainment Permit as well as a retractable partition in the Living Room will be installed which is capable of separating the Wine Bar/Living Room facility from the reception area. The walls and partition of the Living Room will insulate the sound produced by events as the room will have a STC (Sound Transmission Code) rating of 50. The Sun Deck is designed to minimize noise and maximize privacy. The Sun Deck will be enclosed by decorative walls on all four sides: the walls stand eight feet to the east and six feet in all others directions.
- P. The ABC has identified the Downtown area of Manhattan Beach as having an "undue concentration" of alcohol licenses, which is typical for South Bay Cities. The criteria that the ABC uses in their calculations and determination of "undue concentration" takes into account all of Los Angeles County, including areas with very little population. This tends to create areas of "undue concentration" of alcohol licenses in areas where there is concentration of people and businesses, such as Downtown and other commercial areas. The Planning Commission makes the findings of public convenience and necessity for the alcohol license as the license for the hotel use is compatible with similar uses that have alcohol licenses, and other Downtown uses and the City Council has reviewed alcohol licenses in the past and has supported alcohol in conjunction with food service and hotel uses.
- Q. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- R. This Resolution, upon its effectiveness, constitutes the Amendment to the Master Use Permit for the subject property. This Resolution only amends Conditions No's 28 and 38 of Resolution No. 5770, all other conditions remain effective and in full force.
- S. Based upon State law, and MBLCP Section A.84.050, relating to the Amendment to the Master Use Permit application for the proposed project, the following findings are hereby made:
  - 1. The proposed location of the use is in accord with the objectives of this title and the purposes of the district in which the site is located since, the proposed amendments to the 'use permit' of Shade Hotel are consistent with the Commercial Downtown designation. This area is specifically designated for commercial activity and services for residents and out-of-town visitors. Several other business operations in the area already engage in similar uses. The project provides a full range of services needed by residents of, and visitors to, the city and region. The project will strengthen the city's economic base, but also protect small businesses that serve city residents. The project protects surrounding residential uses from the potential adverse effects of inharmonious uses by minimizing the impact of commercial development on adjacent residential districts.
  - 2. The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working on the proposed project site or in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City since, the proposed amended 'use permit' of this

business property is consistent with the General Plan for the Commercial Downtown designation, because it is merely the granting of additional privileges to an already approved use that will result in no fundamental change of that use. Amending the 'use permit' to comply with ABC regulations and the approval of larger special events will have no environmental impact and will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the location of the boutique hotel. There will be no negative impact on properties or improvements in the vicinity, or on the general welfare of the city. Additionally, the project is consistent with the following General Plan Goals and Policies:

**GOALS AND POLICIES: LAND USE**

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

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

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

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

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

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

**General Conditions**

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

by the Director of Community Development. Any substantial deviation from the approved plans and project description must be reviewed and approved by the Planning Commission.

**Land Use**

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

**Alcohol**

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

**New conditions**

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

***Procedural***

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



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

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of **May 25, 2005**, and that said Resolution was adopted by the following vote:

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

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

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**RICHARD THOMPSON**  
Secretary to the Planning Commission

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Sarah Boeschen  
Recording Secretary

**D R A F T      CITY OF MANHATTAN BEACH      D R A F T**  
**EXCERPTS**  
**MINUTES OF THE REGULAR MEETING OF THE PLANNING COMMISSION**  
**MAY 25, 2005**

1 A regular meeting of the Planning Commission of the City of Manhattan Beach was held on  
2 Wednesday, May 25, 2005, at 6:40 p.m. in the City Council Chambers, City Hall, 1400 Highland  
3 Avenue.

4  
5 **ROLL CALL-**

6  
7 Chairman O'Connor called the meeting to order.

8  
9 Members Present:                   Kuch, Savikas, Simon, Chairman O'Connor  
10 Members Absent:                   None  
11 Staff:                               Richard Thompson, Director of Community Development  
12                                       Laurie Jester, Senior Planner  
13                                       Sarah Boeschen, Recording Secretary  
14

15 **BUSINESS ITEMS**

16  
17 **PUBLIC HEARINGS**

18  
19 **05/052505.1 Consideration of a MASTER USE PERMIT AMENDMENT for**  
20 **Modifications to Previously Approved Alcohol Sales and Special Events at**  
21 **the Shade Hotel, Metlox Site, 1221 North Valley Drive (Manhattan Inn**  
22 **Operation Company LLC)**  
23

24 Senior Planner Jester summarized the staff report. She stated that the current entitlement permits  
25 beer and wine service throughout the hotel and full liquor service in mini-bars within the hotel  
26 rooms. She stated that the Department of Alcoholic Beverage Control (ABC) allows full liquor  
27 in mini-bars only if full alcohol service is permitted to the public throughout the site in  
28 conjunction with food service. She indicated that the proposal is to modify the previously  
29 approved Master Use Permit to allow full liquor service throughout the hotel in conjunction with  
30 food service, as well as permitting full alcohol service for special events. She commented that  
31 the second proposal is to change the permitted capacity for special events from 60 as previously  
32 approved to 99 without the need for obtaining a Temporary Use Permit. She commented that  
33 special events would occur within the interior courtyard of the hotel surrounded by the structure,  
34 and the building occupancy of the area is over 200 people. She said that the goals of the  
35 proposed amendments are to improve the hotel services; provide a better, more attractive facility;  
36 to provide services similar to other hotels in the surrounding area; and to comply with ABC  
37 regulations. She indicated that notice was provided to all properties within a 500 foot radius;  
38 posted on the City's web site, and advertised in the Daily Breeze. She commented that the Police  
39 Department verbally indicated that they were supportive of the application and that their concerns  
40 have been addressed with the conditions. She stated that the Chamber of Commerce and

**PLANNING COMMISSION MINUTES-EXCERPTS**

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1 Downtown Business and Professional Association have submitted letters in support of the  
2 proposed amendment. She indicated that staff did not receive any public comments.

3  
4 Senior Planner Jester indicated that staff is proposing specific conditions that alcohol be served  
5 with food; that advertising for the wine bar be limited to attracting hotel guests; that the wine bar  
6 have limited food service and only be open during evening hours; that menu signs not be placed  
7 outside the hotel; that no alcohol service occur after 9:00 p.m. on the outdoor deck; that alcohol  
8 service stop 30 minutes before the end of special events; and that the public food and alcohol  
9 service be limited to breakfast, evening appetizers, and special events. She stated that the layout  
10 of the lobby and roof deck would be subject to the Director’s approval; special events would be  
11 limited to 99 people without the need for a Temporary Use Permit; and the entertainment permit  
12 would require annual review and approval by the Director. She commented that currently  
13 entertainment is limited to two acoustic performers, and any request above that requires a permit  
14 that is circulated to the Police and Fire Departments and subject to conditions on hours, types of  
15 instrument, number of musicians, hours, and location. She stated that staff is recommending  
16 approval of the proposed amendment.

17  
18 In response to a comment from Commissioner Savikas, Senior Planner Jester indicated that it is a  
19 requirement of the ABC that alcohol be served with food, and it is included as a condition.

20  
21 Commissioner Savikas suggested that the fourth sentence of Condition 3 on page 5 of the  
22 proposed Resolution be revised to state that service of alcohol at the hotel shall only be in  
23 conjunction with food.

24  
25 Senior Planner Jester commented that her understanding of the ABC regulation is that food must  
26 be offered but not necessarily that it must be served with alcohol.

27  
28 In response to a question from Commissioner Savikas, Senior Planner Jester stated that the  
29 emphasis of the wine bar would be serving wine, but full alcohol service would also be available.

30  
31 In response to a question from Commissioner Savikas, Senior Planner Jester said that  
32 Entertainment Permits require approval by the Community Development Director and typically  
33 can have restrictions including conditions on hours, size of the performance area, location, type  
34 of instruments, number of musicians, type of amplification, number of times per week, and  
35 soundproofing.

36  
37 In response to a comment from Chairman O’Connor, Senior Planner Jester indicated that there  
38 are no changes to the original conditions regarding entertainment permits with the proposed new  
39 amendments.

40

**PLANNING COMMISSION MINUTES-EXCERPTS**

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1 In response to a comment from Chairman O'Connor, Senior Planner Jester indicated that the  
2 amendment would apply to the hotel use only, and there is a condition prohibiting any  
3 consumption of alcohol from the hotel within the remainder of the Metlox development.

4  
5 Chairman O'Connor opened the public hearing

6  
7 **Michael Zislis**, the applicant, indicated that the purpose of the request is to change the alcohol  
8 use to comply with State ABC regulations and to increase the threshold for City notification of  
9 event capacity from 60 to 99 people. He pointed out that they are not proposing to change the  
10 event space capacity which is regulated by the Fire Department but rather to change the capacity  
11 by which the City must be notified for issuance of a Temporary Use Permit. He said that there is  
12 no license granted by the ABC to allow full alcohol service only for mini-bars. He commented  
13 that a type 47 license requires that food service be provided along with alcohol service. He  
14 indicated that they are proposing food service with banquets, breakfast, room service, and  
15 appetizers in the lounge area. He stated that notice was provided to properties within a 500 foot  
16 radius of the site, and there was a notice posted on Valley Drive. He said that no protests have  
17 been received at the Department of Alcoholic Beverage Control. He indicated that the City has  
18 control over the use with approval of the Entertainment Permit. He commented that the lobby is  
19 directly under the hotel rooms, and it would be essential for their business to mitigate any noise  
20 impacts resulting from the wine bar. He indicated that alcohol service would be limited to 10:00  
21 p.m. He said that the current Use Permit process allows events from 60 to 200 with a temporary  
22 use permit. He indicated that requiring a Temporary Use Permit for any event with over 60  
23 people is very restrictive and impractical, and they are requesting to be permitted to have events  
24 up to 99 people without the need for a special permit.

25  
26 In response to a question from Commissioner Simon, **Mr. Zislis** indicated that the hours for  
27 breakfast service on the terrace would be 7:00 a.m. to 10:00 a.m. Monday through Friday and  
28 8:00 a.m. to 11:00 a.m. on Saturday and Sunday.

29  
30 **Carol Rowe**, representing the Downtown Business and Professional Association, said that they  
31 are in support of the application and are looking forward to the opening of the hotel. She  
32 indicated that they are frequently asked where to stay and what facilities that are available for  
33 weddings within the City. She commented that the applicants want to be a full service facility for  
34 their guests and for events, and limiting them would make it more difficult for their business to  
35 be successful. She stated that the applicants are good members of the business community and  
36 are active in their association. She said that the hotel will bring guests to the downtown area in a  
37 pedestrian friendly environment.

38  
39 **Viet Ngo**, stated that he believes Chairman O'Connor has no jurisdiction to vote on the issue  
40 because the City Council has appointed two new Commissioners, and any decision made tonight

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1 will be nullified under Government Code Section 655009.

2

3 Chairman O'Connor pointed out that the new Commissioners are not seated on the Commission  
4 until after June 1, 2005.

5

6 **Mr. Ngo** stated that a formal complaint has been filed with the United States Department of  
7 Justice regarding the ongoing joint activity with the City Council, Metlox LLC and Jonathan  
8 Tolkin and the matter has been referred to the FBI. He stated that the Commissioners are all  
9 listed in his complaint, along with Director Thompson and Senior Planner Jester. He said that he  
10 believes Jonathan Tolkin and Metlox LLC is a racketeering enterprise. He stated that the use of  
11 the public property for the private Metlox development project is circumventing the public  
12 contract code in violation of Title 18 of the U.S. Code Section 666. He stated that the City has  
13 received more than \$10,000.00 in Federal Community Development Block Grant funds.. He  
14 indicated that the use of public property for private use is a Federal offense and extortion, as  
15 indicated by the United States v. Bynum, United States v. Mirikitani and the United States v.  
16 Cabrera. He stated that the Commission should not approve the permit illegally, and the U.S.  
17 attorney of Indiana made a conviction of the city controller for the use of public money for  
18 private use.

19

20 **Jay Letterman**, a resident of the 3600 block of The Strand, said that he would like to have his  
21 daughter's wedding at the Shade Hotel. He said that they would like for the license to be  
22 approved to allow them to have full service with dining, dancing and alcohol service. He  
23 indicated that it is difficult to plan an event with such strict limitations as currently exist without  
24 approval of the proposed amendments, and they are hoping that the proposal will be approved.

25

26 **Ron Miranda**, a resident of the 700 block of Manhattan Beach Boulevard, indicated that the  
27 applicant runs his existing business very professionally. He commented that most hotels have  
28 full alcohol service, and it is necessary for being successful. He said that he would support the  
29 proposed amendment, and the downtown business owners are looking forward to the hotel  
30 coming into the area.

31

32 **Bill Victor**, said that his residence is within 500 feet of the subject site, and he was not mailed  
33 notice of the hearing. He stated that the Commissioners should consider the process by which  
34 the hotel was approved before they make a decision regarding the proposed amendments. He  
35 pointed out that the approval of a maximum of 60 people for special events without requiring a  
36 Temporary Use Permit was reached after a great deal of consideration. He stated that members  
37 of the community do not come to meetings because they feel it has become futile to express their  
38 opinions. He commented that the traffic has not decreased in the City since the proposal was  
39 originally improved. He said that the bias of the Chamber of Commerce should be noted and  
40 questioned as to representing the interests of the community. He commented that the indication

**PLANNING COMMISSION MINUTES-EXCERPTS**

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1 of the need for special events and hotel services in the City has been exaggerated regarding the  
2 subject establishment. He said that the hotel should succeed within the limitations that were  
3 originally approved and not be granted greater entitlements that would allow it to impact the  
4 peace and tranquility of the residents further. He commented that there would be more guests for  
5 special events than who stay at the hotel, and there has not been planning for the parking. He  
6 also commented that he believes that there currently are enough liquor licenses in the downtown  
7 area, and liquor service in the hotel is not a community need. He commented that the hotel  
8 should operate in the capacity currently permitted before their use is expanded. He stated that he  
9 objects to granting the proposed amendment.

10

11 Chairman O'Connor closed the public hearing.

12

13 In response to a question from Commissioner Savikas, Director Thompson commented that two  
14 restaurants have applied for full liquor licenses within the Metlox development that were  
15 approved under the Master Use Permit for the development. He indicated that the hotel was  
16 always intended to have some type of liquor service.

17

18 Commissioner Simon indicated that he viewed the property. He indicated that he was originally  
19 concerned with alcohol service for the establishment. He commented that he now has a better  
20 understanding of the areas where alcohol would be served after touring the property. He  
21 indicated that his concern is the neighbors; however, he is impressed that there has been no  
22 protest regarding the application. He said that he does not believe that residents have given up  
23 on the system but rather that they do not have large concerns with the operation of the hotel. He  
24 pointed out that there was a great deal of public participation in the discussion regarding lot  
25 mergers at a recent meeting, and the Commission did respond to their concerns. He said that he  
26 suspects that there are not great concerns within the community because they feel the  
27 establishment would not have a direct effect on them. He commented that he does not have a  
28 concern with parking to accommodate the proposed increased usage because of the new parking  
29 structure. He said that he was impressed that the Police Department expressed support for the  
30 application. He indicated that allowing full alcohol service only in mini-bars to see any impacts  
31 that result is not an option because it is prohibited by the ABC, and the only options are to either  
32 expand or deny the original entitlement. He said that the usage would be restricted to the usage  
33 within the hotel, and he is not concerned with it becoming a bar type of use. He said that he does  
34 not feel that there is a permitted capacity for events of 200 people, and he does not feel allowing  
35 99 people for special events without a Temporary Use Permit is a significant change. He stated  
36 that he would support the proposal.

37

38 Commissioner Kuch said that he is pleased that a local and proven business owner has taken over  
39 the operation of the hotel. He commented that the occupancy of the hotel is quite conservative.  
40 He said that the request to allow 99 people for events is reasonable, and he would not object to

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1 the request for full service of alcohol.

2

3 Commissioner Savikas stated that she feels the parking structure should be able to accommodate  
4 99 people for special events that is being proposed. She said that she has a concern with noise  
5 from a party on the deck patio area around the Jacuzzi spilling over to adjacent residences. She  
6 said that if she were to approve the proposal, she would like for conditions to be placed on the  
7 upper deck.

8

9 Director Thompson said that the original entitlement allowed for wine to be served on the top  
10 deck, and staff determined that 9:00 p.m. was an appropriate time to limit such service. He said  
11 that the change with the current proposal for the top deck would be to allow the service of full  
12 liquor in addition to wine. He pointed out that no entertainment would be permitted on the deck  
13 area. He indicated that problems related to alcohol service typically occur after 10:00 p.m.

14

15 Senior Planner Jester said that there is a condition that the deck be closed at 10:00 p.m.

16

17 Chairman O'Connor indicated that his original concerns were largely addressed by the original  
18 staff report, and the concerns he had about the subject proposal have also been adequately  
19 addressed. He pointed out that the area under consideration is only the courtyard within the hotel  
20 quarters, and the Metlox plaza is not included. He said that the addition of a further level of  
21 underground parking beyond the requirements of the hotel and commercial uses provides  
22 additional parking. He also commented that the underground lot is the closest and most available  
23 parking for users of the hotel. He pointed out that the new Commissioners are seated at the first  
24 meeting in June, and the current Commission is operating under its full authority in considering  
25 the issue. He pointed out that **Ms. Rowe** represents the Downtown Business and Professional  
26 Association and not the Chamber of Commerce as indicated by **Mr. Victor**. He commented that  
27 both the Downtown Business and Professional Association and the Chamber of Commerce have  
28 submitted letters in support of the proposal. He stated that the original conditions imposed on the  
29 project were meant to protect the community and were reached after much public participation.  
30 He said that the current proposal is for modifications that he finds to be reasonable. He  
31 commented that it is a unique situation because limited service of full alcohol only for mini-bars  
32 is not permitted by the ABC, and a decision needs to be made whether to allow full alcohol  
33 service for the establishment. He said that he does not share the concern of Commissioner  
34 Savikas with the rooftop deck because of the specific limitation on hours. He said that he is  
35 confident that any issues would be addressed by the accountability of the hotel owner and by the  
36 review of the Community Development Director. He said that he is comfortable with the  
37 proposal and is in support.

38

39 Commissioner Savikas said that her concerns have been addressed by staff.

40

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1 Senior Planner Jester clarified that the porch or terrace would be included with the other areas  
2 where alcohol consumption would be allowed on page 2, item J of the proposed Resolution. She  
3 stated that item K would be modified to indicate that 99 people would be permitted for special  
4 events without a Temporary Use Permit. She said that item L would be modified to include that  
5 breakfast service would occur in the living room, courtyard and/or the porch from 6:00 a.m. to  
6 10:00 a.m. Monday through Friday and 6:00 a.m. to 11:00 a.m. Saturday and Sunday. She stated  
7 that condition 5 on page 5 would also be changed to indicate that breakfast may be served daily  
8 in the living room, courtyard, and/or porch.

9  
10 A motion was MADE and SECONDED (Kuch/Savikas) to **APPROVE** a Master Use Permit  
11 Amendment for Modifications to the previously approved alcohol sales and special events at the  
12 Shade Hotel, Metlox Site, 1221 North Valley Drive with the clarifications as indicated by staff.

- 13  
14 AYES: Kuch, Savikas, Simon, Chairman O'Connor  
15 NOES: None  
16 ABSENT: None  
17 ABSTAIN: None

18  
19 Director Thompson explained the 15 day appeal period and stated that the item will be placed on  
20 the City Council's Consent Calendar for their meeting on June 21, 2005.

21  
22 **ADJOURNMENT**

23  
24 The meeting of the Planning Commission was **ADJOURNED** at 8:30 p.m. in the City Council  
25 Chambers, City Hall, 1400 Highland Avenue, to Wednesday, June 8, 2005, at 6:30 p.m. in the  
26 same chambers.

27  
28  
29 \_\_\_\_\_  
30 RICHARD THOMPSON  
Secretary to the Planning Commission

\_\_\_\_\_   
SARAH BOESCHEN  
Recording Secretary



**CITY OF MANHATTAN BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT**

**TO:** Planning Commission

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

**FROM:** Laurie B. Jester, Senior Planner

**DATE:** May 25, 2005

**SUBJECT:** Consideration of a Master Use Permit Amendment for Modifications to the Previously Approved Alcohol Sales and Special Events at the Shade Hotel, Metlox Site, 1221 North Valley Drive (Manhattan Inn Operation Company, LLC- Michael A. Zislis, President)

**RECOMMENDATION**

Staff recommends that the Planning Commission **CONDUCT THE PUBLIC HEARING, DISCUSS, and ADOPT A RESOLUTION** (Exhibit A) approving the amendments.

**PROPERTY OWNER**

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

**APPLICANT**

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

**PROJECT OVERVIEW**

The Metlox project, which 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, was approved by the City Council in July 2002. The commercial development includes a 38-room Inn, the Shade Hotel.

The proposed project is a modification of the previously approved alcohol sales for the Shade Hotel to provide high quality service to their customers consistent with the business plan for the four-star hotel, as well as to provide consistency with the State Alcoholic Beverage Control (ABC) regulations. The previous approval (Condition No. 38- City Council Resolution No. 5770- Exhibit C) allows full liquor in self-service in-room mini-bars and beer and wine throughout the Hotel facility for guests only. The State Alcoholic Beverage Control (ABC) regulations require a full liquor license throughout the Hotel facility that is open to the general public and includes the service of food in order to allow the in-room mini-bar license. There is no ABC license, or series of licenses that would allow beer and wine only for guests, and full liquor for the mini-bars. A portable bar with full liquor, for special events, is also proposed. Full liquor is proposed throughout the Hotel including the Courtyard, the Living Room which

includes the Lobby and Wine Bar, the Meeting Room and the rooftop Sun Deck. Alcohol is only allowed to be consumed on the site, it may not be taken off-site for consumption. The previous approval of full liquor sales for the two restaurants will not be modified with this Amendment.

The previous approval (Condition No.28- City Council Resolution No. 5770- Exhibit C) also limits special events (weddings, parties, etc.) to 60 people, and the modification requests a maximum of 99 people. No amendments to any other conditions of approval are proposed.

No changes to the previously approved hours of operation are proposed for either the alcohol sales or the special events. Breakfast Service in the Living Room or Courtyard is proposed from 6:00 AM to 10:00 PM Monday-Friday and 6:00 AM-11:00 PM Saturday and Sunday. The “Wine Bar” is proposed to operate in the evenings from 5:00 PM to 11:00 PM daily, although flexibility for earlier hours based on the needs of the customer is desired. Although the emphasis of the “Wine Bar” will be on providing a wide selection of premium wines, full liquor will be available. Additionally, the Wine Bar will provide a variety of appetizers in order to qualify as an eating establishment as required by the ABC. Mid-day, lunch, food service will not be provided, except for room service.

## **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

The project before the Planning Commission is an amendment to the Master Use Permit and related entitlements for the Shade Hotel. The Coastal Development Permit for the Master Use

Permit was issued by the California Coastal Commission and therefore they will review the project and make a determine if an amendment to the Permit will be required to be processed.

## **PROJECT DESCRIPTION**

### **Overview**

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

1. That full liquor service be permitted at all public service areas of the hotel as required by the Alcoholic Beverage Control Type 47 license. The service areas include the in-room ‘mini-bars’, the Courtyard, the Wine Bar (called “Zinc”), the Living Room (defined as the Wine Bar and a certain area of the Lobby that can be partitioned and closed to the public), the Meeting Room, and the Sun Deck located on the roof.
2. That the hotel be permitted to sell alcoholic beverages to the general public as opposed to only hotel guests as stated in the Master Use Permit, in order to provide a high quality of service to their customers and to comply with the ABC regulations.
3. That the size of events be increased from a maximum of sixty to ninety-nine people. The approved occupancies of the event spaces can comfortably accommodate the change. The occupancy of the public spaces on the first level, as per the approved plans, is over 200 people.

### **Alcohol**

The reason for seeking these changes is to improve the services offered at the hotel and to comply with the requirements of the State Department of Alcoholic Beverage Control (ABC). The applicant states the following in their application: The primary use and purpose of Shade Hotel is and will continue to be to serve the community as a hotel offering first-class accommodations to visitors. The changes will make the hotel a better, more attractive facility for Manhattan Beach and a more sustainable business for its owners and investors and the city. All services of the hotel will be focused directly on its guests and event clients. In booking functions, Shade Hotel’s first concern will always be given to the hotel’s guests, so the hours and size of events will be restricted by how they impact the entire hotel operation. Although the general public cannot be denied access to alcohol service in the public areas, as regulated by the ABC, Shade Hotel makes the commitment to the city that all its advertising, marketing and promotions will be focused on potential hotel guests and not the general public. The hotel will be a four-star facility, an upgrade from the original Inn operator, and it will attract a mature, up-scale, affluent clientele. Historically it is not alcohol that potentially may cause issues for a community, but rather it is the type of establishment offering the alcohol that may lead to problems. Many restaurants in the downtown area serve liquor, and the full service hotels in town also serve liquor and they generate no problems for the community. Shade Hotel is situated away from the other nightlife in Manhattan Beach, and the business concept of operating as a hotel does not attract trendy “party-goers”.

The applicant goes on to indicate that as part of the ABC license application process in February they mailed public notices to the neighbors located within a 500 yard radius of the property, posted the application sign on the exterior of the property for thirty days, and advertised the

application publicly in the newspaper three times. The result achieved was that not one neighbor or citizen protested the application. Margo Hoffman, the ABC investigator assigned to this case, verbally indicated that it is uncommon when an application does not elicit some minimal protest, and her letter indicates that no protests were received (Exhibit D). Four-star hotels and wedding venues typically hold Type 47 licenses – including Belamar Hotel, the Marriott, and Veranda (wedding and special event venue) in Manhattan Beach.

Potential noise concerns will be addressed through the review of the annual Entertainment Permit as well as a retractable partition in the Living Room will be installed which is capable of separating the Wine Bar/Living Room facility from the reception area. The walls and partition of the Living Room will insulate the sound produced by events as the room will have a STC (Sound Transmission Code) rating of 50, which will more than sufficiently mute the noise. The hotel designers specifically planned the Sun Deck to minimize noise and maximize privacy. The Sun Deck will be enclosed by decorative walls on all four sides: the walls stand eight feet to the east (Ardmore Blvd.) and six feet in all others directions (facing commercial uses).

The applicant is offering the following conditions of approval to alleviate any potential concerns and self-regulate the business operations of the hotel:

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

The applicant also states that the operators of Shade Hotel have a long history in Manhattan Beach as hands-on owners and managers of two reputable restaurants located downtown. Both restaurants – Manhattan Beach Brewing Company (15 years) and Rock’N Fish (4 ½ years) – offer liquor beverages to its customers, and both espouse a “good citizen” philosophy emphasizing conservative alcohol service and professional operational practices consistent with the community’s standards.

The Master Use Permit, Condition No. 40, regulates entertainment on the site by requiring an annual Entertainment Permit for any entertainment other than non-amplified background-type

music, with a maximum of 2 entertainers.. The Entertainment Permit is required to be submitted to the Director of Community Development for review and approval, with input from the Police and Fire Departments. Appropriate conditions are placed on the Permit to minimize potential negative impacts including, but not be limited to, hours, size and location of performance or dance area, size of band and number of performers, numbers of performance days per week, type and location of amplification, speakers and soundproofing, and volume of amplification. The Permit is reviewed annually to determine if it is appropriate to renew the permit, deny the permit, or modify the conditions of approval. Since issues may arise with the combination of the alcohol and entertainment, this condition provides the tools to assure that any potential issues are addressed.

The ABC has identified the Downtown area of Manhattan Beach as having an "undue concentration" of alcohol licenses, which is typical for South Bay Cities. The criteria that the ABC uses in their calculations and determination of "undue concentration" takes into account all of Los Angeles County, including areas with very little population. This tends to create areas of "undue concentration" of alcohol licenses in areas where there is concentration of people and businesses, such as Downtown and other commercial areas. The City Council has reviewed alcohol licenses in the past and has supported alcohol in conjunction with food service and hotel uses. Staff believes that the conditions of approval will address any potential impacts and the proposed modification to the previously approved alcohol use would be consistent with other food service uses in the Downtown as described in the attached chart (Exhibit E).

### **Event Size**

The applicant states in their application that the need to increase the size of events from sixty to ninety-nine people has been communicated by several groups of function planners interested in contracting the services of the hotel. They find the limit of sixty people impractical and restrictive for many types of events. The combined facilities of the Courtyard and the Living Room will more than adequately accommodate parties of ninety-nine or greater as the Building Code allowed occupancy of the area is over 200 people. Some groups intend to book all the hotel guest rooms for their events which would create parties with the potential attendance approaching the requested capacity. The sixty person restriction was conservatively established prior to the final design of the hotel and the occupancy calculation. The City approved the hotel to serve as a facility for "weddings, parties and other special event services as a secondary use". The applicant further states that the Shade Hotel needs a less restrictive limit on its event capacity to be a serious contender as a wedding and banquet venue and to compete more fairly with the Belamar Hotel, the Marriott, and Veranda.

### **Master Use Permit Findings**

The applicant addressed the required Use Permit findings in their application. The attached Resolution (Exhibit A) also details the required findings.

### **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 Police Department verbally indicated that they had no concerns with the proposal and that any issues had

been adequately addressed. Building and Safety verbally indicated that review by the Los Angeles County Health Department and the Fire Department will be required. No other comments were received from other Departments. Letters of support from the Chamber of Commerce and the Downtown Business and Professional Association are attached as Exhibit D.

### **Environmental Review**

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

### **CONCLUSION**

The project before the Planning Commission is an Amendment to the Master Use Permit for the Shade Hotel alcohol sales and special event size. Staff recommends that the Planning Commission open the public hearing, discuss the project, and adopt a Resolution approving the project.

### **ATTACHMENTS**

- Exhibit A: Draft Planning Commission Resolution No. 05-XX
- Exhibit B: Application with Project Description and Findings (Portions not available electronically)
- Exhibit C: City Council Resolution No. 5770- Master Use Permit- Metlox
- Exhibit D: Letters from ABC, Chamber of Commerce, and Downtown Business and Professional Association (Not available electronically)
- Exhibit E: Restaurants with alcohol licenses in Downtown
- Exhibit F: Plans (1/2 Size)- (Not available electronically)

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

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RESOLUTION NO. PC 05-XX

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

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

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

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

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

- G. An Environmental Impact Report for the Metlox/Civic Center project was certified by the City of Manhattan Beach City Council on April 17, 2001 (State Clearinghouse No. 99121090), which includes the environmental clearance for the Metlox project. There have been no substantial changes to the project, the surrounding area or environment, and the facts associated with the project have not substantially changed from those evaluated in the certified EIR from an environmental impact viewpoint. Therefore, the existing certified EIR is a valid environmental document that adequately evaluates the environmental impacts of the project in accordance with the requirements of CEQA and the project can rely upon this document for conformance with the requirements of CEQA. The EIR includes Mitigation Measures and a Mitigation Monitoring and Reporting Program in accordance with the requirements of CEQA. The Environmental Impact Report is on file and available for public review at the City of Manhattan Beach Community Development Department, City Clerks office, the public Library, and on the City's website.
- H. The property is located within Area District III and is zoned Downtown Commercial. The properties to the west and south are also zoned Downtown Commercial, the property to the north is zoned Public and Semipublic, and the property to the east is zoned Open Space.
- I. The General Plan designation for the property is Downtown Commercial.
- J. The proposed project is a modification of the previously approved alcohol sales for the Shade Hotel to provide high quality service to their customers consistent with the business plan for the four-star hotel, as well as to provide consistency with the State Alcoholic Beverage Control (ABC) regulations. The previous approval (Condition No. 38- City Council Resolution No. 5770) allows full liquor in self-service in-room mini-bars and beer and wine throughout the Hotel facility for guests only. The State Alcoholic Beverage Control (ABC) regulations require a full liquor license throughout the Hotel facility (Type 47 license) that is open to the general public and includes the service of food in order to allow the in-room mini-bar license (Type 66 license). There is no ABC license, or series of licenses that would allow beer and wine only for guests, and full liquor for the mini-bars. A portable bar with full liquor (Type 68 license), for special events, is also proposed. Full liquor is proposed throughout the Hotel including the Courtyard, the Living Room which includes the Lobby and Wine Bar, the Meeting Room and the rooftop Sun Deck. Alcohol is only allowed to be consumed on the site, it may not be taken off-site for consumption.
- K. The previous approval (Condition No. 28- City Council Resolution No. 5770) also limits special events (weddings, parties, etc.) to 60 people, and the modification requests a maximum of 99 people.
- L. No changes to the previously approved hours of operation are proposed for either the alcohol sales or the special events. Breakfast Service in the Living Room and/or Courtyard is proposed from 6:00 AM to 10:00 PM Monday-Friday and 6:00 AM-11:00 PM Saturday and Sunday. The "Wine Bar" is proposed to operate in the evenings from 5:00 PM to 11:00 PM daily, although flexibility for earlier hours based on the needs of the customer is desired. Although the emphasis of the "Wine Bar" will be on providing a wide selection of premium wines, full liquor will be available. Additionally, the Wine Bar will provide a variety of appetizers in order to qualify as an eating establishment as required by the ABC. Mid-day, lunch, food service will not be provided, except for room service.
- M. The primary use and purpose of Shade Hotel is and will continue to be to serve the community as a hotel offering first-class accommodations to visitors. The



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

- N. As part of the ABC license application process completed in February 2005 public notices were mailed to the neighbors located within a 500 yard radius of the property, the application sign was posted on the exterior of the property for thirty days, and the application was advertised publicly in the newspaper three times. Not one neighbor or citizen protested the application.
- O. Potential noise concerns will be addressed through the review of the annual Entertainment Permit as well as a retractable partition in the Living Room will be installed which is capable of separating the Wine Bar/Living Room facility from the reception area. The walls and partition of the Living Room will insulate the sound produced by events as the room will have a STC (Sound Transmission Code) rating of 50. The Sun Deck is designed to minimize noise and maximize privacy. The Sun Deck will be enclosed by decorative walls on all four sides: the walls stand eight feet to the east and six feet in all others directions.
- P. The ABC has identified the Downtown area of Manhattan Beach as having an "undue concentration" of alcohol licenses, which is typical for South Bay Cities. The criteria that the ABC uses in their calculations and determination of "undue concentration" takes into account all of Los Angeles County, including areas with very little population. This tends to create areas of "undue concentration" of alcohol licenses in areas where there is concentration of people and businesses, such as Downtown and other commercial areas. The Planning Commission makes the findings of public convenience and necessity for the alcohol license as the license for the hotel use is compatible with similar uses that have alcohol licenses, and other Downtown uses and the City Council has reviewed alcohol licenses in the past and has supported alcohol in conjunction with food service and hotel uses.
- Q. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- R. This Resolution, upon its effectiveness, constitutes the Amendment to the Master Use Permit for the subject property. This Resolution only amends Conditions No's 28 and 38 of Resolution No. 5770, all other conditions remain effective and in full force.
- S. Based upon State law, and MBLCP Section A.84.050, relating to the Amendment to the Master Use Permit application for the proposed project, the following findings are hereby made:
  - 1. The proposed location of the use is in accord with the objectives of this title and the purposes of the district in which the site is located since, the proposed amendments to the 'use permit' of Shade Hotel are consistent with the Commercial Downtown designation. This area is specifically designated for commercial activity and services for residents and out-of-town visitors. Several other business operations in the area already engage in similar uses. The project provides a full range of services needed by residents of, and visitors to, the city and region. The project will strengthen the city's economic base, but also protect small businesses that serve city residents. The project protects surrounding residential uses from the potential adverse effects of inharmonious uses by minimizing the impact of commercial development on adjacent residential districts.
  - 2. The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or

working on the proposed project site or in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City since, the proposed amended 'use permit' of this business property is consistent with the General Plan for the Commercial Downtown designation, because it is merely the granting of additional privileges to an already approved use that will result in no fundamental change of that use. Amending the 'use permit' to comply with ABC regulations and the approval of larger special events will have no environmental impact and will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the location of the boutique hotel. There will be no negative impact on properties or improvements in the vicinity, or on the general welfare of the city. Additionally, the project is consistent with the following General Plan Goals and Policies:

**GOALS AND POLICIES: LAND USE**

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

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

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

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

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

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

**General Conditions**

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

**Land Use**

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

**Alcohol**

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

**New conditions**

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

***Procedural***

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

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

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of **May 25, 2005**, and that said Resolution was adopted by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

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**RICHARD THOMPSON**  
Secretary to the Planning Commission

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Sarah Boeschen  
Recording Secretary

# **SHADE HOTEL**

## **Application for Amendment to Use Permit**

Shade Hotel seeks to amend the ‘use permit’ approved by the city for the new Metlox commercial development as it pertains to the hotel property. Shade Hotel requests that three changes be made to the existing ‘use permit’:

1. That full liquor service be permitted at all public service areas of the hotel as required by the Type 47 license. The service areas include the in-room ‘mini-bars’, the Courtyard, the Wine Bar (called “Zinc”), the Living Room (defined as the Wine Bar and a certain area of the Lobby that can be partitioned and closed to the public -- see enclosed cut sheet), the Meeting Rooms, and the Sun Deck located on the roof.
2. That the hotel be permitted to sell alcoholic beverages to the general public as opposed to only hotel guests as stated in the ‘use permit’, in order to comply with the Alcohol Beverage Control regulations.
3. That the size of events be increased from a maximum of sixty to ninety-nine people. The approved occupancies of the event spaces can comfortably accommodate the change. The occupancy of the first level, as per the approved plans, is 204 people.

The reason for seeking these changes is to comply with the requirements of the Department of Alcohol Beverage Control, as already explained in this application, and to improve the services offered at the hotel. **The primary use and purpose of Shade Hotel is and will continue to be to serve the community as a hotel offering first-class accommodations to visitors.** The requested changes to the ‘use permit’ will not affect the primary use and purpose of the hotel and will have no impact on the community (not on residents, adjacent businesses, city services, or parking). The changes will make the hotel a better, more attractive facility for Manhattan Beach and a more sustainable business for its owners and investors and the city. All services of the hotel will be focused directly on its guests and event clients. In booking functions, Shade Hotel’s first concern will always be given to the hotel’s guests, so the hours and size of events will be restricted by how they impact the entire hotel operation. Although the general public cannot be denied access to alcohol service in the public areas, as regulated by the A.B.C., Shade Hotel makes the commitment to the city that all its advertising, marketing and promotions will be focused on potential hotel guests and not the general public.

## Alcohol Service

Permitting full liquor at all the alcohol service areas of the hotel should not present a great concern to the city or community. First, because the hotel will be a four-star facility, it will attract a mature, up-scale, affluent clientele. Second, as the city has learned over the years, it is not alcohol, per se, that potentially may cause issues for a community, but rather it is the type of establishment offering the alcohol that may lead to problems. Night clubs and bars tend to draw the wrong crowd and it is these younger, rowdier patrons who may have the propensity to engage in undesirable behavior. Many bonafide restaurants in the downtown area serve liquor – Fonz’s, Café Pierre, Manhattan Beach Brewing Co., Avenue – and generate no problems for the community. Shade Hotel is situated away from the other nightlife in Manhattan Beach, and the business concept of operating as a hotel does not attract trendy “party-goers”.

Shade Hotel has been conferring and meeting regularly with the Alcohol Beverage Control and the Manhattan Beach Community Development Department for the past several months to address and minimize any potential issues and concerns. After the hotel acquired the Type 47 license at the end of 2004, it submitted the alcohol application to the A.B.C. in January, 2005. As part of the A.B.C. alcohol license application an applicant must: (1) mail public notices to the neighbors located within a 500 yard radius of property, (2) post the application sign on the exterior of the property for thirty days, and (3) advertise the application publicly in the newspaper three times. Shade Hotel completed this procedure in February. The result achieved was that **not one neighbor or citizen protested the application.** According to Margo Hoffman, the A.B.C. investigator assigned to this case, it is uncommon when an application does not elicit some minimal protest. This is a strong indication that the community supports the concept of a small, first-rate hotel located in the downtown area offering a variety of services and uses. Four-star hotels and wedding venues typically hold Type 47 licenses – including Belamar Hotel, the Marriott, and Veranda (wedding venue) in Manhattan Beach – and the community appears to accept this industry standard.

If the city approves the requested amendments to the ‘use permit’, then the A.B.C. is in the position to immediately issue the Type 47 license.

One concern expressed by the Community Development Department is the issue of noise generated by events, entertainment, and alcohol consumed in a festive atmosphere. Again, Shade Hotel’s first priority will be the guests staying at the hotel. All events will be planned around the convenience and comfort of the guests. The hotel will construct, as part of its design, a retractable partition in the Living Room capable of separating the Wine Bar/Living Room facility from the reception area. The walls and partition of the Living Room will insulate the sound produced by events ... the room will have a STC (Sound Transmission Code) rating of 50, which will more than sufficiently mute the noise. The hotel designers specifically planned the Sun Deck to minimize noise and maximize privacy. The Sun Deck will be enclosed by decorative walls on all four sides: the walls stand eight feet to the east (Ardmore Blvd.) and six feet in all others directions (facing commercial uses). The size of the Sun Deck is 430 square feet with an occupancy

of 45 people. The intended use of this facility is for hotel guests and their visitors, and for small events or private uses.

To further allay any potential concerns the city or citizens may have by amending the ‘use permit’, Shade Hotel proposes that certain mitigating conditions can be imposed upon the hotel operation:

1. All hotel marketing, advertising, and promotions must be limited to attracting potential hotel guests and event planners. The Wine Bar (now called “Zinc”) and Sun Deck will not be marketed to the general public as separate hospitality attractions. (The brochure included in this application demonstrates the intent of Shade Hotel.)
2. The Wine Bar will limit its food menu to appetizers or “small plates” (or “tapas”), to qualify as a “bonafide eating place” as required by the Type 47. The Wine Bar will not operate as a restaurant. (Breakfast will be served daily in the Living Room or Courtyard depending upon weather conditions.)
3. Shade Hotel will not post any drink or food menus, or any drink or food signage outside of the hotel.
4. The Sun Deck will stop regular alcohol service prior 9:00 p.m. daily.
5. Alcohol service at events and functions will stop thirty minutes prior to the hotel closing hours: 10:30 p.m., Sunday – Thursday; 11:30 p.m., Friday and Saturday.

These self-imposed conditions will go a long way to eliminate any potential issues that may arise. The city, of course, possesses the powerful **annual prerogative to approve or restrict the hotel’s entertainment permit** made available in the existing ‘use permit’. With this overwhelming leverage, the city can influence the conduct of any affected business operator to ensure he or she conforms to the needs and values of the community. Responsible, prudent alcohol service will simply not be an issue at the hotel. The operators of Shade Hotel have a long history in Manhattan Beach as hands-on owners and managers of two reputable restaurants located downtown. Both restaurants – Manhattan Beach Brewing Company (15 years) and Rock’N Fish (4 ½ years) – offer liquor beverages to its customers, and both espouse a “good citizen” philosophy emphasizing conservative alcohol service and professional operational practices consistent with the community’s standards.



## **Event Size**

The need to increase the size of events from sixty to ninety-nine people has been communicated by several groups of function planners interested in contracting the services of the hotel. They find the limit of sixty people impractical and restrictive for many types of events. The combined facilities of the Courtyard and the Living Room will more than adequately accommodate parties of ninety-nine or greater (the occupancy of the first level is 204). Some groups intend to book all the hotel guest rooms for their events; with the possibility of two guests staying in each of the sixteen “Spa Suites”, three in the sixteen “Deluxe Spa Suites”, and four occupying the five “Penthouses”, this would create parties with the potential attendance approaching the requested capacity. The sixty person restriction was conservatively established prior to the final design of the hotel and the occupancy calculation. In practical terms, the increase from sixty to ninety-nine persons will have a minimal impact on the resources and operations of the hotel, and should have no effect on the city or neighboring businesses.

The city approved the hotel to serve as a facility for “weddings, parties and other special event services as a secondary use”. Shade Hotel needs a less restrictive limit on its event capacity to be a serious contender as a wedding and banquet venue and to compete more fairly with the Belamar Hotel, the Marriott, and Veranda.

## **Conclusion**

Shade Hotel needs the help and support of the city to be successful in the community. In order to survive and succeed as a small, boutique hotel enterprise, Shade Hotel must attempt to maximize all potential sources of revenue – which is true for all operators throughout this segment of the industry. The original hotel operator withdrew from the deal for economic reasons related to the small size of the hotel. The developer of the Metlox project had a difficult time finding another operator to take over the hotel because of the risks, undetermined costs, and many unknown factors associated with building a hotel on the city’s underground parking structure.

The Metlox developer approached the operators of the Manhattan Inn Operating Company, LLC (Shade Hotel), which agreed to assume the ground lease for the project. The operators of Shade Hotel concluded they had to step up the project to a four-star hotel in order to create a viable business operation and to justify the enormous capital investment (the original simple two-star inn could not merit charging high enough room rates to earn a satisfactory profit and return). They believed that a four-star establishment could better meet the needs of the community since no comparable facility existed in the downtown area and Manhattan Beach is an affluent community made up of residents and visitors possessing discriminating tastes and needs.

**Coping with the many unforeseen challenges caused by the parking garage and constructing a much improved four-star hotel has pushed the budget to exceed the original costs estimated by the Metlox developer by thirty-three percent. This fact has substantially increased the risks of taking on the project.**

Amending the 'use permit' as requested in this application will make Shade Hotel a better all-around hospitality facility with improved services for guests and event planners, and will improve the economic sustainability of the business for its owners. The operators of Shade Hotel understand and agree with the intent of the existing 'use permit' and commit to continue honoring that intent with the amended uses.

As opening day is quickly approaching, time is of the essence. Shade Hotel needs the requested changes in order to open on time and to be given the opportunity to succeed. Thank you for your time and consideration.

## WRITTEN DESCRIPTION

### Purpose of Application

Shade Hotel (owned and operated by Manhattan Inn Operating Company, LLC) is located at 1221 North Valley Drive, Manhattan Beach and is part of the new Metlox development. The approved 'use permit' for the commercial development states, "The Inn may provide beer and wine service for its guests only, and may also provide full liquor self-service in room 'mini-bars'." An issue has arisen because the Department of Alcohol Beverage Control does not offer an alcohol license or set of licenses to permit the combination of alcohol service circumscribed by the 'use permit' approved by the city. The licenses required by the A.B.C. to permit these combined services are a Type 66 Controlled Access Cabinet Permit (which permits in-room 'mini-bars') and a Type 47 On-Sale General for Bonafide Eating Place (which permits the sale of liquor).

Shade Hotel purchased a Type 47 license in 2004 and submitted the licensing application to the A.B.C. During the approval process the A.B.C. determined that a Type 47 cannot be limited in the manner specified by the city: "beer and wine service for its guests only". For a business establishment to possess a Type 47, it must: (1) be a bonafide eating place, (2) permit the general public access to the public service areas (the very definition of a general on-sale license), and (3) serve liquor at the licensed service areas. The Type 66 is not a stand alone license and must be issued in conjunction with another on-sale general license such as the Type 47.

Therefore, in order to comply with A.B.C. regulations, it is necessary for Shade Hotel to seek an amendment to the 'use permit' for the Metlox site to permit full liquor in all service areas of the hotel including the room 'mini-bars'. The other service areas include the Courtyard, the Living Room (comprised of part of the Lobby and the Wine Bar), the Meeting Rooms, and the Sun Deck. The 'use permit' must also be amended to allow the general public access to the alcohol services areas at the hotel.

Secondly, the city approved the hotel to serve as a facility for "weddings, parties and other special events as a secondary use". The initial interest from the community has been encouraging, however many party planners have expressed that the limit of sixty people is impractical and restrictive for many types of events. Shade Hotel proposes to increase the size of events from sixty to ninety-nine people to better accommodate the demands of function planners.

**Legal Description**

Lot 2, Block 97, Manhattan Beach Division #2.

**General Plan Designation**

Downtown Commercial

**L.C.P., L.U.P. Designation**

Downtown Commercial

**Zoning**

CD, Downtown Commercial

**Neighboring Land Uses**

North	CD, Police/ Fire Stations
South	CD, Restaurant/ Commercial
East	CD, Valley/ Ardmore Blvds.
West	CD, Commercial, Public Areas

**Alcohol License**

Current:       Type 47 – On-Sale General for Bonafide Eating Place  
                   Type 66 – Controlled Access Cabinet Permit  
                   Type 68 – Portable Bar

(The current ‘use permit’ places restrictions on the alcohol licenses: Beer and wine service for its guests only.)

Proposed:     Type 47 – On-Sale General for Bonafide Eating Place  
                   Type 66 – Controlled Access Cabinet Permit  
                   Type 68 – Portable Bar

(Full alcohol service available to the general public in all service areas as required by the Department of Alcohol Beverage Control.)

**Occupancy**

Total hotel occupancy:                    Approximately 334 persons.

**Parking**

Public parking provided at the Metlox site. Changes to the existing “use permit” will have no impact on the available parking.

**Hours of Operation**

Sunday – Thursday	6:00 a.m. – 11:00 p.m.
Friday and Saturday	6:00 a.m. – 12:00 a.m. (midnight)

(These are the original hours approved by the current ‘use permit’.)

**Breakfast Service**

Monday – Friday	6:00 a.m. – 10:00 a.m.
Saturday – Sunday	6:00 a.m. – 11:00 a.m.

**Environmental Impact**

None.

## **DESCRIPTION OF HOW FINDINGS WILL BE MET**

1. The proposed amendments to the ‘use permit’ of Shade Hotel, located at 1221 North Valley Drive, Manhattan Beach, is consistent with the Commercial Downtown designation. This area is specifically designated for commercial activity and services for residents and out-of-town visitors. Several other business operations in the area already engage in similar uses.
2. The proposed amended ‘use permit’ of this business property is consistent with the General Plan for the Commercial Downtown designation, because it is merely the granting of additional privileges to an already approved use that will result in no fundamental change of that use. Amending the ‘use permit’ to comply with A.B.C. regulations and the approval of larger special events will have no environmental impact whatsoever and will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the location of the boutique hotel. There will be no negative impact on properties or improvements in the vicinity, or on the general welfare of the city.
3. The proposed amended ‘use permit’ for the boutique hotel is consistent with the already approved primary and secondary uses of the facility. The new uses will comply with the provisions and conditions of this title.
4. Because the proposed amended ‘use permit’ will not alter the fundamental use, purpose or character of the boutique hotel, and because there will not be any change in occupancy or intensification of the property, the proposed amended use will not create adverse impacts on traffic or create demands exceeding the capacity of public services and facilities.

RESOLUTION NO. 5770

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**COASTAL ACCESS POLICIES**

**A. Access Policies**

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

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

**B. Transit Policies**

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

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

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

**A. Commercial Development**

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

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

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

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

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

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

**General Conditions**

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

**Site Preparation/Construction**

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

**Operational**

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

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

**Public Works**

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

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

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

**Land Use**

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

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

#### **Design Review**

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

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

#### **Alcohol**

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

#### **Entertainment**

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

#### **Procedural**

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



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

***Mitigation Measures (CEQA)***

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

51. AESTHETICS/VIEWS

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

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

52. Air Quality

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

53. PUBLIC SAFETY

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

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

54. RISK OF UPSET

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

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

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

## 55. TRANSPORTATION AND CIRCULATION

### REQUIRED MITIGATION MEASURES

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

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

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

#### RECOMMENDED MITIGATION MEASURES

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

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

#### 56. HYDROLOGY/WATER QUALITY

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

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

#### 57. NOISE

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

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

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

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

SECTION 4. This resolution shall take effect immediately.

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

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

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

Ayes:  
 Noes:  
 Absent:  
 Abstain:

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

ATTEST:

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

**SURVEY OF DOWNTOWN EATING AND DRINKING ESTABLISHMENTS**

<b>Establishment</b>	<b>Address</b>	<b>Hours of Operation</b>	<b>Alcohol License</b>
900 Manhattan Club	900 Manhattan Ave.	M-Th 11am-12 am F 11am-1 am Sat 9am-12am Sun 9am-12am	Full Liquor
Banyon	1140 Highland Ave.	Su-Th 6am-10pm F-Sa 6am-11pm	Beer and Wine
Beaches	117 Manhattan Beach Blvd.	M-F 10am-1am Sa-Sun 8 am-1am	Full Liquor
Café Pierre	317 Manhattan Beach Blvd.	Su-Sa 9am-1am	Full Liquor
Pomodoro	401 Manhattan Beach Blvd.	Su-Sa 7am-11pm	Beer and Wine
Ebizio	229 Manhattan Beach Blvd.	M-Th 6am - 11pm F-Sa 6am-12am	Beer and Wine
El Sombrero	1005 Manhattan Ave.	Su-Th 7am-11pm F-Sa 7am-12am	Beer and Wine
Ercoles	1101 Manhattan Ave.	Su-Sa 11am-2am	Full Liquor
Fonzs	1017 Manhattan Ave.	Su 9am-9pm M-Th 5:30am-10pm F-Sa 5:30am-11pm	Full Liquor
Francesca	1209 Highland Ave.	M-Th 11am-10pm F-Su 7:30am-11pm	Beer and Wine
Good Stuff	1300 Highland Ave.	Su-Sa 24 Hours	Beer and Wine
Hennesseys	313 Manhattan Beach Blvd.	Su-Sa 11am-2am	Full Liquor
Fusion Sushi	1150 Morningside Dr.	Su-W 9am -11pm Th-Sa 7am-12am	Full Liquor
Kettle	1138 Highland Ave.	Su-Sa 24 Hours	Beer and Wine
Mama D's	1125 A Manhattan Ave.	Su-Sa 7am-2am	Beer and Wine
Mangiamo	128 Manhattan Beach Blvd.	Su-Sa 8am-12am	Full Liquor
Manhattan Brewing Company	124 Manhattan Beach Blvd.	Su-Sa 7am-12am F-Sat 7am-1am	Full Liquor
Manhattan Coolers	309 Manhattan Beach Blvd.	Su-Sa 7am-2am	Full Liquor
Manhattan Pizzeria	133 Manhattan Beach Blvd.	No Reso	Beer and Wine
Michi	903 Manhattan Ave.	Su-T 11am-12am F-Sat 11am-2am	Full Liquor
Octopus	1133 Highland Ave.	M-F 11:30am-2:30pm to 5:30pm-11pm F-Sa 5:30pm-12am	Beer and Wine
Old Venice	1001 Manhattan Ave.	Su-Sa 10am-12am	Beer and Wine
Penny Lane	820 Manhattan Ave.	Su-T 7am-10:30pm F-Sa 7am-11:30pm	Beer and Wine
Rock N Fish	120 Manhattan Beach Blvd.	Su-Th 7am-12am F-Sa 7am-1am	Full Liquor
Sidedoor	900 Manhattan Ave.	M-Th 11am-12 am F 11am-1 am Sat 9am-12am Sun 9am-12am	Full Liquor
Shellback	116 Manhattan Beach Blvd.	No Reso	Full Liquor
Sun & Moon Café	1131 Manhattan Ave.	Su-Th 6am-11pm F-Sa 6am-12am	Beer and Wine
Talia's	1148 Manhattan Ave.	Su-W 7am-11pm Th-Sa 7am-12am	Full Liquor
Towne	1142 Manhattan Ave.	M-W 11am-11pm Th-F 11am-12am Sa 7am-12am Su 7am-11pm	Full Liquor

Trio	304 12th Street	Su-Th 10am-12am F-Sa 10am-1am	Full Liquor
Wahoo's	1129 Manhattan Ave.	Su-Th 6am-11pm F-Sa 6am-12am	Beer and Wine
Avenue	1141 Manhattan Ave.	Su-Th 11am-11pm F-Sa 11am-12am	Full Liquor

G:/Planning/Ledger/Downtown Alcohol & Hrs List

05/19/05