

Martha Alvarez

From: Martha Andreani
Sent: Thursday, June 01, 2017 7:09 PM
To: Anne McIntosh
Cc: Ted Faturros
Subject: Skecher's Use Permit for Expansion in the Downtown and My Appeal

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Anne,

RE: Use Permit for the Expansion of an Existing Retail Use that Would Results in a Retail Space Over 1,600 Square Feet of Buildable Floor Area Located at 1115, 1117, 1121 Manhattan Avenue (Skechers USA, Inc.) -
- And my Appeal of the Planning Commission's Approval for the expansion at their meeting of March 29, 2017.

In preparing my Appeal of the Planning Commission's approval of a Use Permit for the expansion of an existing retail use that would result in a retail space over 1,600 square feet of building floor area located at 1115, 1117, 1121 Manhattan Avenue (Skechers USA, Inc.) that is due to be heard by the City Council at their meeting of June 6, 2017, I re-read Interim Zoning Ordinance (IZO) No. 16-0013-U (which extended IZO No. 16-0009-U). It appears to me that the City should NOT have accepted Skechers Use Permit filing for expansion.

Section 3. of IZO No. 16-0009-U (adopted on July 5, 2016) states: "A use permit is required prior to the establishment of the following uses, as those uses are defined in the Zoning Code: (1) Any business or professional office, bank and savings & loan, catering service, or communication facility, proposed to be located on the ground floor streetfront; and (2) Any retail sales use proposed to have more than 1,600 square feet of buildable floor area."

Section 4.B. of IZO No. 16-0013-U (adopted on August 16, 2016) states "There is therefore an urgent necessity for the City to extend Ordinance No. 1-009-U. Notwithstanding any other ordinance or provision of the Manhattan Beach Municipal Code, **no application for a building permit, site plan review, or any land use entitlement shall be accepted for processing or approved, for the subject uses, proposed to be located in the area zoned Downtown Commercial District unless the City has issued a use permit for such use.**" (Color added by me for emphasis.)

Skechers' Use Permit was filed and accepted by the City on 11/22/16.

Both IZOs make it clear that the City was working on a Downtown "specific plan".

As mentioned above, upon further examination of the IZO 16-0013-U, it seems to me that the City should NOT have accepted the Skechers filing for a Use Permit on November 22, 2016. And further, was the request for a use permit legally heard by the Planning Commission on March 29, 2017, given the moratorium established on August 16, 2016 (and continuing through July 5, 2017) for any retail sales use proposed to have more than 1,600 square feet of buildable floor area?

I'm bringing this matter to your attention now, as it just occurred to me today. I apologize that it is close to the public hearing scheduled by City Council on June 6, but trust that my Appeal stands through a potential legal review of the questions raised.

Respectfully,

Martha Andreani

Martha Andreani

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E: mandreani09@gmail.com



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Martha Alvarez

From: Martha Andreani
Sent: Friday, June 02, 2017 7:59 AM
To: Anne McIntosh
Cc: Laurie B. Jester; Ted Faturos
Subject: Fwd: Skecher's Use Permit for Expansion in the Downtown and My Appeal

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning, Anne:

The more I think about my question and message below, the more I think the Skechers request for a Use Permit to expand their retail footprint *should have fallen under the moratorium established Interim Zoning Ordinance 16-0013-U*, and should have been treated just as the City would have treated any bank or professional office desiring to be located on the ground floor streetfront.

As stated in the Staff Report for the Planning Commission's Meeting of March 29, 2017, the existing Skechers store occupies a 3,435 square foot retail space located at 1117 and 1121 Manhattan Avenue. They wish to expand their retail footprint and merge their existing store with the neighboring 1,394 square foot space located at 1115 Manhattan Avenue. The Skechers retail space resulting from the expansion will be 4,829 square feet of buildable floor area -- far exceeding the buildable floor area cap established by IZO 16-0013-U.

My Appeal does not seek to reduce the size of the present Skechers store, nor prevent them from occupying a separate non-contiguous retail space (of less than 1,600 square feet). I oppose the expansion represented by the cut-through to the space vacated by Quatrone, as it far exceeds the vision for a small-town village character in our Downtown.

I failed to copy Laurie Jester in the previous email and apologize for that oversight, as she oversaw the Planning Commission meeting.

Best regards,

Martha Andreani
H. (310) 372-9061

Martha Andreani

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----- Forwarded message -----

From: **Martha Andreani** <mandreani09@gmail.com>

Date: Thu, Jun 1, 2017 at 7:08 PM

Subject: Skecher's Use Permit for Expansion in the Downtown and My Appeal

To: Anne McIntosh <amcIntosh@citymb.info>

Cc: Ted Faturros <tfaturros@citymb.info>

Dear Anne,

RE: Use Permit for the Expansion of an Existing Retail Use that Would Results in a Retail Space Over 1,600 Square Feet of Buildable Floor Area Located at 1115, 1117, 1121 Manhattan Avenue (Skechers USA, Inc.) -
- And my Appeal of the Planning Commission's Approval for the expansion at their meeting of March 29, 2017.

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Respectfully,

Martha Andreani

Mary Kirchwehm

From: Carol Perrin <cplaw28@gmail.com>
Sent: Monday, June 5, 2017 12:46 PM
To: List - City Council; CityCouncil@citymb.com
Cc: Anne McIntosh; City Manager; Nhung Madrid
Subject: Oppose - Agenda Item J.14 Conditional Use Permit to Sketchers

Dear City Council Members,

The Downtown Residence Group opposes the granting of a Conditional Use Permit to Sketchers (Application for a Use Permit for the Expansion of the Existing Retail Use That Would Exceed 1,600 square feet of Buildable Floor Area Located at 1115, 1117, 1121 Manhattan Avenue) in the form now proposed for the following reasons:

1. If passed, it renders decisions of the City Council meaningless, since the Council spent the last several years developing a plan for downtown both through the Interim Zoning Ordinance (IZO) and the Downtown Specific Plan (DSP).
2. The reasoning for granting this exception does not fit within the stated reasons in the law for allowing an exception. This exception violates a small downtown feel and certainly does not add to serving the community with a diversity of businesses and services.
3. The current Sketchers store now exceeds the limits of both the IZO and the DSP. It will be grandfathered in its current non conforming space and that conforms with the law-no problem. The new even greater footprint is simply out of whack.
4. The slides shown at the Planning Commission meeting on behalf of Sketchers regarding the new usable sales floor area did not seem accurate. They were quickly flashed on the screen, but seemed to exclude the entire cashier area as part of the sales area. Did anyone question that to get an accurate number?
5. The argument that the City will have more control of the facade if a Use Permit is granted is some form of "Alternate Fact". If the use permit is not granted, then the issue or need for control of the exterior never even arises!

Bottom line - People live here to live within a small town environment. They like and want it the way it is now - along with necessary maintenance and upgrades. Real property taxes from residents are by far the city's biggest source of revenue. It is a slippery slope to go down, even with a store and owners as well regarded as Sketchers.

We applaud that Sketchers was born in Manhattan Beach and their success, but they are now a large international chain store. This sets a precedent that the City will not be able to defend against when all the other chains want to come in with an enlarged footprint. The same arguments and rationale Sketchers is maintaining can be made by any other chain such as the Gap or Banana Republic - since this huge expansion doesn't do anything to protect or maintain the downtown feel or promote the needs of the residents and the community. It is simply good for Sketchers bottom line which we don't oppose, just not at the cost of the demise of our downtown vision.

Let Sketchers open the store next door as a separate store if it needs more space. They don't need approval for that and can do what they want with the facade within the legal framework. Even though that does not lend itself to the diversity and the availability of multiple shops and services for the residents, at least it is not creating a precedent that others will be able to piggy back on - since at the end of the day - there is no real need to the City, to downtown, or to the residents that this Conditional Use Permit can justify, that will set it apart from any other business requesting the same treatment.

Respectfully submitted,
Carol Perrin

--

Carol Perrin
cplaw28@gmail.com

Martha Alvarez

From: Martha Alvarez
Sent: Monday, June 05, 2017 3:28 PM
To: Martha Alvarez
Subject: FW: June 6 Hearing of City Council -- Appeal of Planning Commission Decision of March 29, 2017, approving the expansion of Skechers in Downtown MB

Martha Alvarez Senior Deputy City Clerk

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E: malvarez@citymb.info



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From: Ted Faturos
Sent: Monday, June 05, 2017 2:52 PM
To: Martha Alvarez <malvarez@citymb.info>
Subject: FW: June 6 Hearing of City Council -- Appeal of Planning Commission Decision of March 29, 2017, approving the expansion of Skechers in Downtown MB

Ted Faturos Assistant Planner

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From: George Kaufman [<mailto:GAKMANLAW@msn.com>]
Sent: Wednesday, May 31, 2017 5:54 PM
To: List - City Council <CityCouncil@citymb.info>
Cc: Ted Faturos <tfaturos@citymb.info>
Subject: June 6 Hearing of City Council -- Appeal of Planning Commission Decision of March 29, 2017, approving the expansion of Skechers in Downtown MB

Council Members,

We are writing to you before the Agenda/Staff report, because we will be out of town/out of the country as of Friday 6/2 morning, until after your June 6 meeting.

We really feel that to allow Skechers to vastly exceed the size limits imposed by the IZO and the DSP would be counter to the letter and spirit of those laws. A huge amount of time and money has been spent over the past several years creating these laws. Granting this application would render these laws toothless and set an awful precedent. Certainly it would violate the "small town character" unanimously sought by all stakeholders in the community. We realize that Skechers is a prominent and valued citizen of Manhattan Beach. However there is no "Skechers exception" to these laws.

Skechers argument concerning a breakup of its facade is small potatoes. The store will still be huge. Moreover, while the Planning Commission accepted as a premise that if its application were denied, Skechers would simply maintain a separate store next door, amazingly, this was never confirmed by testimony or evidence presented by Skechers. In fact, we are skeptical that Skechers would in fact go forward with such a separate store. And perhaps most importantly, in any event, if accepted, this argument would be repeated by every tenant seeking to expand into a neighboring space, thus in effect gutting the size limitations imposed by these laws.

Finally, we must keep in mind that once Skechers vacates these premises, if granted, the CUP would normally be inherited by the next business, which might not be held in the same high regard as Skechers. We do not know what, if anything, Skechers proposes to address that issue.

We ask that you deny this application as a clear violation of the IZO and the DSP.

Thank you.

George Kaufman
Kathleen Smith
Downtown Residents

Martha Alvarez

From: Martha Alvarez
Sent: Monday, June 05, 2017 12:01 PM
To: Martha Alvarez
Subject: FW: Paragon bank setback is a dangerous traffic vision obstruction at 6th street
Attachments: Paragon Bank setback is a dangerous traffic vision obstruction.pdf

Martha Alvarez Senior Deputy City Clerk

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From: Mary Kirchwehm
Sent: Monday, June 05, 2017 8:33 AM
To: Martha Alvarez <malvarez@citymb.info>
Cc: Liza Tamura <ltamura@citymb.info>
Subject: FW: Paragon bank setback is a dangerous traffic vision obstruction at 6th street

Mary Kirchwehm Executive Assistant

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E: mkirchwehm@citymb.info



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From: Tom Hastings [<mailto:tom.hastings@verizon.net>] **On Behalf Of** tom.hastings@alum.mit.edu
Sent: Sunday, June 4, 2017 9:49 PM
To: List - City Council <CityCouncil@citymb.info>
Cc: Mark Danaj <mdanaj@citymb.info>; Quinn Barrow <gbarrow@citymb.info>; Anne McIntosh <amcIntosh@citymb.info>; Liza Tamura <ltamura@citymb.info>; Eric Haaland <ehaaland@citymb.info>; 'Dennis May' <dennis.may1@outlook.com>; 'Douglas Brawn' <Douglas.brawn@colliers.com>; 'Eileen & John Neill' <jejneill@earthlink.net>; 'Gary Troop' <garytroop@hotmail.com>; 'Glen Tucker' <glenetucker@yahoo.com>; 'Jack Driscoll' <driscoll.company@verizon.net>; 'Jan Mills' <janmillsmb@hotmail.com>; 'Jim Lee' <jimleemb@gmail.com>;

'Julie Shaffner Brawn' <julieshaffner@yahoo.com>; 'Donald Mcpherson' <dmcphersonla@gmail.com>; 'Mark Shoemaker' <markshoemaker@msn.com>; patti.brown@hotmail.com; 'Scott L. Yanofsky' <slytfg@me.com>; Tom Hastings <tom.hastings@alum.mit.edu>

Subject: Paragon bank setback is a dangerous traffic vision obstruction at 6th street

Mayor David Lesser

City Council

City of Manhattan Beach

Subject: Paragon bank setback is a dangerous traffic vision obstruction at 6th street

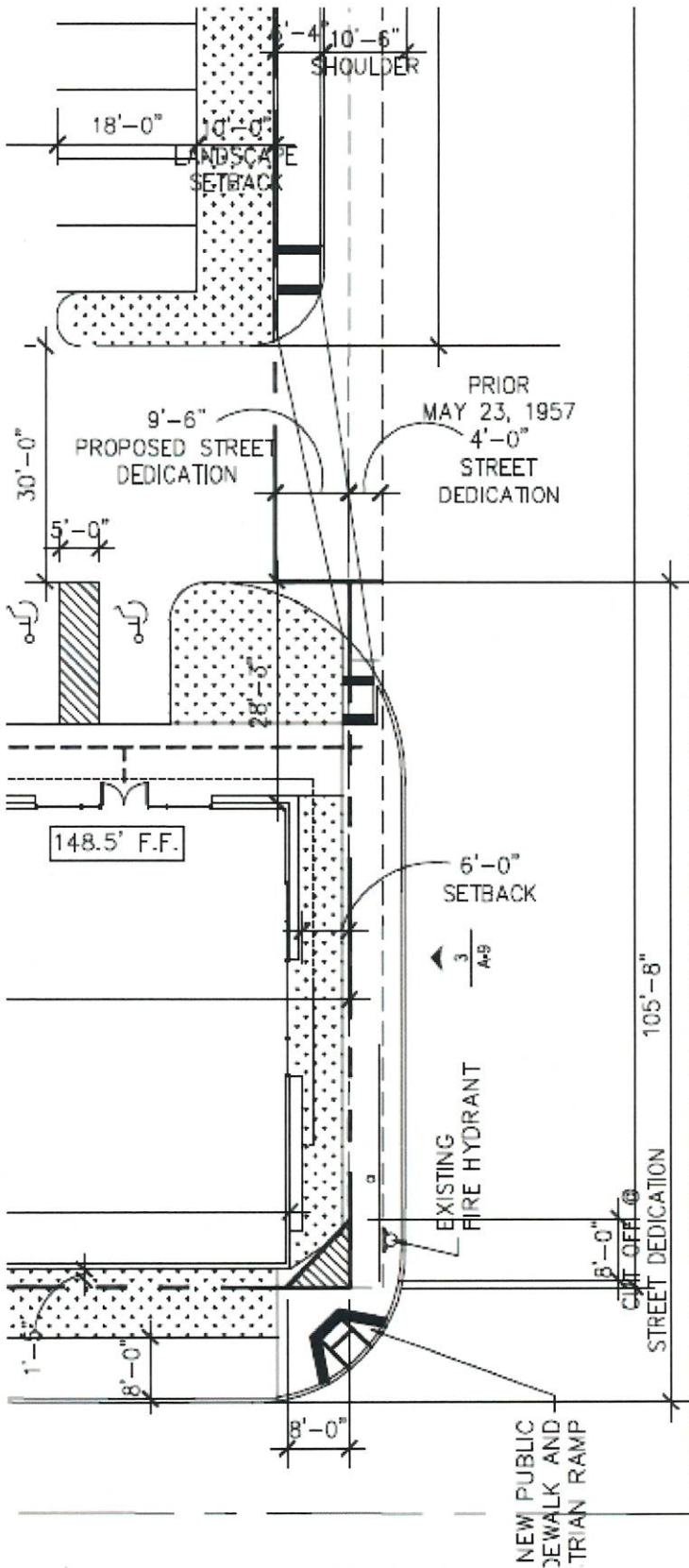
Mayor Lesser and Council members,

The current 6th street entrance onto Sepulveda has unobstructed view north of approaching southbound traffic for the entire 380 feet in front of the Paragon building site. The new bank building in the Paragon plan at the northwest corner of 6th street and Sepulveda Blvd is setback 13 feet from the edge of the Sepulveda curb. That distance is the minimum distance as specified in the **MB Sepulveda Development Guide**, August 11, 1999, page 12 and 13. However, drivers entering Sepulveda from 6th street will have an obstructed view of the approaching southbound traffic in order to safely enter to turn left or right on Sepulveda. Only by positioning their vehicle very close to the edge of Sepulveda will the driver be able to get a clear view of the oncoming traffic in the entire 380-foot approach from 8th street.

Assuming that a driver is sitting 10 feet behind the car's front bumper, a driver will have to position their front bumper within 3 feet of the edge of the southbound travel lane in order to be able to see the oncoming southbound traffic on Sepulveda.

During the evening rush hour the nearest lane will be full of 35 MPH vehicles passing directly in front of the waiting cars on 6th street. This will make it very dangerous for drivers using 6th street to enter Sepulveda safely. Locating the bank building a few feet further from the curb will have an enormous improvement in visibility for 6th street drivers entering Sepulveda.

Below is the December 2016 Paragon Site plan rotated for easy reading:



Assuming that a driver is sitting 10 feet behind the front bumper, a driver will have to position their front bumper within 3 feet of the edge of the southbound travel lane in order to be able to see the oncoming southbound traffic on

Sepulveda all the way to 8th street.

Sixth Street



Thomas Hastings

809 N Dianthus St, Manhattan Beach, CA 90266
(310) 372-6734, tom.hastings@alum.mit.edu

Mayor David Lesser

City Council

City of Manhattan Beach

Subject: **Paragon bank setback is a dangerous traffic vision obstruction at 6th street**

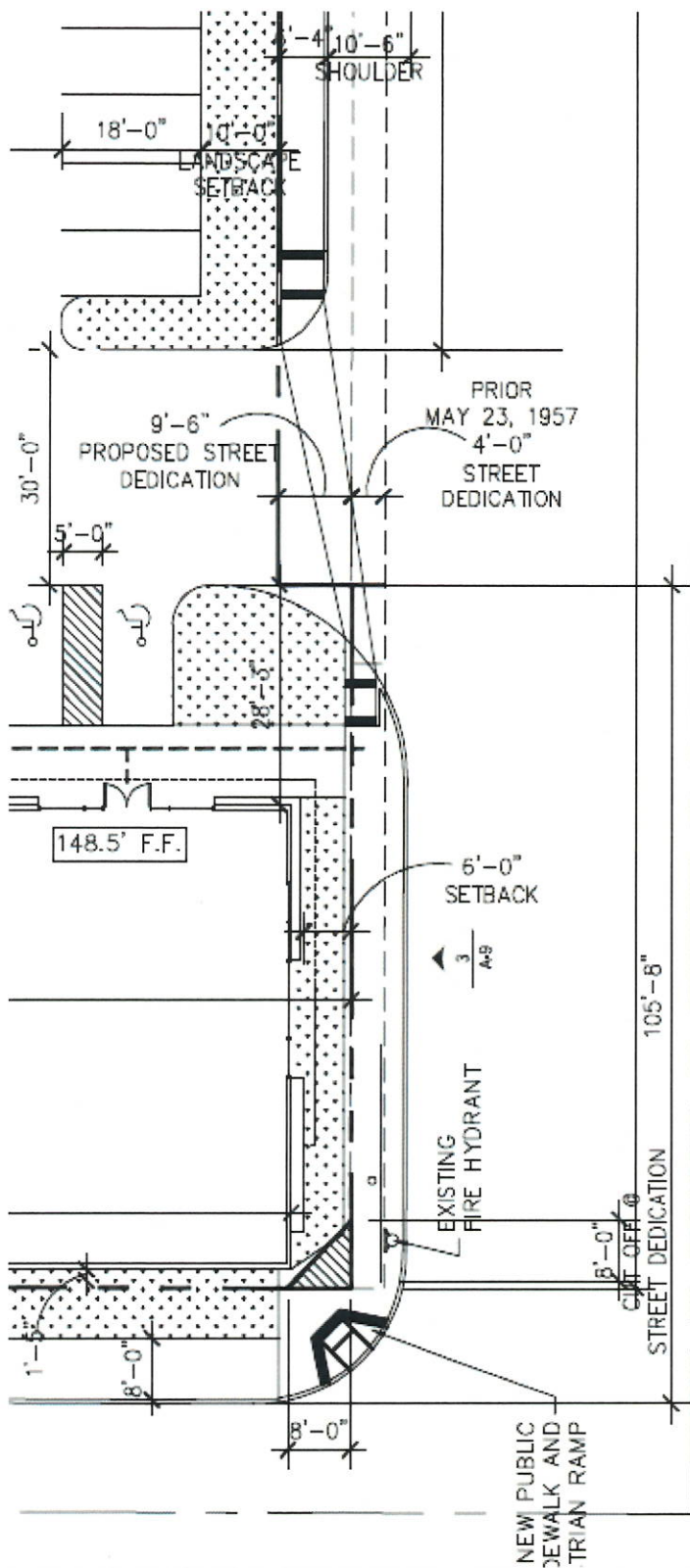
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Sixth Street



Thomas Hastings
 809 N Dianthus St, Manhattan Beach, CA 90266
 (310) 372-6734, tom.hastings@alum.mit.edu

Martha Alvarez

From: Martha Alvarez
Sent: Monday, June 05, 2017 11:58 AM
To: Martha Alvarez
Subject: FW: Altered Paragon Reso-67 Denies Final MND Public Review
Attachments: 170606-McP-CC-Reso67-MND-Critique-Final.pdf; ATT00001.htm

Martha Alvarez Senior Deputy City Clerk

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From: Liza Tamura
Sent: Saturday, June 03, 2017 7:56 PM
To: Martha Alvarez <malvarez@citymb.info>; Patricia K. Matson <pmatson@citymb.info>
Cc: George Gabriel <ggabriel@citymb.info>
Subject: Fwd: Altered Paragon Reso-67 Denies Final MND Public Review

Sent from my iPhone

Begin forwarded message:

From: "Donald Mcpherson" <dmcphersonla@gmail.com>
To: "List - City Council" <CityCouncil@citymb.info>
Cc: "Mark Danaj" <mdanaj@citymb.info>, "Quinn Barrow" <qbarrow@citymb.info>, "Anne McIntosh" <amcIntosh@citymb.info>, "Liza Tamura" <ltamura@citymb.info>, "Eric Haaland" <ehaaland@citymb.info>, "Dennis May" <dennis.may1@outlook.com>, "Douglas Brawn" <Douglas.brawn@colliers.com>, "Eileen & John Neill" <jejneill@earthlink.net>, "Gary Troop" <garytroop@hotmail.com>, "Glen Tucker" <glenetucker@yahoo.com>, "Jack Driscoll" <driscoll.company@verizon.net>, "Jan Mills" <janmillsmb@hotmail.com>, "Jim Lee" <jimleemb@gmail.com>, "Julie Shaffner Brawn" <julieshaffner@yahoo.com>, "Mark Shoemaker" <markshoemaker@msn.com>, "patti.brown@hotmail.com" <patti.brown@hotmail.com>, "Scott L. Yanofsky" <slytfg@me.com>, "Tom Hastings" <tom.hastings@verizon.net>
Subject: Altered Paragon Reso-67 Denies Final MND Public Review

Mayor David Lesser
City Council
City of Manhattan Beach
Via Email and Personal Delivery
Subject: Altered Resolution 17-0067 MND Denies Public Review and Comment
Mayor Lesser and Councilmembers,

After the May 2 appeal, when preparing Resolution 17-0067 [“Reso-67”], staff improperly altered and misrepresented the Paragon Initial Study/Mitigated Negative Declaration [“IS/MND”]. The July 2016 draft IS/MND became final when posted in February 2017. That version remained unchanged in the appeal, yet Reso-67 has substantial changes.

With the appeal public-hearing closed, staff significantly modified the IS/MND, when converting it to Reso-67, specifically regarding impacts from traffic, parking and operational noise. These unlawful alterations have denied the public their right for review and comment on the final MND. As result, the city council cannot approve the Resolution No. 17-0067 MND.

The attachment identifies some of the most egregious differences between Reso-67 and the IS/MND, as related to traffic circulation, the deceleration lane and parking. A complete analysis of substantial differences between Reso-67 and the IS/MND would fill pages.

Don McPherson
1014 1st St, Manhattan Beach CA 90266
Cell: 310 487 0383
dmcphersonla@gmail.com

Liza Tamura
City Clerk
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3 June 2017

Mayor David Lesser

City Council

City of Manhattan Beach

Via Email and Personal Delivery

Subject: Altered Resolution 17-0067 MND Denies Public Review and Comment

Mayor Lesser and Councilmembers,

EXECUTIVE SUMMARY.

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Since February 8, I have submitted seven inputs that provide substantial evidence of effects on the environment by the project, which the IS/MND neither analyzed nor mitigated. [Exhibit 1]. Rather than rehashing all my evidence and analyses, this letter primarily focuses on parking, the most egregious of the improper alterations and misrepresentations by staff in Reso-67, compared to the May 2 IS/MND.

My seven inputs provide substantial evidence of the following environmental impacts.

- 1) Impacts on traffic circulation by backups from daily parking-lot overflows;
- 2) Impacts on residential street-parking by site-peculiar daily parking overflows; and,
- 3) Residential operational noise impacts from rooftop machinery.

Reso-67 Section 3 states, "*...the Project may have potential significant effects on Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, and Noise...*" It continues, "*In all other impact categories, including Transportation and Traffic, the Project would have no potential significant impacts.*"

The final IS/MND posted February 2017 concluded no environmental effects from traffic and parking, so as result, considered no mitigation measures for the impacts. Additionally, the Reso-67 Exhibit B Mitigation Monitoring and Reporting Program ["MMRP"] contains no mitigation measures for traffic or parking.

Notwithstanding its Exhibit B MMRP, Reso-67 falsely attributes to the final IS/MND, numerous mitigation measures and results of analyses regarding traffic, parking and noise. These alterations deny the public their right for review and comment on the final MND.

MND ALTERATIONS AND MISREPRESENTATIONS IN RESO-67.

Below, this letter lists alterations and misrepresentations of the final IS/MND, as improperly included by staff in Reso-67.

Daily overflows of site parking will cause traffic backups, additional trips in residential areas and saturation of nearby public street parking, not evaluated by the IS/MND.

The IS/MND should have evaluated parking effects on the environment, because the city **does not uniformly apply** to all mixed-use projects, the municipal code statute “MBMC” 10.64.050 for reduced parking. Per available city records, only two cases have qualified for reduced-parking, and those for much smaller reductions than Paragon. The project administrative record contains no evidence of any other cases than these two.

Consequently, environmental effects from parking overflows will result from peculiar features of the project, not common with other mixed-use projects. This unusual situation mandates evaluation of parking deficiencies in the IS/MND, pursuant to 14-CCR 15183(f).

Reso-67 Section 9(D)(i). Sepulveda Blvd. Deceleration Lane.

My inputs provide significant evidence based on facts that the parking lots will overflow every day, causing long queues to saturate the deceleration lane, thereby backing up traffic. These numerical facts come directly from the Urban Land Institute [“ULI”] *Shared Parking*, the methodology on which Paragon purportedly based its parking demand. [See next topic]

Reso-67 states a deceleration lane “...not necessary because vehicle queuing **was not anticipated** for the inbound turning movement.” [Emphasis added] Staff fabricated this quote. The IS/MND cites the ‘deceleration’ lane only once. In that cite, Paragon offers land-dedication for taxpayers to finance a deceleration lane. [IS/MND 4.16-4, ¶ 2] The IS/MND never made the Reso-67 quote above, nor referenced staff’s other ubiquitous fabrication, the “widened shoulder.”

Bottom line: Reso-67 ignores queues resulting from the daily backups in the parking lots that will block Sepulveda and 8th St traffic, although staff falsely claims it does evaluate the queues.

Reso-67 Section 9(F)(i). Parking.

Reso-67 incorrectly states, “This [parking] is not an environmental concern under CEQA,”

Per above, use of MBMC 10.64.050 for a 25% reduction of parking positively makes this project a concern under CEQA, pursuant to CCR 15183(f). The 25% parking reduction is peculiar to the Paragon project, not uniformly applied to other mixed-use projects in the city.

Reso-67 **falsely** states, “A parking demand study was prepared for the Project and it concluded that **peak-parking** demand will be 135 spaces.”

Instead, per IS/MND Table 11B below, Paragon falsified the parking demand analysis, by using average parking demands, not the 85th percentile specified in ULI *Shared Parking*



Table 11B – Parking Analysis Inputs for Standalone Uses – Using ITE Rates

KOA used average maximums, not 85th percentile of peak demands, per the ULI and ITE standard

| DESCRIPTION | SIZE | PARKING DEMAND RATE ^[1] | | STAND-ALONE SPACES REQUIRED, WEEKDAY | STAND-ALONE SPACES REQUIRED, WEEKEND |
|---|---------------|------------------------------------|----------------------|--------------------------------------|--------------------------------------|
| | | Weekday | Weekend | | |
| Specialty Grocery Store ^[2] | 27,694 sq.ft. | 3.78 5.05 | 3.92 4.94 | 05 139.9 | 09 136.8 |
| Food Service Seats, Indoor/Outdoor | 28 seats | 0.35 0.54 | 0.35 0.48 | 10 15.1 | 10 13.4 |
| Bank ^[3] | 6,800 sq.ft. | 4.00 5.67 | 3.47 4.66 | 27 38.6 | 24 31.7 |
| Total Standalone Use Parking Requirement ^[4] | | | | 142 194 | 143 182 |

Instead of using the 85th percentile parking demands specified by ULI, Paragon substituted average values. [Exhibit 2] These averages reduced parking demand by 25% from the 85th percentile. Per definition of 'average,' the parking will overflow 50% of the time at peak hour. Integrating parking-demand per hour over a day results in almost daily overflows.

In Reso-67, therefore, staff has now doubled down on the IS/MND falsification, by stating Paragon used the **peak-parking** demand. Staff falsely claims that Paragon designed their parking for a **peak-parking** demand, which would substantially exceed the ULI-specified-85th percentile of parking demand at peak hour. In a blatant lie, staff states that 135-spaces represents the **peak-demand**. Nothing could be further from the truth. The real **peak-parking** demand exceeds the 85th percentile specified in ULI *Shared Parking*. The 135-space design based on average parking demands in Exhibit 2 will by definition, overflow nearly every day, backing up traffic on Sepulveda Blvd.

CONCLUSIONS.

Staff has incorporated substantial changes into Resolution No. 17-0067, which the IS/MND did not include, when reviewed by the city council at the May 2 appeal.

As result, the staff alterations will deny the public their right for review and comment on the final MND, Resolution No. 17-0067.

Most egregiously, staff claims that Paragon designed the parking according to **peak-demand** at peak hour. Instead, the facts show Paragon used average-demands, which will cause the parking areas to overflow half-the time at peak hour. When averaged over a day, the traffic will overflow sometime almost every day.

The city council cannot approve the Resolution No. 17-0067 mitigated negative declaration, without providing the public an opportunity to review and comment on the many changes from the IS/MSN considered in the May 2 appeal.

Don McPherson
1014 1st St, Manhattan Beach CA 90266
Cell: 310 487 0383
dmcphersonla@gmail.com

EXHIBIT 1. McPherson Submissions; Paragon CUP

Donald Mcpherson

Subject: FW: Thanks RE: Gelson's documents

From: Anne McIntosh [<mailto:amcintosh@citymb.info>]
Sent: Wednesday, 31 May, 2017 15:57
To: Donald Mcpherson <dmcphersonla@gmail.com>
Cc: Eric Haaland <ehaaland@citymb.info>
Subject: Gelson's documents

Also:

5. Appeal filing, April 10;
6. Appeal submission, April 25; and,
7. Submission for 6 June 2017 agenda item, May 30

Dear Don,

We received your letter dated May 30, 2017. Note that each of the documents you reference are already in the administrative record. See following links:

(7 February 2017)

Page 99 of Planning Commission Late Attachments for 2/8/17 – “Batch 1”

[http://cms6ftp.visioninternet.com/manhattanbeach/commissions/planning_commission/2017/20170208/Batch%201%20of%202%20\(Gelson's%20Late%20Attachments-PC%2002-08-17\).pdf](http://cms6ftp.visioninternet.com/manhattanbeach/commissions/planning_commission/2017/20170208/Batch%201%20of%202%20(Gelson's%20Late%20Attachments-PC%2002-08-17).pdf)

(14 February 2017)

Page 1 of Planning Commission Late Attachments for 3/22/17 – “D. McPherson email dated 2-14-17”

[http://cms6ftp.visioninternet.com/manhattanbeach/commissions/planning_commission/2017/20170322/Late%20Attachment%20\(omitted%20from%20D.McPherson%20email%20dated%202-14-17\).pdf](http://cms6ftp.visioninternet.com/manhattanbeach/commissions/planning_commission/2017/20170322/Late%20Attachment%20(omitted%20from%20D.McPherson%20email%20dated%202-14-17).pdf)

(19 March 2017)

Page 7 of Planning Commission Late Attachments for 3/22/17 – “posted on website 3-21-17”

[http://cms6ftp.visioninternet.com/manhattanbeach/commissions/planning_commission/2017/20170322/Late%20Attachment%20\(posted%2003-21-17\).pdf](http://cms6ftp.visioninternet.com/manhattanbeach/commissions/planning_commission/2017/20170322/Late%20Attachment%20(posted%2003-21-17).pdf)

(30 April 2017)

Page 1 of City Council Public Comments for 5/2/17- “Posted May 1, 2017”

<http://manhattanbeach6.visioninternet.net/home/showdocument?id=28127>

The Planning Commission material was incorporated into the May 2nd Council item with the attachment link “Planning Commission Reports and Related Material”

<http://manhattanbeach.legistar.com/gateway.aspx?M=F&ID=9c47a133-798b-4665-b9c1-679de09544df.pdf>

items referring to submittals by Donald McPherson were found in materials dated 2/8/17 & 3/17/17.

Thank you,
Anne McIntosh

Anne McIntosh
Community Development Director

P: 310-802-5503
E: amcintosh@citymb.info

EXHIBIT 1. McPherson Submissions; Paragon CUP



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

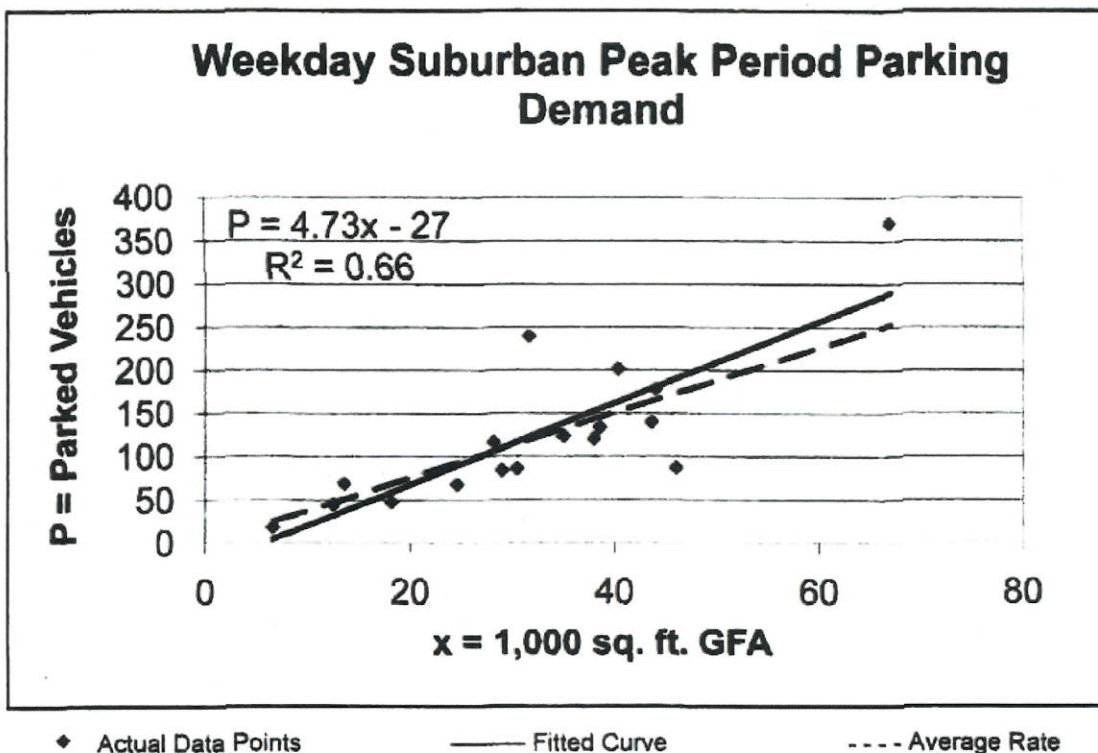
**EXHIBIT 2. ITE
PARKING DEMANDS**

**Land Use: 850
Supermarket**

**PARAGON SUBSTITUTED 50% DEMAND FOR THE ULI 85% STANDARD
TO REDUCE REQUIRED PARKING**

**Average Peak Period Parking Demand vs. 1,000 sq. ft. GFA
On a: Weekday
Location: Suburban**

| Statistic | Peak Period Demand |
|--|--|
| Peak Period | 12:00–6:00 p.m. |
| Number of Study Sites | 17 |
| Average Size of Study Sites Paragon 50th Percentile | 32,000 sq. ft. GFA |
| Average Peak Period Parking Demand | 3.78 vehicles per 1,000 sq. ft. GFA |
| Standard Deviation | 1.38 |
| Coefficient of Variation | 37% |
| Range | 1.89–7.59 vehicles per 1,000 sq. ft. GFA |
| 85th Percentile ULI 80th Percentile Standard | 5.05 vehicles per 1,000 sq. ft. GFA |
| 33rd Percentile | 2.98 vehicles per 1,000 sq. ft. GFA |

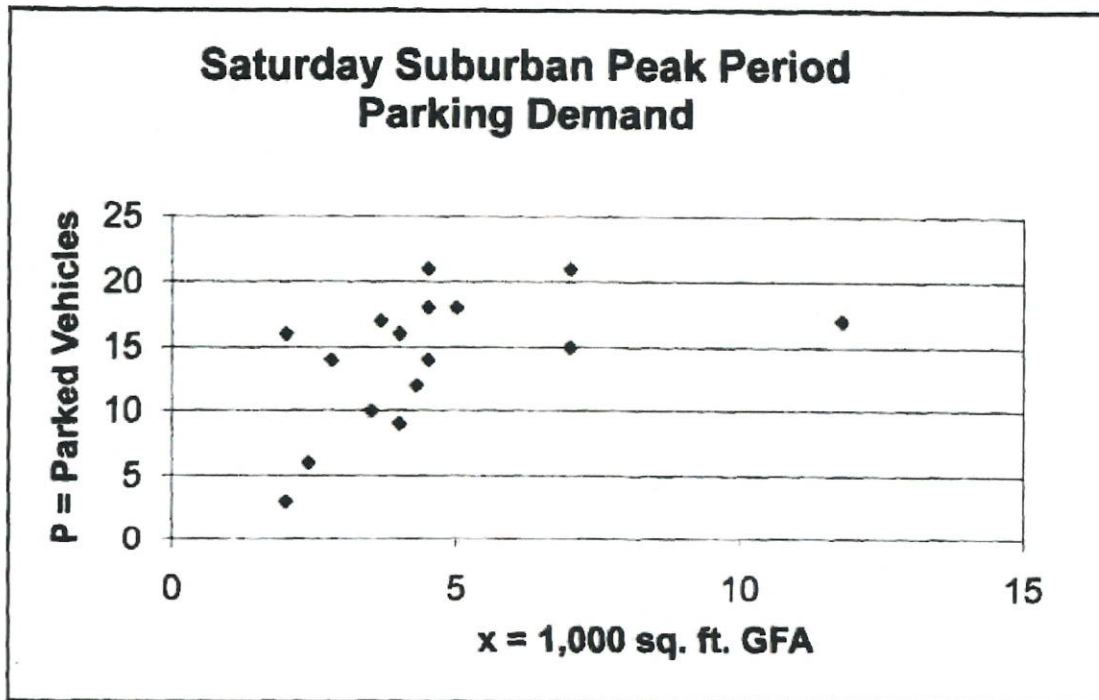


**Land Use: 912
Drive-in Bank**

**PARAGON SUBSTITUTED 50% DEMAND FOR THE ULI 85% STANDARD
TO REDUCE REQUIRED PARKING**

**Average Peak Period Parking Demand vs. 1,000 sq. ft. GFA
On a: Saturday
Location: Suburban**

| Statistic | Peak Period Demand |
|--|--|
| Peak Period | 12:00–2:00 p.m. |
| Number of Study Sites | 16 |
| Average Size of Study Sites Paragon 50th Percentile | 5,000 sq. ft. GFA |
| Average Peak Period Parking Demand | 3.47 vehicles per 1,000 sq. ft. GFA |
| Standard Deviation | 1.62 |
| Coefficient of Variation | 47% |
| Range | 1.44–8.00 vehicles per 1,000 sq. ft. GFA |
| 85th Percentile ULI 80th Percentile Standard | 4.66 vehicles per 1,000 sq. ft. GFA |
| 33rd Percentile | 2.78 vehicles per 1,000 sq. ft. GFA |



◆ Actual Data Points

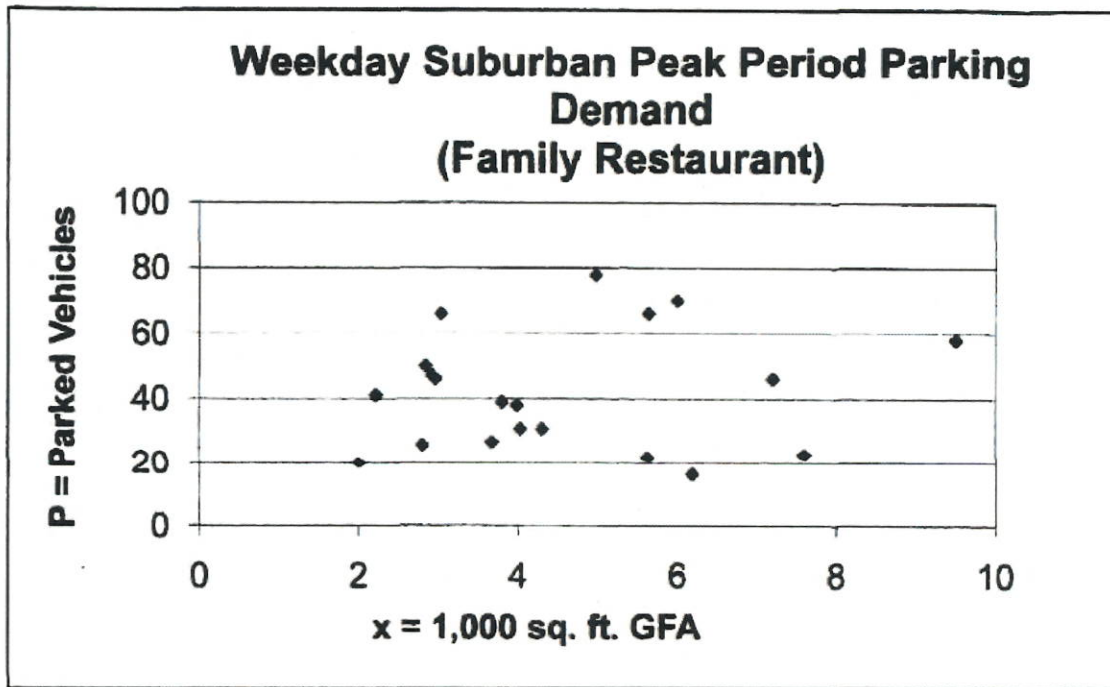
High-Turnover (Sit-Down) Restaurant

PARAGON SUBSTITUTED 50% DEMAND FOR THE ULI 85% STANDARD
TO REDUCE REQUIRED PARKING

Average Peak Period Parking Demand vs. 1,000 sq. ft. GFA
On a Weekday

Land Use Code Subset: Family Restaurant (No Bar or Lounge)
Location: Suburban

| Statistic | Peak Period Demand |
|--|---|
| Peak Period | 11:00 a.m.–2:00 p.m. |
| Number of Study Sites | 20 |
| Average Size of Study Sites | Paragon 50th Percentile 4,750 sq. ft. GFA |
| Average Peak Period Parking Demand | 10.60 vehicles per 1,000 sq. ft. GFA |
| Standard Deviation | 5.42 |
| Coefficient of Variation | 51% |
| 95% Confidence Interval | 8.22–12.98 vehicles per 1,000 sq. ft. GFA |
| Range | 2.59–21.78 vehicles per 1,000 sq. ft. GFA |
| 85th Percentile ULI 80th Percentile Standard | 16.30 vehicles per 1,000 sq. ft. GFA |
| 33rd Percentile | 7.40 vehicles per 1,000 sq. ft. GFA |



◆ Actual Data Points

Mary Kirchwehm

From: Donald McPherson <dmcphersonla@gmail.com>
Sent: Tuesday, May 30, 2017 3:43 PM
To: List - City Council
Cc: Mark Danaj; Quinn Barrow; Anne McIntosh; Liza Tamura; Eric Haaland; Shawn E. Cowles - Buchalter Nemer; Barbara Lichman; Dennis May; Douglas Brawn; Eileen & John Neill; Gary Troop; Glen Tucker; Jack Driscoll; Jan Mills; Jim Lee; Julie Shaffner Brawn; Mark Shoemaker; patti.brown@hotmail.com; Scott L. Yanofsky; Tom Hastings
Subject: 14 CEQA Violations by Paragon Draft Conditions
Attachments: 180530-McP-CC-ResoCritique-Compiled-Min.pdf

Mayor David Lesser
City Council
City of Manhattan Beach

Via Email and Personal Delivery

Subject: CEQA Critique of Paragon Project Draft Conditions, Meeting 6 June 2017

Mayor Lesser and Councilmembers,

My attached letter critiques the subject draft conditions in terms of CEQA violations.

This CEQA review has disclosed two new substantial violations not addressed in my previous six written filings in the administrative record, as follows:

- 1) Six conditions provide substantial evidence that staff and Paragon appear to plan for the so called 'Bank', as being raised to a second floor above a reserved parking area. This tiered development constitutes a substantial change from: a) The application; b) Initial Study/Mitigation Negative Declaration ["IS/MND"]; and, c) Resolution No. PC 17-01; and,
- 2) Four conditions paper-over lack of mitigation measures in the IS/MND for significant environmental effects, including traffic, parking, sign visual blight and noise. Case law prohibits postponing environmental review until after project approval, unless initially included in an MND or EIR, which the Paragon IS/MND does not.

During the June 6 agenda item, the city council should address all fourteen of my attached proposed modifications to the draft conditions.

Upon receiving the staff report, I will provide a supplement regarding CEQA violations.

Thanks for your time,

Don McPherson
1014 1st St, Manhattan Beach CA 90266
Cell: 310 487 0383
dmcphersonla@gmail.com

Mary Kirchwehm

From: glenetucker@yahoo.com
Sent: Tuesday, May 30, 2017 5:07 PM
To: List - City Council; Donald Mcpherson
Cc: Mark Danaj; Quinn Barrow; Anne McIntosh; Liza Tamura; Eric Haaland; Shawn E. Cowles - Buchalter Nemer; Barbara Lichman; Dennis May; Douglas Brawn; Eileen & John Neill; Gary Troop; Glen Tucker; Jack Driscoll; Jan Mills; Jim Lee; Julie Shaffner Brawn; Mark Shoemaker; patti.brown@hotmail.com; Scott L. Yanofsky; Tom Hastings
Subject: Re: 14 CEQA Violations by Paragon Draft Conditions

I would urge you not to ignore Mr. Mcpherson's position .

I fear that because of his truncated oral presentation at the City Council meeting, his observations were dismissed out of hand. The Council continues to ignore the residents' researched positions at its peril. That includes the risk management issues inherent in the intersection of 8th and Sepulveda.

Those of us cynics who have studied these issues knew that this Council was going to publically posture and then rubber stamp the Paragon project. That is the political reality of a mess that has been allowed to fester for two years.

The lack of governance is appalling, and the rude, back of the hand treatment this Council allowed city's staff give the residents will have consequences long after this Gelson's nonsense is finally resolved.

Respectfully,
Glen E, Tucker

On Tue, 5/30/17, Donald Mcpherson <dmcphersonla@gmail.com> wrote:

Subject: 14 CEQA Violations by Paragon Draft Conditions
To: "'City Council'" <CityCouncil@citymb.info>
Cc: "Mark Danaj" <mdanaj@citymb.info>, "Quinn Barrow" <qbarrow@citymb.info>, "Anne McIntosh" <amcintosh@citymb.info>, "Liza Tamura" <LTamura@citymb.info>, "Eric Haaland" <ehaaland@citymb.info>, "Shawn E. Cowles - Buchalter Nemer" <scowles@buchalter.com>, "Barbara Lichman" <blichman@buchalter.com>, "Dennis May" <dennis.may1@outlook.com>, "Douglas Brawn" <Douglas.brawn@colliers.com>, "Eileen & John Neill" <jejneill@earthlink.net>, "Gary Troop" <garytroop@hotmail.com>, "Glen Tucker" <glenetucker@yahoo.com>, "Jack Driscoll" <driscoll.company@verizon.net>, "Jan Mills" <janmillsmb@hotmail.com>, "Jim Lee" <jimleemb@gmail.com>, "Julie Shaffner Brawn" <julieshaffner@yahoo.com>, "Mark Shoemaker" <markshoemaker@msn.com>, patti.brown@hotmail.com, "Scott L. Yanofsky" <sltyfg@me.com>, "Tom Hastings" <tom.hastings@verizon.net>
Date: Tuesday, May 30, 2017, 3:43 PM

Mayor David Lesser
City Council
City of Manhattan Beach
Via Email and Personal
Delivery
Subject: CEQA Critique of

Paragon Project Draft Conditions, Meeting 6 June 2017
Mayor Lesser and Councilmembers, My attached letter critiques the subject draft conditions in terms of CEQA violations. This CEQA review has disclosed two new substantial violations not addressed in my previous six written filings in the administrative record, as follows:1) Six conditions provide substantial evidence that staff and Paragon appear to plan for the so called 'Bank', as being raised to a second floor above a reserved parking area. This tiered development constitutes a substantial change from: a) The application; b) Initial Study/Mitigation Negative Declaration ["IS/MND"]; and, c) Resolution No.

PC 17-01; and,2) Four

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council should address all fourteen of my attached proposed modifications to the draft conditions. Upon receiving the staff report, I will provide a supplement regarding CEQA violations. Thanks for your time, Don McPherson
1014 1st St, Manhattan Beach CA 90266
Cell: 310 487 0383
dmcphersonla@gmail.com

Mary Kirchwehm

From: Lichman, Barbara <blichman@buchalter.com>
Sent: Tuesday, May 30, 2017 5:28 PM
To: glenetucker@yahoo.com
Cc: List - City Council; Donald Mcpherson; Mark Danaj; Quinn Barrow; Anne McIntosh; Liza Tamura; Eric Haaland; Cowles, Shawn E.; Dennis May; Douglas Brawn; Eileen & John Neill; Gary Troop; Jack Driscoll; Jan Mills; Jim Lee; Julie Shaffner Brawn; Mark Shoemaker; patti.brown@hotmail.com; Scott L. Yanofsky; Tom Hastings
Subject: Re: 14 CEQA Violations by Paragon Draft Conditions

Glen, we greatly respect Mr McPherson's analysis, especially those concerning parking. However, CEQA is a procedural statute, not a substantive one. Therefore the best way to challenge a determination is to attack the procedures used as well as what information was not used. The collective views of interested parties are only relevant under very limited circumstances. Hope this helps. Barbara

Sent from my iPhone

> On May 30, 2017, at 5:07 PM, "glenetucker@yahoo.com" <glenetucker@yahoo.com> wrote:

>
> I would urge you not to ignore Mr. Mcpherson's position .
> I fear that because of his truncated oral presentation at the City
> Council meeting, his observations were dismissed out of hand. The
> Council continues to ignore the residents' researched positions at its peril. That includes the risk management issues inherent in the intersection of 8th and Sepulveda.
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> To: "'City Council'" <CityCouncil@citymb.info>
> Cc: "Mark Danaj" <mdanaj@citymb.info>, "Quinn Barrow"
> <qbarrow@citymb.info>, "Anne McIntosh" <amcintosh@citymb.info>, "Liza
> Tamura" <LTamura@citymb.info>, "Eric Haaland" <ehaaland@citymb.info>,
> "Shawn E. Cowles - Buchalter Nemer" <scowles@buchalter.com>, "Barbara
> Lichman" <blichman@buchalter.com>, "Dennis May"
> <dennis.may1@outlook.com>, "Douglas Brawn"
> <Douglas.brawn@colliers.com>, "Eileen & John Neill"
> <jejneill@earthlink.net>, "Gary Troop" <garytroop@hotmail.com>, "Glen
> Tucker" <glenetucker@yahoo.com>, "Jack Driscoll"
> <driscoll.company@verizon.net>, "Jan Mills" <janmillsmb@hotmail.com>,
> "Jim Lee" <jimleemb@gmail.com>, "Julie Shaffner Brawn"
> <julieshaffner@yahoo.com>, "Mark Shoemaker" <markshoemaker@msn.com>,
> patti.brown@hotmail.com, "Scott L. Yanofsky" <slytfg@me.com>, "Tom
> Hastings" <tom.hastings@verizon.net>

> Date: Tuesday, May 30, 2017, 3:43 PM

>
> Mayor David Lesser
> City Council
> City of Manhattan Beach Via Email and Personal
> Delivery Subject: CEQA Critique of
> Paragon Project Draft Conditions, Meeting 6 June 2017 Mayor Lesser and
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> This CEQA review has disclosed two new substantial violations not
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> development constitutes a substantial change from: a) The application;
> b) Initial Study/Mitigation Negative Declaration ["IS/MND"]; and, c)
> Resolution No.
> PC 17-01; and, 2) Four
> conditions paper-over lack of mitigation measures in the IS/MND for
> significant environmental effects, including traffic, parking, sign
> visual blight and noise. Case law prohibits postponing environmental
> review until after project approval, unless initially included in an
> MND or EIR, which the Paragon IS/MND does not.
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> conditions.
> Upon receiving the staff report, I will provide a supplement regarding
> CEQA violations. Thanks for your time, Don McPherson
> 1014 1st St, Manhattan Beach CA 90266
> Cell: 310 487 0383
> dmcphersonla@gmail.com

>
>

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Mary Kirchwehm

From: Ed Skebe <Ed@Skebe.net>
Sent: Monday, June 5, 2017 4:09 PM
To: Richard Montgomery; David Lesser; Steve Napolitano; Amy Thomas Howorth; Nancy Hersman
Cc: Mark Danaj
Subject: Undergrounding & franchise responsibilities

Mayor and City Council,

I am in favor of undergrounding, and it may move forward at some point in time. However, until such time, one would hope the utility companies would have some responsibility to have the wires as neat a possible.

The city has regulations and codes related to business and signage, residential trees and appearance, and construction. Yet why is it that the city enters into franchise agreements that allows the utility companies to deface our neighborhoods with a total mess of wires? Frontier and Spectrum should be required, and the city enforce, the removal of old wires no longer in use, and to remove the loops and tangles of wires near the poles.

Thank you,
Ed Skebe
210 Kelp St

Benefits of Underground District 4

Presentation to Manhattan Beach City Council

June 6, 2017

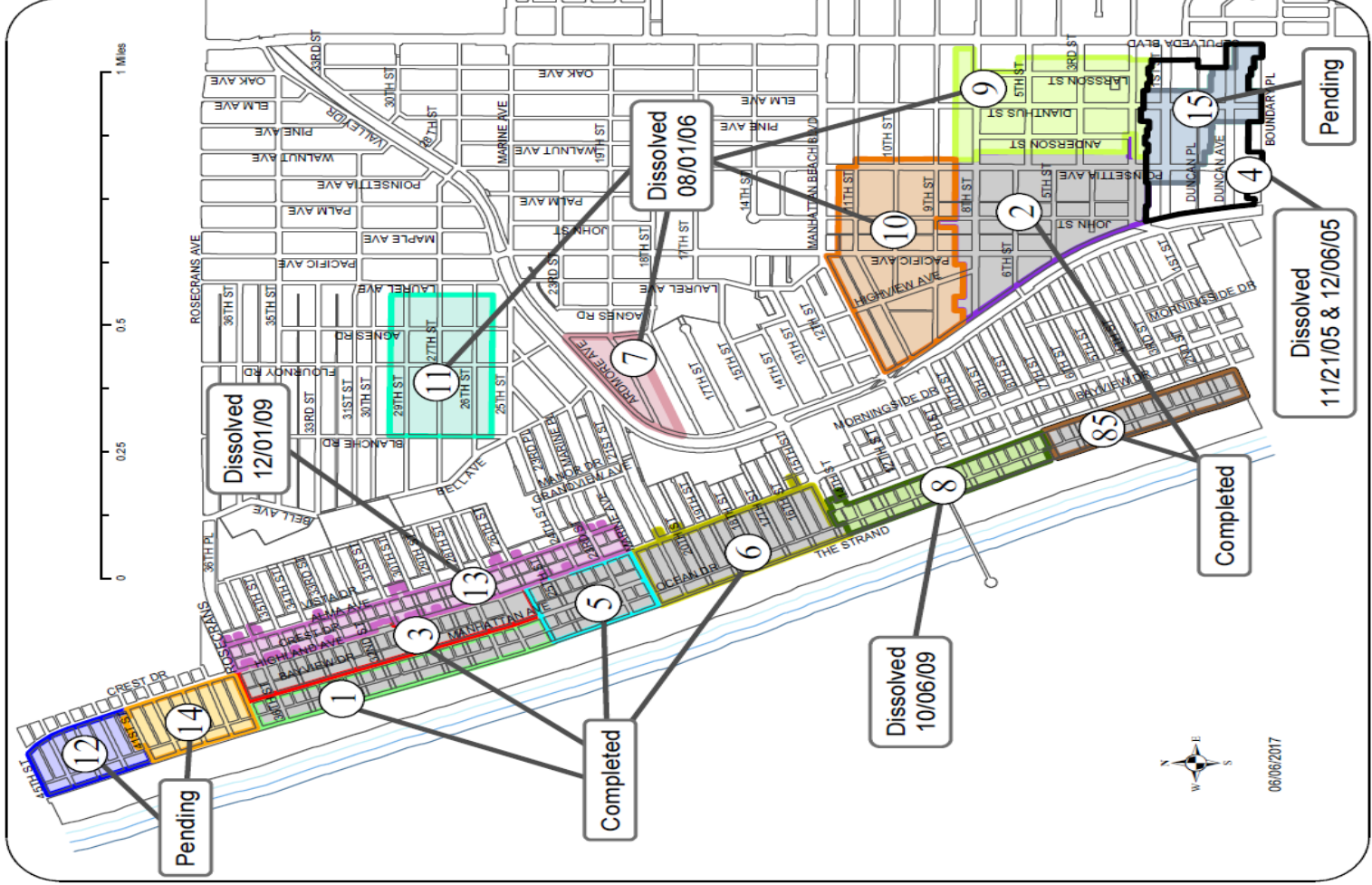


History of Underground Districts

- *Six Underground Districts were completed (1,2,3,5,6,85)*
- *Five Underground Districts were dissolved (4,8,9, 10,13)*
- *Three Underground Districts have been pending for the past ten years (12,14,15)*
- *City Council is considering whether to proceed with undergrounding and, if so, what rules to apply*
- *Staff has presented a Staff Report focused initially on the pending Districts, 12,14 and 15*
- *Certain Residents of Underground District 15 request that City Council include in their discussion the benefits of proceeding to a vote on Underground District 4 in lieu of Underground District 15*

Completed, Pending and Dissolved Districts

City of Manhattan Beach Underground Utility Assessment Districts



History of Underground District 4 and District 15

District 4

- *District 4 encompassed 167 homes and was consistent with Council direction to provide a comprehensive solution to undergrounding in a large area of homes*
- *City of Manhattan Beach spent approximately \$125,000 to complete construction plans for SCE, Verizon and Time Warner*
- *Residents of District 4 voted in April 2005 and technically approved undergrounding, 50.1% to 49.99%, based on weighted assessments*
- *City Council was deadlocked, 2 Council members “for” and 2 Council members “against” primarily because 76 homes voted “no”, compared to 69 homes voting “yes”. One Council member abstained because of a conflict of interest*
- *Because Council was deadlocked, District 4 was dissolved*

District 15

- *District 15 was created as a subset of District 4, with only 74 homes in District 15*
- *District 15 proponents gerrymandered the District boundaries to create a patchwork district, focusing only on the “yes” votes in District 4*
- *Accordingly, District 15 does not provide a comprehensive solution to the homes in the District; about 45% of the homes in District 15 will continue to have above ground poles in their views*
- *Recent survey in District 15 was flawed; it failed to disclose that poles will remain in views*

The Benefits of Proceeding with District 4

1. Comprehensive solution for a large area of homes

- ***District 4 includes almost 2X as many homes, which is consistent with other completed districts***
- ***100% of the homes in District 4 will have poles removed from their views***

2. Costs are lower

- ***Like District 12, less than \$50,000 is required to be spent to proceed to a vote on District 4***
- ***District 15 will require more than \$100,000 to be spent to complete plans and at least 6 months of additional delays to complete***
- ***As a larger area, staff expects that the per house cost for undergrounding will be lower in District 4 compared to District 15***
- ***The City of Manhattan Beach will recover more money by proceeding with District 4***

3. District 4 is likely to approve undergrounding today

- ***Approximately 40% of the homes that voted “no” in 2005 have been sold***
- ***Approximately 22 homes did not vote in April 2005***
- ***Combining those numbers with the 69 “yes” votes, 119 homes are likely “yes” votes for undergrounding today in District 4 or over 70% of the homes in District 4 (well in excess of the threshold of approval for completed districts)***

Conclusion

As residents in District 15, we request Council to provide direction to staff to work with residents to assess District 4

As discussed:

- *District 15 does not provide a comprehensive solution to undergrounding to a large area of homes*
- *Even worse, District 15 imposes the cost of undergrounding on approximately 40% of the homes in the District without eliminating utility poles from their views*
- *District 15 is more expensive*
- *District 4 is likely to approve undergrounding, both in terms of weighted assessment and majority of homes.*
- *District 4 provides a comprehensive solution to utility poles for 100% of the homes in the District*
- *District 4 is the best answer. We ask Council for six weeks to confirm that the support is there. Lets work together and build on the efforts of District 15 to provide a more comprehensive solution.*

Martha Alvarez

From: Martha Alvarez
Sent: Monday, June 05, 2017 5:31 PM
To: Martha Alvarez
Subject: FW: City Council Meeting of 6/6/17 Agenda Item J.14 Skechers Appeal

Martha Alvarez
Senior Deputy City Clerk

P: (310) 802-5059
E: malvarez@citymb.info



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

From: Ted Fatuross
Sent: Monday, June 05, 2017 5:29 PM
To: Martha Alvarez <malvarez@citymb.info>
Subject: FW: City Council Meeting of 6/6/17 Agenda Item J.14 Skechers Appeal

Ted Fatuross
Assistant Planner

P: (310) 802-5512
E: tfatuross@citymb.info



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

From: Anne McIntosh
Sent: Monday, June 05, 2017 5:12 PM
To: Ted Fatuross; Laurie B. Jester
Cc: Tim Ball
Subject: FW: City Council Meeting of 6/6/17 Agenda Item J.14 Skechers Appeal

FYI

Anne McIntosh
Community Development Director
P: 310-802-5503

E: amcIntosh@citymb.info



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

From: Alexandra Smith [<mailto:madpiggy@mac.com>]
Sent: Monday, June 05, 2017 3:39 PM
To: David Lesser; Amy Thomas Howorth; Nancy Hersman; Richard Montgomery; Steve Napolitano
Cc: Anne McIntosh
Subject: City Council Meeting of 6/6/17 Agenda Item J.14 Skechers Appeal

Dear Mayor Lesser, Mayor ProTem Howorth, Councilmembers Napolitano, Hersman, and Montgomery,

I am a longtime resident of Manhattan Beach. Aside from fifteen years back east to attend school and work, I have called this town my home since 1975. I live on 10th Street with my mother and her partner, both of whom share my dismay at your decision to allow Sketchers to expand into the adjacent stores. They are currently traveling or they would be here to champion Ms. Andreani's appeal as well.

I am against Sketchers expansion for several reasons.

1) Sketchers' already ill-conceived footprint in the community.

Sketchers occupies a big office space on Manhattan Beach Boulevard which was designed in a way that has destroyed the continuity of storefronts on that block and has thus diminished the charming feel of the beach town. That building stands there like a dark monolith. The company has now started hanging its FRIENDO banner on its shingles. Mr. Greenberg has also had that same banner hanging from his house on the Strand. This is an eyesore. What if we all started putting banners on our houses to advertise our businesses? This town would look more like a strip mall than a small town. One factor that makes people want to walk around and shop is variety and novelty. Sketchers is a brand store, not a unique store. Taking up three spaces means fewer options and less novelty.

2) Fashion is a fickle business and the economy fluctuates.

For ten years I lived in New York City. When I arrived there, the city was just coming out of an economic downturn, but there was a healthy local economy that consisted of both small shops and large chains. In the past week or so, the *New York Times* wrote an article about the decline of Bleeker Street in Greenwich Village. Here is the link:

https://www.nytimes.com/2017/05/31/fashion/bleecker-street-shopping-empty-storefronts.html?_r=0

The gist of the article details how Bleeker Street was once bustling with small stores and boutiques. When Magnolia Bakery became famous from a *Sex and the City* episode, tourist busses crowded the neighborhood, which encouraged high end brands to colonize the street. Rents soared and the smaller shops were forced out. However, few people actually shopped at the stores; in fact, they acted more like advertising. So when the economy collapsed, the high end brands left, and now the street is left with many boarded-up spaces. I see this same trend happening in our town. We used to have surf shops and affordable eateries. Now we have boutiques that sell \$500 jeans and "small plate" meals which run \$40-50 a person. Does Trina Turk actually sell enough merchandise to afford their rumored \$26K/monthly rent? Are that many people coming to

Sketchers to buy shoes or are they using it as an advertising showroom as well? When the next economic bust comes, will we too have boarded up storefronts which encourage vandalism and depress the neighborhood?

If people stop buying Sketchers, or the company has financial trouble, or the economy has a downturn again or the owners decide to sell it, there is always a possibility of realizing the store isn't worth the expense. Which means that instead of one vacancy, the town will have three in a row. This, in turn, will create another gap in the continuity of storefronts.

3) **Precedent**

If you allow Sketchers to do this because they have money and clout, then who gets to do this next? And what are the implications of that in terms of what it will do to the feel and livability of our town? This, to me, is the biggest issue of all—and the most disturbing. I understand that Sketchers contributes a great deal to this town, but it's the residents who contribute far more in taxes—so shouldn't we have the greater say?

Thank you for your time and consideration.

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