

**Martha Alvarez**

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**From:** dmcphersonla@gmail.com  
**Sent:** Monday, October 19, 2020 7:14 PM  
**To:** List - City Council; Hildy Stern; List - City Council; Nancy Hersman; Richard Montgomery; Steve Napolitano; Suzanne Hadley  
**Cc:** Bruce Moe; Liza Tamura; Carrie Tai, AICP; Ted Faturos  
**Subject:** [EXTERNAL] Appeal Written Report, Nando  
**Attachments:** 201018-McP-CC-AppealDoc-Final.pdf

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The attached report for the Nando appeal makes the following conclusions:

Staff erred when declaring the Nando project categorically exempt from CEQA. They improperly did not consider the cumulative impacts of seven such projects during the past three years. Furthermore, they ignored the unusual circumstances that patrons park in lots embedded in or directly adjoining residential areas, disturbing the occupants with noise. Acoustic expert Steve Rogers has conducted ambient sound measurements and analyses showing that Nando patrons will violate the noise ordinance, and by reference, the zoning code. Consequently, the council cannot make the required findings that the project will not be detrimental to the public health and that proposed use will comply with the provisions of the city Planning and Zoning Title 10.

The applicant has failed to establish that, "*the business would not interfere with the quiet enjoyment of the property by residents,*" per ABC regulations. Hence, the Department shall not issue the new full-liquor license.

Finally, staff failed to consider the cumulative impact of alcohol service intensification in the Downtown on beach access and ignored approval of required amendments to the coastal permit.

Thanks for your consideration.

Don McPherson, President  
Coastal Defender  
1014 1<sup>st</sup> St, Manhattan Beach CA 90266  
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Coastal Defender opposes intensifying alcohol service in Manhattan Beach, without conditions to offset impacts on nearby residents and on beach access. Coastal Defender is a non-profit public-benefit corporation operating to protect the quality of life in the City of Manhattan Beach.

### **SUMMARY OF NANDO PERMITTING-PROCESS DEFICIENCIES.**

Exhibit 1 prepared by acoustic expert Steve Rogers provides ambient sound measurements and analyses that conclude any intensification of use at Nando will violate the noise ordinance in the municipal code, Title 5, Sanitation and Health. Adding a full-liquor license will intensify the use, particularly in late-night hours 10 PM to midnight, when patrons will bar-hop, rather than dine.

Exhibit 2 provides the Alcohol Beverage Control ["ABC"] regulation that prohibits a new license if off-street parking used by patrons lies within 100 feet of residences. Exhibit 3 shows that, close to Nando, Lot 2 and the upper pier parking lots adjoin many residences.

The ABC may issue the new full-liquor license for Nando, "*where the applicant establishes the operation of the business would not interfere with the quiet enjoyment of the property by residents.*" [Exhibit 2, last sentence.]

The applicant has not established the '*quiet enjoyment*' requirement nor has the city conducted an environmental review of the cumulative noise impacts in the parking lots, from Nando, the MB Post-Subway project in 2020 and the Tacolicious full-liquor license approval in 2019. Consequently, the Nando permitting process incomplete.

For the above eating and drinking establishments ["Premises"] and others, such as the 900 Club in 2018, the city has failed to consider the cumulative impacts on beach access that result from their piecemeal intensification of alcohol service in the Downtown. This violates the primary policy in the Coastal Act.

The Nando staff report ["Staff"] addresses the Local Coastal Program only obliquely, stating, "*Section A.84.010 of the City's Local Coastal Program states that "Use Permits are required for use classifications typically having unusual site development features or operating characteristics requiring special consideration..."*" [Staff. p. 4, last sentence]

The Nando permitting process incomplete, without also identifying the changes required in the coastal permit for 1127, 1129 and 1131 Manhattan Ave and 133 MB Blvd., as it does in the master use permit.

Without environmental review, the city council cannot make the required findings regarding municipal code Title 5 public health and Title 10 noise. Additionally, the city has utterly failed to address beach access requirements in the Coastal Act. This failure constitutes grounds for an appeal to the Coastal Commission, considering that Nando lies in the appealable zone, per Exhibit 4.

## **DISCUSSION.**

This section briefly addresses the permitting-process deficiencies summarized above.

### **Noise Impacts.**

The Exhibit 1 acoustic analysis ["Noise"] concludes that any increase in use at Nando will violate the city noise ordinance. This occurs because the measured ambient noise levels in parking lots adjoining residences roughly correspond to maximum permitted loudness at residential property lines, namely 50 dB after 10 PM. [Noise, Table 1]

In this case, the noise ordinance does not permit any person to create noise that exceeds the ambient levels. Furthermore, the municipal code does not permit enlargement or extension of use that will violate the noise ordinance.<sup>1</sup> The new full-liquor license for Nando corresponds to an enlargement or extension of use, not permitted without environmental review.

The city claims the Nando project categorically exempt from the California Environmental Quality Act ["CEQA"], because of existing use.

The project, however, falls within permitted exceptions to categorical exemption, of cumulative effects and unusual circumstances.<sup>2</sup> Since 2018, the city has approved increased alcohol services at seven Premises, without considering the cumulative impacts of noise in parking lots adjacent to residences. [Exhibit 5] The city has considered each project separately, without evaluating the growing volume of noise in the parking lots from the seven projects that have increased alcohol service intensity.

The project also falls within the exception of unusual circumstances. Exhibit 1 presents evidence that the volume of noise from patrons in the parking lots will exceed the noise-ordinance limits, thereby establishing substantial evidence of significant environmental impact. These noise disturbances unusual because the parking lots adjoin many residences.

As result of these two exceptions, cumulative effects and unusual circumstances, the finding that the Nando project categorically exempt from CEQA clearly invalid. Neither the applicant nor the city has provided any evidence to the contrary.

### **Proximity to Residences Prohibits New Full-Liquor License.**

The ABC shall not issue the new full-liquor license because Lot 2 and the pier lots lie within 100 feet of many residences. [Exhibits 2 & 3] Per the noise-impact analysis above, the applicant has not provided one shred of evidence that their patrons will not disturb residents.

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<sup>1</sup> Manhattan Beach Municipal Code section 10.68.030, subdivision (h), provides that "[ n ]o use which fails to meet the performance standards of section 10.60.120 shall be enlarged or extended, or shall have equipment that results in failure to meet required conditions replaced unless the enlargement, extension, or replacement will result in elimination of nonconformity with required conditions." 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)."

<sup>2</sup> CEQA provides several exceptions to categorical exemptions. One is that an exemption is inapplicable "when the cumulative impact of successive projects of the same type in the same place, over time is significant." (Cal. Code Regs., tit. 14, § 15300.2(b).) Another exception to the categorical exemption is that an exemption "shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." (Cal. Code Regs., tit. 14, § 15300.2(c).)

### **City Failed to Address Impacts on Coastal Access.**

The cumulative argument in the previous section applies to evaluation of impacts on beach access by alcohol service intensification in the Downtown. The Nando project alone may not constitute a sufficiently significant impact on beach access to warrant a Coastal Commission appeal. The cumulative impact of seven projects total since 2018 may qualify, however, with some developments more intensive than Nando, such as the MB Post-Subway project.

The Exhibit 5 potential of 20+ such projects increasing hours and intensifying alcohol service, without providing additional parking, will receive the Commission's close attention.

The Exhibit 1 noise analysis also includes observations relevant to impact of alcohol service intensification on parking availability. [Noise, Sec. 4] Mr. Rogers noted that Lot 2 essentially full at 10 PM on Saturday October 10, **this the case when indoor dining not permitted!**

Mr. Rogers also noted,

*"In the Upper Pier Parking Lots, availability of parking spaces was generally good throughout the noise measurement period and there was a steady flow of vehicles arriving and leaving. We noticed that many people using the Pier parking lots were doing so to access the beach for a late-night walk, picnic or to fish."*

When eating and drinking establishments resume full indoor service, Lot 2 will overflow into the pier lots, reducing parking available for those who desire 'a late-night walk, picnic or to fish,' thus reducing beach access, the highest priority policy in the Coastal Act.

### **COUNCIL CANNOT MAKE REQUIRED FINDINGS TO APPROVE NANDO FULL-LIQUOR LICENSE.**

Staff erred when declaring the Nando project categorically exempt from CEQA. They improperly did not consider the cumulative impacts of seven such projects during the past three years. Furthermore, they ignored the unusual circumstances that patrons park in lots embedded in or directly adjoining residential areas.

Acoustic expert Steve Rogers has provided ambient sound measurements and analyses showing that Nando patrons will violate the noise ordinance, and by reference, the zoning code. Consequently, the council cannot make the required findings that the project will not be detrimental to the public health and that proposed use will comply with the provisions of the city Planning and Zoning Title 10.

The applicant has failed to establish that, *"the business would not interfere with the quiet enjoyment of the property by residents,"* per ABC regulations. Hence, the Department shall not issue the new full-liquor license.

Finally, staff failed to consider the cumulative impact of alcohol service intensification in the Downtown on beach access and ignored approval of required amendments to the coastal permit.



**Nando Restaurant - Manhattan Beach, CA**

**City Parking Lot Noise Impact Analysis**

October 16, 2020

Prepared for:

Don McPherson  
1014 1<sup>st</sup> Street  
Manhattan Beach, CA 90266

By:

Steve Rogers Acoustics, LLC

A handwritten signature in blue ink, appearing to read 'Steve Rogers', is positioned above the printed name and title.

Steve Rogers  
Principal





## 1. Executive Summary

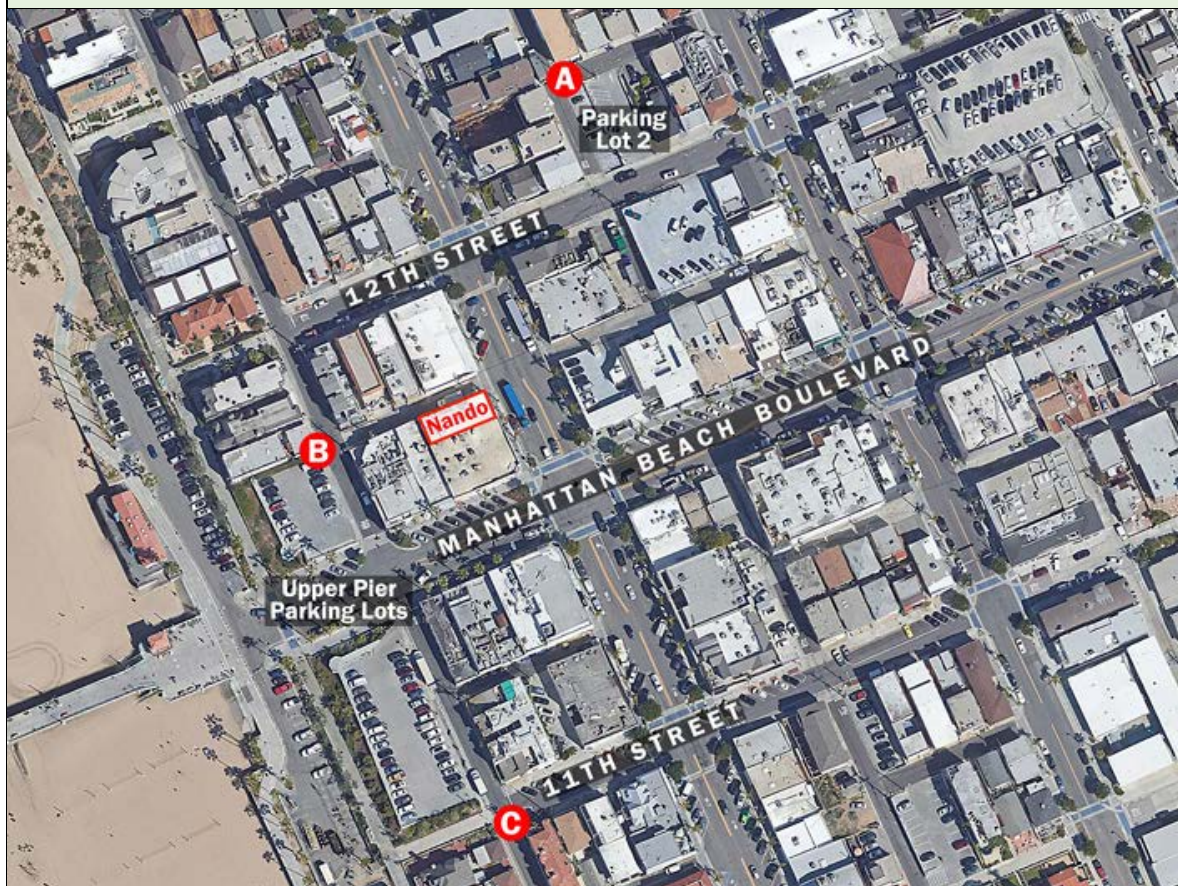
Steve Rogers Acoustics, LLC has been retained to study the potential noise impact of increased late-night use of City Parking lots by the patrons of the Nando Italian restaurant, located at 1131 Manhattan Avenue in Manhattan Beach, CA, which has no customer parking of its own. We find that:

- Exterior late-night ambient noise levels measured at the residential uses adjacent to Parking Lot 2 and the Upper Pier Parking Lots already exceed the exterior noise standard of 50 dBA in the Manhattan Beach Municipal Code (MBMC), which means that existing ambient noise levels in these locations are the de facto exterior noise standards (aka limits).
- The proposed addition of full liquor service at Nando restaurant would naturally increase late-night activity in the City parking lots and cause noise levels incident on the surrounding residential uses to rise – resulting in a violation of the noise regulations in the MBMC.

## 2. Environmental Setting & Ambient Noise Levels

Ambient noise levels were measured in City Parking Lot 2 and the Upper Pier Parking Lots Saturday, October 10, 2020.

Figure 1: Project Vicinity Plan - Showing Noise Measurement Locations





Measurement locations were selected to represent the closest residential uses to each parking lot, as shown in Figure 1.

Measurements were made with a Bruel & Kjaer Type 2250 sound level meter, which satisfies the requirements for a Type 1 sound level meter (and exceeds the requirements for a Type 2 sound level meter) according to ANSI/ASA Standard S1.4. The calibration of the sound level meter was checked before and after use using a Bruel & Kjaer Type 4231 Acoustical Calibrator; no change was noted between the two calibration checks.

Measured ambient noise levels are shown as overall A-weighted decibel (dBA) levels in Table 1.

Table 1: Measured Ambient Noise Levels			
Location	Figure 1 Symbol	Measurement Period	Equivalent Noise Level* (Leq, 15-min) in dBA
Parking Lot 2	A	10:00 – 10:15 PM	50.5
Upper Pier Parking North	B	10:54 – 11:09 PM	53.7
Upper Pier Parking South	C	10:28 – 10:43 PM	53.7
Parking Lot 2	A	11:21 – 11:36 PM	50.2

\* Equivalent Noise Level (Leq) is referred to as “LEE” in Chapter 5.48 of the MBMC.

### 3. Applicable Noise Regulations

Noise control requirements for the City of Manhattan Beach are contained in Chapter 5.48 “Noise Regulations” of the Municipal Code. Section 5.48.160 of the MBMC defines exterior noise standards and states (in paragraph B) that:

*Unless otherwise herein provided, no person shall operate or cause to be operated, any source of noise at any location within the City, or allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person which causes the noise level when measured on any other property to exceed the standards in Tables 1 through 6 of this section.*

The MBMC allows noise complaints to be evaluated in either one of two ways: the “LEE” method or the “LNG” method. We have chosen to use the LEE method for the evaluation of potential parking lot noise impacts on the surrounding residential uses. According to the definition provided in Section 5.48.020 of the Code:

*“Equivalent noise level (LEE)” means the constant noise level that, in a given situation and time period, contains, the same acoustic energy as the actual time-varying A-weighted noise level.*



In other words, LEE is the same thing as Equivalent Noise Level – more conventionally denoted as “Leq” – which is the noise level descriptor used in Table 1 of this report.

According to Table 6 in Section 5.48.160, the exterior equivalent noise level (LEE) standard on residential property during the hours of 10PM – 7AM is 50 dBA, unless the ambient LEE exceeds 50 dBA, in which case the ambient LEE becomes the exterior noise standard. In all three measurement locations, the measured ambient LEE values exceed 50 dBA, which means that the measured ambient LEE in each case becomes the exterior noise standard.

#### **4. Observations & Evaluation of Noise Impact**

When we arrived at Parking Lot 2 at 10:00 PM, it was almost full, with almost no parking availability. But by 10:30 PM several spots had opened up allowing more parking lot vehicle and foot traffic. By 11:00 PM Parking Lot 2 was at least half empty.

In the Upper Pier Parking Lots, availability of parking spaces was generally good throughout the noise measurement period and there was a steady flow of vehicles arriving and leaving. We noticed that many people using the Pier parking lots were doing so to access the beach for a late-night walk, picnic or to fish.

Ambient noise levels between 10PM and midnight in Parking Lot 2 and the Upper Pier Parking Lots were found to include noise contributions from distant sources, such as HVAC equipment and traffic flows on nearby streets; they were also influenced by more localized activity in the parking lots themselves, such as vehicles arriving/leaving, doors closing, patrons talking on the way to their cars, etc.

It follows that any increase in late-night use of the parking lots resulting from the proposed Nando full liquor license, would cause the LEEs at adjacent residential uses to rise above the values shown in Table 1 of this report – which are the de facto exterior noise standards (i.e. noise limits).

#### **5. Conclusion**

Our analysis shows that increased late-night activity in City Parking Lot 2 and the Upper Pier Parking Lots resulting from the proposed Nando full liquor license would cause an increase in noise levels at the adjacent residential uses and therefore a violation of the exterior noise standards (limits) defined in Section 5.48.160 of the Manhattan Beach Municipal Code.



## **EXHIBIT 2. PROXIMITY TO RESIDENCES; NEW LICENSES PROHIBITED**

Rule 61.4, Chapter 1, Title 4, California Code of Regulations states:

No original issuance of a retail license or premises-to-premises transfer of a retail license shall be approved for premises at which either of the following conditions exist:

- (a) The premises are located within 100 feet of a residence.
- (b) The parking lot or parking area which is maintained for the benefit of patrons of the premises, or operated in conjunction with the premises, is located within 100 feet of a residence. Where the parking lot is maintained for the benefit of patrons of multiple businesses in the vicinity of the premises, the parking area considered for the purpose of this rule shall be determined by the area necessary to comply with the off-street parking requirements as mandated by the local ordinance, or if there are no local requirements for off-street parking, then the area which would reasonably be necessary to accommodate the anticipated parking needs of the premises, taking into consideration the type business and operation contemplated.

Distances provided for in this rule shall be measured by airline from the closest edge of any residential structure to the closest edge of the premises or the closest edge of the parking lot or parking area, as defined herein above, whichever distance is shorter.

This rule does not apply where the premises have been licensed and operated with the same type license within 90 days of the application.

Notwithstanding the provisions of this rule, the department may issue an original retail license or transfer a retail license premises-to-premises where the applicant establishes the operation of the business would not interfere with the quiet enjoyment of the property by residents.

A residence is defined as a place where people actually live, such as a single family home, condo, residential hotel or motel, or mobile home.

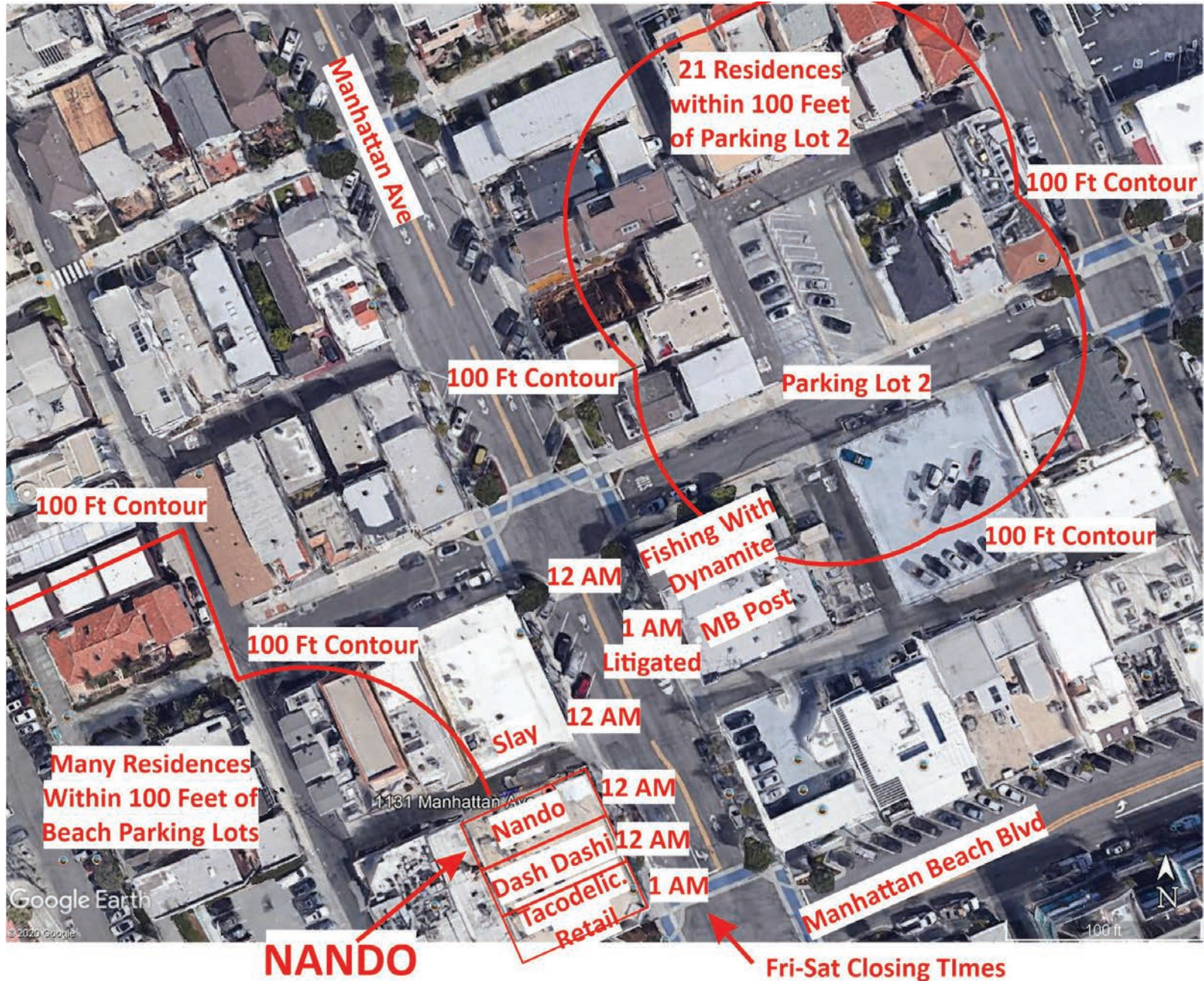
A determination must be made as to whether or not your proposed premises is located in an area as described above. In order to make such determination, it will be necessary for you to complete the front of this form, to be submitted at the time you file a formal application.

If you can establish that your business will not disturb the residents, your license may be issued subject to appropriate conditions.

EXHIBIT 3.

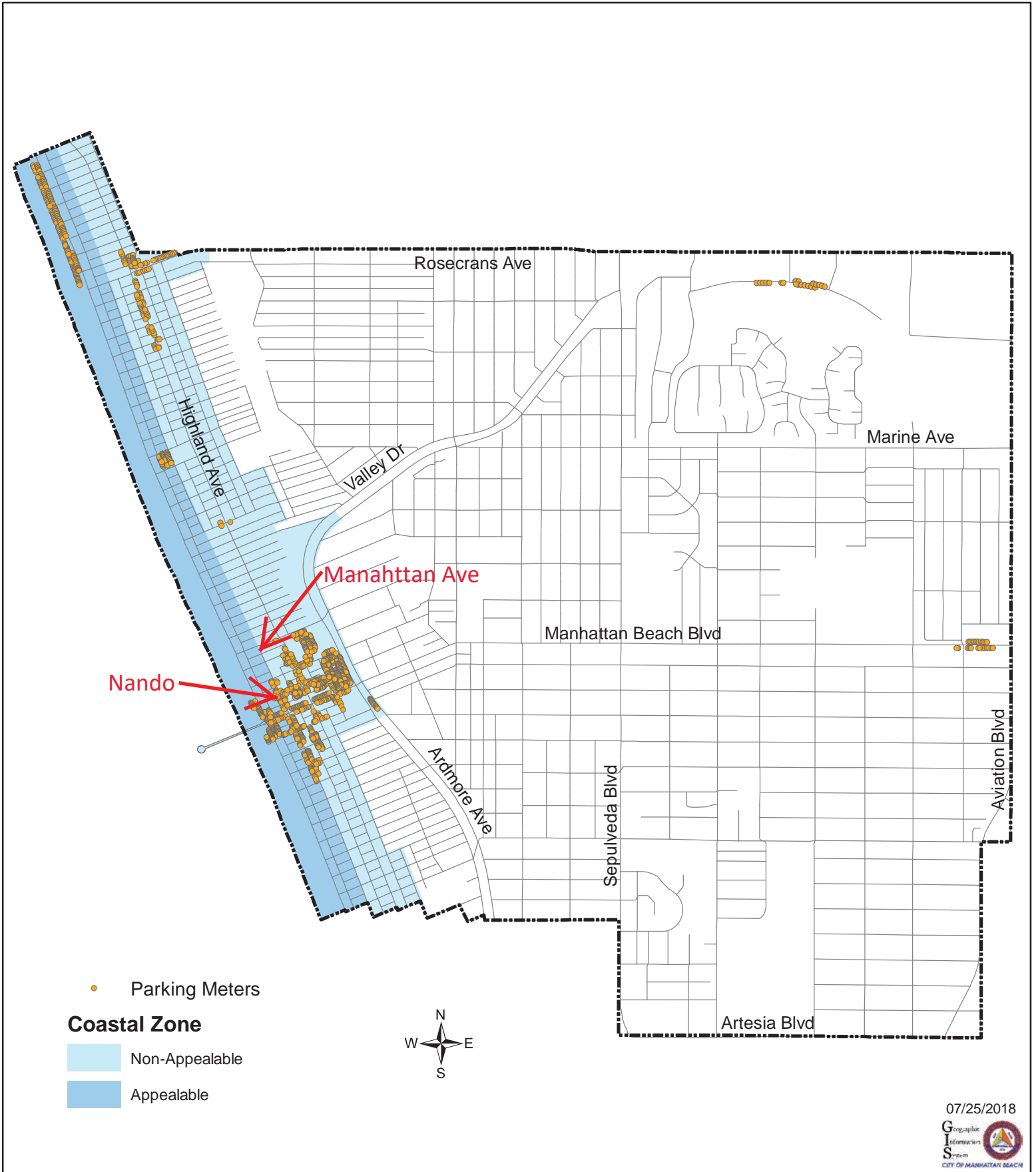
**SUBSTANTIAL EVIDENCE OF NANDO SIGNIFICANT IMPACTS ON NEARBY RESIDENCES**

- <>100-foot proximity of residences to off-street parking lots used by Nando patrons precludes a Type-47 license
- <>Cumulative impacts of alcohol-service intensification requires environmental review





# EXHIBIT 4. NANDO IN ZONE APPEALABLE TO COASTAL COMMISSION



**EXHIBIT 5. SEVEN PREMISES APPROVED FOR ALCOHOL SERVICE INTENSIFICATION SINCE 2018**

**LIST OF DOWNTOWN RESTAURANTS & BARS WITH ALCOHOL SERVICE**

	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

## EXHIBIT 5. SEVEN PREMISES APPROVED FOR ALCOHOL SERVICE INTENSIFICATION SINCE 2018

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	2 Unamplified Entertainers Background Music Class I Entertainment Permit Required for More
15	Little Sister Nando	1131 Manhattan Ave.	6am-11pm, Sun-Thu 6am-12am, Fri-Sat	6am-11pm, Sun-Thu 6am-12am, Fri-Sat	Beer & Wine	PC 19-10 <u>6/12/19</u>	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 <u>6/12/19</u>	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 <u>6/12/19</u>	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



**EXHIBIT 5. SEVEN PREMISES APPROVED FOR ALCOHOL SERVICE INTENSIFICATION SINCE 2018**

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	05-08 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	<u>19-03</u> <u>03/27/19</u>	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	<u>18-15</u> <u>09/26/18</u>	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	<u>PC 19-05</u> <u>05/22/19</u>	None
35	Tacolicious	1129 Manhattan Ave.	6am-11pm, Sun-Thu 6am-12am, Fri-Sat	6am-11pm, Sun-Thu 6am-12am, Fri-Sat	Full Alcohol	<u>PC 19-10</u> <u>6/12/19</u>	None

## Martha Alvarez

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**From:** dmcphersonla@gmail.com  
**Sent:** Tuesday, October 20, 2020 3:03 PM  
**To:** List - City Council; Hildy Stern; Nancy Hersman; Richard Montgomery; Steve Napolitano; Suzanne Hadley  
**Cc:** Bruce Moe; Liza Tamura; Carrie Tai, AICP; Ted Faturos  
**Subject:** [EXTERNAL] Testimony, Nando  
**Attachments:** 201020-McP-CC-Testimony-Nando.pdf; 201008-CC-Nando-Notice.pdf

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

Attch-1 provides my testimony for the Nando appeal hearing this evening.

Please note that the Attch-2 public notice does not include an item to amend the Nando coastal development permit, which invalidates the hearing.

Community Development erroneously claims that the Nando project exempt from a coastal development permit because it does not involve structural changes. The project constitutes a Coastal Act development, however, because it changes the intensity of land use, per Local Coastal Program LCP § A.96.030(I).

LCP § A.96.090 requires a public hearing for the coastal development permit of any development appealable to the Coastal Commission. Being on the west side of Manhattan Ave, Nando lies in the appealable zone.

As evidence of land-use change, the ABC requires a new license for full-liquor service at Nando. The Department will not issue the new license, however, because Nando patrons use parking lots within 100 feet of residences.

Furthermore, if the Nando project does not change or intensify use, then why does the city council conduct this public hearing to amend the use permit?

Thanks for your consideration,

Don McPherson, President  
Coastal Defender  
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**From:** dmcphersonla@gmail.com <dmcphersonla@gmail.com>  
**Sent:** Monday, 19 October, 2020 19:14  
**To:** MB Council <citycouncil@citymb.info>; 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 <bmoeb@citymb.info>; Liza Tamura <LTamura@citymb.info>; Carrie Tai <ctai@citymb.info>; 'Ted Faturos'

<tfaturos@citymb.info>

**Subject:** Appeal Written Report, Nando

The attached report for the Nando appeal makes the following conclusions:

Staff erred when declaring the Nando project categorically exempt from CEQA. They improperly did not consider the cumulative impacts of seven such projects during the past three years. Furthermore, they ignored the unusual circumstances that patrons park in lots embedded in or directly adjoining residential areas, disturbing the occupants with noise. Acoustic expert Steve Rogers has conducted ambient sound measurements and analyses showing that Nando patrons will violate the noise ordinance, and by reference, the zoning code. Consequently, the council cannot make the required findings that the project will not be detrimental to the public health and that proposed use will comply with the provisions of the city Planning and Zoning Title 10.

The applicant has failed to establish that, *“the business would not interfere with the quiet enjoyment of the property by residents,”* per ABC regulations. Hence, the Department shall not issue the new full-liquor license.

Finally, staff failed to consider the cumulative impact of alcohol service intensification in the Downtown on beach access and ignored approval of required amendments to the coastal permit.

Thanks for your consideration.

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

**TESTIMONY, NANDO APPEAL, 20 OCTOBER 2020**

Don McPherson, Coastal Defender president, 1014 1<sup>st</sup> St, Manhattan Beach.

This appeal has three major arguments:

- 1) The new full-liquor license constitutes an intensification in use of land that will violate the city noise ordinance in parking Lot 2 and the upper pier lots, which adjoin many residences;
- 2) Project approval by the city council will violate Alcohol Beverage Control regulations that prohibit a new ABC license for premises that use off-street parking lots within 100 feet of residences; and,
- 3) The project constitutes a change in intensity of land use, which requires a coastal development permit that Community Development failed to include in the public notice. Consequently, this public hearing invalid.

I will summarize each of these arguments, beginning with noise. On Saturday night October 10, acoustic expert Steve Rogers conducted sound-level measurements in Lot 2 and the upper pier lot, at property lines adjoining residences. His analysis discloses that the ambient sound levels approximately equal the maximum noise intensity of 50 decibels permitted by the municipal code. Consequently, any increase in use of the lots by Nando patrons will violate the noise ordinance.

The California Environmental Quality Act, CEQA, requires the city to evaluate cumulative noise impacts of alcohol use intensification in the Downtown, which they have not done for the Nando application.

Since 2018 in the Downtown, the city has approved seven projects that intensify alcohol use. On Manhattan Ave, these include the expansion of MB Post into the former Subway, Flyin Finn, Tacolicious and now Nando. Although patron noise in parking lots from one premises perhaps moderate, multiplying that by four adds up to substantial evidence of significant impact.

This evidence constitutes an exception to the staff claim that Nando categorically exempt from CEQA. The city must conduct an environmental review of the project, which they have not done.

**TESTIMONY, NANDO APPEAL, 20 OCTOBER 2020**

Next, the ABC regulation that prohibits a new alcohol license for premises whose patrons use parking lots within 100 feet of a residence. Roughly 30 residences lie within 100 feet of Lot 2 and the pier lots.

An exception exists for this regulation, if the applicant establishes that the business will not interfere with quiet enjoyment of property by residents. In other words, Nando must prove that their patrons will not disturb residents living within 100 feet of Lot 2 and the pier lots. Neither they nor the city have provided one shred of evidence that patrons in the parking lots will not create noisy disturbances.

Lastly, Community Development failed to include a requirement for approval of a coastal development permit, when noticing this hearing, which invalidates it. Local Coastal Program LCP § A.96.090 requires a public hearing for development appealable to the Coastal Commission. Being on the west side of Manhattan Ave, Nando lies in the appealable zone.

Community Development erroneously claims that the Nando project exempt from a coastal development permit because it does not involve any structural changes. The project constitutes a Coastal Act development, however, because it changes the intensity of land use, per LCP A.96.030(I). As evidence of land-use change, the ABC requires a new license for full-liquor service at Nando. The Department will not issue the new license, however, because Nando patrons use parking lots within 100 feet of residences.

Furthermore, if the Nando project does not change or intensify use, then why does the city council conduct this public hearing to amend the use permit?

Beach access constitutes the highest priority policy in the Coastal Act. The continual intensification by the city of alcohol use in the Downtown increases demand for often saturated parking, which impacts access for those who want to play on the beach, swim, picnic or fish from the pier. Thus, the Nando project violates the Coastal Act.





NOTICE OF A PUBLIC HEARING BEFORE THE MANHATTAN BEACH  
CITY COUNCIL TO CONSIDER A MASTER USE PERMIT  
AMENDMENT TO ALLOW FULL LIQUOR SERVICE IN CONJUNCTION  
WITH FOOD SERVICE AT AN EXISTING RESTAURANT WITH BEER  
AND WINE AT 1131 MANHATTAN AVENUE

A public hearing de novo will be held before the City Council to consider the project described below.

Applicant: Nando Milano LA, LLC/Dario Vullo  
Project Location: 1131 Manhattan Avenue (Applicant's business address)  
1125-1131 Manhattan Avenue and 133 Manhattan Beach Boulevard (Building's addresses)  
Legal Description: Lots 10, 11, and 12, Block 13, Manhattan Beach Division No. 2  
Project Description: Allow full alcohol service (beer, wine, and distilled spirits) in conjunction with food service at an existing restaurant space that currently serves beer and wine under an existing Master Use Permit Amendment. The tenant space, formerly occupied by Little Sister, will be occupied by a new restaurant, Nando Trattoria. The applicant is not requesting a change in operating hours, and no live entertainment is proposed. The subject site is located in the Downtown Commercial (CD) zone in Area District III. The project is located in the Appealable Area of the Coastal Zone. The project is categorically excluded from the requirements of a Coastal Development Permit per A.96.050 (B).

Environmental Determination: This project is Categorically Exempt, Class 1, Existing Facilities, Section 15301, California Environmental Quality Act (CEQA) Guidelines.

Project Planner: Ted Faturos, Assistant Planner, 310-802-5512, tfaturos@citymb.info

Public Hearing: **Tuesday, October 20, 2020 at 6:00 p.m.**  
**Conducted via Zoom; instructions on registering for the hearing will be included in the City Council meeting agenda that will be posted on the City's website (<http://www.citymb.info>) on or before 5:30 p.m., Wednesday October 14, 2020. If you want written material to be included in the agenda, please submit such material prior to Tuesday October 13, 2020.**

Public Comments: Pursuant to Governor Newsom's Executive Order Nos. N-25-20 and N-29-20, City Council Chambers are not open to the public. In the interest of maintaining appropriate social distancing, the City Council encourages the public to participate by submitting comments in advance of the meeting, no later than 2:00 PM, October 20, 2020, via: 1) eComment at [www.citymb.info/ecomment](http://www.citymb.info/ecomment); 2) email to [cityclerk@citymb.info](mailto:cityclerk@citymb.info); or 3) telephone message recorded at (310) 802-5030. All of your comments provided by the deadlines above will be available to the Council and the public prior to the public hearing. In addition, you may register to participate by Zoom in accordance with the instructions that will be provided on the posted agenda.

For further information, contact the project Planner. Project files are available for review on the City Website (<http://www.citymb.info>), after Wednesday, October 14, 2020

*If you challenge the Council's decision in Court, you may be limited to raising only those issues you or someone else raised in written correspondence submitted prior to the deadlines indicated above or in testimony at the public hearing.*

Liza Tamura  
City Clerk

Publish: October 08, 2020 – Beach Reporter  
Mail: October 05, 2020

## Martha Alvarez

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**From:** Peter Hartshorn <peterwhartshorn@gmail.com>  
**Sent:** Monday, October 19, 2020 9:31 AM  
**To:** List - City Council  
**Cc:** Carrie Tai, AICP; Ted Faturous; City Clerk  
**Subject:** [EXTERNAL] Changes to Nando Restaurant Liquor license and elimination of "full menu" food service requirement.

**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 the Council to ask you not to approve two significant changes to the Use Permit at the Nando restaurant location at the Tuesday Oct 20<sup>th</sup> City Council Meeting.

The first significant change is to allow full alcohol service (currently restricted to beer and wine).

The second change is the removal of the restriction in the Use Permit that "full menu" food service be required whenever alcohol is served. The new wording only requires that food service of no defined extent be available when alcohol is served. Allowing only minimal food service when alcohol is served allows restaurants to economically stay open later and have a more bar character in those later hours. The lack of clear cut language in the new Use Permits will make it harder for the City to manage these restaurants.

The Nando restaurant is the third restaurant Use Permit change in the last year and 1/2 within a one block area of Manhattan Ave (Tacolicious, MBPost, Nando). All of these Use Permit changes allow greater square footage where full alcohol service is allowed and the "full menu" food service requirement has been eliminated. The Manhattan Beach Post was also awarded later hours and the removal of bar seating restrictions. The elimination of "full menu" food service in recent Use Permit changes has not been clearly outlined in the materials presented to the Planning Commissioners, nor to the City Council and thus, its impact and significance has not been available for discussion.

The Planning Commission, in their Nando review, stated that they can only look at individual cases and not address overall impacts from changes in multiple restaurant's Use Permits. We are asking the City Commissioners to look at the broader aspect of the changes that these multiple Use Permits will make in our immediate area and on the overall downtown character.

We live just down the street from these restaurants and have experienced evening and night time public disturbances as people return to their cars from downtown activities. We are concerned that when these new Use Permit changes come into effect, with the full openings of these restaurants, this negative impact on our community will increase and extend later into the night.

Please do not continue to expand this penetration of full alcohol service and the elimination of the full menu food service requirement into our neighborhood.

Thank you

Peter and Kelly Hartshorn  
1300 Manhattan Ave B

## Martha Alvarez

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**From:** Kirk Fabrizio <kirkfabrizio@gmail.com>  
**Sent:** Thursday, October 8, 2020 4:22 PM  
**To:** City Clerk  
**Subject:** [EXTERNAL] eta on batting cages opening? not just Live Oak

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

Any info on opening Premier field, Marine Park, batting cages. Hoping someone's common sense see's these as the safest, best, thing going during these times. (can't do more than 2 folks in a cage/usually father son).. Anyway all these cages still an added lock on these.. I see the city is opening up malls, parks, and many things that are way more crazy than a cage so hoping you would consider opening.

Kirk Fabrizio  
520 2nd St  
310 947-9318



## Martha Alvarez

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**From:** Gary Osterhout <garyosterhout@verizon.net>  
**Sent:** Tuesday, October 20, 2020 3:08 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Re: Do Not Want POBs/Neither Does GFOA

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

Councilmembers:

I again urge you to walk slowly in taking on these pension obligations. Yes, I understand the savings. I also believe the City is going broke saving money.

You need a much better, articulated and specific plan on how you intend to address our future (make that current) capital improvement project needs. If the "savings" are also going to "offset General Fund operational costs" then be specific as to what operational costs. To me, this sounds like a program designed only to benefit city employees and the bond advisors, that the employees get assured pensions and future salary protections, and the bond advisors just sit back and collect their fees. No future council is held accountable to controlling pension costs or salaries.

We have no swimming pool worthy of our community and have needed one for years. We need a better public transportation solution. City maintenance as a whole is shabby, made only shabbier by the inattention allowed by the recent pandemic.

You show affirmative, actionable, and accountable solutions to the above, and then you can talk POBs.

In addition, I hope each of you firmly understand why the GFOA, cited in the Staff Report, also recommends against POBs, and you are comfortable acting against that advice.

<https://www.pasadenastarnews.com/2020/05/15/facing-pension-crisis-montebello-to-take-on-debt/>

Pension obligation bonds have come under fire for being risky. San Bernardino and Stockton, both which declared bankruptcy, issued such bonds in the past.

### **The Chicago-based Government Finance Officers Association recommends against the issuance of such bonds for a number of reasons.**

"In recent years, local jurisdictions across the country have faced increased financial stress as a result of their reliance on pension obligation bonds, demonstrating the significant risks associated with these instruments for both small and large governments," a report from that association said.

Other reasons include:

- The invested bond proceeds might fail to earn more than the interest rate owed over the term of the bonds, leading to increased overall liabilities for the government.
- They increase the jurisdiction's bonded debt burden and potentially take up debt capacity that could be used for other purposes and typically are not easily paid off early.
- Rating agencies may not view the proposed issuance of the bond as "credit positive," particularly if the issuance is not part of a more comprehensive plan to address pension funding shortfalls

Thank you,

Gary Osterhout

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

From: Gary Osterhout <garyosterhout@verizon.net>  
To: citycouncil@citymb.info <citycouncil@citymb.info>  
Sent: Tue, Oct 6, 2020 12:28 pm  
Subject: Do Not Want POBs

Not much time today so forwarding earlier comments to Finance Subcommittee.

- 1) Don't need POBs
- 2) POBs reduce pressure to keep salaries and benefits reasonable.
- 3) All Calif cities are in the same place.
- 4) The best way to address pension problems is not to keep adding positions (even engineers) subject to government pensions.
- 5) Next best way is to not keep increasing salaries or playing the "step and grade" game.
- 6) POBs are just using future dollars to paper over past mistakes, errors and inept budgeting for pensions--or viewing that salaries, benefits and pensions need to be viewed in totality, along with the job security of a government job, then viewed in respect to non-government employment.
- 7) If you want POBs, put them to a vote and identify an independent tax source to fund (UUT anyone?)

Also, I give side-eye to you approving POB consultants on the Consent Agenda when seems obvious it is tied to this general agenda topic.

Also side-eye to a lame duck voting for this right before an election.

Thank you for your consideration,  
Gary Osterhout

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

From: Gary Osterhout <garyosterhout@verizon.net>  
Sent: Sun, Jul 5, 2020 2:19 pm  
Subject: Finance Subcommittee - POBs

Gents:

Just want to register my opposition to any sort of Pension Obligation Bonds.

Our current approx. 71% funding is consistent with most cities. Until it significantly drops below that relationship I don't consider that we have any stress on our obligations--that is, if we have problems, all California cities will have the same problem and that will ultimately result in a legislative or judicial fix. The less stress we take off, it is less likely for the essential reckonings to take place in order to bring these ridiculous obligations under control. Certainly our council isn't going to do it on their own accord.

With less pressure to control pensions, the more likely you folks will continue your practice of approving the annual "step and grade" dance, approving new positions and continuing excessive salaries when viewed together with out of proportion vacation/comp time/sick/cash-in/pension/health plans.

It is time the City starts focusing its mission on providing for residents instead of city staff.

[Note: The proximity to this POB discussion and the recent push-poll on raising the City sales tax suggest a package deal. If so, why not be more forthcoming in the discussion instead of piecing it out?]

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:** Tuesday, October 20, 2020 1:34 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Suggestion for Jamba Juice replacment

**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:** Ava  
**Site Visitor Email:** avaibarra@icloud.com

Hi City Council,

I noticed that Jamba Juice is no longer in downtown Manhattan Beach. I have a suggestion that you could place Pinkberry in it's place because I know a lot of people will go there and can attract customers. A bunch of people I know including me, will be going there to take a walk with their dog and grab a frozen yogurt, and even after the beach go for a quick treat. Or if you are finished eating dinner at something like Simmzy's then you could just pop over and eat some delicious Pinkberry.

Your's Truly,  
Ava



**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:** Martha Andreani <mandreani09@gmail.com>  
**Sent:** Monday, October 19, 2020 3:21 PM  
**To:** List - City Council  
**Cc:** Bruce Moe; Carrie Tai, AICP  
**Subject:** [EXTERNAL] City Council Mtg 10/20/2020 Agenda Item 20-0303

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

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

RE: Public Hearing on 10/20/2020 to Consider a Master Use Permit Amendment to Allow Full Liquor Service in Conjunction with Food Service at 1131 Manhattan Avenue (Nando Milano LA and/or Nando Trattoria)

First and foremost, thank you for your service to Manhattan Beach -- it's residents and businesses, as well as the added diligence that has been required during the Covid-19 pandemic.

The purpose of this email is to request that City Council deny the request of the applicant to allow full liquor license (Type 42). I mean no disrespect to Nando, or to the property owner. I do mean to limit the proliferation of liquor licenses within the Downtown, as well as to maintain the ambiance of our mixed use residential and commercial area.

It is also noted that your October 20, 2020 meeting on this subject is requesting staff to prepare a resolution conditionally approving the Master Use Permit (for this multi-tenant building) Amendment *for City Council Consideration at a subsequent Council Meeting*. There are a couple of things that deserve your attention in this matter:

Resolution PC 20-07, Section 5, indicates "The project is not an intensification of use (as both Nando Milano and Little Sister are both "eating and drinking establishments". If change from a beer and wine license to full alcohol is not an intensification of use, what is it? (Nando now occupies the space vacated by Little Sister.)

I understand from reading the Staff Report that the City's LCP does not distinguish between types of beverages served. This seems an oversight that should be addressed.

Also, a clarification is needed in the restaurant's name: Is it Nando Milano (as stated on the ABC request), or is it Nando Trattoria (as indicated on the restaurant signage).

I understand that Nando will, as other restaurants do, make a payment in lieu of parking fees. I doubt this actually does much for the City's budget, but the removal of parking spaces does a great disservice to other retail businesses, as well as residents and visitors who are looking for parking Downtown.

On this matter PLEASE state the operating hours for the restaurant; do not merely state that the applicant is not asking for a change in hours of operation:

6:00AM - 11:00PM    Sunday - Thursday  
6:00AM - Midnight    Friday and Saturday

Of course, it would be more practical, if the "opening hour" be amended to something more practical, such as 10:00AM.

Again, thank you for your consideration of this important matter. I will miss Little Sister, but look forward to welcoming Nando -- with their beer and wine license.

Sincerely,

Martha Andreani  
Resident of the Downtown

**Martha Alvarez**

---

**From:** robertbush dslextreme.com <robertbush@dslextreme.com>  
**Sent:** Monday, October 19, 2020 12:02 PM  
**To:** robertbush @dslextreme.com  
**Cc:** robertbush @dslextreme.com; Nancy Hersman; Steve Napolitano; Richard Montgomery; Suzanne Hadley; Hildy Stern; Bruce Moe; Quinn Barrow; List - City Council; mmatthews; kkomatinsky; bfournell; jfenton; speel  
**Subject:** [EXTERNAL] Vote Joe Franklin for MB Council

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

**Vote Joe Franklin for MB Council by Robert Bush**

**Vote Joe Franklin for Manhattan Beach City Council.**

**I supported and voted for Joe Franklin in the last election and now we need him to solve the problems of our small beach town.**

**Joe - 36 year resident, married with two children who attended our great MB public schools that he devoted decades of community involvement. [Leadership positions with AT&T, NEC Technologies, McGraw Hill.](#)**

**YES – Strong, fully funded Police Department, Local control of our Fire Department, Strong Schools – City partnership and COVID Recovery – support of small businesses.**

**NO – BRUCE’S BEACH reparations – yes to New Memorial and Teaching our full MB History, SACRAMENTO OVERREACH – PROTECT Single Family Zoning, Homeless Shelter in MB or RB – must be a regional solution and SHORT TERM RENTALS.**

## Martha Alvarez

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**From:** Joan and Ralph Mueller <r-jmueller@msn.com>  
**Sent:** Monday, October 19, 2020 9:41 AM  
**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.

Dear City Council Members,

My name is Joan Mueller, I live at 13th st & Ardmore, directly across from the new lighting at the Shade. My new view looks like the Las Vegas strip, a place to visit not to live.

We have lived here many years. Our home is an historical house and we have always taken a great deal of pride in it as well as of our city.

Besides this being an eyesore, it's effects our physical and mental health and surely our property values!

I know you are aware of this situation so I want to thank you for your help!

Sincerely,  
Joan Mueller

Sent from my iPad



## Martha Alvarez

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**From:** Peter Hartshorn <peterwhartshorn@gmail.com>  
**Sent:** Monday, October 19, 2020 9:31 AM  
**To:** List - City Council  
**Cc:** Carrie Tai, AICP; Ted Faturos; City Clerk  
**Subject:** [EXTERNAL] Changes to Nando Restaurant Liquor license and elimination of "full menu" food service requirement.

**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 the Council to ask you not to approve two significant changes to the Use Permit at the Nando restaurant location at the Tuesday Oct 20<sup>th</sup> City Council Meeting.

The first significant change is to allow full alcohol service (currently restricted to beer and wine).

The second change is the removal of the restriction in the Use Permit that "full menu" food service be required whenever alcohol is served. The new wording only requires that food service of no defined extent be available when alcohol is served. Allowing only minimal food service when alcohol is served allows restaurants to economically stay open later and have a more bar character in those later hours. The lack of clear cut language in the new Use Permits will make it harder for the City to manage these restaurants.

The Nando restaurant is the third restaurant Use Permit change in the last year and 1/2 within a one block area of Manhattan Ave (Tacolicious, MBPost, Nando). All of these Use Permit changes allow greater square footage where full alcohol service is allowed and the "full menu" food service requirement has been eliminated. The Manhattan Beach Post was also awarded later hours and the removal of bar seating restrictions. The elimination of "full menu" food service in recent Use Permit changes has not been clearly outlined in the materials presented to the Planning Commissioners, nor to the City Council and thus, its impact and significance has not been available for discussion.

The Planning Commission, in their Nando review, stated that they can only look at individual cases and not address overall impacts from changes in multiple restaurant's Use Permits. We are asking the City Commissioners to look at the broader aspect of the changes that these multiple Use Permits will make in our immediate area and on the overall downtown character.

We live just down the street from these restaurants and have experienced evening and night time public disturbances as people return to their cars from downtown activities. We are concerned that when these new Use Permit changes come into effect, with the full openings of these restaurants, this negative impact on our community will increase and extend later into the night.

Please do not continue to expand this penetration of full alcohol service and the elimination of the full menu food service requirement into our neighborhood.

Thank you

Peter and Kelly Hartshorn  
1300 Manhattan Ave B

## Martha Alvarez

---

**From:** Bruce Moe  
**Sent:** Monday, October 19, 2020 9:30 AM  
**Cc:** Steve S. Charelian  
**Subject:** FW: [EXTERNAL] Fwd: More municipalities betting on pension bonds to cover obligations

FYI

BCC:CC



**BRUCE MOE**  
CITY MANAGER

(310) 802-5053  
bmoe@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



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

**From:** Mark Burton <[markburton@gmail.com](mailto:markburton@gmail.com)>  
**Date:** Sun, Oct 18, 2020 at 2:39 PM  
**Subject:** More municipalities betting on pension bonds to cover obligations  
**To:**

Honorable MB Councilmembers: Don't Do It! The link below is to a LA Times Article from several years ago that is still applicable today.

Here are some other reasons why this makes absolutely no sense or, at the least, makes sense to wait until after the election:

1. If Biden wins, California and CalPERS may be getting a pension "bailout".
2. If Proposition 15 passes, California and CalPERS may be getting a pension "bailout".
3. The only local government that gambled and got away with it was LA County. But, that's only because they gambled after the 1991 recession and the dot com market explosion that occurred afterwards. There is so much uncertainty now that makes the risks very difficult to assess and, more likely than not, unacceptable.
4. This is staff driven. Just say NO!
5. Although voter approval is not required, we all know that our residents would expect to approve taking on additional debt of \$91 million. If you don't get voter approval, you can forget about running for office ever again in this town or the South Bay.

Thank you for your service during these challenging pandemic times. Good health to you and your family.

Kind regards, Mark

<https://www.latimes.com/business/la-xpm-2012-mar-26-la-fi-pension-bonds-20120327-story.html>

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*(310) 562-7897*

*Email: [markfburton@gmail.com](mailto:markfburton@gmail.com)*

## Martha Alvarez

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**From:** Kristin Long <klongs@gmail.com>  
**Sent:** Saturday, October 17, 2020 12:30 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Bruce's Beach Task Force

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

Honorable Councilmembers:

Yesterday, I was honored to be invited to discuss Bruce's Beach with members of the Black Student Union of Marymount California University. I was initially surprised to be asked to present the historical information on behalf of the MB Historical Society and the City, but I was excited about the opportunity. Any chance I get to discuss Manhattan Beach's history is a welcomed one, and I genuinely enjoy it.

But more importantly, I learned from the experience.

For one thing, I was able to talk to Dr. Alison Rose Jefferson, who had wanted to attend the gathering, but couldn't due to other obligations. First, we exchanged emails, and then she actually phoned me, and we talked about the Bruces for a bit and shared some information we'd each learned in our independent research. I was reminded that we're still uncovering all the details of the story that are buried in the depths of history.

At the event itself, former Mayor Mitch Ward was there. Though I didn't get to speak with him personally, I was glad to finally hear his account of what happened in the events of the park's re-naming firsthand. In order to really understand any history, we have to take into account government records, newspaper reports, and personal recollections. Relying on only one of these sources doesn't tell the complete story and is an injustice to future generations.

And finally, meeting the students and representatives of Marymount who wanted to know more about the Bruces and the area was very cool. They were interested in the facts and, though I didn't have proper visual aids, I brought my ipad and was able to share photos of the Bruces' Lodge as it existed in the 1920s, a photo of Mrs. Bruce, and a parcel map showing them exactly where the Bruces' property was. For me, it was eye-opening to meet young people who want to know the area's history and cared enough to ask questions. It was refreshing.

I wanted to thank you again for that opportunity and I hope to again be of assistance in the near future.

Sincerely,

Kristin Long Drew

## Martha Alvarez

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**From:** Lyn Fisher <fisher6188@Aol.com>  
**Sent:** Friday, October 16, 2020 7:06 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Proposal for Policing Forum

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

Do not allow this additional forum. This is not appropriate right before elections. In addition, a task force has been established to study this issue. Let's wait and see what comes out of that.

Hersman is a lame duck. Inappropriate for her to propose this less than a month prior to the election.

Lyn Fisher

**Martha Alvarez**

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**From:** Sally Peel <sallypeel@gmail.com>  
**Sent:** Tuesday, October 13, 2020 5:29 PM  
**To:** robertbush dslextreme.com  
**Cc:** Nancy Hersman; Steve Napolitano; Richard Montgomery; Suzanne Hadley; Hildy Stern; Bruce Moe; Quinn Barrow; List - City Council; Michael Matthews; Karen Komatinsky; Bill Fournell (Personal); Jennifer Fenton; Sally Peel  
**Subject:** [EXTERNAL] Re: Komatinsky - Schools to Health

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

Well stated, Mr. Bush!

Sally Peel

On Oct 13, 2020, at 5:13 PM, robertbush dslextreme.com <robertbush@dslextreme.com> wrote:

This email originated from outside of MBUSD. Do not click links or open attachments unless you recognize the sender and know t

## **Komatinsky – Schools to Health by Robert Bush**

**Karen Komatinsky and Bill Fournell have served as Trustees for many years and they are the reason that MBUSD has received the many accolades.**

**Karen Komatinsky is running for Beach Cities Health District Member Board of Directors.**

**Komatinsky stated that being a Board Trustee was like leading a corporation with \$83 million budget and 800 employees. The difference is her shareholders are her neighbors.**

**Komatinsky has previous professional experience as VP for an Executive Search firm, HR Business Leader for Pfizer and currently running firm focusing on strategic planning and human resources.**

**Komatinsky is the most qualified for Beach Cities Health District Member Board of Directors, because of her experience on MBUSD Board of Trustees, professional experience in business world and her dedication to schools.**

**I have loved Manhattan Beach ever since I came to California in 1960 to pursue my career as an Aeronautical Engineer. I love the beach, strand, ocean, climate, people and especially the school system. MBUSD has received many accolades that we should all be proud of, because of the Manhattan Beach Unified School District Board of Trustees.**

**The residents honor the First Responders (Police, Firefighters and Healthcare Professionals), but how do we honor the dedicated Trustees that are professionals (MBA, Attorneys and Business Leaders) that donate their time to lead MBUSD?**

**The residents should support the Trustees by voting in School Board and City Council Elections, support School Bonds and promote our Small Beach Town.**

**Martha Alvarez**

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**From:** robertbush dslextreme.com <robertbush@dslextreme.com>  
**Sent:** Tuesday, October 13, 2020 5:13 PM  
**To:** robertbush @dslextreme.com  
**Cc:** robertbush @dslextreme.com; Nancy Hersman; Steve Napolitano; Richard Montgomery; Suzanne Hadley; Hildy Stern; Bruce Moe; Quinn Barrow; List - City Council; mmatthews; kkomatinsky; bfournell; jfenton; speel  
**Subject:** [EXTERNAL] Komatinsky - Schools to Health

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## **Komatinsky – Schools to Health by Robert Bush**

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## Martha Alvarez

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**From:** jim quilliam <jimquilliam@outlook.com>  
**Sent:** Monday, October 12, 2020 11:28 PM  
**To:** List - City Council; List - City Council  
**Cc:** Carrie Tai, AICP; Ted Faturos  
**Subject:** [EXTERNAL] Opposed to Nando full-alcohol license

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

### IN REFERENCE TO

Public hearing de novo will be held before the City Council to consider the project described below. Applicant: Project Location: Legal Description: Project Description: Environmental Determination: Project Planner: Public Hearing: Public Comments: Liza Tamura City Clerk Nando Milano LA, LLC/Dario Vullo 1131 Manhattan Avenue (Applicant's business address) 1125-1131 Manhattan Avenue and 133 Manhattan Beach Boulevard (Building's addresses) Lots 10, 11, and 12, Block 13, Manhattan Beach Division No. 2 Allow full alcohol service (beer, wine, and distilled spirits) in conjunction with food service at an existing restaurant space that currently serves beer and wine under an existing Master Use Permit Amendment.

I am **opposed** to the Nando full-alcohol license, and the persistent campaign by the city council to expand alcohol service and late-night hours in the Downtown.

As a Manhattan Beach community member and downtown resident, it is inconceivable to continue the intensification of allowing establishments full alcohol service while disregarding leadership decisions that should be advocating for our Manhattan Beach City vision / strength and direction of our city.

The City of Manhattan Beach logo is a visual identity representing the City as a California beach town with a balanced laid-back, classic, upscale and family-friendly lifestyle paying homage to its past. The logo reflects the strength and direction of the City of Manhattan Beach, which "is dedicated to providing exemplary municipal services, preserving our small beach town character and enhancing the quality of life for our residents, businesses and visitors."

*Please do not allow these misrepresented intensions of intensified alcohol destroy the remaining attributes of preserving the small town character and quality of our Manhattan Beach community.*

## Martha Alvarez

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**From:** tlivian@aol.com  
**Sent:** Monday, October 12, 2020 12:48 PM  
**To:** cindy@bond-associates.net; List - City Council  
**Cc:** TLivian@aol.com  
**Subject:** [EXTERNAL] Re: Nando - full alcohol license - PLEASE SUPPORT

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

I also live next door and totally agree!!! I fully support a full alcohol license!

Tracy Livian

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

**From:** Cindy Bond <cindy@bond-associates.net>  
**To:** CityCouncil@citymb.info  
**Cc:** TLivian@aol.com  
**Sent:** Mon, Oct 12, 2020 11:17 am  
**Subject:** re: Nando - full alcohol license - PLEASE SUPPORT

City Council,

Please note I live RIGHT by Nando – actually right behind Slay.

Personally I prefer a cocktail to beer and wine! I do not like going to restaurants where my only choices are beer and wine. I'm not going to consume more as a result of that choice. They already serve alcohol. Increasing the choices of the type of alcohol does not trouble me.

Additionally, the restaurants on Manhattan Ave that are near my residents are fairly pricey and attract mature adults, not people that are ROUDY!

Best,  
Cindy Bond

### **Cindy Bond, CPA**

Bond & Associates - Executive Search  
Mobile: 310.418.1766 office: 310.802.1201  
email: cindy@bond-associates.net

## Martha Alvarez

---

**From:** Cindy Bond <cindy@bond-associates.net>  
**Sent:** Monday, October 12, 2020 11:17 AM  
**To:** List - City Council  
**Cc:** TLivian@aol.com  
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**Cindy Bond, CPA**

Bond & Associates - Executive Search  
Mobile: 310.418.1766 office: 310.802.1201  
email: cindy@bond-associates.net

## Martha Alvarez

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**From:** Wysh Weinstein <kristenwysh@gmail.com>  
**Sent:** Saturday, October 10, 2020 7:00 AM  
**To:** List - City Council; Mike Matthews  
**Subject:** [EXTERNAL] Thank you - fields

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

Hello

Thank you all in your help to get the fields back open.

For the Pacific and Pennekamp fields, can anyone go on them between 3pm-6pm or only those permitted? I'm guessing these are only weekdays? Are they still closed weekends?

Also, Mike, can kids go on them during the school day?

I want to put out an announcement in our eblast with this good news so I appreciate any facts you can provide.

Thanks,  
Wysh

Sent from my iPhone

**Martha Alvarez**

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**From:** robertbush dslextreme.com <robertbush@dslextreme.com>  
**Sent:** Friday, October 9, 2020 1:19 PM  
**To:** robertbush @dslextreme.com  
**Cc:** Nancy Hersman; Steve Napolitano; Richard Montgomery; Suzanne Hadley; Hildy Stern; Bruce Moe; Quinn Barrow; List - City Council; mmatthews; kkomatinsky; bfournell; jfenton; speel; robertbush @dslextreme.com; robertbush @dslextreme.com; jcocran; mmatthews  
**Subject:** [EXTERNAL] NO - MB for MB Don't Vote for Mark Burton Vote for Napolitano, Montgomery and Franklin

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

**NO – MB for MB Don't Vote for Mark Burton. Vote for Steve Napolitano, Richard Montgomery and Joe Franklin.  
Vote November 2, 2020 by Robert Bush**

**Robert Bush – Manhattan Beach  
Veteran – U.S. Army Infantry (First Cold War troops send to Europe to stop Russia), Aerospace Engineer 34 years, M.S. in Aeronautical Engineering U.S.C., B.S. in Civil Engineering S.D.S.M.&T, California Professional License - Mechanical Engineer.**

**Manhattan Beach is small beach town. Don't trust the Marks – The big city slickers Mark Burton (Los Angeles City Attorney) and Mark Danaj (Fremont City Manager) with their big city ideas and outlandish spending.**

**Burton said. "I will always do the right thing for the residents of this city and continue to demonstrate the HIGHEST LEVEL OF INTEGRITY, HONESTY, PASSION AND PROFESSIONALISM." Can Mark Burton be trusted as a City Council member?**

**The City Council and MBUSD Board of Trustees should do what Ellen Rosenberg did in City Council Election 2017 – urge parents to vote for Steve Napolitano, Richard Montgomery and Joe Franklin and not vote for Mark burton.**

**Mayor Richard Montgomery stated that the City Council had reestablished a strong relationship with MBUSD School Board. (missing in 2013-2017)**

**City Council Election 2017 - Emails stated that Mark Burton and Tony D'Errico are not strong supporters of the shared facilities use between the City and the School District. (\$570,000/year) Ellen Rosenberg urged the parents to vote for Steve Napolitano, Nancy Hersman and Richard Montgomery. The Joint Use Agreement between the School District and the City involves Mira Costa Pool, Various School Athletic Fields and Grounds, Begg Pool and Polliwog Park Agency.**

**Former Mayor Mark Burton signed the petition demanding the Bruce family be given the land back, be paid restitutions (reparations) and the city change the “current racial intolerant climate in the city as a whole.” Manhattan Beach residents should not pay for what happened one hundred years ago.**

**Mayor Mark Burton and City Manager Mark Danaj both agreed on all of the following expenditures:**

- (1) \$10.5 million spent on outside consultants.**
- (2) Nearly \$1 million added to the city budget annually for four newly created management positions.**
- (3) \$2.3 million home loan at low-interest rate of 1% from reserve funds given to assistant city manager, Nadine Nader. (\$200,000 salary)**

**Mark Danaj – No City Manager Experience**

**Mark Burton voted in support of hiring Mark Danaj as Manhattan Beach City Manager. Hiring a City Manager with no City Manager experience. He looked and spoke like a City Manager, sharp dresser, educated, articulate, but didn't have City Manager experience. Manhattan Beach (small beach town) deserves the very best. Hiring a City Manager with no City Manager experience, paying a \$250,000 annual salary, renewing him to a 3 year contract before the last election and providing him \$2,300,000 mortgage at a 0.89% interest rate.**

**Burton claims he is a "Public Safety Leader" and shows it by changing the Mission Statement to state that Manhattan Beach is "California's Safest Beach Community." Feel Safer?**

**Mission Statement – "PRESERVING OUR SMALL BEACH TOWN CHARACTER" has been changed to "CALIFORNIA'S SAFEST BEACH COMMUNITY" City of Manhattan Beach is not California's Safest Beach Community – 144 ranking of California's Safest Cities.**

**Burton wanted \$80 million hotel on Parkview to bring in more revenue to pay for the unfunded pension funds.**

**Burton encouraged the mid-management to form a union. Manhattan Beach Mid-Management Employees Association are employees the city classifies as mid-managers, such as supervisors, managers, analysts, engineers and several other types of employees. Burton increased the Pension Funds.**

**Burton voted for "no opt-out" for Historical Preservation which would prevent any remodeling or tearing down to build a larger home. He said this would ENHANCE YOUR PROPERTY RIGHTS.**



**The value is in the land. The new structure would be assessed at 1% of the sales price providing more property taxes. Burton is a licensed Real Estate Salesman. “no opt-out” for Historical Preservation would ENHANCE YOUR PROPERTY RIGHTS? Lose/Lose Situation – residents lose their equity and City loses property taxes.**

**Burton’s “State of City” states he wants a New City Hall Building - Burton said the City Hall is a DUMP (only mold and pest problems) and should be replaced with a new expensive building. You don’t see MBUSD or City of Los Angeles replacing their buildings, only pest and mold removal.**

**Burton introduced a revolutionary council meeting where the residents could only speak at the beginning of the meeting and not when the City Council and Staff made their presentations. (Total disaster)**

**Burton Approves Plan - MANHATTAN Beach Downtown Specific Plan was not approved by the California Coastal Commission and sent the City 14 pages of notes that included 17 recommended changes to the Specific Plan.**

**Councilperson Nancy Hersman – “We spent a lot of money on this. What are we getting for that?”**

**Councilperson Richard Montgomery – “It’s a waste of time and money. We are \$1.4 million in and still going fighting the Coastal Commission.” “ The Coastal Commission effectively killed the plan.**

**Locked City Manager’s Offices - Burton and Danaj both stated the remodeled City Manager offices should be locked to prevent entry by the public because the employees felt threatened. Both Danaj and Nader kept erratic office hours and were often difficult to find. Neither kept public calendars. Danaj reportedly often didn’t know employees’ names. Nobody knew where he was or what he**

**was doing. This was a city manager who didn't show up for work."**

**Maybe the threat was within – Danaj. Approved by Burton.**

**Burton approved closing City Hall every other [Friday](#).**

**Burton stated that if you want a pilot to fly you through the worst of storms, you don't choose a Brain Surgeon, you choose an experienced pilot. In fact, it's Sully. Burton claims he's Sully. (Captain Chesley (Sully) Sullenberger landed a disabled jet on Hudson River).**

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**Dan Stern (former Manhattan Beach Mayor) stated in his thesis – "Politicians Are Not Always Leaders". Leaders should show Accountability, Fiscal Responsibility, Oversight, Transparency, Honesty, Open Government and Trust. Serve the best interests of the residents and listen to them. Preserve our "small beach town".**

**Mark Burton states Manhattan Beach City Council has been "his best job". Surprise, Surprise! Where else can you have complete control of the everyday lives of 35,000 residents and have no responsibility for the stupid decisions that you make. Money may be lost on bad projects or lawsuits against the City, but not one cent comes from the pockets of the City Council. It's O.P.M. (Other People's Money) He also reduced the time to speak from three minutes to two minutes. Have you ever heard a Councilmember talk for only one minute?**

## Martha Alvarez

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**From:** Chris Trivers <trivs@charter.net>  
**Sent:** Thursday, October 8, 2020 6:19 PM  
**To:** List - City Council  
**Cc:** City Manager  
**Subject:** [EXTERNAL] Traffic speeds

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

Hi

I live in the six hundred block of Manhattan Beach Blvd. Lately the traffic speeds have been unbearable. Cars and motorcycles are going up the hill at tremendous speed. The motorcycles even set off car alarms, which I have never experienced.

I work from home and the noise is so loud all day. I live in a second floor condo too. I have even had people mute me while on a zoom call. Above the noise I fear there maybe a fatality

Is there anything we can do to slow the traffic? A light at Pacific, more police presence or ticketing would be great. I know there was an unmanned radar near Pacific for a short time.

Thanks for reading.

Best, Chris Trivers

## Martha Alvarez

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**From:** ben@doublegun.com  
**Sent:** Thursday, October 8, 2020 11:30 AM  
**To:** List - City Council  
**Cc:** Suzanne Hadley  
**Subject:** [EXTERNAL] AFFH

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

Two of the high priority items for the Biden/Harris administration are 1. Raise Taxes/Repeal Trump Tax cuts. 2. Reinstall the Obama/Biden AFFH (Affirmatively Furthering Fair Housing) act. The 2<sup>nd</sup> of these may be even more onerous to Manhattan Beach house wives than the 1<sup>st</sup>. It would force construction of low income housing in Manhattan Beach. This is what some activists want to do now. Aggressive implementation of this program was suspended by Dr. Carson immediately on entering office. Last July Trump/Carson canceled it entirely. During past administrations there was a movement to construct low income housing next to Sand Doon Park where the National Guard Armory is now. That would only be the beginning of the destruction of our city as we know it. Here a couple of links for farther consideration.

<https://apnews.com/article/lifestyle-ap-top-news-donald-trump-f504f9073e9400aa14e04b2b498843d9>

<https://www.foxnews.com/politics/hud-revokes-obama-era-rule-designed-to-diversify-the-suburbs>

Ben A. Loving  
PhD (Science)

## Martha Alvarez

---

**From:** JoBeth Cox-Zimmerman <JoBeth@czpr.com>  
**Sent:** Thursday, October 8, 2020 10:34 AM  
**To:** List - City Council  
**Cc:** Erik Zimmerman  
**Subject:** [EXTERNAL] MBUSD and a return to school plan

**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,

We are parents to a sophomore Mira Costa Mustang and are not only disheartened but becoming outraged at the city and school board's response, or lack thereof, to reopening schools, executing vouchers, allowing non contact athletics.

You are absolutely revering one health concern over a hundred other concerns including mental health, social wellbeing, important learning for kids preparing for college and so much more.

I know the city council cannot open schools, but I need to ask some questions of why the schools are not open.

- If Manhattan Beach pays funds to the MBUSD, why are these funds still being required when the schools refuse to open? What are they being used for currently? This tax paying resident wants to know.
- Why are the schools not making any progress on opening when other school districts are starting back? Not just all over the US, California, LA County but even other south bay schools.
- Why - in contradiction to LA County Health recommendations, CDC recommendations and AAP recommendations are the schools not open?
- And if you are making progress toward opening or truly have a plan – why are you not communicating it effectively with parents and residents.

Finally, and maybe this is something the City Council can help with:

- Why are non contact sports like golf and surfing not in session? And why are socially distanced athletes, who are a minimum of 6 feet but in actuality, 10 to 15 feet away from each other, in physical conditioning activities at Mira Costa forced to wear masks? Have you been to the beach? Take a look around – you have a double standard of letting grown adults play physical contact sports without any masks and any consequence – what message are sending our children who are locked in homes in front of a computer every day? BE CONSISTENT!

Please ask tough questions to put pressure on the superintendent and potentially the head of the MBUSD teacher's union as to why they are holding our kids hostage to no school but are still getting paid to do 40% of the work?

We are demanding consistency and clear cut answers to our questions and concerns. We are currently interviewing private schools in LA County and also out of state to get our son back to school

in January. If you have no intentions of moving toward a plan to reopen by next semester – then you need to communicate that so that other parents and residents can move on to a better and brighter future for our kids.

We greatly appreciate your willingness to serve the citizens of Manhattan Beach and to thoughtfully consider the decisions you are making are impacting more than a school district, more than a family, more than a student, but the livelihood of an entire community.

Sincerely,  
Erik and JoBeth Zimmerman

[jobeth@czpr.com](mailto:jobeth@czpr.com)  
[www.czpr.com](http://www.czpr.com)

## Martha Alvarez

---

**From:** PerezHelou <perezhelou@gmail.com>  
**Sent:** Tuesday, October 20, 2020 3:49 PM  
**To:** List - City Council; City Manager; City Clerk  
**Cc:** Carrie Tai, AICP; Eric Haaland  
**Subject:** [EXTERNAL] Subject: Item 12 Review of Conditional Use Permit, As Amended, for Residence Inn by Marriott  
**Attachments:** Item No 12 MB City Council Meeting October 20, 2020.pdf

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

Honorable Mayor Montgomery and Councilmembers  
Please find attached our letter regarding the CUP for the Residence Inn.  
Thank you for your consideration  
Alex Helou

October 20, 2020

**To:** Honorable Richard Montgomery, Mayor  
Honorable Suzanne Hadley, Mayor Pro Tem  
Honorable Nancy Hersman, City Councilmember  
Honorable Hildy Stern, City Councilmember  
Honorable Steve Napolitano, City Councilmember

**Subject: Item 12 Review of Conditional Use Permit, As Amended, for Residence Inn by Marriott**

Honorable Mayor Montgomery and Councilmembers,

Thank you for providing me the opportunity to address item number 12. My name is Alex Helou and my family and I reside east of the Residence Inn (Hotel).

I would like to thank Mayor Montgomery for his leadership on this issue and placing this item on the October 20, 2020 City Council Agenda. The reason this item needs to be addressed urgently and swiftly is due to the significant uptick in police activity at the Residence Inn from smoking violations, noise complaints, stolen vehicles, culminating in an attempted murder shooting that occurred at the hotel. Prior to this item reaching your Council, the neighbors around the Hotel tried repeatedly to work with Hotel management to address the growing number of incidences, but to no avail.

The two letters submitted by Residence Inn management to the City clearly shows the complete disregard to the concerns brought by the neighbors to the hotel. The first letter dated September 17, 2020 was very dismissive of our concerns, and the second letter dated October 9, 2020 pointed to

items that the Residence Inn should have implemented years ago. For example, taking credit for recently installed or to be installed “No Smoking Signs” clearly demonstrate the Hotel management’s failure to implement the Manhattan Beach Citywide smoking Ban ordinance which was unanimously approved in 2014. (Manhattan Beach Municipal Code Chapter 4.116.030). The second item mentioned in the letter was added security by the Hotel. The Hotel increased security following a shooting at the location. The Hotel became a dangerous ground for its own guests and employees, and security was urgently needed to address the lawlessness. It is worth noting that we the neighbors of the Residence Inn property recognize the fiscal challenges the MB police department is facing and we only report severe disturbances to the Manhattan Beach Police Department (MBPD) as we do not want to saddle our police department with additional calls. In addition, what was really disappointing in the letters was the lack of concrete and firm commitment by the Hotel operators and management to improve the safety of the facility and to emphasize to their investors the seriousness of the situation at the Hotel. I am personally pro-business and appreciate the tax base the business brings to our City; however, with its current operation, the Hotel not only creates a public nuisance, but is also detrimental to the public health and safety to the residents in the adjacent neighborhood. We ask that Use Permit 84-81 (UP) be amended to include additional safety measures, and should not be granted unless a serious and firm commitment coupled with a concrete performance schedule is made by the Residence Inn to the Mayor and the City Council.

The following are a few safety measures we would like the Council to consider in incorporating to the UP as a condition for approval:

1. In coordination with the adjacent property owners, Residence Inn investors/ owners should increase the fence height separating the hotel from the adjacent properties. According to Resolution No. 418, Section 4, Item 18, “The wall along the eastern property line shall be a minimum of seven (7’) feet in height.” By the Hotel’s own admission in their letter dated October 9, 2020, the existing fence is limited to 6.5 feet, and thus they are already in violation of this provision. In addition, the retaining wall upon which the emergency gate is attached is approximately 5.5 feet in height from the side of the hotel. We have witnessed hotel visitors jumping over from the Hotel side into the neighborhood from this portion of the wall. Please consider amending the wall height to be at a minimum of 12 feet, and correspondingly, the emergency gate.
2. Expeditiously install and operate a camera system that will monitor activities at the hotel. The camera system should be viewed 24/7 by live guards, with a live feed made available to the MBPD.
3. Install a security gate near the hotel entrance to regulate parking, where only those who are guests at the Hotel have access.
4. Place a security deposit of \$1,000 on every room reservation that will be forfeited if guests at the hotel cause a situation that requires a police dispatched to the location. The forfeited deposit should be forwarded to MBPD to defray the cost of responding.



5. Hotel rooms adjacent to the East side of the hotel should be rented only after the rest of the hotel rooms are rented and occupied.

6. Guests need to be informed upon checking into the hotel that smoking on the property, including parking lots, are prohibited by law. Fines will be assessed on those who violate the Manhattan Beach Smoke Free Ordinance including forfeiture of their security deposit, with the forfeited funds forwarded to MBPD.

Finally, since we were exposed to environmental fugitive emissions, trash and asbestos during the last construction at the hotel in 2018, any future construction activities to the fence or the hotel should be done from inside the Hotel property and not through the surrounding neighborhood. This will help reduce the exposure to the children and the elderly who reside east of the hotel.

We ask that the City Council set a higher standard of safety for the welfare of the residents, and hold the Residence Inn management accountable to that standard.

Again, thank you Mayor Montgomery and Honorable Councilmembers for your support.

Sincerely  
Alex Helou

C: Eric Haaland, Associate Planner  
Carrie Tai, Director of Community Development

Sent from [Mail](#) for Windows 10

October 20, 2020

**To:** Honorable Richard Montgomery, Mayor  
Honorable Suzanne Hadley, Mayor Pro Tem  
Honorable Nancy Hersman, City Councilmember  
Honorable Hildy Stern, City Councilmember  
Honorable Steve Napolitano, City Councilmember

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2. Expeditiously install and operate a camera system that will monitor activities at the hotel. The camera system should be viewed 24/7 by live guards, with a live feed made available to the MBPD.
3. Install a security gate near the hotel entrance to regulate parking, where only those who are guests at the Hotel have access.
4. Place a security deposit of \$1,000 on every room reservation that will be forfeited if guests at the hotel cause a situation that requires a police dispatched to the location. The forfeited deposit should be forwarded to MBPD to defray the cost of responding.

5. Hotel rooms adjacent to the East side of the hotel should be rented only after the rest of the hotel rooms are rented and occupied.

6. Guests need to be informed upon checking into the hotel that smoking on the property, including parking lots, are prohibited by law. Fines will be assessed on those who violate the Manhattan Beach Smoke Free Ordinance including forfeiture of their security deposit, with the forfeited funds forwarded to MBPD.

Finally, since we were exposed to environmental fugitive emissions, trash and asbestos during the last construction at the hotel in 2018, any future construction activities to the fence or the hotel should be done from inside the Hotel property and not through the surrounding neighborhood. This will help reduce the exposure to the children and the elderly who reside east of the hotel.

We ask that the City Council set a higher standard of safety for the welfare of the residents, and hold the Residence Inn management accountable to that standard.

Again, thank you Mayor Montgomery and Honorable Councilmembers for your support.

Sincerely  
Alex Helou

C: Eric Haaland, Associate Planner  
Carrie Tai, Director of Community Development

## Martha Alvarez

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**From:** La Fam Bam <3105292585lg@gmail.com>  
**Sent:** Monday, October 19, 2020 4:58 PM  
**To:** Ted Fatuos; City Manager; List - City Council  
**Subject:** [EXTERNAL] Fwd: Nando Trattoria restaurant letter of recommendation for liquor license  
**Attachments:** image001.jpg

**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,

I am writing this letter of recommendation as a Manhattan Beach business operator / owner in the Sand section of Manhattan Beach for an approval of Liquor license #47 for this new restaurant called Nando Trattoria on Manhattan Avenue in Manhattan Beach CA. I know the owner properly from when he moved back to California from Chicago Illinois, after he sold one of his restaurants, he decided to come back. Dario Vullo, still owns another restaurant, Nando Milano Trattoria, restaurant in Illinois that is Michelin (this is a big award in the restaurant industry), recognized/rated and is one of the highest ratings for restaurants. Dario will be opening Nando Trattoria restaurant. This will be a compliment to the city of Manhattan Beach. Nando Trattoria, will have the highest level of customer service that will be 2nd to no other restaurant.. It will be like no other restaurant the city has hosted before. Over the months of knowing the owner, Dario Vullo and his wife Amy, who employs as a surgeon in a local medical facility, I can confirm that they will care and respect this city for whatever the city needs from them and Nando Trattoria restaurant. The City of Manhattan Beach should allow Nando Trattoria restaurant to have a liquor license #47 as their neighboring restaurants nearby already have and use their liquor license regularly.

In conclusion, owner Dario Vullo will become an asset to the city of Manhattan Beach business owner community and work closely with the City and the Sand section Manhattan Beach business owner to help all the other owners in whatever he can to help the city and other owners improve their business.

Thank you for your attention in this matter,

*Be great always,*

**Luis Gonzalez**

**Business Professional Realtor | CalBre#01137141**

**310.529.2585 mobile | 310.546.7611 office | 866.541.2179 fax**

email [3105292585LG@gmail.com](mailto:3105292585LG@gmail.com)

916 Manhattan Ave | Manhattan Beach | CA 90266  
Luis-Gonzalez.Com, Vistasir.com or [SIR.COM](http://SIR.COM)



## Martha Alvarez

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**From:** Dan Freedman <dan@theocean.me>  
**Sent:** Thursday, October 15, 2020 3:37 PM  
**To:** City Manager; Code; Quinn Barrow; Permits; List - City Council  
**Subject:** [EXTERNAL] Eyesore on the Strand  
**Attachments:** Picture.jpg

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

Ladies and Gentleman,

Yesterday, Seth Kogan posted on NextDoor excellent questions about the construction site at 31<sup>st</sup> and Ocean. I and others responded. Although I am sure that you are aware of the ongoing problem, I thought that it might be worthwhile to again bring this outrageous situation to your attention. Mr. Kogan's post and my response is below. Please forward this to anyone else that you think my be concerned or has jurisdiction. Thank you. Dan Freedman

### [Kogan Seth](#)

[Downtown Sand Section](#) • 1 day ago

**Eyesore on the Strand.** Can anyone tell me why the "house" at The Strand and 30th street, north corner, (I believe owned by a local realtor) has been allowed to remain an eyesore AND a fire hazard for over 6 years? Every so often a minuscule amount of work is performed but it is still basically studs. Is this acceptable in our neighborhood??

Posted in **General to 17 neighborhoods**

28 Comments

\* \* \*

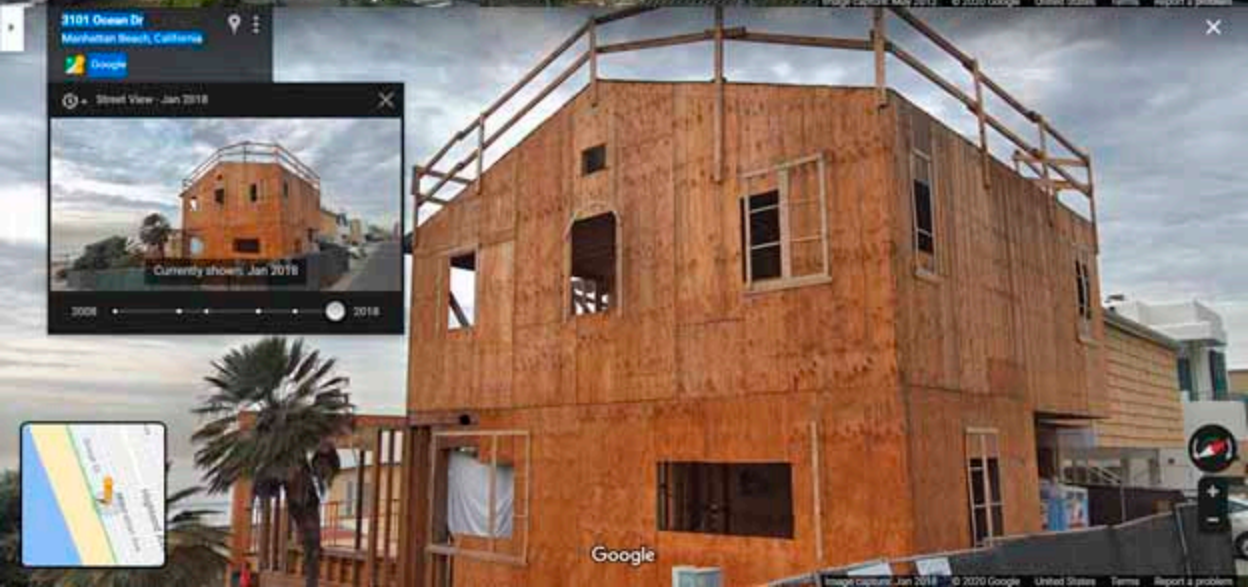
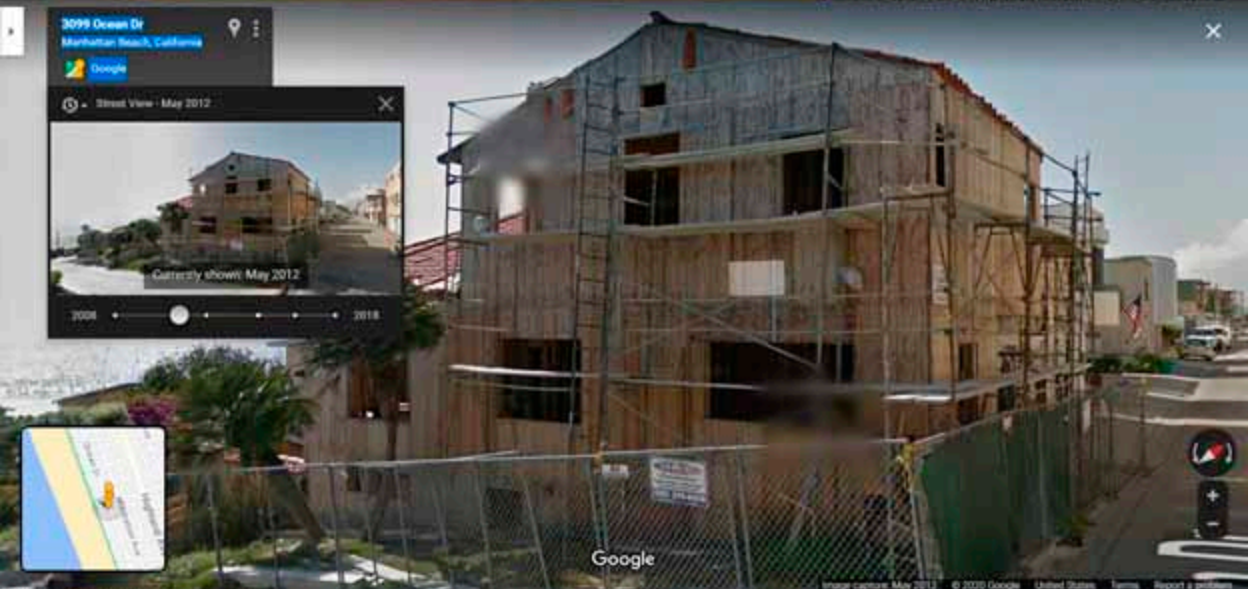
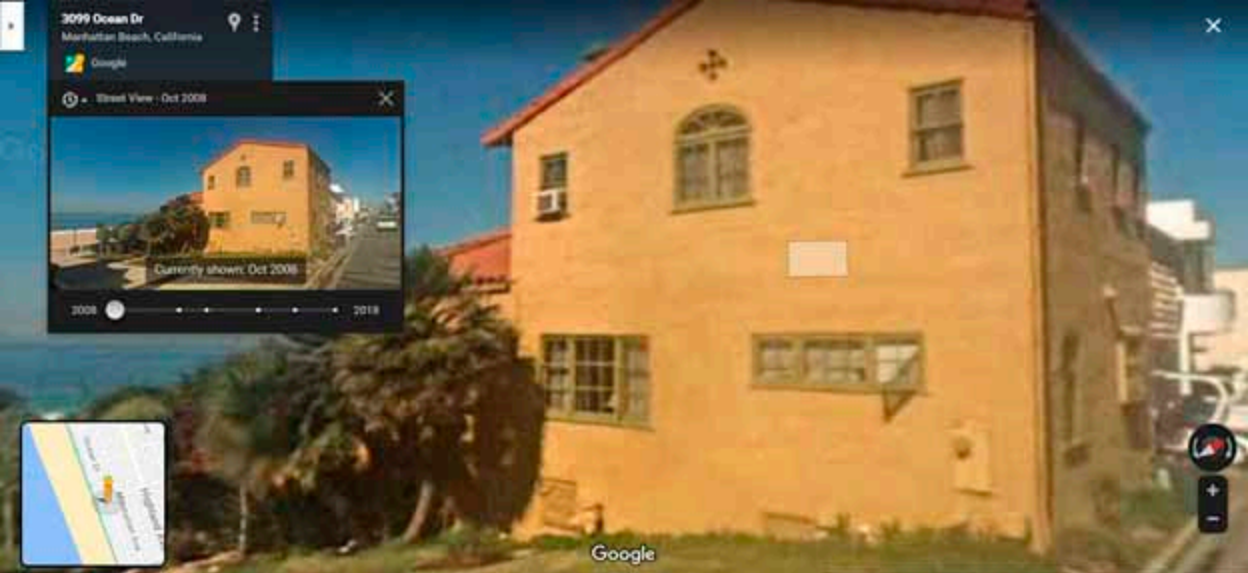
**Dan Freedman** • Middle Strand

I live on 31St Street near the derelict house. To clear a few things up –

This has been going on for more than 8 years, probably 10. It used to be a beautiful home, until the owner decided that he wanted to change that. Google Maps Photos from October 2008, May 2012 and January 2018 show the decline. There are no Google photos available between 2008 and 2012 or after 2018.

The structure is not merely an eyesore, it is a danger to the neighborhood and a drain on the City's resources. In the past, it has been used by vagrants and the homeless, as well as teenagers looking for a concealed place. As a result, the police have had to come by on several occasions to protect the property, most recently last week. I, myself, was assaulted several years ago by a homeless person who was living there and who had decided to come out to the Strand swinging a hammer, as I was walking my dog. Fortunately, I was not injured.

If someone is injured at the property, whether a trespasser or by a trespasser, you can bet that the City will be sued, and we will all be paying for the neglect. Many of us have complained to the City, but, as far as I can tell, it has brought little pressure to bear on the owner, a well-connected realtor.”



## Martha Alvarez

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**From:** Rosalie Olson <rosalie@verizon.net>  
**Sent:** Tuesday, October 13, 2020 8:17 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Rosalie Olson - Zoom Meeting didn't connect on 10/13/20 3:15 PM  
**Attachments:** MB City Council.pdf; ATT00001.htm

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

**October 13, 2020**

**Dear MB City Council Members,**

**My 30+ year professional background is an an educator in South Los Angeles. I and my colleagues were involved in numerous assessments and evaluations from which we came up with hundreds of Individual Education Plans that were satisfactory to all parties involved, i.e., students, teachers, parents, the school district and the federal government. I have learned that no single solution fits all cases, but a consensus must be the end result.**

**I intend to bring objectivity to the situation at hand and am committed to the rule of law.**

**If selected, I look forward to giving the committee my utmost in order to being about a harmonious solution to the controversy.**

**Submitted sincerely,**

**Rosalie E. Olson**

## Martha Alvarez

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**From:** Roy Gonella <royatbeach@gmail.com>  
**Sent:** Friday, October 9, 2020 10:48 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Landscaping in Downtown MB  
**Attachments:** IMG\_4815.jpg; ATT00001.txt; IMG\_4814.jpg; ATT00002.txt; IMG\_4816.jpg; ATT00003.txt; IMG\_4817.jpg; ATT00004.txt

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Here are some pictures of the pitiful conditions of the corner landscaping in downtown. It has been like this for some time, going back to pre-COVID times. We talk about new signs, etc., but this relatively inexpensive part of our downtown is sadly neglected and could so brighten up our important downtown area. I've reached out to public works before, but nothing seems to change, and it just gets worse and worse.

Maybe city council could make a difference here.

Thanks

Roy and Julie Gonella











