

**Martha Alvarez**

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**From:** Yee-Mee Landry <yeemee.landry@gmail.com>  
**Sent:** Friday, May 1, 2020 1:31 PM  
**To:** List - City Council; City Manager  
**Subject:** [EXTERNAL] City Council

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hi,

Please read this for your reference. We want all the outdoor public spaces open in this state ASAP.

<https://done.com/an-open-letter-to-governor-gavin-newsom/>

Sincerely,  
Yee-Mee Landry

## Martha Alvarez

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**From:** Beverly Grossman Palmer <bpalmer@strumwooch.com>  
**Sent:** Monday, May 4, 2020 11:30 AM  
**To:** List - City Council  
**Cc:** Quinn Barrow; Liza Tamura  
**Subject:** [EXTERNAL] May 5, 2020 Agenda Item 2 Appellant's Letter re MB Post  
**Attachments:** 200504 Letter to MB City Council.pdf

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Please see the attached letter regarding Agenda Item 2 on the May 5, 2020 council agenda. Please advise if there are any problems with this transmission.

Beverly Grossman Palmer  
Strumwasser & Woocher LLP  
10940 Wilshire Boulevard, Suite 2000  
Los Angeles, CA 90024  
Direct: 310-933-5930  
Main: 310-576-1233  
Fax: 310-319-0156  
bpalmer@strumwooch.com

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STRUMWASSER & WOOCHEE LLP

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ANDREA SHERIDAN ORDIN  
SENIOR COUNSEL

† Admitted to practice in Washington

May 4, 2020

Manhattan Beach City Council  
1400 Highland Avenue  
Manhattan Beach, CA 90266  
Via email to [citycouncil@citymb.info](mailto:citycouncil@citymb.info)

Re: May 5, 2020 City Council meeting agenda item 2

To the Honorable City Council of the City of Manhattan Beach,

This firm represents Coastal Defender, Don McPherson, and Jim Quilliam, appellants of the Planning Commission's March 11, 2020 determination to approve the MB Post expansion, which includes both a 49 percent expansion of patron serving premises, and an increase in operating hours until 1AM Thursday-Saturday nights.

The purpose of this letter is to advise the Council of the legal deficiencies in the Planning Commission's action under both the California Environmental Quality Act (CEQA) and the City of Manhattan Beach Municipal Code.

### **California Environmental Quality Act**

The Planning Commission's approval relies upon a categorical exemption from the CEQA for a "negligible" expansion of use. This exemption is inappropriately applied to this significant expansion.

The proposed expansion will take an existing 3,283 square foot restaurant and expand it into an adjacent 1,447 square foot space, and additionally enclose a 148 square foot patio area, a 40 percent increase in service area. The expansion will convert an existing Subway restaurant into a dining establishment with a full liquor license, a significantly different type of use. For this reason, the expansion of use cannot be deemed to be negligible and the project does not fall within this categorical exemption. The staff's analysis of the exemption relies upon the fact that the restaurant will be taking over a former Subway restaurant, but the nature of the two businesses is significantly different. MB Post will have later operating hours and serve alcohol, both of which are sources of noise in the nearby the neighborhood. These material differences between the operations of Subway and MB Post are relevant factors that must be considered when reviewing the applicability of the categorical exemption for negligible expansion

Even if the categorical exemption applied, exceptions to the categorical exemption make the exemption improper. There are two relevant exceptions to the categorical exemption: cumulative impacts, and unusual circumstances.

First, the cumulative impacts of similar projects over time could be significant here. This section of the City contains numerous restaurants located near residences. There are at least 19 other restaurants with alcohol licenses in Manhattan Beach that have more limited hours than the requested 1AM closing time for MB Post. The cumulative impact, particularly as to noise, of the patrons of a number of additional restaurants closing at 1AM rather than at midnight will, over time, create significant impacts on the quiet nighttime environment. The seemingly one-off decision to grant additional hours to MB Post will have farther reaching consequences than the impact on one single business: it sets a precedent to which other owners will look to seek their own additional entitlements.

Secondly, the MB Post expansion presents unusual circumstances that are not typically found in similar projects subject to the exemption. There are two aspects of the MB Post expansion that are unusual and lead to environmental impacts not normally associated with restaurant expansion. First, the premises is significantly expanding relative to its current footprint, and second, the premises is seeking additional operating hours. These two factors both intensify the use of this site, and combine to create an unusual circumstance that takes this project from the category of “negligible expansion of use.” These circumstances contribute to the additional noise impacts from MB Post.

The Council should grant the appeal, and request the staff to conduct a review under CEQA to determine whether there are either individual or cumulative environmental impacts from the expansion of square footage and hours for MB Post, in light of the analysis and information above and in the other submissions of Coastal Defender.

### **Manhattan Beach Municipal Code**

As the staff report and Planning Commission resolution recognize, the City must make certain findings to comply with the Municipal Code. It cannot make those findings here, because, as Coastal Defender’s testimony demonstrates, the premises will not comply with the requirements of the Manhattan Beach noise ordinance (M.B.M.C. Chapter 5.48).

In order to grant a Use Permit Amendment, Council must make four findings, including that the operations “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.” In addition, the Council must find that the “the proposed expanded use and expanded hours will comply with the provisions of the City’s Planning and Zoning title, including any specific condition required for the proposed use in the district in which it would be located.” Neither of these findings can be made for this Use Permit Amendment.

As set forth in the required findings, the Municipal Code requires that businesses operating under a use permit comply with the requirements of “Title 10” of the Code, Planning and Zoning. Manhattan Beach Municipal Code section 10.60.120, subdivision (a) provides that “All uses and activities shall comply with the provision of the Manhattan Beach Noise Regulations (Chapter 5.48 of this Code).” Chapter 5.48 explains that “[i]n order to control unnecessary, excessive, and annoying noise in the City of Manhattan Beach, it is hereby declared to be the policy of the City to prohibit such noise generated from or by all sources as specified in this ordinance.”

Moreover:

“It shall be the policy of the City to maintain and preserve the quiet atmosphere of the City, to implement programs aimed at retaining ambient noise levels throughout the City, and to mitigate noise conflicts. It is determined that certain noise levels are detrimental to the public health, welfare and safety, and are contrary to the public interest. Therefore, creating, maintaining, causing, or allowing to be created, caused, or maintained, any noise in a manner prohibited by the provisions of this chapter is a public nuisance and shall be punishable as such.” (M.B.M.C. 5.48.010.)

The Municipal Code also prohibits the expansion of use for businesses that fail “to meet the performance standards of section 10.60.120,” unless it can be shown that the enlargement will bring the business into compliance with those conditions. (M.B.M.C. 10.68.030.)

The control of noise, or unwanted sound, is thus a City-wide policy. The City’s Noise Ordinance does not limit its regulation of noise to certain types of sound, but rather define noise broadly as “an unwanted sound which is generally random in nature.” (M.B.M.C. 5.48.020.) A “noise disturbance,” is “any noise which, as judged by a City employee or contractor that annoys or disturbs a reasonable person or exceeds the standard set forth in this chapter.” (*Ibid.*) The City thus wisely uses these content neutral time, place, and manner regulations of both objective and subjective noise levels to ensure a quiet environment for residents, regardless of the source of noise.

Indeed, Condition #16 of the Planning Commission Resolution provides: “Noise emanating from the property line shall be within the limitation prescribed by the City Noise Ordinance and shall not create a nuisance to nearby property owners. Noise shall not be audible beyond the premises.”

In spite of the requirements of the City Noise Ordinance, the provisions of the Municipal Code that require compliance with the Noise Ordinance, and the specific requirements of the Planning Commission Resolution, neither MB Post nor the City have provided any evidence that the operations will comply with the Noise Ordinance. The only statements in the staff report on this issue concern the limited buffer between residential uses and MB Post, without any quantitative analysis of noise whatsoever.

Appellants, however, have provided the analysis of Steve Rogers Acoustics, LLC (SRA), of the noise impacts of operations from the expanded MB Post. As SRA testifies, voice and music noise emanating from MB Post prior to 10PM, when the windows may remain open, will exceed the Noise Ordinance's exterior threshold by a significant margin. The voice and music noise will also exceed city loudness standards at the closest residence, diagonally across 12<sup>th</sup> Street. There is no contrary evidence in the record to date and the comments in support of the expansion do not address noise issues.

After 10 PM, when the windows closed, the noise impacts of the expanded operations can be addressed. For one, keeping the closing hours of the business at midnight would not introduce as much new, additional noise into the adjacent residential area. Second, requiring sound blocking windows and a double-door vestibule, as the city has required for other similar businesses, will make the premises compliant with the Noise Ordinance, once the windows are closed. Because the business will expand into a new premises and make substantial renovations, it is not unreasonable to require the use of materials that will mitigate the external impacts of the operations within the building.

For the above reasons, the Council should grant the appeal and limit the hours of operation to midnight.

Sincerely,

A handwritten signature in black ink, appearing to read "Beverly Grossman Palmer". The signature is fluid and cursive, with the first name "Beverly" being the most prominent part.

Beverly Grossman Palmer

## Martha Alvarez

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**From:** Tiffany Mesko <tiffanymesko@gmail.com>  
**Sent:** Tuesday, May 5, 2020 4:39 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] In support of opening up.

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

To whom it may concern:

My family is in full support of the opening of the strand, beach and ocean as soon as possible, because of the obvious health benefits. Thank you for your time and consideration.

Best Regards,  
Logan, Tiffany and Jeff Neu

Sent from my iPhone

## Martha Alvarez

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**From:** Veronica Stahl <vernstahl@yahoo.com>  
**Sent:** Tuesday, May 5, 2020 4:19 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Open Public Spaces

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

To Manhattan Beach City Council

I encourage you to OPEN public spaces, including parks and the Strand.

As a Registered Nurse, I am dependent on fresh air and sunshine to to keep a healthy immune system. The health benefits of sunshine to boosting immune strength are well documented in peer reviewed medical journals.

I don't have a yard, so public spaces are the only option I have to access fresh air and sunshine.

Thank you so much for looking out for healthcare workers.

Sincerely,

Veronica

Sent from my iPhone



## Martha Alvarez

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**From:** Don <dmcphersonla@gmail.com>  
**Sent:** Monday, May 4, 2020 12:17 PM  
**To:** Hildy Stern; List - City Council; Nancy Hersman; Richard Montgomery; Steve Napolitano; Suzanne Hadley  
**Cc:** Bruce Moe; Liza Tamura; Ted Faturos; Beverly Palmer; Steve Rogers; Jim Quilliam  
**Subject:** [EXTERNAL] Coastal Defender Appeal Report, MB Post  
**Attachments:** 200503-CoastalDefender-CityCouncil-MBPost-Final.pdf

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Apologies for the lateness of this report, but we did not receive complete copies of the project plans for MB Post or the list of Downtown alcohol premises until late last Thursday.

We worked over the weekend and early this morning, to prepare the expert analyses that support our conclusions.

The report comprises only two pages, so should not take much time to peruse.

Thanks for your consideration

Jim Quilliam  
Vice President Coastal Defender

Don McPherson  
President, Coastal Defender

## **MB POST PROJECT VIOLATES THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

This report summaries the major impacts on both the MB Post neighborhood and other residential areas adjoining the Downtown:

- Patron's voices and amplified background music will substantially violate provisions in the noise ordinance, as determined by Steve Rogers Acoustics [SRA];
- Extension of closing hours from midnight to 1 AM opens the door for the 19 other Downtown alcohol-premises, which have midnight or earlier closing times, to apply for the same entitlement [Exhibit 1]; and,
- Without conducting a noise analysis, staff has dismissed city-standard mitigation measures, such as the double-door entrance vestibule for Shade Hotel and the sound-blocking windows for Strand House. [Exhibit 2]

To preclude some, but not all these impacts, the city council must impose the following conditions on the MB Post use permit:

- 1) Retain the existing closing times for MB Post, the city policy since 2002 [Exhibit 1];
- 2) Limit alcohol service to seated patrons within arm-reach of a table or the bar, consistent with a restaurant operation, as opposed to a bar or nightclub with many patrons standing;
- 3) Require a technical means, verifiable by code enforcement, that limits the loudness-level of background-music to inaudibility at fifty feet from the premises, a noise-ordinance requirement;
- 4) At the north entrance to the lounge area, provide a double-door vestibule, as the city required for the 2014 Shade Hotel use permit, and delete the south west-facing door. Additionally, provide noise-blocking west windows, as the city required for the 2011 Strand House use permit [Exhibit 2]; and,
- 5) As customary in city use permits, specify the occupancy as 99 persons, per Plans Sheet G100. This done for recent projects, such as Gelson's and 900 Club. The Fire Code requires it.

Per the SRA acoustics analysis in Exhibit 3, the vocal and music loudness levels with open windows will exceed external daytime standards in the noise ordinance, by over one-hundred times louder. No way exists to mitigate these violations.

In her letter, attorney Beverly Palmer argues that the unusual circumstances and cumulative effects of noise impacts mandate environmental review, per the California Environmental Quality Act [CEQA], as opposed to the city claim of categorical exemption.

If the city council requires the above five conditions in the use permit, then Coastal Defender will accept the noise-ordinance violations, when windows open prior to 10 PM.

The following rebuts the staff response to the appeal filing by Coastal Defender.

### **Extended Closing Hours [Exhibit 1].**

Of the 35 alcohol-serving premises in the Downtown, 19 must close at midnight or earlier. The city has not increased closing times for alcohol service since 2002, when they did for Petros in Metlox, a 30-minute increase from midnight to 12:30 AM. [Exhibit 1, Item 23]

The staff report erroneously refutes these facts, by citing three examples: 1) BREWCO in 2009; 2) Strand House in 2011; and, 3) and Esperanza in 2019. None of these use permits extended closing hours. In fact, the Strand House use permit reduced its Thursday closing time, from 1 AM to midnight.

Per staff-report opening pages for the above three projects, at Exhibit 4 p.1, the BREWCO use-permit involved changing the alcohol license from a Type 75 to a Type 47, with no change in operating hours. As mentioned, the 2011 Strand House use permit reduced closing time on Thursday [Exhibit 4 p. 3] The 2019 Esperanza use-permit amendment addressed a major remodel currently underway, with no change to operating hours. [Exhibit 3 p. 4]

As result, the above three examples cited by Community Development have absolutely no relevance in consideration of the proposed extension for MB Post closing time.

City-council approval of MB Post closing-time from midnight to 1 AM will constitute a major policy change, which will result in an avalanche of applications for longer hours, from the 19 premises that now must close at midnight or earlier.

### **Staff Rejection of City-Standard Noise-Mitigation Measures [Exhibit 2].**

The staff report states, "*Manhattan Beach Post currently has French doors that open onto Manhattan Avenue.*" [Emphasis added]

Per James Quilliam's Exhibit 5 declaration, when MB Post installed the rolling doors in or around 2012, he filed a complaint with the building department, which subsequently ordered the rolling doors welded shut. Since 2012, living just around the corner, Mr. Quilliam has passed by MB Post countless times, but not until last week, did he ever observe the doors open.

Staff correctly states that the doors "currently" open onto Manhattan Ave, but only because the welds unlawfully cut, violating the 2012 building permit. The proposed project will for the first time, legally permit the MB Post façade to open, facing residences to the west, creating substantial noise-ordinance violations that have no means for mitigation.

Regarding background music noise that can violate the 50-foot inaudibility requirement, as 900 Club does, staff states, "*The applicant is not proposing amplified music.*"

Condition 17 in Resolution No. PC 20-01 states, "*The restaurant management shall control the volume of any background music.*"

Staff argues that no amplified music exists to violate the noise ordinance. How can the management control the music volume, if it not amplified?

Regarding patron voice noise, staff states, "*the floor plan shows no more than 25 seats that line the restaurant's western wall adjacent to Manhattan Avenue,*" and further argues, "*It is unclear what noise, if any, is exceeding the Municipal Code standards.*"

No wonder that the violations unclear to staff, because they failed to conduct a noise analysis. Furthermore, per Sheet G100, the vocal noise source comprises 99 patrons, not 25, with loud voices and laughter, if Simmzy's any guide.

### **Conclusion.**

In the 1990's, then Councilmember Napolitano campaigned in the streets to rescue the Downtown from the nightclub scene, one of his signature accomplishments. Please protect Mr. Napolitano's legacy and approve the five conditions listed above for the MB Post use permit.

**EXHIBIT 1**

**19 DOWNTOWN PREMISES CAN APPLY FOR SAME EXTENDED CLOSING TIME AS MB POST**

**THE CITY HAS NOT INCREASED CLOSING HOURS SINCE 2002, FOR PETROS [No. 23]**

	Establishment	Address	Approved Hours of Operation	Approved Alcohol Hours	Alcohol License	Resolution Nos. & Dates	Entertainment
1	900 Manhattan Club/Downstairs Bar	900 Manhattan Ave.	9am-12am, Sunday 11am-12am, Mon-Wed 11am-12am, Thu (downstairs) 11am-1am, Thu (upstairs) 11am-1am, Fri 9am-1am, Sat	9am-12am, Sunday 11am-12am, Mon-Wed 11am-12am, Thu (downstairs) 11am-1am, Thu (upstairs) 11am-1am, Fri 9am-1am, Sat	Full Liquor	CC Reso. 20-0119 02/18/20	Live allowed on 2nd floor Dancing allowed on Fri/Sat nights
2	Sugarfish	304 12th Street	10am-12am, Sun-Thu 10am-1am, Fri-Sat	10am-12am, Sun-Thu 10am-1am, Fri-Sat	Full Liquor	CC Reso. 4471 02/16/88 BZA 87-36 12/08/87	Live Entertainment & Dancing
3	Arthur J's	903 Manhattan Ave.	11am-12am, Sun-Thu 11am-2am, Fri-Sat	11am-12am, Sun-Thu 11am-2am, Fri-Sat	Full Liquor	CC Reso. 4108 01/03/84	No Limit
4	SLAY Steak + Fish House	1141 Manhattan Ave.	11am-11pm, Sun-Thu 6am-12am, Fri-Sat	11am-11pm, Sun-Thu 6am-12am, Fri-Sat	Full Liquor	02-28 08/28/02	None
5	El Sombrero	1005 Manhattan Ave.	7am-11pm, Sun-Thu 7am-12am, Fri-Sat	7am-11pm, Sun-Thu 7am-12am, Fri-Sat	Beer & Wine	07-09 06/25/07	None
6	Ercoles	1101 Manhattan Ave.	11am-2am, Daily	11am-2am, Daily	Full Liquor	85-32 11/12/85	None
7	Homie	1140 Highland Ave.	6am-10pm, Sun-Thu 6am-11pm, Fri-Sat	6am-10pm, Sun-Thu 6am-11pm, Fri-Sat	Beer & Wine	02-14 05/08/02	None
8	Fishing with Dynamite	1148 Manhattan Ave.	7am-11pm, Sun-Wed 7am-12am, Thu-Sat	7am-11pm, Sun-Wed 7am-12am, Thu-Sat	Full Liquor	01-24 11/28/01	None
9	Coasta Manhattan Beach	1017 Manhattan Ave.	9am-9pm, Sun 5:30am-10pm, Mon-Thu 5:30am-11pm, Fri-Sat	9am-9pm, Sun 5:30am-10pm, Mon-Thu 5:30am-11pm, Fri-Sat	Full Liquor	01-04 02/14/01	None
10	Fusion Sushi	1150 Morningside Dr.	9am-11pm Sun-Wed 7am-12am Thu-Sat	9am-11pm Sun-Wed 7am-12am Thu-Sat	Beer & Wine	05-05 03/23/05	Entertainment/Dancing for Private Parties In Banquet Room Only Thu-Sat
11	Hennesseys	313 Manhattan Beach Blvd.	11am-2am, Daily No Outdoor Dining After 10pm When Entertainment	11am-2am, Daily	Full Liquor	83-18 04/26/83	Live entertainment til 1:30am, Mon-Sun
12	Izaka-Ya	1133 Highland Ave.	11:00am-11:00pm Sun-Wed 11:00am-12am Thu-Sat	11:00am-11:00pm Sun-Wed 11:00am-12am Thu-Sat	Beer & Wine	10-04 07/14/10	None
13	Kettle	1138 Highland Ave.	24 Hours Daily	11am-1am	Beer & Wine	83-06 01/11/83	None

# 19 DOWNTOWN PREMISES CAN APPLY FOR SAME EXTENDED CLOSING TIME AS MB POST

## THE CITY HAS NOT INCREASED CLOSING HOURS SINCE 2002 FOR PETROS [No. 23]

14	Le Pain Quotidien	451 Manhattan Beach Blvd.	7am-7:30pm, Daily	10am-7:30pm, Daily	Limited Selection of Beer & Wine	CC 5770 07/16/02 08-08 05/14/08	Unamplified Entertainers Background Music Class I Entertainment Permit Required for More
15	Little Sister	1131 Manhattan Ave.	6am-11pm, Sun-Thu 6am-12am, Fri-Sat	6am-11pm, Sun-Thu 6am-12am, Fri-Sat	Beer & Wine	PC 19-10 6/12/19	None
16	Love and Salt	317 Manhattan Beach Blvd.	9am-1am, Daily	9am-1am, Daily	Full Liquor & Caterer's	94-20 07/13/94	2 entertainers til 1am Fri, Sat & 12am Sun
17	Flyin Fin (under construction)	1127 Manhattan Ave.	6am-11pm, Sun-Thu 6am-1am, Fri-Sat	6am-11pm, Sun-Thu 6am-1am, Fri-Sat	Beer & Wine	PC 19-10 6/12/19	None
18	Mangiamo	128 Manhattan Beach Blvd.	11am-12am, Mon-Sat 8am-12am, Sun	11am-12am, Mon-Sat 8am-12am, Sun	Full Liquor	83-28 06/14/83	Maximum 3 musicians, nonamplified
19	Manhattan Pizzeria	133 Manhattan Beach Blvd.	6am-2am, Daily	6am-2am, Daily	Beer & Wine	PC 19-10 6/12/19	None
20	MB Brewing Co	124 Manhattan Beach Blvd.	7am-12am, Sun-Thu 7am-1am, Fri-Sat	7am-12am, Sun-Thu 7am-1am, Fri-Sat	Full Liquor	09-01 01/14/09	None
21	Nick's Manhattan Beach	451 Manhattan Beach Blvd Suite D-126 1200 Morningside	6am-11pm, Sun-Thu 6am-12am, Fri-Sat	6am-10:30pm, Sun-Thu 6am-11:30pm, Fri-Sat	Full Liquor	CC 18-0074 06/05/2018 CC 5770 07/16/02	2 Unamplified Entertainers Background Music Class I Entertainment Permit Required for More
22	Slay Italian Kitchen	1001 Manhattan Ave.	7am-11pm, Sun-Thu 7am-12am, Fri-Sat	7am-11pm, Sun-Thu 7am-12am, Fri-Sat	Beer & Wine	07-09 06/25/07	None
23	Petro's	451 Manhattan Beach Blvd Suite B-110	6am-12 am, Sun-Thu 6am-1am, Fri-Sat	6am-11:30pm, Sun-Thu 6am-12:30am, Fri-Sat	Full Liquor	06-20 12/13/06 CC 5770 07/16/02	2 Unamplified Entertainers Background Music Class I Entertainment Permit Required for More
24	Pitfire Pizza	401 Manhattan Beach Blvd.	7am-11pm, Daily	7am-11pm, Daily	Beer & Wine	05-05 03/23/05	None
25	MB Post	1142 Manhattan Ave.	11am-11pm, Mon-Wed 11am-12am, Thu-Fri 7am-12am, Sat 7am-11pm, Sun	11am-11pm, Mon-Wed 11am-12am, Thu-Fri 7am-12am, Sat 7am-11pm, Sun No Alcohol on Patio After 10pm	Full Liquor	CC 5513 10/19/99	"Kids Night" Monday 5pm-7pm
26	Rice	820 Manhattan Ave.	7am-10:30pm, Sun-Thu 7am-11:30pm, Fri-Sat	7am-10:30pm, Sun-Thu 7am-11:30pm, Fri-Sat	Beer & Wine	89-23 06/27/89	Nonamplified live music
27	Rock N Fish	120 Manhattan Beach Blvd.	7am-12am, Sun-Thu 7am-1am, Fri-Sat	7am-12am, Sun-Thu 7am-1am, Fri-Sat	Full Liquor	99-04 02/10/99	None
28	Rockefeller	1209 Highland Ave.	7am-11pm, Sun-Thu 7am-12am, Fri-Sat	7am-11pm, Sun-Thu 7am-12am, Fri-Sat	Beer & Wine	07-04 05/09/07	None

# 19 DOWNTOWN PREMISES CAN APPLY FOR SAME EXTENDED CLOSING TIME AS MB POST

## THE CITY HAS NOT INCREASED CLOSING HOURS SINCE 2002 FOR PETROS [No. 23]

29	Shade Hotel	1221 Valley Drive	Zinc Lobby Bar & Zinc Terrace: 11pm Daily Interior Courtyard (for Special Events Only) 11pm, Sun-Thurs 12am, Fri-Sat Rooftop Deck, 10pm Daily	Zinc Lobby Bar & Zinc Terrace: 11pm Daily Interior Courtyard (for Special Events Only) 10:30pm, Sun-Thurs 11:30pm, Fri-Sat Rooftop Deck, 9pm Daily	Full Liquor	05/25/05 CC 5770 07/16/02 (CC 6275 07/09/10 Hours Not Shown As Reso. Not Yet Implemented)	2 Unamplified Entertainers Background Music Class I Entertainment Permit Required for More
30	Esperanza	309 Manhattan Beach Blvd.	7am-2am, Daily	7am-2am, Daily	Full Liquor	19-03 03/27/19	1:30am, 7 days a week 5 Musicians/vocalists
31	Shellback	116 Manhattan Beach Blvd.	No Resolution	No Resolution	Full Liquor	No Resolution	
32	Simmzy's	229 Manhattan Beach Blvd.	6am - 11pm, Mon-Thu 6am-12am, Fri-Sat	6am - 11pm, Mon-Thu 6am-12am, Fri-Sat	Full Liquor	18-15 09/26/18	None
33	The Strand House	117 Manhattan Beach Blvd.	10am-12am, Mon-Thu 10am-1am, Fri 8am-1am, Sat 8am-12am, Sun	10am-12am, Mon-Thu 10am-1am, Fri 8am-1am, Sat 8am-12am, Sun	Full Liquor	CC Reso. 6304 04/19/11 PC 11-02 02/23/11	Live Entertainment & Dancing Fri-Sat, till 1am Thu & Sun, till 11:30pm
34	Culture Brewing Company	327 Manhatta Beach Blvd.	8am - 10pm	8am - 10pm	Beer	PC 19-05 05/22/19	None
35	Tacolicious	1129 Manhattan Ave.	6am-11pm, Sun-Thu 6am-12am, Fri-Sat	6am-11pm, Sun-Thu 6am-12am, Fri-Sat	Full Alcohol	PC 19-10 6/12/19	None



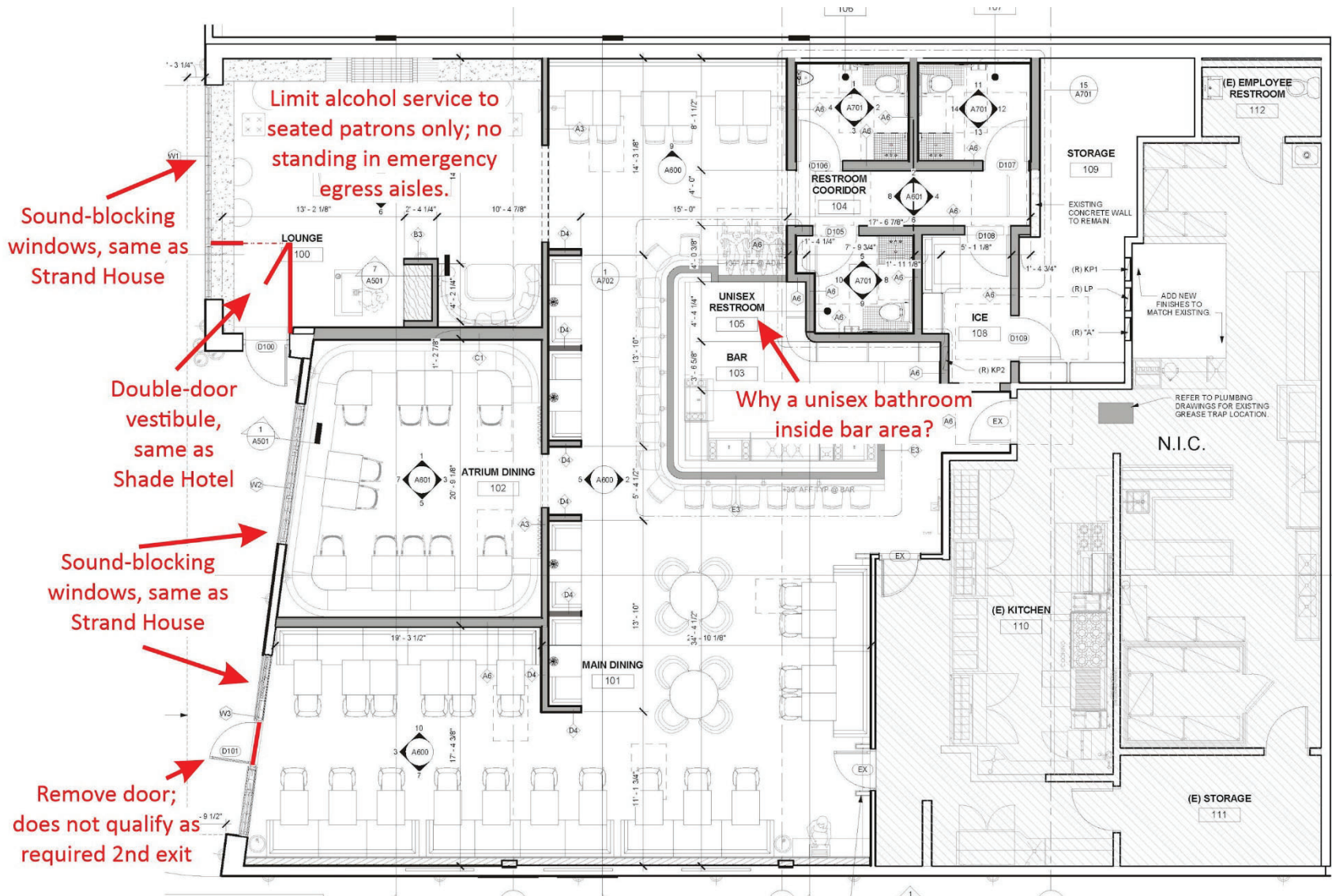
EXHIBIT 2

STAFF REJECTED NOISE-MITIGATION REQUIRED FOR SHADE HOTEL & STRAND HOUSE

What noise-analysis did staff perform to reject mitigation measures

That city required for Shade Hotel and Strand House?

MB POST PLAN VIEW, SHEET A101



## EXHIBIT 3. MB POST NOISE ANALYSIS



Steve Rogers Acoustics

May 3, 2020

Don McPherson, President  
Coastal Defender  
1014 1<sup>st</sup> Street  
Manhattan Beach, CA 90266  
[dmcphersonla@gmail.com](mailto:dmcphersonla@gmail.com)

Subject: **MB Post Expansion & Exterior Envelope Modifications  
Evaluation of Noise Impact on the Neighborhood**

Dear Don:

We have completed an evaluation of the likely noise impact of the proposed changes to the Manhattan Beach Post (MB Post) restaurant/bar, located at 1142 Manhattan Avenue in Manhattan Beach. Our work has been based on the information available to us at the time of writing this report.

### BACKGROUND

- The applicant proposes to expand the MB Post into the adjacent property at 1144 Manhattan Avenue - a building that was previously a Subway sandwich restaurant. In addition, an existing exterior patio is to be enclosed, bringing the floor area of the expanded restaurant to 4,878 ft<sup>2</sup>.
- Extended operating hours are proposed for the expanded restaurant, starting at 6AM seven days a week (instead of 11AM Monday - Friday and 7AM on Saturday and Sunday) and closing at 1AM Thursday - Saturday (instead of 12AM).
- According to the Code Summary on architectural drawing sheet (G100) attached to the March 11, 2020 Staff Report, the proposed occupancy of the expanded restaurant is 99 patrons.
- The expanded restaurant would offer full alcohol service and the floorplans of the proposed project show a large bar area located prominently at the center of the expanded space.
- The project applicant proposes to have operable windows facing Manhattan Avenue. We understand that this is a change to the envelope of the restaurant building, according to the current building permit.
- According to Planning Commission Resolution PC 20-01, the windows on the Manhattan Avenue side shall be closed no later than 10PM every day (Condition #5).
- The expanded restaurant will be equipped with an amplified music system. According to PC 20-01, the playback level of the amplified music system is to be controlled by the restaurant management (Condition #17).
- Condition #16 of PC 20-01 states that:





### EXHIBIT 3. MB POST NOISE ANALYSIS

*“Noise emanating from the property line shall be within the limitation prescribed by the City Noise Ordinance and shall not create a nuisance to nearby property owners. Noise shall not be audible beyond the premises.”*

#### MANHATTAN BEACH NOISE ORDINANCE

- Noise control requirements for the City of Manhattan Beach are detailed in Chapter 5.48 “Noise Regulations” of the Manhattan Beach Municipal Code (MBMC), also known as the City of Manhattan Beach Noise Ordinance.
- For continuous noise (i.e. occurring for more than 30-minutes in any hour) Table 1 in section 5.48.160 of MBMC prescribes the following Exterior Noise Standards:

Designated Land Use or Zoning Classification	Time of Day	Exterior A-Weighted Noise Level
Residential	7:00 AM - 10:00 PM	50 dB
	10:00 PM - 7:00 AM	45 dB
Commercial	7:00 AM - 10:00 PM	65 dB
	10:00 PM - 7:00 AM	60 dB

- Paragraph 5.48.160 E. of the MBMC states:

*Correction for Character of Sound. For any source of noise which emits a pure tone or contains impulsive noise, the noise standards as set forth in this section shall be reduced by five (5) dB. Examples of impulsive noise include fire alarms, hammering operations, impact wrenches, and other mechanical devices that produce noise levels with a quick onset and delay. Examples of pure tone noises include whistles, bells, and other mechanical devices that emit a tone that is distinguishable by the City employee or contractor.*

Noise emanating from the expanded MB Post will include amplified music containing pure tones (musical notes) and impulsive sounds (drumbeat), so the 5 dB correction would apply in this case, as follows:

Designated Land Use or Zoning Classification	Time of Day	Exterior A-Weighted Noise Level*
Residential	7:00 AM - 10:00 PM	45 dB
	10:00 PM - 7:00 AM	40 dB
Commercial	7:00 AM - 10:00 PM	60 dB
	10:00 PM - 7:00 AM	55 dB

\* With 5 dBA correction applied to account for the character of sound from the restaurant, which will contain pure tones and impulsive noises.

- Per MBMC section 5.48.160, in the event that ambient noise level at the receiver location (i.e. in the absence of noise from the restaurant) exceeds any of the prescribed Exterior



### EXHIBIT 3. MB POST NOISE ANALYSIS

Noise Standards, the measured ambient noise level shall become the Exterior Noise Standard. However, without an opportunity to make realistic ambient noise measurements (which is not possible at the time of writing because of safer-at-home orders) we have no way of knowing whether actual ambient noise levels exceed the stated Exterior Noise Standards.

- In addition to the Exterior Noise Standards, the MBMC includes specific requirements for control of amplified music. Paragraph 5.48.120 the Code reads:

*Amplified sounds - Electronic devices.*

*It is prohibited for any person to permit the transmission of, or cause to be transmitted, any amplified sound on any public street, sidewalk, alley, right-of-way, park, or any other public place or property which sound is audible at fifty feet (50'). This section shall not apply to any noncommercial public speaking, public assembly, or other activity for which a permit has been issued.*

#### OPERATIONAL NOISE IMPACT ANALYSIS

##### Amplified Music + Speech Sounds

- We have calculated exterior noise levels resulting from expanded MB Post operations, based on past experience of amplified music playback and patron (speech) noise levels in restaurants with a full bar and with similar density of occupancy to that proposed.
- We have focused on evening operations (before 10PM), when the windows in the Manhattan Avenue façade will be open.
- We find as follows:

	Receiver Location		
	At the property line – in front of MB Post	On Manhattan Avenue opposite the restaurant	At closest residential uses diagonally across 12 <sup>th</sup> Street
Distance from MB Post	3-feet	50-feet	150-feet
Predicted music + speech noise level with restaurant windows open	82 dBA	63 dBA	48 dBA
Applicable MBMC Exterior Noise Standard	60 dBA*	60 dBA*	45 dBA*
Does predicted restaurant noise level exceed the MBMC Exterior Noise Standard?	YES	YES	YES
Noise from MB Post operations audible?	YES	YES	YES

\* Includes 5 dBA penalty for noise with impulsive/tonal component per MBMC 5.48.160E.



### EXHIBIT 3. MB POST NOISE ANALYSIS

#### Speech Sounds Only

- By subtracting the expected levels of amplified music playback from the analysis above, we can calculate exterior noise levels due to MB Post operations that are attributable to speech sounds produced by patrons.
- For evening operations (before 10PM), when the windows in the Manhattan Avenue façade will be open, we find as follows:

	Receiver Location		
	At the property line – in front of MB Post	On Manhattan Avenue opposite the restaurant	At closest residential uses diagonally across 12 <sup>th</sup> Street
Distance from MB Post	3-feet	50-feet	150-feet
Predicted SPEECH ONLY noise level with restaurant windows open	76 dBA	57 dBA	42 dBA
Applicable MBMC Exterior Noise Standard	65 dBA	65 dBA	50 dBA
Does predicted restaurant noise level exceed the MBMC Exterior Noise Standard?	YES	NO	NO
Speech sounds from MB Post audible?	YES	YES	NO*

*\* However, audibility in practice would depend on evening ambient noise levels on 12<sup>th</sup> Street.*

#### **CONCLUSIONS**

- Predicted noise levels at the property line (i.e. on the sidewalk on Manhattan Avenue in front of the open windows of MB Post) are in significant breach of the City Noise Ordinance. This is true for both the amplified music and speech components of the operational noise.
- Across the street, at a distance of 50-feet from the open windows of MB Post, we predict an exterior noise level of 63 dBA (amplified music + speech). This is significantly higher than the evening Exterior Noise Standard of 55 dBA, which applies to the commercial receivers opposite MB Post on Manhattan Avenue. It also confirms that amplified music from MB Post would be plainly audible at a distance of 50-feet – another clear violation of the City Noise Ordinance.
- Predicted speech-only noise levels at a distance of 50-feet are below the evening noise limit but would still likely be audible in the context of prevailing ambient noise levels on Manhattan Avenue.
- At the closest residential receivers on 12<sup>th</sup> Street, we predict a restaurant operational noise (amplified music + speech) level of 48 dBA, which exceeds the evening Exterior Noise

## EXHIBIT 3. MB POST NOISE ANALYSIS



Standard of 45 dBA. We also expect the noise of amplified music from MB Post to be plainly audible at the closest residential receivers on 12<sup>th</sup> Street.

- On all counts, we conclude that operational noise (amplified music + speech) from the restaurant would very likely be in clear violation of the noise regulations in the MBMC and would therefore constitute a significant impact on the surrounding uses. We also find that the “speech only” component of the likely operational noise levels would exceed the applicable MBMC noise limit during the evening when windows to the bar and restaurant are open.

Yours sincerely,

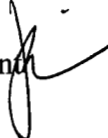
**Steve Rogers Acoustics, LLC**


Steve Rogers  
*Principal*

**EXHIBIT 4. STAFF EXAMPLES OF PREMISES HAVING CLOSING-TIME CHANGES**

**CITY OF MANHATTAN BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT**

**TO:** Planning Commission

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

**FROM:** Michael P. Rocque, Assistant Planner 

**DATE:** January 14, 2009

**SUBJECT:** Consideration of a Use Permit Amendment to Change an Alcoholic Beverage License from a Brewpub with a Restaurant (Type 75) to a Restaurant only (Type 47) at Manhattan Beach Brewery, 124 Manhattan Beach Boulevard. (Zislis)

**RECOMMENDATION**

Staff recommends that the Planning Commission **CONDUCT THE PUBLIC HEARING** and adopt the attached Draft Resolution **APPROVING** the subject request.

**APPLICANT**

Manhattan Beach Brewing Company  
David Zislis, President  
124 Manhattan Beach Boulevard  
Manhattan Beach, CA 90266

**PROPERTY OWNER**

Jerico Development, Inc.  
222 W. 6<sup>th</sup> Street Suite 1010  
San Pedro, CA 90731

**SURROUNDING LAND USES**

North: CD-Restaurant/Commercial  
South: CD-Commercial  
East: CD-Restaurant  
West: CD-Restaurant/Beach

**BACKGROUND**

The Planning Commission previously approved a Use Permit amendment in 1997 (PC 97-43 Exhibit B), allowing full alcohol service instead of only beer and wine for the Brewpub/Restaurant at the subject property. The Planning Commission approval allowed a change of the alcohol beverage license from a Type 23 (Small Brewers License) to a Type 75 (On-Sale General Brewpub). The current Use Permit allows for sale of all alcoholic beverages for on-site consumption only.

## EXHIBIT 4. STAFF EXAMPLES OF PREMISES HAVING CLOSING-TIME CHANGES

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



# Staff Report

## City of Manhattan Beach

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

**THROUGH:** David N. Carmany, City Manager

**FROM:** Richard Thompson, Director of Community Development  
Eric Haaland, Associate Planner

**DATE:** April 5, 2011

**SUBJECT:** Consideration of Two Appeals of the Planning Commission's Decision to Approve a Use Permit for Strata to Remodel an Existing Restaurant, Provide Outdoor Seating, and Expand Operating and Entertainment Hours and Consideration of an Encroachment Permit for Outdoor Dining Over the Sidewalk at 117 Manhattan Beach Boulevard.

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### RECOMMENDATION:

Staff recommends that the City Council uphold the decision of the Planning Commission approving the request, and consider the request for an Encroachment Permit for outdoor dining above the public sidewalk.

### FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

### DISCUSSION:

The Planning Commission, at its regular meeting of March 9, 2011, approved (4-0 vote, 1 abstention) a request to remodel an existing 6,750 square foot restaurant building with some business operational changes. The existing building was constructed near the 26-foot height limit, and at the 1.5 floor area ratio limit, with 4 on-site parking spaces.

The proposal is for the building's existing 4 floor levels to be modified, and the addition of a new partial basement level for wine storage, rear employee restroom and locker facilities, and two new upper level dining balconies over Manhattan Beach Boulevard. Substantial upgrades are proposed for kitchen capacity, health codes, building codes, utilities, disabled access, ventilation, sound containment, and trash storage. Additional changes to the building include recessions of the front walls to provide outdoor dining, waiting, and entry areas; and the retractable windows to allow the restaurant to open to Manhattan Beach Boulevard during good weather. The applicant also proposes modifying the restaurant's hours of operation, entertainment and dancing.

## EXHIBIT 4. STAFF EXAMPLES OF PREMISES HAVING CLOSING-TIME CHANGES

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

Use Permit Amendment approval is required for the applicant's proposals to create outdoor dining/seating, change hours of operation, allow additional nights of dancing, relocate/modify the dance floor, and to install retractable walls/windows at the building frontage.

The Planning Commission received letters and testimony from neighbors stating concerns for noise and other disruptions that could occur from modified hours, dancing, and openness of the building. The Commission also had concerns for these issues, requesting additional information from the applicant and suggesting possible ongoing review of sensitive aspects of the business. The applicant subsequently eliminated the retractable window design from the uppermost level of the building opening onto the outdoor dining patio; and provided a formal noise analysis and further explanations of sound mitigating materials to be used in the building remodel. Staff recommended conditions extending the authority of the restaurant's required annual Entertainment Permit to regulate the noise caused by the openings, and to reduce entertainment and dancing if needed. At the continued public hearing the Planning Commission generally accepted these conditions, and accepted an agreement between the applicant and neighbor representatives regarding hours and dancing. The final approved resolution (Exhibit A) included the following changes to the existing Use Permit:

- **Dancing** was added for Thursdays and Sundays with the restriction that it end by 11:30pm on those nights. The current Use Permit only allows entertainment without dancing, with hours until 1:00am on Sunday and 11:30pm on Thursday.
- **Closing times** for Sunday – Thursday were reduced from 1am to midnight to compensate for the added dancing as agreed upon with neighbor representatives.
- **Opening times** for holidays were extended from 10am to 8am to allow breakfast service similar to existing weekend entitlements.
- **Delivery hours** were restricted to 8am to 10pm to compensate for the added breakfast hours. Currently there are no restrictions.
- **Noise at non-entertainment times** (when windows/walls are permitted to be kept open) was made subject to an annual entertainment permit when windows/walls can be opened.
- **Noise at all times** was prohibited from being audible more than 75 feet away from the restaurant as recommended by the Police Department.
- **Encroachments** of 18-inch deep architectural “false balcony” features over the Manhattan Beach Boulevard right-of-way, instead of the originally requested dining balconies over the sidewalk were proposed by the applicant. The Commission does not have authority to approve a balcony encroachment, and could not reach a consensus recommendation on this issue.
- Updated/miscellaneous Use Permit conditions were imposed regarding utilities, use of rear roof area, and supervising the surrounding area.

Applications appealing the Planning Commission's decision were received from the project applicant, and a resident who participated in the public hearing. The attached applicant appeal request is to permit 5-foot wide balcony dining encroachments over the sidewalk with 200 square feet of area, and 24 seats. The resident appeal opposes expansion of “nightclub” aspects of the business.

The applicant had proposed two balconies partially cantilevering over the public sidewalk. Commercial encroachments over sidewalks are limited to canopies, signs, eaves, and awnings with

## EXHIBIT 4. STAFF EXAMPLES OF PREMISES HAVING CLOSING-TIME CHANGES

### CITY OF MANHATTAN BEACH DEPARTMENT OF COMMUNITY DEVELOPMENT MEMORANDUM

**TO:** Planning Commission

**FROM:** Anne McIntosh, Director of Community Development

**THROUGH:** Laurie B Jester, Planning Manager

**BY:** Ted Faturos, Assistant Planner

**DATE:** March 27, 2019

**SUBJECT:** Proposed Use Permit Amendment to Allow a Major Remodel of an Existing Restaurant with Full Liquor Service and Live Entertainment at 309 Manhattan Beach Boulevard (Newman)

#### RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** the Public Hearing and **ADOPT** the attached Resolution approving the Use Permit Amendment subject to certain conditions.

#### APPLICANT/OWNER

Greg Newman/Esperanza  
309 Manhattan Beach Boulevard  
Manhattan Beach, CA 90266

#### BACKGROUND

On October 15, 2018, the Community Development Department received an application requesting an amendment to an existing Use Permit to allow for a major remodel to an existing restaurant space (Shark's Cove) in conjunction with a new restaurant tenant (Esperanza), located at 309 Manhattan Beach Boulevard. The applicant is not proposing to change the operating hours, full alcohol service, or live entertainment hours. The subject restaurant is located in the "CD" (Downtown Commercial) zoning district in Area District III. A public hearing was scheduled for the January 23, 2019 Planning Commission meeting, and was continued to the March 27, 2019 Planning Commission meeting without discussion.

The subject site has a two-story building originally constructed in 1941 located on the northern side of the 300 block of Manhattan Beach Boulevard. City records indicate the building's second floor was permitted as two residential dwelling units, with the restaurant tenant occupying the entire first floor. After speaking with the applicant and conducting an inspection of the second story, Staff has determined that the second story is being used as an office use with storage facilities related to the downstairs restaurant use. The applicant has agreed to restore the upstairs to a residential use.



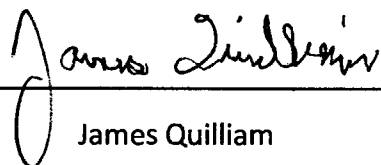
## EXHIBIT 5. DECLARATION BY JAMES QUILLIAM

I, James Quilliam, hereby declare:

On or around 2012 and before MB Post opened and they were in the designing phase of the remodel to the building, I noticed they had installed large exterior doors that looked to be on rollers. I inquired with the MB inspector at the time and he was as surprised as I was that they had designed the doors to be fully openable as he indicated that they were to be closed. It was my understanding at that time that the city had ordered that the doors be welded shut. Since 2012, living just around the corner from MB Post, I have passed the building countless times and never saw the sliding doors open. Most recently, however, for the first time, I noticed that the MB Post full frontage completely open.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 4th day of May, 2020, in Manhattan Beach, California.

  
\_\_\_\_\_  
James Quilliam

## Martha Alvarez

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**From:** Frederick <friendships1@me.com>  
**Sent:** Tuesday, May 5, 2020 1:05 PM  
**To:** List - City Council; City Manager  
**Subject:** [EXTERNAL] Thank you for your Stand, City Council. Please watch and use this video support your law suit Against the Gov. Of CA.

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Thank you for the stand to be at peace with the support of the US Constitution and to abide safe in Freedom and Liberty.

I hope you are able to see this video before it is shut down.

It will support your cause against those who seek to take away your freedoms because of this man made issue.

<https://www.youtube.com/watch?v=fsi9csLNb-Y&feature=youtu.be>

Respectfully,

Frederick Percival.

## Martha Alvarez

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**From:** bellnott@aol.com  
**Sent:** Tuesday, May 5, 2020 11:41 AM  
**To:** List - City Council; City Manager; Ted Faturos  
**Subject:** [EXTERNAL] MB Post expansion

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

I am writing to you in support of Manhattan Beach Post's expansion into the former Subway space and extension of their hours. The restaurant has become a staple in our city and the further enhancements they are proposing will create an even more vibrant downtown.

During these uncertain times, as our city looks to open back up, it is important to support local business owners in their efforts to enhance our city. So much of our downtown has become banks and real estate offices - please support this expansion of a restaurant so loved by many locals.

Regards,

Camela Ott  
3200 Laurel Ave  
MB, CA 90266

## Martha Alvarez

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**From:** Rutger Dungan <rutger.dungan@gmail.com>  
**Sent:** Monday, May 4, 2020 5:35 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] MBPost

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

We are writing to you concerning the expansion of the MBPost. Our concern is that the proposed extended hours are disruptive considering that operating after midnight and opening early at 6AM gives little time for the nearby residents to enjoy quiet hours (i.e foot traffic , hollering, screaming, truck deliveries , etc). I hope you take this into consideration when deciding on this.

Sincerely  
Dr. Rutger Dungan  
Manhattan Beach resident

## Martha Alvarez

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**From:** Adam Goldston <adamgoldston1@gmail.com>  
**Sent:** Monday, May 4, 2020 5:31 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Public Comment 5/5/20 City Council Meeting

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

As Council and Staff consider the re-opening of our parks, I hope the re-opening of your Begg Pool Masters Swimming Program is part of that discussion. Begg Masters is a coached workout at 5:45am each weekday. The CDC has issued "Guidance for Administrators in Parks and Recreational Facilities" on the safety of swimming pools under the CDC's C-19 guidance (link below). Further, I've been in touch with our coach who has a plan for maintaining social distancing in the pool.

Swimming is a vital part of my and my swimming-friends' health and well being. I've been swimming with most of these people for 5-years and can attest, as a group, we are courteous and respectful.

Thank you for your consideration.

Adam Goldston  
Manhattan Beach resident

<https://www.cdc.gov/coronavirus/2019-ncov/community/parks-rec/park-administrators.html>

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Adam Goldston  
[AdamGoldston1@gmail.com](mailto:AdamGoldston1@gmail.com)  
310-880-5691

## Martha Alvarez

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**From:** Kathy Beckwith <kathymbeckwith@gmail.com>  
**Sent:** Monday, May 4, 2020 9:49 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Please Open/Mental Health Awareness

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council Members of Manhattan Beach,

Please consider fully opening our parks and public spaces. Concurrently, please lobby for opening of all business and beaches.

I am a mother of two children, ages 5 and 7. Since March 13th, I have been asked, like all parents in California, to homeschool my children. This is a huge undertaking, and an enormous responsibility. Parents are taking this seriously, as they are also taking seriously, the safety of our children. My children have learned about appropriate social distancing, when, where and how to sneeze, and when a mask is required. I would argue that they understood this before the shutdown, but for the purposes of this petition, they understand this more than ever now. They deserve the opportunity to put these practices into action. It is possible, as we have seen in many of our surrounding communities, to open public space and people will self-regulate. If parents are capable of carrying out the lesson plans, are we not also capable of self-regulation at a park or a beach?

Denied the opportunity to self-regulate breeds dependence.

The current landscape in Manhattan Beach is uninviting and oppressive. While the thought may be to deter 'outsiders', it also feels punishing to law abiding residents. There are also areas in town closed off in ways that are simply unreasonable. A few examples are the passageways around town at Bell, and through Live Oak Park at 17th and 19th. Residents are utilizing parks in neighboring towns like Hermosa Beach, and making day trips to open beaches and lakes. It is unfair to put the burden on our neighbors. We should be partnering with them, and allowing our own residents places to unwind locally. In many ways, this further endangers our community. My point is - that closing our open spaces has only pushed people away. They travel out, and come back. They are doing this because it make them feel free - and healthy mentally.

I have noted a dramatic shift in enthusiasm from my children lately. Recently, the after-school activities that they participated in - soccer, softball, baseball, acting, religion, etc., have one by one, shut down. Even the online classes that were put in place to fill the void, have ended. We have visited the park at Polliwog, and I refuse to take my children there. It resembles something out of a Hunger Games movie - it is depressing. Police vehicles positioned in the park, metal barriers around picnic benches, closed restrooms and mandatory masks? My children have done nothing wrong.

The Greenbelt - the only open space that has remained open, has recently added some sort of patrol vehicle over the past few days. My daughter, on Thursday, was almost hit by this truck, as it passed us twice in the course of 15 minutes. I am unclear as to the purpose of this, as it did not appear it was a maintenance issue. It is however, dangerous.

While I could also make a case that business owners are capable of regulating their own business, I realize that the current debate is whether to open public spaces. May is Mental Health Awareness Month. Please open public space.

## Martha Alvarez

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**From:** Michael Monaghan <michaelcmonaghan@gmail.com>  
**Sent:** Sunday, May 3, 2020 9:16 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Open Public Spaces

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Members of the Manhattan Beach Council

Thank you for your ongoing work and attention to public health.

We now know enough to safely OPEN outdoor public spaces and OPEN outdoor dining.

There is currently NO peer reviewed study that shows a mechanism for outdoor open air transmission. In fact, a recent study from Japan shows that you are 19X (nineteen times) MORE likely to transmit Covid-19 indoors than outdoors: <https://www.medrxiv.org/content/10.1101/2020.02.28.20029272v2>

Please open our healthy outdoor spaces and outdoor dining!

Very Respectfully,

- -Michael

Michael C. Monaghan  
Manhattan Beach, CA

## Martha Alvarez

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**From:** Nancy Raiche <nancy.raiche@gmail.com>  
**Sent:** Sunday, May 3, 2020 6:31 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] MB post Expansion

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I love the Simms group and MBPost. However I think the city will be ill advised to increase their closing time beyond midnight, thereby setting a precedent for other downtown restaurants. This is particularly important because of their proximity to our residential neighborhood.

I support the expansion, providing they maintain the midnight closing the restaurant currently has.

I don't think we should create a vibrant bar scene in our downtown area so close to homes.

Nancy Raiche.  
1148 The Strand  
Manhattan Beach.

Sent from my iPad



## Martha Alvarez

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**From:** Suzanne Lerner @ Michael Stars <slerner@michaelstars.com>  
**Sent:** Sunday, May 3, 2020 4:36 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Letter in Objection to the MB Post Use Permit Extending Hours

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council:

Thank you for doing all you are to keep our City safe.

More than 10 years ago, MB Planning Commission initially approved the use by Bacchus of the encroachment on the corner of 10th & Manhattan Avenue for an outdoor wine bar.

Upon 100's of letters and appearances by local residents, the City Council did the right thing and voted 5-0 to reject this permit plus voted to keep all remaining encroachments on the corners of walk streets free for the public, thereby lessening the impact of commercialization of our pedestrian areas - where people sit to eat, enjoy the view, wait for the bus, etc.

Now, I am writing to ask the City Council to consider this when deciding on opening up MB Post to a 1am closing time.

You should not have a problem with rejecting a Permit that the Planning Commission might have approved.

We were always going to be the city that "wasn't Hermosa" with their bars, noise, trash, crime, and late nights. What has happened to our town?

We have been only increasing restaurants/bars that serve alcohol.... Bars are replacing traditional retail. Our town has also become dirtier, more crime, loud, crowded,... i am sure our city workers are working more overtime (garbage pickup, police) that we as taxpayers incur.

For me, as a resident of downtown, i believe you should be considering FIRST the residents of the downtown area. I am sure people who live in north manhattan or tree section might not have a problem with late night bars. But they do NOT live near downtown.

We are the ones we are immediately impacted by all this commercialization. Who has to deal with the late night noise, early morning (6am) multiple noisy deliveries, the trash situation? Please take your residents that live near the downtown area into consideration.

Our town shouldn't be promoting only profit for the owners of these businesses ...it should be about keeping manhattan beach the jewel that it has been for years.  
We should not become a Hermosa Beach downtown.

We do not need bars open until 1am - which means people are wandering our streets until 1:30 am. I should believe that our Police Department would be happier without keeping bars open until the early morning.

Let's have modest development -

My opinion should be restaurants and bars closing at 11am Sunday-Thursday  
And staying open until midnight on Friday and Saturday.

I am attaching some of the letter written in opposition from Carol Perrin, resident and representative of our Downtown Residents Group.

I am in agreement with her viewpoint.....

Thank you so much.

Suzanne Lerner  
124 Tenth Street  
Manhattan Beach, CA. 90266

Dear City Council Members,

I am writing to set forth **objections to amending the Use Permit for MBPost** to extend the operating hours of MBPost [from midnight to 1 am](#). Historically, the City of Manhattan Beach has done an effective job of balancing the needs of local businesses with those of the residents, resulting in an amicable co-existence. This has resulted in the unique character that makes Manhattan Beach the most desirable community in the South Bay with the highest property values.

The **concerns** with this proposed amendment are numerous.

The proposed **expanded operating hours, coupled with the expanded frontage of MBPost and the DJ component**, will create a major change in Manhattan Beach living. If this was a game show question: What do you call an establishment that serves food, has a large full bar, has large open frontage to the street, Music, and is open to [1 am](#)? Correct answer: Restaurant-Bar-Hangout-Nightclub! And how many people eat dinner in Manhattan Beach [between midnight and 1 am](#)?

Although Mike Sims stated that his 'goal is not to have a bar with a late night crowd off to the side' (see transcript of MBPost Hearing on March 11 at 9:15pm), **common sense tells us that will not be the outcome**. The Simmzy's restaurant at [229 Manhattan Beach Boulevard](#) (which I enjoy) is a constant source of noise and congestion - but the difference is that it is not in the same proximity as MBPost to residences.

If this amendment is allowed, the changes will significantly and **negatively impact the ability of the local residents to comfortably live in their homes**. The increased noise level will impact such basic rights as being able to sleep comfortably in one's own home - not only for children, but for adults as well; there will be increased trash in the street; increased loitering; etc. And it should not be the burden of the distressed residents to have to complain "after the fact" to try and get a remedy or a change to the Use Permit, especially when **the consequences of the impact of allowing the amendment are now known**.

The **available research** supported by factual data makes it crystal clear that **extending closing times for bars is associated with increased crime, vandalism, alcohol-related violence, and drunk driving**. Our MBPD has been working tirelessly to reduce the amount of crime in our city and is already stretched too thin. Increasing the hours that a bar (especially with live music) can serve alcohol will negatively impact the safety of our city. While we all want our local businesses to thrive, we **should not prioritize one extra hour of liquor tabs over public safety, or prioritize the desire for more profit by a small group of individuals over the legitimate needs of our very many tax paying individuals**.

Allowing MBPost to extend their hours **sets a precedent** for all other bars and restaurants in Manhattan Beach to do the same. Why should one operator be benefited more than the others? Increasing bar hours to [1am](#) is a major change to the character and livability of our city, not to mention the negative impact on our property

values. If people want to party and drink after midnight, they can do so in Hermosa or elsewhere. There is simply no justification for this.

Finally, the decision to hold this "public" hearing in the midst of a quarantine **excludes the community from fully and adequately participating** and having their objections heard. While many members of our community are comfortable with videoconferencing, many others, especially senior citizens, lack the technological expertise to participate in this hearing. Elected officials are public servants and transparency in government is the hallmark of our democracy. **Although a zoom meeting may be legally permissible, but for such a major proposed change to our way of life - is it right?**

**For all the above reasons, and for all the reasons set forth by other residents, I respectfully request that you deny this amendment to the Use permit for MBPost.**

Best,  
Carol Perrin  
Individually and as Representative of the Downtown Residents Group

**Martha Alvarez**

---

**From:** john ramirez <ramirezjohnf10@gmail.com>  
**Sent:** Sunday, May 3, 2020 10:01 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Fwd: Newport Beach mayor denounces California governor's decision to close Orange County beaches

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council,

Below is a video from a Newport Beach leader who understands his constituents, does not assume they are children and is willing to fight for them.

Thanks,  
John Ramirez

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

**From:** John Ramirez <ramirezjohnf@hotmail.com>  
**Date:** Sun, May 3, 2020 at 9:52 AM  
**Subject:** Newport Beach mayor denounces California governor's decision to close Orange County beaches  
**To:** john ramirez <ramirezjohnf10@gmail.com>, Shelley Ramirez <shelleymontanez@hotmail.com>, Shelley Montanez-Ramirez <shelley.montanez-ramirez@gobio.com>

Video link:<https://video.foxnews.com/v/6153568198001>

Sent from [Mail](#) for Windows 10

--  
Thank you,  
John Ramirez  
310.994.5452

## Martha Alvarez

---

**From:** John Schmitt <johnbschmitt@gmail.com>  
**Sent:** Saturday, May 2, 2020 8:00 PM  
**To:** List - City Council; Ted Faturos  
**Subject:** [EXTERNAL] Objections to amending the Use Permit for MBPost

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council Members,

We are writing to set forth objections to amending the Use Permit for MBPost to extend the operating hours of MBPost from midnight to 1 am. Historically, the City of Manhattan Beach has done an effective job of balancing the needs of local businesses with those of the residents, resulting in an amicable co-existence. This has resulted in the unique character that makes Manhattan Beach the most desirable community in the South Bay with the highest property values.

The proposed expanded operating hours, coupled with the expanded frontage of MBPost and the "live entertainment" component, will create a major change in Manhattan Beach living.

The Simmzy's restaurant at 229 Manhattan Beach Boulevard (same owner) is a constant source of noise and congestion - but the difference is that it is not in the same proximity as MBPost to residences. We live just west of MBPost and fear that this will become a loud and unmanageable intrusion to our neighborhood.

If this amendment is allowed, the changes will significantly and negatively impact the ability of the local residents to comfortably live in their homes. The increased noise level will impact such basic rights as being able to sleep comfortably in one's own home - not only for children, but for adults as well; there will be increased trash in the street; increased loitering; etc. And it should not be the burden of the distressed residents to have to complain "after the fact" to try and get a remedy or a change to the Use Permit.

Allowing MBPost to extend their hours sets a precedent for all other bars and restaurants in Manhattan Beach to do the same. Why should one operator be benefited more than the others? Increasing bar hours to 1am is a major change to the character and livability of our city, not to mention the negative impact on our property values. If people want to party and drink after midnight, they can do so elsewhere. There is simply no justification for this.

For all the above reasons, and for all the reasons set forth by other residents, we respectfully request that you deny this amendment to the Use Permit for MBPost.

Thank you for your consideration.

John and Evelyn Schmitt  
1148 The Strand  
Manhattan Beach 90266

## Martha Alvarez

---

**From:** Carol Perrin <cplaw28@gmail.com>  
**Sent:** Saturday, May 2, 2020 6:16 PM  
**To:** List - City Council  
**Cc:** Ted Faturros  
**Subject:** [EXTERNAL] Fwd: MBPost Public Hearing May 5, 2020 - Oppose Extending Hours of Operation

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council Members,

This letter supersedes and corrects the letter I sent yesterday, which erroneously referred to live music.

Sincerely,  
Carol Perrin

Sent from my iPhone

Begin forwarded message:

Dear City Council Members,

I am writing to set forth **objections to amending the Use Permit for MBPost** to extend the operating hours of MBPost from midnight to 1 am. Historically, the City of Manhattan Beach has done an effective job of balancing the needs of local businesses with those of the residents, resulting in an amicable co-existence. This has resulted in the unique character that makes Manhattan Beach the most desirable community in the South Bay with the highest property values.

The **concerns** with this proposed amendment are numerous.

The proposed **expanded operating hours, coupled with the expanded frontage of MBPost and the music component**, will create a major change in Manhattan Beach living. If this was a game show question: What do you call an establishment that serves food, has a large full bar, has large open frontage to the street, has music, and is open to 1 am? Correct answer: Restaurant-Bar-Hangout-Nightclub! And how many people eat dinner in Manhattan Beach between midnight and 1 am?

Although Mike Sims stated that his 'goal is not to have a bar with a late night crowd off to the side' (see transcript of MBPost Hearing on March 11 at 9:15pm), **common sense tells us that will not be the outcome.** The Simmzy's restaurant at 229 Manhattan Beach Boulevard (which I enjoy) is a constant source of noise and congestion - but the difference is that it is not in the same proximity as MBPost to residences.

If this amendment is allowed, the changes will significantly and **negatively impact the ability of the local residents to comfortably live in their homes**. The increased noise level will impact such basic rights as being able to sleep comfortably in one's own home - not only for children, but for adults as well; there will be increased trash in the street; increased loitering; etc. And it should not be the burden of the distressed residents to have to complain "after the fact" to try and get a remedy or a change to the Use Permit, especially when **the consequences of the impact of allowing the amendment are now known**.

The **available research** supported by factual data makes it crystal clear that **extending closing times for bars is associated with increased crime, vandalism, alcohol-related violence, and drunk driving**. Our MBPD has been working tirelessly to reduce the amount of crime in our city and is already stretched too thin. Increasing the hours that a bar can serve alcohol will negatively impact the safety of our city. While we all want our local businesses to thrive, we **should not prioritize one extra hour of liquor tabs over public safety, or prioritize the desire for more profit by a small group of individuals over the legitimate needs of our very many tax paying individuals**.

Allowing MBPost to extend their hours **sets a precedent** for all other bars and restaurants in Manhattan Beach to do the same. Why should one operator be benefited more than the others? Increasing bar hours to 1am is a major change to the character and livability of our city, not to mention the negative impact on our property values. If people want to party and drink after midnight, they can do so in Hermosa or elsewhere. There is simply no justification for this.

Finally, the decision to hold this "public" hearing in the midst of a quarantine **excludes the community from fully and adequately participating** and having their objections heard. While many members of our community are comfortable with videoconferencing, many others, especially senior citizens, lack the technological expertise to participate in this hearing. Elected officials are public servants and transparency in government is the hallmark of our democracy. **Although a zoom meeting may be legally permissible, but for such a major proposed change to our way of life - is it right?**

**For all the above reasons, and for all the reasons set forth by other residents, I respectfully request that you deny this amendment to the Use permit for MBPost.**

Best,  
Carol Perrin  
Individually and as Representative of the Downtown Residents Group

--  
Carol Perrin  
[cplaw28@gmail.com](mailto:cplaw28@gmail.com)

## Martha Alvarez

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**From:** Martha Andreani <mandreani09@gmail.com>  
**Sent:** Saturday, May 2, 2020 3:16 PM  
**To:** List - City Council  
**Cc:** Bruce Moe; Liza Tamura; Ted Faturos; Peter Hartshorn; Jim Quilliam  
**Subject:** [EXTERNAL] City Council Meeting on May 5, 2020

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Mayor Richard Montgomery, Mayor Pro Tem Hadley, Councilmembers Hersman, Napolitano, and Stern:

RE: City Council Meeting Agenda Item #20-0177 -- Expansion of MB Post Restaurant  
and Increase in Hours of Operation

With much respect for the many urgent issues facing you and our community, I respectfully ask that you **oppose the applicant's request to amend their Use Permit for the purpose of extending the hours of operation of the MBPost restaurant. Maintain the midnight closing requirement**, and be mindful that an increase in hours of operation will run with the land, not just the Simms as operators of MBPost.

The desire to protect the ambiance of the Downtown -- both the marketability of the commercial establishments as well as desirability for residents living in or near our Downtown -- is not for the fainthearted. The Simms family has shown themselves to be excellent restaurateurs, and friendly, philanthropic neighbors. But in their desire to **increase** the bar/lounge area of the MBPost, **expand** their hours of operation from midnight to 1:00AM, and coupling that with **enlarging** the opening frontage along Manhattan Avenue, they present the true and real possibility of **diminishing the ambiance of the Downtown and the near-by residential area**. The residents of Downtown **continue to ask that your protect the character of the Downtown**.

Extending the hours of operation (and especially with expansion of the bar/lounge area) for the MBPost presents the real possibility of additional crowding, noise, traffic, and litter -- thus creating a **need for additional policing and enforcement**. Additionally, providing MBPost with additional hours of operation opens the door/establishes a precedent for other restaurants in the area to ask for the same, thus creating even more need for enforcement **and less desirable living conditions for residents**.

I also feel it important to state that even though the Simms family has shown themselves to have a positive presence in our community of restaurants, their Simmzy's restaurant is, in a word, **loud** -- both within and without the footprint of the restaurant. Please be sure to include **a condition that requires the open frontage of MBPost to close at 10:00PM**.

Our Downtown is a desirable focal point within our City. I'm sure you'll agree that this is due to the character of our unique retail businesses, the variety of our restaurants, **and the close proximity of the friendly residential areas**. Our Downtown draws many visitors from nearby towns, as well as from around the world. Our commercial businesses, the real estate community, and our residents know the value of our beach City as a "coastal gem".

**None of us can forecast what "the new normal" may require, but please do your best to protect one of the characteristics that made and makes Manhattan Beach special: the residential- and commercially-shared community of the Downtown.**



(Although I sincerely wish the May 5 meeting were to be held in Council Chambers with the benefit of public participation, I will be viewing the meeting by "streaming". Trusting you will consider and promote my email comments, if possible, I would like to donate my speaking time to provide additional speaking time to Peter Hartshorn and/or Jim Quilliam.)

Thank you,

Martha Andreani  
Resident in the Downtown

## Martha Alvarez

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**From:** RAMIREZ, JOHN <john.ramirez@integralife.com>  
**Sent:** Saturday, May 2, 2020 12:06 PM  
**To:** List - City Council  
**Cc:** jjorland@yahoo.com  
**Subject:** [EXTERNAL] Open the ocean and parks or be ready come election time

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Manhattan Beach Mayor and City Counsel,

Re: Open the ocean and parks now or be ready when elections come

It is time to do something! Enough is enough and we waited- the curve has flattened; the ICUs are not full (I know this firsthand) and the number of deaths for patients under 59 years old is relatively low. Hooray to everyone!

RNs are working short scheduled because the hospitals are empty. I know this firsthand. Yes, more people will test positive now because there are now tests available. This is expected. 6,500 people die every day in the US (all causes). We can't hide forever.

Your constituents are becoming clinically depressed. Viruses hate sunlight and my kids hate being chased off their beach and having to play in the alley with cars and bikes whizzing by. We want the beach open now...not in a week or three.

I have heard your excuses that the county controls the beaches, but where is your leadership? Please apply the proper pressure and show some leadership to at least force open the water. **Where is your open letter to the community begging the county to do the right thing and open YOUR beach?** Instruct your officers to NOT ticket swimmers. My friend lives in Newport Beach and he surfed today (May 2<sup>nd</sup>) after Newsom showed a complete abuse of power and shut down their beach. The police and lifeguards used megaphones to tell the surfers the beach was closed but did ticket them or kick them out of the ocean because they knew it was not the right thing to do. He finished surfing and went home.

Again, no more excuses about Newsom or Hahn. **We will remember when VOTING the leaders (including you) that realized the ICUs were empty and still did nothing to help their community get back to normal** during a time when their constituents suffer job layoffs and face clinical depression. Let the surfers, swimmers and paddle boarders get back in the water. Please don't try to suggest that opening the water is going to lead to mass infections. We all know that beach spacing could be easily monitored.

Many in the community now have perception is that you are now "just being lazy" and kowtowing to the media/Sacramento rather than being concerned about their safety. We will remember who really led us come election time.

Sincerely,

John Ramirez

## Martha Alvarez

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**From:** ROY GONELLA <roygone@aol.com>  
**Sent:** Saturday, May 2, 2020 11:59 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] MB Post Public Hearing May 5, 2020

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

To City Council:

I am writing to oppose the amendment to the Use Permit for MB Post. Specifically, the extension of hours from 12 midnight to 1am on Thursday through Saturday.

The expansion of the bar along with the extended hours clearly changes the character of this restaurant to a late night bar. As a resident who lives within 500 feet of this establishment, we know that change will increase crowds and noise in the area. There is no establishment close to this restaurant with similar characteristics.

If we approve this variance in the rules, then we have abrogated the standard of midnight closing for eating and drinking establishments located in the downtown area. In the 20 years since 1999, the city has approved only one increase in hours, to 12:30am, for Petros in Metlox center. If this is approved, what is the rationale to keep every other bar/restaurant in downtown from requesting a similar change?

Please don't cause the homeowners in this area to be subject to later night noise and traffic.

Sincerely

Roy and Julie Gonella]  
120 13th Street  
MB

## Martha Alvarez

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**From:** Larry Zimbalist <larryzimbalist@verizon.net>  
**Sent:** Saturday, May 2, 2020 11:50 AM  
**To:** FourthDistrict@bos.lacounty.gov  
**Cc:** List - City Council; City Manager  
**Subject:** [EXTERNAL] Opening the Beach in Manhattan Beach

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Supervisor Hahn,

I am a Manhattan Beach resident for the past 13 years. My wife and I are raising a 12 year old girl and an 11 year old boy. They have lived their entire lives in Manhattan Beach.

This missive is regarding the reopening of our beaches. I am in no way unhappy with the policies of the State of California or the City of Los Angeles. And I am extremely appreciative of the efforts of our Manhattan Beach Council. In listening to the City Council's meetings and statements it sounds like there is an emerging plan to reopen the beaches on May 18<sup>th</sup>. This plan has been referred to as a multiphase plan. Phase one would allow for ocean activities, swimming, paddle board and surfing. Phase one would allow for social distance running and walking on the beach. And phase one would not allow for sunbathing and volleyball.

I am excited for phase one to begin on May 18<sup>th</sup> and our family can certainly wait another 16 days.

***But not everyone shares the same opinion and we are starting to see small, peaceful demonstrations at the beach.***

To avoid further and louder protests that could divide our community, I make the following proposal, Open the beaches on Monday May 11<sup>th</sup> from 6am to 10am until Friday May 15<sup>th</sup>.

Specifically, when our Manhattan Beach City Council meets on Tuesday night 6pm, they should propose the opening of the beaches on May 11<sup>th</sup> to May 15<sup>th</sup> from 6am to 10am using the previously proposed phase one guidelines. The beaches should be reclosed on weekend of May 16<sup>th</sup>. With the assurance the beaches reopen on Monday, May 18<sup>th</sup> and the official phase one begins. At the Thursday Council meeting this proposal should be passed.

What does this accomplish?

1. It throws a bone to the demonstrators and petition signers. For 5 days and a total of 20 hours the beach will be opened.
2. The phase one beach opening plans objectives will be test.
3. The legislators look responsive to the peoples requests
4. The residents have specific dates and guidelines regarding beach openings

This plan is a bridge from now until May 18<sup>th</sup>. I believe our resident's would be very favorable to this idea.

Thank you for your consideration,

Larry Zimbalist

## Martha Alvarez

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**From:** -linda lau- <bluesnowflakes@gmail.com>  
**Sent:** Friday, May 1, 2020 6:10 PM  
**To:** List - City Council; City Manager; Ted Faturos  
**Subject:** [EXTERNAL] Manhattan Beach Post

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

I am writing to you in support of Manhattan Beach Post's expansion into the former Subway space and extension of their hours. The restaurant has become a staple and the further enhancements they are proposing will create an even more vibrant downtown. I have worked at Manhattan Beach Post as a Sous Chef since opening in 2011 through 2016 and have watched first hand how MBP has positively impacted the community. MBP practices strong values and has instilled these values into their team members, They are responsible, respectful and reliable as operators as well as neighbors.

During these uncertain times, it is important to support local business owners in their efforts to enhance our city. Team MBP!!

Regards,

Linda Lau  
Chubby Rice, Owner  
12836 Inglewood Ave  
Hawthorne, CA 90250

## Martha Alvarez

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**From:** Carol Perrin <cplaw28@gmail.com>  
**Sent:** Friday, May 1, 2020 5:07 PM  
**To:** List - City Council; Ted Faturos  
**Subject:** [EXTERNAL] MBPost Public Hearing May 5, 2020 - Oppose Extending Hours of Operation

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council Members,

I am writing to set forth **objections to amending the Use Permit for MBPost** to extend the operating hours of MBPost from midnight to 1 am. Historically, the City of Manhattan Beach has done an effective job of balancing the needs of local businesses with those of the residents, resulting in an amicable co-existence. This has resulted in the unique character that makes Manhattan Beach the most desirable community in the South Bay with the highest property values.

The **concerns** with this proposed amendment are numerous.

The proposed **expanded operating hours, coupled with the expanded frontage of MBPost and the "live entertainment" component**, will create a major change in Manhattan Beach living. If this was a game show question: What do you call an establishment that serves food, has a large full bar, has large open frontage to the street, has live music, and is open to 1 am? Correct answer: Restaurant-Bar-Hangout-Nightclub! And how many people eat dinner in Manhattan Beach between midnight and 1 am?

Although Mike Sims stated that his 'goal is not to have a bar with a late night crowd off to the side' (see transcript of MBPost Hearing on March 11 at 9:15pm), **common sense tells us that will not be the outcome**. The Simmzy's restaurant at 229 Manhattan Beach Boulevard (which I enjoy) is a constant source of noise and congestion - but the difference is that it is not in the same proximity as MBPost to residences.

If this amendment is allowed, the changes will significantly and **negatively impact the ability of the local residents to comfortably live in their homes**. The increased noise level will impact such basic rights as being able to sleep comfortably in one's own home - not only for children, but for adults as well; there will be increased trash in the street; increased loitering; etc. And it should not be the burden of the distressed residents to have to complain "after the fact" to try and get a remedy or a change to the Use Permit, especially when **the consequences of the impact of allowing the amendment are now known**.

The **available research** supported by factual data makes it crystal clear that **extending closing times for bars is associated with increased crime, vandalism, alcohol-related violence, and drunk driving**. Our MBPD has been working tirelessly to reduce the amount of crime in our city and is already stretched too thin. Increasing the hours that a bar (especially with live music) can serve alcohol will negatively impact the safety of our city. While we all want our local businesses to thrive, **we should not prioritize one extra hour of liquor tabs over public safety, or prioritize the desire for more profit by a small group of individuals over the legitimate needs of our very many tax paying individuals**.

Allowing MBPost to extend their hours **sets a precedent** for all other bars and restaurants in Manhattan Beach to do the same. Why should one operator be benefited more than the others? Increasing bar hours to 1am is a major change to the character and livability of our city, not to mention the negative impact on our property

values. If people want to party and drink after midnight, they can do so in Hermosa or elsewhere. There is simply no justification for this.

Finally, the decision to hold this "public" hearing in the midst of a quarantine **excludes the community from fully and adequately participating** and having their objections heard. While many members of our community are comfortable with videoconferencing, many others, especially senior citizens, lack the technological expertise to participate in this hearing. Elected officials are public servants and transparency in government is the hallmark of our democracy. **Although a zoom meeting may be legally permissible, but for such a major proposed change to our way of life - is it right?**

**For all the above reasons, and for all the reasons set forth by other residents, I respectfully request that you deny this amendment to the Use permit for MBPost.**

Best,  
Carol Perrin  
Individually and as Representative of the Downtown Residents Group

--  
Carol Perrin  
[cplaw28@gmail.com](mailto:cplaw28@gmail.com)

## Martha Alvarez

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**From:** Bill Sunshinefam <bill@sunshinefam.com>  
**Sent:** Friday, May 1, 2020 4:04 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Downtown business idea

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Happy Friday!!!

I know I had suggested this in the past, but perhaps a way to gradually open up downtown is to open up the parking lots west of Strand and Shellback and convert them to outside dining. Perhaps even close off a few streets and temporarily allow dining al fresco MB style!

Obviously lots of details, but I am sure it can be figured out...

Bill Hory



## Martha Alvarez

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**From:** Kathy Clark <kathymb2005@mac.com>  
**Sent:** Friday, May 1, 2020 11:49 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] MB Post Agenda Item

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Mayor Montgomery and Council,

I am writing to share my thoughts about the MB Post expanding into the former Subway location, remodeling with a more open floor plan and increasing its hours until 1 a.m. in the morning.

When the Planning Commission voted to approve the MB Post request to expand, remodel in a way that would increase the outdoor noise level and lengthen the hours until 1 a.m., I was not happy about their decision. I feel that the Council should overrule the Planning Commission decision.

In this new daily ever changing world and city that we live in, it is truly a matter of priorities. Chief Abell explained at the town hall meeting after the rape a year or two ago that it is not possible to simply hire and train enough officers to prevent our existing crime. The Council should be doing everything it can to retain Chief Abell and our police officers. Police Officers need to feel supported in the decision making process. We do not want them to get overwhelmed and decide to take an early retirement. Everyone in this city are going to have difficult decisions to make including whether or not they can afford to, or that it makes sense for them to continue to live in Manhattan Beach. Going forward there have never been so many unknowns.

These days there are even fewer things I am certain of, but one of the few things that I believe that all residents and business owners can agree on is they want their Police Department to protect them and their property. As a city the Council should be making decisions that support our police and fire departments and make their difficult jobs manageable. With the unemployment rate climbing to record heights, a corresponding rise in crime and other law enforcement challenges will follow shortly. There is no doubt about it, we will be facing some very difficult times for the next couple of years.

I don't have a problem with MB Post expanding into the former Subway space. It would make it easier for the MB Post to solve the problem of social distancing. However, I strongly feel we should not be encouraging local residents or attracting regional visitors to drink in buildings with an open concept floor plan early into the morning. The hours of operation should not be expanded. Residents who live in East Manhattan Beach often feel that they are short changed when it comes to police services because the Downtown takes up some much police time and energy. It is laughable that in a time of staff cutbacks there would be monitoring of noise levels and remedies would be made to correct buildings with unacceptable noise levels.

The City of Manhattan Beach was very proactive in approving measures to curb the spread of the coronavirus. I was very relieved that Manhattan Beach bars were closed before St. Patrick's Day. Imagine how many more individuals would have contracted and spread the virus. The city needs to continue to err on the side of caution. It is a well known fact when individuals drink they become noisier, less inhibited, make bad decisions (not adhering to social distancing) and sometimes even become violent. I believe the Manhattan Beach public wants to support their hard working first responders and do what they can to secure their own safety by limiting the amount of public drinking in our city. Rather than becoming known as a beach party city, I want to be

known as a city with a Police Department that feels supported by the community as we all move together during the challenging time ahead.

Kathy Clark  
Manhattan Beach resident

## Martha Alvarez

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**From:** CityOfManhattanBeach@citymb.info on behalf of City of Manhattan Beach  
<CityOfManhattanBeach@citymb.info>  
**Sent:** Saturday, April 4, 2020 11:58 AM  
**To:** List - City Council  
**Subject:** Building 6 days a week while during safer at home

Message submitted from the <City of Manhattan Beach> website.

**Site Visitor Name:** Randy Childs (3409 Poinsettia)  
**Site Visitor Email:** randylchilds@gmail.com

Good morning,

I'm sure you're getting inundated with these emails pertaining to building now. Listen I get it but I'm home all day now unemployed, wife is working from home and both daughters are home in school. Can we at least limit this situation for now to just 5 days a week? I'm tired of this noise all day. 6 days a week! There are 10 guys plus a day here working on Palm and 35th. My house has to stay buttoned up all day and it's noisy from 7:25 am until 4 everyday. I don't know how much more I can take of this before I lose my mind. And I'm close now!

Please help and limit building to 5 days a week and 8 hour days.

Thanks,

Randy



### CITY OF MANHATTAN BEACH

CITY NOTIFICATION

(310) 802-5000

CityofManhattanBeach@citymb.info

**CITY OF MANHATTAN BEACH** 1400 Highland Avenue Manhattan Beach, CA 90266

Office Hours: M-Th 7:30 AM-5:30 PM | Fridays 7:30 AM-4:30 PM | Not Applicable to Public Safety

Reach Manhattan Beach Here for you 24/7, use our click and fix it app

Download the mobile app now



## Martha Alvarez

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**From:** Don <dmcphersonla@gmail.com>  
**Sent:** Tuesday, May 5, 2020 4:12 PM  
**To:** Hildy Stern; List - City Council; Nancy Hersman; Richard Montgomery; Steve Napolitano; Suzanne Hadley  
**Cc:** Bruce Moe; Liza Tamura; Ted Faturous; 'Jim Quilliam'; 'Beverly Palmer'; 'Steve Rogers'  
**Subject:** [EXTERNAL] My Testimony, MB Post  
**Attachments:** 200503-Testimony-Appeal-MBPost.pdf

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Please find my testimony attached.

Thanks,

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

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**From:** Don <dmcphersonla@gmail.com>  
**Sent:** Tuesday, 5 May, 2020 12:33  
**To:** 'Hildy Stern' <hstern@citymb.info>; 'MB Council' <citycouncil@citymb.info>; 'Nancy Hersman' <nhersman@citymb.info>; 'Richard Montgomery' <rmontgomery@citymb.info>; 'Steve Napolitano' <snapolitano@citymb.info>; 'Suzanne Hadley' <shadley@citymb.info>  
**Cc:** 'Bruce Moe' <bmoe@citymb.info>; 'Liza Tamura' <LTamura@citymb.info>; tfaturous@citymb.info; 'Jim Quilliam' <jimquilliam@outlook.com>; Beverly Palmer <bpalmer@strumwooch.com>; Steve Rogers <steve@rogersacoustics.com>  
**Subject:** Reduction and Simplification of Required Conditions, MB Post Use Permit

In preparing testimony, we have reduced the number of conditions from five to four, by simplifying the language for Condition 2. Occupancy, as follows:

- 1) Retain the existing closing times for MB Post, the city policy since 2002 [Exhibit 1];
- 2) *Specify the 99 occupancy in the use permit and require at least that number of chairs within reach of a table or the bar. Prohibit alcohol service to standing patrons;*
- 3) Require a technical means, verifiable by code enforcement, that limits the loudness-level of background-music to inaudibility at fifty feet from the premises, a noise-ordinance requirement; and,
- 4) At the north entrance to the lounge area, provide a double-door vestibule, as the city required for the 2014 Shade Hotel use permit, and delete the south west-facing door. Additionally, provide noise-blocking west windows, as the city required for the 2011 Strand House use permit [Exhibit 2]

I have verified that Shade Hotel has a double-door vestibule.

We still do not know how much time the city will allot for testimony.

Thanks,

Don McPherson  
1014 1st St, Manhattan Beach CA 90266

Cell: 310 487 0383  
[dmcphersonla@gmail.com](mailto:dmcphersonla@gmail.com)

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**From:** Don <[dmcphersonla@gmail.com](mailto:dmcphersonla@gmail.com)>  
**Sent:** Monday, 4 May, 2020 21:25  
**To:** 'Hildy Stern' <[hstern@citymb.info](mailto:hstern@citymb.info)>; 'MB Council' <[citycouncil@citymb.info](mailto:citycouncil@citymb.info)>; 'Nancy Hersman' <[nhersman@citymb.info](mailto:nhersman@citymb.info)>; 'Richard Montgomery' <[rmontgomery@citymb.info](mailto:rmontgomery@citymb.info)>; 'Steve Napolitano' <[snapolitano@citymb.info](mailto:snapolitano@citymb.info)>; 'Suzanne Hadley' <[shadley@citymb.info](mailto:shadley@citymb.info)>  
**Cc:** 'Bruce Moe' <[bmoe@citymb.info](mailto:bmoe@citymb.info)>; 'Liza Tamura' <[LTamura@citymb.info](mailto:LTamura@citymb.info)>; [tfaturos@citymb.info](mailto:tfaturos@citymb.info); 'Jim Quilliam' <[jimquilliam@outlook.com](mailto:jimquilliam@outlook.com)>  
**Subject:** No Information on Speaking Order, MB Post Hearing

For a week now, I have requested information on the speaking order for the MB Post appeal tomorrow evening, without receiving a reply. Staff normally replies promptly on such matters.

I would greatly appreciate, if tomorrow morning, a councilmember would resolve this issue, so that we can prepare our testimonies.

Last Monday, I emailed City Clerk Tamura for this information. On Friday, Mr. Faturos requested how much time we would need.

That afternoon, I answered:

*“Customarily in MB City appeals, both the appellant and applicate testify before public comment. Afterwards, before the mayor closes the public hearing, the applicant and the appellant have a brief time to rebut. Jim Quilliam needs ten minutes for his opening brief and our attorney Beverly Palmer and acoustic expert Steve Rogers need five minutes each. I will need five minutes for rebuttal.”*

Receiving no reply, I emailed Mr. Faturos today, requesting the information, again receiving no reply.

It will be exceedingly difficult for us use the new Zoom media for presenting the appeal, without a clue as to how much time we will have for testimony

Thanks for your assistance on this issue.

Don McPherson  
1014 1<sup>st</sup> St, Manhattan Beach CA 90266  
Cell: 310 487 0383  
[dmcphersonla@gmail.com](mailto:dmcphersonla@gmail.com)

---

**From:** Don <[dmcphersonla@gmail.com](mailto:dmcphersonla@gmail.com)>  
**Sent:** Monday, 4 May, 2020 12:17  
**To:** Hildy Stern <[hstern@citymb.info](mailto:hstern@citymb.info)>; MB Council <[citycouncil@citymb.info](mailto:citycouncil@citymb.info)>; Nancy Hersman <[nhersman@citymb.info](mailto:nhersman@citymb.info)>; Richard Montgomery <[rmontgomery@citymb.info](mailto:rmontgomery@citymb.info)>; Steve Napolitano <[snapolitano@citymb.info](mailto:snapolitano@citymb.info)>; Suzanne Hadley <[shadley@citymb.info](mailto:shadley@citymb.info)>  
**Cc:** Bruce Moe <[bmoe@citymb.info](mailto:bmoe@citymb.info)>; Liza Tamura <[LTamura@citymb.info](mailto:LTamura@citymb.info)>; [tfaturos@citymb.info](mailto:tfaturos@citymb.info); Beverly Palmer <[bpalmer@strumwooch.com](mailto:bpalmer@strumwooch.com)>; Steve Rogers <[steve@rogersacoustics.com](mailto:steve@rogersacoustics.com)>; Jim Quilliam <[jimquilliam@outlook.com](mailto:jimquilliam@outlook.com)>  
**Subject:** Coastal Defender Appeal Report, MB Post

Apologies for the lateness of this report, but we did not receive complete copies of the project plans for MB Post or the list of Downtown alcohol premises until late last Thursday.

We worked over the weekend and early this morning, to prepare the expert analyses that support our conclusions.

The report comprises only two pages, so should not take much time to peruse.

Thanks for your consideration

Jim Quilliam  
Vice President Coastal Defender

Don McPherson  
President, Coastal Defender

Don McPherson, a co-appellant with Jim Quilliam. We own residential rental property just inside the Downtown commercial zone. The one-hour closing-time extension for MB Post will lead to many alcohol premises having later closing times, increasing existing impacts from noise and disturbances.

For over 30 years, I have worked to reduce those impacts, using available mitigation methods, which we want required for MB Post. It took five years and over 20 public hearings for the city to condition Shade Hotel properly. Strand House, the 900 Club top floor and Gelson's only required appeal hearings, which should be unnecessary by now. Unfortunately, staff failed to apply these painful lessons-learned to the MB Post application. So, here we are again, in an unnecessary appeal.

We understand the desire for dining that opens to the outside, which cannot possibly comply with the noise ordinance, as evidenced by Steve Roger's acoustics analysis. Let's trade an entitlement for open-window dining until 10 PM, for a noise-attenuation design after 10 PM. The mitigation must guarantee that the premises will comply with the noise ordinance and use-permit Condition 16, which requires noise not audible beyond the premises.

This will require two proven noise mitigations methods that the city has imposed on Shade Hotel and Strand House. First, a double-door vestibule at the north entrance, which faces south, providing for an easy entrance into the lounge. The south door on the plans requires deletion because it faces the residential area. The two doors in the west façade cannot both serve as fire exits, because they discharge into the same public way, Manhattan Avenue

For the second attenuation method, all windows and the door on the west façade must have sound-blocking glass. The glass must reduce noise by a factor of a thousand, or 30 decibels, the standard used for Shade and Strand House.

Because MB Post will get gutted for the renovation, adding these two mitigation measures will cost relatively little.

Our other mitigation methods reduce noise by quieting the patrons. First, MB Post must provide chairs for the 99 occupants, within reach of a table or the bar. Patron's standing may not have alcohol service. This seating corresponds to a restaurant, as opposed to a nightclub. Secondly, as Jim Quilliam testified, the music volume needs a fixed setting, at the level where it inaudible fifty feet from the premises. These quieting measures have no impact on the applicant.

Finally, denying the one-hour closing time simply means that MB Post will remain one of the 20 out of 35 alcohol premises that close at midnight. Approval will constitute a major policy change for the Downtown.

## Martha Alvarez

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**From:** Jeffrey Serota <jeffserota1@gmail.com>  
**Sent:** Tuesday, May 5, 2020 1:54 PM  
**To:** City Clerk  
**Cc:** Richard Montgomery; Kelly Stroman; David Gendron  
**Subject:** [EXTERNAL] Information for City Council Tonight  
**Attachments:** LLMB\_V9.pdf

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

City Council Members -

I plan to speak to the "Local Love for Manhattan Beach" program tonight at City Council during Public Comments.

Attached is the one-pager/"landing page" we are using for general community information. Thank you.

Jeff Serota  
310-678-8256



# LOCAL FOR MANHATTAN BEACH

one2one USA Foundation  
COVID-19 Emergency Program

We are thrilled to share the launch of a COVID-19 relief fund to support business owners in the iconic economic areas of Downtown Manhattan Beach and North Manhattan Beach – “Local Love for Manhattan Beach” (LLMB).

Our small local businesses are the essential fabric that makes up the charm of Manhattan Beach. As a result of the pandemic, most stores have closed, and many business owners are in crisis and unable to support their own pressing personal needs. With no income over the last few months, we know many of these families will have to make extremely hard choices. **If their personal survival requires closing their business, our entire community loses.**

Longtime residents with a passion for maintaining the unique vibe and community of Manhattan Beach, Jeff and Peir Serota have launched the fund with a generous initial donation, reasoning that a more proactive and urgent approach to help their beloved community was needed. “We could not be more excited to provide funds for personal financial obligations of these families so they can direct their attention to opening their businesses and not stress about normal household expenses.”

Individual grant amounts will be targeted to be \$5,000-\$20,000 in order to make a meaningful difference in the lives of the recipients. The fund is currently over \$200,000 and as the program grows with donations, increased grants and possible expansion to other parts of Manhattan Beach is envisioned. The fund was developed with incredible help from the Manhattan Beach Chamber of Commerce and the Manhattan Beach Rotary Club.

LLMB is partnering with one2one USA Foundation, a 501c-3 organization. one2one will administer the grants, including assessing the eligibility of applicants and overseeing the disbursement of the grants. Through the partnership with one2one, the program was able to be launched quickly and efficiently, will ensure that the neediest applicants are prioritized and granted funds, and will provide an independent source to review applications.

LLMB is looking to support local small business owners who are suffering under the mandated COVID-19 lockdown. LLMB will focus on the owners of small, independent, street level, brick-and-mortar, or “mom and pop” shops as they and their families struggle every day to keep their heads above water while faced with the challenge of restarting their business and regaining their livelihoods.

**ANYONE WISHING TO APPLY SHOULD VISIT**

<https://one2oneusa.org/donee-application-llmb/>

**TO DONATE TO THIS FUND, PLEASE VISIT**

<https://one2oneusa.org/donate-to-llmb/>



## Martha Alvarez

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**From:** Peter Hartshorn <peterwhartshorn@gmail.com>  
**Sent:** Saturday, May 2, 2020 11:37 AM  
**To:** List - City Council; City Clerk  
**Cc:** kgha57@gmail.com  
**Subject:** [EXTERNAL] MBPost Agenda Item, May 5th City Council Meeting  
**Attachments:** MBPost.pptx

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Manhattan Beach City Council Members,

We are writing to you about our concerns with the Application by the Simms Restaurant Group for the Manhattan Beach Post (MBPost) that is on the Council's agenda for May 5<sup>th</sup>. My wife Kelly and I live just down the street from the MBPost at 1300 Manhattan Ave and are concerned with the changes that are being made to the Use Permit which will allow the MBPost to have a late night bar component to it. Our neighbors and we believe we have a special neighborhood within Manhattan Beach and do not wish it to be negatively impacted by late night bar activity within 100 feet of our homes. The more family oriented aspect of Manhattan Beach was one of the key draws to us when we bought our home here.

Firstly, however, I would like to thank you all for the work that you do for our city and community and especially for the commitment you have shown during recent events

We are requesting that the Council Members retain the key provisions in the MBPost's current Use Permit that restrict bar activities of the restaurant. Key provisions of this current Use Permit have been eliminated or substantially weakened in the Application recently passed by the Planning Commission. I attended that Planning Commission meeting and do not believe that the Commissioners were aware, outside of the extension in operating hours, of key changes being made to the Use Permit.

The Applicant is requesting operating hours to be extended to 1am which is not consistent with the maximum approved hours of the other restaurants on Manhattan Ave north of Manhattan Beach Blvd., nor is it consistent to their current operating practice. The MBPost, Slay's, Fishing with Dynamite and Little Sister all have maximum approved hours of 12 am and currently are not open past 10:30 in the evening, presumably, as there is not enough restaurant traffic to support later open hours. The recently approved Tacolicious, while not as yet open, has maximum approved hours of 12am as well. There is nowhere in the Application material as to why a later operating time for primarily a restaurant is required or justified.

In addition to the increased hours of late night operation, the key provisions that are being eliminated or weakened which will lead to a late night bar are outlined in Attachment 1. In essence, the restrictions of service of alcohol strictly to patrons consuming food at tables, limiting retail bar area to 9 barstools and, that alcohol shall be served only in conjunction with **full menu** food service, have been eliminated and replaced by alcohol service only in conjunction with food service, not full menu service.

The lifting of these clear, measurable and enforceable restraints on the bar characteristics of the MBPost, will lead to the development of late night bar traffic at this location. In fact, the operator's plans, as outlined in their proposal to the City demonstrate this. While the total square footage of the expansion equates to almost 50%, the size of the bar seating increases by close to 100% (9 seats to 17 seats), and bar and lounge seating, where soon alcohol may be served with only limited food service, increases by approximately 290%. Conversely, the areas with table service increases by

only 34% and the kitchen area is not increased at all (Attachment2). The later maximum approved hours requested in the Application also indicate a more bar oriented business.

We acknowledge the excellent reputation and long standing experience and contribution to the community of the Simms Group. However, their plans are to increase bar traffic in our neighborhood and at later hours. There will be an increased impact in our neighborhood. Additionally, different future operators working under these loosened Use restrictions could further exacerbate the issue.

Allowing the MBPost to extend their hours to 1 am and to have increased bar activity will also set a precedent for the other restaurants in our neighborhood. Please note that the MBPost is currently operating under a Use permit from 1999 with a different operator. This Use Permit from 1999 states that the hours of this new permit were being extended to 12am to be consistent with other similarly approved restaurants. The four other restaurants in our neighborhood all have closing times of 12am and, by granting new concessions to the MBPost, would now have a good argument for extending their hours and loosening bar constraints.

Since we have been living on Manhattan Ave (since 2009) our neighbor restaurants have been just that, neighbors, distinctive from the later hours and higher activity along Manhattan Beach Blvd. We would like to retain this aspect of our neighborhood and not to be subjected to an increased activity level at night. Allowing this increased bar aspect of the MBPost and the extended hours is not consistent within our neighborhood and will negatively impact it . This impact is currently felt through late night movement through our neighborhood for those leaving late night establishments as they return to their parked cars, as there is public parking within and adjacent to our neighborhood

We would request that the Manhattan Beach City Council not approve the Application as presently presented, to limit the operating hours to only 12am ,and to maintain the current Use restrictions that limit the bar aspect of the expansion.

We support the eventual expansion of the MBPost in our neighborhood. We wish to ensure, however, that the present character of our high scale neighboring restaurants do not also take on late night bar characteristics.

Thank you for your consideration to our concerns.

Peter and Kelly Hartshorn  
1300 Manhattan Ave

*The Current Use Permit has clear, measurable and enforceable restrictions that promote a restaurant, but limit a bar. These are being eliminated or severely weakened.*

<u>Current Use Permit</u>	<u>Pending Application</u>
<p><b>Max hour of operation: 12 Midnight</b>            The MBPost along with all of the other restaurants in our neighborhood have hours to 12 midnight but all close at 10:30, due to the lack of sufficient restaurant business to stay open later.</p>	<p><b>Max hour of operation: 1:00 AM</b></p>
<p>“Service of alcohol strictly to patrons consuming food at tables.”</p>	<p><b>Eliminated</b></p>
<p>The retail bar area shall have a maximum of 9 barstools. This area shall be permitted as a waiting area with <b>full menu food service</b> and/or alcoholic beverage service.</p>	<p>Restrictions on # of bar seats eliminated.  <b>Food service</b> shall be available at all seats, and no specific bar area serving exclusively alcohol shall be permitted.</p>
<p>The service of alcohol to customers at indoor tables shall be served only in conjunction with <b>full menu food service</b> during all hours of operation.</p>	<p>Alcohol service shall be conducted only in conjunction with <b>food service</b> during all hours of operation.</p>

# *MBPost planned expansion*

	<u>Current operations</u>	<u>Planned operations</u>	<u>Percentage Increase</u>
Total Square footage	3283 sq. ft.	4878 sq. ft.	49% increase
Bar stools	9	17	90% increase
Bar and Lounge areas	300 sq. ft.	865 sq. ft.	<b>290% increase</b>
Table area	1950 sq. ft.	2600 sq. ft.	34% Increase
Kitchen area	375 sq. ft.	375 sq. ft.	No increase

All data was taken from the operators plans as outlined in Attachment H of the City of Manhattan Beach Department of Community Development Memorandum

*Loosening of Use Restrictions allows a large, disproportionate increase in bar and lounge areas where alcohol with limited food may be serviced for extended hours.*

## Martha Alvarez

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**From:** Becki May <beckileemay@gmail.com>  
**Sent:** Tuesday, May 5, 2020 4:10 PM  
**To:** City Clerk  
**Subject:** [EXTERNAL] Please re Open Tennis Courts

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

lease reopen tennis courts. There is more social distancing playing tennis then walking around MB. Our streets are very crowded with residents walking and biking. Please allow us to use tennis courts where we are well over 6 feet from another player.

Based on Newson's news conference, he too agrees that tennis can be played safely. See 22:23, "we have guidance on tennis, as an activity, an outdoor activity, which we encourage again, as long as you practice physical distancing."

Becki May  
656 26th street manhattan beach ca 90266  
310 200 1884

## Martha Alvarez

---

**From:** Dan Zamsky <dan.zamsky@verizon.net>  
**Sent:** Tuesday, May 5, 2020 2:38 PM  
**To:** City Clerk  
**Subject:** [EXTERNAL] Street Cleaning

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I live at 1736 3rd St. in East Manhattan. While walking in th neighborhood, my wife and I have noticed that the gutters and many intersections have become quite dirty. Is there any plan to begin street cleaning soon? As I'm sure you're aware, the trash on the streets at some point will wind up in the ocean. In my opinion, street cleaning should be considered an essential service and restarted as soon as possible.

Dan Zamsky  
[dan.zamsky@verizon.net](mailto:dan.zamsky@verizon.net)  
310 372-2398

## Martha Alvarez

---

**From:** Talia Frederick <taliafrederick@gmail.com>  
**Sent:** Tuesday, May 5, 2020 2:30 PM  
**To:** City Clerk  
**Subject:** [EXTERNAL] tennis and beach

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council,

I'm writing for your consideration to please open the public tennis courts and beaches in MB. Understanding that the shelter in place order is still being enforced, Health Officials and our Governor believe that there are activities that can be conducted while abiding by all the current restrictions.

Based on Governor Newsom's news conference, he too agrees that tennis can be played safely with the appropriate precautions. See 22:23, "Tennis, we have guidance on tennis, as an activity, an outdoor activity, which we encourage again, as long as you practice physical distancing." <https://www.rev.com/blog/transcripts/gov-gavin-newsom-california-covid-19-briefing-transcript-april-30>

Also, the governor is re-opening many beaches across the state such as San Clemente and Laguna Beach. It is no secret that tennis and water sports are very popular physical activities in our city and provides many of our residents necessary exercise and is imperative for our mental health. Tennis is my only physical activity and I stay in great shape mentally and physically enjoying this sport with only 3 other people on my court where I'm always 6-10 feet away from my partner, and we rarely even touch the balls.

The ocean provides so much therapy for people who enjoy water sports and opening the ocean for swimming, surfing and paddle boarding is certainly reasonable as no 2 surfers or swimmers are ever closer than 20 feet apart. Our watermen and kids have suffered long enough not having this outlet as my peers and I have not had tennis as an outlet which is beginning to wear us down. These activities are safe and our community deserves to have them back in our lives after proving we have all been responsible citizens. Perhaps with certain precautions, we can safely re-open the courts and ocean and provide our residents a bit of respite from the restrictions and solitude of this quarantine.



Thank you very much for your consideration.

Talia Frederick

## Martha Alvarez

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**From:** Jane Reitz <janereitz21@gmail.com>  
**Sent:** Tuesday, May 5, 2020 2:16 PM  
**To:** City Clerk  
**Subject:** [EXTERNAL] Please open all.

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I think it safer to ride on bike paths and walk on Strand and run on beach at low tide.! Glad we haven't had any bike accidents yet.

Jane Reitz

**Martha Alvarez**

---

**From:** Dave Jina <surferdave@gmail.com>  
**Sent:** Tuesday, May 5, 2020 2:04 PM  
**To:** City Clerk  
**Subject:** [EXTERNAL] OPEN BEACHES AND PARKS

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

As a 20 year resident of MB I demand that these draconian fascist measures be lifted immediately and all public spaces are open.

David Jina  
310-765-4301  
2220 Grandview Ave, Manhattan Beach, CA 90266

## Martha Alvarez

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**From:** Perry Colligan <pcolligan1957@gmail.com>  
**Sent:** Tuesday, May 5, 2020 2:01 PM  
**To:** City Clerk  
**Subject:** [EXTERNAL] COVID 19 Restrictions

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

City Counsel Members:

I would be strongly in favor of opening the beach the strand and small businesses. Social distancing should be enforced, limiting occupancy in enclosed spaces, and masks should be worn inside as well. Parks should be opened with the same guidelines and beach volleyball should be allowed.

Please consider the above when you meet this evening.

Thank you,

Perry Colligan

Sent from my iPad

## Martha Alvarez

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**From:** Don Carpenter <don@carpenterconstruction.com>  
**Sent:** Tuesday, May 5, 2020 1:57 PM  
**To:** City Clerk  
**Subject:** [EXTERNAL] The Strand

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I've been riding my bike on The Strand for 66 years, I really miss it!! Please open The Strand and leave all the parking lots closed.

Sincerely,  
Don Carpenter

## Martha Alvarez

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**From:** Kathryn Colligan <pandkcolligan@msn.com>  
**Sent:** Tuesday, May 5, 2020 1:19 PM  
**To:** City Clerk  
**Subject:** [EXTERNAL] Please Open up MB!

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

City Counsel,

Please consider loosening the restrictions in Manhattan Beach. We have stayed at home for over seven weeks now, and have done a great job of not overwhelming the health system. We can start to open things up in a responsible manner. The beaches and strand and open areas are very easy to socially distance in. Keep the social distance requirements. There will always be people that don't abide, but they are already having parties inside their homes – that is something we can't control and will always exist. The majority of people are responsible and can behave appropriately.

PLEASE do not continue to hurt our economy – how about opening up boutiques with a limited number of shoppers, all in masks? There are ways to make this work.

Open the beaches please! And beach volleyball – WHY phase 4??? It can be played with minimal contact, no hand slaps, and lysol the ball and wash your hands – it is not a contact sport!

Please consider opening.

Thanks,  
Kathi Colligan

## Martha Alvarez

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**From:** Robyn Dvorak <rlcoit@msn.com>  
**Sent:** Tuesday, May 5, 2020 12:29 PM  
**To:** City Clerk  
**Subject:** [EXTERNAL] Please reopen parks and beach

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Please reopen parks and beaches. Please reopen all so as not overwhelm the Strand. Please keep parking lots closed.

Thanks  
Robyn  
Sent from my iPhone

## Martha Alvarez

---

**From:** Maureen Lull <Maureen@picolull.com>  
**Sent:** Monday, May 4, 2020 9:17 PM  
**To:** City Clerk  
**Subject:** [EXTERNAL] CC Meeting - May 5 - Public Comments - Agenda Item No 3

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Thank you for the opportunity to respond to the planned Park Re-Opening

This is a great start

We do have one specific comment re Pickleball

Pickleball is most commonly played as a doubles sport.

Singles is rare and for the most advanced players.

It is not enjoyable as a singles sport.

Please reconsider Pickleball (and tennis) reopening with 4 players per court.

There is certainly enough space to maintain distance.

Also – what if there are 4 family members who wish to play together?

Thank you, again.

Maureen Lull

14 Westport

Manhattan Beach



## Martha Alvarez

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**From:** Gary Osterhout <garyosterhout@verizon.net>  
**Sent:** Monday, May 4, 2020 6:26 PM  
**To:** City Clerk  
**Subject:** [EXTERNAL] Re: Comment: May 5 Council Meeting - Park Opening/Social Distancing

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

OK, now I have to revise the message below because finally at 6:04pm the City comes out with the information on the parks openings.

Comment: Signs: I have no problem with floor marking signs or anything that assists in understanding what the crucial safety rules are at each park. All the other "PSA" signs are a total waste of money, a "show-off" item really of interest only to the city employees that make them. If you have to put "'Remember' No Gatherings," that's a situation not likely to have slipped someone's mind (similar to the extraneous "Reminder" on the traffic trailers).

If the message is important, then you don't need the large city logo on the sign distracting attention (same for the person in the bed), unless this is more City Hall "look at me". No wonder it takes so long to get out this staff report.

Further, even if you find these necessary, no doubt there is cheaper costs (see, Hermosa Beach signs on greenbelt).

Also interesting that "merchants to groom chips daily at noon" in the dog park, but can't groom Veterans Parkway.

Thanks,  
GMO.

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

From: Gary Osterhout <garyosterhout@verizon.net>  
To: cityclerk <cityclerk@citymb.info>  
Sent: Mon, May 4, 2020 5:22 pm  
Subject: Comment: May 5 Council Meeting - Park Opening/Social Distancing

Councilmembers:

First, please consider that the best public input is achieved when residents have an idea what parameters are being considered.

I read, as per the latest COVID message that "City Council to Consider Reopening Parks in Manhattan Beach – At the May 5, City Council meeting taking place at 6:00 PM, City Council will consider a parks reopening plan. View the full agenda with attachments on the City's website."

This implies that there are some attachments related to this topic. Or at least there should be a staff report. But no.

This is only slightly better than when you considered opening Polliwog, and that wasn't even on the agenda (no, merely stating "City Council to Consider Additional Measures to Address COVID-19" does not meet Brown Act muster). I've said it before--at least one of you should be advocating for closer Brown Act compliance.

My input for the upcoming meeting on how the City could assist residents with better access to exercise without jeopardizing social distancing or costing lot of money:

- 1) Open the Sand Dune Park greenbelt area to cross-greenbelt transit. Consider that this area has always been "transit only" for people with dogs.
- 2) Trim the foliage preventing the use of sidewalks--particularly those areas parallel to the Veterans Parkway greenbelt. [Note: As I've been asking for this for a while, I'd be interested what is stopping you from doing this, unless City Hall time is being taken up with crafting, producing and hanging signs instead.]

- 3) Trim foliage on the greenbelt, particularly low hanging branches and foliage encroaching on the path from the sides.
- 4) Move the Veterans Parkway sawhorses off the trail to the side instead of blocking the path. Interesting that Hermosa understood that from the start
- 5) Clean the gutters via street sweeping in all areas that are always 'no parking' areas or often are devoid of cars. Accumulation of debris in the gutters is dangerous to bike riders particularly. Consider that the gutter is part of the indicated path on Valley. [Note: I don't know why street sweeping in these sections of town were ever discontinued, except for perhaps City Hall wanting to save that money. If street sweeping is considered unnecessary, why not renegotiate the contract?]
- 6) Revise the bike map you linked to in the COVID message at the end of April. Still can't believe Blanche Road is not on this list given family bikers are a steady stream down this street (and we don't need sharrows there--no one wants sharrows except the bike coalition). Also makes no sense to list Bell Avenue as a "bicycle-friendly street" when it dead-ends at the Sand Dune greenbelt--nothing like a 2 block "friendly street!" But then again you have 2nd St. listed as "bicycle friendly," because sharrows protect the rider.

Finally, would you monitor your messaging please?

What does "Explore Your Neighborhood" mean--we are 2 miles square area. Does this restrict me to the Tree Section? What does "Our Road, Not my Road" mean? So what if Ocean Drive is a public street and is designated as a use allowable for pedestrians, vehicles and cyclists." Aren't we in a emergency situation where City Hall can change the rules based on concerns for public safety? Can't City Hall try to just use plain, clear language?

And please stop trying to solve all problems with signage on fences, trucks, etc., particularly when you put them up a month after everyone pretty much is aware. I can't believe someone was tasked to that effort and expense. And the one place you could have put a sign, on the MuttMitt dispensers, you avoid the obvious "don't touch" solution. Don't know how we are avoiding that problem with the parking meters. Or, like the street sweeping, are the MuttMitts just not being filled because someone wants to save money for pensions instead of helping out the community (particularly given the increase in dog walking).

Thank you for your consideration,  
Gary Osterhout

## Martha Alvarez

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**From:** CityOfManhattanBeach@citymb.info on behalf of City of Manhattan Beach  
<CityOfManhattanBeach@citymb.info>  
**Sent:** Monday, May 4, 2020 5:31 PM  
**To:** City Clerk  
**Subject:** [EXTERNAL] whellchair access to the water from the Strand

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Message submitted from the <City of Manhattan Beach> website.

**Site Visitor Name:** Sana Radville  
**Site Visitor Email:** sana.radville@gmail.com

Please put on the agenda my request to the city to consider building a permanent access for wheelchairs and strollers from the Strand to the water. people with disabilities are excluded from enjoying a day at the beach which is a shame.

I like to hear back and happy to attend to address my request. This can be done easily now since the beach is closed, and needs to be done before the summer months.

Thanks  
Sana Radville  
310-621-6446



### CITY OF MANHATTAN BEACH

CITY ENOTIFICATION

(310) 802-5000  
CityofManhattanBeach@citymb.info

**CITY OF MANHATTAN BEACH** 1400 Highland Avenue Manhattan Beach, CA 90266  
**Office Hours:** M-Th 7:30 AM-5:30 PM | Fridays 7:30 AM-4:30 PM | Not Applicable to Public Safety  
**Reach Manhattan Beach** Here for you 24/7, use our click and fix it app  
Download the mobile app now



## Martha Alvarez

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**From:** Gary Osterhout <garyosterhout@verizon.net>  
**Sent:** Monday, May 4, 2020 5:23 PM  
**To:** City Clerk  
**Subject:** [EXTERNAL] Comment: May 5 Council Meeting - Park Opening/Social Distancing

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Councilmembers:

First, please consider that the best public input is achieved when residents have an idea what parameters are being considered.

I read, as per the latest COVID message that "City Council to Consider Reopening Parks in Manhattan Beach – At the May 5, City Council meeting taking place at 6:00 PM, City Council will consider a parks reopening plan. View the full agenda with attachments on the City's website."

This implies that there are some attachments related to this topic. Or at least there should be a staff report. But no.

This is only slightly better than when you considered opening Polliwog, and that wasn't even on the agenda (no, merely stating "City Council to Consider Additional Measures to Address COVID-19" does not meet Brown Act muster). I've said it before--at least one of you should be advocating for closer Brown Act compliance.

My input for the upcoming meeting on how the City could assist residents with better access to exercise without jeopardizing social distancing or costing lot of money:

- 1) Open the Sand Dune Park greenbelt area to cross-greenbelt transit. Consider that this area has always been "transit only" for people with dogs.
- 2) Trim the foliage preventing the use of sidewalks--particularly those areas parallel to the Veterans Parkway greenbelt. [Note: As I've been asking for this for a while, I'd be interested what is stopping you from doing this, unless City Hall time is being taken up with crafting, producing and hanging signs instead.]
- 3) Trim foliage on the greenbelt, particularly low hanging branches and foliage encroaching on the path from the sides.
- 4) Move the Veterans Parkway sawhorses off the trail to the side instead of blocking the path. Interesting that Hermosa understood that from the start
- 5) Clean the gutters via street sweeping in all areas that are always 'no parking' areas or often are devoid of cars. Accumulation of debris in the gutters is dangerous to bike riders particularly. Consider that the gutter is part of the indicated path on Valley. [Note: I don't know why street sweeping in these sections of town were ever discontinued, except for perhaps City Hall wanting to save that money. If street sweeping is considered unnecessary, why not renegotiate the contract?]
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Finally, would you monitor your messaging please?

What does "Explore Your Neighborhood" mean--we are 2 miles square area. Does this restrict me to the Tree Section? What does "Our Road, Not my Road" mean? So what if Ocean Drive is a public street and is designated as a use allowable for pedestrians, vehicles and cyclists." Aren't we in a emergency situation where City Hall can change the rules based on concerns for public safety? Can't City Hall try to just use plain, clear language?

And please stop trying to solve all problems with signage on fences, trucks, etc., particularly when you put them up a month after everyone pretty much is aware. I can't believe someone was tasked to that effort and expense. And the one place you could have put a sign, on the MuttMitt dispensers, you avoid the obvious "don't touch" solution. Don't know how we are avoiding that problem with the parking meters. Or, like the street sweeping, are the MuttMitts just not being filled

because someone wants to save money for pensions instead of helping out the community (particularly given the increase in dog walking).

Thank you for your consideration,  
Gary Osterhout

## Martha Alvarez

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**From:** Henrik von Buttlar <e\_hvb@yahoo.com>  
**Sent:** Monday, May 4, 2020 1:43 PM  
**To:** City Clerk  
**Subject:** [EXTERNAL] 5/5/2020 agenda item - Tennis

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Sir/Madam,

I support the City's and State's continued efforts to contain the spread of the Corona virus. However, many activities within the city can now safely resume, as effective mitigation strategies can be applied to reduce exposure risk to near nil. One such activity is Tennis, where if the following USTA recommendations are followed, participants can safely play.

1. Singles only. No doubles.
2. Use two cans of balls. Each player only serves (touches) his own tennis balls.
3. Apply broadly accepted precautions as in 6' distancing, liberal use of alcohol-wipes etc.

I hereby urge the City council to immediacy open City tennis courts and allow play within above restrictions.

Sincerely,

Henrik von Buttlar  
1642 1st Street  
MB, CA 90266

## Martha Alvarez

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**From:** Rachel Judson <rjudson@gmail.com>  
**Sent:** Sunday, May 3, 2020 12:20 PM  
**To:** City Clerk  
**Subject:** [EXTERNAL] MB Council Meeting comment for May 5

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Greetings City Clerk:

Please include my comments regarding Agenda Item, General Business, 3. Opening Parks:

Loved your leadership regarding keeping policy consistent and clear with masks not being required at Polliwog since they aren't required outside elsewhere. I also believe Polliwog is proof it is time to re- open the rest of the parks. I prefer a week day re-opening vs weekend to help control volume of potential people. Super important too that we try re-openings prior to upcoming holiday weekend.

I personally am so pleased with other residents and their respect of social distancing. I don't frequent Ocean Dr or the Greenbelt, and think encouraging people to go elsewhere is best approach. Having more park space open helps with that approach. What I am seeing in other areas is smiles, waves and making space by hopping in to street to allow someone to pass on sidewalk. So many great places to explore in MB. Rather than the Not My Street, Our Street approach, I'd love to see an 'Explore Manhattan' campaign to help expand people's horizons. Would also very much support Ocean Dr being made 1 way for peds/bikes. (Return trips can be made Manhattan Ave/Highland/Bayview. )

Appreciate your time and efforts.

Best regards,

Rachel Judson

## Martha Alvarez

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**From:** Sunnie and Larry Daniels <dollkin@verizon.net>  
**Sent:** Sunday, May 3, 2020 10:58 AM  
**To:** City Clerk  
**Subject:** [EXTERNAL] Fwd: Comment for city council members regarding batting cages

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Larry Daniels  
1301 Walnut Ave.  
Manhattan Beach  
(818) 314-3128

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

**From:** Sunnie and Larry Daniels <dollkin@verizon.net>  
**To:** cityclerk@citymb.info <cityclerk@citymb.info> <cityclerk@citymb.info>  
**Sent:** Sun, May 3, 2020 10:53 am  
**Subject:** Comment for city council members regarding batting cages

City Council members:

Consistent with Governor Newsom's order, I request you to reopen the city batting cages. Pitching and hitting in the cages is similar to, or no more dangerous than, many of the other activities Governor Newsom has specifically approved of, such as singles badminton, throwing a baseball/softball, hiking, table tennis, throwing a football, kicking a soccer ball, and volleyball. The Governor's list was not meant to strictly limit the range of activities permitted, as he included "athletics" generally if it could be accomplished with social distancing.

Using a batting cage is an activity that is ideal for social distancing as the participants need to be (more than) six feet apart to use it. It is also generally used within families, mostly commonly by parents and their children. Opening up the batting cages would provide a safe outlet for healthful physical activity. As a father of a boy who loves baseball, I thank you for your consideration.

Larry Daniels  
Manhattan Beach



## Martha Alvarez

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**From:** Sunnie and Larry Daniels <dollkin@verizon.net>  
**Sent:** Sunday, May 3, 2020 10:54 AM  
**To:** City Clerk  
**Subject:** [EXTERNAL] Comment for city council members regarding batting cages

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

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Larry Daniels  
Manhattan Beach

## Martha Alvarez

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**From:** Kirk Fabrizio <kirkfabrizio@gmail.com>  
**Sent:** Saturday, May 2, 2020 8:39 PM  
**To:** City Clerk  
**Subject:** [EXTERNAL] Please consider re-opening city batting cages!

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council members,

Would you please consider opening up the city batting cages? Premier field, Marine Park, Live Oak, etc... Not only was baseball cancelled for the season (destroying kids morale that have worked so hard) but the city closed the best social distancing platform around, cages! The governor has now even ok'd playing catch, badminton, etc... and I believe the cages should fit in this realm of an outlet for fathers to use w/ their sons or daughters. Little league season was cancelled so no teams will be gathering around them as well.

Please consider opening the cages.

Kirk Fabrizio  
520 2nd St  
310 947-9318

