

**Martha Alvarez**

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**From:** latharn drust <latharnldrust@gmail.com>  
**Sent:** Thursday, June 17, 2021 3:55 PM  
**To:** City Clerk  
**Subject:** [EXTERNAL] Again  
**Attachments:** IMG\_1042.jpg

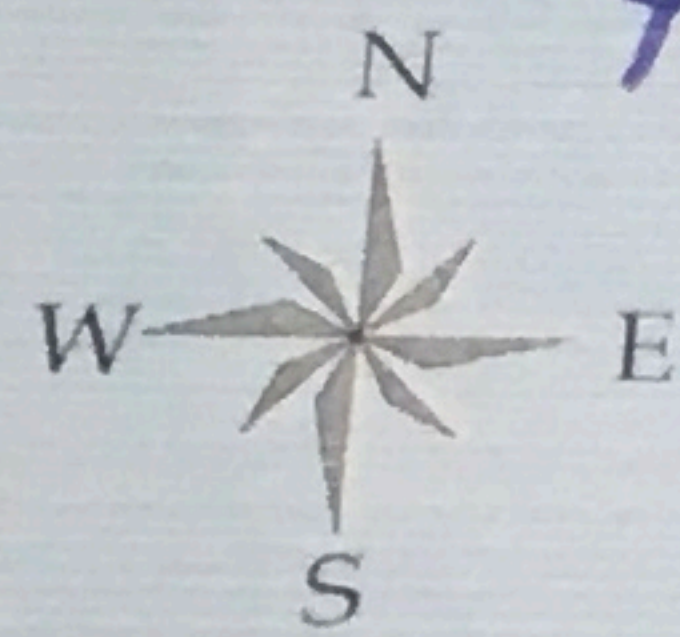
CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

3rd times the charm? Hope this makes it to you. If not please let me know. thx LD

# City of Manhattan Beach

**Bruce Beach**

**#STRAND**



**CREST VIEW**

**TREE SECTION**

**Tree Section**

**EAST**

**DOWNTOWN**

**WALK STREETS**

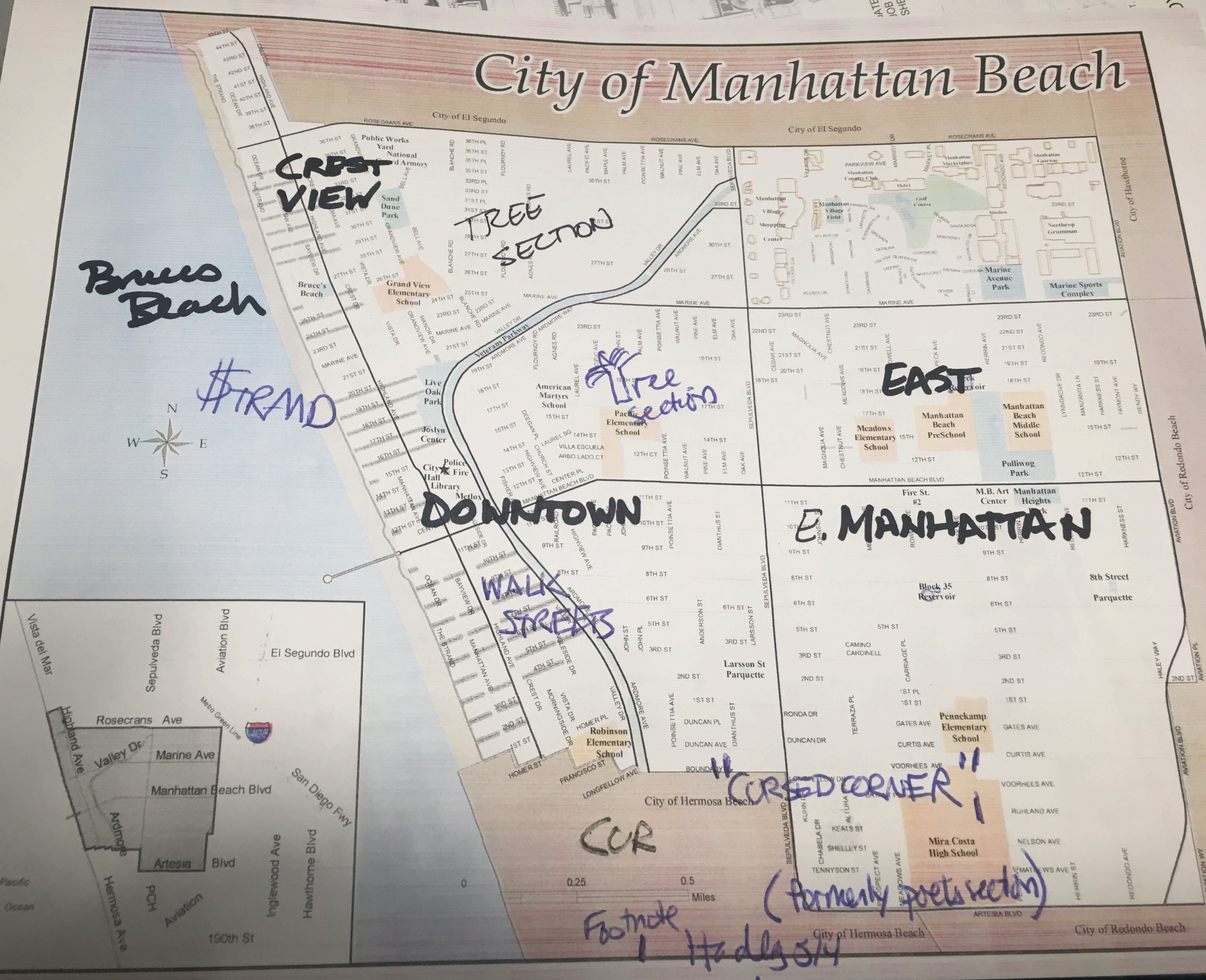
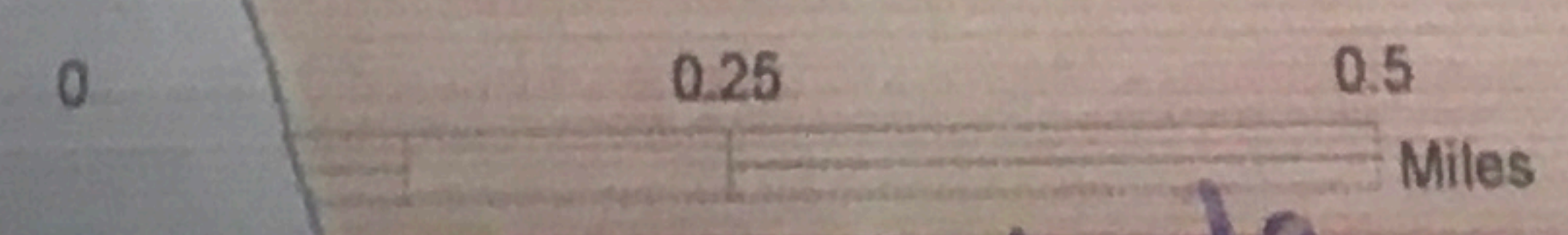
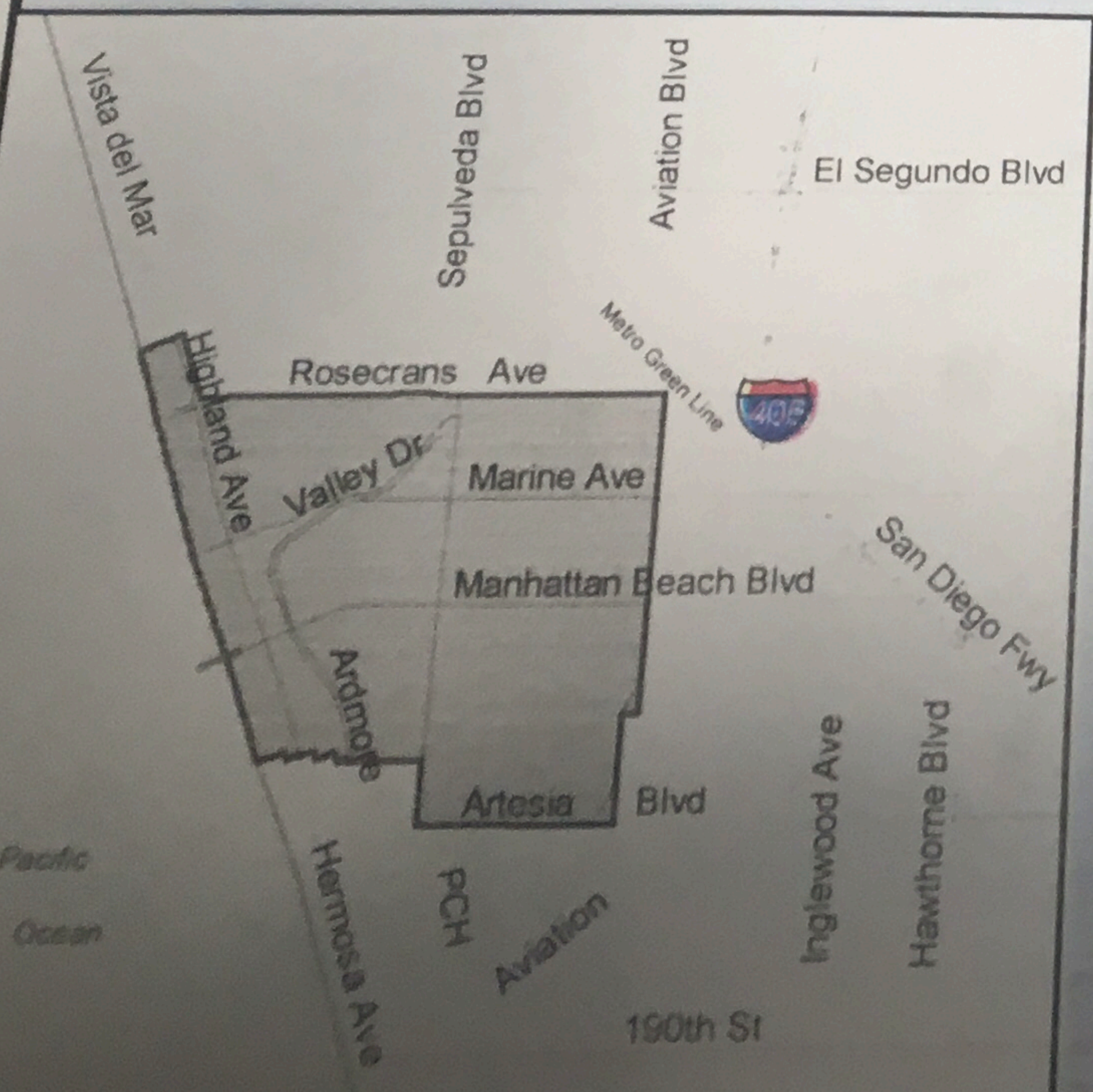
**E. MANHATTAN**

**"CURSED CORNER"**

**CCR**

**(Formerly poets section)**

**Footnote 1 H/dlg 5/4**



DATE: A  
JOB NO  
SHEET

City of Hawthorne

City of Redondo Beach

City of Hermosa Beach

City of Hermosa Beach

City of Redondo Beach

## Martha Alvarez

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**From:** latharn drust <latharnldrust@gmail.com>  
**Sent:** Wednesday, June 23, 2021 6:05 PM  
**To:** City Clerk  
**Subject:** [EXTERNAL] 2nd request Fwd: Hotel project  
**Attachments:** latharn ASP.pdf; ATT00001.htm

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

Hi - here's the second of 2 emails ,  
thanks again, Latharn

Begin forwarded message:

**From:** latharn drust <latharnldrust@gmail.com>  
**Date:** June 15, 2021 at 5:48:44 PM PDT  
**To:** shadley@citymb.info, hstern@citymb.info, snapolitano@citymb.info,  
jfranklin@citymb.info, rmontgomery@citymb.info  
**Cc:** cityclerk@citymb.info  
**Subject:** Hotel project

Hi Mayor Hadley & City Council Members,

The Board of the Alliance to Save the Poets Section (ASPs) has voted to take a position on the 600 S. Sepulveda Hotel project. Having reviewed the information available to the public, as well as discussing the absence of the project's financial information withheld from residents, we concur the redesigned 1 less room plan cannot and should not be evaluated without a thorough explanation describing why the hotel has to be the size it is. Aesthetically and for all other impacts the ASPs would prefer a smaller building complex with a deeper setback to the neighborhood facing Chabela.

The ASPs advocates that the City Council postpone its adoption of the proposed Resolution 21-0044 and extend the time for presentation of additional design options representing a smaller footprint complex further away from the Chabela Drive sidewalk.

An EIR is being denied because the level of scrutiny involved would "shut the barn door" on this egregious use. It would be prudent to work with neighboring residents rather than foster the mistrust currently growing in the city.

Thank you for considering our point of view,

Respectfully yours,

Latharn Drust  
Secretary  
Alliance to Save Poets Section  
Manhattan Beach

## Martha Alvarez

---

**From:** latharn drust <latharnldrust@gmail.com>  
**Sent:** Wednesday, June 23, 2021 6:03 PM  
**To:** City Clerk  
**Subject:** [EXTERNAL] 2nd request. Fwd: Food for thought

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

Hi,

I still don't see my letter, as written below, in the 6/15 public comments for city council. Could you please add, and I'll forward my other one too in the next email.

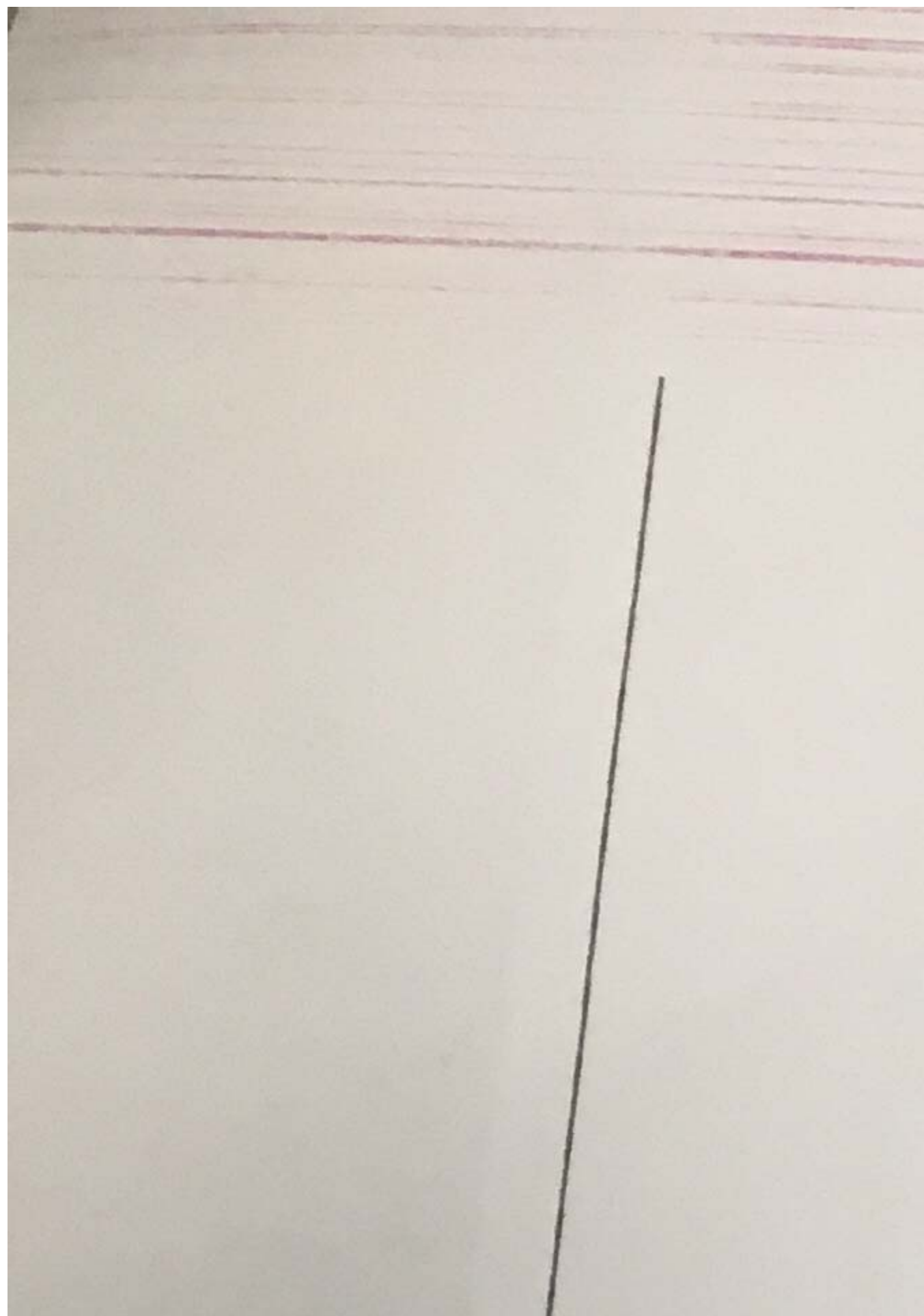
thanks,  
Latharn Drust

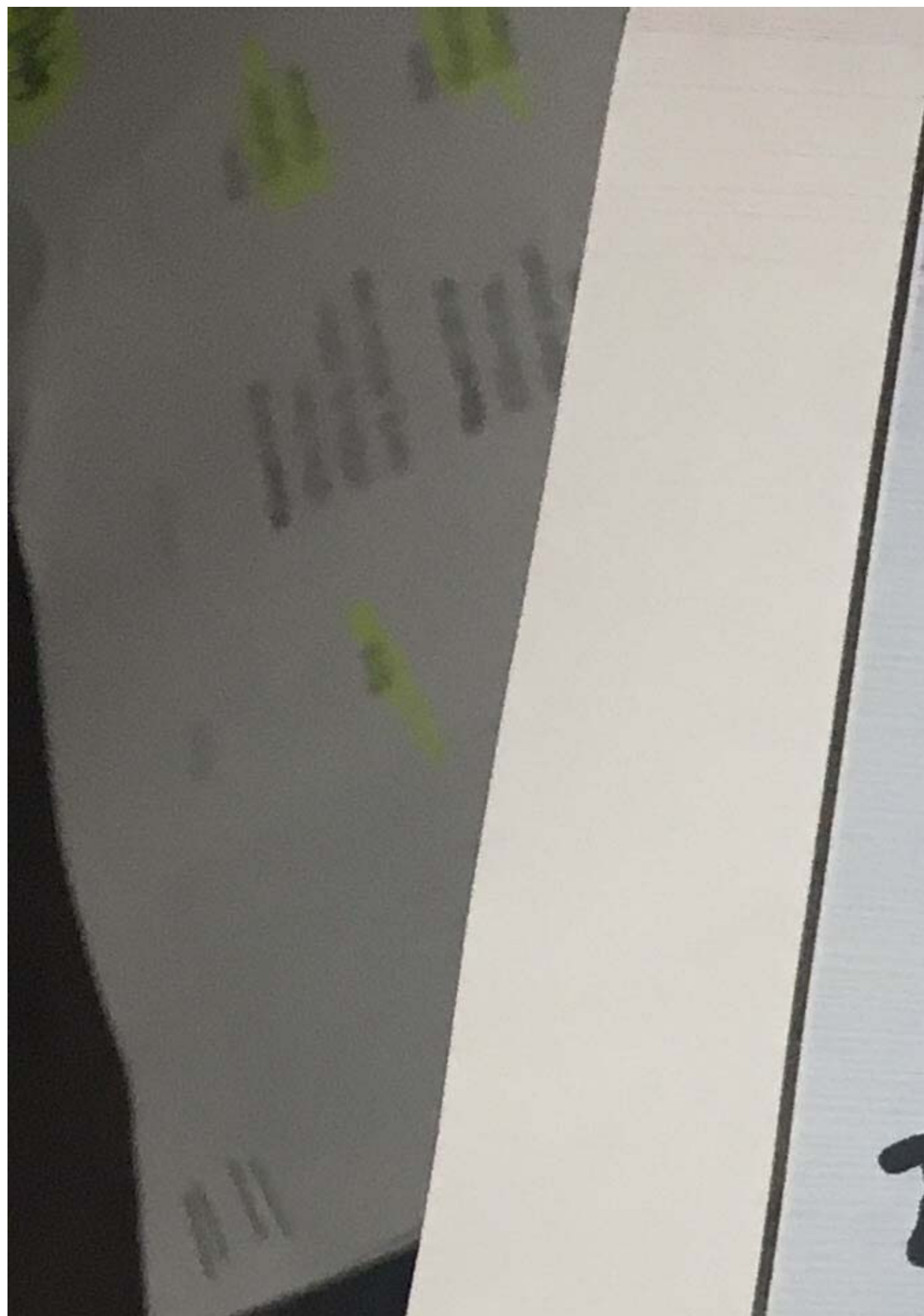
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**Date:** June 15, 2021 at 5:46:12 PM PDT  
**To:** shadley@citymb.info, snapolitano@citymb.info, hstern@citymb.info, jfranklin@citymb.info, rmontgomery@citymb.info  
**Cc:** Citymb <CityClerk@citymb.info>  
**Subject:** Food for thought

Cursed Corner:

“Oops I did it again...”  
Accident at Tennyson/Sepulveda 6/4





## Martha Alvarez

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**From:** Catherine Bergin <kate\_bergin@mac.com>  
**Sent:** Thursday, June 17, 2021 1:47 PM  
**To:** List - City Council; Bruce Moe  
**Subject:** [EXTERNAL] Thank You

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

Dear City Council,

Thank you for approving the history report that was written by the task force.

Best,  
Kate

Kate Bergin  
310-658-3191

[https://www.dailybreeze.com/2021/06/16/manhattan-beach-adopts-bruces-beach-history-report-which-gets-backing-from-academics/?utm\\_email=848B6411E554A4C5B51F449214&g2i\\_eui=aMp1rG4SeDPFXu6AXqBwMLICPtJsF14Y&g2i\\_source=newsletter&utm\\_source=listrak&utm\\_medium=Email&utm\\_term=https%3a%2f%2fwww.dailybreeze.com%2f2021%2f06%2f16%2fmanhattan-beach-adopts-bruces-beach-history-report-which-gets-backing-from-academics%2f&utm\\_campaign=scng-tbr-topnews&utm\\_content=curated](https://www.dailybreeze.com/2021/06/16/manhattan-beach-adopts-bruces-beach-history-report-which-gets-backing-from-academics/?utm_email=848B6411E554A4C5B51F449214&g2i_eui=aMp1rG4SeDPFXu6AXqBwMLICPtJsF14Y&g2i_source=newsletter&utm_source=listrak&utm_medium=Email&utm_term=https%3a%2f%2fwww.dailybreeze.com%2f2021%2f06%2f16%2fmanhattan-beach-adopts-bruces-beach-history-report-which-gets-backing-from-academics%2f&utm_campaign=scng-tbr-topnews&utm_content=curated)



## Martha Alvarez

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**From:** Gerald Tomson <jt@photodesign10.com>  
**Sent:** Wednesday, June 16, 2021 8:15 AM  
**To:** Sterling Hayden; List - City Council; Editor Beach Reporter  
**Subject:** [EXTERNAL] Re: MB's own version of The Salem Witch Trials 1692 - 1693

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

Don't let it go to yo haid . But you show Iz a smart feller. Your letter must have have tweaked their little brains.



Get [Outlook for iOS](#)

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**From:** Sterling Hayden <sir@sunspeed.com>  
**Sent:** Tuesday, June 15, 2021 5:18:23 PM  
**To:** citycouncil@citymb.info <citycouncil@citymb.info>; editor@TBRnews.com <editor@TBRnews.com>  
**Subject:** MB's own version of The Salem Witch Trials 1692 - 1693

Dear Editor

In our Manhattan Beach case, "Witch" is replaced by variants of racist. Racist, racism, systemic racism, institutional racism are today's Witch Hunt. I'm not. But, maybe my neighbor is. Well we must be sure not to be associated with them. To be really sure that the racist light doesn't shine on us, we'll call our neighbors racists. In the 1950's "Witch" was replaced by Communist.

Those who confessed—or who confessed and named other witches (communists, racists) —were spared the court's [vengeance](#), owing to the Puritan belief that they would receive their punishment from God. Those who insisted upon their innocence met harsher fates, becoming [martyrs](#) to their own sense of [justice](#). Many in the [community](#) who viewed the unfolding events as travesties remained mute, afraid that they would be punished for raising objections to the proceedings by being accused of [witchcraft](#) themselves.

Arthur Miller's play The Crucible, based on the Salem Witch trials was also an allegory about the anti-Communist Witch Hunts led by McCarthy.

Best not to hire professional historians to try to dredge up proof that MB is not racist.

No one knows what racist is. It's as vague as being called a witch.

If the City is sued let the plaintiff put forth whatever evidence they want, to prove whatever complaint they want.

It should be simple enough to put forth a legal version of "so what"

It's well past time for our community and our entire country to move past the current version of Witch Hunting i.e. racism.

Sterling Hayden, Manhattan Beach

## Martha Alvarez

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**From:** jrtrust3@gmail.com  
**Sent:** Wednesday, June 16, 2021 5:30 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] FW: MB CC gets pressure to accept History Report

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

Please do not fall for the scam and stand your ground! Manhattan Beach did nothing wrong and should never accept the fact that they did. Look at the REAL History and the Daily Breeze has it!

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**From:** Bruce's Beach: Get The Facts <brucebeachgetthefacts@gmail.com>  
**Sent:** Tuesday, June 15, 2021 4:20 AM  
**To:** Bruce's Beach: Get The Facts <brucebeachgetthefacts@gmail.com>  
**Subject:** MB CC gets pressure to accept History Report

Dear MB Residents,

**ATTEND THE MEETING TONIGHT 6/15 at 6:00 AND VOICE YOUR OPINION:** Join ZOOM meeting here: <https://citymb-info.zoom.us/j/93376200363>

**Email City Council today:** [citycouncil@citymb.info](mailto:citycouncil@citymb.info)

**Ask Council to retain the services of a Historical Consulting Firm with a team of expert researchers to vet the History Report BEFORE CC accepts it as the official history.**

These trained experts will read all of the sources cited in the Report to determine if the claims of the KKK, police terrorizing black patrons, and other controversial stories have credible sources to prove they are true.

LMU Professor Rosenthal's letter explains the critical importance of this INDEPENDENT due diligence BEFORE City Council publishes the Report and uses it in our schools (see letter below).

Until independent due diligence is performed, the question remains unanswered as to whether the controversial stories about the KKK and other stories are true.

### **Opinion Letters:**

The History Advisory Board (formerly the BB Task Force history committee) sought an opinion letter from a USC Professor and 4 brief statements from other Professionals.

All of the submissions, including Professor Rosenthal's, AGREE that the efforts of the History Advisory Board are tremendous and commendable for "lay-people" (USC) and "amateur historians" (LMU).

But only Professor Rosenthal warns City Council of the "considerable risk" relying on this body of work [from lay-people] to be used in our K-12 schools and for the wording on the public plaques.

And most assuredly this History Report as currently written will be used for reparation claims.

He "strongly recommends" that City Council engage the services of a Professional Historical Consulting Firm to vet the work before accepting it as our city's history.

### **The History Advisory Board has supporters:**

Janice Hahn, local BLM, members of the BBTF, and the other Woke in MB all do not want the Report independently vetted.

They need the stories of the KKK and Police beatings unvetted so as to further their calls for reparations.

If the Report has been independently vetted, then the HAB has the responsibility to post for public view the Due Diligence Report.

It is simply not credible to say that the people associated with the Report vouch that the Report is accurate and factual.

### **Stand Strong Council Members!**

Mayor Hadley and Council Members Franklin and Montgomery regularly endure disrespectful acts from some of the above players.

They are routinely called White Supremacists, Racists, Bigots, and a slew of other vulgarities. They are under considerable pressure from the State and County as the push for reparations across California continues. But these Council Members did not cave when they were pressured to keep the BBTF on permanently as a Diversity, Equity, and Inclusion Committee, and they did not cave under the demands to issue an Apology letter for acts others did over 100 years ago. They stood for what was right for MB then, and we hope they will stand for what is right again by hiring a Firm to vet the controversial stories in the History Report BEFORE accepting the report.

Example of a Historical Consulting Firm: <https://www.historyassociates.com/services/research-analysis/>

~Residents from Bruce Beach Get The Facts

We are a Network of many

**Please Forward to your Friends**

To unsubscribe or to be added to our mailing list, please email us back.



Department of History  
University Hall  
1 LMU Drive, Suite 3500  
Los Angeles, California  
90045-2659  
[www.lmu.edu](http://www.lmu.edu)

June 13, 2021

To Whom it May Concern:

This letter is a response to the June 1, 2021, draft of the City of Manhattan Beach's History Advisory Board's report on the history of Bruce's Beach. I was asked to read the report and provide an evaluation, with particular attention to its appropriateness for its intended purposes.

While I find that the report meets a basic standard of historical documentation and the History Advisory Board should be commended for its work, it is my strong recommendation that the City of Manhattan Beach engage the services of a professional historical consultancy firm. Such firms are routinely hired by municipalities and other entities to provide experts that assist in making decisions related to public history (e.g., historical markers and monuments), developing resources for public education, and generating documents and testifying in legal proceedings related to land claims, reparations, and other efforts to address historical injustices. It would be a considerable risk for the City of Manhattan Beach to rely on the work of volunteer amateur historians to write a definitive history to be used for such purposes. And it is especially important that this history is written according to professional standards at this critical moment, as the community and the nation seek to reconcile a history of racial discrimination.

More specifically, the History Advisory Board's report stands as a basic history. It would be best read not as a definitive history from which crucial decisions are made, but in conjunction with other historical accounts, thereby providing the critical reader with multiple interpretations of Manhattan Beach's history. For example, the History Advisory Board's report meets a basic standard of historical documentation by relying on what appear to be credible sources as it presents information that can be reasonably accepted as historical fact. Professional historians, however, have the training and expertise needed to locate and analyze a broader range of sources, in more depth. There are several additional ways that the report could be improved. It features very little historical context, which should be throughout the report, rather than as a brief section at the

end. The writing would be stronger with clearer analytical framing of individual sections, reorganization of some material for clarity and readability, and clarification on a handful of points. The efforts to address “contested memories” or disprove unsubstantiated stories that have a place in the popular memory of Manhattan Beach should be more clearly separated from the narrative by being shifted to the footnotes. These issues and others would be mitigated or avoided if the City of Manhattan Beach were to work with a professional firm that provides historical consultation.

In summary, while the History Advisory Board has done commendable work, professional historians have the training and experience necessary to provide the City of Manhattan Beach with the services it requires to address the history of Bruce’s Beach. It is unlikely that the City of Manhattan Beach would rely on amateur volunteers to act as accountants, engineers, or lawyers, or to fill any number of other positions on which the essential work of the city depends. History is likewise a profession with standards that require training and experience to be practiced effectively and responsibly. While this is always true, the current moment in particular demands that professional standards be followed if history is to be used as a tool to engage the past, understand the present, and work towards a more equitable future.

Sincerely,

A handwritten signature in black ink, reading "Nicolas G. Rosenthal". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Nicolas G. Rosenthal, Ph.D.  
Associate Professor of History

## Martha Alvarez

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**From:** Amy Howorth <amyhoworth@gmail.com>  
**Sent:** Tuesday, June 15, 2021 8:13 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] thank you for the opportunity- I didn't anticipate speaking

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

Madam Mayor and members of the Council,

I did not think I was going to speak tonight. I really am trying to spare you...

I support the report submitted by the History Advisory Board and think that any effort to discredit it specious and disingenuous at best. But, I didn't think I needed to tell you that. You are all smart and could figure that out.

I decided to speak after the resident spoke about MB United and , I believe, *unintentionally* misrepresented the position of MB United. I believe the speaker said that MB United did not support the recommendation of the History Advisory Board. Of course, that is false. So, I felt the need to correct that. I honestly think the speaker may have been confused when he was speaking. I'll assume he did not mean to misrepresent.

As to his claim that MB United called City Council "white supremacists," I believe he was actually referring to social media posts originated by Justice for Bruce's Beach which I have included here for reference. They do not call out the Councilmembers for being white supremacists. For the record, I do object to the use of the term in this case.

MB United is made up of many, many residents. None of them gave up their individual rights to post opinions and we do not ask them to speak only as a member of MB United. Our statements come out in our newsletters. We did encourage people to comment in support of the History report.

I encourage all of you to denounce any and all of the many anonymous and toxic emails that are sent to hundreds of residents. This, more than anything else, is changing the character of our town.

If you do not know what I am talking about, I can forward them to you.

I do know how hard your job is. I think it is harder than when I left in 2019.

Thank you for all that you do,

Amy Howorth. THAT Amy

## Martha Alvarez

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**From:** dmcphersonla@gmail.com  
**Sent:** Tuesday, June 15, 2021 7:25 PM  
**To:** List - City Council  
**Cc:** Bruce Moe; Liza Tamura; Martha Alvarez; Carrie Tai, AICP  
**Subject:** [EXTERNAL] FW: Comments on Hotel Project - 600 S. Sepulveda

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

For the record, prior to the city council decision on Consent Calendar Item 9, I object to Director Tai's email below, which has improperly suppressed public comment at the June 15 hearing.

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

---

**From:** 600-s-sepulveda@googlegroups.com <600-s-sepulveda@googlegroups.com> **On Behalf Of** 600 Sepulveda Community  
**Sent:** Tuesday, 15 June, 2021 18:24  
**To:** 600 S Sepulveda <600-s-sepulveda@googlegroups.com>  
**Subject:** Fwd: Comments on Hotel Project - 600 S. Sepulveda

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

**From:** Carrie Tai, AICP <[ctai@citymb.info](mailto:ctai@citymb.info)>  
**Date:** Tue, Jun 15, 2021, 5:32 PM  
**Subject:** Comments on Hotel Project - 600 S. Sepulveda  
**To:** Darryl Franklin <[600sepulvedacommunity@gmail.com](mailto:600sepulvedacommunity@gmail.com)>

Dear Mr. Franklin:

As you know, as announced publicly at the City Council meeting, the continued public hearing on this matter was closed on May 4, and thus any documents you have submitted after the close of such public hearing, including your June 1 and June 13 "rebuttals", are untimely, except as indicated in the next paragraph.

On May 4, the City invited you to submit comments on the draft resolution and the proposed conditions of approval, which were distributed to the public on June 9. We thank you for the comments you sent to the City Council on late Sunday night. Such comments have been received by the Council and will be considered prior to considering the Resolution.

Carrie

Bcc: City Council



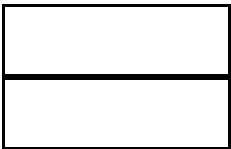
**CARRIE TAI, AICP**

DIRECTOR OF COMMUNITY DEVELOPMENT

310-802-5502  
ctai@citymb.info

The City of Manhattan Beach cares about your health and safety. During state and local COVID-19 restrictions, most Community Development services are available online and various divisions can be reached at (310) 802-5500 or Email during normal City business hours. The Citizen Self Service (CSS) Online Portal is now available for City permit and planning applications and inspections.

**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



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You received this message because you are subscribed to the Google Groups "600 S Sepulveda" group.  
To unsubscribe from this group and stop receiving emails from it, send an email to [600-s-sepulveda+unsubscribe@googlegroups.com](mailto:600-s-sepulveda+unsubscribe@googlegroups.com).  
To view this discussion on the web visit <https://groups.google.com/d/msgid/600-s-sepulveda/CAHM0L6aMguCWXGQBvQXh0e%3Dr9f%2BDGNLeVXh4mS%2BD%3DUYkvWPyzw%40mail.gmail.com>.  
For more options, visit <https://groups.google.com/d/optout>.



## Martha Alvarez

---

**From:** Alison Chavez <coffeychavez@gmail.com>  
**Sent:** Tuesday, June 15, 2021 5:48 PM  
**To:** List - City Council; City Manager  
**Subject:** [EXTERNAL] Accept the Bruce's Beach History Advisory Board Report

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

Please accept the history report. Any more delays and more dirt will be dug up. Even a non-numbers gal like me knows that it is a waste of money to hire a known history white-washer to fabricate a second report.

Where is this coming from? Are residents afraid that we'll be seen as racists for past mistakes? Strange, because apologizing would demonstrate our sincere regret; while refusing to apologize and now rewrite a well-researched report, begs for the inclusion of big red R in the city symbol.

Are you trying to erase that fact that our town was part of the red-lining movement because it could discourage new home buyers?

Or is your motive to advertise our town as racist to attract rich White prospects from the Midwest and South? Everything this council does seems counterproductive to appearing inclusive and welcoming to any outsider. Do better!

Most sincerely,  
Alison Chavez

## Martha Alvarez

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**From:** Jay Simpson <dirgraphic@aol.com>  
**Sent:** Tuesday, June 15, 2021 5:38 PM  
**To:** List - City Council  
**Cc:** barbrassimpson@aol.com  
**Subject:** [EXTERNAL] Bruce's Beach History

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

MB Council members:

The City Council should hire a consulting firm with a team of experts in historical research to vet the "History Report" before the council accepts any official history. Let's not let today's politics determine the truth.

Jay & Barbra Simpson  
Manhattan Beach, CA

## Martha Alvarez

---

**From:** latharn drust <latharnldrust@gmail.com>  
**Sent:** Thursday, June 17, 2021 3:53 PM  
**To:** City Clerk  
**Subject:** [EXTERNAL] Fwd: Food for thought

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Hi City Clerk, checked my last sent email, 2nd pic didn't send properly - here's a resend. please lemme know if unclear. Thanks much!

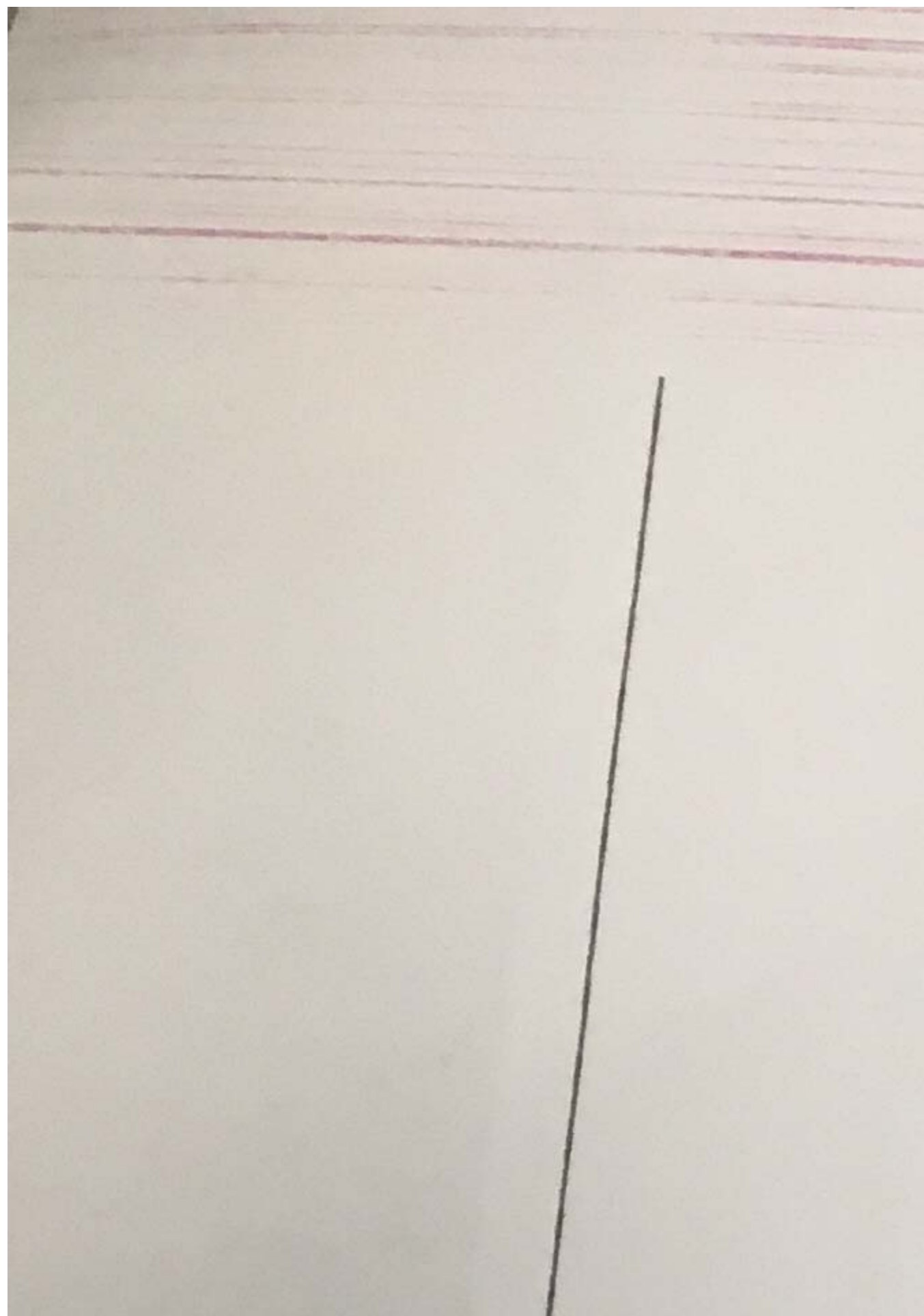
LD

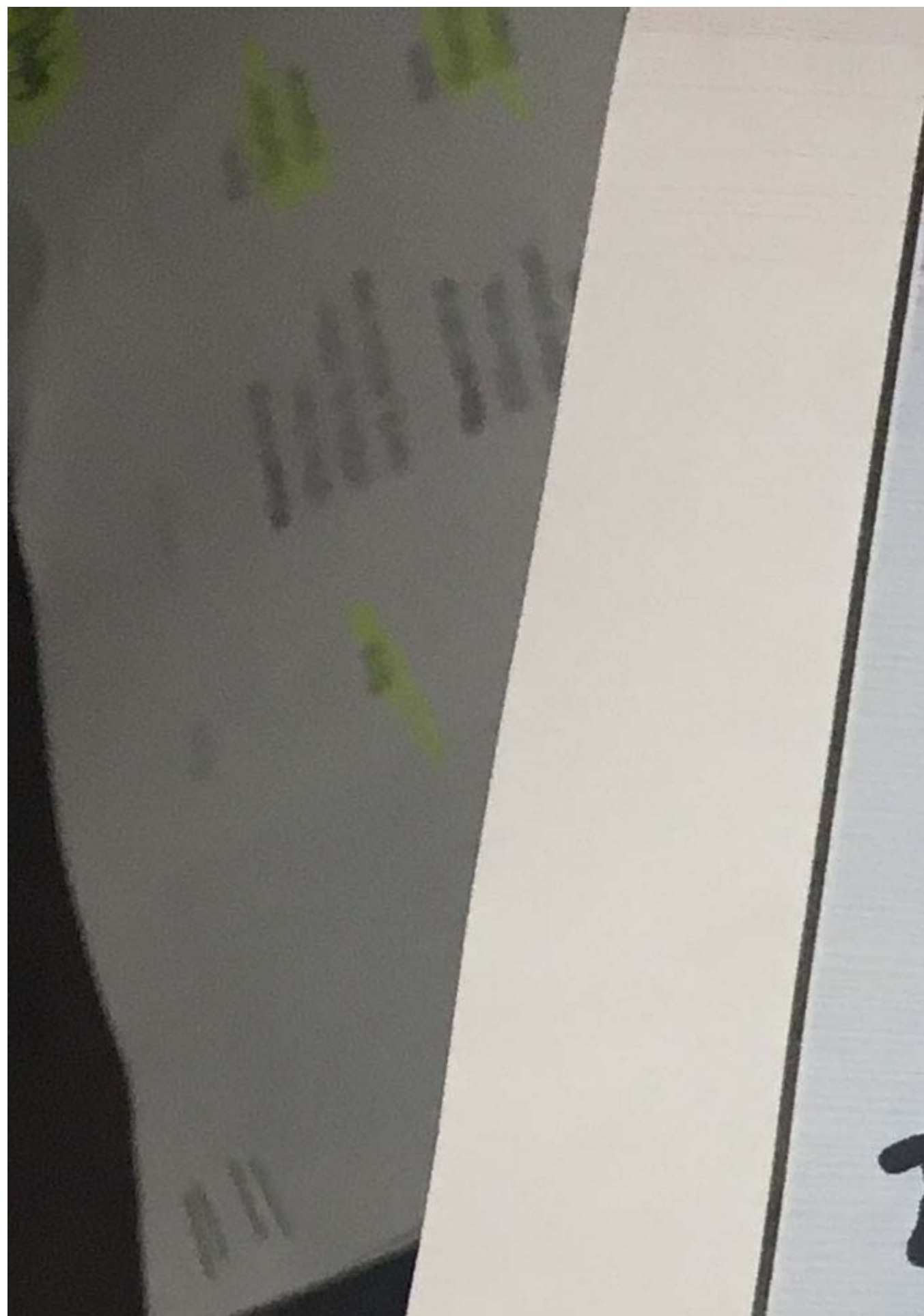
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Cursed Corner:

“Oops I did it again...”  
Accident at Tennyson/Sepulveda 6/4





## Martha Alvarez

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**From:** latharn drust <latharnldrust@gmail.com>  
**Sent:** Thursday, June 17, 2021 3:42 PM  
**To:** City Clerk  
**Subject:** [EXTERNAL] Fwd: Hotel project  
**Attachments:** latharn ASP.pdf; ATT00001.htm

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

Hey City Clerk,

Did I miss my 2 additions to Tuesday nights council meeting? I couldn't find my contributions. Here's one I'll send the other next. I'd appreciate seeing 'em up on the website.

One more email comin'  
gracias  
LD

Begin forwarded message:

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jfranklin@citymb.info, rmontgomery@citymb.info  
**Cc:** cityclerk@citymb.info  
**Subject:** Hotel project

Hi Mayor Hadley & City Council Members,

The Board of the Alliance to Save the Poets Section (ASPs) has voted to take a position on the 600 S. Sepulveda Hotel project. Having reviewed the information available to the public, as well as discussing the absence of the project's financial information withheld from residents, we concur the redesigned 1 less room plan cannot and should not be evaluated without a thorough explanation describing why the hotel has to be the size it is. Aesthetically and for all other impacts the ASPs would prefer a smaller building complex with a deeper setback to the neighborhood facing Chabela.

The ASPs advocates that the City Council postpone its adoption of the proposed Resolution 21-0044 and extend the time for presentation of additional design options representing a smaller footprint complex further away from the Chabela Drive sidewalk.

An EIR is being denied because the level of scrutiny involved would "shut the barn door" on this egregious use. It would be prudent to work with neighboring residents rather than foster the mistrust currently growing in the city.

Thank you for considering our point of view,

Respectfully yours,

Latharn Drust  
Secretary  
Alliance to Save Poets Section  
Manhattan Beach

## Martha Alvarez

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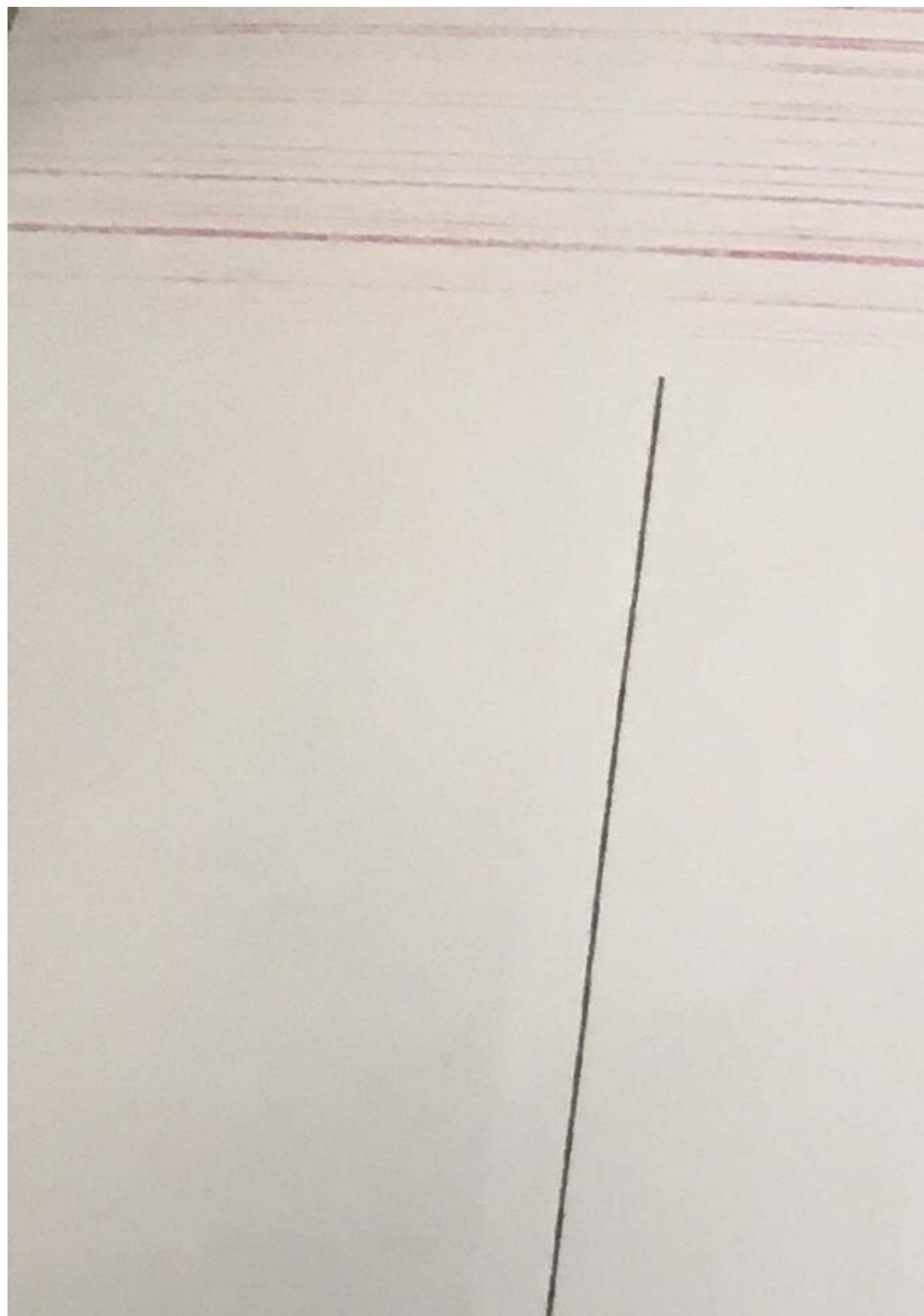
Begin forwarded message:

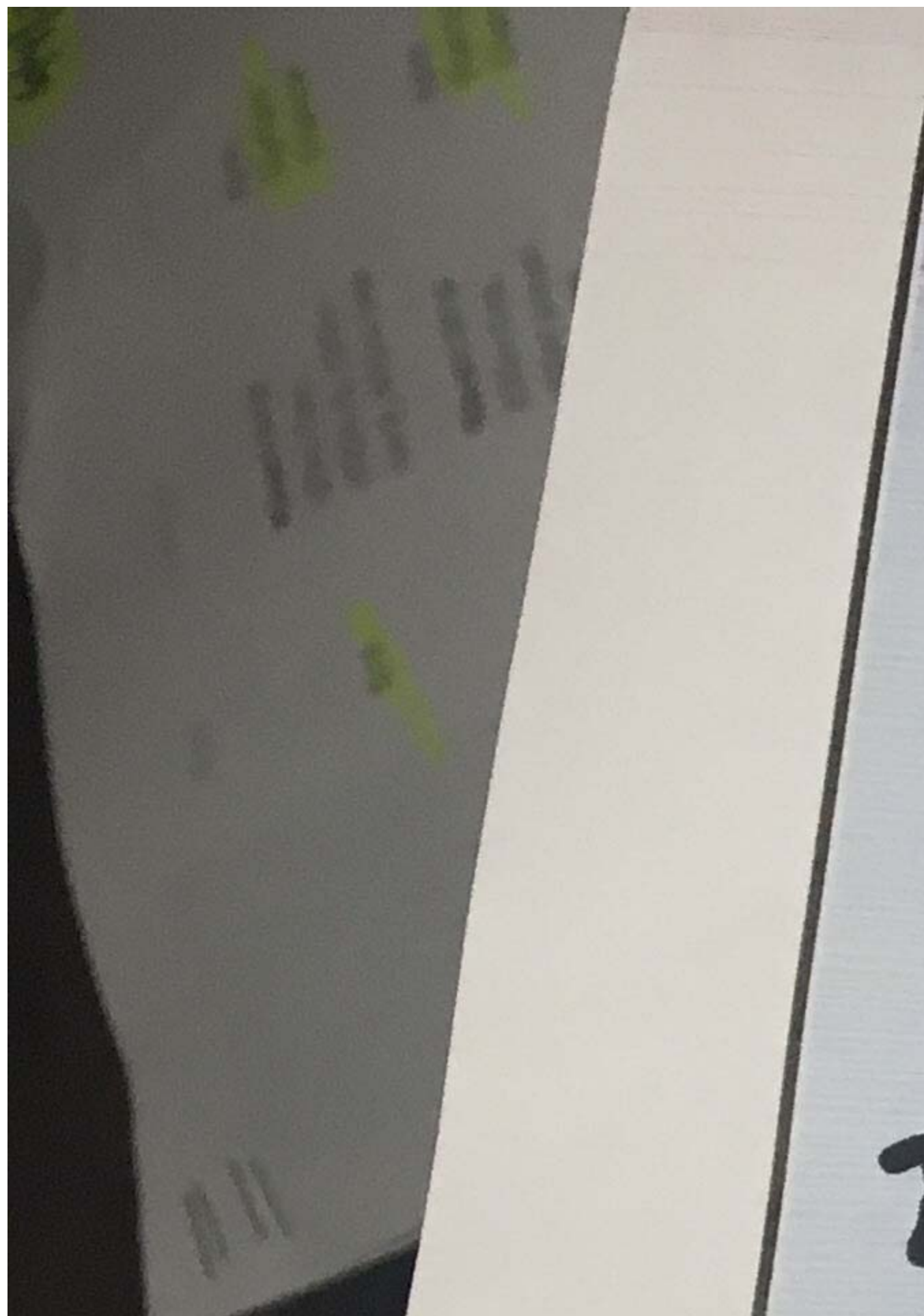
**From:** latharn drust <latharnldrust@gmail.com>  
**Date:** June 15, 2021 at 5:46:12 PM PDT  
**To:** shadley@citymb.info, snapolitano@citymb.info, hstern@citymb.info,  
jfranklin@citymb.info, rmontgomery@citymb.info  
**Cc:** Citymb <CityClerk@citymb.info>  
**Subject:** Food for thought

Cursed Corner:

“Oops I did it again...”  
Accident at Tennyson/Sepulveda 6/4







## Martha Alvarez

---

**From:** Liza Tamura  
**Sent:** Thursday, June 17, 2021 8:48 AM  
**To:** Martha Alvarez  
**Subject:** FW: [EXTERNAL] Letter of support - 600 S Sepulveda Blvd

Can you make sure that Ted forwarded you this email for the record. I just realized that it did not have "list city council"



**LIZA TAMURA**

CITY CLERK

(310) 802-5055

ltamura@citymb.info

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

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**From:** tgriffith@grifprop.com [mailto:tgriffith@grifprop.com]

**Sent:** Wednesday, April 28, 2021 3:00 PM

**To:** Suzanne Hadley ; Hildy Stern ; Steve Napolitano ; Richard Montgomery ; Joe Franklin ; Liza Tamura ; Ted Faturos

**Subject:** [EXTERNAL] Letter of support - 600 S Sepulveda Blvd

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

Manhattan Beach City Council,

I'm writing to express my support for the Manhattan Beach Hotel project located at 600 S. Sepulveda Blvd. Having spent time reviewing renderings and plans, the project will greatly enhance this section of Sepulveda Blvd supporting and complimenting business development.

While not a direct neighbor, I am nearby at 2<sup>nd</sup> St and Ardmore Ave where my family and I have lived since 2006. The MB Hotel project will be a great addition to my area with much needed quality hotel and conference space complimenting business development nearby, but also enhancing aesthetics of the location as a benefit to nearby residential development. I appreciate the evolution of Live Oak Property's plans, including their attention to creating a well-designed project that includes a mix of uses that is sensitive to traffic, parking and aesthetic concerns of the neighborhood and MB City Council.

I especially appreciate the developer's commitment to on-going dialogue with the city and neighborhood throughout the approval process, and their willingness to revise the project based on feedback. I believe it is time to approve the project and move forward with providing this development's numerous benefits to the city of MB.

Sincerely,  
Tom Griffith  
310 480 2181

## Martha Alvarez

---

**From:** Zan <olivethesprite@gmail.com>  
**Sent:** Thursday, June 17, 2021 7:45 AM  
**To:** City Clerk  
**Subject:** [EXTERNAL] Letter missing 6/15  
**Attachments:** SIDEWALK TO NOWHERE-1.pdf

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Good morning,

I noticed one of my letters is not with the others, can you please add it to the rest? I've attached below, thanks so much!

Suzanne Best

# SIDEWALK TO NOWHERE

Hello Mayor Hadley, Council Franklin, Montgomery, Napolitano, and Stern,

I'd like to point out some issues with the planned sidewalk on the west side of Chabela Drive. The existing sidewalk on Chabela's east side has served well, and is not used much. Where are the transients going to walk to, there is nowhere to go but the neighborhood. Will they wonder 'what the hell' as they walk north on the proposed sidewalk - and it just stops? They then face crossing Chabela, which could be a challenge with all the additional traffic.



This is where the sidewalk will end, just before the tree.

It's not feasible that a transient would exit onto that sidewalk, only to walk around to get back to their room. I just do not understand the concept, and I have not heard anyone mention this 'sidewalk to nowhere'. This will provide access to transients that want a closer look than they get through the windows.

I finally realized that the access was for the ventilation of the garage. As Gene Fong, architect stated at the 10/14/21 planning commission hearing, "that portion of Chabela, you know we're trying to open that up in terms of creating just natural ventilation for the garage."<sup>1</sup>

I wish the developer and city cared as much for the air to the neighborhood.

Please reconsider this proposal. It seems not well thought out, and does not take the neighborhood into consideration. I guess that was deliberate. And please keep the trees, they are beautiful.

Thank you.

Suzanne Best

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<sup>1</sup> <https://www.citymb.info/departments/boards-and-commissions/planning-commission>

The captions for this meeting were never fixed and are gibberish; one must click on the 10/14/20 date and then on video to watch the meeting.

## Martha Alvarez

---

**From:** Lamoine Doyle <lollydoyle@icloud.com>  
**Sent:** Tuesday, June 15, 2021 5:58 PM  
**To:** Suzanne Hadley; Joe Franklin; Hildy Stern; Steve Napolitano; Richard Montgomery; City Clerk  
**Subject:** [EXTERNAL] 600 South Sepulveda Proposed Hotel Development  
**Attachments:** Doc9.docx

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

June 15, 2021

Dear Manhattan Beach City Council Members:

Regarding the 600 South Sepulveda hotel project, the city council indicated at the May 4 public hearing that another public hearing would be required for review of the proposed amendments to the conditional use permit. I was stunned to see that the agenda for tonight's meeting does not include a designated time to comment on the amendments. I have always thought the process that our city has for hearing residents' thoughts, requests and complaints has been a good one and have had faith that our voices are heard, and the process ultimately works. However, since I've been observing the process in the context of the meetings regarding the hotel project, I have to wonder if my faith has been misplaced.

How can the council place the amendments to the conditional use permit on the consent calendar without hearing the public's comments about the amendments? The developer has been allowed to modify the plans, but the public, especially those who live the nearest to, and will be the most impacted by the project, are not allowed to give feedback about the modifications? That makes no sense.

Nor does it make sense that an environmental impact review has not been required as part of the planning process for this project. There was an assertion made at the May 4 council meeting in which the Manhattan Beach Community Director indicated that the Sunrise Senior Living center chose to take on an EIR and go through the exercise of the initial study. This appears to be untrue. Why are the city staff and council members continuing to not do the right thing? Why is an EIR not required for this project? The residents of the city deserve to have their concerns regarding the lack of an EIR addressed in a transparent and truthful manner. Furthermore, the residents deserve to have an EIR completed for the project because it continues to be clear that there is certain to be an impact to the neighborhood by this project and it is inconceivable that the environmental impact review that is required by the state of California was exempted for the project. Especially considering the discrepancies that have been reported when comparing experts' reports to the information provided by the city and/or the developer, having an EIR done makes sense. Let's clear up some of the issues that have been identified by our experts' reports in a transparent manner. Please provide a designated time to comment on the amendments to the conditional use permit in a future city council meeting. Also, do the right thing and require an EIR for the project.

Thank you,  
Lolly Doyle  
1190 Shelley Street



## Martha Alvarez

---

**From:** Zan <olivethesprite@gmail.com>  
**Sent:** Tuesday, June 15, 2021 5:52 PM  
**To:** Suzanne Hadley; Hildy Stern; Steve Napolitano; Joe Franklin; Richard Montgomery  
**Cc:** City Clerk  
**Subject:** [EXTERNAL] Suzanne Best letter  
**Attachments:** SIDEWALK TO NOWHERE.pdf; ATT00001.htm

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

# SIDEWALK TO NOWHERE

Hello Mayor Hadley, Council Franklin, Montgomery, Napolitano, and Stern,

I'd like to point out some issues with the planned sidewalk on the west side of Chabela Drive. The existing sidewalk on Chabela's east side has served well, and is not used much. Where are the transients going to walk to, there is nowhere to go but the neighborhood. Will they wonder 'what the hell' as they walk north on the proposed sidewalk - and it just stops? They then face crossing Chabela, which could be a challenge with all the additional traffic.



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I wish the developer and city cared as much for the air to the neighborhood.

Please reconsider this proposal. It seems not well thought out, and does not take the neighborhood into consideration. I guess that was deliberate. And please keep the trees, they are beautiful.

Thank you.

Suzanne Best

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<sup>1</sup> <https://www.citymb.info/departments/boards-and-commissions/planning-commission>

The captions for this meeting were never fixed and are gibberish; one must click on the 10/14/20 date and then on video to watch the meeting.

## Martha Alvarez

---

**From:** latharn drust <latharnldrust@gmail.com>  
**Sent:** Tuesday, June 15, 2021 5:49 PM  
**To:** Suzanne Hadley; Hildy Stern; Steve Napolitano; Joe Franklin; Richard Montgomery  
**Cc:** City Clerk  
**Subject:** [EXTERNAL] Hotel project  
**Attachments:** latharn ASP.pdf; ATT00001.htm

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

Hi Mayor Hadley & City Council Members,

The Board of the Alliance to Save the Poets Section (ASPs) has voted to take a position on the 600 S. Sepulveda Hotel project. Having reviewed the information available to the public, as well as discussing the absence of the project's financial information withheld from residents, we concur the redesigned 1 less room plan cannot and should not be evaluated without a thorough explanation describing why the hotel has to be the size it is. Aesthetically and for all other impacts the ASPs would prefer a smaller building complex with a deeper setback to the neighborhood facing Chabela.

The ASPs advocates that the City Council postpone its adoption of the proposed Resolution 21-0044 and extend the time for presentation of additional design options representing a smaller footprint complex further away from the Chabela Drive sidewalk.

An EIR is being denied because the level of scrutiny involved would "shut the barn door" on this egregious use. It would be prudent to work with neighboring residents rather than foster the mistrust currently growing in the city.

Thank you for considering our point of view,

Respectfully yours,

Latharn Drust  
Secretary  
Alliance to Save Poets Section  
Manhattan Beach

## Martha Alvarez

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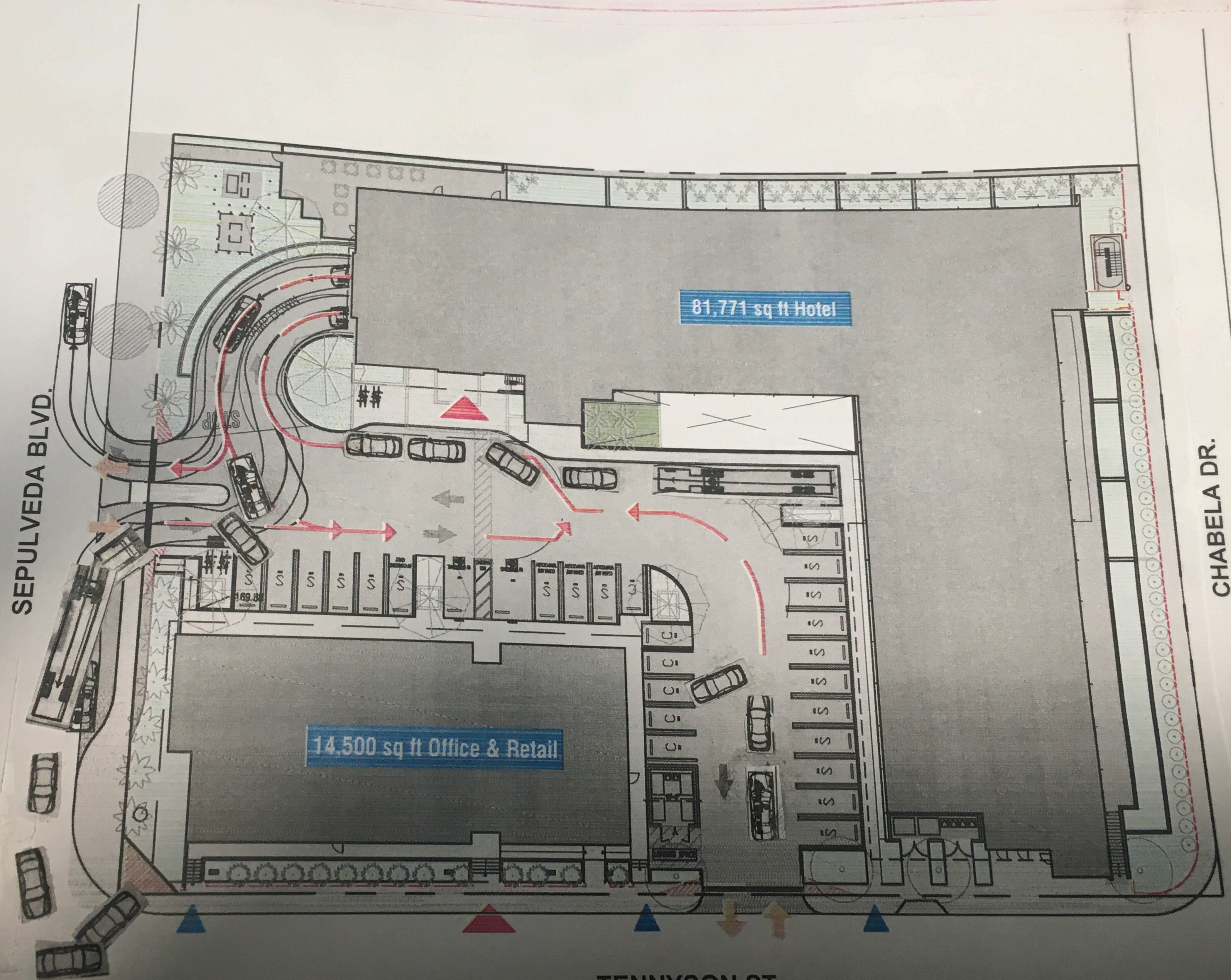
**From:** latharn drust <latharnldrust@gmail.com>  
**Sent:** Tuesday, June 15, 2021 5:46 PM  
**To:** Suzanne Hadley; Steve Napolitano; Hildy Stern; Joe Franklin; Richard Montgomery  
**Cc:** City Clerk  
**Subject:** [EXTERNAL] Food for thought  
**Attachments:** image0.jpeg; image1.jpeg; ATT00001.txt

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Cursed Corner:

“Oops I did it again...”

Accident at Tennyson/Sepulveda 6/4



SEPULVEDA BLVD.

CHABELA DR.

TENNYSON ST.

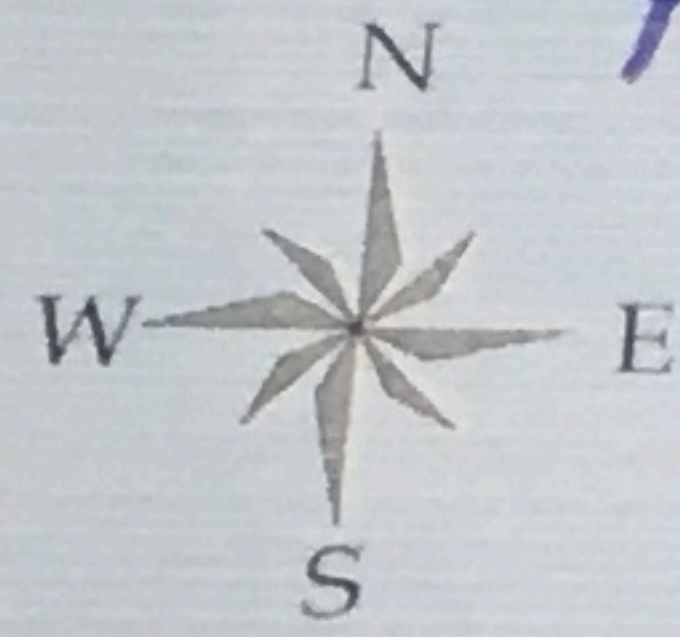
81,771 sq ft Hotel

14,500 sq ft Office & Retail

# City of Manhattan Beach

**Bruce Beach**

**#STRAND**



**CREST VIEW**

**TREE SECTION**

**Tree Section**

**EAST**

**DOWNTOWN**

**WALK STREETS**

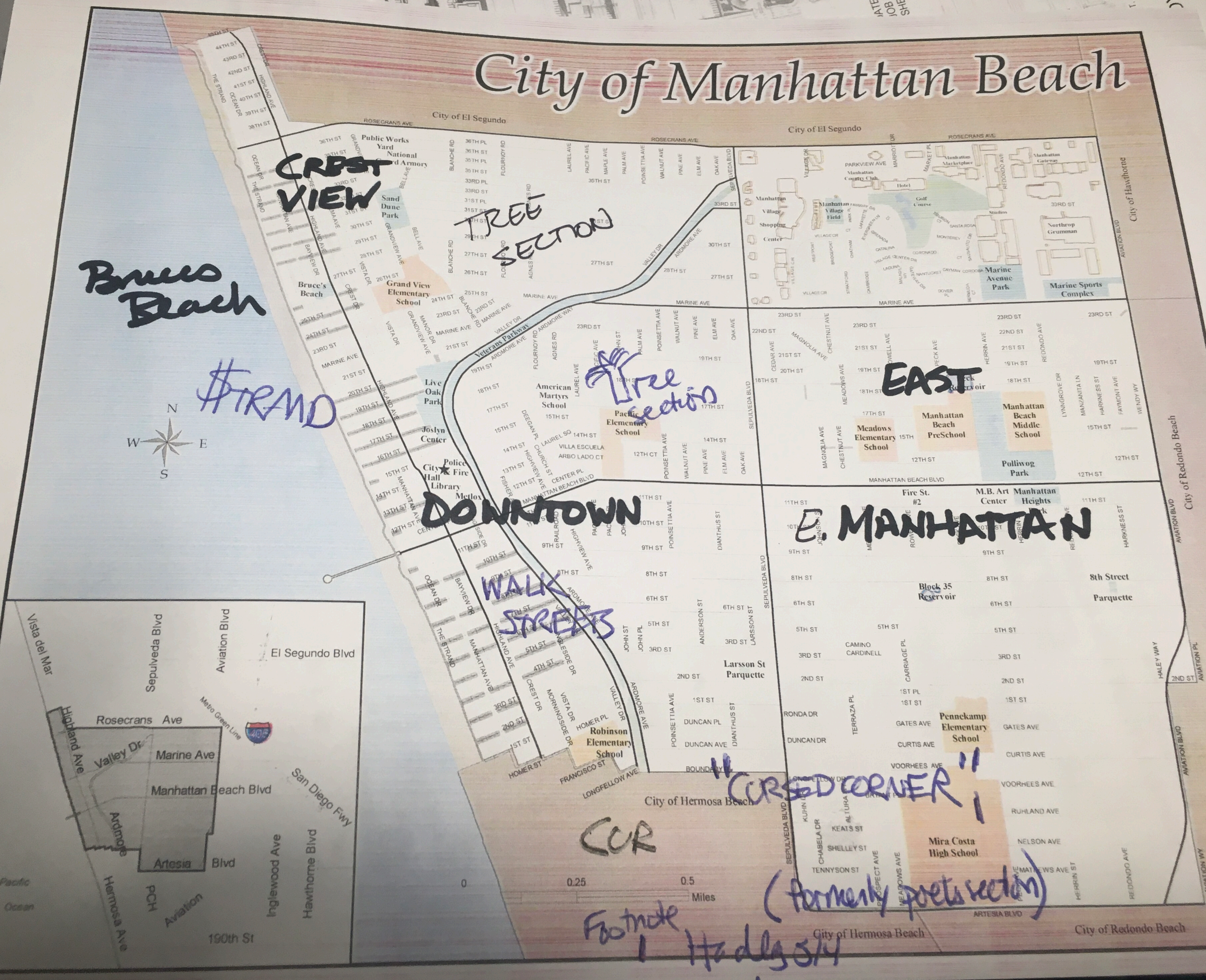
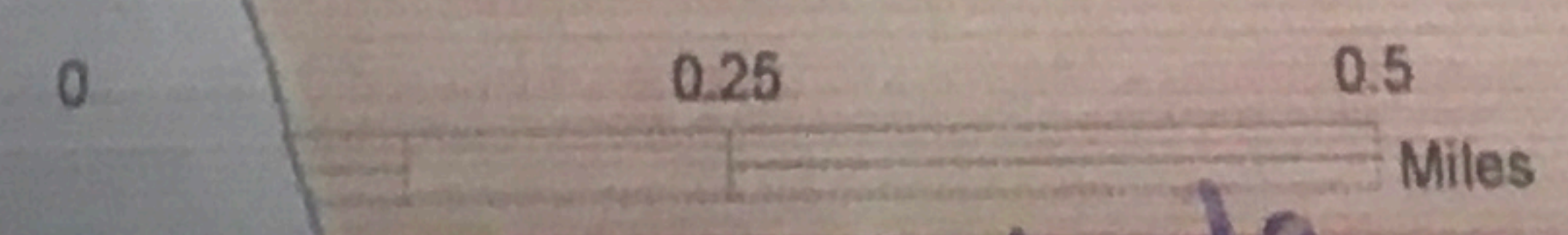
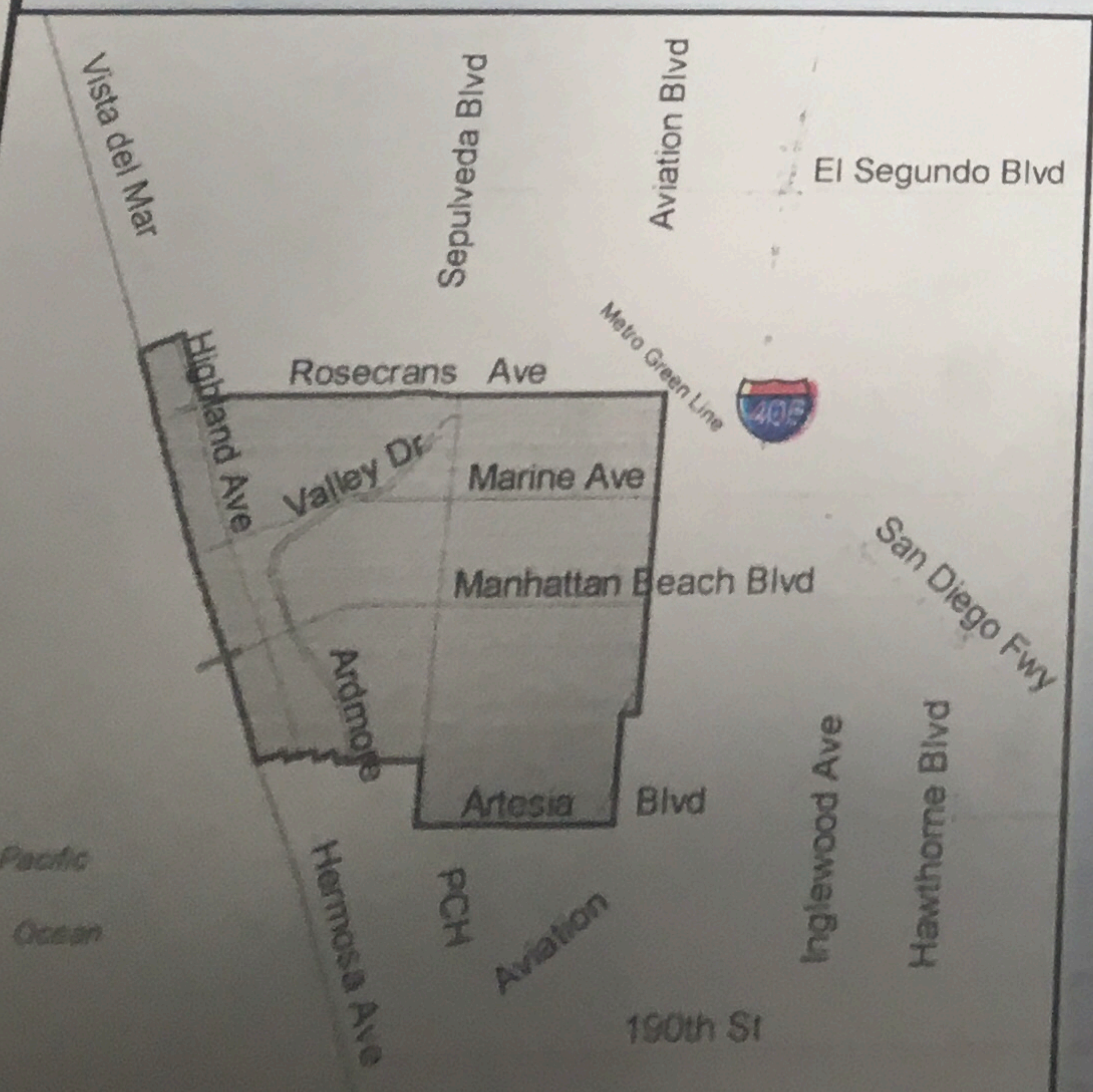
**E. MANHATTAN**

**"CURSED CORNER"**

**CCR**

**(Formerly poets section)**

**Footnote 1 H/dlg 5/4**



## Martha Alvarez

---

**From:** Zan <olivethesprite@gmail.com>  
**Sent:** Tuesday, June 15, 2021 5:37 PM  
**To:** Hildy Stern; Steve Napolitano; Richard Montgomery; Joe Franklin; Suzanne Hadley; City Clerk  
**Subject:** [EXTERNAL] Suzanne Best letters  
**Attachments:** NOISE copy.pdf; AIR SUN PRIVACY.pdf

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



Good evening Mayor and City Council,

The bulk of this project blocks air and ocean breezes which currently provide fresh air to the poets section. Air quality will diminish further with increased traffic and parking. The cumulative effect of the project, with its density and heft, will also contribute in terms of off gassing and ghg emissions. The city did not include ghg emissions in their technical report. The city's goal is to improve air quality, but they omit an important component. Stating there are no traffic impacts to the neighborhood affects not only the traffic that will increase, but also the air quality, and ghg emissions and parking garage exhaust. Since there is no ventilation system in the underground garage, that air will flow directly into the neighborhood, assisted by openings along the perimeter of the garage, as well as a stairway opening onto Chabela.

*CR-6. Improve air quality*

*6.2. Encourage the expansion and retention of local serving retail businesses (e.g., restaurants, family medical offices, drugstores) to reduce the number and length of automobile trips to comparable services located other jurisdictions.*

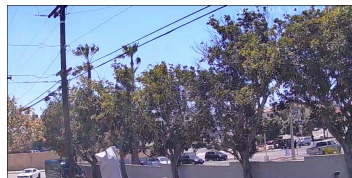
Part of the reason why the poets section has very low turnover is the air quality.

*From MB Community Resources:*

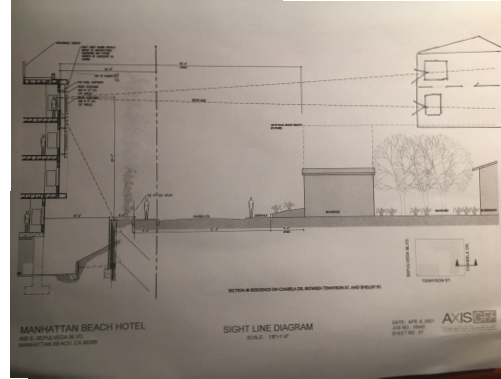
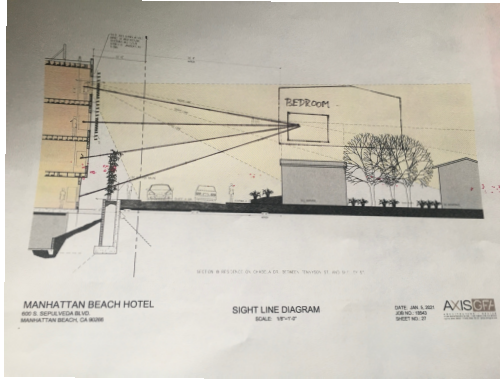
*"Manhattan Beach's local air quality benefits from prevailing westerly ocean breezes"<sup>1</sup>*

The air quality was not good on this day, 4/30/21, on which the Skechers construction crew decided to practice drifting in the parking lot. You can see the westerly breezes blowing the exhaust into the neighborhood. White car in last photo turning onto Chabela is the drifter. I think in the first photo you can see the Skechers security vehicle parked.

Placing the underground garage adjacent to the neighborhood is a choice. Had the residents been informed about this project earlier, we could have provided input. I know nothing of this project before the beginning of October. By then, there was no way to have input into the process. All we could do, during Covid, was scramble to gather info and write letters, which were ineffectual.



Project sight lines do not show the significance of the privacy issue. The addition of louvers does not mitigate the issue, at any floor level visible to the neighborhood. I should be able to open blinds to dress in my own bedroom without fear of a stranger many strangers watching.



Here is a window with the sun louvers. Visibility is hardly altered. If light is coming in there is visibility. It may change angles, but it is still there. Bamboo, even if fully grown, does not provide privacy.



Developer cannot block the guests' view of the neighborhood without removing the windows. Hotels are not usually built facing family homes and yards, especially in such close proximity. City staff has equated this project to a 2 story house. A 2-story neighbor is no equivalent to 40+ hotel strangers having view into your home and yard. Here is the difference.

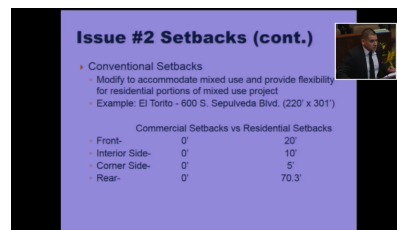


Chabela Drive serves as buffer to the commercial.

Chabela is 23' wide, not 31.5' as stated in the staff report. In fact, Commissioner Morton voted on the planning resolution after stating that Chabela is 31.5' wide:

"We are set back 20 feet from the property line, and Chabela is another 31 and a half feet wide, ...the difference those buildings is close to 55 or 60 feet"<sup>2</sup>

The developer chose to put the hotel 47' from residents. The hotel cantilevers toward the neighborhood. During a 4/25/18 planning meeting, cantilevering was suggested as a way to protect residents. However the cantilever is to "stair-step" away from residents, not toward them. Here is a slide that shows that example, which the developer did attend. The cherry picked "opportunity site" was El Torito, 600 S. Sepulveda, as shown in slide on right.<sup>3</sup>



From 6.13.18 Planning Commission meeting :<sup>4</sup>

*Chair Seville-Jones: "obviously it does give people heartburn to imagine there might be this looming 40' building". Not in favor*

*Commissioner Burkhalter: "no matter how you parse it, 40 foot is always going to be an alarming number to neighbors" Not in favor*

*Developer: "every foot counts"*

The developer heard these comments and still did not reach out to the neighborhood. He fully expected opposition. He waited years to reach out to residents, and that was during Covid. There is nothing transparent or above board about this.

The outlet from the project on its northeast corner will allow foot traffic from the project into the neighborhood (and vice versa). This is another source of noise, and air impact, and also a safety issue. The sidewalk to nowhere will end mid-block. There is nowhere to walk to in this neighborhood, unless you are headed to Mira Costa or Journey of Faith. If the lot were less packed there could be an alternative fire access.

<sup>2</sup> [https://manhattanbeach.granicus.com/TranscriptViewer.php?view\\_id=7&clip\\_id=3598](https://manhattanbeach.granicus.com/TranscriptViewer.php?view_id=7&clip_id=3598)

<sup>3</sup> [https://manhattanbeach.granicus.com/TranscriptViewer.php?view\\_id=7&clip\\_id=2973](https://manhattanbeach.granicus.com/TranscriptViewer.php?view_id=7&clip_id=2973)

<sup>4</sup> [https://manhattanbeach.granicus.com/MediaPlayer.php?view\\_id=7&clip\\_id=3011](https://manhattanbeach.granicus.com/MediaPlayer.php?view_id=7&clip_id=3011)

The shadow study in the staff report doesn't show actual sunlight. Here is a light study from Thursday Jan. 14.

1:00 pm. You can see here why we love this line/canopy of trees, which continues up the 500 S Sepulveda lot to Keats St.



2:00 pm



3:00 pm. At this point the sun will be well hidden by the hotel. This was verified by drone footage.



4:00 pm. Picture taken from backyard.  
See how close hotel is. Chabela 23' wide

The shadow study in the developer plan was difficult to read, and held different times from the January to April plan. It also fails to show an effect on houses further east than the 1st row.

The loss of sunlight will affect health, enjoyment of property, and solar panel efficiency. The loss of these trees will be a tragic. One block north, Skechers managed to put trees in the sidewalk and they are thriving.

Residents request an EIR or denial of the project.

Thank you, Suzanne Best

## **NOISE**

Dear Mayor and City Council,

It is unconscionable that the city is attempting to delete the 'not beyond the premises' noise clause signed by the planning commission<sup>1</sup>.

RE: RESOLUTION NO PC 20-10:a)Page 5 of 9 (staff report page 149/372), 15.C states” Noise shall not be audible beyond the premises.” Comment: This seems like it will set up a situation similar to the Shade Hotel where the neighbors east on Ardmore made continuous complaints. It will be difficult to monitor and likely impossible to baffle all noise. Should this language be modified?The Planning Commission resolution included this standard condition. The language could be modified to clarify the intent of what sort of operational noise, of course. Since the noise analysis found that there would not be noise impacts (i.e., noise levels above the threshold of the City’s noise ordinance), we would want to make sure that any condition we included would be standard and not act in a manner that implies that there are impacts.

This would mean the city is attempting to bypass the Shade Hotel complaints, which are many and have caused loss of sleep to the point of tears. “Eleven-thirty, midnight many times over the past three years I can not get to sleep,” said Ardmore resident Cheryll Lynn, her voice cracking as she broke into tears, “because the noise emanating from Shade wafts up the hill through my closed bedroom window.”<sup>2</sup>

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<sup>1</sup> <https://www.citymb.info/home/showpublisheddocument/45522/637466812801900000>

<sup>2</sup> [https://tbrnews.com/news/manhattan\\_beach/old-permit-brings-renewed-complaints-to-shade-hotel/article\\_515323a0-813c-11e2-9ded-0019bb2963f4.html](https://tbrnews.com/news/manhattan_beach/old-permit-brings-renewed-complaints-to-shade-hotel/article_515323a0-813c-11e2-9ded-0019bb2963f4.html)

I have documented in a previous letter that Skechers ongoing west Sepulveda noise is frequently above Manhattan Beach standards. That project is 430' away, and the noise from construction is intrusive, prevents taking phone calls outside, and is not masked by the traffic on Sepulveda. Noisy construction workers are loud outside their cars at 600 S. Sepulveda, and arrive as early as 6:30am.

Noise measured for the staff noise report was done in August '20, during Skechers construction, which was not noted in the report. This omission falsely elevates the ambient noise level.

This current Skechers construction noise is in violation of:

*GP N-2.2 Ensure acceptable noise levels near residences, schools, medical facilities, and other noise sensitive areas.*

We have lived with Skechers construction for over 2 years.

This hotel project construction will be 40' away, not 430'.

Poets section is known to be a quiet area:

*"...located in the quiet poets section of Manhattan Beach." RealLiving Real Estate<sup>3</sup>*

Project construction noise will take place over 18 months, concurrent with several Skechers site constructions. Project plan states traffic noise will 'largely mask' construction noise. What traffic is that? Sepulveda traffic does nothing to mask current Skechers construction noise.

From staff report:

*"As shown in Table 6, the residential uses located approximately 40 feet away would experience a construction Lmax of 91 dBA. The Manhattan Beach Municipal Code does not establish quantitative construction noise standards. Instead, the Manhattan Beach Municipal Code has established allowable hours of construction."<sup>4</sup>*

However:

*"Noise **above 70 dB over** a prolonged period of time may start to damage your **hearing**." CDC <sup>5</sup>*

A hotel less than 50' away will produce all kinds of noise at various levels. Any limitations on noise Levels have to be measured against the fact that this is a 24 hour operation with close proximity, With an open garage and hotel windows. It is unknown what kind of sound valley this wall of hotel will create. I want the city to err on the side of caution, not what is best for the developer.

Project plan expects construction noise levels which can cause physical harm, yet noise reports states no significant impact to the neighborhood. Therefore, not in keeping with:

*GP CS-1 Minimize risks to public health safety and welfare resulting from natural and human caused hazards.*

Project plan states the structure itself will block noise. Noises emanating from the project will also break past noise limits, facilitated by open windows, which will also emit odors. Four inches is still an open window. Noise from a 24/7/365 project will be inescapable.

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<sup>3</sup> <https://www.realliving.com/homes-for-sale/1191-Shelley-Street-Manhattan-Beach-CA-90266-267>

<sup>4</sup> [https://cms6ftp.visioninternet.com/manhattanbeach/commissions/planning\\_commission/2020/20201014/20201014-2.pdf](https://cms6ftp.visioninternet.com/manhattanbeach/commissions/planning_commission/2020/20201014/20201014-2.pdf)

<sup>5</sup> [https://www.cdc.gov/nceh/hearing\\_loss/what\\_noises\\_cause\\_hearing\\_loss.html](https://www.cdc.gov/nceh/hearing_loss/what_noises_cause_hearing_loss.html)

Commercial Toilet Flushing	85db
Ringling phone	80db
Baby crying	110db
Drunk shouting	110db
Vacuum cleaner	85db
Hair Dryers	90db
Speakers at full volume.	100db
Party	90db
Residential area	40db

At 40', 110db becomes 72db. This noise will be coming from at least 40 rooms. Other noises may not exceed standards, however will be annoying and could prevent sleep, rest, and work. There will be no escape from this.

The HVAC 55db air conditioners, compressors, fans estimated at 50 feet. There is no information in the report of the on/off cycling of these devices, and the resulting spikes or changes in volume. What if homes want their windows open, but cannot because of the myriad of noises at night.

*"Noise annoyance is defined as "a feeling of resentment, displeasure, discomfort dissatisfaction or offense when noise interferes with someone's thoughts, feelings, or actual activities....Noise produces measurable physiological...heart rate....sleep disturbances can begin at 40db".* <sup>6</sup>

Project states: "noise in the basement parking structure could be inaudible at off-site uses as the structure would be completely underground"

Project also states: "the perimeter of the parking garage would be open to the sky to allow for natural light and ventilation."

It is faulty to give differing project descriptions. The parking structure noise is given at 44 db. There was no indication if that was for the open, or closed half-subterranean garage. A 1-2db deviation is a slim margin to the noise ordinance limit, and can cause noise complaints. This is not in keeping with:

*GP N-1: "provide measures to prevent noise impacts from transportation sources"*

Project does not report traffic noise in the adjacent neighborhood, as it does not report traffic to the adjacent neighborhood. These noise values are a definite, real impact. This is probably why buildings are , along Sepulveda, situated closer to Sepulveda (rather than set back) , with buffer to the rear to protect the neighborhood.

Also not mentioned in the report are the noise and vibration from delivery trucks, street cleaners, which come at odd hours. In fact, there is no staging shown on the plan. Where would these trucks be idling? Chabela Drive is 23' wide, not 31.5' as reported in the staff report. The same geographical ingress/egress issues of this site will affect trucks as well. Noise is sometimes easy to ignore, but not if it is annoying to you most every day and night.

Project Plan: *"Noise shall not be audible beyond the premises"*

For noise alone, this project should never have been considered. If Mr. Burkhalter had not moved, maybe this would not be before you now. This noise clause needs to be in place for the protection of the residents. Now they have removed that. The developer is suddenly interested in his transients

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<sup>6</sup> <https://earthjournalism.net/resources/noise-pollution-managing-the-challenge-of-urban-sounds>



parking on neighborhood streets. He has testified previously he does not want any traffic on the neighborhood streets. They would have to be in the neighborhood to park here.

In light of the city's attempt at rewording to the benefit of the developer and detriment of residents, please request the EIR, or deny the project.

Thank you,  
Suzanne Best

## Martha Alvarez

---

**From:** Liza Tamura  
**Sent:** Tuesday, June 15, 2021 12:35 PM  
**To:** Carrie Tai, AICP; Martha Alvarez  
**Subject:** RE: [EXTERNAL] Re: City Council Meeting 06/15/2021 Agenda Item 16 21-0189

Thank you



### LIZA TAMURA

CITY CLERK

(310) 802-5055  
ltamura@citymb.info

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**From:** Carrie Tai, AICP  
**Sent:** Tuesday, June 15, 2021 12:34 PM  
**To:** Martha Alvarez ; Liza Tamura  
**Subject:** FW: [EXTERNAL] Re: City Council Meeting 06/15/2021 Agenda Item 16 21-0189

Not sure if this is a comment letter for Agenda item #16, but here you are!



### CARRIE TAI, AICP

DIRECTOR OF COMMUNITY DEVELOPMENT

310-802-5502  
ctai@citymb.info

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**From:** SUZANNE LERNER <[slernerla@aol.com](mailto:slernerla@aol.com)>  
**Sent:** Monday, June 14, 2021 3:03 PM  
**To:** Martha Andreani <[MAndreani09@gmail.com](mailto:MAndreani09@gmail.com)>  
**Cc:** Suzanne Hadley <[shadley@citymb.info](mailto:shadley@citymb.info)>; Hildy Stern <[hstern@citymb.info](mailto:hstern@citymb.info)>; Steve Napolitano <[snapolitano@citymb.info](mailto:snapolitano@citymb.info)>; Joe Franklin <[jfranklin@citymb.info](mailto:jfranklin@citymb.info)>; Richard Montgomery <[rmontgomery@citymb.info](mailto:rmontgomery@citymb.info)>; Bruce Moe <[bmoe@citymb.info](mailto:bmoe@citymb.info)>; Carrie Tai, AICP <[ctai@citymb.info](mailto:ctai@citymb.info)>  
**Subject:** [EXTERNAL] Re: City Council Meeting 06/15/2021 Agenda Item 16 21-0189

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fantastic letter!!  
working on mine tonight

  
Suzanne Lerner  
Co-Founder/President,  
Michael Stars, Inc.  
12955 S Chadron Ave  
Hawthorne, CA 90250  
Cell (310) 422-1661

On Jun 14, 2021, at 2:57 PM, Martha Andreani <[MAndreani09@gmail.com](mailto:MAndreani09@gmail.com)> wrote:

Mayor Hadley, Mayor Pro Tem Stern, Councilmembers Napolitano, Franklin, and Montgomery:

Re: Agenda Item 16 -- Consideration of Extending Street dining on Ocean Drive and on Manhattan Beach Blvd west of Ocean beyond July 5

Please. Do not extend the dining encroachments on Ocean Drive and on Manhattan Beach Blvd west of Ocean Drive beyond the currently (and absurdly) approved date of July 5, 2021.

While I am aware that Governor Newsom is allowing street dining encroachments through December 31, I hope that every one of you will realize that Governor Newsom cannot possibly speak, at least not knowingly, for every little city in the state of California. He doesn't know how our City was designed, or what it has become. We have a City of just about 4 square miles. In your service to Manhattan Beach (some of you have, literally, years of it), I hope you've gotten to know how narrow our streets and sidewalks are. Throughout the Downtown, while we've wanted "charming" and "welcoming", we've become cramped and cluttered, particularly now that we've become restaurant-centric.

The intersection of Manhattan Beach Blvd and Ocean Drive has become unsafe and almost impossible to navigate by car, bike, scooter, baby stroller, and foot. With restaurants allowed to open to full capacity on June 15, the Shellback Tavern can and should remove the tables and chairs from Ocean Drive south of MBB. (They should remove these obstacles after the 4th of July holiday weekend.) And Rock'n Fish and Brewco should remove the tables on the south side of MBB west of Ocean. Those tables are gravy for them and gristle for us. Those two restaurants already have tables outside their restaurants on the south side of MBB, east of Ocean, in front of their restaurants.

And while we're on the subject: Let's call "street dining" what it really is: It's an encroachment into the public right of way. Shoppers, beach goers, visitors and residents are deprived of public parking. Let's bring back our Downtown streets and sidewalks as soon as we possibly can. Surely that's pretty soon, and definitely not December 31.

Yes, we have great restaurants Downtown. We also have a beach, an ocean, retail, offices, and lest you forget, residents. It really can be a charming place. If our restaurants and City Council want more outdoor dining, they and you can know this: Residents and visitors like outdoor and patio dining. But this isn't it. Let's work together (as we once did with the Downtown Specific Plan) to provide more patio dining -- dining that does not encroach into the public right-of-way, depriving visitors and residents of all that this seaside community offers.

Thanking you for your service,  
Respectfully,  
Martha Andreani  
Resident of the Downtown

## Martha Alvarez

---

**From:** Carrie Tai, AICP  
**Sent:** Monday, June 14, 2021 12:51 PM  
**To:** Liza Tamura; Martha Alvarez  
**Subject:** Fwd: [EXTERNAL] Item # 16, Temporary Encroachment Permits

For Council comment record. Thanks!

Sent from my iPhone

Begin forwarded message:

**From:** Mark Burton  
**Date:** June 14, 2021 at 12:39:18 PM PDT  
**To:** Suzanne Hadley , Hildy Stern , Steve Napolitano , Richard Montgomery , Joe Franklin  
**Cc:** Bruce Moe , "Carrie Tai, AICP"  
**Subject:** [EXTERNAL] Item # 16, Temporary Encroachment Permits

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Dear Mayor, Mayor Pro Tem and Councilmembers:

This item brings to mind the need for a new General Plan for our City wherein our community develops a Vision for what they want our City to look like for the next 10 to 15 years. Our current General Plan is clearly dated, almost 20 years old. With so many dynamics changing, we need a new General Plan rather than this piecemeal approach to our City planning.

I recommend you explore a new General Plan process sometime this year.

Thank you again for your public service during the most challenging time of our Council's history.

Kindest regards, Mark

--

(310) 562-7897

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



## CARRIE TAI, AICP

DIRECTOR OF COMMUNITY DEVELOPMENT

310-802-5502  
ctai@citymb.info

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## Martha Alvarez

---

**From:** Liza Tamura  
**Sent:** Monday, June 14, 2021 12:15 AM  
**To:** Quinn Barrow; Martha Alvarez  
**Cc:** Bruce Moe; Carrie Tai, AICP; Ted Faturros; Taly Mirzakhian  
**Subject:** FW: [EXTERNAL] RE: 600 S Sepulveda Hotel development hearing June 15 2021 - MB Poets written submission  
**Attachments:** Attch1-210612-Jun15ConsentCalendarItem-Compiled-Final.pdf; Attch2-210610-May4AppealRebuttal-MBPoets-600PCH-Final.pdf



### LIZA TAMURA

CITY CLERK

(310) 802-5055

ltamura@citymb.info

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**From:** Darryl Franklin [mailto:600sepulvedacommunity@gmail.com]  
**Sent:** Sunday, June 13, 2021 11:10 PM  
**To:** Suzanne Hadley ; Hildy Stern ; Steve Napolitano ; Richard Montgomery ; Joe Franklin  
**Cc:** Doug CARSTENS ; Ted Faturros ; Carrie Tai, AICP ; Liza Tamura ; Bruce Moe  
**Subject:** [EXTERNAL] RE: 600 S Sepulveda Hotel development hearing June 15 2021 - MB Poets written submission

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Dear Mayor Hadley and Council Members:

What follows is MB Poets submission regarding the proposed consent order schedule for Tuesday's council meeting.

- At the May 4 hearing, City Attorney Quinn Barrow and Councilmember Steve Napolitano stated that all parties would review the draft Reso 21-0044 in a public hearing. The May 4 agenda item limited the council action to preparation of the draft resolution for city council and public review. Instead, the city placed the draft resolution on the Consent Calendar for the June 15 meeting, which denies public review of 188 replacements, insertions and deletions made to Reso PC 20-10, which the planning commission approved in November 2020. At the May 4 hearing, the council approved only few modifications to Reso PC 20-10.

Community Development, however, unilaterally made all the remainder of the changes without approval by the city council.

- For one of the unauthorized changes, Community Development altered a key noise-mitigation condition, rendering it ineffective. Condition 16 in Reso PC 20-10 requires that noise inaudible at the property lines, a city policy dating back decades. In Condition 20 of Reso 21-0044, without council direction, Community Development deleted the provision for noise inaudibility at property lines. With the draft resolution placed on the Consent Calendar, the public has no means to oppose the deletion of this noise-mitigation measure, a key factor in reducing environmental impacts.

- The CEQA 'In-Fill' exemption from environmental review requires "*uniformly applicable development policies.*" The Sunrise Senior Living Project on Sepulveda, ten blocks north of the 600 PCH project, required an EIR, recently posted by the city for public review. The city fails, however, to apply its Sunrise EIR policy to 600 PCH, which has a 4th-floor nightclub with live music open to 1 AM, noncompliant parking, and unanalyzed traffic impacts. The proposed hours on Friday and Saturday through 1am are offensive in light of the issues at Residence Inn and the almost 20 hearings it took to get Shade into shape as a good neighbor.

- Regarding the Sunrise baseline policy regarding EIR policy, Director Carrie Tai misrepresented material facts to the city council, stating that the Sunrise applicant requested environmental review. Nothing could be further from the truth. Community Development established the requirement for a Sunrise EIR before Ms. Tai joined the city. Nothing exists in the record that the Sunrise applicant requested an EIR or objected to having one

- A CEQA 'In-Fill' exemption must have as a basis, other similar developments in the area that have had environmental review. The city has no four-story buildings on Sepulveda, nor in the city, consistent with the General Plan. Per planner Ted Faturos, 600 Sepulveda will be "*a first.*" Consequently, the CEQA 'In-Fill' exemption does not apply to 600 PCH.

- For analyzing traffic, parking and noise impacts, it necessary to identify whether the hotel will have an ABC Type 47 full-alcohol service for the public or a Type 70 license just for patrons and their guests. The Type 47 public license will have substantially more environmental impacts than the Type 70. Reso 21-0044 does not identify the ABC license type, so no means exist to evaluate environmental impacts. In this case, CEQA demands an EIR to evaluate the two license options. Further the City went through massive contortions to avoid adding the necessary parking that a Type 47 license requires yet singularly fails to mention this in the Resolution leaving the door open down the line to revert to a Type 70 license as the developer originally outlined. That option should be closed off in the Resolution.

Yours truly

Darryl Franklin

(1) 818 231 1182 (-8hrs GMT)



## REBUTTAL TO 15 JUNE 2021 CONSENT CALENDAR ITEM H-9, 600 S SEPULVEDA BLVD

### Summary: Procedural and Records Violations in June 15 Consent Calendar Item J.7(b).

At the 4 May 2021 appeal public hearing, City Attorney Quinn Barrow stated, *“Since we're coming back with a resolution with draft conditions, the applicant will have an opportunity to, um, discuss those conditions just like anybody else, the appellants, everyone can discuss those conditions.”*<sup>1</sup>

Mr. Barrow clearly believed that it necessary to continue the appeal hearing, for all parties to review the draft amended resolution. The city has dismissed his counsel, however, by placing the draft resolution on the Consent Calendar for the 15 June 2021 council meeting.

Councilmember Steve Napolitano also understood that a continued public hearing forthcoming,

*“I would include it in the motion and if the applicant can say that doesn't work for me or it does and then **we can adjust it the next hearing.** So there's no need to amend the motion.”*<sup>2</sup> [Emphasis added]

The May 4 agenda explicitly states that the city council must consider the draft resolution in a continued public hearing, at Item J.7(b):

*“Consider directing staff to draft a resolution making an environmental determination of categorical exemption in accordance with the California Environmental Quality Act (CEQA) and conditionally approving the master use permit **for city council consideration at a subsequent city council meeting.**”* [Emphasis added]

The city skipped over the required continued public hearing, however, by placing the matter on the Consent Calendar for the 15 June 2021 hearing.

At the June 15 meeting, the city council shall not consider the draft resolution on the Consent Calendar, other than either approving it or pulling the item and scheduling it for a new public hearing. Approval of the draft resolution in the Consent Calendar will deny public review of the many amendments. These total 188 replacements, insertions and deletions in the Resolution PC 20-10 approved by the planning commission in November 2020. [Exhibit 1]

At the May 4<sup>th</sup> hearing, the council approved only a few amendments, such as reduced closing hours and prohibiting use of the parking garage by rental car agencies. Community Development, however, has revised Reso PC 20-10 in its entirety, even altering one condition to render it ineffective for mitigating noise impacts.

The following section describes the altered condition that will have profound environmental noise impacts. Condition 20 in Reso 21-0044 deletes the requirement in Reso PC 20-10 that *“Noise shall not be audible beyond the premises.”*

At the May 4<sup>th</sup> hearing, the city council did not consider this provision in their discussion to amend Reso PC 20-10.<sup>3</sup> Therefore, Community Development altered the condition without direction from the city council.

---

<sup>1</sup> Transcript, 04:00:41 hh:mm:ss, Agenda Item J-7, City Council Meeting, 4 May 2021

<sup>2</sup> *Ibid.*, 04:01:20 hh:mm:ss

<sup>3</sup> *Ibid.*, 02:46:46 to 04:01:36 hh:mm:ss

## REBUTTAL TO 15 JUNE 2021 CONSENT CALENDAR ITEM H-9, 600 S SEPULVEDA BLVD

### Community Development Unilaterally Altered Key Noise-Mitigation Condition.

Per the May 4 transcript, in their discussion<sup>3</sup>, no councilmember addressed noise, much less removal of a key noise-mitigation condition. Without explicit council direction, Community Development shall not substantially alter Reso PC 20-10, when preparing Reso 21-0044.

Condition 16 in Reso PC 20-10 reads:

*“Noise emanating from the property shall be within the limitations prescribed by the City’s Noise Ordinance and shall not create a nuisance to nearby property owners. **Noise shall not be audible beyond the premises.**”* [Emphasis added]

Replacing the above Condition 16, Condition 20 in Reso 21-0044 deletes the requirement that noise inaudible at property lines. This water-downs the condition to a statement that the project must comply with the noise ordinance. Condition 20 reads:

*“Sound emanating from the property shall not exceed the limitations prescribed by the City’s Noise Ordinance.”*

The expert opinion provided by MB Poets acoustic engineer, Steve Rogers, concluded that the city and their acoustic consultant BMI,

*“Fail to demonstrate the project will comply with MBPC Condition of Approval #16, which requires that noise emanating from the hotel shall not be audible beyond the premises.”*<sup>4</sup>

In response to Mr. Rogers’s conclusion above, the city noise consultant MBI stated that analysis of the Condition 16 requirement regarding noise inaudibility at the property lines not within scope of their CEQA analysis<sup>5</sup>:

*“According to SRA, there is no way MBI can demonstrate compliance with Condition of Approval #16. Since this is a condition of approval for the Project and not a threshold for consideration in a CEQA analysis, **it is outside of MBI’s scope to demonstrate compliance.**”* [Emphasis added]

Abandoned by their noise consultant MBI, Community Development unilaterally deleted the provision in Reso PC 20-10 that requires noise inaudible at the property lines.

Thereby, without direction from the city council, Community Development improperly altered Reso 21-0044, by deleting a crucial requirement in Reso PC 20-10 for noise mitigation.

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<sup>4</sup> Letter, Steve Rogers Acoustics, 16 January 2021

<sup>5</sup> Letter, Michael Baker International [“MBI”], 19 January 2021

# EXHIBIT 1. RESO 21-0044 HAS 188 MODIFICATIONS OF RESO PC 20-10

11-Jun-21 12:37:53

## Compare Results

Old File:

**201118-Resolution No. PC 20-10-Comment.pdf**

**9 pages (1.99 MB)**

10-Jun-21 11:47:26

versus

New File:

**210615-Reso21.0044.pdf**

**23 pages (459 KB)**

09-Jun-21 16:17:10

Total Changes

# 289

Content

**84** Replacements

**78** Insertions

**26** Deletions

Styling and Annotations

**99** Styling

**2** Annotations

## 188 Replacements, Insertions & Deletions

[Go to First Change \(page 1\)](#)

**REBUTTAL TO TESTIMONY AT MAY 4, 2021 APPEAL HEARING FOR 600 PCH PROJECT**

**1. Applicant Uses Invalid Hotel Model to Analyze Traffic and Parking Impacts**

**Summary: Invalid Hotel Model for Environmental Analysis.**

For the project hotel, the applicant proposes a Type 47 liquor license<sup>1</sup>, which requires a “*Bona Fide Public Eating Place*”, per Department of Alcoholic Beverage Control [“ABC”] regulations. [Exhibit 1, PDF p. 8] For the Type 47 on-sale premises, the ABC also requires alcohol-service open to the public.<sup>2</sup>

Such an operation corresponds to an ITE Land Use 310 Hotel for analyses of traffic and parking impacts in the adjoining residential neighborhood.<sup>3</sup>

Instead, the applicant excludes the public from alcohol service and severely limits food service to far less than the ABC definition of a “*Bona Fide Public Eating Place*.”<sup>2</sup>

For the traffic and parking analyses<sup>4</sup>, the applicant uses an ITE Class 312 Business Hotel<sup>(3)</sup>, which per Table 1, reduces predicted traffic and parking impacts, compared to the ITE Class 310 Hotel model.

Table 1. Project Uses a Non-Public Hotel Model to Reduce Traffic and Parking Impacts.

ITE Land Use <sup>(A)</sup>	Public Dining <sup>(B)</sup>	Daily Trips per Room <sup>(C)</sup> ,	Weekday Parking <sup>(D)</sup> , Vehicles Per Room	Weekend Parking <sup>(D)</sup> , Vehicles per Room
310 Hotel	Yes	8.36	0.99	1.55
312 Business Hotel	No	4.90	0.83	0.75

(A) ITE: Institute of Transportation Engineers

(B) ABC Type 47 alcohol license proposed by applicant requires full eating service open to the public

(C) *Trip Generation Manual*, 10th Ed., Institute of Transportation Engineers

(D) 85<sup>th</sup> percentile, vehicles per occupied room, Footnote 3

More importantly, in the traffic and parking analyses, the applicant did not consider impacts from public use of the alcohol service areas on the ground and fourth floors, which the Type 47 license requires. These impacts will add to the higher traffic and parking volumes for the Class 310 Hotel, compared to the Class 312 Business Hotel used by the applicant.

Furthermore, public use of the premises will greatly increase noise from the 4<sup>th</sup>-floor open-deck nightclub, with music until 1 AM, not considered by the city acoustics contractor, Michael Baker International [“MBI”].

It not possible to evaluate impacts from traffic, parking and noise, without specification of the alcohol license, whether Type 47 for the public or Type 70 for hotel patrons and guests.

The analysis of alcohol license options falls under the CEQA Guidelines requirement to evaluate alternatives that would “*avoid or substantially lessen any of the significant effects of the project.*”<sup>5</sup> Consequently, the project requires an Environmental Impact Report [“EIR”].

These conclusions based on law and applicant’s documentation do not rely on the MB Poets expert-opinions, which also invalidate the project traffic, parking and noise analyses.

<sup>1</sup> *Project Description*, Attachment B, PDF p. 107, Staff Report, 18 Nov 2020

<sup>2</sup> *California Alcoholic Beverage Control Act*, Business & Professions Code § 23038

<sup>3</sup> *Parking Generation*, 5<sup>th</sup> Ed., Online Version, Institute of Transportation Engineers [“ITE”], 2019

<sup>4</sup> *Project Description*, Attachment B, PDF pp. 119-120, Staff Report. 18 Nov 2020

<sup>5</sup> CEQA Guidelines § 15126(a)

**REBUTTAL TO TESTIMONY AT MAY 4, 2021 APPEAL HEARING FOR 600 PCH PROJECT**

**1. Applicant Uses Invalid Hotel Model to Analyze Traffic and Parking Impacts**

**Evidence of Environmental Impact Uncertainties, from 4 May 2021 Hearing.**

The conditional use permit [“CUP”] remains silent on alcohol license type. Therefore, as a property right in perpetuity, the CUP will establish the Type 47 liquor license, as cited in the project application.<sup>(1)</sup> Per above, it not possible to evaluate environmental impacts without specifying the alcohol license type and whether alcohol-service open to the public.

At the May 4 hearing, staffer Ted Faturos stated, “*there will be limited dining and full alcohol service for hotel patrons and their guests only.*” [Exhibit 2, PDF p. 17]

His statement, along with Condition 14 in the CUP, constitute misrepresentation of material fact, which can result in permit revocation.<sup>6</sup> Per above, the Type 47 liquor license requires a “*bona fide public eating place*”<sup>(2)</sup>, not what Mr. Faturos described.

Counsel for the applicant, Mr. Keith McCullough, testified, “*This type 47 ABC license referenced by the appellants is- **is a fiction.***” [Exhibit 2, PDF p. 75, Emphasis added]

Mr. McCullough apparently has misread the project application, which reads, “*Submittal for Use Permit approvals for a mixed-use hotel/office/retail project and related on-site alcohol service (ABC Type 47 on-sale general license) for the hotel rooftop lounge*”<sup>(1)</sup>

The city and the applicant may demur that the 650 SF kitchen too small to support the ABC “*Bona Fide Public Eating Place*” for the Type 47 license. Per Exhibit 3 PDF p. 105, however, they have designed the kitchen, so that in the building-permit process, it can easily expand 100% or larger, to comply with ABC regulations for “*Bona Fide Public Eating Place.*”

At the 4 May 2021 hearing, both staff and the applicant’s counsel misrepresented material facts, which constitutes grounds for invalidating the project CUP, if approved.<sup>(6)</sup>

**Conclusion: Project Must Evaluate Alcohol License Options in an EIR.**

The project proposes a Type 47 alcohol license, which requires public access to alcohol-serving areas. The CUP, however, restricts alcohol service to only hotel patrons and their guests, which corresponds to a Type 70 license.

Consequently, the analyses of impacts from traffic, parking and noise in the adjoining neighborhoods do not include the substantial public use of alcohol-serving areas.

Therefore, CEQA Guidelines § 15126(a) requires an EIR to evaluate alcohol license types that will “*avoid or substantially lessen any of the significant effects of the project.*”

Additionally, the city and the applicant have failed to provide expert opinion on ABC regulations, to rebut that by former ABC official Lauren Tyson, the MB Poets consultant.<sup>7</sup>

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<sup>6</sup> Manhattan Beach Municipal Code [“MBMC” §10.104.030(D)](1)]

<sup>7</sup> *Parking, Traffic and Noise Require Environmental Review*, pp. 129 *et seq.* & 191 *et seq.*, MB Poets, 4 May 2021

## REBUTTAL TO TESTIMONY AT MAY 4, 2021 APPEAL HEARING FOR 600 PCH PROJECT

### 2. City Development Policies Not Uniformly Applied Per CEQA

#### Summary.

CEQA Guidelines require “*uniformly applicable development policies*” for categorically exempt Class 32 In-Fill Development Projects [“INFILL”]. [16 CCR § 15183.3(c)]

The city violates this requirement by categorically exempting the 600 S Sepulveda Blvd project [“600 PCH”] from environmental review, as a Class 32 INFILL development.

In contrast, they required an Environmental Impact Report [“EIR”] for the ongoing Sunrise Senior Living Project [“SUNRISE”], a low-intensity operation compared to 600PCH.

Regarding environmental impact factors, 600 PCH closely resembles Shade Hotel in the city Downtown, although the former has almost five-times more rooms than the latter.

As built, Shade complied with zoning and building standards. When opened, however, its nightclub with live music and the outdoor rooftop deck immediately created residential noise disturbances. It required nearly 20 public hearings over five years to mitigate the noise by means of CUP amendments. The conditional use permit [“CUP”] for 600 PCH, however, has no noise mitigation. It also violates traffic and parking standards, which Shade does not.

Clearly, the Class 32 INFILL exemption applied to 600 PCH constitutes nonuniform application of development policies, compared to SUNRISE and Shade Hotel. This results in unusual circumstances regarding operating hours, noise mitigation and building height.

#### **The Facts: SUNRISE EIR vs 600 PCH Categorical Class 32 INFILL Exemption.**

The SUNRISE development comprises a 111-unit senior residential community on Sepulveda Blvd, about ten blocks north of 600 PCH and adjacent to single-family homes. [Exhibit 4, PDF p. 106] Starting April 2021, the SUNRISE EIR underwent a 45-day public review.

At the May 5 appeal hearing, Community Development Director Carrie Tai incorrectly and improperly testified that the applicant had requested the city to conduct an environmental review. “...*they* [the applicant] *chose to take on an EIR and go through the exercise of the initial study...*” [Exhibit 2, PDF p. 76]

Councilmember Steve Napolitano requested clarification. “...*so that was a choice of the developer? Not the city?*” [Ibid.]

Director Tai replied, “*That was the choice of the developer...*” [Ibid.]

Her testimony above misrepresents material fact. On 26 September 2017, then Community Development Director Anne McIntosh emailed the applicant’s attorney Ellen Berkowitz with the following statement on environmental review [Exhibit 4, PDF p. 128],

*“I also think you should expect to prepare an EIR. Land Use and Aesthetics. VMT [vehicle miles traveled] under 743 will help you, but I can't see Cat Ex [categorical exemption] on this and Mitigated neg dec [negative declaration] is not a term we can use anymore.”*

The record neither includes evidence that the applicant opposed Director McIntosh’s opinion on environmental review, nor does it include evidence that the applicant requested the city to conduct an environmental review.

As noted above, the city did prepare an EIR assisted by Rincon Consultants, Inc.<sup>8</sup>

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<sup>8</sup> Sunrise Senior Living Manhattan Beach Project, Rincon Consultants, Inc. April 2021

## REBUTTAL TO TESTIMONY AT MAY 4, 2021 APPEAL HEARING FOR 600 PCH PROJECT

### 2. City Development Policies Not Uniformly Applied Per CEQA

#### The Facts: 600 PCH CUP Unusual Circumstances Related to City Development Policies.

The 600 PCH project has unusual circumstance related to nonuniform application of city development policies, namely:

- Outdoor rooftop deck with alcohol service versus no other premises on Sepulveda Blvd;
- 1 AM closing hours for outdoor alcohol service versus 11:00 PM for Shade Hotel;
- No CUP noise mitigation measures versus Conditions #5-#19 in the Shade Hotel CUP; and,
- Four stories versus three for Sepulveda Blvd and two for Downtown, both adjacent to single-family homes.

**Outdoor Rooftop Alcohol Service.** Councilmember Napolitano observed, *“I’m not aware of any upper deck dining along Sepulveda.”* [Exhibit 2, PDF pp. 23-24]

Mr. Fatuos replied, *“I don’t believe there is any. Yeah, this, this would be a first.”*

**1 AM Outdoor Alcohol Service.** Mr. Fatuos observed that the previous use, El Torito, closed at midnight daily. [Exhibit 2, PDF p. 22] As an unusual circumstance for the city, no development adjacent to single-family homes has had environmental review of alcohol-service until 1 AM on a fourth-story outdoor deck. The Shade Hotel rooftop deck on the second story closes at 10:30 PM daily. [Shade Hotel CUP, Condition 19]

**Shade Hotel CUP Noise Mitigation Measures.** The Shade CUP includes many provisions for physical noise mitigation on the outdoor ground-level terrace and the second-story rooftop deck. Importantly, the outdoor terrace limited to 10 PM closing Sunday thru Thursday and 11:00 PM Friday-Saturday. Indoor alcohol-service limited to midnight daily. Shade owners have applied for later hours several times, always denied by the city council.

The 600 PCH CUP has no such mitigation measures, neither physical nor operational.

**Four Story 600 PCH Building.** The city has no four-story buildings, per General Plan Goal LU-1: *Maintain the low-profile development and small-town atmosphere of Manhattan Beach.*

Consequently, the unprecedented four-story feature of the 600 PCH hotel constitutes an unusual circumstance that requires an EIR.

#### Conclusions: City Development Policies Not Uniformly Applied to 600 PCH.

1. The city violates the CEQA requirement for uniformly applying development policies, by requiring an EIR for the low-intensity SUNRISE project, while categorically exempting the high-intensity 600 PCH project.
2. Director Carrie Tai testified incorrectly and improperly that the applicant requested an environmental review for SUNRISE. In September 2017, Community Development determined that the project required environmental review. The record does not substantiate Director Tai’s erroneous testimony. SUNRISE has already filed its draft EIR.
3. Although the project hotel closely resembles Shade Hotel regarding environmental impact factors, the 600 PCH CUP contains none of the noise mitigation measures in the Shade CUP. This constitutes nonuniform application of development policies not permitted by CEQA for Class 32 In-Fill Development Projects.
4. Substantial evidence exists that the 600 PCH project has unusual circumstances, related to traffic, parking, outdoor alcohol service, noise, operating hours and the fourth story, the latter being the first approved for Manhattan Beach. As result, the project requires an EIR.

# EXHIBIT 1. ABC TYPE 47 LICENSE REQUIRES BONA FIDE EATING PLACE [See Item 16]

Department of Alcoholic Beverage Control

State of California

## QUICK SUMMARY OF SELECTED LAWS FOR RETAIL LICENSEES



### Introduction

This pamphlet explains, in simple terms, some State laws and rules that retail licensees must follow. There are other State and local laws not listed here. When in doubt, call your local ABC office. *ABC Penalties.* ABC decides penalties for licensees on a case-by-case basis. ABC gives consideration to the type of violation, the licensee's past record, and the facts of each case. ABC penalties may be probation, suspension of the ABC license, a fine of \$750-\$6,000, or revocation of the ABC license.

*Definitions.* "B&P" means the Business and Professions Code. "CCR" means the California Code of Regulations. "PC" means the Penal Code. "H&S" means the Health and Safety Code. The term "licensee" as used here, means licensees, their agents, and employees. "Alcohol" means an alcoholic beverage. "On-sale" means bars, restaurants, taverns, clubs, hotels, motels, etc. "Off-sale" means liquor stores, grocery stores, convenience stores, etc. "Minor" means person under age 21.

Subject	Possible Penalties
<p><b>1. After Hours</b> Licensees may not sell, give, or deliver alcohol (by the drink or by the package) between 2:00 a.m. and 6:00 a.m. of the same day. No person may knowingly purchase alcohol between 2:00 a.m. and 6:00 a.m. (Sec. 25631 B&amp;P) Licensees may not permit patrons or employees to consume alcohol between 2:00 a.m. and 6:00 a.m. of the same day (even if someone bought the drinks before 2:00 a.m.). (Sec. 25632 B&amp;P) Some ABC licenses have special conditions (restrictions) as to hours of sale that are stricter than the law. Those licenses are marked "Conditional." (23800-23805 B&amp;P)</p>	<p><i>Criminal:</i> For the licensee or employee who sells or permits consumption after hours and for the patron who knowingly purchases after hours, the penalty is a maximum \$1,000 fine and/or six months in county jail. (Sec. 25617 B&amp;P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p><b>2. Attire and Conduct</b> On-sale licensees may not permit these acts: “(1) To employ or use any person in the sale or service of alcoholic beverages in or upon the licensed premises while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals. (2) To employ or use the services of any hostess or other person to mingle with the patrons while such hostess or other person is unclothed or in such attire, costume or clothing as described in paragraph (1) above. (3) To encourage or permit any person on the licensed premises to touch, caress, or fondle the breasts, buttocks, anus or genitals of any other person. (4) To permit any employee or person to wear or use any device or covering, exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion thereof.” (Rule 143.2 CCR. Also violates Sec. 311.6 PC if conduct is “obscene;” e.g., intercourse, sodomy, masturbation, etc.)</p>	<p><i>Criminal:</i> Violation of Rule 143.2 CCR carries no criminal penalty. For violation of Sec. 311.6 PC, the penalty is a maximum six months in county jail and/or a maximum \$1,000 fine. (Sec. 19 PC)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>



## EXHIBIT 1. ABC TYPE 47 LICENSE REQUIRES BONA FIDE EATING PLACE [See Item 16]

<p><b>3. Authority of Peace Officers/Refusing Inspection</b>          Police officers, sheriffs' deputies, and ABC agents are sworn law enforcement officers (peace officers) with powers of arrest. Whether in plainclothes or uniform, peace officers have the legal right to visit and inspect any licensed premises at any time during business hours <i>without a search warrant or probable cause</i>. This includes inspecting the bar and back bar, store room, office, closed or locked cabinets, safes, kitchen, or any other area within the licensed premises. It is legal and reasonable for licensees to exclude the <i>public</i> from some areas of the premises. However, licensees <i>cannot and must not</i> deny entry to, resist, delay, obstruct, or assault a peace officer. (Secs. 25616, 25753, and 25755 B&amp;P; 148 and 241(b) PC)</p>	<p><i>Criminal:</i> For refusing to permit an inspection, the penalty is a \$100-\$1,000 fine and/or one to six months in county jail. (Sec. 25616 B&amp;P)          For resisting, delaying, or obstructing a peace officer, the penalty is a maximum \$1,000 fine and/or maximum one year in county jail. (Sec. 148(a) PC)          For assaulting a peace officer, the penalty is a maximum \$2,000 fine and/or a maximum one year in county jail. (Sec. 241(b) PC)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p><b>4. Beer Keg Registration</b>          Licensees selling keg beer (six gallon capacity or larger): (a) Must tag all kegs and have the customer sign a receipt; (b) Must retain the receipts on the premises for six months and make them available to peace officers; (c) May not return any deposit upon the return of any keg that does not have an identification tag.          It is against the law for a customer to: (a) Possess a keg containing beer knowing that the keg does not have an identification tag; or (b) Provide false information to the licensee. (Section 25659.5 B&amp;P)</p>	<p><i>Criminal:</i> The penalty is a maximum \$1,000 fine and/or six months in county jail for (1) the licensee, (2) the person who possesses the unidentified keg; and (3) the customer who provides false information to the licensee. (Sec. 25617 B&amp;P).</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p><b>5. Clerk's Affidavit; Posting of Sign</b>          Any person selling alcohol at an off-sale premises must sign a statement that he or she understands basic ABC laws and must disclose any ABC law convictions. The licensee must post signs in the store that warn customers. (See Form ABC-299 for wording.) (Sec. 25658.4 B&amp;P)</p>	<p><i>Criminal:</i> None</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p><b>6. Concurrent Sales of Alcohol and Gasoline</b>          Licensees who sell both gasoline and alcohol must abide by the following conditions:          1. No beer or wine within five feet of the cash register or front door (unless in a permanently affixed cooler since 1/1/88);          2. No alcohol advertisements at the fuel islands;          3. No alcohol sales from a drive-in window;          4. No alcohol sales from an ice tub;          5. No self-illuminated beer or wine advertisements on buildings or windows; and          6. Cashiers selling beer or wine between 10:00 p.m. and 2:00 a.m. must be at least age 21. (Section 23790.5(d) B&amp;P)</p>	<p><i>Criminal:</i> None</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p><b>7. Conditional Licenses</b>          Some ABC licenses have special restrictions (conditions) limiting the hours of alcohol sales, type of entertainment, etc. Licensees must keep a copy of any conditions on the premises, abide by them, and show them to any peace officer upon request. (Secs. 23800-23805 B&amp;P)</p>	<p><i>Criminal:</i> None</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p><b>8. Contaminated Beverages</b>          Licensees and their employees may not sell, furnish or give away alcoholic beverages containing any deleterious or poisonous substance. (Sec. 347(b) PC)          Licensees may not allow open bottles of alcoholic beverages to become contaminated with insects or other foreign matter. (Secs. 25620, 25623 and 25634 H&amp;S)</p>	<p><i>Criminal:</i> For the licensee or employee who violates the penal code, the penalty is a fine up to \$2,000 and/or up to one year in county jail. (Sec. 347(b) PC)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>

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<p><b>9. Discrimination</b>  A licensee, other than certain exempt club licensees, who refuses to provide full and equal accommodations, facilities, privileges, or services in the licensed premises by reason of one's sex, color, race, religion, ancestry, etc., may be subject to disciplinary action. There may be no discrimination as to the price of drinks based on race, religion, sex, marital status, membership or non-membership in an organization, or on any other conditions which would result in discrimination against the general public. (Sec. 51 Civil Code and Sec. 125.6 B&amp;P)</p>	<p><i>Criminal:</i> None   <i>ABC:</i> Decided on a case-by-case basis</p>
<p><b>10. Disorderly Conduct</b>  Licensees may not permit these acts in or about their licensed premises:  (a) Lewd conduct in public  (b) Prostitution  (c) Accosting others for the purpose of begging  (d) Loitering in or about public toilets for a lewd or lascivious purpose  (e) Loitering without apparent reason and refusing to identify oneself upon the request of any peace officer  (f) Being under the influence of alcohol and/or drugs in public and unable to exercise care for one's own safety or the safety of others. (647 PC)</p>	<p><i>Criminal:</i> For the person committing the illegal act, the penalty is a maximum six months in county jail and/or a maximum \$1,000 fine. (Sec. 19 PC)   <i>ABC:</i> Decided on a case-by-case basis</p>
<p><b>11. Disorderly House</b>  Licensees may not permit their licensed premises to become a disorderly house. A disorderly house is a licensed outlet (on- or off-sale) that (a) disturbs neighbors with noise, loud music, loitering, littering, vandalism, urination or defecation, graffiti, etc., and/or (b) has many ongoing crimes inside such as drunks, fights, assaults, prostitution, narcotics, etc. The licensed premises includes the parking lot. (Sec. 25601 B&amp;P; 316 PC)</p>	<p><i>Criminal:</i> The penalty is a maximum \$1,000 fine and/or six months in county jail. (Sec. 25617 B&amp;P)   <i>ABC:</i> Decided on a case-by-case basis</p>
<p><b>12. Drink Solicitation</b>  On-sale licensees may not:  (a) Employ hosts, hostesses, or entertainers who solicit others to buy them drinks, alcoholic or non-alcoholic  (b) Pay or agree to pay such an employee a percentage of the receipts from the sales of drinks solicited  (c) Permit any person, whether an employee or not, to loiter for the purpose of soliciting an alcoholic drink  (Seccs. 24200.5(b) and 25657(a)(b) B&amp;P; Rule 143 CCR; Sec. 303(a) PC)</p>	<p><i>Criminal:</i> For the licensee, the penalty is a maximum \$1,000 fine and/or six months in county jail. (Sec. 25617 B&amp;P)  For the drink solicitor, the penalty is a maximum \$1,000 fine and/or six months in county jail unless specific penalty. (Sec. 303(a) PC)   <i>ABC:</i> Decided on a case-by-case basis</p>
<p><b>13. Drug Paraphernalia</b>  Licensees may not sell any product knowing, or under circumstances where one reasonably should know, that the customer intends to use the product for illegal drug purposes. This includes, but is not limited to, scales and balances, diluents and adulterants, balloons, envelopes, containers, pipes, screens, syringes, needles, scouring pads, blow torches, or cigarette papers. (Secs. 11014.5, 11364.5, and 11364.7(a) H&amp;S)  The law presumes that a licensee, or his/her agent(s), knows that an item is drug paraphernalia if ABC or any other state or local law enforcement agency notifies the licensee in writing that a thing (e.g., a glass vial, pipe screen, wiry sponge or scouring pad, roach clips, etc.) is commonly sold or marketed as drug paraphernalia. (See also Form ABC-546-A, Notice to Licensees Concerning Drug Paraphernalia Under Section 24200.6 Business and Professions Code) (Sec. 24200.6 B&amp;P)</p>	<p><i>Criminal:</i> The penalty is a maximum six months in county jail and/or a maximum \$1,000 fine. (Sec. 19 PC)   <i>ABC:</i> Decided on a case-by-case basis</p>

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<p><b>14. Entertainers and Conduct</b></p> <p>On-sale licensees who offer entertainment must abide by the following rules:  “(1) No licensee shall permit any person to perform acts of or acts which simulate:  (a) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.  (b) The touching, caressing or fondling on the breast, buttocks, anus or genitals.  (c) The displaying of the pubic hair, anus, vulva or genitals.  (2) Subject to the provisions of subdivision (1) hereof, entertainers whose breasts and/or buttocks are exposed to view shall perform only upon a stage at least 18 inches above the immediate floor level and removed at least six feet from the nearest patron.  No licensee shall permit any person to use artificial devices or inanimate objects to depict any of the prohibited activities described above.  No licensee shall permit any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals or anus.”  (Rule 143.3 CCR. Also violates Sec. 311.6 PC if conduct is “obscene;” e.g., intercourse, sodomy, masturbation, etc.)</p>	<p><i>Criminal:</i> Violation of Rule 143.3 CCR carries no criminal penalty. For a violation of Sec. 311.6 PC, the penalty is a maximum six months in county jail and/or a maximum \$1,000 fine. (Sec. 19 PC)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p><b>15. False I.D. (Possession or Use of)</b></p> <p>Minors may not possess or use identification that is altered, borrowed, stolen, counterfeit, or fraudulently obtained using false birth documents. (Sec. 25661 B&amp;P)</p>	<p><i>Criminal:</i> For the minor, the penalty is a minimum \$250 fine and/or 24-32 hours of community service. Second offense is a maximum \$500 fine and/or 36-48 hours community service. (Sec. 25661 B&amp;P)</p> <p><i>ABC:</i> Not applicable</p>
<p><b>16. Food Requirements</b></p> <p><u>Type 41, 47, and 49 licensees must operate and maintain their licensed premises as a bona fide eating place.</u> They must make actual and substantial sales of meals, during the normal meal hours that they are open, at least five days a week. Normal meal hours are: Breakfast 6:00 a.m. - 9:00 a.m. lunch 11:00 a.m. - 2:00 p.m.; and dinner 6:00 p.m. - 9:00 p.m. Premises that are not open five days a week must serve meals on the days they are open.</p> <p>The premises must be equipped and maintained in good faith. This means the premises must possess working refrigeration and cooking devices, pots, pans, utensils, table service, condiment dispensers, menus, posters, signs, and enough goods to make substantial meals. The premises must comply with all regulations of the local health department.</p> <p>Incidental, sporadic or infrequent sales of meals or a mere offering of meals without actual sales is not compliance. “Meals” means the usual assortment of food commonly ordered at various hours of the day. The service of only sandwiches or salads is not considered compliance. However, certain specialty entrees, such as pizza, fish or ribs, and an assortment of other foods, such as soups, salads or desserts, may be considered a meal.</p> <p>The Department will presume that a licensee is operating as a bona fide eating place if the gross sales of food prepared and sold to guests on the premises exceeds the gross sales of alcoholic beverages. “Prepared” means any processing preliminary to the final serving of food. (Note: Some licensees have a “conditional” license that requires food sales to be 50% or more of the total gross sales.) (Secs. 23038 and 23787 B&amp;P)</p>	<p><i>Criminal:</i> None</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>

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<p><b>17. Harmful Matter</b> Licensees may not rent, sell, give, or show harmful matter to persons under age 18. Harmful matter includes, but is not limited to, a book, magazine, newspaper, or video tape that “. . . depicts or describes in a patently offensive way sexual conduct and . . . lacks serious literary, artistic, political, or scientific value for minors.” If licensees sell harmful matter, they must use reasonable care in ascertaining the true age of a minor.</p> <p>If licensees sell or rent videos of harmful matter, they must create an area within their licensed premises for the placement of the videos and advertising material and label it, “Adults Only.” Minors must not be able to readily access the videos or view the video box covers.</p> <p>If licensees sell books or magazines of harmful matter, they should contact their local police or sheriff's department about any local ordinances that may apply. Some cities and counties require licensees to place “blinder racks” in front of such material so that the lower two-thirds of the material is not exposed to view. (Secs. 313 and 313.1 PC and Sec. 25612.5(c)(9) B&amp;P)</p>	<p><i>Criminal:</i> The penalty for a first offense of selling, giving, or showing harmful matter to a juvenile is a maximum \$2,000 fine and/or one year in county jail. The penalty for a second offense is State prison. Failure to create and label the “adults only” area is an infraction punishable by a maximum \$100 fine. (Sec. 313.4 PC and Sec. 25612.5(c)(9) B&amp;P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p><b>18. Law Enforcement Problem</b> Licensees may not permit their licensed premises to be a problem for the local law enforcement agency by needing an undue number of calls for service. The licensed premises includes the parking lot. (Sec. 24200(a) B&amp;P)</p>	<p><i>Criminal:</i> None</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p><b>19. Minors (Attempt to Purchase by)</b> Minors may not even try to buy alcohol. (Sec. 25658.5 B&amp;P)</p>	<p><i>Criminal:</i> For the minor, the penalty is a maximum \$100 fine and/or 24-32 hours community service. For the second offense, the penalty for the minor is a maximum \$250 fine and/or 36-48 hours of community service. (Sec. 25658.5 B&amp;P)</p> <p><i>ABC:</i> Not applicable</p>
<p><b>20. Minors (Employment of)</b> <b>On-Sale Licensed Premises.</b> Licensees may not employ minors on the portion of any premises which is primarily designed and used for the sale and service of alcohol for consumption on the premises. (Secs. 25663(a) and 25667 B&amp;P) <i>Exception:</i> Minor musicians (see #14) <i>Restaurants:</i> In a bona fide public eating place, persons age 18 or older may serve alcohol in an area primarily designed and used for the sale and service of food for consumption on the premises as an incidental part of their overall duties. Bartenders and cocktail waitresses must be 21. <i>Concession Stands:</i> A person who is at least 18 but not yet 21 may serve alcohol, as an incidental part of his or her duties, at a fixed concession stand that sells food products, soft drinks, and alcohol. <i>Pizza Parlors:</i> A person under age 21 may not serve alcohol while working behind a fixed counter where only soft drinks, alcohol, and other beverages are dispensed and food items are served at another counter within the premises.</p> <p><b>Off-Sale Licensed Premises.</b> Persons age 18 and older may sell alcohol unsupervised. Persons age 17 and younger may sell alcohol if under the continuous supervision of a person age 21 or older. (Sec. 25663(b) B&amp;P)</p>	<p><i>Criminal:</i> For the licensee, the penalty is a maximum \$1,000 fine and/or six months in county jail. No penalty for the minor employee. (Sec. 25617 B&amp;P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>

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<p><b>21. Minors (Entering and Remaining in Bars/Taverns)</b>          Licensees may not permit minors to enter and remain in any bar or tavern (license Types 42, 48, and 61), even during hours when the premises is closed. Both the licensee and the minor may be cited. <i>Exception:</i> Minors may enter and remain at any time for lawful business. For example, delivery and repair persons. (Sec. 25665 B&amp;P)</p>	<p><i>Criminal:</i> For the minor, the penalty is a minimum \$200 fine; a maximum \$1,000 and/or six months in county jail. For the licensee, the penalty is a maximum \$1,000 fine and/or six months in county jail. (Secs. 25665 and 25617 B&amp;P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p><b>22. Minors (Possession of Alcohol by)</b>          Minors may not possess alcohol in public. <i>Exceptions:</i> A minor may possess alcohol in public if (a) the minor is making a delivery for his licensed employer, or (b) a parent, guardian, or adult relative has given alcohol to a minor and asked the minor to deliver it to some other adult. A licensee may not give alcohol to a minor on the telephoned or written order of a parent. (Sec. 25662(a) B&amp;P)</p>	<p><i>Criminal:</i> For the minor, the penalty for a first offense is a \$250 fine or 24-32 hours community service. For a second offense, the penalty is a maximum \$500 fine and/or 36-48 hours community service. (Section 25662(a) B&amp;P)</p> <p><i>ABC:</i> Not applicable</p>
<p><b>23. Minors (Purchase or Consumption by)</b>          Minors may not purchase alcohol. Minors may not consume alcohol in an on-sale licensed premises. (Sec. 25658(b) B&amp;P)</p>	<p><i>Criminal:</i> For the minor, the penalty is a \$250 fine and/or 24-32 hours of community service. For a second or subsequent offense the penalty is a maximum \$500 fine and/or 36-48 hours community service. (Sec. 25658(e)(1) B&amp;P)</p> <p><i>ABC:</i> For a first offense, the penalty is a \$750-\$3,000 fine, license suspension, or probation. For a second offense within three years, the penalty is a mandatory license suspension. For a third offense within three years, the license may be revoked. (Sec. 25658.1 B&amp;P)</p>
<p><b>24. Minors (Sales/Furnishing to)</b>          No person may sell, furnish, or give alcohol to a minor. No person may cause or permit this to occur. This includes sales to minor “decoys” used by local law enforcement agencies. (Sec. 25658(a) B&amp;P)</p>	<p><i>Criminal:</i> For the seller, the penalty is a \$250 fine and/or 24-32 hours of community service. For a second or subsequent offense the penalty is a maximum \$500 fine and/or 36-48 hours community service. (Sec. 25658(e)(1) B&amp;P)</p> <p>For the furnisher, the penalty is a \$1,000 fine and a minimum 24 hours community service. (Sec. 25658(e)(2) B&amp;P)</p> <p>If the minor consumes the beverage and thereafter causes great bodily injury or death to the minor or any other person, the person who purchases and furnishes to the minor faces 6-12 months in county jail and/or a maximum \$1,000 fine. (Sec. 25658(e)(3) B&amp;P)</p> <p><i>ABC:</i> For a first offense, the penalty is a \$750-\$3,000 fine, license suspension, or probation. For a second offense within three years, the penalty is a mandatory license suspension. For a third offense within three years, the license may be revoked.</p>

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<p><b>25. Musicians (Minors)</b> Musicians who are at least age 18 but not yet 21 can be employed in all types of on-sale premises, only if the following conditions exist: (a) There is no topless or nude entertainment, either live or on film; (b) The area of employment is restricted for the exclusive use of musicians and entertainers; (c) No alcohol is sold, served, or consumed in the restricted entertainment area; (d) The restricted area is readily identifiable. It must be a room, a stage, or an area bounded by partitions or other barriers at least 30 inches high; (e) While performing, the musician must remain in the restricted area.</p> <p>At a bar or tavern (license Type 42, 48, or 61) the minor musician must remain in the restricted area at all times, except when: (a) Entering or leaving the premises, (b) Setting up equipment, (c) Visiting restrooms, (d) Resting or changing clothing in a room which is not used for sale, service, or consumption of alcohol by the public, (e) Auditioning when the place is not open for business. An entertainer is a musician if the bulk of his or her performance involves making music with an instrument or his or her voice. (Sec. 25663.5 B&amp;P)</p>	<p><i>Criminal:</i> None</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p><b>26. Narcotics and Dangerous Drugs</b> Licensees may not knowingly permit illegal sales, negotiations, or use of narcotics or dangerous drugs on the licensed premises. (Secs. 24200.5(a) and 24200(a) B&amp;P; various H&amp;S)</p>	<p><i>Criminal:</i> Most drug offenses are felonies, punishable by imprisonment in State prison</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p><b>27. Objectionable Conditions (Failure to Correct)</b> Upon notice, licensees must take reasonable steps to correct objectionable, nuisance conditions on or about the licensed premises and on abutting public sidewalks up to 20 feet from the premises, within a reasonable period of time. The conditions include disturbance of the peace, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, loitering, public urination, lewd conduct, drug trafficking, or excessive loud noise. <i>Exception:</i> Restaurants (license Types 41 and 47), hotels, motels, wineries, and beer manufacturers are not responsible for correcting nuisance conditions on abutting public sidewalks. (Sec. 24200[e][f][g] B&amp;P).</p>	<p><i>Criminal:</i> The penalty is a maximum \$1,000 fine and/or six months in county jail. (Sec. 25617 B&amp;P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p><b>28. Obviously Intoxicated Persons and Habitual Drunkards</b> No person may sell or give alcohol to anyone who is obviously intoxicated. No person may cause or permit this to occur. A person is obviously intoxicated when the average person can plainly see that the person is intoxicated. In other words, the person looks or acts drunk. This includes regular customers who “always act that way.” It does not matter that the person is not driving. For there to be a violation of law, the prosecutor must prove that the server either saw or had the chance to see the signs of intoxication before the service. Some of the signs of intoxication are: being overly friendly, using foul language, argumentative, belligerent, slurred speech, slow, deliberate movements, swaying, drowsy, stumbling, red, watery eyes, or alcoholic breath.</p> <p>No person may sell or give alcohol to anyone who is a habitual drunkard (a person who has lost control over his or her drinking). No person may cause or permit this to occur. A server may discover a habitual drunkard in one of two ways: (a) A family member tells you the person has a drinking problem and asks you not to serve, or (b) the patron is a regular and unable to handle drinking on a regular basis. A licensee or server who has been warned and still serves a habitual drunkard faces possible ABC disciplinary action and criminal prosecution. (Secs. 25602(a) and 23001 B&amp;P; 397 PC)</p>	<p><i>Criminal:</i> The penalty is a maximum \$1,000 fine and/or six months in county jail. (Sec. 25617 B&amp;P)</p> <p><i>ABC:</i> The first offense is decided on a case-by-case basis. For a second offense within three years, the penalty is a mandatory license suspension.</p> <p><i>Civil:</i> Lawsuit (for service to an underage, obviously intoxicated person) (Sec. 25602.1 B&amp;P). Civil penalties are money judgments or settlements, usually against everyone (seller or server, licensee, licensee's insurer, etc.). They are determined by the court or jury during a civil lawsuit.</p>

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<p><b>29. Off-Sale Beer and Wine License Privileges</b>                  Type 20 licensees cannot sell more than 52 gallons of wine at one time or sell alcohol for resale. (Sec. 23393 B&amp;P)</p>	<p><i>Criminal:</i> The penalty is a maximum \$1,000 fine and/or six months in county jail. (Sec. 25617 B&amp;P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p><b>30. Off-Sale General License Privileges</b>                  Type 21 licensees cannot (a) sell more than 52 gallons of wine at one time, or (b) sell alcohol for resale. <i>Exception:</i> Licensees may sell alcohol for resale to the holder of a Daily On-Sale General license. (Secs. 23393 and 23394 B&amp;P)</p>	<p><i>Criminal:</i> For the violator, the penalty is a maximum \$1,000 fine and/or six months in county jail. (Secs. 25351 and 25617 B&amp;P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p><b>31. Operating Standards, Retail</b>                  The following requirements apply to stores (license Type 20 and 21), bars and taverns (license Types 40, 42, 48, and 61). These requirements do not apply to restaurants (license Types 41 and 47), convention centers, exhibit halls, auditoriums, ballparks, stadiums, coliseums, hotels, motels, a certain marine park, wineries, or beer manufacturers.</p> <ol style="list-style-type: none"> <li>1. Post “No Loitering” signs upon written notice from the ABC;</li> <li>2. Post “No Open Container” signs upon written notice from the ABC;</li> <li>3. No alcohol consumption inside a store or outside a bar or tavern;</li> <li>4. Illuminate the exterior of the premises, including adjacent public sidewalks and parking lots under the licensee's control, during all hours of darkness when open for business;</li> <li>5. Remove litter daily from the premises, adjacent sidewalks and parking lots under licensee's control and sweep/clean these areas weekly;</li> <li>6. Remove graffiti from premises and parking lot within 72 hours (3 days) of application;</li> <li>7. Have no more than 33% of windows covered with advertising or signs;</li> <li>8. Have incoming calls blocked at pay phones upon request of local law enforcement or ABC; and</li> <li>9. Create a separate area for any video recordings of harmful matter (as defined in Penal Code Section 313). The area must be labeled “Adults Only.” Minors may not be able to readily access the videos or view the video box covers.</li> <li>10. Have a copy of the operating standards available during normal business hours for viewing by the general public. (Section 25612.5(c) B&amp;P)</li> </ol>	<p><i>Criminal:</i> The licensee only (not employees) may be cited for each violation of the operating standards. For the licensee, the penalty is a maximum \$1,000 fine and/or six months in county jail. (Sec. 25617 B&amp;P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p><b>32. Removal of Opened Wine Bottle</b>                  Restaurants (license Type 41 and 47) may allow patrons to remove a partly-consumed bottle of wine from the premises upon departure. (Customers should place any open bottles in the trunk area of their vehicle to avoid violating the Vehicle Code.) (Sec. 23396.5 B&amp;P)</p>	<p>Not applicable. This is a permissive section of law.</p>
<p><b>33. Retail Delivery Orders</b>                  Employees cannot deliver alcohol without a delivery order. It must state the quantity, brand, proof, price, name and address of the customer, and name and address of the store. The licensee must keep the order on file for two years after delivery. (Rule 17(e) CCR)</p>	<p><i>Criminal:</i> None</p> <p><i>ABC:</i> Decided on a case-by-base basis</p>
<p><b>34. Retail Store Qualifications</b>                  Licensees may sell alcohol only in the original package for consumption off the premises. Licensees must conveniently display all alcohol. Licensees must make any alcohol deliveries from the licensed premises. Licensees may only take telephone orders for alcohol when the store is open to the general public. (Rule 27 CCR)</p>	<p><i>Criminal:</i> None</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>

## EXHIBIT 1. ABC TYPE 47 LICENSE REQUIRES BONA FIDE EATING PLACE [See Item 16]

<p><b>35. Retail-to-Retail Sales</b></p> <p>Retail licensees may not purchase alcohol for resale from another retail licensee. Licensees must purchase alcohol for resale from a non-retail licensee only. Warehouse-type discount stores are licensed retailers, and they cannot sell alcohol for resale to other retailers. For example, a retail licensed store may not sell to the bar down the street who has run out of a certain brand of liquor. It would be illegal for both the store and the bar to do so. The borrowing of alcohol between retail licensees is an illegal, retail-to-retail sale. <i>Exception:</i> A licensee who has three or more outlets licensed exactly the same may transfer products between that licensee's stores. Also, type 21 licensees may sell distilled spirits for resale to the holder of a Daily On-Sale General license. (Sec. 23402 B&amp;P)</p>	<p><i>Criminal:</i> The penalty is a maximum \$1,000 fine and/or six months in county jail. (Secs. 25351 and 25617 B&amp;P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p><b>36. Returns by Consumers to Retailers</b></p> <p>Returns of all types of alcoholic beverages by consumers to sellers were once ruled to be illegal under both State and federal law. In 1961, the Federal Government approved the return by consumers of alcoholic beverages which were spoiled, deteriorated, contaminated, or otherwise unfit for human consumption. This approval was made on the condition that there would be a bottle-for-bottle exchange or cash refund for the unsatisfactory merchandise. It was necessary for a consumer to bring back a partially emptied bottle or a bottle which clearly showed deterioration of the product, such as sediment, to qualify for the refund. The Department adopted the federal policy that same year. Later, the Department modified its approval to the extent that other types of alcoholic beverages could be exchanged for those which were unfit for human consumption.</p> <p>A consumer may also make an exchange or receive a refund on an item purchased in error if the unopened container is returned to the seller. The advertising of "money-back guarantees" is specifically disapproved, however.</p> <p>A consumer cannot overbuy for a party and then return any of the unused alcoholic beverages. Neither can the recipient of a gift exchange it for other merchandise or be given a credit, because the recipient is not returning alcoholic beverages; if the retailer gave anything of value for the beverages, the retailer would be buying from other than a wholesaler. Sales to consumers are final except as previously set forth. The Department and federal law agree in this respect. (Sec. 25600(a)(2))</p>	<p><i>ABC:</i> Decided on a case-by-case basis</p>
<p><b>37. Right to Refuse Service to Minors</b></p> <p>Licensees and their employees have the legal right to refuse service to anyone who cannot show adequate written evidence of age. A licensee or employee may seize any identification presented by a person that shows the person to be under the age of 21 years or that is false, so long as a receipt is given to the person from whom the identification is seized and the seized identification is given within 24 hours of seizure to the local law enforcement agency that has jurisdiction over the licensed premises. A licensee, his or her agent or employee's decision to not seize a license shall not create any civil or criminal liability. (Sec. 25659 B&amp;P)</p>	<p>Not applicable. This is a permissive section of law.</p>



## EXHIBIT 1. ABC TYPE 47 LICENSE REQUIRES BONA FIDE EATING PLACE [See Item 16]

<p><b>38. Signs</b>  Bars and taverns (License Types 42, 48, and 61) must post signs reading, “No Person Under 21 Allowed.” Licensees must post one at or near each public entrance, visible from the exterior, and one inside in a prominent place. The signs must be at least 7” x 11” and have lettering at least 1” in height. (Rule 107 CCR)<sup>1</sup></p> <p>No more than 33% of the square footage of the windows and clear doors of an off-sale premises may have advertising or signs of any sort. (Sec. 25612.5(c)(7) B&amp;P)<sup>2</sup></p> <p>Stores (license Types 20 and 21) must post one or more customer warning signs in the store (see form ABC-299 for wording). (Sec. 25658.4 B&amp;P)<sup>2</sup></p> <p>Upon written notice from the ABC, licensees must post “No Loitering” and “No Open Container” signs. <i>Exception:</i> This law does not apply to restaurants (license Types 41 and 47), convention centers, exhibit halls, auditoriums, ballparks, stadiums, coliseums, hotels, motels, a certain marine park, wineries, or beer manufacturers. (Sec. 25612.5(c)(1)(2) B&amp;P)<sup>2</sup></p> <p>Signs may not be obnoxious, gaudy, blatant, or offensive, and must not obstruct the view of the interior of the premises from the street. (Sec. 25612 B&amp;P)<sup>2</sup></p> <p>All on- and off-sale licensees must post warning signs reading, “Warning: Drinking spirits, beer, coolers, wine, and other alcoholic beverages may increase cancer risk and, during pregnancy, can cause birth defects.” (Sec. 12601(b)(1)(D)(1) and 12601(b)(4)(E) CCR)<sup>3</sup></p>	<p><sup>1</sup><i>Criminal:</i> None</p> <p><i>ABC:</i> Decided on a case-by-case basis</p> <p><sup>2</sup><i>Criminal:</i> The penalty is a maximum \$1,000 fine and/or six months in county jail. (Sec. 25617 B&amp;P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p> <p><sup>3</sup><i>Criminal:</i> None</p> <p><i>ABC:</i> Decided on a case-by-case basis</p> <p><i>Civil:</i> A civil lawsuit may be brought against an alcohol manufacturer or distributor by the Attorney General, a district attorney, or a private citizen. Judgments are a maximum of \$2,500 per day per violation, with 25% of the sum going to the plaintiff. Civil penalties <u>do not</u> apply to the retail licensee. (Sec. 12601 CCR)</p>
<p><b>39. Substitution of Brands</b>  No person may substitute types or brands of alcohol without first informing the purchaser. (Sec. 25609 B&amp;P)</p>	<p><i>Criminal:</i> For the licensee or employee, the penalty is a maximum \$1,000 and/or six months in county jail. (Sec. 25617 B&amp;P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p><b>40. Undisclosed Ownership; Changes in Ownership</b>  The ABC license must reflect the true ownership of the licensed business. There can be no hidden owners or silent partners. Licensees must report any and all ownership changes to the ABC. (Secs. 23300 and 23355 B&amp;P; Rule 68.5 CCR)</p>	<p><i>Criminal:</i> The penalty is a maximum \$1,000 fine and/or six months in county jail. (Sec. 25617 B&amp;P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p><b>41. Unlawful Possession on Licensed Premises</b>  Licensees may not allow any alcohol on the premises other than what they are licensed to sell. <i>Exception:</i> Type 41 licensees may possess brandy, rum, or liqueurs for cooking purposes. (Section 25607(a)(b) B&amp;P)</p>	<p><i>Criminal:</i> For the licensee, employee or patron, the penalty is a maximum \$1,000 fine and/or six months in county jail. (Sec. 25617 B&amp;P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p><b>42. Weapons</b>  Licensees may not possess or sell certain firearms and/or weapons, including but not limited to, undetectable firearms, nunchakus, short-barreled shotguns, short-barreled rifles, metal knuckles, billy clubs, dirks, and daggers. (Sec. 12020 PC)</p>	<p><i>Criminal:</i> The penalty is imprisonment in the county jail not exceeding one year or in a State prison. (Sec. 12020(a) PC)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>

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Mayor Hadley: [00:00:00](#) ... past. We will move on to letter J public hearing. Um, at the discretion of the Mayor, each speaker may speak up to three minutes on each public hearing item. I apologize, I thought it was two minutes earlier, so I misspoke. Um, City Attorney, [Barrow 00:00:18], I apologize, I do not have the public hearing information directly in front of me. Can you remind me what, uh, what we should first?

City Attorney B...: [00:00:30](#) Yes. Um, at this point, it would be, be to receive a presentation by staff. And just, um-

Mayor Hadley: [00:00:37](#) Okay.

City Attorney B...: [00:00:37](#) ... and just for the record, it's reopening the continued public hearing.

Mayor Hadley: [00:00:42](#) Okay. We will be reopening the continued public hearing de novo to consider a master use permit for the hotel and an environmental determination of categorical exemption for CEQA. So, we will conduct the continued public hearing de novo and will consider directing staff to draft resolutions. So, first up would be Director Tai.

Director Tai: [00:01:05](#) Good evening, Mayor Hadley and members of the City Council. First up tonight will be, uh, the presentation of a staff report. So, the staff team on this is Associate Planner, Ted Fatuross, who will give the presentation. And also, Planning Manager, Talyn Mirzakhani, um, will be available for assistance and questions as well. So, with that, I'm going to turn it over to Mr. Fatuross for his presentation. Ted, go ahead.

Ted Fatuross: [00:01:37](#) Can everyone see and hear me?

Director Tai: [00:01:38](#) We can hear you, Ted.

Ted Fatuross: [00:01:40](#) Excellent.

Mayor Hadley: [00:01:41](#) Yep.

Ted Fatuross: [00:01:42](#) Uh, good evening, uh, Mayor Hadley and members of the City Council. My name is Ted Fatuross and I'm an Associate Planner here in the city's planning division. And I'm here to present a master use permit amendment request for a new hotel and office retail building at 600 South Sepulveda Boulevard. So, some background on the site. Um, the site is on the east side of Sepulveda Boulevard, which is, uh, a state highway and is under the jurisdiction of Caltrans. Uh, the site is the former El Torito

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

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Restaurant, uh, which is currently occupied by Sketchers. Um, the Planning Commission considered this project on October 14 at their, uh, hearing. That was the first time a public hearing was held for this project. And they requested some modifications and additional information. The project returned to the Planning Commission on November 18, 2020 and the project was approved on a two-to-one vote with modifications.

Ted Faturous: [00:02:53](#) Uh, t-, there were two independent appeals of the Planning Commission's decision. One was made by a group called MB Poets, another one was made by a group called the UNITE HERE! Local 11, uh, a labor union. In addition to those appeals, two members of the City Council, uh, requested review of the Planning Commission's decision.

Ted Faturous: [00:03:16](#) Which brings us to the City Council's review of this project and it being a de novo hearing. De novo means that the City Council's supposed to take a fresh look at all the evidence and make an independent call based on that evidence. Um, the City Council first heard this item at the January 19, 2021 meeting and continued it to the February 2nd meeting.

Ted Faturous: [00:03:41](#) Uh, before the February 2nd meeting took place, the applicant requested, um, that the, uh, that the project be continued to a later date, as he was exploring some, uh, changes to the design. Nevertheless, public comment was received at the February 2nd meeting and the project was c- ... Or the hearing was continued to April 6th.

Ted Faturous: [00:04:05](#) Um, again, at April 6th, the project, the hearing was continued to today, May 4th, as, um, both staff, the applicant and members of the public needed more time to review the revised plans, um, uh, in order to, uh ... Yeah, to review, um, the revised plans.

Ted Faturous: [00:04:26](#) So, I'd like to refresh everyone on just the basic, um, zo-, zoning of the site. So, the general plan, which is the longterm policy document for the city has this site, uh, labeled as a general commercial property. Um, and then the base zoning for the property is general commercial as well. So, general commercial, those are uses that, um, are more intensive uses, maybe not appropriate for the downtown. Things like car dealerships, big box stores, et cetera, as well as neighborhood, uh, and resident sor-, businesses as well.

Ted Faturous: [00:05:02](#) In addition to the CG zone, uh, the property's also in the [inaudible 00:05:10] ... Excuse me. Sepulveda Boulevard overlay

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

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district. And that district allows for a few, um ... Some looser development standards, specifically for hotel uses, which includes a 40 foot height limit for hotels, while the rest of the CG zone, the height limit is 30 feet. Here is the overview of the project. This is, uh, the revised project. Um, it looks similar to the, uh, the previous building or the previous version of the project. Um, you have an L-shaped hotel building here on the east and the north- ... I'm sorry, the east is here, the north is over here. You have a detached office retail building here. Surface level parking and then also a ramp that goes from the surface level parking lot to a subterranean garage. Access to the site is from Sepulveda Boulevard, as well as, uh, Tennyson Street.

Ted Faturus: [00:06:08](#) So, to get into the meat of the request, uh, the applicant is requesting a new hotel, which will be four stories and 40 feet tall. The hotel building's 81,771 square feet with 161 hotel rooms. The building is L-shaped and is on the ... Located mainly on the north and eastern part of the property. And there is a fourth floor outdoor terrace this is facing Sepulveda Boulevard. Uh, the building meets all height, setback, [inaudible 00:06:38] ratio and other development standards for the CD ... I'm sorry, CG zone.

Ted Faturus: [00:06:43](#) As far the ... As far as the hotel's operations are concerned, the hotel's described as a select service hotel, so it does have a small fitness center, um, a s-, very small business center, a very small meeting room. But it does not have conference centers or a full service restaurant or anything like that. Um, there will be limited dining and full alcohol service for hotel patrons and their guests only, um, and that is proposed to take place between 7:00 AM and 1:00 AM, seven days a week. Um, and then the maximum stay of guests in one room would be 30 consecutive days.

Ted Faturus: [00:07:21](#) The separate retail and office building is two stories and 30 feet tall. The ground floor retail is 6,085 square feet. The second floor office is 8,415 square feet. And this detached building is located on the southwest corner of the site. Uh, the applicant has not identified any tenant or this building. Um, in addition to that, the surface level parking is primarily intended for the use of the retail and office tenants. However, those tenants will have access to the subterranean parking, uh, garage as well.

Ted Faturus: [00:07:57](#) And this building, in particular, really aligns with the Sepulveda Boulevard design guidelines. It is close to the street, so there's a great relationship between the pedestrian and, uh, the building, um, and that creates, uh ... It creates a better, um, a better

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

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connection between the [inaudible 00:08:17], the pedestrian and, uh, the building.

Ted Faturous: [00:08:22](#) The applicant is also requesting a reduction in parking. Um, so under the code, 236 parking spaces are required for this entire project. The applicant is proposing 152 parking spaces. Um, now, NB or Section 10.64050B of the city's Municipal Code does allow for a reduction in parking with a use permit request. Part of that use permit request however must be accompanied by a parking study that proves that onsite parking can support the projected parking demand of the uses. So, the applicant has submitted a parking evaluation prepared by Kimley-Horn, um, and the city's Traffic Engineer has reviewed that, uh, parking evaluation and it's confirmed its conclusions.

Ted Faturous: [00:09:14](#) So, that evaluation which ro-, which was revived, revived in January of this year says that the minimum parking required for the project is 152 parking spaces and that's how many parking spaces the applicant is proposing. I do want to point out that since that parking evaluation was done, the project has shrunk, so there's one less parking spot ... I'm sorry, one less hotel room. The office and hotel building is also smaller. So, that likely means that the actual projected parking demand is less than 152 spaces. We did not ask the applicant to revise the parking study to reflect the latest version of the plans. But nevertheless, one can assume that because of that, this study, this parking evaluation is conservative, because it's making assumptions for a bigger project.

Ted Faturous: [00:10:04](#) In addition to that, the parking study does not factor into account any, um, any effects of Uber or Lyft. And, uh, for a hotel close to, you know, a very busy airport, one can assume that, um, a lot of people will be using car, uh, share services. But, that was not taken into account when, uh, when doing the parking evaluation. So, this table here really summarizes very well all the changes with these revised plans, uh, that the applicant has submitted, compared to the plans that City Council saw on January 19th and February 2nd. So, to go over the changes co-, this version of the plans, the latest version of the plans has one less hotel room. The s-, hotel building is s-smaller by four square feet. There's 808 less square feet of retail. There's 960 square feet or there's less, uh, then 960 square feet of office space compared to the previous design.

Ted Faturous: [00:11:10](#) There's no net gain or loss in parking. Um, the surface level parking lot, they lost a spot, the subterranean parking, they gained a spot. So, it's a wash. Um, and perhaps most

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

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importantly, the biggest change in the project is that the, um, applicant has moved the eastern portion of the building to the west. So, compared to the previous version of the plans, at the closest point between the, uh, existing property line and the buil-, hotel building, um, th-, that portion of the building is four feet, five inches further away, uh, then the existing property line compared to the previous project.

Ted Faturros: [00:11:53](#) The portion of the hotel building that's furthest away from the eastern portion of the property line is 12 and a half feet further away than the previous design. So, there's been a big move of that eastern portion of the building to the west, um, and, and the applicant states he has done this to try to address some of the neighbor's concerns about privacy. Another thing this has allowed to do is the applicant has, uh, increased the size of the planter along Chabela Drive from three feet to five feet.

Ted Faturros: [00:12:27](#) Here is the site plan. Again, you have the hotel building here. You have the parking lot with the ramp, office and, uh, retail building here. And then you have this perimeter landscaping here with that five foot planter right here and then the parking lot, uh, open to below right there and there.

Ted Faturros: [00:12:49](#) Um, this graphic, which the applicant submitted with their written documents, I think does a great job of showing the shift from the previous design, which is this light blue color to the new design. So, you can see there's been a substantial shift, um, of the building to the west, um, away from these neighbors who are on Chabela Drive here. Also, the applicant is proposing screening on the third, both the ... Not just the fourth floor, but also the third floor, um, which will prevent people in the hotel rooms, uh ... Which will help obscure the view of people in the hotel rooms looking east onto the residences. Another thing, as I mentioned earlier, this planter here has become wider. So, um, the applicant has stated that because, uh, the previous version of the plans had proposed bamboo in this planter ... And that was ... One reason bamboo was proposed, because it grows very quickly and it helps obscure the view of these hotel, uh, patrons. Considering the building has moved to the west and this planter is larger, and it can accommodate trees, and some neighbors have requested trees instead of bamboo, the applicant is open to the idea of trees and was hoping for the city council to weigh in, um, on that matter. Considering that, again, the privacy issues have been addressed by moving this hotel building further west.

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

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- Ted Faturous: [00:14:20](#) Here is the view of the revised hotel building. Um, as you can see, this, uh, this building is further west. Another thing, though, it's not just that the building is west. He's also broken up the façade into three distinct massings and that gives the building more architectural character and prevents it from being such a large, bulky structure.
- Ted Faturous: [00:14:41](#) Um, there were some, uh, appellant comments, both from appellants and just general public comments that were new. Um, and attached to the staff report today, the, uh, the city has provided responses. Um, one, an, uh ... One of the appellants made, um, comments regarding the methodology in the traffic and parking studies. Um, can we [inaudible 00:15:04] the appellants tr- ... I'm sorry, the applicant's, uh, traffic consultant has created a rebuttal, um, and the c-, city's Traffic Engineer has re-, reviewed that rebuttal and confirmed, and affirms his conclusions.
- Ted Faturous: [00:15:18](#) There were also some comments made about noise, um, and, uh, the city's environmental consultant on the project, Michael Bagel-, Michael Baker International has provided rebuttal comments to that noise comments. And there was also a public comment made about, uh, the city's water and sewer infrastructure and its ability to, um, to accommodate a project like this. So, we have, um ... The city's Public Works Department has provided two letters stating that, um, the ... With up-sizing of the sewers and the laterals, um, and the water infrastructure, the sewage, the city's infrastructure will be able to support, um, this project.
- Ted Faturous: [00:16:03](#) Also, I should say, in the last 48 hours after you received your, um, your agenda packets and after the agenda was posted on the city's website, there's been a flurry of late comments in. And the city has also provided some rebuttals as well to those comments that have been entered into the public record.
- Ted Faturous: [00:16:25](#) Regarding environmental review, um, this project, uh, is still a class 32 CEQA exemption and still qualifies for that class 32, uh, in full development exemption. So, the class 32 exemption has several benchmarks that must be met in order to be eligible for that class 32 exemption. And the, um, all those benchmarks are still being made. Specifically, um, probably s-, one of the most important benchmarks is there has to be t-, technical studies that prove that there's no significant ... Uh, that the project does not create a significant effect for traffic noise, air quality and water quality.

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

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Ted Faturus: [00:17:04](#) Um, and MBI, the city's traffic ... I'm sorry, the city's environmental consultant, has reviewed the revised project and as co-, and is able to confirm that all those technical studies still, um, stand and that these still, um, uh, affirm the fact that even the revised project does not create significant impacts with regards to traffic, noise, air quality or, air quality and water quality as required by the class 32 exemption.

Ted Faturus: [00:17:36](#) Regarding noticing and public comment for the project, um, the revised plans were posted to the website on April 16th. The city was not required to post them, but we did, um, to give everyone more time to review the plans. Um, and an email was sent out to all interested parties. Basically, anyone who ha-, has ever made a public comment on the project, we keep a list of everyone. Um, and they were notified that the plans were posted to the website.

Ted Faturus: [00:18:02](#) A notice was mailed to all property owners within 500 feet of the project on April 19th. And an ad was published in the Beach Reporter on April 22, 2021. Uh, in addition, an email was sent out to all those interested parties on April 29th with a link to the staff report and information on how to make a public comment and participate in today's Zoom meeting. Um, staff did receive public comment both in support and opposition to the project, and as well as we received a lot of late comment the last 48 hours as well.

Ted Faturus: [00:18:38](#) So, with that, uh, staff recommends that the City Council conduct a public hearing, or, uh, make an environmental determination and direct staff to draft a resolution approving, uh, the master use permit with conditions. Um, I am available for questions. I do want to say a few things. One, we do have, uh, the city's Traffic Engineer, Erik Zandvliet, on the line. We do have the city's environmental consultants, uh, John [Bellas 00:19:06] and [Pai-Ming Chu 00:19:09] from MBI, um, as well as the, uh, applicant and both appellants will be speaking after me as well. So, uh, I am available for questions if there are any.

Mayor Hadley: [00:19:21](#) Terrific. Thank you, Planner Faturus. I see Council member, [inaudible 00:19:24] hand up. So, Steve, take it away.

Councilmember Napolitano: [00:19:27](#) Thank you, Your Honor. Um, Ted, of those parking spaces, how many are compact spaces?

Ted Faturus: [00:19:34](#) Um, I'd have to look at the plans. I believe it's, it's under 20. Uh, it's way less than the code, uh, allows. The original version of the plan, of the project had a lot more compact spaces and the



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pl- ... And more parking spaces and the Planning Commission asked them to loose parking spaces in order to get rid of compact spaces. Um, I can tally them maybe during public comment and then get back to you with an answer [crosstalk 00:20:01]-

Councilmember Napolitano:

[00:20:01](#) Okay. Yeah, [crosstalk 00:20:02] because I, I didn't find myself ... I knew the last one, I think it was 23 or 18, one of those, in between. But those will discourage you, developments like this. And I, I, I don't think they should be allowed at all and I think we need to strike those things in the code. Um, they're, they're rarely used and even when they are, they, they get squeezed to other ones. So, they're, they're not useful I, I feel. Um, is music entertainment, amplified music allowed on, on the, uh, fourth story deck lounge?

Ted Faturous:

[00:20:35](#)

So, what the Planning Commission resolution said is that, um, live entertainment is prohibited on that fourth floor lounge, unless certain requirements are met. So, one of those requirements is that anytime th-, there's live entertainment up, up there, the hotel management must obtain and in g-, a group entertainment permit which has stipulations that say, "You must do this, this and this in order for us to grant you this, uh, live ener-, this group entertainment permit. And that no live entertainment be allowed after 9:00 PM." So, if the applicant ... Or I'm sorry, if the hotel management doesn't get that group entertainment permit, then there is no live music allowed up there.

Councilmember Napolitano:

[00:21:24](#)

Okay. Um, and the hours of alcohol service, is that something new or consistent with the, uh, former restaurant there, or is that, um, consistent with the Sepulveda corridor, or what is, what is the benchmark that we're setting the hours of alcohol service site? I compare that ... Especially given the proximity of the residences, uh, with say the downtown with a lot of the places, they only have, uh, extended hours to midnight, or 1:00 AM on Friday and Saturday, not seven days a week, like is proposed here. So, why-

Ted Faturous:

[00:21:58](#)

Sure.

Councilmember Napolitano:

[00:21:58](#)

... why the discrepancy?

Ted Faturous:

[00:22:00](#)

So, the El Torito also served full alcohol. I believe they were able to, uh ... They were ... Uh, their closing time was midnight seven days a week. Although, I need to confirm that for you. Um, there are several restaurants along Sepulveda that do have, uh,

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

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midnight closing hours. Um, as far as this project, the closing at 1:00 AM [crosstalk 00:22:27]-

Councilmember Napolitano: [00:22:26](#) Do they, do they actually use those midnight closing hours?

Ted Faturus: [00:22:28](#) No, uh, [crosstalk 00:22:30]-

Councilmember Napolitano: [00:22:29](#) Okay.

Ted Faturus: [00:22:30](#) Many don't. Many restaurants, whether they're in the downtown or even the mall, do not use those hours. For instance, in the mall, they can all go to 2:00 AM, none of them do. Um, so regarding this one, it is, uh, 1:00 AM seven days a week. Of course, the Council can always, um, change that if they s-, if they, uh, see fit.

Councilmember Napolitano: [00:22:51](#) And to, um ... I, I brought up this issue last time, but the, the difference b-, that we're treating this, uh, upstairs basically, let's say, dining, drinking area, compared to the rules that we put in place downtown. And again, in some of the areas that you can ... If we had the map, we can put in a second story dining downtown. Th-, we're just talking a second story there, not fourth story. A second story, I believe, had to be enclosed on three sides. You had to have a roof over it. We, we made it so onerous that no one's done it and no one will likely do it. But, uh, why, why the open air, uh, fourth story deck here, as opposed to requiring the same kind of enclosure that the downtown would be required?

Ted Faturus: [00:23:38](#) So, um, tho-, the downtown, uh, restrictions you're referring to did come out of the downtown specific plan, um, and that whole process. Um, the, I believe the c-, the, the discussion or ou-, the discussion about how to regulate restaurants on Sepulveda was not a big part of the Sepulveda initiatives, uh, corridor study, which was a multi-year effort, um, and b-, it sound ... From my recollection, that that wasn't a big issue, um, as part of the Sepulveda initiatives corridor. Um, so, so [crosstalk 00:24:16]-

Councilmember Napolitano: [00:24:15](#) ... outside, upper, upper deck outside dining then?

Ted Faturus: [00:24:19](#) Pardon?

Councilmember Napolitano: [00:24:20](#) ... [crosstalk 00:24:20] a mall. I'm not aware of any upper deck dining along Sepulveda.

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

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Ted Faturus: [00:24:26](#) Um, I don't believe there is any. Yeah, this, this would be, uh, a first.

Councilmember Napolitano: [00:24:33](#) Okay. And then, um, I, I'll leave it there for now, thank you.

Mayor Hadley: [00:24:41](#) Thank you. Yes, Mayor Pro Tem Stern.

Mayor Pro Tem S...: [00:24:45](#) Thank you, Your Honor. Yeah, Ted, I have just a couple questions about, mostly about the changes from the last proposal that we've seen and to the current proposal. Um, it, you did note the reduction in the size of the retail and the office building. Does that, is that reduction the footprint, so is there more, now more space outside because of the reduction in that office building?

Ted Faturus: [00:25:10](#) So, the footprint did shrink, because when you move the ... When the applicant moved the eastern part of the hotel over, all the parking had to shift, and there's minimum requirements that must be made for parking clearances. In order to make those parking clearances work, along with other considerations, that's one reason they had to shrink the footprint of, uh, the office and retail building.

Mayor Pro Tem S...: [00:25:36](#) But it ... And it didn't therefore increase the number of parking spaces outside, or did that?

Ted Faturus: [00:25:42](#) No, there's no net gain in the number of parking spaces when you compare this plan to the previous plan.

Mayor Pro Tem S...: [00:25:50](#) Did shrinking the retail office building, did that reduce the size of individual units within the building, or did it reduce-

Ted Faturus: [00:25:59](#) No.

Mayor Pro Tem S...: [00:25:59](#) ... the number of units?

Ted Faturus: [00:26:01](#) The, the, the applicant hasn't, um, provided, nor is he required to show interior floor plans of that retail office building, eh, you know? He could rent the entire downstairs, for instance, to one retailer, or break it up into different retailers. So, there hasn't been, um ... There's no information on that, um, on how it will be divided or not divided.

Mayor Pro Tem S...: [00:26:26](#) So, that, the how it's divided doesn't impact the number of parking spaces that are needed there?

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

Ted Faturros: [00:26:31](#) No, it's the gross square footage of office use, of retail use. Um, that's what helps determine parking.

Mayor Pro Tem S...: [00:26:38](#) Interesting. Thank you for that. And I also wanted to ask you about the screening on the east side of the hotel. Has there been a change ... I know that there is a change with respect to the, uh, number of feet allowed for the planters, from three feet to five feet. Has there been any change to the screening on the fourth floor or third floor, um, s- ... Third floors, with respect to that, that visual screening from the-

Ted Faturros: [00:27:07](#) So-

Mayor Pro Tem S...: [00:27:07](#) ... last to this?

Ted Faturros: [00:27:08](#) No, the, um, the ... So, the, the planning ... At the Planning Commission, I believe he, the applicant just had screening on the fourth floor. But, since then, he's put it both on the third and the fourth. So, in terms of the screening design, it is ... This, uh, this design is the similar to the design shown at the January City Council meeting, which is an enhanced decision compared to the design shown at the planning commission. So, it has evolved over time, but since January, the design is effectively the same.

Mayor Pro Tem S...: [00:27:44](#) Okay. Thank you. Thank you.

Mayor Hadley: [00:27:50](#) Okay. Yes, Council member, Franklin.

Councilmember Franklin: [00:27:55](#) Yes, thank you. And, uh, you know, thank you Ted for the, for the presentation. Um, ju-, just some clarification on the serving of food. Uh, it, this isn't like, uh, wait staff and full meals, or is it just snacks, or, you know, [crosstalk 00:28:11]-

Ted Faturros: [00:28:11](#) So, so the applicant has indicated it's limited food service. So, yeah, there is no sit down with white table cloths and three course meals, nothing like that. It would be more, um ... The applicant has indicated there'll be a breakfast available for the hotel patrons, like a light buffet breakfast. Um, and then, for hotel patrons and their guests, there'll be, um, you know, alcoholic beverages as well as light appetizers, things like that. Um, I'm sure the applicant, if asked, can provide a lot more detail on how ... What exactly would be served, um, at the rest- ... Or at the, um, at the hotel, but it is not, um, it is not a full service restaurant, um, nor will the ... And, and I, I also believe there will be no room service either.

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

Councilmember Franklin: [00:29:03](#) Okay. All right. And then, um, as, um, Mayor Pro Tem Stern, uh, mentioned, the screening or the, the lou-, the louvers, uh, the ... It's got a strange name, breeze, uh ... I don't know if that's the brand name. Um, the ... I, I'm, I'm calling them louvers on the east wall, um, you know, on, on the east outside wall on floors three and four. Are those fixed or can someone like reach outside the window and move, you know, and, and move those?

Ted Faturus: [00:29:36](#) They are fixed. Um, and the, um ... They are fixed and the City Council could always kind of refine the condition that the Planning Commission put in to not just require a screening on the fourth and third floor, but also specify that the screening be fixed and, you know, unmovable or something to that effect.

Councilmember Franklin: [00:29:59](#) Okay. And that's designed that once you're in that room, you're looking out, you're, you, you really can't see down into the yard next door or anything like that?

Ted Faturus: [00:30:04](#) It, it obscures the line of sight, um, [crosstalk 00:30:08] of, of hotel patrons [inaudible 00:30:09], that's correct.

Councilmember Franklin: [00:30:11](#) Okay. Great. Um, and then, um, one last thing is, um, when I went out there, I was, uh, started me- ... You know, I took my, a tape measure and I was measuring from, um, from the west curb of Chabela to ... Well, th-, basically wh-, where the east wall was going to be to the property line, the actual property line of the residents directly to the east on Chabela. And that would've been, uh, the residents addresses were, uh, 1141 Tennyson and then 1140 Shelley.

Councilmember Franklin: [00:30:48](#) And at the time, uh, when I pieced it all together, it was about, uh, it was about 56 feet, uh, from the ... Wh-, what the building would be to, um, to, to the property line, to those property lines east of, uh, you know, east ... The, the, the ones on the east side of Chabela. So, now when I recalculated it with the setbacks, it looks like it's 66 feet, so ... I'm sorry, it was 56 and a half feet and now it looks like it's 66 feet, so that's uh, a, a nine and a half foot difference. And I just want to kind of ... I wouldn't expect you to have the numbers at your fingertips, but just want to co-, confirm that it is, it is an extra close to 10 feet, nine and a half to, to 10 feet.

Ted Faturus: [00:31:33](#) So, um, as I showed here ... Well, let me go [crosstalk 00:31:38] back to, uh, this slide over here. Um, there's three different massings here on the eastern side, right? So, this-

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

Councilmember Franklin: [00:31:47](#) Yeah.

Ted Faturros: [00:31:47](#) ... portion of the building will be closer to the property line than this portion of the building.

Councilmember Franklin: [00:31:54](#) Okay.

Ted Faturros: [00:31:54](#) But if I go back to the, the chart here, I'd say at the closest point, you have an extra four feet, five inches than the previous design. And at the furthest point from the building to the existing property line, you have an additional 12 and a half feet than the previous design. So, [crosstalk 00:32:14] different portions of the building are set further away from Chabela than other portions of the building.

Councilmember Franklin: [00:32:20](#) Got it. Okay. Because it's ... Is that what you wh-, what you call cantilever, when you [crosstalk 00:32:26]-

Ted Faturros: [00:32:27](#) Well, there is, um, if I go to this slide here. I mean, this is technically a cantilever, because you have massing hanging over an open area. Um, but the cantilevering is going pretty far away from the, uh, property line over here.

Councilmember Franklin: [00:32:45](#) Okay. And then in the, um ... So, so now, uh, you had a picture in the other presentation, there were more details, the sheet numbers, and I ... Forgive me, I don't have the sheet number, but there was a slope line ... Comparing a slope line of Chabela from north to south and it looked ... I don't know what degree slope there was, but it looked like on the north end, it appeared you could only see three stories and then it sloped down to where then you could see four stories. Uh, is that the case?

Ted Faturros: [00:33:16](#) Correct. So, um, Chabela does have, uh, quite a, an incline as you go from south to north. So, because of that, by the time you're on the northern part of the property, th-, you can't see that first floor of hotel rooms. You're only seeing the, uh, you know, part of the second floor and the third and the fourth floor. So, there is some buildings being, um, hidden by the change in grades.

Councilmember Franklin: [00:33:46](#) Okay. So, the, the one home on Chabela at, at 1141 Shelley has the orientation of looking from, uh ... Of looking south from their front windows, so they would see a, a lower mass, because they're higher up on that incline, it seems.

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

Ted Faturros: [00:34:03](#) Yes. Someone who's further north on Chabela will see less hotel building than someone further south.

Councilmember Franklin: [00:34:09](#) Okay.

Ted Faturros: [00:34:10](#) That being said, keep in mind, as you go south, the hotel building steps further away from Chabela-

Councilmember Franklin: [00:34:15](#) Right.

Ted Faturros: [00:34:15](#) So, there is kind of a-

Councilmember Franklin: [00:34:18](#) Oh-

Ted Faturros: [00:34:19](#) ... [crosstalk 00:34:19] um-

Councilmember Franklin: [00:34:20](#) More setback [crosstalk 00:34:22]-

Ted Faturros: [00:34:21](#) Right.

Councilmember Franklin: [00:34:21](#) ... a greater setback.

Ted Faturros: [00:34:21](#) Right.

Councilmember Franklin: [00:34:22](#) Okay. Great, thank you so much.

Mayor Hadley: [00:34:27](#) Okay. Terrific. Uh, thank you Planner Faturros. I think we are done with you for the time being. We've had staff presentation. We've had Council questions. If you can sit tight, uh, Ted, I'm sure we might need you in the future. I'm now going to move on to the public testimony portion, as well as Council questions for our speakers. So, I'd like to invite testimony with the applicant first, then the appellants, and then other members of the public. So, MB Hotel Partners, LLC and representatives will have six minutes to present, uh, their presentation to Council-

PART 1 OF 7 ENDS [00:35:04]

Mayor Hadley: [00:35:00](#) And, uh, their presentation to council and staff and, um, our watching audience.

Jan Holtz: [00:35:08](#) [inaudible 00:35:08] Okay. Are we good?

Mayor Hadley: [00:35:23](#) Uh, I can hear someone speaking-

Jan Holtz: [00:35:26](#) Yeah.

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

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- Mayor Hadley: [00:35:26](#) ... and I don't know who it is, and I don't-
- Jan Holtz: [00:35:27](#) That would be me. Let me start... Oop. Let me start the video. There we go.
- Mayor Hadley: [00:35:30](#) Okay. Yeah. Jan holds applicant. Okay. Welcome Mr. Holtz, and you have six minutes to make your presentation.
- Jan Holtz: [00:35:36](#) Okay. Thank you. And good evening Mayor Hadley and members of the city council. On behalf of my development team, I'd like to thank you for conducting a thorough public hearing and discussion of this highly desirable project. We're here tonight continuing our public hearing concerning your review, and hopefully your approval of the project, of the proposed hotel project. I also would like to recognize the time and efforts of the planning department and staff for their evenhanded approach, and for their oversight to ensure our project meets all city general plan and zoning requirements, as well as state and other laws. I, uh, requested the continuance of our hearing, uh, in February in order that we could fully document a very positive and simple modification creating significantly more separation of our building from residents, and more flexibility to increase our landscaping barrier, enhancing further privacy, not only for the residents, but also for patrons of the hotel.
- Jan Holtz: [00:36:36](#) I provided you last week an overlay of building cross-sections showing you the before and after, illustrating the remarkable difference where we have windows facing east, with setbacks now between 24 and a half up to 28 feet, versus the 17 feet we had in our previous plan. And this is all done in a zone where there is no requirement to have any setbacks. The differing room configurations we use allow us greater license to articulate the east elevation both vertically and horizontally adding to the building's visual appeal. Our modification was also possible because it didn't trigger a wholesale change in the project, all this done while not losing even a single parking space. Lastly, with windows screening on both the third and fourth floors now, we feel it appropriate to recommend an alternative tree to the giant timber bamboo if the council so chooses the tree. The tre- strawberry tree has a traditional canopy and are slower growing than bamboo, but flourishes in our coastal environment and grows to a height of up to 40 feet at maturity.
- Jan Holtz: [00:37:41](#) Our preference remains for the aesthetic purposes of the giant timber bamboo that when first planted will be about 12 to 14



## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

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feet. As time passes, our project continues to gain support in our community. To date, we have over 75 residents who have emailed personal letters of support. In addition, we circulated a support letter over the past 10 days and quickly received another 55 signatures from other residents and homeowners with their names and addresses. I sent that list to the council yesterday. This project clearly will be a very positive and necessary addition for our community, one our city can take great pride. The new Sketchers headquarters coming online will bring in over 700 new employees and visitors daily. The hotel will be a perfect compliment, creating a unique energy and keeping those visitors local, supporting both our restaurants and our retail establishment. The synergies between Sketchers and the hotel organically will create significantly more pedestrian activity, further adding to the energy of this part [inaudible 00:38:45] not to mention these synergies reduce traffic, otherwise generated by people leaving to go elsewhere.

Jan Holtz: [00:38:53](#) So continuing on the theme from the January hearing in my presentation, I wanna add some new clarifications of what we are not. We are not an entertainment vid- uh, venue posing as a hotel. We do not have a nightclub. We don't have a rooftop nightclub, or even Studio 54 West. Our amenities are not open to the general public, and they do, they do require security card key access available only to patrons of the hotel and their guests, unlike Shade in West Drift. Live entertainment is not planned except for by per- special per- uh, permit and per event. We will follow the city council's direction for a reasonable closing time for out- for the outdoor tariffs if so directed.

Jan Holtz: [00:39:41](#) I'm available for any questions as we proceed. I also have members of my development team available here tonight, including Larry [inaudible 00:39:48], as well as our renowned architect, landscape architect, traffic engineer, and civil engineer. I would once again like to thank the city council for this opportunity, and very much look forward to forming a very positive long-term relationship. Thank you very much. Now, I'd like to hand this over to our attorney, Keith McCullough to speak for our remaining time.

Martha Alvarez: [00:40:32](#) Sorry madam mayor, I'm trying to locate the attorney on the call. (silence) I am not locating the attorney at this time.

Mayor Hadley: [00:41:22](#) For the attorney, what would you recommend that we do for the remaining time of the applicant?

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

Speaker 2: [00:41:28](#) Well, since the applicant does have some remaining time, uh, we can defer that time until the attorney connects later.

Mayor Hadley: [00:41:37](#) Okay. Would this be the time for council questions of the applicant?

Speaker 2: [00:41:44](#) Yes.

Mayor Hadley: [00:41:45](#) Okay. Do we still have Mr. Holtz on the line as the applicant?

Martha Alvarez: [00:41:50](#) Yes he is. And he can unmute and turn on his camera.

Mayor Hadley: [00:41:54](#) Okay. Great.

Jan Holtz: [00:41:55](#) I'm here.

Mayor Hadley: [00:41:56](#) Council, colleagues, are there any questions for Mr. Holtz?

Jan Holtz: [00:41:58](#) Before we start, I, I would like to say I'm seeing Keith McCullough's name up here. He's on the list.

Mayor Hadley: [00:42:07](#) Oh yeah. Number seven with his hand raised.

Martha Alvarez: [00:42:14](#) Okay. He moved from where I had him before. Thank you.

Jan Holtz: [00:42:18](#) Okay. You can go ahead and let...

Mayor Hadley: [00:42:22](#) Uh, let's see if Mr. McCullough can connect. I got all these bouncing boxes around here.

Keith McCullough [00:42:33](#) Good evening. Can you hear me?

Mayor Hadley: [00:42:34](#) Yes. We can hear you Mr. McCullough.

Keith McCullough [00:42:37](#) Very good. Good evening honorable mayor and distinguished members of the city council. I'm Keith McCullough counsel for your applicant. Appellants would have the council believe that the mere submission of consultant reports and opposition to a project is substantial evidence, and therefore requires an appeal be upheld, not so. Studies based on false project characteristics do not constitute substantial evidence because they are not trustworthy credible material. The council has before the true characteristics of the project supported by factually accurate studies conducted by retained consultants from the city, the applicant, and by city staff. This is substantial evidence.

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

Keith McCullough [00:43:15](#) Appellants at this late date now suggest there should have been a CEQA initial study conducted here, not so. CEQA guidelines 15061 directs that once a project is identified, "A lead agency shall determine whether the project is exempt from CEQA." The city took into account the true characteristics of project and these characteristics meet all of the conditions for the infield category 32 exemption from further CEQA review. Yes, there were several studies undertaken to make certain that the project would not pose significant environmental impacts to traffic, noise, air quality and water quality. So to say that the project was not studied for its possible environmental impacts is not, uh, correct. The council has before it substantial evidence. The Supreme Court has directed that substantial evidence is in support of the council's decision [inaudible 00:44:08] project.

Mayor Hadley: [00:44:11](#) Thank you Mr. McCullough for your comments, and thank you Mr. Holtz. So I will turn it over to my colleagues, are there any questions for the appellants? Okay. Going once, going twice. Okay. Thank you both very much. We will now turn to the MB Poets and their representatives. They also have six minutes on the clock to present their presentation to council. Thank you.

Darryl Franklin: [00:44:44](#) Thank you Mayor Hadley, council members and city staff. Why is the city trying so hard to avoid an EIR? Because an EIR takes time and cost, and costs the developer money and is likely to result in changes to what is proposed. The city wants this development and the tax revenue it will bring, and I suspect the developer has spelled out to the city his criteria for minimum viability for the project. As developments go, hotels have huge impact. Lots of people, lots of cars, lots of noise, lots of alcohol, and lots of sewage at all hours of day and night. The city is on notice as to the problematic nature of hotels and residential communities with over a hundred police calls in six months at the residence in and over 20 post build hearings to get the noise under control with Shade Hotel. The city is taking a unique approach to this development by not requiring any EIR.

Darryl Franklin: [00:45:34](#) The Sketchers developments and the Goat Hill Retirement Home are both far less problematic than this hotel, and they both have full EIRs. This development is required to have an EIR. If the city succeeds in avoiding an EIR, the community should expect the city to try this approach again with other development proposals. The city is going to extraordinary lengths to try to get this hotel built. Speaking now in general terms in the interest of time, hotels create a lot of wastewater and sewage. The rule is that developers have to pay

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

for upgrades to utilities that serve their developments. This site will require an upgrade of sewers all the way to the pumping station of warheads, that will cost millions of dollars. In the absence of requiring the developer to pay to upgrade a current eight inch pipe, it appears the city may be proposing to give that work to the developer. Emission today of a need for an up-sizing that improves on the original thousand page staff report, where it blandly stated that a finding of compliance with the general plan means there is no issues on this topic.

Darryl Franklin: [00:46:28](#)

Leaving aside that broken logic in the conclusion, the city staff failed to challenge the developers prediction of sewage output, which at 50% of expected volume per the applicable council guidelines for sewage projection for this development, it took my 19 year old son raising this issue in writing at the last hearing for the city to even acknowledge this issue. Now let's talk about the city saving the developer a whole extra floor of underground parking. Parking is under provisioned by about 50%. The twisted logic and fact evidence in the record that would allow the city to find the proposed parking is adequate are impressive. A type 47 licensed establishment requires a full service restaurant, yet, Ted for tourists continues to say that it isn't a restaurant, which means it doesn't need parking spaces. Ted, you can't run a type 47 license without a full restaurant open to the public at all times.

Darryl Franklin: [00:47:16](#)

The city ignores its own cap of 15% on multi-use reductions. It ignores the industry standard of planning for 85% peak, using, uh, by wrongly classifying the hotel, according to its own analysis of hotels in the area in a hotel report it commissioned from industry experts. It ignores the hotel occupancy rate history for our city in that same report, which is in the 80 to 90% range. It even ignores the developer who stated in prior evidence how fully filled the hotel would be at all times. Now let's move to traffic. The developer's reports on this topic failed to analyze the combined impacts of this development in conjunction with the large developments nearby, which were about to come online. They failed to look at traffic flows in many of the effected residential streets, to the extent they've measured any traffic they've done so in the early days of COVID. This hotel sits at the bottom of a blind bed, accidents are inevitable. Two separate fatalities have occurred right by this site in recent memory, but it's best not to look too closely at traffic as an EIR would do. If you wanna push this through, don't look at the traffic. Let's also not forget noise. In summary, the developer's reports are a travesty of professional opinion. Rooftop sound calculations originally based on the output of

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

one machine on the roof, when there were 25. Even when upgrading that calculation, they still are ma- mac- machines from their latest reports. They based sound coming from a full bar on one person talking and taken an Alice and Wonderland approach to the topic of amplified music from a large bar, the sliding glass doors opening to an ocean view. The position on live entertainment completely ignores the reality of DJs and amplified recorded music.

Darryl Franklin: [00:48:49](#) They talk about non-existent obstructions deflecting sound from the bar going into houses across the road. Louis Cara will be proud of their originality and imagination. In purporting to grant this exemption, the city is ignoring its own clear regulations that say, sound must not be audible beyond the boundaries of the property. As evidence of how badly the city wants this development, the city even took the extraordinary step of registering a notice of exemption first thing the morning after the planning committee decision, and before adoption of a resolution by city council, all the hearing of an appeal, that decision when they knew an appeal will becoming.

Darryl Franklin: [00:49:24](#) Normal practice by this city and others is you only file a notice of exemption once appeals are exhausted and the council has adopted the resolution. The significance of that extraordinary action was to start the 60 day clock running on the barring of any filing of legal action challenging the city decision. MB Poets caught the registration and filed a lawsuit in time to preserve rights to challenge any finding of exemption. Today maybe May the 4th, but this planning process equivalent of trying to pull the Jedi mind trick will not work. We can see the droids. The facts are the facts, the law is the law, and if this is, is ruled today as exempt from an EIR, a judge is going to review this entire saga. MB Poets urges the council to do the right thing and order a proper EIR. Thank you.

Mayor Hadley: [00:50:12](#) Thank you Mr. Franklin. Do you, is there anybody else to use the balance of your time?

Darryl Franklin: [00:50:17](#) Uh, no. Thank you.

Mayor Hadley: [00:50:22](#) Thank you so much. Are there any representatives with you?

Mr. Franklin: [00:50:25](#) Uh, there are. We do have our experts present if anyone has any questions, and I believe our attorney may be present as well if should anyone have any questions. I believe the experts are gonna speak in their three minutes.

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

Mayor Hadley: [00:50:38](#) Okay. During, during public comment then?

Mr. Franklin: [00:50:40](#) Right.

Mayor Hadley: [00:50:40](#) Okay. So your presentation has wrapped up then it sounds like.

Mr. Franklin: [00:50:45](#) Thank you.

Mayor Hadley: [00:50:45](#) Uh, thank you so much Mr. Franklin, and please stay on the line for questions. Um, I would like to kick it back to my colleagues to see if you have questions for Mr. Franklin, uh, the MB Poets or their representatives. Uh, yes. Councilmember Franklin.

Councilmember Franklin ...: [00:51:03](#) Yes. Thank you, and, and thank you Mr. Franklin. Um, you mentioned, and I just see it in your documentation, but I, I can't put my finger on it. You said that there was a hotel industry report commissioned by our city, um, and I believe it was, uh, CBE. Uh, but can you tell me when that was?

Mr. Franklin: [00:51:22](#) Give me two seconds. Yes. When you were looking at the site behind the Manhattan Village, the city compiled a report. It is on the city website somewhere. Hang on, I have to look.

Councilmember Franklin ...: [00:51:35](#) Oh, yes. Yeah. For the lower, um, village field or...

Mr. Franklin: [00:51:39](#) Correct. And, and, and analyzed a, a number of things, including hotels in the city, pricing, occupancy, um, a whole bunch of things that the city took advice on from experts in the hotel industry. And amongst those things, they pointed to occupancy at 85% rates, and in that region, they analyzed pricing, which leads to the categorization of hotels. Um, you know, and, and I would, I would refer to John Holtz's evidence last hearing. He expects this hotel to be filled all the time.

Councilmember Franklin ...: [00:52:11](#) Um, but, but, but, but my question was what, what year was that study?

Mr. Franklin: [00:52:16](#) Hang on a second. I can...

Councilmember Franklin ...: [00:52:18](#) Or, or maybe some of my colleagues who are-

Mr. Franklin: [00:52:21](#) So it's obviously a matter of fact, but it's probably, I'm going to guess it now five years old or something of that order. I just have to-

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

Mayor Hadley: [00:52:31](#) Council Member Franklin, can you repeat the question please?

Councilmember Franklin ...: [00:52:33](#) The question is, um, so, um, Mr. Franklin, Mr. Darrell Franklin-

Mayor Hadley: [00:52:40](#) (laughs)

Councilmember Franklin ...: [00:52:42](#) ... mentioned the, um, uh, that the city commissioned a hotel industry report from industry, uh, specialists. I believe it was CRBE.

Mr. Franklin: [00:52:51](#) It would have been when the former mayor Burton was on the council, because-

Councilmember Franklin ...: [00:52:54](#) Right.

Mr. Franklin: [00:52:55](#) ... that was his name.

Speaker 3: [00:52:56](#) Yeah. [inaudible 00:52:58] did it.

Councilmember Franklin ...: [00:53:00](#) No, I just wanna know what year-

Mr. Franklin: [00:53:03](#) Now I'm digging. I need you to be surprised to hear [crosstalk 00:53:06] I'm looking. It's on the city website. Someone can probably be looking [inaudible 00:53:12]

Councilmember Franklin ...: [00:53:12](#) Council member Montgomery, were you on the council at that time?

Councilmember Montgomery [00:53:18](#) No, not a chance. I wanna go along with that one. (laughs)

Mr. Franklin: [00:53:23](#) Uh, let me say it was around the same time I found a park view RFQ that came afterwards.

City Manager Moe [00:53:30](#) Madam Mayor, I believe-

Mr. Franklin: [00:53:32](#) 2000, 2015. It's, it was all on, it's all on the city website this stuff, um.

Mayor Hadley: [00:53:38](#) Okay.

Mr. Franklin: [00:53:38](#) [crosstalk 00:53:38] It was around 2015.

City Manager Moe: [00:53:39](#) November of 2015. Yes.

Councilmember Franklin: [00:53:41](#) Great. Thank you so much.

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

Mayor Hadley: [00:53:43](#) Thank you c- thank you City Manager Moe. Okay. Thank you Mr. Franklin. And representatives, um, it appears there are no further questions. I will be moving on to UNITE HERE Local 11 and its representatives. They also have six minutes to present their, um, their case to city council. And who might we be speaking with? Um, assistant deputy city clerk, uh, Martha Alvarez for United- UNITE HERE Local 11.

Martha Alvarez: [00:54:14](#) We have the attorney Gideon.

Mayor Hadley: [00:54:19](#) Okay. Any last name for Gideon?

Martha Alvarez: [00:54:22](#) Uh, sorry. I couldn't see the name through my cable. I think it's Kracov, I'm not mistaken.

Mayor Hadley: [00:54:28](#) Yeah.

Martha Alvarez: [00:54:28](#) Kracov. And he should be able to mute and unmute now.

Mayor Hadley: [00:54:32](#) Okay, great.

Gideon Kracov: [00:54:36](#) Good evening. Uh, Mayor Hadley, uh, council members, hope you can hear me.

Mayor Hadley: [00:54:40](#) We can hear you-

Gideon Kracov: [00:54:40](#) My name is Gideon Kracov. Thank you Mayor. I'm Gideon Kracov, the lawyer for UNITE HERE Local 11. We're here tonight to urge the council to grant the appeal, send back this abbreviated CEQA exemption and require instead a more thorough EIR or mitigated negative declaration. Here tonight on behalf of the 200 members of the union who work at the West Drift Hotel, several also live in this city, you'll hear from them later during public comment. They've been hard hit by CO- uh, COVID over there at the West Drift, and they're stakeholders in hotel development in your city. These comments made a matter of public concern are in the core function of the union that wants to make sure that hotel projects in the city follow the rules. We've submitted letters and documents, including a traffic comment letter tonight responding to the staff report.

Gideon Kracov: [00:55:44](#) The arguments that I'm gonna make to you tonight are similar to those we made back in January. They still are valid, mostly tonight concerning traffic and air emissions for the project. The failure to provide proper traffic analysis really masks the impact of the project, and also as I'll discussed briefly, the project has significant air quality and greenhouse gas



## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

impacts. Traffic, uh, the first thing is the project still is modeled, and all the traffic models from your expert as an suites hotel, but it's not a suites hotel. None of the guest rooms have separate seating and then a detached bedroom. This understates the traffic impacts. Second, the models are still giving credit for the El Cerrito for existing trips, but the El Cerrito has been closed for years. More or less, almost all of the trips for this project are new. You don't start with a closed El Cerrito as your traffic baseline. As a result of this, the project is, has potentially 800 more new vehicle trips than modeled by the expert, about 1,800 a day, which is going to lead to significant traffic impacts, and this means the exemption is not appropriate here. As for air quality, the experts have identified flaws and changes to the default values, the intensity factors for methane, for small of the model used by the exemption. And efforts to more accurately assess the impacts, experts have provided updated models and concluded the project tonight will have significant impacts to the neighbors, particularly during construction, and also it exceed the 2016 baseline and 2045 target vehicle miles traveled per capita for the Scag region, which implicates that the project can flicks with Scags governing sustainable community strategy, which in turn also calls into question the claim, urban infill exemption.

Gideon Kracov: [00:58:10](#)

These are expert conclusions supported by facts and analysis, and this is substantial evidence. In layman's terms, the project eligible for this CEQA exemption that would only be allowed under request 32 for projects with no significant traffic or other impacts, and this project does not qualify. Also, agencies are not supposed to use exemptions to require mitigation measures. The mitigation measures were supposed to come in after you do the studies in either the M&D or EIR. Exemptions are for projects that don't need mitigation. But here in all honesty, the multiple iterations of the project, all the changing conditions shows that the project is too complicated, there's too many impacts really to fall into that CEQA exemption. And Mr. Franklin, I know from MB Poets, the fellow appelland did his best to explain that. So for these reasons based on the entire administrative record and putting all the submissions from MB Poets on noise and parking, Local 11 respectfully requests that the council grant the appeal and require a more thorough, uh, mitigated negative declaration or EIR instead of the abbreviated exemption.

Gideon Kracov: [00:59:29](#)

More mitigation is gonna be required, traffic improvements, traffic demand management, cleaner equipment for construction, potentially charging stations. And it's not really

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

just a CEQA issue, we feel that absent this analysis, the required land use findings also are called into question, including for the master use permit. Again, that requires substantial evidence particularly on issues relating to public safety and welfare. So again, thank you and your staff, uh, for considering these comments second time we've been here after January. And just again, wanna thank you for the really diligent approach to public service that you as a council demonstrate here meeting after meeting. Thanks again for allowing us to make these comments tonight.

- Mayor Hadley: [01:00:22](#) Thank you Mr. Kracov. Is there anyone else in your party to use the balance of your time?
- Gideon Kracov: [01:00:27](#) Um, mayor it's just me during these five or six minutes.
- Mayor Hadley: [01:00:31](#) Okay.
- Gideon Kracov: [01:00:32](#) You'll hear from a couple of our members during the regular public comments.
- Mayor Hadley: [01:00:35](#) Terrific. Just wanted to make sure. Okay. So colleagues, um, are there any questions for Mr. Kracov at this time from UNITE HERE Local 11? Uh, okay. Seeing none, thank you Mr. Kracov. I'm sure you'll stay on the line and continue with the public hearing. Um, so council colleagues, we will be beginning public comment here. Um, normally we take a break at about eight o'clock, but we're just going to power through, um, the members of our community have been waiting to speak, um, and we're going to give them that opportunity.
- Mayor Hadley: [01:01:13](#) Um, so members of the public, you have three minutes to speak on this item. Your comments will be part of the public record for this hearing, if you, um, chosen to make your public comments now. So this is your opportunity. Please use the raised hand emoji if you don't mind, even if you have filled out a form to request, uh, to make a public comment. The raised hand emoji is helpful for our deputy city clerk, Martha Alvarez to figure out who's who and to cue all up. I see number of hands already, we'll just get right to it. Colleagues take a break as necessary, um, but hopefully we can, um... Oh, my apologies. I don't know why my camera was off, but, um, we will get right into public comments. So Martha Alvarez who was first today?
- Martha Alvarez: [01:02:02](#) Uh, first it'll be an audio caller, Steve Pedretti... Hi, can you hear us?

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

- Steve Pedretti: [01:02:17](#) Hello, can you hear me?
- Martha Alvarez: [01:02:19](#) Yes, we can. If you can please state your name for the record and your city of residency, and then you may proceed with your three minutes of public comment.
- Steve Pedretti: [01:02:27](#) Sure. Uh, good evening, uh, mayor and city council. My name is Steve Pedretti. I live in the Poet section. Um, my family has lived in Manhattan Beach for nearly 90 years. I'm the block captain for my block. I also spearheaded the MiraCosta issue with Dr. [inaudible 01:02:45] and Mr. Brigham, former teacher at MiraCosta for all of the parking that was in our Poet section. Cars, students parking directly in front of our house. Um, I also was the owner of a business called Play it Again Sports near the proposed site where Bread and Bagel and Rubio's, uh, is, and my family coincidentally owned the property directly north of that, 500 South DePaul, I've got great pictures of our actual dealership and when it was South Bay Lincoln Mercury back in the 50s and 60s, and I'm hoping to leave my city in as least as good a shape as it has been for me as my kids will graduate from Costa very soon.
- Steve Pedretti: [01:03:28](#) Um, I'm also, uh, in the hospitality industry now for 25 years, so I have a unique insight into the situation. Um, so I have some concerns and complaints about this project. Um, first of all, it is just too big for our city. Uh, in just, uh, since I have lived long enough here in Manhattan Beach to see, our Manhattan Ball, Manhattan Mall significantly gotten larger in size. Um, that creates a lot more traffic that's coming online. We have the Goat Hill Project, which I used to love the straw hat pizza, then it was the big walk, and us in the Poet section we would walk up to this great restaurant and now we're gonna have a very large senior facility there, I believe, and that's gonna impact the traffic.
- Steve Pedretti: [01:04:19](#) You move it down a little further, we used to love the Seafair Restaurant and we would walk up there, great piano bar, really nice and calm, and now it's a Sketchers building. And don't get me wrong, I love Sketchers, I'm wearing them right now, but again, it is hurting our small town feel, and small is better, less is more for Manhattan Beach. And now you take this new project, and I remember when it was La Cocoas and my sister had her wedding reception there. And I remember when it was a Magic Pizza and it used to be a nightclub briefly, and then it was Chevy's and then it was El Cerrito, and I loved that table-side guacamole by Jose every day there, it was wonderful to walk up to. Now that's gonna be gone.

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

- Steve Pedretti: [01:05:04](#) So slowly systematically, our city is becoming a big city like Santa Monica. And I'm sorry, I like Manhattan Beach, and I send people routinely 'cause I'm in the hospitality industry to both cities, they always say they love Manhattan Beach more, why? Small townsville, it's not full of traffic and congestion. And we really don't have to look much further than the residents, and by Marriott, they had to modify operations, risk to losing their permit to operate, 170 calls in a six month period, they've got to take the a thousand dollars security deposit.
- Mayor Hadley: [01:05:40](#) Thank you Mr. Pedretti for your comments. And the Hadley family were big customers of Play it Again Sports. I still remember that, that business. Thank you. Next caller please Martha.
- Martha Alvarez: [01:05:52](#) Next we have Kelly Stroman.
- Kelly Stroman: [01:06:05](#) Good evening Mayor Hadley-
- Martha Alvarez: [01:06:07](#) [inaudible 01:06:07]
- Kelly Stroman: [01:06:07](#) Good evening Mayor Hadley and council. My name is Kelly Stroman, the president and CEO of the Manhattan Beach Chamber of Commerce. Um, the proposed hotel project before you tonight is a big decision that warrants the consideration of all stakeholders, the residents and surrounding businesses, as well as the hundreds of thousands of people that pass by [inaudible 01:06:26] all deserve to experience the very best of Manhattan Beach. Whether living nearby, passing through conducting business or staying in Manhattan Beach, it is important to the chamber of commerce that your decision promotes the best quality of life for each constituent.
- Kelly Stroman: [01:06:41](#) It doesn't mean that all interested parties will be satisfied, but it should mean that it will create a brighter future for Manhattan Beach. The chambers organized to encourage a strong local economy with a cooperative and collaborative community spirit. We encourage and help to facilitate the growth of existing industries and businesses while giving assistance to those seeking to build a new business. The well-planned proposal before you tonight to build 160 room hotel will transform a site that is no longer in use as it was once intended to be decades ago. It will contribute to the progressive aesthetic that is taking shape on Sapulpa Boulevard.
- Kelly Stroman: [01:07:21](#) This is not the first site on Sapulpa to be re-imagined, and it will certainly not be the last. When complete, the hotel will add an

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

estimated one to 1.3 million in TOT tax revenue to the city of Manhattan Beach. This is based on average room rate and occupancy rate estimated at a modest 75 to 80%. Please note the Manhattan Beach Chamber of Commerce does not directly receive any portion of the TOT tax. In other words, the chamber will not directly benefit from any revenue or tax at the hotel, rather, this is viewed as an economic vitality and growth project that will attract other progressive businesses and projects to the city. We encourage you to move forward with this project tonight so the city can eventually receive a financial benefit from this now stagnant property. Thank you for your consideration.

- Mayor Hadley: [01:08:13](#) Thank you Kelly for your comments tonight.
- Martha Alvarez: [01:08:18](#) Next we have Donald McPearson.
- Donald McPherson: [01:08:26](#) Can you hear me?
- Martha Alvarez: [01:08:29](#) Yes, we can. If you can please state your name for the record, your city of residency, and then you may proceed.
- Donald McPherson: [01:08:34](#) Oh, yeah. Right. Okay. I can't turn on the video. Okay. Uh, Donald 1014, 1st Street. Starting of the planning commission hearing last November, MB Poets transportation engineer, um, has challenged the applicant's traffic and parking analysis. Last Thursday, the applicant's engineer, KMA, rebutted Mr. Noyce letters expert opinion with a single arcane argument. Does the project correspond to an all suite hotel, or to a business hotel?
- Donald McPherson: [01:09:02](#) According to the Institute of Traffic Engineers, per the facts, neither, uh, one applies. Mr. Noyce said was testifying issue, this issue, but I wanna present an argument from a different perspective based on the analysis of hospitality lodging by CDRE Hotels, the city's consultant. Uh, that analysis was projected forward to 1920, so it's a, still current. Their report analyzed seven high-end hotels near the beach, including Shade, the Marriott, the Belmar, and the Residents. And the seven hotels have a mean revenue of \$240 per room per night. The applicant estimates their project nightly revenue at \$160, uh, similar to Belmar and Resident Inn. City business hotels, such as Wade and the High View on Sapulpa with lower room rates did not make the high end cut, but this project will. This is a, a high end, um, project.

PART 2 OF 7 ENDS [01:10:04]

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

Donald McPherson: [01:10:00](#) ... should say a high end, um, project. Consequently for parking and traffic, the applicants, uh, should have, eh... The applicant's consultants should have used the ITE standard hotel model, which has a much higher parking and traffic rate than the business hotel. Ironically, to minimize environmental impacts, the contractor used the business hotel for their parking analysis, but selected the All Suites hotel for traffic. Former ABC, uh, official Lauren Tyson will address the type 47 alcohol license requirement that bars must serve the public, another reason for the ITE standard hotel model. Business hotels do not have outdoor, fourth floor night clubs with live entertainment and panoramic ocean views for weddings and other events. This project will have those, those items and this project should be, have the, uh, standard, uh, hotel, um, rate for, uh, traffic and parking, so... That's, anyway. That's my talk. Thank you.

Mayor Hadley: [01:11:16](#) Thank you, Mr. McPherson for your comments.

Martha Alvarez: [01:11:20](#) Next is Mike Patel.

[01:11:28](#) Hi, can you hear us?

Mike Patel: [01:11:29](#) Hello. Can you hear me?

Martha Alvarez: [01:11:31](#) Yes, we can. If you could please state your name for the record, you city of residency...

Mike Patel: [01:11:35](#) Yes.

Martha Alvarez: [01:11:36](#) ... and then you may proceed with your three minutes for public comment.

Mike Patel: [01:11:39](#) Thank you. Uh, good evening Mayor and city council. My name is Mike Patel from Manhattan Beach and my family built the Best Western Plus Manhattan Hotel in 2002 and have owned and operated the hotel ever since. I'd like to start off by saying that I've been following this project and have been listening to the hearings, and I am in support of this development for various reasons. I have reached out to the developer and have had open and honest discussions with him and I truly feel this project would benefit Manhattan Beach.

Mike Patel: [01:12:05](#) In discussing the project with the developer and listening to the hearings, I wanted to debate that our hotel, we have never had a problem with parking. With ride sharing and hailing apps today the current parking requirements doesn't seem to align with what the parking reality is today. And the fact that it is

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

trending lower and will continue to trend lower, we even allow commercial neighbors to park as there are available stalls at the property. More importantly, what I heard often was that having a hotel development across residential homes is detrimental to the quality of life for those who live on those homes. Well, our property actually shares across... a common property line and is closer to homes than this project is. We are also immediate neighbors to a Jewish temple and an animal hospital. And for over 20 years our relationship with our neighbors had been very cordial and respectful. Never has any of our neighbors had to call the police for any nuisance or other issues on our, uh, on our hotel. I bring this up particularly because I am aware of what has taken place at the Residence Inn. In no way has those issues occurred at our hotel. So imagine it makes a big difference. Also mentioned was that this project should be classified as a full service hotel, which is not the case. Since the hotel doesn't have the facilities or amenities, uh, such as [inaudible 01:13:20] rooms or even a pool. To be classified a "full service hotel" the hotel needs those facilities at the very least, such as what the, the Westdrift offers. This hotel is a select-service hotel.

- Mike Patel: [01:13:32](#) And in closing, I also support this development because it's an upscale select-service hotel which is going to lift the overall hotel market and bringing more visitors, whether business or leisure. We spend ancillary dollars in our city and also contribute to the general fund. Manhattan Beach has great a opportunity to [inaudible 01:13:48] existing hotels. And this is clearly the first step. Thank you very much.
- Mayor Hadley: [01:13:54](#) Thank you, Mr. Patel for your comments.
- Martha Alvarez: [01:14:02](#) Next is Craig Neustaedter.
- Martha Alvarez: [01:14:03](#) Hi, can you hear us?
- Craig Neusatedter: [01:14:12](#) Hello? Yes. Can you hear me?
- Martha Alvarez: [01:14:14](#) Yes we can. If you can please state your name for the record, your city of residency, and you may proceed with your three minutes for public comments.
- Craig Neusatedter: [01:14:21](#) Yes. My name is Craig Neustatter, uh, I'm a consultant to the MB Poets and I'm a resident of the city of Irvine. Ah, traffic consultant, uh, working with the, uh, MB Poets, uh, I'd like to start to say that Mr. Fatouros of the city, uh, characterized the, uh, comments from the, uh, Kimley-Horn consultants as a

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

rebuttal. That is incorrect, it was an explanation of a, uh, just a single point pertaining to what was, uh, the classification of the hotel that they used for their traffic and parking analysis. They incorrectly used, uh, uh, two classifications of hotel, uh, as Mr. McPherson has noted. The correct classification is a, ITE land use code 310 hotel. Uh, this is the appropriate, uh, land use classification. The Kimley-Horn analysis, especially for the shared parking analysis is inconsistent with industry standards. If the correct standards had been used, uh, as we did, uh, we performed an analysis for the shared parking analysis, Kimley-Horn concluded that only 158 spaces would be, uh, required for the hotel, uh, office site. Our analysis, based on industry standards and the correct land use cla... classification concluded that 195 spaces would be required. So there's a significant deficiency.

Craig Neustaedter: [01:15:52](#) Furthermore, the Kimley-Horn analysis fails to address previous-stated concerns, uh, about the traffic analysis, failing to analyze the local, uh, traffic impacts on residential streets and the cumulative tra... cumulative traffic impacts. So, in conclusion, this was not a rebuttal. It was an explanation of a single point and it was really very much of a side point in the overall, uh, traffic analysis.

Craig Neusatedter: [01:16:18](#) Thank you.

Mayor Hadley: [01:16:20](#) Thank you, Mr. Neusatedter for your comments.

Martha Alvarez: [01:16:26](#) Next is Victoria Plexico.

Victoria Plexic...: [01:16:28](#) Hi, can everybody hear me?

: [01:16:31](#) Hi, can you hear...

: [01:16:32](#) Yep.

Martha Alvarez: [01:16:35](#) Yes, we [inaudible 01:16:36] if you can please state your name. Yes.

Victoria Plexic...: [01:16:36](#) Sure.

Martha Alvarez: [01:16:36](#) We can hear you. If you could...

Victoria Plexic...: [01:16:37](#) I'm Victoria Plexico, I actually live in the Poet's Section of Manhattan Beach. Um, good evening Mayor Hadley and council members. As inspired by Jan Dennis tonight, she speaks of the soul of Manhattan Beach. That does not come from "bigger is



## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

better" or potential dollar signs to an applicant who continues to use shady terms and not think about the compun... the community, or the people this council serves. We have now drawn out this process to eight months with the stress of a pandemic, potential loss of home values, and safety in the Poet's Section. We have seen the impact of the Marriott down the street, and still that does not seem to be a concern, even with 107 calls posted over six months. We have shown the deficiencies in this plan numerous times for safety, traffic, and lifestyle. We've known from the overflow of sewage at the home on the corner of Meadows and Keats that the plumbing infrastructure can not handle this type of building and we will do... and that what that will do to our 70-year old homes in plumbing is still a concern.

Victoria Plexic...: [01:17:36](#) Who pays for all of this? Certainly not the applicant. We know what the traffic looks like every day, even with pandemic, as the applicant only took all of these reports and surveys during the beginning of Covid. We know the safety issues as we live here, and watch out for each other as this council will hopefully do for all of these lovely residents and homeowners, taxpayers and people who have built this community.

Victoria Plexic...: [01:17:56](#) We know that we get two minutes or three minutes to talk when the applicant will get unlimited time to rebut whatever we have to say after this. He will ignore the two groups of people who he looks to string along with the cost of lawyers and mental health, only to produce minor changes, as you've saw tonight. A lot of that is just smaller to accommodate this hotel. Ah, actually, this, this property is just too small to accommodate this hotel. The retail space of 14,000 square feet and 161 ho... room hotel sounds ridiculous when you say it out loud from what was a restaurant and parking lot. As I have had the chance to hear a few of the SVPT... SVPs from Marriott and Hilton in my job, discussed the paradigm shift of business travel, it is clearly understood that we will never see business travel at what it, at what it once was. It will greatly affect the revenue to this prop... property, as the SVP of Marriott explained, and I quote, "We will not be in the same position of business travel ever again."

Victoria Plexic...: [01:18:53](#) Where does that leave this community? With an unwanted hotel, safety and traffic issues, and no revenue to the city. Please, if only just ask for the EIR. Do the work, be forward-thinking, protect this environment, and this beach city. Please finally pull the plug on this situation. Give us our lives back and your time back. This is not in the best interest of this community.

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

Victoria Plexico...: [01:19:14](#) I would like to also talk about the planning commission that happened on 11-18. It was 2-1. One of the people had to recuse themselves because he had an inherited property in the Poet's Section, and did therefore, was not in favor of the plan and therefore could not speak. That's all. Thank you very much for your time.

Mayor Hadley: [01:19:34](#) Thank you, Ms. Plexico for your comments.

Martha Alvarez: [01:19:39](#) Next is Rayid Barghash.

Tanya Barghash: [01:19:44](#) Yes, can you hear us?

Martha Alvarez: [01:19:47](#) Yes, if you can please state your name for the record, and your city of residency, then you may proceed with your three minutes of public comments.

Tanya Barghash: [01:19:54](#) I want to clarify there are two people speaking, so we will each get three minutes. Thank you.

Rayid Barghash: [01:20:01](#) Yeah, uh, this is...

Martha Alvarez: [01:20:02](#) Okay. [inaudible 01:20:02]

Rayid Barghash: [01:20:02](#) This is Rayid Barghash. I live on, uh, Shelley Street. Some few concerns. It seems from all the hearings and people's comments, there are lots of open issues that would get back to the council with more information and concern is over making premature decisions without having all the facts. Uh, we also heard about parking.

Rayid Barghash: [01:20:26](#) Uh, I recall that from, uh, the, ah, initially from the discussions about the parking that the developer wanted to have some openings, uh, to allow fresh air and not to have the musty smell and those openings will be facing east towards the residential neighborhood. What about all the patrons that are coming late at night, car alarms, car doors, uh, being slammed, all this stuff? Gonna end up linking the dashboard of the police department with noise. It [inaudible 01:20:59] this. Uh, also, uh, regarding, uh, the, the developer had stated at one time that the reason for having only one below-level story is because it costs more to do two levels. Well, for such a monstrous development, if that's what is going in, then there must be enough funds to do a second below-level story for parking under, underground cover.

Rayid Barghash: [01:21:28](#) Uh, also regarding the exemption for parking, it is really 84 car spots below what is required per the Manhattan Beach code.

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

Uh, regarding the bar. How is that really gonna be enforced? We heard only if you have a key and all this stuff. Are we gonna... initially, it was stated that only the patrons would be able and be allowed to use that bar. Now today we see that suddenly the guests are also allowed. Are we gonna really deny, uh, a business person from bringing their colleagues for a, uh, you know, for an after, uh, for after work gathering? What if they come in with about 10 of their colleagues? Where are all these visitors gonna park when we are already deficient in parking spots?

Rayid Barghash: [01:22:22](#) Uh, also in closing, I would like to state something that one of you would probably remember those words. It's an excerpt from the seedy website that says, "As you can see, we value the healthy beach lifestyle. That's why we are committed to preserving our environment." Uh, Mayor Hadley, I believe you, you recognize your words from the welcoming statements to our visitors and future Manhattan Beach residents and specifically that's why we are committed to preventing our environment. I ask that you don't drop that commitment, please do not drop it. And go ahead with an EIR.

Mayor Hadley: [01:23:10](#) Thank you, Mr. Barghash for your comments.

Rayid Barghash: [01:23:13](#) Thank you.

Tanya Barghash: [01:23:15](#) So, um, I'm the second speaker on the same connection. My name is Tanya Barghash. I live on Shelley Street, three houses from this four-story development. I first want to say I am not against development on Sepulveda. I believe right size and appropriate development is definitely a positive to Manhattan Beach.

Tanya Barghash: [01:23:39](#) On that note, I believe this four-story monstrosity is too big for the particular proper... uh, property in question. I request that you answer the following question: Why was an ERR done for the Sunset project on Sepulveda and you are looking to exempt this much larger project at 600 South Sepulveda for the hotel? This hotel is huge. It's directly impacting us residents and directing and impacting our residential streets. And it does not qualify for the exemption. I truly don't understand where you're coming from.

Tanya Barghash: [01:24:18](#) Why does this planning commission and city council feel that it is okay for large delivery trucks to drive on our residential streets? Delivery trucks coming off of Sepulveda and turning onto Tennyson will not be able to turn around. They will actually

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

have to travel north on Chabela. That Chabela Street, just imagine it, if you have tried driving it, is very tight. And if you could imagine two delivery trucks, one northbound and one southbound at the same time, is going to be very crowded.

Tanya Barghash: [01:24:53](#) There is also a blind corner at Keats and Chabela turning left, which those trucks will have to take to get back to Sepulveda. It is also a kattywampus corner; it is not perpendicular. It is also two blocks from the high school, which has impacts from traffic in the morning and impacts from traffic in the eve... in the afternoon when the students leave Mira Costa High School. This is a huge risk to our community.

Tanya Barghash: [01:25:21](#) Chabela is very narrow. It is a residential street, it is not commercial. Keats, Prospect are residential streets, not commercial. Not the right size for multi-axle delivery trucks being delivering trash trucks, delivering merchandise 24 hours a day. It's crazy. I ask that you challenge yourself and look at the CEQA requirements. This project does not qualify. Our community deserves and EIR, it is the right thing to do.

Tanya Barghash: [01:25:55](#) Thank you for your time.

Mayor Hadley: [01:25:58](#) Thank you, Ms. Barghash for your comments.

Martha Alvarez: [01:26:06](#) Next we have Diane Weisman.

Diane Weisman: [01:26:13](#) Unmute. Okay. Hi, this is Diane Weisman, I'm a resident of Manhattan Beach Poet's Section. I live four door, four houses from the proposed project on Tennyson Street. The bottom line, and, I... is that more than 200 of our residents have petitioned the city council to hold an environmental, or to, um, ask for an environmental impact study. There is truly significant effect of this project is gonna have on the traffic, the noise, the air quality, the water, the, um, uh, environmental footprint and I, I don't understand how the [inaudible 01:27:02] project gets an environmental impact study, which has a much smaller environmental imprint than this hotel and, um, you, and um, business development.

Diane Weisman: [01:27:13](#) I, I ask the mayor, I ask the members of the city council to please, sincerely considering our concerns which we have been voicing since last fall. It's not, um, just some sudden thing. There's the majority of residents in this community are not opposing the development, we're asking for a responsible development. And as it's currently proposed, and even the, the, the little changes that have been made do not address the need

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

for an environmental impact study. That's all we're really asking you to do, is to be responsive to us as you have been to these developers.

Diane Weisman: [01:27:59](#) Um, our interest in living in a safe community that's environmentally protected, that cares about our quality of life should be more important than making a few bucks for the developers. Um, and that's basically all that I have to say. I, I ask the mayor, I ask the council members to please use your, your discretion, use your judgment, use your common sense in listening to us. We... We're serious about preserving our community and one of our other speakers, whose grown up here I think the family is Steve Padrotti, just talked about the essence of our community.

Diane Weisman: [01:28:45](#) This hotel development and business development, it doesn't fit into our community. It doesn't preserve our community.

Diane Weisman: [01:28:56](#) Thank you.

Mayor Hadley: [01:28:58](#) Thank you, Ms. Weisman for your comments.

Martha Alvarez: [01:29:03](#) Next is Lauren Tyson.

Lauren Tyson: [01:29:11](#) Yes, I'm Lauren Tyson and I live in Oconomowoc, Wisconsin currently. I'm retired from the alcoholic beverage control, where I worked for 29 years as an investigator, supervising investigator, and district administrator. I'm now an independent liquor license consultant, representing MB Poet's.

Lauren Tyson: [01:29:29](#) I've reviewed the project, the focus of my testimonies on the aspects of the staff report for the January 19th, 2021 meeting and resolution PC 2010. The staff report clearly says at page 7, that, quote, "The downstairs dining and upstairs terrace are restricted to hotel patrons only and are thus not classified as 'eating and drinking establishments' since they're not open to the general public," end quote. This restriction of alcohol-serving areas to hotel guests only violates ABC regulations for a type 47 liquor license.

Lauren Tyson: [01:30:01](#) As to the resolution, it contains two conditions that are of concern to me as a former ABC official. First, condition 13 says, quote, "Operation of the hotel's eating and drinking areas shall be in substantial compliance with all restrictions imposed by the California Department of Alcohol and Beverage Control, prior to service of beer, wine, and distilled spirits," end quote. The city needs to know that a type 47 license, by definition, is a public

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

license. The title of the license is "On-sale General for Bonafide Public Eating Place." To comply with ABC regulations and restrictions, a type 47 licensee must allow access by the public.

Lauren Tyson: [01:30:43](#) Second, condition 14 says, quote, "Alcohol service shall be conducted only in conjunction with food servers during all... all hours of operation. The hotel's eating and drinking options are for the use of hotel patrons only," end quote. The city needs to be aware that this condition, by saying that alcohol service is restricted to hotel patrons only violates the ABC requirement that the premise be open to the public.

Lauren Tyson: [01:31:09](#) Accordingly, it contradicts condition 13 that says the premise must be in substantial compliance with the ABC. Limiting alcohol sales to only hotel guests requires a type 70 "On-sale General Restrictive Service" license, not the type 47 license, which requires service to the public. I've reviewed the city traffic engineer's letter to Mr. Fartouros, dated January 26, 2021.

Lauren Tyson: [01:31:36](#) In his letter at item 3, erroneously says that the food and alcohol consumption areas are not public in nature, when in fact these areas must be open to the public to comply with the ABC.

Lauren Tyson: [01:31:50](#) Thank you.

Mayor Hadley: [01:31:53](#) Thank you, Ms. Tyson for your comments.

Martha Alvarez: [01:31:58](#) For the next public comment, we do have a translator on the call. Um, we have translator Pererra for Lisa Costa.

Translator for ...: [01:32:05](#) My name is, uh, Luisa Costa. I work at the Westdrift Hotel in Manhattan Beach for, uh, over 25 years.

Translator for ...: [01:32:39](#) Uh, first of all I would to, uh, say hello to Mayor Hadley and the city council, and, uh, thank you for being here, again.

Translator for ...: [01:33:03](#) Uh, during this pandemic it's been very difficult for all, uh, service personnel in the, uh, service industry. We've gone through loss of hours, weeks, days, months, and, uh, significant monetary loss.

Translator for ...: [01:33:50](#) We've also lost friends, coworkers, family members, uh, over the, uh, the Covid pandemic. My question, my question is where has the hotel industry been, uh, to help out, um, to help us out?

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

Translator for ...: [01:34:21](#) Uh, the communities with parks, beaches, and, uh, other amenity. Uh, while we suffer and die, uh, due to the pandemic...

Translator for ...: [01:34:48](#) Running away from the pandemic...

Translator for ...: [01:34:56](#) Uh, they're worried about opening more hotels. My response... my response to the hotel is, is no. No, no to the hotel.

Translator for ...: [01:35:10](#) Thank you, thank you very much.

Mayor Hadley: [01:35:16](#) Thank you, Translator Pererra and thank you Mr. Acosta for your comments.

Martha Alvarez: [01:35:24](#) Next we have Emily White. Hi, can you hear us?

Emily White: [01:35:38](#) Yes. I'm not able to start my video, um, but let me just play... I actually am requesting two comments from, eh, 'cause I have two members of my family who will be speaking, so. The first is going to come from my son, um. This is a recorded video because it's past his bed time. (Laughs) So let me just, uh, play this for you.

Owen White Reco...: [01:36:05](#) My name is Owen, and I am in first grade. I have lived on Shelley Street since I was born. My parents picked my house because it's on a quiet and safe street. That is great for kids. They picked Manhattan Beach because the schools are great. I want to live here until I'm old enough to walk down the street to high school. I like to ride my bike on the sidewalk and play basketball in my driveway. My mom and dad love me and care a lot about my safety. They are worried about the hotel. They think there will be more cars on our street. They're scared about strangers on our street. Mom says it will be too dangerous to walk my little sister to school at [inaudible 01:37:00]. If the hotel is built we might have to move away from our house. Please say no to the hotel.

Mayor Hadley: [01:37:10](#) Great job, Owen! Thank you for those comments.

Emily White: [01:37:14](#) Okay, thank you.

Owen White Reco...: [01:37:18](#) My name is Owen and...

Emily White: [01:37:19](#) Oops! Okay. And now from me. Um, thank you to the city council for your questions and for hearing our concerns. To Mr. Holtz I appreciate that you have modified the hotel design to address privacy concerns of the nearby neighbors. But unfortunately the plan still failed to address the issues I have

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

raised in my public comments and letters to the planning commission and the city council.

Emily White: [01:37:42](#) To summarize: I'm concerned about the traffic flow around the hotel, not just the number of trips generated. I've raised the awkwardness of the location for traffic going south and the prospec... the propensity of cars to drive through the neighborhood. I've cited the safety concerns of the intersections surrounding the hotel as well. And I've also raised concerns about the Kimley-Horn traffic report and it's lack of analysis on the impact to local streets.

Emily White: [01:38:13](#) I've also raised concerns about the significant deficiency of parking which will cause overflow into the nearby streets. How do I know it's insufficient? Mr. Neustatter's review is backed up by my father, a lifelong transportation engineer and an expert in the field. He reviewed the plan last fall and assessed that the assumptions were flawed, that the parking numbers were only if the hotel is grossly unoccupied. He cited as such in a letter to the planning commission.

Emily White: [01:38:44](#) Anyone who has been to a hotel knows there are spaces for check-in and others for overnight parking. So if we assume some of the surface spaces are for check-in, that takes away from the overnight spaces assumed in the formula, and the reductions that are thereby taken. Lastly, on parking, we have to assume there will be guests and visitors who won't want to pay the hotel's parking fees. They will be looking for parking on our nearby streets. It will happen, and it can't be argued. Once the hotel is built, and these flaws are revealed, it will be too late to make any changes. They will literally be set in stone.

Emily White: [01:39:21](#) So I implore you: Please require that this project have an EIR so we can have the data to properly and responsibly plan the development of this site. Think of the impact and do not allow this project to move forward as planned.

Emily White: [01:39:36](#) Thank you.

Mayor Hadley: [01:39:39](#) Thank you, Ms. White for your comments.

Martha Alvarez: [01:39:44](#) Next is Steve Rogers.

Martha Alvarez: [01:39:54](#) Hi can you hear us?

Steve Rogers: [01:39:55](#) I can, can you hear me?



## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

Martha Alvarez: [01:39:58](#) Yes we can.

Steve Rogers: [01:39:59](#) Okay, great.

Martha Alvarez: [01:39:59](#) If you can please say your name for the record, and city of residency and then you may proceed with your three minutes.

Steve Rogers: [01:40:04](#) My name is Steve Rogers, I live in Los Angeles. Um, I'm a profession acoustical consultant with 30 years experience and have been retained by Don McPherson and MB Poets to evaluate various noise technical memos for this project, written by Michael Baker, international.

Steve Rogers: [01:40:23](#) In the course of this work, I've uncovered significant inaccuracies and omissions in MBI's analysis, all of which are detailed in my written report submitted to the city file. In their most recent memo, dated April 23rd, MBI refutes some aspects of my testimony and presents new arguments in defense of their work. However I find that each of these new arguments is flawed and does not change my previous conclusion that MBI's analysis understates and downplays the likely noise impacts of the project.

Steve Rogers: [01:40:50](#) Three minutes is not enough time to reiterate my concerns in their entirety, but I would like to offer an overview of the two main groups of noise issues.

Steve Rogers: [01:40:58](#) First is the apparent non-compliance of the project with the noise regulations in the Manhattan Beach municipal code. MBI's own calculations show the crowd noise from the project will exceed the 50 dBA limit that the code applies after 10 PM. One suggested to reflect maximum occupancy and the fact that the homes to the west of the project will have clear and unobstructed views of the rooftop terrace and bar. Similarly, MBI calculates that amplified music from the outdoor gathering areas of the hotel will exceed both the daytime and nighttime noise limits that the code applies to impulsive or tonal sounds.

Steve Rogers: [01:41:33](#) MBI has stated that there would be no amplified music emissions from the project after 9 PM. But that's not true. Conditions of approval prohibit live entertainment after 9, but would not prevent playback of recorded music in the outdoor gathering areas all the way up to 1 AM.

Steve Rogers: [01:41:47](#) On the topic of HVAC noise, MBI has previously reported that they expect the equipment on the hotel roof to result in a noise level of 50 dBA on Chabela, which just barely complies with the

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

nighttime noise limits in the code. However, MBI's calculations do not take into account two large pieces of equipment that have been recently added to the design of the hotel roof. Once the noise of these new units is added, the total noise level on Chabela Drive will certainly exceed the nighttime noise limit.

Steve Rogers: [01:42:17](#) Second topic I want to touch on is the apparent non-compliance of the project with condition of approval number 16. That's the condition requiring that noise emanating from the hotel shall not be audible beyond the premises. MBI's own calculations prove that noise from HVAC equipment, crowds in the outdoor gathering areas, and amplified music emissions from the project will all be audible on the neighboring residential streets, in violation of condition number 16.

Steve Rogers: [01:42:44](#) MBI's position is that condition 16 is not relevant to CEQA analysis but I disagree because any condition of approval mandated by the city surely carries the same weight as the regulations of the municipal code. So condition 16 must be considered in establishing CEQA thresholds of significance for the project.

Steve Rogers: [01:43:03](#) That's my testimony.

Mayor Hadley: [01:43:06](#) Thank you, Mr. Rogers for your comments.

Martha Alvarez: [01:43:12](#) Next is Cliff Allman.

Cliff Allman: [01:43:18](#) Hi, this is Cliff Allman. I've been a resident of Manhattan Beach for over 30 years, raised my family here. And, uh, intend to retire here and live here hopefully another 30 years. We love the city and support thoughtful, reasoned, and necessary growth which I believe this project is. We've looked at the plans, like the design and the uses of the project. I'm a traveler, I used... I had to go to many different hotels across the country and thanks to Rideshare I never rented a car or had to use a parking space in those hotels. I would very much suspect that will be the case here as well.

Cliff Allman: [01:43:56](#) Manhattan Beach needs an upscale business class hotel and it will do very well to have this one here. I also think that the city will, uh, appreciate the tax that this hotel will generate, rather than having it go some place else.

Cliff Allman: [01:44:10](#) Thank you very much.

Mayor Hadley: [01:44:13](#) Thank you, Mr. Allman for your comments.

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

Martha Alvarez: [01:44:18](#) Next is Robert Clarke.

Robert Clarke: [01:44:28](#) Hi, can you hear me?

Martha Alvarez: [01:44:30](#) Yes...

Robert Clarke: [01:44:31](#) Hello?

Martha Alvarez: [01:44:31](#) ... we can.

Robert Clarke: [01:44:32](#) Okay, hi...

Martha Alvarez: [01:44:33](#) Hi, can you hear us?

Robert Clarke: [01:44:33](#) ... this is Robert... Yes, I can hear you. Yes, this is Robert Clarke, I live at 1141 Tennyson Street, right ac... directly across from the development. The resident... residents of the Poet's Section deserve the same consideration as the residents located behind, [inaudible 01:44:49] Senior Living Center. We deserve the, the state-mandated proper and complete EIR to be completed with proper initial study identifying all the impacts, not just the four that are required by...

PART 3 OF 7 ENDS [01:45:04]

Robert Clarke: [01:45:00](#) ... define all the impacts, not just the four that are required by an exemption that does not apply here. This should have been voted on as is without modified plans last meeting. Uh, allowing the residents only two to three minutes to talk in the developer weeks to make mitigations to his plans and attempt to get around the state requirements is not the proper way to conduct the scoping of a project of this size and impact. The scale of this project, the impacts to the residents, the, to build the tallest building Sepulveda across the street violates the daylight plan, privacy, lack of parking, traffic concerns, safety concerns, noise concerns, aesthetics, all these 12 items that you're not looking at because you're saying it's exempt. Yes, yes. They get what they deserve, but we do. Why, why is there a different standard for that development? How much smaller development than this, the largest building ever built on Sepulveda. With all this opposition and all these different variables, why would the city elect not to do the proper study?

Robert Clarke: [01:46:16](#) The city has the obligation to watch out for it's residents, but it feels like every move the city is making only serves the benefit of the developer. Why would the city take this stance for the development when they have that for the Sunrise development,

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

the Sketchers buildings and others? It can't be the TOT tax, the non stated or a fairytale based on 100% occupancy and a per room price is not credit, credible based on the facts. Any taxes collected would be at the expense of the nearby residents. They will lose much more than property values, quality of life and privacy. In essence, you'd be taking money away from us and giving it to the developer in the city.

Robert Clarke: [01:46:59](#) The overlay that was voted on with little or no input from the residents was conceived by a committee of real estate professionals, including Jan Holmes, as developers wishlist of making money, wishlist of money-making changes that were prepared with no concern by the impacts of their by residents. As a wording in the overlaid stage. This is not a product that does not require environmental impact report. In other words, the city never studied these impacts and the changes of the requirement of development, including offsets, building heights parking, noise violations, and aesthetics. Vote no on this development, it's not proper, do the proper EIR, do the right thing for your residents.

Mayor Hadley: [01:47:45](#) Thank you Mr. Clarke, for your comments.

Martha Alvarez: [01:47:53](#) Next, we have JJ Turkmani.

JJ Turkmani: [01:47:58](#) Mayor Hadley and Council members. My name is JJ Turkmani, I've been a resident of Manhattan Beach for 20 years and my wife and I have raised two daughters in this great city. Just calling in to give two thumbs up regarding the potential hotel and support the Boulevard. In my opinion, the design looks great with a mix of hotel and retail, and it seems to fit aesthetically overall with the profile alongs over the Boulevard and PCH going South. And I think it's time for a few new buildings and new growth along the Boulevard. I think that Sketchers, many other companies in the area will benefit from this type of hotel for businesses, for business visitors, as well as leisure visitors that will benefit from it.

JJ Turkmani: [01:48:37](#) And to be honest, to be perfectly honest, I think many parents of Costa students will appreciate having an additional hotel of this quality in the area of graduation weekend. So their relatives from out of town don't have to invade their homes. And of course the bonus being that the hotel is within walking distance to Costa, which potentially reduces lots of traffic and parking, parking issues around the campus on that weekend. So again, bottom line, uh, very much in favor of the, of the design and the overall plans for this potential hotel. Thank you.

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

Mayor Hadley: [01:49:07](#) Thank you JJ, for your comments.

Speaker 7: [01:49:18](#) Yeah, I think I'm gonna be next. I think.

Mayor Hadley: [01:49:33](#) Arthur? Gretel, can you hear us?

Gretel Cornell: [01:49:38](#) Oh, yes, I can hear you. Can you hear me?

Mayor Hadley: [01:49:41](#) Yes. I think we've lost our deputy city clerk here briefly-

Gretel Cornell: [01:49:44](#) Oh.

Mayor Hadley: [01:49:44](#) ... but this is Suzanne Hadley and let's uh, let's get you started.

Gretel Cornell: [01:49:49](#) Okay. Very good. Okay. Good evening. Mayor Hadley and City Council. Uh, my name is Gretel Cornell and I'm a 28, nine year resident of Manhattan Beach. I'm married to her lifelong resident of Manhattan Beach. Um, and I just wanted to say that I recognize that each of the economic borders in our city are unique and offer diverse business opportunities. Not all businesses are suitable in some of our business district, districts or are permitted. We have an opportunity to reinvigorate the Sepulveda business quarter over the project that is not only suitable, but brings great economic benefits to our city. The revenue generated in transit occupancy tax, the TOT, which this last year has been hit very hard will be substantial.

Gretel Cornell: [01:50:34](#) And this project will also generate downstream revenue, downstream revenue, excuse me, to other businesses in our city. This project is very suitable for its location on Sepulveda. The ho... hotel provides options and amenities and that part of our city, uh, for tourists, friends, and family. And while it is important to consider input from all parties impacted, this particular project and it's used are in accordance with and meet the requirements for zoning and sequence. I'm a 100% for not impacting our community from an environmental standpoint, but I'm not in favor of stalling either. I believe that the parties impacted have to take into account that probably other, um, businesses have looked to at that corner that since sitting empty and stagnant for several years, what other super suitable opportunities are, are available for this location and size of parcel? This hotel project is the right size. It is in the right location and now is the right time. This project should move forward for the benefit of our community and City Council I encourage you to support this project. Thank you for your time and your consideration. Thank you.

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

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Mayor Hadley: [01:51:47](#) Thank you Gretel, for your comments.

Martha Alvarez: [01:51:51](#) Next we have Jeffery Singh.

Jeffery Singh: [01:52:03](#) Hi.

Martha Alvarez: [01:52:04](#) Hi, can you hear us?

Jeffery Singh: [01:52:05](#) Yeah, I got ya. Sorry about that. Hi, uh, my name is Jeffery Singh. I am a resident of Manhattan Beach for about 27 years. Raised my kids here probably will die here. Um, I am in support of the project, uh, for a few reasons, some have already been stated. Um, but I think, uh, you know, I, I've been here when it was a small town. I think someone earlier said a small is good and I agreed, but, um, unfortunately over the last 25 years, uh, Manhattan Beach has gotten, uh, bigger and it's been, I think for the batter. I resisted it, but, uh, I think it's for the better, I look at a couple of things. I travel a lot, um, for business. Uh, I also have family come in a lot here and I use, uh, I, I like the design of the hotel, the size of the hotel. It's the exact type of hotel I use for business when I travel. And frankly, when family comes in, uh, or friends, um, I'm quite sick of setting them to El Segundo and having them well, first of all, having to drive, uh, to that type of hotel and then having them use the, uh, retail and restaurants and entertainment in El Segundo, when we could be doing it here in the beach area. The other thing is there's been a few projects, I think had a heavy opposition. One is on my street, I'm on Oak Avenue, uh, couple hour on my street exit ER, there was a huge uproar about that, uh, until went in and you can walk 30 seconds to one minute. Uh, and especially when COVID started, uh, I think you'd find that the neighborhoods around here in, uh, extreme favor of that, I think of Gelson's where some of my friends who've posted signs everywhere saying they were against it now are ecstatic that they can walk into a great project and shop a beautiful, uh, store.

Jeffery Singh: [01:53:56](#) And I don't even think they knew a Gelson's was at the point. And then you look at the mall, which while it's getting bigger, it's certainly getting better. Um, and right across the street, and sure it's created a little more traffic, but I was against it and opposed to it. But, uh, I don't think anybody's opposed to walking or taking a short drive across use the facilities over there. Um, biggest thing I think also is, uh, you know, with these projects comes growth, but it also comes the growth of the city. And I haven't heard a single person complain of about the home values with the growth of the city, uh, going from a couple of 100,000 to a couple million, uh, with the growth of the city. So I

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

think it's good for the city. I think it would be a great project and I'm in favor of it. Thank you.

Mayor Hadley: [01:54:44](#) Thank you, Mr. Jeffery Singh, for your comments.

Martha Alvarez: [01:54:51](#) Next we have Brianna Zamina.

Boryana Zamonoff [01:54:57](#) Good evening. Um, Mayor Hadley and City Council members. My name is Brianna Zamina. I resided at 1181 Tennyson Street, and I'm speaking in support of the MB Poet's appeal and against the finding that the hotel is categorically exempt in the sequel, the residents of the MB Poet Section have been in the process of reviewing hotel plans, talking to experts and lawyers, spending thousands and thousands of dollars and countless hours on trying to understand why to quote planning, commissioner Thompson, an environmental impact review was not required for this project. "Due to the size nature and potential public controversy associated with the development of the site." We are more than seven months into this and it's enormous implication for our lives, properties and neighborhood. And we're waiting for our elected officials and representatives to make the right call on behalf of our city and all of its constituents.

Boryana Zamonoff [01:56:07](#) They clearly two sets of experts who disagree on the magnitude of the impacts involved here. Those for the developer and those for the residents, noise, parking traffic, safety to name a few. And we have not even begun to understand how a local sewer infrastructure will support the additional demand hundreds of hotel guests on any given day. It is really hard to understand why and how a senior community projects such as Sunrise merited an EIR and this hotel and retail establishment with its many significant impacts. And by the way, strong and vocal local does not merit an EIR. The revise hotel plans do nothing to address the significant concerns that experts and residents have articulated. Please require an environmental impact review to support our request for responsible hotel development. When you vote on this project. Thank you.

Mayor Hadley: [01:57:19](#) Thank you so much, Ms. Zamina. I appreciate your comments.

Martha Alvarez: [01:57:26](#) Next. We have Rick McQuillan.

Rick McQuillan: [01:57:32](#) Hi, I'm Rick McQuillan in Manhattan Beach. Can you hear me?

Martha Alvarez: [01:57:36](#) Yes, we can. You have three minutes for your public comment.

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

Rick McQuillan: [01:57:41](#) I've lived in the Poets at 1281 Tennyson Street for 21 years. Thank you for hearing me. My main concerns are traffic, parking, noise, safety, and home values. My concerns haven't changed since our past meetings. The proposed changes don't address my concerns at all. Can we please try? How about traffic? It doesn't take an expert to foresee problems. Observe that left turn lane from Southbound PCH onto Tennyson Street at the bottom of the Hill, that lane might hold four vehicles. Watch the opposing northbound cars speeding down into this valley. They pop out from behind the Chase building on a curve. Now imagine you're visiting California, new to our city it's drivers and it's traffic in a rented vehicle. Trying to make that left turn when you're tired or late or stressed or all three, maybe intoxicated, or maybe you're a distracted rideshare driver in a hurry.

Rick McQuillan: [01:58:42](#) Either you wait for a safe turn while cars pile up behind you and into the traffic lanes, or you go forward. Maybe you see that Northbound entrance pocket across the street. You think you can make it. And you attempt that U-turn, imagine visitors making these maneuvers day after day, night after night. Deaths have already happened here under lighter conditions, more deaths are foreseeable. Right now, they're preventable. When traffic gets back to normal, this project needs a traffic analysis. Also, we don't need more energy in our neighborhood. We're seeing more trash, graffiti and sketchy behavior already. I'll spare you explicit details, but we need less of that energy. I'm trying to keep the police and public works informed and involved. Can then hotel keep all of that energy, rest of our families. We need safe, peaceful enjoyment. With this project, elevate or devastate the Poets. A pivotal, emerging neighborhood in Manhattan Beach. Thank you.

Mayor Hadley: [01:59:56](#) Thank you, Mr. McQuillan. I appreciate your comments.

Martha Alvarez: [02:00:03](#) Next. We have Lolly.

Lolly Doyle: [02:00:09](#) Hi, this is Lolly Doyle, I live in Manhattan Beach. I'd like to thank the Mayor and the City Council for the opportunity to speak tonight on the project at 600 South Sepulveda. It's imperative that an environmental impact review be completed regarding the proposed development. It's clear that there'll be a huge impact on our quiet and peaceful neighborhood, and it makes no sense that an environmental impact review has not been required. For one thing traffic is certain to be impacted. There are already too many accidents in our neighborhood, not only on Sepulveda, but also at the intersection of Artesia Boulevard



## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

and Prospect Avenue. Most residents in the Poet Section are well aware of the significant dangerousness of this intersection and use extreme caution getting through it or avoid it altogether when possible. That will not be so though with drivers unfamiliar with the neighborhood, there will surely be an increase in traffic at this intersection as drivers destined for the hotel will end up driving East on Artesia after either missing the hotel's entrance off of Artesia or intentionally bypass net instruments due to traffic backing up, waiting to enter the hotel's parking lot. This intersection does not handle the current traffic flow well, and it will only get worse with increased traffic and drivers.

Lolly Doyle: [02:01:29](#) I'm familiar with the neighborhood. It makes sense that an environmental impact study be done and that it includes this intersection in its report. Other areas certainly be impacted by the proposed hotel are the noise level, pedestrian traffic, neighborhood parking, and the less objectively measurable, but very important aspect of the neighborhoods, character. The bulk of a four story building just a few feet away from our small residential area would certainly be detrimental to the charm and attraction of our beach town. Please note that I'm not opposed to the development of the site at 600 South Artesia.

Lolly Doyle: [02:02:08](#) I know that it is to be expected, but I don't feel like due diligence has been done with regard to the impact on the neighborhood in the areas of noise, traffic and parking in the least. Certainly there would be an impact in the area surrounding the hotel. And it's inconceivable that the environmental review required by the state of California was exempted for this project. It's also clear that there is conflicting information in the various expert assessments and reports that have been provided regarding this project. It's critical, critical that a proper environmental impact review be completed to address some of these inconsistencies, I would ask the city to follow the protocol when a project of this magnitude is proposed and require that an environmental impact review be completed. Thank you very much.

Mayor Hadley: [02:03:00](#) Thank you, Ms. Doyle for your comments.

Martha Alvarez: [02:03:05](#) Next we have on Alfredo Monzo. Hi, can you hear us?

Alfredo Monzo: [02:03:24](#) Yes. Can you hear me?

Martha Alvarez: [02:03:26](#) Yes, speaking, can you please say your name for-

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

Alfredo Monzo: [02:03:28](#) Hello. Hello.

Martha Alvarez: [02:03:30](#) Yes.

Alfredo Monzo: [02:03:31](#) Yes. My name is Alfredo Monzo and I work for [inaudible 02:03:35] Hotel in Redondo Beach and I also as um, banquet bartender. And, uh, please board again this project challenges this moment for all of us in the hospitality industry. I have suffered cut in hours because of the pandemic. Many of my friends and family have lost their jobs entirely worked, should share personal experience. Symbols, if any, we need more business at the hotel they're also already accessed another new hotel. Thank you.

Mayor Hadley: [02:04:13](#) Thank you, Mr. Monzo for your public comments.

Martha Alvarez: [02:04:20](#) Next we have Paige Nelson.

Paige Nelson: [02:04:27](#) Hello. Hi, Mayor, can you hear me?

Mayor Hadley: [02:04:33](#) Yes, we can hear you.

Paige Nelson: [02:04:34](#) Hi, mayor and City Council. And Steve, I wanna give you a major plus on this weekend's a win at 16th Street. Congratulations. Um, first and foremost, I'd like to say that I'm in complete approval of this project. Uh, I, I the, there's so many things to be said about this, but not only is it an economic stimulator for what is already been pre... approved by the City of Manhattan Beach as the supported initiative, but I think there's a real true opportunity to create a fabric, um, East Sepulveda, you know, there's a long, long story and Manhattan Beach for those that aren't from here, born and raised that there is no life East Sepulveda. And I think that should be forgotten. And whether that's demonstrating that through retail or office use or appetizers and a couple of drinks, whatever the case may be. I think that there's a real opportunity here for us to engage, East Sepulveda, residents to create more lifestyle, rather than McDonald's.

Paige Nelson: [02:05:53](#) I heard somebody say something earlier about Seafarer and that was a lost art. And I think that there's something, um, to be said here, uh, with that being with that being said, I think that, uh, this project should move forward. I think that this an economic generator, I think what they've done on not creating a parking lot versus subterranean is, goes far beyond what any developer needs or wants to do. It's very expensive. Um, I think there, uh, achievement to, uh, look at subterranean, um, the tenacles and,

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

and all this kind of, um, um, um, extras, I, I think is just, uh, a really great thing for, for our community. I think that the residents will like it. I think that the, that the city needs this, this improvement on, on PCH. So for that I'm certain.

- Mayor Hadley: [02:07:05](#) Thank you so much, Ms. Nelson for your comments.
- Martha Alvarez: [02:07:11](#) Next, we have Julie Lansing. If I can have Julie Lansing except the audio request.
- Julie Lansing: [02:07:38](#) Hi, good evening-
- Martha Alvarez: [02:07:38](#) Thank you.
- Julie Lansing: [02:07:39](#) ... Mayor Hadley and Council. Um, very interesting that you opened your meeting tonight with the proclamation for older Americans, uh, very appropriate. And thank you. Um, if you were to spend a day here in our Poet Section, you would see that we have an unusual number of older Americans living here. Um, including my, my mom who been living here at 45 years, he moved here. We moved here in the '70s. And if you were to spend a day here, you would see older residents, peacefully walking their dogs, getting their exercise and enjoying the sea breeze, sunrise and sunset. We, when we moved here, we knew we were moving. Uh, excuse me. I live on the corner of Shelley Street and Chabela 1141 Shelley Street. We are literally across the street from this massive hotel that is being proposed. When we moved here in the '70s, we knew we were one block away from Sepulveda, but this is what my parents could afford. It wasn't cheap by any means in the '70s, but it was affordable to them. And there was a nightclub we put up with that noise. Then there was a restaurant and we put up with that. MiraCosta has since built a large gymnasium, which has brought additional traffic Sketchers. It's just basically taken over this side of town with that has been more traffic and that's all that's been accepted by our neighborhood, but what you're proposing now, a four story monstrous hotel across the street from residents that will affect our property values.
- Julie Lansing: [02:09:49](#) My mom's second story floor has a somewhat of an ocean view. That'll be gone. The sea breeze, the tranquility of this neighborhood, the safety, we're all gonna lose that. The traffic, deliveries, people visiting, circling the hotel trying to get in. There's only two openings to that massive hotel. They will be circling our neighborhood. They will be parking in our neighborhood. Please do the right thing for your older Americans that live in Nepal section. And there are a lot of

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

them. We demand an EIR we wanna see the full impact that this four story and commercial building will have in our little neighborhood. Thank you.

Mayor Hadley: [02:10:41](#)

Thank you, Ms. Lansing for your comments.

Martha Alvarez: [02:10:47](#)

For the next member of the public. We actually have two Jim and Christine Mercer on the same call.

Christine Merce...: [02:10:58](#)

Good evening, can you hear me?

Martha Alvarez: [02:11:01](#)

Yes, we can.

Christine Merce...: [02:11:03](#)

Thank you. Good evening Mayor and Council members. My name is Christine Mercer and I live in Manhattan Beach. My husband and I are 25 year residents at the Poet Section directly East of the planned development on Tennyson Street. So we're actually the second house from Chabela. We are opposed to the current updated hotel and mixed use development plans. We continue to support the MB Poet's appeal and request a proper environmental review prior to the approval of the master use permit. I appreciate that the applicant has attempted to make some changes to the plans based on the privacy concerns of the residents East of Chabela. However, the changes do not affect the density and the scope of the project. I still have concerns regarding the increased traffic, inadequate parking and increased noise that will affect our quality of life and safety. Not only for the Poet Section residents, but also the surrounding neighborhood.

Christine Merce...: [02:12:05](#)

How can this project be deemed categorically exempt from the requirements of the sequel act yet? The Sunrise development project is not the MD hotel partners project increases the building area from El Toritos, 8,500 square feet to a combined 96,200 square feet for the proposed hotel and office buildings. The density of this project is overwhelming. The Sunrise development project is proposing a 26,754 square foot, footprint and approximately 80,000 square feet of building with a maximum height of 30 feet. Yet, yet the hotel partners project is 20% larger in building size than the Sunrise development project with a maximum height of 40 feet.

Christine Merce...: [02:12:57](#)

I ask how can the determination of the increased traffic effects be evaluated when the neighborhood streets of Chabela and Keats have not been studied? And how can a determination of the adequate parking be evaluated when non hotel patrons are excluded from the applicant studies? Although the applicant

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

and planner claimed that the eating and drinking opportunities onsite or for hope hotel patrons only, the staff report states that the rooftop bar lounge and deck would be open to the public. I already see an increase in traffic and neighborhood parking since the Mira Costa students in sports activities have multiple samples, please resolve to require an environmental review prior to approving the master use permit. Thank you in advance for your thoughtful consideration of this project and its impact on the surrounding neighborhood. Thank you for your time.

Mayor Hadley: [02:13:53](#)

Thank you, Ms. Mercer for your comments.

Jim Mercer: [02:13:57](#)

My name is Jim Mercer. I'm a resident of Manhattan Beach Poet Section living on Tennyson Street for the past 25 plus years. [inaudible 02:14:11] oppose the current hotel and mixed use development project, I support the Manhattan Beach Poet's appeal and request that the City Council require an EIR prior to approval of this plan of this project. All changes were made to the project. There remains numerous concerns with many aspects of this project. We've heard about the inadequate parking, traffic study did not consider neighborhoods streets and noise impact to local residents. In addition tonight, we learned that the ABC type 47 license is in violation of the law. So there's numerous things that we have concerns about. Manhattan Beach has a project called Urban Forest Master Plan, yet the hotel plans remove mature 30 foot, less tall, healthy trees along Chabela that will instantly provide privacy to residents and preserve the surrounding landscaping, which includes Carrotwood trees that are all currently on Keats, Kuhn, Chabela, Sepulveda and surrounding streets. I'm not sure how bamboo fits in with the current landscaping of Carrotwood trees on these surrounding streets. It seemed to me that the city would request that the project retain these trees. And it seems to go against the Urban Forest Master Plan that the city is promoting. But instead of keeping these trees, the plant has bamboo plants and potentially trees that are inadequate for resident's privacy. As we've learned previously, it takes six to nine years for the bamboo to mature to 25 to 30 feet. What are we to do for the six years while they mature? These plants don't match the current landscape being in the Manhattan Peach Poets area, where we have numerous Cottonwood trees. You know, and I've been listening all night and just my informal count of people for and against the project. We've heard seven statements in favor of the project, and we've had the 18 statements against the project and the council knows, and the mayor knows the attitude of the Manhattan Beach Poets

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

Section residents. We have numerous concerns about this project that we haven't seen addressed at this point. Thank you for your time for my, giving me this time.

Mayor Hadley: [02:17:27](#) Thank you Mr. Mercer for your comments.

Martha Alvarez: [02:17:35](#) Next we have Karen.

Karen Hill: [02:17:39](#) Hi, my name is Karen Hill, and I've been a residents of Manhattan Beach since 1957. And I lived on Altura Way until 2006. That's just one street over from Chabela. And I do like the idea of having a hotel there and the retail, but I think like the other gentleman who has a hotel on Sepulveda 15th Street, I think two stories is more than adequate for that area and for what we need in Manhattan Beach. Um, although that would mean they wouldn't be able to advertise rooms with ocean view, but then on the other hand, they did say that they'd only have 20% occupancy. So if they have less floors, when they have a higher percentage of occupancy, I dunno, I guess you have to do the math. And nobody seems to be addressing about when the guests want to go South on Sepulveda. So are they gonna drive through the neighborhood of Chabela to get to Longfellow to the Signal, to make their left hand turn?

Karen Hill: [02:18:57](#) Are they gonna go down Keats to Prospect and then out to Artesia Boulevard once again through neighborhoods. And then what about all the pounding from digging that great big underground parking lot? Um, so all of the infrastructure underneath and all of the foundations for the homes and the Poet Section, um, what happens with their cracking and all of that going on? And how long is it going to go on? How long do they have to put up with that? And then I wanted to comment on Jeff, shame on him for supporting all the businesses in El Segundo. We have hotels in Manhattan Beach, and we've got a lot of great restaurants in Manhattan Beach, downtown Manhattan Beach and on Sepulveda. So shame on you, Jeff. And as far as life on the East side of Sepulveda, a lot of people chose the East side because it's quieter, less.

PART 4 OF 7 ENDS [02:20:04]

Karen Hill: [02:20:00](#) A lot of people chose the east side because it's quieter, less congested, and it's nice. But we do have life on the east side of Sepulveda. So people need to get out just a little bit more. And I think it's interesting that all the people that seem to be in favor of the hotel don't live by the hotel. So, uh, maybe they need to go out on a little drive and take a look at the area that's going to

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

be affected. And other than that, I think I've said my piece.  
Thank you very much, and, um, thank you for staying this late.

Mayor Hadley: [02:20:41](#) Thank you Miss Hill for your comments.

Martha Alvarez: [02:20:45](#) Next is Carol and Nelson.

Mr. Nelson: [02:20:48](#) I'm a longtime Manhattan Beach resident. Um, 40- 45 years. And, um, I was interested to see the, uh, hear the comments and about Manhattan Village because I've worked with Chevron and Coast Construction do all the, uh, marketing and- and planning for the project. And, uh, we had a very enlightened city council that, uh, pressed ahead with a dream for the area, um, there was no EIR for that project. And, um, look at the results. Um, I'd just like to speak in favor of- of the project going forward. I think the city, uh, the city council has to make a real commitment to, at long last, come up with a plan for enlightened development along our main commercial quarter. And, um, this project is one of the initial steps. The, uh, we certainly need, uh, event tax and the sales tax revenue, uh, from these projects.

Mr. Nelson: [02:22:06](#) The city's faced with some real challenges in the future with the school district and, uh, looming, um, uh, pension overhang. So, a couple million dollars, uh, [inaudible 02:22:20] to the city if that's what it totals to would be really beneficial. So, uh, thank you for all the hard work for city planning and the city council and a shout out to [Clif Ullman 02:22:35] for his comments tonight.

Mr. Nelson: [02:22:37](#) Thank you.

Mayor Hadley: [02:22:39](#) Thank you Mr. Nelson for your comments.

Martha Alvarez: [02:22:49](#) Next we have Stacy Jacobson.

Stacy Jacobson: [02:22:55](#) Hi, uh, I stated my name as Stacy Jacobson. I'm a resident at 1171 Shelley Street, um, and I am here tonight to speak in support of the appeal of this particular project. Um, note I am certainly not opposed to development of this area, I do think that some sort of development would be beneficial. Uh, but the project and scope as is stated, um, just is not appropriate for the area. There's been a lot of comments here, so I will keep mine, um, mostly to safety and that's the safety of our young children and the safety of the students both at Pennekamp and Mira Costa. Um, for anybody who is wondering what it may look like I implore you to go stand on the corner of Keats and

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

Prospect at any given time either the school hours and teams getting out. Um, I walk my children to school and it's already an intersection where there's cars lined up, kids hopping in and out of cars that are in the middle of the street, um, we also often see the cross-country team running around here as well.

Stacy Jacobson: [02:23:51](#) So I am, um, gravely concerned about the safety of the neighborhood and the children that, um, are, uh, grown up-growing up here and going to school in the area. Um, and I will keep my comments to that for the evening.

Stacy Jacobson: [02:24:03](#) Thank you very much.

Mayor Hadley: [02:24:05](#) Thank you Miss Jacobson for your comments.

Martha Alvarez: [02:24:10](#) Next we have Kathy Clark.

Kathy Clark: [02:24:12](#) Uh, hi. Can you hear me?

Martha Alvarez: [02:24:19](#) Yes we can.

Kathy Clarke: [02:24:19](#) Oh okay. Hi, um, so I- I just, first off I want to thank you, uh, for working and staying this late, um, to discuss all of this. Um, I want to start out by saying I've been a business my whole life. So I am pro-business and I am pro-improvement and definitely this area, um, could be cleaned up a little bit.

Kathy Clarke: [02:24:44](#) But, the hotel which will be directly across the street from my house, I'm at 1141 Tennyson Street, I'm on the corner. We've had two cars fly through the roadblock and bust open and fly across our- our yard. Um, we've had, my one- my one child was a baby his stroller was hit by a car flying through a stop sign. Right over on Prospect and Keats. Um, my other son was almost run over in the crosswalk on Prospect. So, there are, I personally dealt with the traffic issues and that is long before a hotel this size has come into the picture. Um, I really do worry about the safety of the kids. There... it is so crazy with driving around Mira Costa. There's kids, like, with what the last person just said, popping in and out of cars, um, there are a lot of kids in this neighborhood, um, the hotel will be directly across the street from my house. It is going to be four stories and I know with, thank you for sending a back up to our feet. However, it's still four stories.

Kathy Clarke: [02:25:55](#) I look at the picture and it looks like a building that should be in Santa Monica. It does not look like a- a building that should be right next to a house. Um, right across the street from a house.



## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

It should be where the Chase Bank is. It should be where Fry's Electronics is. It should be in a place where it's buffered. I think if- if, you know, God forbid this all happens. You guys should just take our property and buffer everybody else in this neighborhood from the hotel and make our property a park. Just to give space to the neighbors. It's just not right. It doesn't fit. It's so big. It's so big.

Kathy Clarke: [02:26:37](#) So I worry about the traffic. I worry about the pollution. I worry about the random people. And I know it's going to be more business people but still you can get some weirdos in the business community who are going to be standing there. And I have littles. I have little guys. Well, my one guy's in fifth grade so he's getting older but still I have somebody- I have a, my son's in first grade so I really, truly worry about the safety, um, you know, I just feel like there's so many questions that so many residents have in this community that we do need an EIR. We really need to dig down and look into how it's gonna impact our community.

Kathy Clarke: [02:27:16](#) So thank you very much. That's it.

Mayor Hadley: [02:27:19](#) Thank you Miss Clarke for your comments.

Martha Alvarez: [02:27:24](#) Next we have Nancy.

Nancy Best: [02:27:32](#) ( Silence). I've just unmuted. Am I live?

Martha Alvarez: [02:27:47](#) Yes you are. Can you please state your name for the record?

Nancy Best: [02:27:51](#) My name is Nancy Best and I live in the Poet's Section. And, before I read my letter just to clarify. On the east facing wall of the hotel closest to Shelley Street, there is a staircase to subterranean parking. It is placed directly next to the sidewalk. There is no buffer. There is no setback. There is a six foot sidewalk. There is twenty-three foot wide to [Bila 02:28:16] which is the width, I measured it myself and then there is another six foot sidewalk. And that is it.

Nancy Best: [02:28:22](#) This is depicted in the developer's latest plans but he did not bother to mention it. Now, uh, secondly I'd like to say we would really request that you give us an EIR. This is too big of a project, too much of a change from what has been done in the past to not make that happen. Now, my original letter was:

Nancy Best: [02:28:46](#) "Ryan Beaupain is an 11 year old Manhattan Beach student who understands the value of a tree. His tree planting project has

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

been lauded by the council. How do you explain to him that dozens of trees will be sacrificed for a dubious project that slaps the face of what he is trying to do? Manhattan Beach has tree ordinances, tree laws, tree trimmer permits, a tree inventory. There is even an urban forest master plan for long range protection of our community's urban forest. The regulations also include but are not limited to tree removal, replacement, preservation, and restoration. We have allowable species for planting and removal. There are tree pruning regulations and root pruning regulations. And pruning standards. In short, we have a lot of tree stuff.

Nancy Best: [02:29:36](#) I spoke with an arborist. He said that the trees are not doing as well as they ought to be on [TreBella 02:29:42] because they are lacking proper care. They are never watered, fed, or properly pruned. Other than an annual Southern California [disimpact 02:29:53] job.

Nancy Best: [02:29:53](#) I submit what shape would you be in if you were never fed, watered, or groomed. These trees are victims of intentional neglect. The city is to be lauded for it's commitment to urban forestry. I am compelled to say though, that I cannot reconcile how the destruction of trees is justified to put an oversized build on an undersized lot. An appropriate use of this property would be- would make it a non-issue. To me, this is the antithesis of the urban forestry plan itself. You can't have it both ways."

Nancy Best: [02:30:31](#) I included a photo that I sent in of the trees in the SKECHERS sidewalk at 300 Sepulveda. We were told that trees could not be put on the sidewalk. That would provide an additional buffer. Uh, bamboo is a grass by the way. And it requires direct sunlight and is a water hog. We want to keep our trees.

Nancy Best: [02:30:54](#) Thank you.

Mayor Hadley: [02:30:58](#) Thank you Miss Best for your comments. Are there any other callers for public comment?

Martha Alvarez: [02:31:05](#) We have one more it's under the name of iPhone. I was not provided their name for the record.

Speaker 9: [02:31:14](#) Hi can you hear me?

Martha Alvarez: [02:31:17](#) Yes we can.

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

Speaker 9: [02:31:19](#) Oh great, okay, hang on. Let me put up my volume so that I can hear you a little bit better. Okay, um, good evening council. Uh, thank you for presiding over this. Um, first, um I would like to know why the city did not ensure the developer held the required neighborhood meeting prior to the project submittal? This was one of the elements that came out of his working group and was included as a slide in the summary report which was ratified by both planning and council.

Speaker 9: [02:31:55](#) Okay, now, first job of government is to protect it's citizens. Placing a concentrated, completely impactful, intrusive hotel close to families is wrong. Saying it is not is hypocritical. Would any of you want this 40 feet from your pillow? Resulting [inaudible 02:32:22] traffic 15 feet. 48 night lights. When we bought out homes this would have been illegal. The world is changing. Geography does not. Doing bad things to each other is cliché and becoming publicly intolerable. A judge is fixing homelessness. Scott Rudin is withdrawing. Jeff Dolan, Bruce's Beach. Manhattan Beach hotels make people cry. Rob them of sleep. Forever. They take away peace of mind and finally lifelong investment. This has to stop. Unbridled greed at the expense of others is unacceptable especially when it ruins the life, day after day and night after night. This should never have come this far. It should have been stopped before it started. Don't destroy our love for this beautiful city. Do not endorse what you can't fix.

Speaker 9: [02:33:45](#) And that's all. Thank you and goodnight.

Mayor Hadley: [02:33:47](#) Thank you for your comments.

Martha Alvarez: [02:33:52](#) Next we have Heather.

Heather: [02:34:00](#) Hi, my name is Heather Kim and, um, I don't- I do not really follow all of this, uh, hotel, um, talk very closely and I don't live in the area. Um, but my gut reaction is that, um, this hotel will be a net positive for our city. Even though I know the residents in the area would not be happy with it. Then again, no neighborhood would welcome a hotel in their area. So, um, I guess a compromise would be to just do the study that the residents want and would that be so hard?

Heather: [02:34:35](#) Again, um, I speak from a place of really not knowing all the particulars but it just seems like the- the, uh, right thing to do for the neighbors there. But, I- I do hope that we can continue to do things to improve, um, our city and to, um, generate

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

revenue and to have more people come to our city and to spend time and spend their money here too.

- Heather: [02:35:03](#) Thank you.
- Mayor Hadley: [02:35:06](#) Thank you Heather for your comments.
- Speaker 10: [02:35:07](#) Unbelievable, she said I don't live in the area, I don't have to think about the things but-
- Martha Alvarez: [02:35:22](#) Sorry about that Mayor everybody has been muted.
- Mayor Hadley: [02:35:24](#) Okay.
- Martha Alvarez: [02:35:25](#) Um, it does not look like we have any other public comments at this time. But, for the record we did receive six requests earlier and, um, we- the city courts office did attempt to contact them to see if they wanted to provide comment. But, we did not receive any responses.
- Mayor Hadley: [02:35:43](#) Okay thank you. I'm going to close public testimony at this time. And, for the sake of my colleagues, um, we've all been close session since 4:30 pm. I would like to, uh, break for 10 minutes, um, please. It's 9:35 we'll meet back at 9:45 at which time, let me check my schedule here, we will go back to the applicant for rebuttal and then we will go to council questions of the applicant and appellant's, um, representatives and then we'll close the public hearing. We'll have council deliberation. So, at 9:45 we will be back, uh, in session to hear rebuttal, um, from the applicant.
- Mayor Hadley: [02:36:28](#) Thank you everybody for your comments and your patience and we'll be back with you in 10 minutes.
- Mayor Hadley: [02:36:31](#) (Silence).
- Mayor Hadley: [02:36:31](#) ... snack.
- Martha Alvarez: [02:46:43](#) We are live Madam Mayor.
- Mayor Hadley: [02:46:46](#) Welcome back everybody we are continuing the public hearing for the master use permit for the hotel at 600 South Sepulveda. Uh, we will pick up this public hearing. We've just closed public testimony, um, and now it is my turn to ask the applicant if they would like to rebut, uh, anything that they've heard and if so I will provide three minutes.

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

Mayor Hadley: [02:47:14](#) So is the applicant back on the line?

Jan Holtze: [02:47:19](#) Yes I am.

Mayor Hadley: [02:47:21](#) Okay, Mr. Holt you're up. And is there anything you'd like to rebut? And if we can get three minutes on the clock that would be-

Jan Holtze: [02:47:27](#) Yeah, let me- let me try to do it very quickly here. Just so that we can make sure that we have everything, kind of, straight. Um, uh, I wanted to address, uh, two issues then- then Keith, our attorney, will address another one. But, regarding traffic, um, from experts to everybody else here, uh, they've been following a narrative that's completely false. Uh, and the traffic, uh, that we used is pre-pandemic. It was leveraged off of the traffic studies and all the traffic data from the SKECHERS project. So, and- and then inflated, uh, to- to add for growth in the- in- in the area. So, you know, we'd like to dispute any points that are related to the fact that the traffic study is incorrect.

Jan Holtze: [02:48:13](#) Um, uh, there's a point, uh, also that, um, I'd like to talk about this notion that we are somehow a full service hotel. Um, I will tell you that Westdrift is a full service hotel. If you go over there, there are about 180,000 square feet plus, uh, a parking structure adjacent to it. Um, they have 388 rooms. They have over 40,000 square feet of- of, uh, convention space. If you look at the definition and ITV that's what they are.

Jan Holtze: [02:48:47](#) What we are is, go up to El Segundo and see the brand new AC by Marriott. That is what this project is, sort of, modeled after. I don't know if we will be a Marriott property, but something very similar. Uh, and if you can find me any sort of convention facilities in there. And sort of banquet facilities. Yes, we do have some meeting space all of 2,600 square feet, um, we do have- we do have the ability to cook some food. We don't have a full service restaurant. It- it will not be a place where somebody can come in and- and sit down and have, uh- uh a waiter come to their table. It is not that sort of a facility. We all know what a business hotel is. So, um, anyway, uh, I'd like to make that very clear.

Jan Holtze: [02:49:34](#) Um, there's a point that, uh, I'd like to leave for Keith to, uh, to take on please.

Mayor Hadley: [02:49:42](#) Okay, Mr. McCullough you have 50 seconds.

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

Keith McCullough [02:49:43](#) Good. Good evening again, uh, Madam Mayor, uh, members of the council.

Keith McCullough [02:49:47](#) This type 47 ABC license referenced by the appellants is- is a fiction. Uh, the applicant is not made an ABC license application. Um, there own expert, Ashley Lauren Tyson, referenced a type 70 license would be more appropriate. When the applicant makes an ABC license application it will be consistent with the council's restrictions on alcohol use on the property.

Keith McCullough [02:50:13](#) Thank you.

Mayor Hadley: [02:50:17](#) Thank you Mr. McCullough. Uh, you have 20 seconds left. Applicant would you care to use it? Or?

Jan Holtze: [02:50:24](#) Uh, yes I would. Can you hear me?

Mayor Hadley: [02:50:27](#) Yes.

Jan Holtze: [02:50:27](#) Okay. Uh, there was one item, uh, that I did leave out is that I would like to refer to the, uh, memorandum that was posted, uh, on the city website today. Um, from, um, community development director Ty regarding this idea, why we are a categorical exemption and why we did not do any IR.

Jan Holtze: [02:50:48](#) The reasons for that are very clear.

Jan Holtze: [02:50:53](#) Thank you.

Mayor Hadley: [02:50:53](#) Okay, thank you Mr. Holt. Thank you Mr. McCullough. The three minutes are up. Uh, so now it is my turn to ask if my colleagues have any questions of the applicants? The appellants representatives? Or members of the public?

Mayor Hadley: [02:51:14](#) I'm sorry, further council questions for the applicant, um, I believe the appellants representatives and members of the public can also ask questions of the applicant. And the city attorney is welcome to correct me on that (laughs).

Councilmember Napolitano [02:51:35](#) Your honor?

Mayor Hadley: [02:51:36](#) Yes.

Councilmember Napolitano [02:51:37](#) Uh, questions of staff.

Mayor Hadley: [02:51:40](#) Okay great. Councilmember Napolitano.

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

- Councilmember Napolitano [02:51:43](#) So, a lot has been made in the testimony regarding why an EIR was- was necessary for the senior living project as opposed to this project. Can that be addressed? Anybody?
- Carrie Tai [02:52:03](#) Uh, Councilmember Napolitano, sure, yeah, I can- I can address that. Um, that, uh, let me just- let me just take a moment to, sort of, reset, um. You know, basically the way the California Environmental Quality Act works is that when a project comes in, the project's individually evaluated. Um, in accordance with, uh, with CEQA, um, CEQA itself includes a lot of different branches. Um, and they're sort of a workflow, if you will, um, so, the first question is always, "Are you subject to CEQA?" You know, some projects are, some projects aren't. And, you know, the building permit is not a project that is subject to CEQA for example. But a use permit is. So, it's the first question.
- Carrie Tai [02:52:46](#) And then you go down the road of whether, um, once you are subject to CEQA taking a look at whether you are eligible for any exemptions. And if you are not then you would proceed into an initial study, um, that looks at, uh, like 17 different environmental topics. And at the end of that you may qualify for a mitigated negative declaration if you don't have significant impacts. But, um, if you can mitigate them to lessen significant or if you do have significant impacts then you go into an EIR.
- Carrie Tai [02:53:16](#) So there's, sort of, a workflow that's established by state law. Um, every city uses them. Every city in- or jurisdiction in the state. Cities and counties. So, when, um, you know, the- the Sunrise project came in, uh, I wasn't here then but I can- I- I know the history. Um, the Sunrise project in and of itself, you know, when you took a look at, uh, the, kind of, early on assessment, um, it probably would have qualified for a class 32 exemption. Um, they chose to take on an EIR and go through the exercise of the initial study and when it came out, uh, they actually didn't have significant impacts. And, did they proceed with the EIR? Yes. Can they choose to do that? Yes. Um, could they still qualify for a class 32? Yeah.
- Carrie Tai [02:54:01](#) So, again, there's a- there- there was a choice in there. Which makes it a- a little bit of a different situation.
- Councilmember Napolitano [02:54:07](#) Sorry, so that was a choice of the developer? Not the city?
- Carrie Tai [02:54:10](#) Correct. I'm sorry. Yes. Yes. Um, yes. That was the choice of the developer and once that choice was made the city facilitates

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

that in the sense that once the choice for an EIR is made, um, the- as the city, the staff is responsible for making sure that any document that is- is published is of the independent judgment of the agency. And at that point it goes through all the full review, fact checking, the same- the same thing.

Carrie Tai [02:54:38](#) Now, back to the class 32, um, the hotel on- on initial assessment qualified for a class 32. Um, class 32s are not easy. They're not easy exemptions in the sense that, like, if- if you take a class 3, for example, class 3s are for construction of small structures. And it's a very cut and dry exemption.

PART 5 OF 7 ENDS [02:55:04]

Carrie Tai [02:55:00](#) ... by exemption

Steve: [02:55:00](#) Well, we're lost.

Mayor Hadley [02:55:07](#) Well, we lost Carrie's audio. I think the battery ... Carrie we can't hear you. Maybe your headset. There we go. It's connected ... or the battery died or the cord came out.

Councilmember Montgomery: [02:55:24](#) It's a government supplied headset.

Mayor Hadley: [02:55:27](#) (laughs)

Talyn Mirzakhonian [02:55:33](#) Okay, I'm just gonna jump in for Carrie. I think where she was going with that ...

Councilmember Napolitano: [02:55:38](#) I was gonna ask though Carrie, before everyone's on vacation though can you tell everyone what a Class 32 is?

Talyn Mirzakhonian [02:55:45](#) Yes absolutely. The Class 32 is an Infill Exemption specifically for project sites that are under utilized or vacant within a developed area.

Talyn Mirzakhonian [02:55:57](#) And so, the... within that exception you have to make sure that you qualify for a... the set criteria before you can make a determination that the project needs... is app ... that the exemption is applicable to this particular project and the project site, including the project site has to be less than five acres for example, which this project site is and so once you go through that list of criteria, the next step is particularly to one of those criteria which is that there you have to analyze traffic impacts, air quality water quality and noise impacts. Once those technical studies are prepared and the analysis supports that



## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

there are... that those impacts would not be triggered under SIQA thresholds.

Talyn Mirzakhonian [02:56:51](#) So SIQA has, um, their ... SIQA has criteria for impacts and it's different than um... impact that is known to the general public. Um, it's based on thresholds that are established um and we're required to analyze the impacts based on those thresholds. The reason that's important is because the technical analysis that we've had to prepare for this project to support the exemption, the Class 32 exemption, and that's inclusive of the traffic analysis is the same analysis that would be prepared for an EIR. It is no different. It is subject to the same criteria in terms of preparation and the thresholds are the same. And so the same analysis that was prepared for noise, for air quality, for traffic would all ... could all today be used potentially for an environmental impact report ...

Councilmember Napolitano: [02:57:51](#) If I may then...

Talyn Mirzakhonian [02:57:52](#) ...subject to no different criteria.

Councilmember Napolitano: [02:57:53](#) If I may, they did some of those studies just not all 17 let's say but they could bundle those into EIR and do those additional studies and some of those were studied, if I'm not mistaken with the Skechers project as well, right?

Talyn Mirzakhonian [02:58:07](#) That's correct and that's because the Class 32 specifies which ones you have to perform. And once you pass that test and you pass all the other tests that are listed for a Class 32 then you're ready to move on.[crosstalk 02:58:23] So there are exceptions to this exemption [crosstalk 02:58:28] and this particular project did not qualify for those.

Councilmember Napolitano: [02:58:29](#) So, for instance, if... even if you were to do an EIR at this point, they would simply take those studies they've already done not that they're gonna redo those...

Talyn Mirzakhonian [02:58:40](#) Correct. That's correct.

Mayor Hadley: [02:58:41](#) Correct.

Councilmember Napolitano: [02:58:41](#) An EIR is older, but the traffic studies that currently exists, throw it in there and they'll just do additional studies for those things they haven't done earlier, is the correct?

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

- Talyn Mirzakhanian [02:58:50](#) That's correct. They're held to the same standard and so we could use those same studies for an EIR.
- Councilmember Napolitano: [02:58:54](#) Okay and then another..
- Carrie Tai [02:58:57](#) And if I could, if I could just add really quickly, on of the significance ... one of the things that is significant about the Class 32 is called an Urban Infill significance because there are topics like biological resources and things that are, that are ... that are more ... of those 17 environmental topics in an initial study, that's a generic category so you can use, it's the same document for if you were doing you know a 1000 acre Master-Planned community in previously undeveloped land. So the Urban Infill category, you know chooses these certain technical studies that you have to do with the assumption that your starting point is that you're already in a city, you are already within the city boundaries, you're under five acres and that you have all the public services, as opposed to a larger scale development, that would need a greater scale of evaluation that has to do with you know some of the more um, broader topics outside of an urban environment so I just wanted to add that.
- Councilmember Napolitano: [02:59:57](#) [inaudible 02:59:57] Director Tai I did not see so if you can point out or discuss it, Valet parking being discussed or um part of the permit ... this permit, in regards to whether they can charge or not, whether they can have it or not, usually valet parking causes people to park on the street to avoid it, a lot of folks don't wanna pay it, if they don't wanna tip for it, uh, the disincentive between on site parking is valet parking part of this project?
- Carrie Tai [03:00:40](#) Uh I don't believe it is and I can let Colleen or Ted clarify that.
- Ted Faturros: [03:00:46](#) So, thank you Director Tai. If I can jump in, so it's not... it's not part off the project scope. There was a condition of approval placed in the planning commission resolution and I'll read it for you here it's Condition um 36 and it says, "All surface parking spaces shall remain available for retail office and hotel guests. Check-in parking during retail and office business hours. All employees on the site shall be required to park in the parking structure and shall not be charged for parking. Two hour free parking shall be provided I the parking structure for retail office and hotel visitors during retail and office business hours. No changes in parking restrictions or access shall be made without city approval." So that is the closest we get to in the resolution or in the Planning Commission Resolution to regulating, um,

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

how much ... or the ... you know, cost of parking for the people visiting, uh, the site.

Councilmember Napolitano: [03:01:48](#) Yeah, but even if it was free valet parking, folks who wanna avoid that will avoid it as well. I, I, I've seen it in enough events where it happens, okay, I'll leave it at that for now. Thank you.

Councilmember Montgomery: [03:02:08](#) Your Honor?

Mayor Hadley: [03:02:09](#) Uh yes, I can't see everybody. So, Councilmember Montgomery, yes, go ahead.

Councilmember Montgomery: [03:02:12](#) The question's for Director Tai or Lucy, Pie??? Or Ted. Just three or four of them. Just confirm my checklist here. Is the site too small for this project?

Ted Faturous: [03:02:25](#) No, so, even though the site is in this overlay desert that allows for a 40 story hotel building, the city council never changed the amount of square footage that can be built on the site, and the site or the project does not exceed the level of square footage on the site. They are not asking for variants or anything like that, to build more square footage than what the code allows.

Councilmember Montgomery: [03:02:50](#) Right. Another one for you. Is this an all suite hotel? Yes or no?

Ted Faturous: [03:02:56](#) So, that term means something very specific when it comes to traffic analysis. Um, this hotel most closely identifies with what's called a business hotel. Um, and the traffic manual used to determine the parking and the traffic analysis has a definition of what that means. So the definite ... so all ... a ... business hotel was used for the parking analysis. A all suites hotel was used for the traffic analysis and there's some very technical reasons why that was done but it was done in the... with the goal of creating the most accurate um analysis possible.

Councilmember Montgomery: [03:03:38](#) For classification purposes. I get it. Alright an third question. Night club. Is there a night club at the hotel... proposed hotel.

Ted Faturous: [03:03:46](#) No. So there's no night club or restaurant. What there is, is a rooftop terrace that's on the fourth floor facing Supulveda and the only and light food service and alcoholic beverages will be served there. Um, the on ... and it's only accessible to hotel patrons and their guests only. In the February 2nd staff report there's quite a bit of detail how this would actually be enforced

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

and basically what we came up with was, there'll be a condition that says the only way you can access this area in with your room key. No-one on the street can walk into that area and that's why it's not a restaurant because it's not open to anyone. You have to have a card... a room key to enter that area.

Councilmember Montgomery: [03:04:34](#) Right one more. The issue of full sized spaces. I remember my colleague, Pelatoda brought this up earlier. I didn't hear the answer.

Ted Faturus: [03:04:42](#) I to, I looked it up during the public comment so there are 17 compact spaces proposed. That's 11.2% of all the parking on site. And for references, the code allows up to 30% of the sites parking to be compact. So they're nowhere near that 30% maximum. It's 17 spaces, 11.2% of the um... of the parking is compact. And just one tangent... um Council Man, Council Member Napolitano also asked about the El Torito use permit and what was allowed there. They were full alcohol seven days a week, midnight closing every night seven days a week. And that was from a used permit in 1994.

Councilmember Montgomery: [03:05:29](#) Perfect. SO of the 152 total spaces, 17 are compact, the rest I consider full sized by E standard.

Ted Faturus: [03:05:38](#) Correct.

Councilmember Montgomery: [03:05:39](#) You're not taking in the fact that includes I take it, handicapped, and or easy charging spaces.

Ted Faturus: [03:05:46](#) Correct. Even some of the handicapped spaces are actually wider because they're required to be wider, but yes, they are, the rest of them are full sized if not larger.

Councilmember Montgomery: [03:05:55](#) Okay I appreciate your time. That's all I have for now. Thank you Your Honor.

Mayor Hadley: [03:06:00](#) You're welcome Richard. I'm toggling over. Yes. Council Member Franklin?

Councilmember Franklin: [03:06:04](#) Yes, thank you, Your Honor. Um, so um, we grant a Master Use Permit with conditions. So, say the operator goes ahead and builds and they, and they're and they're in there and there are just somethings that uh, there are some violations or there's some um, you know poor behavior let's say. So what is the process? I mean, we went through uh, when I first joined council with the Resident's Inn, um, and then we've done it with some other hotels. So what is the process of

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

rectifying or correcting that behavior versus... you know, through the... through the Master Use permit?

Ted Faturous: [03:06:47](#) So [crosstalk 03:06:50] I'll take it.

Carrie Tai [03:06:52](#) I'll take this question.

Ted Faturous: [03:06:53](#) Sure.

Carrie Tai [03:06:55](#) Sure. So the code does provide us uh, a couple of different paths um to be able revisit um an approved Master Use permit. Uh, one would be through the process of the review. So, for example the council could choose if they wanted to, to condition that after the first year of operation, we would revisit this project under the auspices of a review at which point we would determine whether or not they'd been a good actor, have they been abiding by all the conditions of approval or have they not? And if not Is there, is there, grounds to potentially modify conditions or pursue new conditions of approval? And, and, so in a scenario where years later if the project were approved and they'd been in operation for years and something's going um very wrong, the um council also has the option to revoke a Master Use Permit.

Carrie Tai [03:08:01](#) Of course there are findings that would come, uh, come a long with that so the council would have to have a public hearing um similar to what we did with the REsident's Inn and decide whether or not there are grounds for revocation of a use permit, or as I said previously, modification of a use permit.

Councilmember Franklin: [03:08:22](#) So, um, one more quick question. We heard about the, uh, the hotel um consultant who um back in 2015 produced a report for a um, possible hotel behind Manhattan Village. Um, what's changed there? I mean I know what's changed is ride sharing so I guess my question is what impact has ride sharing had? We heard the owner of the hotel at the Best Western Plus a mile away indicate that they're actually renting out parking spaces now, to local business.

Councilmember Franklin: [03:08:59](#) Has it been that bi of an impact? Ride sharing? In, in, in terms of the garage use?

Mayor Hadley: [03:09:11](#) Um, I didn't wanna speak over our sitting Traffic Engineer but I'm not sure if he's on the line. Carrie did you want to respond?

Carrie Tai [03:09:19](#) Yeah I mean I was just gonna make a comment that um you know because it's very the whole advent of ride share is is, I

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

mean it's definitely taken effect but you know it hasn't caught up, I think with a lot of the data that's used in terms of how parking studies are prepared. That's why the parking studies for this project take a conservative estimate and actually do not take ride share into account when looking at, you know, justifying the parking reduction. SO, so I just wanted to add that as a general comment I don't know if um, if Eric has any more scientific or recent data specifically regarding the factoring of the um the increased use of rides share into into parking um usage, so um, let's see if Eric's on here.

- Erik Zandvliet [03:10:14](#) Hi there this is Eric Zandvliet, uh, good evening Mayor Hadley and members of the City Council. I do not have any scientific information at this point. There is a new version of the parking generation that will come out, that will start to include that, uh we do know that there is uh definitely an increase from transportation services, uh, ride services that are reducing the parking demand across the board in all in in every type of land use, especially hotels. And, it's been.... and it's overtaken the taxi-type of reduction as well. Um, so whenever we're looking at all of the parking study information, it's always worse case at this point. Everything's going to be reduced because of ride share services, transportation services. Thank you.
- Mayor Hadley [03:11:08](#) Council Member Franklin does that answer your questions?
- Councilmember Franklin: [03:11:11](#) Yes it does and that's it. Thank you.
- Mayor Hadley [03:11:14](#) Okay. Thank you. Yes Mayor [inaudible 03:11:15] turn.
- Mayor Hadley [03:11:18](#) Thank you. Yeah, I have just one more question, thank you for answering all of these, which is to the trees in the ... along the eastern side of the hotel and um we've heard about the bamboo that's being proposed and then these larger spots for bigger trees. Um, can you give us any sense of what, you know, would a tree provide as much shielding for all four floors? What, how, how long would it take for a tree to get to 40 feet? Would the bamboo actually get to 40 feet? What, when we're trying to determine this, which are the factors [crosstalk 03:11:58]?
- Ted Faturros: [03:11:57](#) Um, so, just a couple things, so regarding the existing trees there, the Public works Department told the applicant that he must remove those trees, in order to create the public side walk that's gonna go along [inaudible 03:12:10]. Because right now on that side of the street there is no public side walk. So Public Works asked for that Public sidewalk which will improve

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

pedestrian safety and as a result all those trees have to be removed.

Ted Faturus: [03:12:23](#) Regarding bamboo versus other trees, it depends on the tree. I think the applicant chose bamboo, back in November, because it is known to grow relatively quickly um it has dense foliage and it does provide that privacy um for the residents that was, you know, that was and is to a lesser extent now, important. That being said, now, the applicant has... is proposing screening on both the fourth and the third floors on the Chabella side, and that can be a condition of approval and any resolution pass at a City Council.

Ted Faturus: [03:13:02](#) So, considering there would now be um, screening on both the fourth and the third floors, the need of bamboo being 40 feet tall to reach the height of the building is less in terms of privacy. Um and I think that's why the applicant brought up the possibility of trees and I think specifically mentioned the strawberry tree. I, I don't think the strawberry tree will grow as quickly or as tall as the bamboo, but it is a possibility for the planter there.

Mayor Hadley [03:13:41](#) and would it shield it, on as many floors as bamboo, I mean I'm picturing a tree that's got a stump and then a bigger canopy at the top, is that...

Ted Faturus: [03:13:50](#) I don't believe it reaches the height of the 40 foot, because the bamboo will eventually grow to that height. Um, and in the plans there is a class section showing the bamboo height at different years. So, I don't think it would grow as tall, but keep in mind because the screening's there, um, the need, or the privacy concern that the bamboo was addressing is diminished.

Mayor Hadley [03:14:17](#) Thank you.

Mayor Hadley [03:14:22](#) Okay. Any other questions for staff or questions for the applicant? Steve you're good? Richard you've had a chance, okay Joe and Hilby. Okay City Attorney, then. Is this the time when I will be closing the public hearing?

City Attorney: [03:14:48](#) Uh, yes, before you do that, just wanna put in the record that um, all the documents have been conserved by the city council, including all the documents, the staff reports, all the documents attached to the staff report, all the testimony of people who have spoken at the continued public hearing. All the documents provided by the [inaudible 03:15:10] including the most recent documents and the staff responses that were uh, received in

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

the last two days, responded to today. That's all part of the record and for the record all those documents were given to the council prior to this evening, and have been reviewed by the city council. At this time it would be appropriate to close the public hearing.

Mayor Hadley [03:15:37](#) Okay, thank you then I will close the public hearing. We will commence our council deliberation.

Mayor Hadley [03:15:47](#) So, Colleagues I think I can all see you on the same screen now. Um, if that changes I'll let you know. Who wants to start us off? Yes, Council Member Frankiln?

Councilmember Franklin: [03:16:11](#) Thank you Mayor Hadling. Um, it's this is tough um, it was interesting um I had attached to my door, somebody attached this to my door um in January I believe it says, "The Code section doesn't want to be in a fish bowl." Um, and I wished the person who attached it stayed around because I would have showed them something and that uh, is that I live in a fish bowl, now. I live on Pine avenue, between 19th and Marine, and uh, slowly over the course of 30 years, actually, in some cases it was rapidly, all these homes were single story, built in the 40s, uh, and ours was in the middle of it and before we know it, a couple years after we moved in the house to the north of us went down, two story home went up.

Councilmember Franklin: [03:17:06](#) Same thing happened, it seemed the day that that finished (laughs), the one to the south, went down, and a two story home, built there.

Councilmember Franklin: [03:17:17](#) And then catty-corner to use there was a wonderful family that lived there on a double lot and uh, they passed away, the family sold it and two large strip... you know, large homes went up and then finally uh, behind us, a large, to the west our view to the west um, built a regulation... you know... all zoned and all regulated.... you know a large home there as well and you know ironically they used bamboo as the privacy.

Councilmember Franklin: [03:17:48](#) Um neighborhoods change. We weren't exactly thrilled with it, uh we lost two hours of afternoon sun into our back yard, and um, we had to change out a lot of our landscaping but it actually, that turned out to be good because we went to more drought tolerant landscaping, but I still remember when the house to the south of us, and we all know with southern exposure gets more sun, uh, when they put on



## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

the final panel onto the roof, and our house became a little bit darker.

Councilmember Franklin: [03:18:21](#) So, um, but they have property rights, you know? They're allowed to do that. It all conformed to the zoning and uh, you know we had, you know we had to live it. Or children still played. Um, our, you know, our life went on. Um, the um, the subject property meets all the current existing um, zoning. Uh, the issue of the um you know, EIR um, has been... has been addressed. Uh we found out that uh, the Sunrise Assisted Living that's going in by Goat Hill had an ERR, EIR and that was voluntary. Um, and that butts right up against the neighborhood. There's no room, there's no, uh, Chaballa Drive that separates the back end of that development or existing right now, Goat Hill, from the first residents there.

Councilmember Franklin: [03:19:24](#) If you go further down Sips ... uh North on Sepulveda you come across two hotels that were built in the 80's. Uh, the Wave and the Crimson Hotel. And there is literally just a three-foot setback with the uh, with the homes to the east. Um, you know that was allowed. They were built in a... I think they've replaced some retail stores um, but that was allowed because Sepulva is in a commercial quarter.

Councilmember Franklin: [03:19:54](#) Uh I was concerned about the privacy, so I spent a lot of time looking at those louvers, that's why I asked the question whether or not they could be adjusted by anybody within the hotel or even afterwards. Uh but those are going to be permanent, those are gonna provide maximum privacy to the homes on Chaballa and and and uh and further east. Uh, they're not gonna be peering into your back yard uh, like my neighbors can, okay? Um, and and, you know they're gonna be on floors three and four, uh we heard a point here you know um, uh planner, um uh uh Ted, I'm sorry I can't remember your last name

Mayor Hadley [03:20:38](#) Farturos.

Councilmember Franklin: [03:20:39](#) Farturos, I'm so sorry, I just know him as Ted, and uh, there may to be a need for bamboo, you know with having, uh with having that kind of privacy. Um the um, the slow down lane, or the cut out lane when you're heading northbound on Supulveda, is actually gonna enhance the safety I feel, uh because I took a long look at Gelsons, you know, Gelsons they put a, uh, a you know, cut out lane, uh, southbound on Supulveda. They really do, they enter it, and they slow down and the traffic keeps going sort of at their same speed.

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

Councilmember Franklin: [03:21:22](#) So, in many ways it seems to be a safer approach the hotel northbound, when you're northbound on Sepulveda. And, the only other egress is going to be Tennison, if you're going to the hotel, there's not going to be much need to go east on Tennison, you know from the hotel exit because there's gonna be the barricade.

Councilmember Franklin: [03:21:49](#) We uh, we heard from, we heard from the operator of the Best Western Plus. Now, that's on Sepulveda, he's running a seven by 24 operation. And, I mean, I've gotta take him at his word there's just not that much of an impact of people driving the wrong cars to hotels, especially a business type hotel and especially so close to LAX. People aren't gonna rent their car and come here, you know, because we're a destina... I mean, I'd love to come here on business, I mean, it's a great place to come and visit. And all these predictions about, people not wanting to travel anymore for business because they're so used to working at home, are you kidding me? (laughs). The first thing they'll wanna do is do a road trip and get out. (laughs) so I think there is, you know, so there's a good financial future and then talking about the financial future, look at the failed enterprises that have been in that lot, and I know it's quiet and I know there's been restaurants and and bars I there like that, but, uh, you know the property owner / developer get to decide to some degree you know, what is the best use of that land? Uh because they're working within the parameters of the code. Um, so, um, thank you for uh, for, for, for everybody's hard on this. Trust me, there are very large volumes of (laughs) of uh, binders that we've been looking through. So, thank everybody. Um, the uh, the applicant, uh the [inaudible 03:23:24] and staff, thank you very much, uh, for answering our questions.

Mayor Hadley [03:23:29](#) Thank you Council Member Franklin. Um, Mayor Protem? Council Member Napolitano?

Mayor Hadley [03:23:41](#) Alright, Steve's up.

Councilmember Napolitano: [03:23:44](#) Why can't I just sit in the back of the class without being called on?

Mayor Hadley [03:23:47](#) I've just given everyone a chance. We're going around the horn.

Councilmember Napolitano: [03:23:50](#) I know my chances. Uh, all right, I'll go.

Councilmember Napolitano: [03:23:55](#) Uh, well, you know, uh, I like this project and I don't like this project. Um, to be perfectly honest there. And, I

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

think that this is a good example of why that 40 feet height limit was the wrong decision. And, because this, this project, and, and I appreciate the applicant. You know we've talked about this, he was uh, someone who promoted the idea of, that we needed to change the code from 40 feet to allow hotels on Supulveda, but this is a perfect example of a situation where it's not needed. Um, where, the amount of rooms and the development could have taken place within this envelope without that fourth story.

Councilmember Napolitano: [03:24:36](#) Um the commercial um, uh, property side, the commercial development side of is unnecessary. It's really superfluous to the professed desire to build hotel. You don't need that commercial um, space. You can use that for rooms if you wanted to, but they didn't. And they added and diversified the uses on the property and that's, that was allowed.

Councilmember Napolitano: [03:25:06](#) I voted against that 40 height increase. I voted against the elimination of the Daylight Pine. I think they're still needed along Supulveda, but the law is what it is right now and I don't get to revisit it, at this point, to change it back to 30 feet.

Councilmember Napolitano: [03:25:20](#) I think other properties should be looked at though, because I don't think this 40 foot height limit really does what's best for the community and what's best for the neighborhood. Still, uh, we have to deal with, and I have to deal with it right now, because that's what the, the rules are, as they stand.

Councilmember Napolitano: [03:25:38](#) Um there's not a whole lot of unique about this project other than that though. Um, you know, we've heard the same things that are regarding Gelson's approval. If you could go up and down the corridor, there's a number of buildings that are tall and right across the street from residential housing, including the Sketchers building just uh, north of the site and you can go down further and Oak Avenue is another example of, of um, where a lot of concern from residents over the commercial invoice. And there's a symbiosis that takes place, yeah, over time. But it's a shock, it's a shock of the new that you have this great big thing going where there wasn't something there before, or it was very low key, the restaurant's pushed a lot closer, it never has been, to the, um the street side.

Councilmember Napolitano: [03:26:34](#) And I go back to the LaCoco's days. Would I love to have it there? Sure, but that's not what's forced now. We can't pick the project before us, uh so we've got this one. So to me the question, like Gelson's though, is how can we mitigate

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

the impacts to the extent possible on the neighborhood. And, in EIRs we talked about um, those same reports, we go into that, that have already been done. Uh, I'm not gonna step in the shoes of an expert and say that it, this was right, vs this one. Uh, it's been studied. No significant impacts have been seen with it. It doesn't mean that the neighborhood won't feel that there are significant ... the perception uh, can become that reality. For that reason, I would put into this uh, permit though, uh, especially regarding alcohol service on that four story lounge area. I think that should be kept to, uh 10:00 or 11:00 pm, Sunday through Thursday, and only 12:00 or 1:00 pm on Friday and Saturday nights, similar to a lot of the other use permits we have around town whether or not, um, they're used or not. As was said, by um, [inaudible 03:27:49] that even though a lot of the restaurants have certain hours, they don't use them all. And I think we will, for the sanity of the neighborhood and the good faith that we wanna um put into this project, that we wanna limit that alcohol service which is a concern that will be a partier lounge.

Councilmember Napolitano: [03:28:08](#) Well, you know, the best way to ensure that it doesn't, is to restrict the hours. Really, there's not real need to have 1:00 pm alcohol service, Sunday through Thursday, uh in this area, for a business hotel.

Councilmember Napolitano: [03:28:21](#) Um, I'd also say that, valet parking um, it, well it's not addressed directly, in the um, the permit. I would say that they have to come back for permission from the city on a future date if they're going to institute valet parking and that that would be free in the future, if that's going to happen. But again, I think that valet parking presents a distance center for folks to use the on-site parking, and they would use that parking instead. Um, Compact spaces, I'd love to eliminate those in this case, but, you know the problem with that is, we've been talking ever since Gelson's about redoing our, um, our parking rules, and we haven't doe that yet.

Councilmember Napolitano: [03:29:05](#) When given that chance, in going forward and applying it fairly to everyone, I think that we should eliminate compact spaces from our code, because the realltiy is people buying bigger and not smaller in most instances, especially in this town.

Councilmember Napolitano: [03:29:23](#) So I'm looking to hear any other additional um, conditions that anyone wants to put on this. Again I think the 40 foot height limit is a mistake. I think it wasn't needed in this project, but I don't get to change that rule right now.

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

Councilmember Napolitano: [03:29:39](#) Uh I think the alcohol service should be curtailed. Um, Valet parking should be addressed, and I think that um, you know the issue of money... the city, you know, money is not the deciding the deciding factor here. Uh hotels are great for cities, but that's not the reason to approve this. Not in any instance, I've never, ever approved any project...

PART 6 OF 7 ENDS [03:30:04]

Councilmember Napolitano: [03:30:00](#) Not, not in any instance, I've never ever approved any project because of the money it was gonna to bring to the city. It was whether or not it was right, uh for the city and whether or not any concerns could be mitigated to the extent possible. I think that's what we should do here today, is to mitigate those concerns to the extent possible, thank you your honor.

Mayor Hadley: [03:30:19](#) Thank you Council Member Napolitano, Mayor Pro Tem Stern, I saw your hand up.

Councilmember Stern: [03:30:27](#) Yeah, thank you. So, um, thanks for all those thoughtful comments. I, you know, when I looked at this project I too thought this is kind of fly in the face of why we had that overlay, which I wasn't on council during that decision. I do remember a few of those meetings that I listened in, and I believed that develop- when developers said that economically they wouldn't put a hotel, um, on a, on a vacant piece of property, Manhattan Beach, because it wouldn't make sense going only 30 feet. They couldn't enough, um, they couldn't get an, a large enough piece of property out of that. And then we have this piece of property that shows that there is this space, and I, so I had a hard time with that. We had I hard time.

Councilmember Stern: [03:31:17](#) As um, as Steve, as you just mentioned, justifying that, but knowing that, that isn't where this decision has to go now. Um, but this is... I, I don't think we should take lightly that, um, that we are hearing from our community that pretty much, I would say 100% that we hear from the poets section is that they don't favor this project. And that all of the p- all of the comments that support this project do not have the day to day impact from this hotel. And I think, and, so, we need to take that very seriously. We don't get to choose how, you know, which business comes into any one project, that's not, that's not our privilege necessarily. But we do have a responsibility to that community, certainly, that's budding this hotel. To take very seriously their concerns. Whether they, whether they have proved out already or whether will prove out is, um, for us to actually just listen to

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

their concerns, we are representing both the developer and certainly the community that lives in this property.

Councilmember Stern: [03:32:39](#)

And, you know, we, we hear that this is a, you know, a wonderful collaborative, cooperative approach and we should be encouraged by all of the ways that this, um, bringing some, you know, bringing some more, um, enticing business opportunities to this corridor is certainly in keeping with master plan four, to support a corridor, um, but I, we, I don't want to ignore the serious concerns that, that, that the community's having about the lifestyle that they feel will be impacted. So I, I appreciate the, um, the few comments or the, the few suggestions that, that Steve has suggested. I would also like to suggest that we include a review. Um, and maybe it's even a six month review. I would hate to see... And a, a year review so that there are increments of time so that we can see if any of these concerns have panned out and we can respond to them in the same way that we, um, eventually but finally responded to the concerns raised about the Marriott Residence Inn.

Councilmember Stern: [03:34:02](#)

Um, so I, I like the, um, I like the concerns about the, um, the hours of, uh, the alcohol use, I think that's valid. I don't see any reason that it should be different for this hotel to have late hours and morning hours, one o'clock hours for, during the weekday. Um, so, you know, Thursday, Friday, Saturday night going till midnight or, um, later, but during the weekdays I don't see any reason to have to have those late hours. Um, I, I don't remember the discussion about the char- how much they're, whether they're charging for parking, um, both in the structure and the outdoor parking for the hotel patrons. Um, and, but maybe that is something that we should be looking at as well because not only do people avoid having to pay for, um, the, the valet parking but they might choose to not pay for hotel parking as well. In which case, the concern in the neighborhood about parking on the streets would be a valid concern.

Councilmember Stern: [03:35:16](#)

Um, and then I do, even though we have this screening on the back windows, I think the neighbors are still concerned about how well they're going to be shielded from anybody standing and looking out their window and so we should, um, should have, you know, the, the trees, whether its bamboo or whether it's the strawberry trees, make sure that those are planted in a way that does buffer any kind of line of sight from out on the east side. Um, and I, I will say that I was concerned about hearing that the developer did not meet with the neighborhood before, um, this planning. I th- we find those in residential neighborhoods that any developer, the developers are typically

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

now meeting in residential neighborhoods when they're getting ready to put a house up in neighborhoods often.

Councilmember Stern: [03:36:13](#) And think this, that should be something that we keep and eye on. Um, because in these largely impacted, um, developments, it is being a good neighborhood, you know, when this developer is a resident of Manhattan Beach and they, you know, he loves Manhattan Beach, he loves his neighborhood and I think to be a good neighborhood, um, that is the right thing to do to, to meet with the neighborhood to discuss the project, to be very transparent and to let the, the community feel like they are actually a valued part of their neighborhood and this, and the, uh, development. So those are my thoughts on this.

Mayor Hadley: [03:36:55](#) Thank you Mayor Pro Tem, may I interrupt, uh, this council discussion, uh, the meeting's running late. May I have a motion to extend please?

Councilmember Stern: [03:37:05](#) I'll move to extend.

Mayor Hadley: [03:37:07](#) Thank you Mayor Pro Tem, and a second?

Councilmember Montgomery: [03:37:09](#) I cannot pass 11:30.

Mayor Hadley: [03:37:11](#) Yes, not past 11:30. Uh, okay we have a first and a second. Um, Liza can you do a roll call vote for us please?

City Clerk Liza Tamura [03:37:20](#) Yes. Council Member Franklin.

Councilmember Franklin: [03:37:22](#) Yes.

City Clerk Liza Tamura [03:37:25](#) Council Member Montgomery.

Councilmember Montgomery: [03:37:26](#) Yes.

City Clerk Liza Tamura [03:37:28](#) Mayor Pro Tem Stern.

Councilmember Stern: [03:37:32](#) Yes.

City Clerk Liza Tamura [03:37:34](#) Mayor Hadley.

Mayor Hadley: [03:37:35](#) Yes.

City Clerk Liza Tamura [03:37:37](#) Council Member Napolitano.

Councilmember Napolitano: [03:37:39](#) Yes.

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

City Clerk Liza Tamura [03:37:41](#)

Motion passes, five-zero.

Mayor Hadley: [03:37:43](#)

So that was the stick and the carrot is that I've decided, um, with the indulgence of my colleagues that we'll remove the budget review, uh, tonight and will kick that to the first, um, budget study session. So that creates a little space in tonight before Richard blows a gasket at me. Yes, uh, Council Member, um, Montgomery you're up.

Councilmember Montgomery:

[03:38:10](#) Thank you. Um, the advantage of being around on council since 05 is I've seen hotel and projects go up that the residents didn't like. I follow Body Council Napolitano and the Shade Hotel and what that meant to the residents. At least the other residents, Crimson, Wave, High View, Best Western, all of them. Exception to say butt up against neighborhoods. I'm sure no one wanted those hotels. No one wanted Gelson's either, remember that? Gelson's going to ruin the city, cause traffic jams, ch- children couldn't play in the street. The dangerous area around Gelson's. Heard the same argument 2007 against Walgreens. They built their building. Ruined the neighborhood. And I've been a long time insider and I've all those projects happen. Have things changed? Yes. They've changed. Changed difficult. I get it.

Councilmember Montgomery:

[03:39:18](#) I heard a comment earlier tonight, I'm not really surprised, disappointed, when someone said, "We only get three minutes to talk to you, to talk to you, any of us." That's not true. Many of you have emailed all of council, more than once. Some of you eight or nine times. Some of you called us personally. I know, because I kept your email, uh, your phone numbers. So, we always listen, just because council doesn't agree with everything you want to have happen, doesn't mean we don't listen. We listen to everyone, on every topic. That's our job, to listen. And I'll always agree with you. Someone brought the idea that hotel 2015 professional study by Pale and Kurt Forrester, it was a terrible idea. Not the idea of a hotel so much, but the placement, location, location, location. Next to a senior housing project, next to a s- a use soccer and lacrosse, even kind of you can think of. Those two combinations were a terrible idea.

Councilmember Montgomery:

[03:40:21](#) And thank God that council 2015 did not push that idea, it never happened because it was a wrong decision and all the money spent went to a shelter somewhere, gone. The only advantage talked about to getting out, because what not to do, what the wrong idea. This is different, um, I, I smile too thinking about all the, all time people said that the study is



## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

not the wrong location. That's why I asked our planners, "Is this site, site zoned correctly?" "Yes." "Is the legal conformities used at the site?" "Yes." "Did they meet all of our requirements?" "Yes." It's a commercial state highway. It's not Marina Avenue. It's Sepulveda I call it PCH, but Sepulveda. So all the comments you made earlier, I mean, I, I agree there were comments made about valet parking, I agree about that one. Uh, I don't like compact cars making pieces ever, anywhere, I was they were all standard too. Uh, I also agree with the co- that the commission that there should be no rental car uses or storage on that site whatsoever. Um, and I agree with Mayor Pro Tem Stern about the idea a CUP review. And let's watch it and see what happens.

Councilmember Montgomery:

[03:41:34](#) That reminds me of a story, how many of you were here when we closed that parking problems? When they started charging for parking at Mira Costa. People said, "Oh my God, the neighborhood, the east side's ruined." And I was doing council and a guy named Nick Tell, [inaudible 03:41:49] Nick Tell had a great idea, let's, let permit parking happen on east or west of Mira Costa all around the neighborhood. And you know what? When the people said permit parking wouldn't work. It worked. It worked. I think our traffic engineer Eric Zenner did a great job at Gelson's and making parking available on one side of the street. And we made sure that we watched what happened at Gelson's and we still do to this day. There's a parking parlor down the road of this hotel, if council votes for it, we have that same power to fix it. We have the power to fix all the problems that go wrong here that we can control with our own design.

Councilmember Montgomery:

[03:42:28](#) Um, someone made a story about the being the Vice President of Marriott Hotels saying that they'll never see the business travel again that we saw pre-COVID. Here's a great quote, I won't tell you who it is so they remain AM, "Google's not a real company, it's a house of cards." That's a famous quote from a guy. The former CEO of Microsoft said this. I just talk- those of you who know what I'm talking about, the market cap of Google is \$ 100 billion more than Microsoft. So when people make comments like that, it, it doesn't mean a thing to me. It's just some guy spouting off about competition. And this United 11, labor union, they had people come and talk to us about, let's not build another hotel because of COVID they can't find jobs or work. Why would a new hotel be a wrong idea? Wouldn't a new hotel bring new jobs? Right, prosperity, people that want to work. So, I'm not a big fan of people doing things like that to us in our city. That, that doesn't get my attention

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

whatsoever. Um, finally, I, I think we're at the point where, we've done all the things we're supposed to do.

Councilmember Montgomery: [03:43:43](#) I appreciate the fact that one former council member candidate, one, not all of them, had the nerve and courage to speak tonight. Grettel Fournell came out and spoke about the project. Whether yes/no makes a difference. Usually other candidate council candidates don't ever talk about projects that have, a, uh, difference of opinion and I give her the credit for doing that. But for now I, I'll save my comments at the very end Your Honor but that's all I have to say for now.

Mayor Hadley: [03:44:12](#) Thank you Richard for those comments. Okay I think we've gone around the horn, it's my turn, musical chairs. Um, yes, I think everyone who's reached out to me and, and I apologize I have not been able to keep up with my email, uh, as Mayor it has been a tsunami, um, we've had several big hot topics here in Manhattan Beach, and um, good luck Hildy, when you're mayor because it's a tsunami of, of emails. I, I really do my best and I apologize if I have not been able to, um, email you back about this hotel. I, I got dozens, um, just today, um, I, I know your staff and your council puts in a ton of time on this, staff is paid, council is not essentially. Uh, we are volunteers most of us have, have day jobs and we all have families and it, if, if we don't get back to you or don't vote a certain way, or we, um, don't have time to meet for that cup of coffee, I've had some great offers.

Mayor Hadley: [03:45:27](#) Um, it isn't that we don't care, it's, um, it's just a lot, a lot going on in our town these days and I know I'm, I'm doing my best trying to keep my head above water. So for all of you who, who live near the Poet, I, I might disagree slightly with my colleague Mayor Pro Tem, um, I have heard from residents who live in that area who are in favor of the project, so it's not uniformly 100% and I think we had more residents at the last hearing who were in favor of even the larger project. And there were some people saying they'd like to put family members up there at the hotel who could walk to and from their homes, so, um, I think, I think no project is ever uniformly opposed or uniformly supported. But I do agree with all my colleagues and, uh, Mayor Pro Tem Stern said it well that, um, that the community has, has spoken in the Poet's section.

Mayor Hadley: [03:46:23](#) And I, and I feel for you, uh, I'll, I'll share, Joe shared about his little fish bowl, I live right next to Sand Dune Park and I tell people that I have, you know, a public bathroom like 50 feet from my front door. And I have some relatives who come and visit me and are like shocked that I can hear the toilet flush if

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I'm outside in my front yard. Uh, my family also we moved near the park, it was really impacted with all the workout teams and we did not go to the city asking for the park to be fenced in, we said look we moved by Sand Dune Park, there are a lot of people who want to wanna climb the sand dune and we took an officially neutrally stance on when the reservations system went into Sand Dune. And I'm still a little sad about it because I still think the reservations system is under used at Sand Dune Park.

Mayor Hadley: [03:47:20](#)

Um, in the park's master plan they're talking about putting in a new prefab building at Sand Dune Park for staff and maybe starting youth programs. And, and I'm supportive, I, I live near the park, it will be more traffic, more kids, more noise, and yet I live by Sand Dune Park so, I, I do feel that that's just something that comes with the territory. Um, I'm glad Richard brought up, um, our former council candidate Grettel Fournell she lives near Grandview School and I live near Grandview School as well. I've parked right in front of Grettel Fournell's house with my little kids and raced down the hill to, to Grandview, um, I know Grettel is significantly impacted, um, on her block near Grandview School. So when one lives near a school, lives near a park and lives near a commercial district, I, I feel for you. There is no one in, in town who's isolated from some of these, um, growing pains, and, and it's hard, I'm very, I'm very sympathetic. Uh, but, and I do share your pain.

Mayor Hadley: [03:48:21](#)

Um, but I am, I- I- I think some of you know, I- I- I am in favor of this project, and I'll tell you why, um, I think this is probably the best possible use for this parcel, and as Steve said we're not, council is not in the business of picking projects, we don't go out and look for projects and say that's a good fit with our neighborhood, I, I really do think the market bubbles these up. Some things are worth it financially, some things aren't. Uh, anyone who comes forward to propose something is playing their own money. So they, they do the research, they spend the money, they, uh, pay for the, the studies and the architectural drawings, and, and the ERI- EIR reviews. Um, they don't do it if they, if they know it's not gonna pencil out. Um, I, I do love that it's a local owner, um, several of my colleagues brought up the Resident's Inn and we don't want another Resident's Inn situation. That's also a local owner. But that, that turned into a really squirrely situation there, um, that we had to jump in and, and do a review as Mayor Pro Tem Stern recommends that maybe we build that into this project, and that's a good idea.

Mayor Hadley: [03:49:38](#)

So I like that it's a local owner, that it's, um, strong management that we can hold accountable. Um, it's a select service hotel, I, I

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

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can't say that enough. This is not a full service hotel. I didn't really even think about the differences in those until this started back in January, and it's just a whole different ball grain from, from a Westdrift, um, or even a Belamar, uh, which has been there for decades, um, the old Barnaby's. And then it's business travelers who are, you know, they're quieter, they're here for shorter amounts of time. They do tend to take ride share, I think it's just an ideal, um, kind of traveler to have in terms of impact to the community. It is adequately zoned as my colleague Richard Montgomery, um, asked, it is on Sepulveda Boulevard. I do like that Chabela at least is that 20 foot, um, offer that's better than a lot of our, um, certainly better buffer than I have to Sand Dune Park.

Mayor Hadley: [03:50:42](#)

And I, I think that's great, I, I do like the suggestions about the trees, I, I would prefer hardwood trees, and if, um, with the, the fixed louvering in the upper floors maybe we can return to that notion of hardwood trees instead of the bamboo. I, I suspect the developer probably wanted the bamboo for the, the speed of the growth. Um, but they're not my favorite either, and I don't believe they're, don't believe they're California native but I'm, I'm not quite sure. Um, I, I tell you, I also am very grateful that the developer has shrunk the project. The footprint is smaller, they've moved the project west, they've reduced it one room. I was very surprised in preparing for this meeting to find out that there's 800 square feet of retail, 963 square feet of office space, uh, they've increased the planter along Chabela and more articulation of, honestly the back side of Gelsen's, each time I drive back there I'm just, I was stunned at the last council that allowed that giant wall to go up there. So I think the backside of this project is, um, quite attractive, uh, with the more articulation and the plantings and, and even the slop of Chabela from north to south.

Mayor Hadley: [03:52:01](#)

Um, so is perfect? No, but I think it's fairly a class 32C exemption, if this isn't, I don't know what is. Um, it's a bit of a cursed corner, we have adult kids who sort of keep track of businesses that fail in certain locations over and over. And um, we're lucky to find some- you know if, if there were a restaurant that could've worked there, uh, El Torito would never have closed. Businesses leave because they can't make it work. They don't leave because they're bored or, um, or something else. They leave because that location is not economic. Um, so I do like my colleagues, uh, some of my colleagues' suggestions. I think Steve about the alcohol hours. I, I think that that's fair. Sunday through Thursday given that there's a school there and they're homes, um, I would be in favor of an earlier closing

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

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time. I think the valet parking is an excellent point, I had not, uh, Steve and Hildy brought that up, I had not previously considered that. The trees are an issue, no rental cars, I think that's smart.

Mayor Hadley: [03:53:08](#) I like Hildy's idea of a six month review, I don't want another Resident's Inn. Um, we know the developer and we expect to hold him accountable, he is a local resident. And then I like Richard's suggestion about the permit parking. That - I- I- I don't know that much about that, but I'm certainly willing to consider that. So I, I am in favor of this project. I think it's adequately zoned, I think property owners have rights, we've zoned this D8 Sepulveda overlay district and like Steve said, the, I wasn't on council either to raise it, 40 feet but that is, that is the rule so. With that I will, I will pipe down. I'm generally in favor. I'm open to some suggestions and I look forward to hearing a motion or a plan forward from one of my colleagues.

Councilmember Napolitano [03:53:59](#) For the record the Gelson's wall was pre-existing.

Mayor Hadley: [03:54:04](#) Oh, they kept that, is that from the dealership?

Councilmember Napolitano [03:54:07](#) They just, they rehabbed the building.

Mayor Hadley: [03:54:10](#) Oh.

Councilmember Napolitano [03:54:10](#) It was there, and the wall.

Mayor Hadley: [03:54:11](#) I guess I never drove behind the deal- dealership, but it's, it's giant.

Councilmember Napolitano [03:54:16](#) Uh, anyway. Alright, um, I'll take a stab at it and that would be to make a motion directing staff to grant a resolution, make an environmental determination and categorical exemption in accordance with the California Environmental Quality Act, conditionally approving the mass reuse permit proceeding council consideration and subsequent seek council with the following changes. That alcohol service be limited to 11:00 PM Sunday through Thursday, 1:00 PM Friday and Saturday.

Mayor Hadley: [03:54:55](#) 1:00 AM?

Councilmember Napolitano [03:54:56](#) 1:00 AM, sorry, 1:00 AM Sa- uh, Friday and Saturday. And that, um, parking, uh, not be charged for at any time. And then I think you added something regarding no, um, uh, rental cars, Your Honor?

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

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Councilmember Montgomery: [03:55:16](#) I did Your Honor, that was me.

Mayor Hadley: [03:55:18](#) That was Richard and I, I thought that was a good suggestion. I didn't hear the applicant ask for rental cars there Richard, did you?

Councilmember Montgomery: [03:55:26](#) This was a preemptive move that was brilliantly thought about upon the commission talk about it in the past, but then someone else grabbed it. I think it's a good idea to, uh, ban any rental car, and or storage on the site.

Mayor Hadley: [03:55:38](#) Okay.

Councilmember Napolitano [03:55:40](#) Okay, so include that as well.

Mayor Hadley: [03:55:42](#) Okay.

Councilmember Napolitano [03:55:43](#) Anything else anybody wants to include?

Councilmember Montgomery: [03:55:44](#) Um...

Councilmember Stern: [03:55:44](#) I do.

Mayor Hadley: [03:55:48](#) Yes Hildy.

Councilmember Napolitano [03:55:49](#) The six month and one year review.

Mayor Hadley: [03:55:52](#) Six month and one- six months and one year review.

Councilmember Napolitano [03:55:55](#) After it, it begins operations, yes.

Councilmember Stern: [03:55:58](#) Yes correct.

Mayor Hadley: [03:56:00](#) Hildy is that good?

Councilmember Stern: [03:56:01](#) Yeah, that's good. And then do we want to designate? I, I though there was a conversation about our we going to designate the trees in the back.

Councilmember Napolitano [03:56:11](#) I, I would defer to staff on that. But if somebody has a, a preference.

Mayor Hadley: [03:56:19](#) Did Attorney Barrow, did you have some-

City Attorney Barrow: [03:56:21](#) Uh, typically, uh, on projects like this, uh, they'll have to come up with the landscaping plan that's subject to the approval of, a

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staff approval. And so I think that, that would be appropriate. Here I'm looking to, uh, Carrie on that.

Councilmember Napolitano [03:56:41](#) I think it's known what we wanna achieve so, that's why we defer to staff.

City Attorney Barrow: [03:56:47](#) Yeah, it sounds like, uh, you don't [inaudible 03:56:50] and it's really some type of, um, native redwoods or hardwood. But, uh, Carrie's looking at me puzzled, um.

Carrie Tai [03:57:01](#) Yeah, so are we talking about, um, you know, basically that during the review of the landscape plan, um, the, that, what staff would be looking for is some kind of hardwood tree that accomplishes X. Um, are we looking to accomplish height, screening, I heard um, I know, um, coun- uh, pro- Mayor Pro Tem Stern mentioned, um, you know, uh, whether the, the planting, um, could be put in a way to further buffer, um, on the outside of the, the louvers that shield it, right. So I don't know if that's, if it's to supplement the louvers, um, just a little direction and that way when we review the landscape plan at least we have a set of criteria and then we can work those into the added condition of approval.

Councilmember Napolitano [03:57:51](#) I, I would think it's to supplement the louvers.

Mayor Hadley: [03:57:53](#) Yeah, we wanna keep the louvers.

Councilmember Napolitano [03:57:57](#) No, no, the louvers, but as far as landscaping goes it's to screen.

Mayor Hadley: [03:58:00](#) Correct.

Councilmember Stern: [03:58:02](#) Right.

Carrie Tai [03:58:03](#) Okay.

Councilmember Stern: [03:58:04](#) I think the first-

Councilmember Montgomery: [03:58:07](#) I'll make that a second Your Honor.

Mayor Hadley: [03:58:08](#) Okay, hold on, Hildy.

Councilmember Stern: [03:58:10](#) No, I just to respond to Carrie, I think the priority is that it, it affects the, the si- light of sight, the line of sight from a hotel room to the neighborhood. But also we want it to be as, as you know, um, native as, as we can. It might as well have, we would

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

love it to have, environmental responsibility. Um, as part of the consideration.

Mayor Hadley: [03:58:34](#)

Yes, Joe.

Councilmember Franklin:

[03:58:36](#) Yes, so um, so on the louvers I, I have in my front window, you know, kind of wide wood flat blinds. And played with them to see, um, you know, looking out at my neighbors, so they're very effective, so, um, I'm not sure that there's much to be gained by a tree. I mean I think there should be trees there. But I don't think we have to be overly concerned that they're gonna shield you know, provide more shield, because I don't think that shielding is needed. That's just one comment. And then, um, Council Member Napolitano, uh, when, when you mentioned the parking fee, I, I believe you said no parking fee, um, I don't wanna interfere with the operator's, you know, uh, budget or pro-forma. Because-

Councilmember Napolitano

[03:59:23](#) They'll charge more for the room .

Councilmember Franklin:

[03:59:26](#) Well, I, I mean, trust me, no- nobody likes, or nobody dislikes parking fees more than I do at a hotel, but, uh, can we at least hear from him on that?

Councilmember Napolitano

[03:59:37](#) Well, it'll just push people out onto the neighborhood. That's what it does.

Councilmember Franklin:

[03:59:40](#) Well, but, but I mean, w- w- w- what, what has he budgeted and let's just see if that's reasonable.

Councilmember Napolitano

[03:59:45](#) I don't really care. But okay we can ask.

Councilmember Franklin:

[03:59:50](#) I mean, I ju-

Councilmember Napolitano

[03:59:52](#) I think if we're gonna protect the neighborhood, then we're gonna do that. Otherwise, you know, as far as Bob Lang goes, he adds \$25 onto the room rate as opposed to charging separately for parking.

Councilmember Stern: [04:00:04](#)

I- it's a huge consideration for the neighborhood.

Councilmember Napolitano

[04:00:08](#) To me the public-

Councilmember Stern: [04:00:09](#)

I'm really worried about this.

Councilmember Franklin:

[04:00:10](#) I, I more than understand that, but, um, you know, he's got the pro-forma, he's gotta, you know, we want



## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

This transcript was exported on May 10, 2021 - view latest version [here](#).

this to be successful in the sense that we don't wanna have to, you know, f- have another El Torito on our hands. Not saying that parking revenues gonna do that, but I would just like to hear an order of magnitude of what impact that's gonna have before we, you know, who are not in the hotel business, say you can't charge for parking, so.

City Attorney Barrow: [04:00:37](#)

Mayor, if I can make a suggestion.

Mayor Hadley: [04:00:40](#)

Yes.

City Attorney Barrow: [04:00:41](#)

Since we're coming back with a resolution with draft conditions, the applicant will have an opportunity to, um, discuss those conditions just like anybody else, the appellants, everyone can discuss those conditions. And so that will give him an opportunity to pencil I out and then come back and say no I need it or I don't need it. That's what I would recommend, have it as a draft condition and then if he has a problem with it you can bring it up at the meeting.

Mayor Hadley: [04:01:09](#)

Okay. Sounds great, so friendly amendment Steve then.

Councilmember Napolitano

[04:01:13](#)

Do what?

Mayor Hadley: [04:01:13](#)

Uh, as a draft condition-

Councilmember Napolitano

[04:01:18](#)

Well I mean, as-

Mayor Hadley: [04:01:18](#)

... in the motion.

Councilmember Napolitano

[04:01:20](#)

I, I would include it in the motion and if the applicant can say that doesn't work for me or it does and then we can adjust it the next hearing. So there's no need to amend the motion.

Mayor Hadley: [04:01:31](#)

Okay, so we have a first and we have a second by Richard.

Councilmember Montgomery:

[04:01:35](#)

Yes.

Mayor Hadley: [04:01:36](#)

Okay. Okay, uh, Liza roll call vote please.

City Clerk Liza Tamura [04:01:44](#)

Council Member Montgomery.

Councilmember Montgomery:

[04:01:45](#)

Yes.

City Clerk Liza Tamura [04:01:49](#)

Mayor Pro Tem Stern.

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

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Councilmember Stern: [04:01:51](#) Yes.

City Clerk Liza Tamura [04:01:53](#) Mayor Hadley.

Mayor Hadley: [04:01:54](#) Yes.

City Clerk Liza Tamura [04:01:56](#) Council Member Napolitano.

Councilmember Napolitano [04:01:56](#) Yes.

City Clerk Liza Tamura [04:01:59](#) Council Member Franklin.

Councilmember Franklin: [04:02:01](#) Yes.

City Clerk Liza Tamura [04:02:02](#) Motion passes five-zero.

City Attorney Barrow: [04:02:06](#) Um, we just need one clarification-

Mayor Hadley: [04:02:11](#) Yes.

City Attorney Barrow: [04:02:11](#) ... on the rent cars. My understanding is that the city council doesn't want the storage of rental cars. But if someone rents a car at the airport and parks-

Mayor Hadley: [04:02:21](#) Oh, absolutely, yes, the storage and the renting from the property going out.

City Attorney Barrow: [04:02:28](#) Yes.

Mayor Hadley: [04:02:28](#) Correct.

City Attorney Barrow: [04:02:28](#) Okay.

Mayor Hadley: [04:02:28](#) Yes.

City Attorney Barrow: [04:02:29](#) We understand, thank you.

Mayor Hadley: [04:02:33](#) We treat all jalopies the same if they drive in. (laughs) Um, okay, thank you staff, fabulous job, I know that was a um, a big, a big deal, public hearing, a project that size, um, kudos to all. Ted that was great, Talom, Carrie great job and a lot of work and time went into that, it's, it's a tough call, but I think we gave it a lot time and analysis and I'm proud of this council.

City Attorney Barrow: [04:03:04](#) So we will-

Mayor Hadley: [04:03:05](#) Okay.

## EXHIBIT 2. TRANSCRIPT FOR 4 MAY 2021 600 PCH APPEAL HEARING

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City Attorney Barrow: [04:03:05](#)

... we will come back with a resolution probably not the next meeting, but probably a month from now and of course we'll give notice to all interested parties at when the resolution will be coming back. We'll notify them with our usual emails and, I don't know if we use telephone calls anymore, but we'll, we'll alert the appellants and the applicant of course, and the residents.

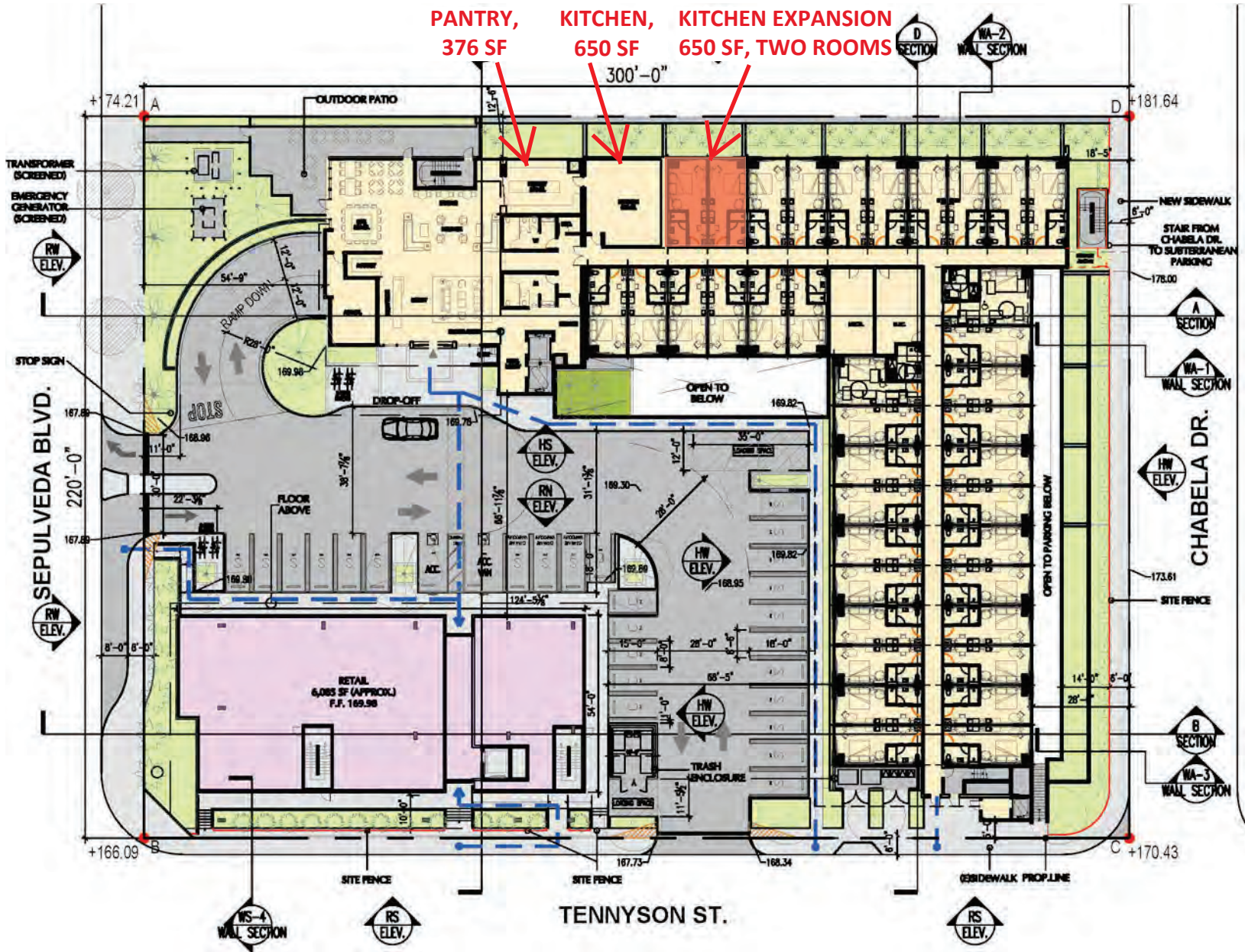
Mayor Hadley: [04:03:33](#)

Thank you so much. Okay, thank you everybody and thank you to all the residents and all the stakehos- stakeholders who called in and wrote in, and made public comments. I appreciate your time and your input. Uh, letter K general b-

PART 7 OF 7 ENDS [04:03:47]

EXHIBIT 3

KITCHEN EASILY EXPANDED TO PROVIDE ABC-COMPLIANT PUBLIC FOOD SERVICE



# EXHIBIT 4. COMMUNITY DEVELOPMENT OPINION: SUNRISE REQUIRES EIR

## CITY OF MANHATTAN BEACH DEPARTMENT OF COMMUNITY DEVELOPMENT

**TO:** Planning Commission

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

**BY:** Angela Reynolds, Contract Planner

**DATE:** June 13, 2018

**SUBJECT:** Appeal of the Community Development Director's Residential Land Use Determination That a Proposed Senior Citizens Facility at 250-400 North Sepulveda Boulevard is a Residential Use and Not a Commercial Use (Sunrise Senior Living)

### RECOMMENDATION

Staff recommends that the Planning Commission uphold the Community Development Director's decision, thereby **DENYING** the subject appeal.

### APPELLANT / APPLICANT

Sunrise Senior Living  
c/o Ellen Berkowitz  
1840 Century Park East  
LA CA 90067

### PROJECT OVERVIEW

#### ***Location***

250-400 North Sepulveda Blvd.  
Manhattan Beach

#### ***Site***

53,283 square feet (3 commonly owned parcels)

#### ***Existing Development***

12,582 square feet total (3 buildings) of restaurant, retail, and office uses

#### ***Project Description***

80,800 square feet of senior facilities  
(111-unit community with elderly care)

# EXHIBIT 4. COMMUNITY DEVELOPMENT OPINION: SUNRISE REQUIRES EIR

## BACKGROUND

### *History*

The proposed project was submitted on December 21, 2017. The application was for a senior residential care, general use facility with 111 for rent residential units at 250-400 North Sepulveda Boulevard in the General Commercial (CG) zone. (Exhibit A) At that time the application was found to be incomplete and a letter was issued to the applicant, on January 12, 2018. In response to this letter the applicant submitted additional information and the application was deemed complete on April 17, 2018.

## DISCUSSION

### *Zoning Determination (Exhibit B)*

Based on a tour of a Sunrise Senior facility in Torrance on March 15, 2018 and a review of the complete application mentioned above, the Community Development Director determined, per Manhattan Beach Municipal Code (MBMC) section 10.08.010, that the primary land use for the proposed Sunrise Senior Living facility is Residential and thus issued a zoning determination letter that informed the applicant that the proposed project was found to be residential in nature, with ancillary non-medical care. The tour of a Sunrise Senior facility in Torrance with the following analysis of the proposed project location aided in making the residential land use determination.

MBMC section 10.08.010 allows that..."The Community Development Director may determine that a specific use shall not be deemed to be within a classification, whether or not named within the classification, if its characteristics are substantially incompatible with those typical of uses named within the classification." The Community Development Director's decision may be appealed to the Planning Commission.

ZONING: The purpose of the General Commercial district is "To provide opportunities for the full range of retail and service businesses deemed suitable for location in Manhattan Beach, including businesses not permitted in other commercial districts because they attract heavy vehicular traffic or have certain adverse impacts; and to provide opportunities for offices and certain limited industrial uses that have impacts comparable to those of permitted retail and service uses to occupy space not in demand for retailing or services." This zone is a heavy automobile-oriented zone which allows for larger commercial retail and office uses.

GENERAL PLAN: The General Plan states "General Commercial (CG) category provides opportunities for a broad range of retail and service commercial and professional office uses...limited industrial uses are also permitted consistent with zoning regulations." Based on a reading of the zoning code and the General Plan, it is determined that uses in the CG zone are heavy commercial in nature and that residential uses are incompatible and not allowed on Sepulveda.

## EXHIBIT 4. COMMUNITY DEVELOPMENT OPINION: SUNRISE REQUIRES EIR

The Housing Element distinguishes between Residential Care, General, and Senior Housing in that parking requirements for Residential Care are measured by bed quantities, whereas Senior Housing is measured by unit quantities. This supports the determination that the proposed project is residential.

The Community Development Director's decision may be appealed to the Planning Commission.

### *Appeal (Exhibit C)*

On May 23, 2018 via e-mail and hand delivery the applicant, Ellen Berkowitz, delivered an appeal of the Community Development Director's determination that the Sunrise Senior Living project falls into a residential land use category.

In this appeal, there are three (3) main points of contention cited to the Community Development Director's determination. These are referred to as "City Statements" in Exhibit C. Those points are listed below, each followed by explanations supporting the Community Development Director's determination.

1. City Statement: Under the "Residential Care, General" classification, the residential component is secondary to the care component of the use.

The City maintains that the CG use classification is meant to be a residential care facility that is a commercial use with residency as a secondary part of the use. In this case the proposed project is primarily residential senior housing with an ancillary use of non-medical care.

2. City Statement: Participants in residential care facilities typically have other residences that serve as their primary residence.

The City maintains that the Residential Care, General zoning category on Sepulveda is meant to be commercial, in the sense that patients that need non-medical care would come to this use for the care they need, and maintain a primary residence elsewhere.

The proposed project does not fit this interpretation, as it offers for-rent apartments.

3. City Statement: The project is a primary residence for occupants, and thus, it is considered a residential senior housing project. The definition of "Residential Care General" does not, and is not intended to, cover residential senior housing project like the proposed Project.

The City believes that the proposed project is primarily residential project. This determination is made by the factors described above in the discussion section of this report.

## EXHIBIT 4. COMMUNITY DEVELOPMENT OPINION: SUNRISE REQUIRES EIR

In the project description provided by the appellant, it is clear that there are 111 permanent apartments for the seniors to reside in. Also, stated is that some of the seniors that would reside there would not need the ancillary non-medical services provided. This establishes a pattern of residential use which in contrast of a commercial use established for the CG zone.

### CONCLUSION

The City supports multi-unit senior housing with ancillary non-medical services. There are several zoning categories where this use is supported. This use is permitted in the RM Medium-Density Residential District and the RH High-Density Residential District. Also, the MBMC has designated a Residential Senior Citizen district with development standards designed specifically for this type of land use.

Staff recommends that the Planning Commission uphold the Community Development Director's decision that the proposed project be designated residential, thereby **DENYING** the subject appeal

### Attachments:

- Exhibit A – Initial Application
- Exhibit B – Zoning Determination
- Exhibit C – Appeal



EXHIBIT 4. COMMUNITY DEVELOPMENT OPINION: SUNRISE REQUIRES EIR

002277-0030 Josh B. 12/21/2017 11:09AM

Payment Amount:

12,993.00



MASTER APPLICATION FORM

CITY OF MANHATTAN BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT

Office Use Only

Date Submitted: 12/21/17  
Received By: DOD  
F&G Check Submitted:

250 - 400 S. Sepulveda Blvd.

Project Address

See Attached

Legal Description

General Commercial

General Commercial

District 1

General Plan Designation

Zoning Designation

Area District

For projects requiring a Coastal Development Permit, select one of the following determinations<sup>1</sup>:

Project located in Appeal Jurisdiction

Project not located in Appeal Jurisdiction

Major Development (Public Hearing required)

Public Hearing Required (due to UP, Var, ME, etc.)

Minor Development (Public Hearing, if requested)

No Public Hearing Required

Submitted Application (check all that apply)

- |   |                          |  |                   |
|---|--------------------------|--|-------------------|
| <input type="checkbox"/> Appeal to PC/PPIC/BBA/CC               | 4225                     | <input type="checkbox"/> Use Permit (Residential)              | 4330              |
| <input type="checkbox"/> Coastal Development Permit             | 4341                     | <input checked="" type="checkbox"/> Use Permit (Commercial)    | 4330 <u>6,287</u> |
| <input type="checkbox"/> Continuance                            | 4343                     | <input type="checkbox"/> Use Permit Amendment                  | 4332              |
| <input type="checkbox"/> Cultural Landmark                      | 4336                     | <input type="checkbox"/> Variance                              | 4331              |
| <input checked="" type="checkbox"/> Environmental Assessment    | <u>4225</u> <u>3,079</u> | <input type="checkbox"/> Park/Rec Quimby Fee                   | 4425              |
| <input type="checkbox"/> Minor Exception                        | 4333                     | <input type="checkbox"/> Pre-application meeting               | 4425              |
| <input type="checkbox"/> Subdivision (Map Deposit)              | 4300                     | <input checked="" type="checkbox"/> Public Hearing Notice      | 4339 <u>70.00</u> |
| <input checked="" type="checkbox"/> Subdivision (Tentative Map) | 4334 <u>3,557</u>        | <input type="checkbox"/> Lot Merger/Adjust. \$15 rec. fee-4225 |                   |
| <input type="checkbox"/> Subdivision (Final)                    | 4334                     | <input type="checkbox"/> Zoning Business Review                | 4337              |
| <input type="checkbox"/> Subdivision (Lot Line Adjust.)         | 4335                     | <input type="checkbox"/> Zoning Report                         | 4340              |
| <input type="checkbox"/> Telecom (New or Renewed)               | 4338                     | <input type="checkbox"/> Other                                 |                   |

X Note: Subdivision (Vesting Tentative Parcel Map)

Fee Summary (See fees on reverse side)

Total Amount: \$ 12,993 (less Pre-Application Fee if applied within past 3 months)

Receipt Number: \_\_\_\_\_ Date Paid: \_\_\_\_\_ Cashier: \_\_\_\_\_

Applicant(s)/Appellant(s) Information

Sunrise Senior Living

Name

7902 Westpark Drive, McLean VA 22101

Mailing Address

Potential Lessee

Applicant(s)/Appellant(s) Relationship to Property

Ellen Berkowitz (Attorney)

310-586-7763/berkowitz@gtlaw.com

Contact Person (include relation to applicant/appellant)

Phone number / email

1840 Century Park East, #1900, Los Angeles, CA 90067

Address

571-279-1918 / philip.kroskin@sunriseseniorliving.com

Applicant(s)/Appellant(s) Signature

Phone number / email

Complete Project Description- including any demolition (attach additional pages as necessary)

See Attached

<sup>1</sup> An Application for a Coastal Development Permit shall be made prior to, or concurrent with, an application for any other permit or approvals required for the project by the City of Manhattan Beach Municipal Code. (Continued on reverse)

# EXHIBIT 4. COMMUNITY DEVELOPMENT OPINION: SUNRISE REQUIRES EIR OWNER'S AFFIDAVIT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

I/We Stuart Sackley being duly sworn, depose and say that I am/we are the owner(s) of the property involved in this application and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my/our knowledge and belief(s).

x Stuart Sackley  
Signature of Property Owner(s) – (Not Owner in Escrow or Lessee)

Stuart Sackley  
Print Name

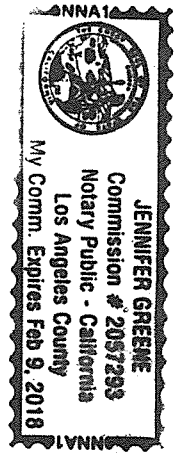
4108 The Strand, Manhattan Beach, CA 90266  
Mailing Address

310-545-2200 / stuartsackley@aol.com  
Telephone/email

Subscribed and sworn to (or affirmed) before me this 17 day of November, 2017 by Stuart Sackley, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature Jennifer Greene  
Notary Public

SEAL



## Fee Schedule Summary

Below are the fees typically associated with the corresponding applications. Additional fees not shown on this sheet may apply – refer to current City Fee Resolution (contact the Planning Division for assistance.) Fees are subject to annual adjustment.

### Submitted Application (circle applicable fees, apply total to Fee Summary on application)

<b>Coastal Development Permit</b>	
Public hearing – no other discretionary approval required:	\$ 4,787 ☒
Public hearing – other discretionary approvals required:	2,108 ☒
No public hearing required – administrative:	1,303 ☒
<b>Use Permit</b>	
Use Permit:	\$ 6,287 ☒
Master Use Permit:	9,703 ☒
Master Use Permit Amendment:	5,037 ☒
Master Use Permit Conversion:	4,623 ☒
<b>Variance</b>	
Filing Fee:	\$ 6,078 ☒
<b>Minor Exception</b>	
Without notice:	\$ 1,452
With notice:	1,952 ☒
<b>Subdivision</b>	
Certificate of Compliance:	\$ 1,625
Final Parcel Map + mapping deposit:	528
Final Tract Map + mapping deposit:	732
Mapping Deposit (paid with Final Map application):	500
Merger of Parcels or Lot Line Adjustment:	1,133
Quimby (Parks & Recreation) fee (per unit/lot):	1,817
Tentative Parcel Map (4 or less lots / units) No Public Hearing:	1,309
Tentative Parcel Map (4 or less lots / units) Public Hearing:	3,557 ☒
Tentative Tract Map (5 or more lots / units):	4,060 ☒
<b>Environmental Review (contact Planning Division for applicable fee)</b>	
Environmental Assessment (no Initial Study prepared):	\$ 215
Environmental Assessment (if Initial Study is prepared):	3,079
Fish and Game/CEQA Exemption County Clerk Posting Fee <sup>2</sup> :	75
☒ <b>Public Hearing Notice</b> applies to all projects with public hearings and covers the City's costs of envelopes, postage and handling the mailing of public notices. Add this to filing fees above, as applicable:	\$ 70

<sup>2</sup>Make a separate \$75 check payable to LA County Clerk, (DO NOT PUT DATE ON CHECK)

Effective 07/01/2017



# EXHIBIT 4. COMMUNITY DEVELOPMENT OPINION: SUNRISE REQUIRES EIR

## EXHIBIT "A" Legal Description

**For APN/Parcel ID(s): 4167-024-033, 4167-024-034, 4167-024-032 and 4167-023-031**

---

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MANHATTAN BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

**Parcel A:**

The Northerly 80 feet of Lots 10, 11 and 12 in Block 30 of Tract No. 142, in the City of Manhattan Beach, County of Los Angeles, State of California, as per map recorded in book 13 page(s) 182 and 183 of Maps, in the Office of the county recorder of Said County.

**Parcel B:**

Lots 10, 11, and 12 and the Northerly 50 feet of Lots 15, 16 and 17 in Block 30 of Tract No. 142, in the City of Manhattan Beach, County of Los Angeles, State of California, as shown on a map recorded in book 13, page(s) 182 and 183 of Maps, in the Office of the county recorder of Said County.

Except from Lots 10, 11 and 12, the Northerly 80 feet.

**Parcel C:**

Lots 15, 16 and 17 in Block 30 of Tract No. 142, in the City of Manhattan Beach, County of Los Angeles, State of California, as shown on a map recorded in book 13, page(s) 182 and 183 of Maps, in the Office of the county recorder of Said County.

Except therefrom the Northerly 50 feet of said Lots.

Also except, all oil, oil rights, mineral, mineral rights, natural gas, natural gas rights, and other hydrocarbons in or under said Land as reserved in deed from the Superior Oil Company to Tyler Construction Co., a partnership, recorded May 23, 1952 in book 39004 page 157 of official records.

Also except all oil, oil rights, mineral, mineral rights, natural gas, natural gas rights, and other hydrocarbons that may be within or underlying Lots 15 and 16 of Block 30 as deed to Superior Oil Company, a corporation by deed recorded November 3, 1953 in book 43077 page 389 of official records.

**Parcel D:**

That portion of Third Street vacated, lying between the Southerly prolongation of the Westerly line of Lot 15 and the Southerly prolongation of the Easterly line of Lot 17 in Block 30 of Tract No. 142, in the City of Manhattan Beach, County of Los Angeles, State of California, as shown on a map recorded in book 13, page(s) 182 and 183 of Maps, in the Office of the county recorder of Said County.

**Parcel E:**

The North 15 feet of Lot 10, 11 and 12 in Block 35 of Tract No. 142, in the City of Manhattan Beach, County of Los Angeles, State of California, as per map recorded in book 13 Page 182 and 183 of Maps, in the office of the county recorder of said county.

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# EXHIBIT 4. COMMUNITY DEVELOPMENT OPINION: SUNRISE REQUIRES EIR



## City of Manhattan Beach

1400 Highland Avenue, Manhattan Beach, CA 90266  
Phone: (310) 802-5258 Fax: (310) 802-5251

**May 9, 2018**

Ms. Ellen Berkowitz, Shareholder  
Mr. Brady McShane, Shareholder  
Ms. Stephanie A. Hawner, Land Use Planner  
Greenberg Traurig, LLC  
1840 Century Park East  
Suite 1900  
Los Angeles, California 90067

**SUBJECT: Sunrise Assisted Living Project, 250-400 North Sepulveda Boulevard --  
Inconsistency Determination Letter**

The Department of Community Development has reviewed your application for a Use Permit to allow the development of a senior residential housing project ("Sunrise Project") at 250–400 North Sepulveda Boulevard in the City of Manhattan Beach ("City"). As you know, I visited the recently constructed Sunrise development in Torrance with Mike Grannis on March 15, 2018. I was able to tour the entire facility and learn that it is the primary residence for the occupants. While they share meals and some residents receive care for certain physical or mental needs they may have, this is a residential "senior housing" project.

This letter serves as written documentation that the Sunrise Project is inconsistent with the applicable zoning and General Plan designation. Pursuant to Government Code Section 65589.5(j)(2), cities are required to provide an applicant "with written documentation identifying the provision or provisions, and an explanation of the reason or reasons" if it "considers a proposed housing development project to be inconsistent, not in compliance, or not in conformity with an applicable plan, policy, ordinance, standard, requirement or other similar provision[.]" This provision of Government Code Section 65589.5, enacted by Assembly Bill 1515, became effective on January 1, 2018, after the initial application submittal for the Sunrise Project. Accordingly, the statute, and any requirements contained therein, may not apply to the Sunrise Project. Nevertheless, the City is providing this letter out of courtesy and an abundance of caution.

The Sunrise Project is considered inconsistent with the applicable General Plan and zoning designations of General Commercial (GC) and Commercial General (CG), respectively. The proposed senior residential housing development is inconsistent with the regulations applicable to this land use designation.

As described in the General Plan, the "General Commercial category provides opportunities for a broad range of retail and service commercial and professional office uses . . . Limited industrial uses are also permitted consistent with zoning regulations." It does not currently envision or provide for residential uses in General Commercial areas.

**EXHIBIT B  
PC MTG 06-13-18**

## EXHIBIT 4. COMMUNITY DEVELOPMENT OPINION: SUNRISE REQUIRES EIR

Ms. Ellen Berkowitz, Shareholder

Mr. Brady McShane, Shareholder

Ms. Stephanie A. Hawner

May 9, 2018

Page 2

Accordingly, the Municipal Code permits in the CG District a wide range of commercial uses, but does not permit residential uses. The closest land use classification conditionally allowed in the CG District is Residential Care, General. Following is the Manhattan Beach Municipal Code excerpt defining this use:

### **10.08.040 - Public and semipublic use classifications.**

**N. Residential Care, General. Twenty-four (24) hour non-medical care for seven (7) or more persons, including wards of the juvenile court, in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those services and facilities licensed by the State of California.**

This classification is a Public and Semipublic use type that is intended primarily as a care facility, frequently for juvenile wards of the court or other individuals with issues such as addiction, to provide personal services, supervision, protection, or assistance. The residential component of residential care is secondary to the care. Participants in residential care facilities typically have other residences that serve as their primary residence. This definition does not, and is not intended to, cover senior living projects or senior residential housing like Sunrise.

Please be aware that on September 19, 2017, the City Council directed staff to convene an Ad Hoc Community Working Group to study and discuss potential amendments to the City's regulations over the Sepulveda Corridor. The working group recently made recommendations for Planning Commission and City Council consideration. At its meeting on April 25, 2018, the Planning Commission asked questions and discussed amendments that could allow mixed use projects (i.e. commercial with housing), and which could include senior living projects along Sepulveda Boulevard. You may wish to participate in Planning Commission and City Council hearings related to these future amendments, and we will do our best to inform you of any relevant topics. Currently, the Planning Commission is scheduled to conduct a public hearing on Sepulveda land uses on May 23, 2018. The matter will then be brought to the City Council on June 19 and July 3, 2018 for discussion and potential adoption.

Sincerely,



Anne McIntosh

Director of Community Development

# EXHIBIT 4. COMMUNITY DEVELOPMENT OPINION: SUNRISE REQUIRES EIR



Ellen Berkowitz  
Tel 310.586.7763  
Fax 310.586.7800  
berkowitz@gtlaw.com

May 23, 2018

## VIA E-MAIL AND HAND DELIVERY

The Honorable Planning Commission  
City of Manhattan Beach  
1400 Highland Avenue  
Manhattan Beach, California 90266  
PlanningCommission@citymb.info

Re: Sunrise Senior Living Manhattan Beach: Appeal of City Inconsistency Determination

Dear Honorable Commissioners:

This law firm represents Sunrise Senior Living (Sunrise), in connection with its Use Permit and Vesting Tentative Tract Map application (Application) filed on December 21, 2017 to construct a new 111-unit Sunrise Senior Living project (Project) at 250-400 N. Sepulveda Boulevard (Property) in the City of Manhattan Beach (City). On April 17, 2018, City staff advised Sunrise that the Application was complete.

Subsequently, on May 9, 2018, the Community Development Director (Director) issued an "inconsistency determination letter" (City Letter) which stated, among other things, that the Project is considered a residential senior housing use and not a "Residential Care, General" use. Accordingly, the City Letter advises that the Project is inconsistent with underlying General Commercial (GC) General Plan designation and the General Commercial (CG) zoning applicable to the Property, and the City staff therefore will not process the Application.

We disagree with the City Letter. The Project clearly qualifies as a "Residential Care, General" use, as such term is defined in the Manhattan Beach Municipal Code (MBMC or Code). Moreover, the City's arguments to the contrary are conclusory and wholly unsupported. This letter, therefore, constitutes Sunrise's formal appeal of the determination contained in the City Letter.

### I. Appeal Authority

Pursuant to MBMC Section 10.08.010, the Director's determination regarding a use classification may be appealed to the Planning Commission. Such appeal must be filed within 15 days of the determination date. (MBMC § 10.100.010.) The Director confirmed in an email dated May 14, 2018 that the City letter constituted a Director's determination regarding a use

**EXHIBIT C**  
**PC MTG 06-13-18**

# EXHIBIT 4. COMMUNITY DEVELOPMENT OPINION: SUNRISE REQUIRES EIR

The Honorable Planning Commission  
City of Manhattan Beach  
May 23, 2018  
Page 2

classification that may be appealed to the Planning Commission. (See attached Exhibit 1.) Thus, this appeal is both appropriate and timely.

Confusingly, however, Manhattan Beach's City Attorney subsequently delivered an email on May 18, 2018 which stated, among other things, that the City Letter was not intended to be a determination of use, and that the Director made such determination of use "late last year or early January." (See attached Exhibit 2.) The City Attorney's email further agreed, however, to "toll the statutory appeal period with respect to the [City Letter's] determination until further notice."

For the record, while the Director has previously questioned how Sunrise's use should appropriately be classified within the City's zoning scheme, the Director never issued an official determination of use late last year or early January (or ever, for that matter, until now). The City Letter is the first determination letter Sunrise has ever received on this topic. In fact, the Director had previously represented to Sunrise that the City agreed with Sunrise's assessment that the proposed Project was a Residential Care, General use. (See attached Exhibit 3.)

Given the conflicting statements from the City, this appeal is being filed out of an abundance of caution in order to preserve Sunrise's rights. Moreover, Sunrise reserves the right to further supplement this letter with additional information for the Planning Commission's consideration.

## II. The Project Qualifies as a Residential Care General Use

MBMC Section 10.08.040(N) defines "Residential Care, General" as "Twenty-four (24) hour non-medical care for seven (7) or more persons, including wards of the juvenile court, in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those services and facilities licensed by the State of California." (emphasis added)

The Project fits precisely within this definition. As further described below, the Project provides non-medical care, on a twenty-four (24) hour basis, to more than seven (7) persons, in need of personal services, supervision, protection, and assistance with activities of daily living. Further, Sunrise facilities are licensed by the State of California as a Residential Care Facility for the Elderly (RCFE).

- Sunrise provides 24-hour care for elderly persons in need of personal services, supervision, protection, or assistance essential for sustaining activities of daily living. Sunrise is an integrated care-based facility that contains for-rent guest rooms, and that focuses on providing seniors with critical services that may include personalized elderly care and supportive 24-hour assistance for activities of daily living, Alzheimer's and memory care, dining/meals, and other personal care needs.

LA 133659923v1



# EXHIBIT 4. COMMUNITY DEVELOPMENT OPINION: SUNRISE REQUIRES EIR

The Honorable Planning Commission  
City of Manhattan Beach  
May 23, 2018  
Page 3

- **Sunrise provides non-medical care.** RCFEs are not licensed as medical facilities and do not provide medical care. Specifically, persons who require 24-hour skilled nursing care or who have other serious health conditions are not permitted to live at RCFEs. Cal. Code of Regs. §§ 87455, 87615. Thus, RCFEs are not required to have nurses, certified nursing assistants or doctors on staff. However, residents needing specialized dementia services can be accepted and retained by RCFEs if certain requirements governing the “Care of Persons with Dementia” are met; the Project will meet these licensing requirements. Cal. Code of Regs. § 87705.
- **Sunrise is licensed by the State of California as a Residential Care Facility for the Elderly.** The Project will be licensed by the State of California as a RCFE pursuant to California Health & Safety Code Section 1569.20. Such facilities must meet specified care and safety standards set by the State Department of Social Services, Community Care Licensing Division, and contained in the California Code of Regulations, at Title 22, Division 6, Chapter 8. In general, RCFEs service individuals who require care and supervision because they are unable to live by themselves, but do not need 24-hour nursing care.<sup>1</sup>

### III. The City’s Assertions to the Contrary are Unsupported.

The City Letter makes the following unsupported assertions as its basis for determining that the Project is not considered a Residential Care, General use:

1. (p.1) “I was able to tour the entire facility and learn that it is the primary residence for the occupants. While they share meals and some residents receive care for certain physical or mental needs they may have, this is a residential "senior housing" project.”
2. (p.2) “This [Residential Care, General] classification is a Public and Semipublic use type that is intended primarily as a care facility, frequently for juvenile wards of the court or other individuals with issues such as addiction, to provide personal services, supervision, protection, or assistance. The residential component of residential care is secondary to the care. Participants in residential care facilities typically have other residences that serve as their primary residence. This definition does not, and is not intended to, cover senior living projects or senior residential housing like Sunrise.”

As detailed below, the City’s position is wholly unsupported.

---

<sup>1</sup> State law defines RCFEs as “a housing arrangement chosen voluntarily by persons 60 years of age or over, or their authorized representative, where varying levels and intensities of care and supervision, protective supervision, or personal care are provided, based upon their varying needs, as determined in order to be admitted and to remain in the facility...” (Cal. Health & Safety Code § 1569.2.)

# EXHIBIT 4. COMMUNITY DEVELOPMENT OPINION: SUNRISE REQUIRES EIR

The Honorable Planning Commission  
City of Manhattan Beach  
May 23, 2018  
Page 4

- 1. City Statement: Under the “Residential Care, General” classification, the residential component is secondary to the care component of the use.**

**Sunrise Response:** This is an unsubstantiated opinion. The MBMC’s definition of “Residential Care, General” neither states nor implies that the residential component must be secondary to the care component. Notwithstanding, as described above, Sunrise is an integrated care-based residential care facility for the elderly that is licensed by the State. As a residential care facility, all of its residents receive some form of care. The provision of such care is by no means secondary; it is required by the State-issued RCFE license and fundamental to its operations.

- 2. City Statement: Participants in residential care facilities typically have other residences that serve as their primary residence.**

**Sunrise Response:** This is an unsubstantiated opinion. The MBMC’s definition of “Residential Care, General” neither states nor implies that occupants of residential care facilities must have other residences that serve as their primary residence. Moreover, “juvenile wards of the court,” which are expressly recognized as suitable tenants of “Residential Care, General” facilities, often do not have other residences that serve as their primary residence, as many have been removed from their homes because of abuse, neglect or behavioral issues. In any event, the City’s definition of a Residential Care, General use does not contain a length of stay requirement.

- 3. City Statement: The Project is a primary residence for occupants, and thus, it is considered a residential senior housing project. The definition of “Residential Care, General” does not, and is not intended to, cover residential senior housing projects like the proposed Project.**

**Sunrise Response:** This is wholly unsupported. As described above, the Project clearly qualifies as a Residential Care, General use under the MBMC. Further, as noted above, the MBMC’s definition of “Residential Care, General” neither states nor implies that occupants of residential care facilities must have other residences that serve as their primary residence, and the City does not cite to a single provision in the Code that would support its assertions. Moreover, there is nothing in the definition of “Residential Care, General” that states or implies that the definition was intended to exclude facilities for seniors. It is well-settled rule with significant precedent that courts will not insert terms or provisions of statutes which are obviously not there.

Lastly, the City Letter appears to imply that the Residential Care, General use is available only for juvenile wards of the court or similarly situated groups that require 24-hour residential care and not for senior citizens that require 24-hour residential care. Allowing juveniles requiring 24-hour residential care within the Residential Care, General definition, but disallowing the elderly requiring 24-hour residential care with that definition is discriminatory and constitutionally prohibited.

LA 133659923v1

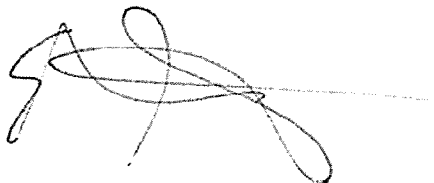
## EXHIBIT 4. COMMUNITY DEVELOPMENT OPINION: SUNRISE REQUIRES EIR

The Honorable Planning Commission  
City of Manhattan Beach  
May 23, 2018  
Page 5

As noted, we reserve the right to augment the record on appeal further, if necessary.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ellen Berkowitz', with a horizontal line extending to the right.

Ellen Berkowitz  
Shareholder

EB:bm

cc: Anne McIntosh, Community Development Director, City of Manhattan Beach (via hand delivery)

Quinn Taylor, City Attorney, City of Manhattan Beach (via hand delivery)

Philip Kroskin, SVP Real Estate, Sunrise Senior Living (via e-mail)

LA 133659923v1



**EXHIBIT 1**

# EXHIBIT 4. COMMUNITY DEVELOPMENT OPINION: SUNRISE REQUIRES EIR

## Khan, Roma (Secy-LA-LDZ-RE)

---

**From:** Anne McIntosh <amcIntosh@citymb.info>  
**Sent:** Monday, May 14, 2018 4:04 PM  
**To:** Berkowitz, Ellen (Shld-LA-LDZ-RE)  
**Cc:** Hawner, Stephanie A. (Para-LA-LDZ-RE); Angela Reynolds  
**Subject:** RE: Sunrise Manhattan Beach land use determination letter

The answer to your question is "yes." Pursuant to Section 10.08.010, the Director's determination regarding a use classification may be appealed to the Planning Commission.

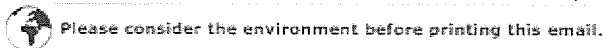
There is an appeal fee of \$500 if you want to pursue an appeal apart from the application review process itself. If you file an appeal, we will put the project on hold while the appeal is being scheduled/heard.

As I said in my previous email, we can continue processing the application when the reimbursement agreement and deposit is made, unless you file the appeal above.

Let me know if you have further questions.

Thanks

**Anne McIntosh**  
**Community Development Director**  
P: 310-802-5503  
E: [amcIntosh@citymb.info](mailto:amcIntosh@citymb.info)



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

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Download the mobile app now



**From:** berkowitze@gtlaw.com <berkowitze@gtlaw.com>  
**Sent:** Monday, May 14, 2018 2:23 PM  
**To:** Anne McIntosh <amcIntosh@citymb.info>  
**Cc:** hawners@gtlaw.com  
**Subject:** RE: Sunrise Manhattan Beach land use determination letter

Thanks, Anne.

I note that Code Section 10.08.010 refers to the Community Development Director's determinations of use classifications, and notes that such decisions may be appealed

## EXHIBIT 4. COMMUNITY DEVELOPMENT OPINION: SUNRISE REQUIRES EIR

to the Planning Commission. Code Section 10.100.010 then sets for the process for appeals from decisions of the Community Development Director.

Is the letter you sent a “decision” on a use classification as referenced in Code Section 10.08.010, such that if we disagree with the decision, we should appeal it per the process set forth in Code Section 10.100.010? I want to make certain we are following the proper procedure.

Thanks again.  
Ellen

Ellen Berkowitz  
Shareholder  
Greenberg Traurig, LLP | 1840 Century Park East  
Suite 1900 | Los Angeles, CA 90067-2121  
Tel +1 310 586 7763 | Mobile + 1 310 592 3479  
[berkowitze@gtlaw.com](mailto:berkowitze@gtlaw.com) | [www.gtlaw.com](http://www.gtlaw.com)



**From:** Anne McIntosh [<mailto:amcIntosh@citymb.info>]  
**Sent:** Wednesday, May 9, 2018 4:27 PM  
**To:** Berkowitz, Ellen (Shld-LA-LDZ-RE) <[berkowitze@gtlaw.com](mailto:berkowitze@gtlaw.com)>  
**Cc:** Hawner, Stephanie A. (Para-LA-LDZ-RE) <[hawners@gtlaw.com](mailto:hawners@gtlaw.com)>  
**Subject:** Sunrise Manhattan Beach land use determination letter

Please see attached.

Upon receipt of a reimbursement agreement and deposit, we will continue to work with an environmental consultant to prepare the environmental review documents. If the City’s current discussion regarding uses on Sepulveda does not result in the addition of residential housing or senior housing, you would need to apply for a General Plan Amendment and Zoning Amendment to proceed.

**Anne McIntosh**  
**Community Development Director**  
P: 310-802-5503  
E: [amcIntosh@citymb.info](mailto:amcIntosh@citymb.info)



Please consider the environment before printing this email.

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**EXHIBIT 2**

## EXHIBIT 4. COMMUNITY DEVELOPMENT OPINION: SUNRISE REQUIRES EIR

**Berkowitz, Ellen (Shld-LA-LDZ-RE)**

---

**From:** Quinn M. Barrow <QBarrow@rwglaw.com>  
**Sent:** Friday, May 18, 2018 3:49 PM  
**To:** Berkowitz, Ellen (Shld-LA-LDZ-RE)  
**Subject:** Sunrise Assisted Care Facility Project, proposed for 250-400 North Sepulveda

Ellen:

Good afternoon. I am still out of town, but I wanted to get back to you today. (Also, the Manhattan Beach Municipal Code appears to be off-line at the moment, so I cannot access it.)

As a follow up to our discussion on Tuesday, I provide the following information:

By letter ("Letter") dated May 9, 2018, Manhattan Beach Community Development Director Anne McIntosh determined that, pursuant to Government Code Section 65589.59(j)(2), your client's proposed Sunrise Assisted Living Project ("Project") is inconsistent with applicable zoning and the City's General Plan designation because the Project is proposed for a site with a commercial zoning classification and a commercial General Plan designation.

In conversations with Ms. McIntosh and me, you have queried whether the Letter constitutes the Director's "determination of use" which can be appealed pursuant to the Zoning Code. The Letter is not intended to be a determination of use. The Director made that determination late last year or early January. Once again, the Letter constitutes an inconsistency determination pursuant to Section 65589.5(j)(2), which, as indicated in the Letter, may or may not apply to the Project due to the timing of the filing of your application. Nevertheless, in the spirit of cooperation, we are comfortable in agreeing to a tolling of the statutory period applicable to any appeal rights you may have with respect to the Letter.

Accordingly, the City hereby tolls the statutory appeal period with respect to the Letter's determination until further notice. In the event the City intends to lift the toll, it will provide you with 20 days written notice, which will



## EXHIBIT 4. COMMUNITY DEVELOPMENT OPINION: SUNRISE REQUIRES EIR

provide you with ample time to consider your options, including filling an appeal of the determination.

Quinn

Sent from my iPad

On May 17, 2018, at 2:30 PM, Quinn M. Barrow  
<QBarrow@rwglaw.com<mailto:QBarrow@rwglaw.com>> wrote:

Ellen: I'm out of town, but I intend to send you an email tomorrow. In essence, I would like to offer you a tolling agreement to preserve your rights, if any, to appeal the letter. More tomorrow.

Sent from my iPhone

On May 17, 2018, at 12:10 PM,  
"berkowitze@gtlaw.com<mailto:berkowitze@gtlaw.com>"  
<berkowitze@gtlaw.com<mailto:berkowitze@gtlaw.com>> wrote:

Ellen Berkowitz  
Shareholder

Greenberg Traurig, LLP | 1840 Century Park East Suite 1900 | Los Angeles,  
CA 90067-2121 Tel +1 310 586 7763 | Mobile + 1 310 592 3479  
berkowitze@gtlaw.com <mailto:berkowitze@gtlaw.com> | www.gtlaw.com  
<<http://www.gtlaw.com/>>

<image001.png>

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**EXHIBIT 3**

# EXHIBIT 4. COMMUNITY DEVELOPMENT OPINION: SUNRISE REQUIRES EIR

## Berkowitz, Ellen (Shld-LA-LDZ-RE)

---

**From:** Anne McIntosh <amcIntosh@citymb.info>  
**Sent:** Tuesday, September 26, 2017 12:11 PM  
**To:** Berkowitz, Ellen (Shld-LA-LDZ-RE)  
**Subject:** RE: New Contact Info

Hi Ellen, I was just thinking about you. Thanks for the contact info. I hope this is an exciting new venture for you!

I have assumed that Sunrise is planning to submit a Use Permit application. We have not resolved the bonus height issue. You have contended that a 10 foot height bonus should be granted for senior housing, and I contended that this is a Residential Care use and not Housing, as we don't permit housing in the CG zone. If you can make a legal argument about the height bonus, we will accept your application and consider it.

I also think you should expect to prepare an EIR. Land Use and Aesthetics. VMT under 743 will help you, but I can't see Cat Ex on this and Mitigated neg dec is not a term we can use anymore.

I will be out the rest of the week after today. Maybe we can talk early next week.

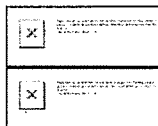
Thx,  
Anne

**Anne McIntosh**  
**Community Development Director**  
P: 310-802-5503  
E: amcIntosh@citymb.info



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

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**From:** berkowitze@gtlaw.com [mailto:berkowitze@gtlaw.com]  
**Sent:** Tuesday, September 26, 2017 10:21 AM  
**To:** Anne McIntosh <amcIntosh@citymb.info>  
**Subject:** New Contact Info

Hi Anne –

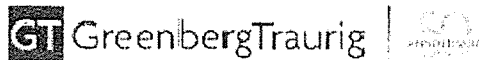
Just wanted to make sure you had my new contact info. I left a message for you on your cell phone with my new number, as well. Wanted to catch up on next steps for Sunrise.

Speak with you soon.  
Thanks.

# EXHIBIT 4. COMMUNITY DEVELOPMENT OPINION: SUNRISE REQUIRES EIR

Ellen

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