

CALIFORNIA COASTAL COMMISSION

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Filed: 7/31/2002
49th Day: 9/18/2002
Staff: CP-LB
Staff Report: 10/23/2002
Hearing Date: November 5, 2002
Commission Action:

**Item Tu15g**

STAFF REPORT: APPEAL
DE NOVO COASTAL DEVELOPMENT PERMIT

APPEAL NUMBER: A-5-MNB-02-257

CO-APPLICANTS: City of Manhattan Beach & Tolkin Group

AGENT: Richard Thompson, Director of Community Development

PROJECT LOCATION: 1200 Morningside Dr., City of Manhattan Beach, Los Angeles Co.

PROJECT DESCRIPTION: Construction of a two-level 460-space public subterranean parking structure, 63,850 square feet of new two-story commercial development, and 40,000 square feet of grade-level public areas including a Town Square, at the Metlox site.

Lot Area	3 acres (approx. 130,680 sq. ft.)
Building Coverage	3 acres (subterranean garage)
Landscape Coverage	40,000 sq. ft. paved (Town Square)
Parking Spaces	460 in subterranean garage
Zoning	CD
Plan Designation	Downtown Commercial District
Ht above final grade	30 feet/Two-story maximum

SUMMARY OF STAFF RECOMMENDATION

The proposed project is located in the City of Manhattan Beach, a local jurisdiction that issues local coastal development permits pursuant to the certified City of Manhattan Beach Local Coastal Program (LCP). The proposed development has been brought to the Commission on appeal of a local coastal development permit by nature of the proposed subterranean garage being a major public works facility that falls within the Commission's appeal jurisdiction. The appellants assert that the proposed development will worsen the City's parking and traffic problems. On September 9, 2002, the Commission found that a substantial issue exists in regards to the appeals.

Staff recommends that the Commission grant a de novo permit for the proposed development with conditions to limit the height of the development, protect public access to the proposed public parking facility, provide an interim parking supply during construction, and to prevent adverse impacts to water quality and marine resources. As conditioned, the proposed project would increase the public parking supply for the Downtown area, which often does not have sufficient parking supplies to meet parking demands during the peak beach-use season (See Exhibit #18, p.2). The applicant objects to the two-story limit (See Page 14). Please see **Page Two for the motion** and resolution necessary to carry out the staff recommendation.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Manhattan Beach Certified Local Coastal Program (LCP).
2. Local Coastal Development Permit No. CA 02-21 (Metlox Development).
3. Local Coastal Development Permit No. CA 02-01 (Civic Center/Public Safety).
4. Local Coastal Development Permit No. CA 98-15 (Lot M Parking).
5. Substantial Issue Findings for Appeal No. A5-MNB-02-257, Commission Staff Report dated August 28, 2002.
6. Traffic Study for Proposed Civic Center/Metlox Development Project, Prepared by Crain & Associates, September 2000.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

MOTION: *"I move that the Commission approve Coastal Development Permit A-5-MNB-02-257 pursuant to the staff recommendation."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

I. Resolution: Approval with Conditions

The Commission hereby approves, subject to the conditions below, a coastal development permit on the grounds that the development as conditioned will be in conformity with the certified Manhattan Beach Local Coastal Program and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Permit Compliance

Coastal Development Permit A-5-MNB-02-257 permits the construction of a two-level, 460-space (approximate) public subterranean parking structure, 63,850 square feet of new two-story commercial development (including a 35-40 room inn), and 40,000 square feet of open public areas including a Town Square. Any proposed change in use, change in management of the parking facility, use of the parking to satisfy the parking requirements of new development or future commercial intensification, or any other deviation from the approved development, shall be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. If the Executive Director determines that an amendment is necessary, no changes shall be made until the permit is amended by the Commission and issued by the Executive Director.

2. Local Government Approval

This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act, including the conditions of the City of Manhattan Beach Master Use Permits approved pursuant to City Council Resolution Nos. 5770 and 5771. In the event of conflict between the terms and conditions imposed by the local government and those of this coastal development permit, the terms and conditions of Coastal Development Permit A5-MNB-02-257 shall prevail.

3. Building Height

The proposed development is limited to a maximum of two-stories above the elevation of the existing grade, and shall not exceed a height of thirty feet (30') as measured from the average elevation of existing grade pursuant to Section A.60.050 of the Manhattan Beach certified LCP implementing ordinances.

4. On-site Parking Supply

All parking stalls within the proposed 460-space subterranean public parking structure shall be reserved for the use of the general public and shall be available for use on a first-come, first-served basis. There shall be no exclusive use of parking spaces or reserved parking spaces within the approved structure by any person or group other than the general public (handicapped spaces excluded).

5. Parking Management

The proposed 460-space subterranean public parking facility shall be managed as follows. Any proposed change to the parking facility management or parking fees shall be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. If the Executive Director determines that an amendment is necessary, no changes shall be made until the permit is amended by the Commission and issued by the Executive Director.

- A. Parking Fee: A parking fee may be charged for use of the subterranean public parking facility. Such fee may be collected at the facility by parking meters, automated ticket machines, or by parking attendants. Identical parking rates shall be available to all users of the facility, except that customers of the inn may be granted free or validated parking during their entire stay in the inn as part of the inn customers' paid accommodations. The fee charged for public parking shall be consistent with the hourly rates charged for parking in the downtown area, which is approved to range from \$0.50 to \$1.00 per hour. A flat rate fee for all day parking shall not exceed \$10.00.
- B. Parking Permits: The general public shall have equal opportunity to participate in any parking permit system implemented in the subterranean public parking facility. No parking spaces shall be reserved for permit or hangtag holders. The City's issuance and use of any parking hangtags or parking permit system in the subterranean public parking facility shall be consistent with Sections A.64.060 and A.64.230 of the Manhattan Beach certified LCP implementing ordinances, and the conditions of this coastal development permit.
- C. Vehicle Storage: No vehicle shall be parked within the subterranean public parking facility for longer than 24 hours at one time, except by customers of the inn during their paid visit.
- D. Parking for Inn Customers: Special hangtags or permits shall be available to customers of the inn which allow the inn customers to keep their vehicles in the subterranean public parking facility throughout their paid visit, including overnight parking.
- E. Validation Programs. As noted above, customers of the inn may be granted free or validated parking throughout their entire stay in the inn as part of their paid accommodations. No other parking validation program is permitted by this action. Any future proposal for a parking validation program in the facility (except by customers of the inn) shall be submitted to the Commission as an amendment to this coastal development permit along with provisions to ensure consistency with the terms of this coastal development permit and the certified Manhattan Beach LCP.
- F. Overnight Parking: Any proposed plan for overnight use of the subterranean public parking facility (except by customers of the inn) shall be submitted for the review and approval of the Executive Director. Such plan shall include

appropriate enforcement mechanisms that will ensure that an adequate public parking supply will be available to meet the demands for parking during daytime and evening hours. In addition to the requirements noted above, overnight parkers shall be required to remove their vehicle from the facility each morning. The permittee shall allow overnight parking only in accordance with the plan approved by the Executive Director pursuant to this condition.

- G. Valet Parking: Any proposed plan for valet parking within the subterranean public parking facility shall be submitted for the review and approval of the Executive Director. Such plan shall not interfere with the general public's ability to self-park in the facility, and shall not grant any preference to the valet service. Any approved valet parking program shall be available to the general public with no preference granted to any group or type of use (i.e., restaurant customers vs. beach goers). The hourly cost for utilizing the valet parking service shall be equal for all patrons of the valet parking program. Discounted parking rates for valet parking service shall not be provided or obtained pursuant to any type of parking validation system or preferential system. The permittee shall allow valet parking only in accordance with the plan approved by the Executive Director pursuant to this condition.

6. Signage

Signage shall be provided, consistent with the City's downtown parking program, to direct the public to the subterranean public parking facility. The signage shall be visible from vehicles on Manhattan Beach Boulevard, Highland Avenue and Valley Drive; and shall clearly state "Public Parking."

7. Interim Parking Programs

- A. Prior to displacement of the existing surface parking on the project site (Lot M), the applicant shall submit an interim public parking plan, for the review and approval of the Executive Director, which provides temporary replacement public parking spaces to replace all of the public parking spaces that would be displaced by the proposed project during the peak beach use period that commences at the start of Memorial Day weekend and ends on September 30 each year. The temporary replacement parking shall be provided for public use during each day (7 a.m. to 8 p.m.) of the peak beach use period (start of Memorial Day weekend until September 30) each year until such time as the proposed 460-space subterranean public parking structure is made available for use by the general public. Existing public parking facilities that are already available for public use during these time periods shall not be used to satisfy this requirement for interim parking. If the interim public parking supply is located more than one thousand feet from the project site, the applicant shall provide a public shuttle service to transport people between the interim parking supply and the downtown. Such shuttle must make at least one complete circuit each hour. The permittee shall provide the interim public parking in accordance with the plan approved by the Executive Director pursuant to this condition.
- B. The proposed 460-space subterranean public parking structure shall be available for use by the general public as soon as possible after completion of construction. The

subterranean public parking structure shall be available for use by the general public during the construction of the buildings to be located on top of the parking structure, and during construction of the Public Safety Facility.

8. Lease to Private Operators

The lease of any development approved by this coastal development permit to private operators shall explicitly include the conditions of Coastal Development Permit A5-MNB-02-257. All lessees and operators of the project site shall be subject to the terms and conditions of this coastal development permit.

9. Protection of Water Quality – During Construction

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a Construction Best Management Practices Plan for the project site, prepared by a licensed professional, and shall incorporate erosion, sediment, and chemical control Best Management Practices (BMPs) designed to minimize to the maximum extent practicable the adverse impacts associated with construction to receiving waters. The plan shall include the following requirements:

- (i) No construction materials, debris, or waste shall be placed or stored in a manner where it may be subject to wave, wind, rain, or tidal erosion and dispersion. All trash generated on the construction site shall be properly disposed of at the end of each construction day.
- (ii) Any and all debris resulting from construction and demolition activities shall be removed from the project site within 72 hours of completion of demolition and construction. Construction and demolition debris and sediment shall be removed or contained and secured from work areas each day that construction or demolition occurs to prevent the accumulation of sediment and other debris that could be discharged into coastal waters. All demolition/construction debris and other waste materials removed from the project site shall be disposed of or recycled in compliance with all local, state and federal regulations. No debris shall be placed in coastal waters. If a disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
- (iii) Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control dust and sedimentation impacts to coastal waters during construction and demolition activities. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the storm drain system and Pacific Ocean.
- (iv) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and kept as far away from storm drain inlets and receiving waters as possible.

- (v) In the event that lead-contaminated soils or other toxins or contaminated material are discovered on the site, such matter shall be stockpiled and transported off-site only in accordance with Department of Toxic Substances Control (DTSC) rules and/or Regional Water Quality Control Board (RWQCB) regulations.

B. The required Construction Best Management Practices Plan for the project site shall also include the following BMPs designed to prevent spillage and/or runoff of construction and demolition-related materials, sediment, or contaminants associated with construction activity. The applicant shall:

- (i) Develop and implement spill prevention and control measures and shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible.
- (ii) Maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a controlled location not subject to runoff into coastal waters, and more than fifty feet away from a storm drain, open ditch or surface waters.
- (iii) Provide and maintain adequate disposal facilities for solid waste, including excess concrete, produced during construction.
- (iv) Provide and maintain temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, wind barriers such as solid board fence, snow fences, or hay bales and silt fencing.
- (v) Stabilize any stockpiled fill with geofabric covers or other appropriate cover, and close and stabilize open trenches as soon as possible.
- (vi) Implement the approved Construction Best Management Practices Plan on the project sites prior to and concurrent with the demolition and construction operations. The BMPs shall be maintained throughout the development process.

C. The Construction Best Management Practices Plan approved by the Executive Director pursuant to this condition shall be attached to all final construction plans. The permittee shall undertake the approved development in accordance with the approved Construction Best Management Practices Plan. Any proposed changes to the approved Construction Best Management Practices Plan shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

10. Protection of Water Quality – Project Design & Post Construction

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a Water Quality Management Plan (WQMP) for the post-construction project site, prepared by a licensed water quality professional. The WQMP shall incorporate structural and non-structural Best Management Practices (BMPs) designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of storm water and nuisance flow leaving the developed site. The WQMP shall be in substantial conformance with the following requirements:

A. Water Quality Goals.

- (i) Appropriate structural and non-structural BMPs shall be designed to treat, infiltrate, or filter the runoff from all surfaces and activities on the development site, without the construction of drain outlets onto the sandy beach.
- (ii) Post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate or filter the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.
- (iii) Runoff from all roofs, parking areas, maintenance areas, and driveways shall be collected and directed through a system of appropriate structural BMPs. The filter elements shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through filtration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff in excess of this standard from the building site in a non-erosive manner.

B. Parking Areas, Vehicle and Equipment Service and Maintenance Areas

- (i) The WQMP shall provide for the treatment of runoff from parking areas using appropriate structural BMPs, unless the drainage is directed into the sanitary sewer system. At a minimum this must include a bioswale and/or filter designed specifically to remove vehicular contaminants (oil, grease, automotive fluids, heavy metals), sediments, floatables and particulate debris.
- (ii) The applicant shall ensure regular sweeping of all parking area surfaces using an appropriate mechanical sweeper and shall, at a minimum, sweep all parking areas on a weekly basis in order to prevent dispersal of pollutants that may collect on those surfaces.
- (iii) The detergents and cleaning components used on site shall comply with the following criteria: they shall be phosphate-free, biodegradable and non-toxic to marine wildlife; amounts used shall be minimized to the maximum extent practicable; no fluids containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye shall be used.

- (iv) The applicant shall not spray down or wash down the parking areas unless the water used is directed through the sanitary sewer system or a filtered drain.
- (v) The applicant shall use trash and recycling containers that, if they are to be located outside or apart from the principal structure, are fully enclosed and watertight in order to prevent storm water contact with waste matter, which can be a potential source of bacteria, grease, and other pollutants in runoff.

C. Restaurants and Kiosks

- (i) Each restaurant shall have a wash down area for restaurant equipment and accessories which shall be designed as follows: a) Designate equipment-cleaning areas indoors, and install berms to direct all runoff to the sewer system; or, if equipment cleaning areas are to be located outdoors, all wash-down areas shall be routed to the sanitary sewer system and shall not contribute to polluted runoff or nuisance flows; b) Prohibit the cleaning of equipment in any area where water may flow to a street, gutter, creek, or storm drains; and, c) Minimize to the maximum extent practicable the amount of wash water used.
- (ii) The above restriction on restaurants and kiosks shall be incorporated into a lease agreement with the concessionaire or operator of such facilities so that such requirements are binding upon them.

D. Education and Training

- (i) Provide annual training of employees on chemical management and proper methods of handling and disposal of waste. Make sure all employees understand the on-site BMPs and their maintenance requirements.
- (ii) Provide informational signs around the establishment for customers and employees about water quality and the BMPs used on-site.
- (iii) Label/stencil outdoor drains to indicate whether they flow to an on-site treatment device, a storm drain, or the sanitary sewer as appropriate.

E. Landscaping. Minimize to the maximum extent practicable the use of pesticides and fertilizers.

F. Monitoring and Maintenance

- (i) All BMPs shall be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired, at the following minimum frequencies: 1) prior to October 15th each year; 2) during each month between October 15th and April 15th of each year and, 3) at least twice during the dry season (between April 16 and October 14 of every year).
- (ii) Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner.

- (iii) It is the applicant's responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specification and to ensure maximum pollutant removal efficiencies.

The permittee shall undertake and maintain the approved development in accordance with the Water Quality Management Plan approved by the Executive Director pursuant to this condition. Any proposed changes to the approved Water Quality Management Plan shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The proposed development, referred to as the Metlox Development Project, includes a two-level subterranean parking structure with approximately 460 parking spaces¹ (all available for public use), and 63,850 square feet of new two-story commercial development built on top of the proposed parking structure (Exhibit #4). The proposed commercial development would be within five proposed two-story buildings constructed around a 40,000 square foot open public area, which includes a new Town Square (Exhibit #3). The proposed site plan identifies parts of the outdoor public area next to the Town Square being used for outdoor patio dining (Exhibit #3).

One of the five proposed commercial buildings on the site is a two-story, 26,000 square foot inn that would contain 35 to 40 guest rooms. The inn's proposed height is 26 feet, except for a proposed tower on the northern corner of the project site and other architectural features that would reach thirty feet above street elevation (Exhibit #4). The other four proposed two-story commercial structures are also 26 feet in height, with thirty-foot high architectural features (Exhibit #4).

The proposed commercial development on the site, as proposed and as conditioned by the City's approved Master Use Permit (City Council Resolution No. 5770), is limited to specific types of uses and specific maximum coverage areas for each type of use. The proposed project includes a maximum of 20,000 square feet of retail sales and service uses (including food sales), two restaurants with a maximum area of 8,000 square feet (including 6,400 square feet maximum dining/seating area regardless of whether located indoors or outdoors), a maximum of 17,500 square feet of office space and personal service uses (office uses are restricted to the second floors), and a 26,000 square foot inn with 35 to 40 guest rooms. The total maximum area of all the proposed commercial uses cannot exceed 63,850 square feet. These land use and area limits are contained in the Land Use Conditions of City Council

¹ The City has included an abutting property (1148 Morningside Drive) into the project site, which would allow the parking structure to be built with 460 parking spaces, rather than the 430 spaces that were originally anticipated.

Resolution No. 5770, and are included as part of the project description. The City's Land Use Conditions state:

Land Use

25. The following land uses and maximum square footages, as defined and approved by the DDA/Ground Lease, and shall allowed:

- A) Retail Sales and services, including food service uses, 20,000 square feet total maximum, including:
 - a) Retail sales;
 - b) Personal Services;
 - c) Retail/specialty food service uses that are non-destination type establishments such as a bakery, tea salon, coffee house, ice cream shop, yogurt, candy, cookies, juices, and other similar limited specialty food items. Each business is limited to a maximum of 300 square feet of outdoor seating area, including table, chairs and benches, within the Town Square and Public Areas-; and,
 - d) Similar uses identified as permitted (by right) in the underlying zoning district (CD) which are not included in this Master Use Permit shall be left to the discretion of the Director of Community Development.

 - B) Eating and Drinking Establishments (restaurants), two (2) total maximum, 8,000 square feet total maximum, (including 6,400 square feet maximum dining/seating area regardless of whether located indoors or outdoors).

 - C) Offices, however no offices shall be permitted on the first floor, and Personal Services, 17,500 square feet total maximum, including:
 - a) Offices, Business and Professional;
 - b) Personal Services; and,
 - c) Similar uses identified as permitted (by right) in the underlying zoning district (CD) which are not included in this Master Use Permit shall be left to the discretion of the Director of Community Development.

 - D) Visitor Accommodations (Bed and Breakfast Inn), 35 to 40 rooms, 26,000 square feet total maximum.
26. Uses identified as conditionally permitted (use permit required) in the underlying zoning district (CD) shall require an amendment to the Master Use Permit at a duly noticed public hearing, unless otherwise permitted in this Resolution.
27. There shall be no drive-through service allowed in conjunction with any Eating and Drinking Establishment (restaurant) or any other use.
28. The Inn may provide wedding, party, and other special event services in their Courtyard, Meeting Room, and Living Room, as a secondary service to the primary Inn use. These types of events are limited to 6:00 am to 11:00 p.m. Sunday through Thursday, and 6:00 am to 12:00 am (mid-night) Friday and Saturday. Events are limited to a maximum of 60 people, or whatever the maximum occupancy is as determined by the Building or Fire Code limits, whichever is less. The Director of Community Development may approve Temporary Use Permits for events which exceed 60 people, not to exceed the maximum occupancy as allowed by the Building or Fire Code limits. Events may not use the Town Square or other Public Open Areas unless prior approval is granted by the City. The availability of the Inn for special events shall not be marketed as the primary use.

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

The site of the proposed development, the three-acre former Metlox Potteries industrial site, is located on the south side of the Civic Center in Downtown Manhattan Beach, four blocks inland of the pier and beach (Exhibit #1). About half the project site is currently paved and is being used as an interim surface parking lot, with approximately 155 public parking spaces (Lot M). The abutting Civic Center property is proposed to be redeveloped with a new public safety facility approved under a separate local coastal development permit issued by the City of Manhattan Beach (Local Coastal Development Permit No. CA 02-01). Local Coastal Development Permit No. CA 02-01 also includes the City's proposed improvements to the City rights-of-way that abut the Metlox project site, including the extension of 13th Street as a two-way street from Morningside Drive east to Valley Drive, conversion of Valley Drive from one-way southbound traffic to two-way traffic between 13th and 15th Streets, and conversion of Morningside Drive to one-way northbound traffic between Manhattan Beach Boulevard and 13th Street.

The construction of the proposed commercial buildings and public areas approved by this coastal development permit is anticipated to take approximately ten months beginning in late 2003. Prior to construction of the commercial buildings and the public areas, the subterranean public parking structure will be constructed, with construction anticipated from January through October 2003.

B. Land Use & Scale of Development - Conformity with the Local Coastal Program

The action currently before the Commission is the de novo portion of an appeal of a local coastal development permit for development that is proposed inland of the public road nearest the sea and within the jurisdiction of the certified Manhattan Beach Local Coastal Program (LCP). Pursuant to Section 30604(b) of the Coastal Act, the Commission's standard of review for the proposed development is the certified Manhattan Beach LCP. Therefore, the Commission shall approve the de novo coastal development permit only if it finds that the proposed development, as conditioned, is in conformity with the certified Manhattan Beach LCP.

Land Use

The three-acre Metlox site, located four blocks inland of the pier and beach in Downtown Manhattan Beach, is designated in the certified LCP as a Downtown Commercial (CD) land use district. Section A.16.010 of the certified LCP states the purpose of the Downtown Commercial land use district. It states, in part:

CD Downtown Commercial District. *To provide opportunities for residential, commercial, public and semipublic uses that are appropriate for the downtown area. This district is intended to accommodate a broad range of community businesses and to serve beach visitors.*

Section A.16.020 lists the types of land uses that can be permitted in the Downtown Commercial land use district. The land uses proposed for the Metlox site (commercial parking; retail sales and service uses, including food sales; restaurants; offices; personal service uses; and an inn) are allowable uses in the Downtown Commercial land use district. Therefore, the proposed public and commercial development project is an allowable use pursuant to the certified Manhattan Beach LCP.

Scale of Development

The existing Downtown area development, including the Civic Center and the surrounding commercial and residential uses, consists primarily of one to three-story buildings, approximately thirty feet in height. The proposed project is a two-story development (above grade), 26 feet in height, with limited architectural features up to thirty feet in height. In order to preserve the existing pedestrian oriented character of the Downtown area, the certified LCP contains the following policies regarding the scale of commercial development.

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

[See Exhibit #6 for Sections A.04.030, A.16.030, and A.60.050]

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

Section A.16.030.G of the certified LCP, contains the specific height limit for the CD District and the Metlox project site (Exhibit #6, p.1). Section A.16.030.G states that the maximum building height on the project is 22 feet for flat roofed buildings, and thirty feet for buildings with parking structures or a pitched roof. The proposed project includes a 460-space public subterranean parking structure and also has some pitched roofs. Therefore, the proposed development has a thirty-foot height limit, with which it conforms. Special Condition Three limits the development to thirty feet as measured from the average elevation of existing grade pursuant to Section A.60.050 of the Manhattan Beach certified LCP implementing ordinances (Exhibit #6). Only as conditioned is the proposed development consistent with the Manhattan Beach certified LCP.

Special Condition Three also limits the proposed development to two-stories, as required by certified LUP Policy II.A.2 stated above. The City has indicated its intent to consider a change to the project that would allow a thirty-foot high third story on the proposed inn, and objects to the two-story limit for the following reasons: a) the development standards do not have a two-story height limit (Section A.16.030); b) a limited third story on the Inn would largely be incorporated into the allowed thirty-foot architectural features that are already shown on the plans; c) a third story would not change the visual character of the building; d) a third story portion of the project would be over a very small portion of the site, only on one building, and is consistent with the intent of the LCP; and, e) the entire site could be constructed to thirty feet but the City's approvals limited the height to 26 feet except for architectural features.

The certified LCP is clear; it limits development to a two-story maximum in order to preserve the predominant existing commercial building scale in the downtown. A two-story structure built to thirty feet would be different than a three-story building with the same thirty-foot roof height. A different type of architecture, including a flat roof, is often necessary to fit three stories into a thirty-foot high building. Two-story buildings over twenty feet high can have higher ceilings and do not necessarily have flat roofs. In fact, Section A.16.030(G) of the LCP implementing ordinances limits flat-roofed structures in the CD District to 22 feet (Exhibit #6). Furthermore, a third story on the inn would violate the provisions of the certified LCP that limit building height on the project site to thirty feet with a two-story maximum. Therefore, a third story on any building on the project site is not permitted. Approval of a third story would require an amendment to the certified LCP before such a change could be considered as an amendment to this coastal development permit. Only as conditioned with the two-story, thirty-foot height limit is the proposed development consistent with the Manhattan Beach certified LCP.

C. Parking & Traffic - Conformity with the Local Coastal Program

The following policies of the certified Manhattan Beach LCP encourage the City to concentrate and expand commercial parking opportunities, maximize the use of existing parking facilities for beach use, and to facilitate joint use of parking facilities while protecting beach parking.

POLICY I.A.2: *The City shall encourage, maintain, and implement safe and efficient traffic flow patterns to permit sufficient beach and parking access.*

POLICY II.A.6: *Encourage the development of adequate parking facilities for future development through ground level on-site parking or a requirement to pay the actual*

cost of constructing sufficient parking spaces. Maximize use of existing parking facilities to meet the needs of commercial uses and coastal access.

POLICY I.B.7: *The City shall provide adequate signing and directional aids so that beach goers can be directed toward available parking.*

POLICY I.C.1: *The City shall maintain and encourage the expansion of commercial district parking facilities necessary to meet demand requirements.*

POLICY I.C.2: *The City shall maximize the opportunities for using available parking for weekend beach use.*

POLICY I.C.3: *The City shall encourage additional off-street parking to be concentrated for efficiency relative to the parking and traffic system.*

POLICY I.C.8: *Use of the existing public parking, including, but not limited to, on-street parking, the El Porto beach parking lot, and those parking lots indicated on Exhibit #9 [Exhibit #7, p.2 of 10/23/2002 staff report], shall be protected to provide beach parking...*

POLICY I.C.10: *Concentrate new parking in the Downtown Commercial District to facilitate joint use opportunities (office and weekend beach parking uses).*

POLICY I.C.15: *Continue management of existing parking facilities through enforcement to improve efficiency by keeping on-street spaces available for short-term users and encouraging the long-term parkers to use off-street parking lots.*

POLICY I.C.16: *Improve information management of the off-street parking system through improved signing, graphics and public information maps.*

POLICY I.C.17: *Provide signing and distribution of information for use of the Civic Center parking for beach parking on weekends days.*

The above-stated policies protect parking the parking supply for both the Downtown Commercial District and for beachgoers. On most days of the year, there is sufficient parking for everyone and all uses in the Downtown area. During warm summer and fall days, however, there is often a shortage of available parking spaces because of the many visitors that are attracted to the shoreline and commercial district during these times (See Exhibit #18: Downtown Manhattan Beach Parking Management Report, Feb. 1998).

LCP Parking Requirements

Policy II.B.5 of the certified Manhattan Beach LCP addresses the parking requirements for the development of the former Metlox site, where the proposed project is located.

POLICY II.B.5: *Development of the former Metlox site shall provide the parking necessary to meet the standards set forth in Section A.64 of Chapter 2 of the Implementation Plan. All required parking shall be provided on the Metlox site.*

All of the required parking for the proposed commercial development is being provided on the project site within the proposed two-level, 460-space subterranean garage. Section A.64 of the certified LCP implementing ordinances contains several different methods for calculating the required number of parking spaces for the proposed commercial development. Using the parking requirement table contained in Section A.64.030 of the LCP implementing ordinances, the parking demand could be calculated by adding up the total parking demands of the individual uses (by floor area) proposed on the project site.

A different section, Section A.64.040, allows a reduction in the total amount of required parking (from that required by the parking table) for collective provision of parking on a site of 5,000 square feet or more that serves more than one use or site. Section A.64.040 is the section of the LCP implementing ordinances that specifically applies to a parking facility that serves more than one use or development, thus the title "*Collective Provision of Parking.*" This section is not applicable to the proposed development because the proposed development is one project on one site. Section A.64.040 is for parking that is set up to serve multiple uses that are not on the same site. Section A.64.040 states:

A.64.040. Collective Provision of Parking.

Notwithstanding the provisions of Section A.64.020(E), a use permit may be approved for collective provision of parking on a site of 5,000 square feet or more that serves more than one use or site and is located in a district in which parking for the uses served is a permitted or conditional use. A use permit for collective off-street parking may reduce the total number of spaces required by this chapter if the following findings are made:

- A. *The spaces to be provided will be available as long as the uses requiring the spaces are in operation; and*
- B. *The adequacy of the quantity and efficiency of parking provided will equal or exceed the level that can be expected if collective parking is not provided.*

The maximum allowable reduction in the number of spaces to be provided shall not exceed 15 percent of the sum of the number required for each use served.

An applicant for a use permit for collective parking may be required to submit survey data substantiating a request for reduced parking requirements. A use permit for collective parking shall describe the limits of any area subject to reduced parking requirements and the reduction applicable to each use.

Note that Section A.64.040 limits the amount of the "collective parking reduction" to fifteen percent of the total number required by the parking table.

The certified LCP also allows another option for calculating the parking requirements of developments in the CD Districts, or any development that meets the provisions of Part B of Section A.64.050 below. This provision of the LCP allows for a reduction in the amount of required parking below that required by the parking requirement table contained in Section A.64.030, and allows a greater reduction than allowed in the situations governed by Section

A.64.040. In order to calculate the required number of parking spaces for the proposed commercial development, the City used Section A.64.050.B of the LCP Implementing Ordinances, which states:

A.64.050. Reduced Parking for Certain Districts and Uses.

A. CD District. The following parking requirements shall apply to nonresidential uses:

1. Building Sites equal to or less than 10,000 Sq. Ft. If the FAF is less than 1:1, no parking is required; if the FAF exceeds 1:1, only the excess floor area over the 1:1 ratio shall be considered in determining the required parking prescribed by Section A.64.030.
2. Building Sites greater than 10,000 Sq. Ft. The amount of required parking shall be determined by first excluding 5,000 square feet from the buildable floor area and then calculating the number of spaces prescribed by Section A.64.030.

B. A use permit may be approved reducing the number of spaces to less than the number specified in the schedules in Section A.64.030, provided that the following findings are made:

1. The parking demand will be less than the requirement in Schedule A or B; and
2. The probable long-term occupancy of the building or structure, based on its design, will not generate additional parking demand.

In reaching a decision, the Planning Commission shall consider survey data submitted by an applicant or collected at the applicant's request and expense.

Part A of Section A.64.050 addresses parking requirements in the CD District where the proposed development is located (Exhibit #6). Part B of Section A.64.050 allows the City to approve a development with an unlimited reduction in the amount of required parking if a parking survey/study confirms that the actual parking demand will be less than the total number required by the parking table, and if the probable long-term occupancy of the development will not generate additional parking demand. The City used Part B.

City's Parking Analysis (Exhibit #9)

In order to calculate the shared parking demand of the uses proposed on the Metlox project site and the Civic Center site, the City used the parking study prepared by Crain & Associates for the Civic Center/Metlox Development Project Environmental Impact Report, (See Traffic Study for Proposed Civic Center/Metlox Development Project, Prepared by Crain & Associates, September 2000). The study, which uses the hourly parking accumulation assumptions from the "Shared Parking" publication by the Urban Land Institute (ULI), estimates the peak parking demand for each hour of the day for the Civic Center and the 90,000 square feet of originally proposed commercial uses on the Metlox site (Exhibit #19). The existing and proposed Civic Center has a parking facility that is separate from the

proposed Metlox development. The peak in parking demand for the currently proposed 63,850 square feet of commercial uses, and not including the Civic Center uses, was estimated by the applicant to be 160 parking spaces. The City adopted one resolution approving the proposed commercial development (City Council Resolution No. 5770), and another resolution approving the proposed subterranean parking facility (City Council Resolution No. 5771). The City explains its analysis in a letter dated October 3, 2002 (Exhibit #9).

The sum of the parking requirements for all of the proposed commercial uses, calculated using the parking table contained in Section A.64.030 of the LCP Implementing Ordinances, would be about 300 parking spaces, depending on the ratio of the different proposed commercial uses and not including any parking for the proposed 40,000 square foot Town Square and other open areas that are not considered commercial uses. One opponent of the project, David Arias asserts that the parking table contained in Section A.64.030 requires 449 parking spaces for the proposed commercial uses (and library parking), and 597 parking spaces if the proposed 40,000 square foot Town Square and other open areas area counted (Exhibit #8, p.9).

The City did not require the proposed project to provide more spaces than the parking study determined would be necessary to meet the peak demand of the proposed commercial uses, and instead found that the proposed 460-space parking structure will provide adequate parking for the proposed 63,850 square feet of commercial uses (160 spaces), plus provide surplus public parking for merchants, employees and customers of the downtown area, plus beach goers and patrons of the County Library. The City also asserts that it has no obligation to replace the existing 155 temporary surface parking spaces on the project site (Lot M) because the City permitted the temporary parking lot only as an interim use while the development of the site was being planned and approved. Therefore, the City asserts that the proposed project with its 460-space parking garage would result in approximately 300 surplus parking spaces. The City also asserts that the combined result of the proposed development of the Metlox site and the proposed Civic Center redevelopment would be an increase of over 400 parking spaces, with the existing 501 parking spaces being replaced by 898-924 City-controlled parking spaces (Exhibit #7). The abutting Civic Center property is proposed to be redeveloped with a new public safety facility approved under a separate local coastal development permit (Local Coastal Development Permit No. CA 02-01). The City states that the permanent parking for the County Library and the replacement parking for Lot 5 will be provided on the Civic Center site, and the Metlox site would only provide temporary parking for the library and Civic Center uses while the Civic Center site is being redeveloped.

David Arias' Parking Analysis (Exhibit #8)

David Arias, one of the three appellants, believes that the City erred in its analysis and justification of its "shared parking reduction" and asserts that the proposed development will worsen the City's downtown parking problems (Exhibit #8). He asserts that the "shared parking reduction", whether granted by the City pursuant to Section A.64.050.B (City analysis) or any other section, is limited by Section A.64.040 to a maximum reduction of fifteen percent (15% from that required by the parking table). Using his calculations, the LCP parking table requires 597 parking spaces for the proposed commercial uses (including 133 spaces for the Town Square) and library patrons. With the fifteen percent reduction allowed by Section A.64.040, the commercial component generates a need of 507 parking spaces [597 - (0.15 x

597]. He adds to that the replacement of all existing parking spaces in Lot 5 and Lot M and the library's needs and a parking demand of over 700 parking spaces would be generated. Arias states that the result of the proposed development would be no parking surplus and worse parking problems in the City.

Staff's Parking Analysis

The project site currently provides 155 public parking spaces in Lot M, and 15 parking spaces at 1148 Morningside Drive (Exhibit #3). All 170 of the existing parking spaces would be displaced by the proposed development, which would provide 460 public parking spaces in a two-level subterranean garage (Exhibit #5).

The proposed 460-space public parking facility, once built and opened, would be made available by the City for use by the general public, even as the proposed commercial development is being built on top of the parking structure roof. The City proposes that the subterranean public parking structure be used as the interim parking supply for the County Library and Civic Center during the proposed redevelopment of the Civic Center/Public Safety Facility.

Subsequent to the completion of the new Civic Center/Public Safety Facility and the proposed commercial uses on the Metlox site, the proposed 460-space public parking facility would provide public parking to meet the demands of the commercial uses proposed on the Metlox site, with the surplus being available to the general public (e.g. beach goers, downtown merchants, employees and customers). The permanent parking reservoir for the County Library and Civic Center uses would be provided in a new subterranean garage (approximately 311 spaces) proposed on the Civic Center site as part of the new Civic Center/Public Safety Facility. The proposed Civic Center garage would also provide the replacement parking for the 33 public parking spaces in Lot 5 that would be displaced by the Civic Center redevelopment.

Therefore, the proposed project's parking impacts that must be mitigated on the site of the proposed Metlox development are: a) the increased parking demand generated by the proposed 63,850 square feet of new commercial development, b) the 15 parking spaces at 1148 Morningside Drive that would be displaced by the proposed development; and c) the 155 public parking spaces in Lot M that would be displaced by the proposed development.

Certified LCP Policy I.C.8 requires that existing public parking be protected. The City asserts that Lot M was permitted only as a temporary parking facility. That is not disputed, however, Lot M is currently providing needed public parking in the downtown area. Removal of Lot M would have a negative effect on the Downtown parking supply and on coastal access. Therefore, the 155 public parking spaces on Lot M shall be replaced as part of the proposed development. The 15 parking spaces at 1148 Morningside Drive shall also be replaced as part of the proposed development (Exhibit #3).

The proposed development must also provide at least 160 parking spaces to meet the shared parking demands of the proposed 63,850 square feet of proposed commercial uses on the project site. Part B of Section A.64.050 of the LCP Implementing ordinances does allow the use of a parking study to determine the amount of parking that would be necessary to meet the demands of a proposed project (if the parking survey/study confirms that the actual parking demand will be less than the total number required by the parking table, and if the

probable long-term occupancy of the development will not generate additional parking demand). Section A.64.050 of the LCP Implementing ordinances does not limit the amount of the "shared parking reduction" as does Section A.64.040, which limits a similar type of reduction to fifteen percent of the number required by the parking table. Section A.64.050 allows an unlimited reduction in the amount of required parking if a parking survey/study confirms that the actual parking demand will be less than the total number required by the parking table.

Therefore, the Commission finds that the use of the parking study to estimate the proposed development's parking requirements is consistent with the certified LCP, specifically Part B of Section A.64.050 (See Traffic Study for Proposed Civic Center/Metlox Development Project, Prepared by Crain & Associates, September 2000). Furthermore, the Commission finds that the probable long-term occupancy of the proposed development, based on its design, will not generate additional parking demand. Special Condition One ensures that any changes to the proposed development, including any change that could affect the parking supply and demand, must be submitted for review by the Executive Director and/or the Commission.

The total number of required parking spaces for the proposed development is 330 (160 spaces for the commercial component, 15 replacement spaces for 1148 Morningside Drive, and 155 replacement spaces for Lot M). The proposed number of parking spaces that exceed the total of 330 are surplus public parking spaces that will help to offset the City's parking deficit that often occurs during the peak beach use period when large numbers of people and vehicles make Downtown Manhattan Beach their destination of choice. Therefore, the proposed project is consistent with the certified LCP policies that require the concentration of parking in the CD District to facilitate joint use opportunities (Policy I.C.10), and require the City to expand commercial district parking facilities to meet demand requirements (Policy I.C.1).

In regards to the surplus parking spaces, the City has stated its intent to possibly apply for a permit amendment for use of the parking surplus to satisfy the parking requirements of future commercial intensification on the project site up to the maximum 90,000 square feet of commercial uses originally anticipated by the Environmental Impact Report Civic Center/Metlox Development Project. The Commission will consider such an amendment request only if the city can demonstrate the any proposed commercial intensification or additions would not create adverse impacts to the Downtown parking supply. A parking study that shows the actual parking demand (not an estimate) generated by the approved and constructed Metlox development would be necessary before such a request is considered.

Parking Management Issues

As stated above, certified LCP Policy I.C.1 requires the City to encourage the expansion of commercial district parking facilities to meet demand requirements. Policy I.C.2 of the certified Manhattan Beach LCP requires the City to maximize opportunities for using public parking areas for weekend beach use. Policy I.C.8 states that public parking shall be protected for public beach parking, and Policy I.C.10 states that parking in the CD District, where the proposed project is located, shall facilitate joint use opportunities. The proposed project will be consistent with these LCP policies only if the proposed parking facility is managed as a public parking facility that is available to the general public on a first-come, first served basis with no reserved parking or preferential parking.

In addition to meeting the parking demands of the proposed commercial uses, the primary public use met by the proposed 460-space public parking structure would be daytime parking for downtown merchants, employee and customer parking. Beach goers would also be served by the proposed facility. Because the proposed development is located on a hill four blocks inland of the beach and pier, beach goers would be expected to choose first to use the existing public facilities that are located closer to the water (Exhibit #7). These existing public parking spaces located closer to the shoreline would likely become more available when the proposed 460-space parking facility opens on the Metlox site.

In any case, Special Condition Four requires that the proposed 460-space public parking structure shall be open to the general public on a first-come, first served basis with no reserved parking or preferential parking. Only as conditioned does the proposed project conform to the provision of the certified Manhattan Beach LCP.

Also, the proposed facility shall be managed to ensure that the facility is open and available to the general public as required by the LCP and Special Condition Four. The City proposes to charge a fee for parking in the proposed 460-space facility, which is consistent with the operation of the City's existing public parking facilities. Such fee could be collected at the facility by parking meters, automated ticket machines, or by parking attendants. Special Condition Five (A) requires that identical parking rates shall be available to all users of the facility, except that customers of the inn may be granted free or validated parking during their entire stay in the inn as part of their paid accommodations. The fees charged for public parking shall be consistent with the hourly rates charged for parking in the downtown area, which range from \$0.50 to \$1.00 per hour.

The City also proposes to issue parking hangtags/parking permits in the 460-space facility consistent with a program approved pursuant to LCP implementing ordinance Sections A.64.060 and A.64.230, which state:

A.64.230. Parking Management Program for the Coastal Zone.

A parking management program for lots shown on the accompanying diagram entitled "Section A.64.230: Downtown Business District Parking Facilities" shall be prepared by the Community Development Director for the purpose of demonstrating compliance with the Manhattan Beach Local Coastal Program, Access policies and the provisions of this Chapter. This program shall include:

1. *Provisions for use of Hang Tag parking permits in Lots 5 and 7, valid from 6:00 P.M. to 8:00 A.M. daily.*
2. *Free parking in Lot 8.*
3. *Overnight parking at Pier ("P") lots and El Porto Lots from 6:00 P.M. to 8:00 A.M. daily and 24 hour parking on weekends from October 1 through March 31, subject to City issued individual permits.*
4. *Long term parking at rates no higher than charged at nearby public beach parking lots. If meters are present, the meters shall accept payment for time increments up to five (5) hours.*

5. *Appropriate and adequate signs, indicating public use of parking lots, including plot plan for location and placement of signs.*
6. *No parking spaces in Lots P, 7, or 8 may be leased to individuals or businesses.*

This program shall be approved by coastal development permit pursuant to Chapter 2 of the Implementation Plan, Section A.96. Amendments to the approved program shall be accomplished in the same manner as specified in Chapter 2, §A.96.180. A coastal development permit is required for any development, including gates, parking controls, new locations for parking meter areas, changes in fee structure, expansion of times and hours in which monthly permits may be offered, or other devices in the Coastal Zone that change the availability of long and short term public parking, including, but not limited to changes in the operation of the City parking management program established in this section (§A.64.230). All parking management permits shall be reviewed for consistency with the Local Coastal Program and with the public access and recreation policies of the Coastal Act of 1976.

A.64.060. Parking in-lieu payments.

Within designated parking districts established by the City Council and shown on the map on the following page, a parking requirement serving nonresidential uses on a site may be met by a cash in-lieu payment to the City prior to issuance of a building permit or a certificate of occupancy if no permit is required. The fee shall be to provide public off-street parking in the vicinity of the use. The City shall not be obligated to accept a fee for more than 20 spaces, and then only with express approval by the City Council, based on a finding that adequate parking supply exists in the district structures to accommodate such additional parking spaces, and that the tendered payment represents the actual cost of construction of new parking spaces.

In establishing parking districts, the City may set limitations on the number of spaces or the maximum percentage of parking spaces required for which an in-lieu fee may be tendered.

The following limitations apply:

1. *Businesses may lease up to two spaces in the oversubscription program to meet City parking requirements.*
2. *A business may lease up to five total spaces in the oversubscription program, if available, but only two of the spaces may be used to meet required parking.*
3. *Businesses will be allowed to make in-lieu payments on an installment plan over a five year period at prime rate adjusted quarterly. The in-lieu parking fee shall be the actual construction cost of a space in an above ground parking structure, adjusted annually. The in-lieu fee is presently \$20,363 per space (October 1993).*
4. *Businesses proposing in-lieu fees to fulfill parking required under §A.64.020 and §A.64.030 of the Zoning Ordinance shall first provide evidence acceptable to the Board of Parking Place Commissioners that there is adequate additional under-used capacity within the structure or structures to accommodate the number of spaces proposed.*
5. *When total commercial development on the development site exceeds 10,000 square feet, no in-lieu fee shall be accepted unless additional parking is provided*

within commercial parking structures in the parking district prior to occupancy of the structure.

In establishing parking districts, the City may set additional limitations on the number of spaces or the maximum percentage of parking spaces required for which an in-lieu fee may be tendered so that the parking demand of the approved new development does not exceed the parking supply.

Special Condition Five (B) requires that the general public shall have equal opportunity to participate in any parking permit system implemented in the subterranean public parking facility, and that no parking spaces shall be reserved for permit or hangtag holders. Also, no vehicle shall be parked within the subterranean public parking facility for longer than 24 hours at one time, except by customers of the inn during their paid visit. Only as conditioned is the proposed facility adequately protected for use by the public as required by the certified LCP.

The proposed project includes a 35 to 40-room inn. Overnight accommodations are preferred uses in the coastal zone because they increase opportunities for public shoreline access. Customers of the inn would need a place to park a vehicle while they stay in the inn. Stays in the inn could extend over several days or weeks. Therefore, the customers of the inn shall be granted special hangtags or permits which allow the inn customers to keep their vehicles in the subterranean public parking facility throughout their paid visit, including overnight parking. Any other proposed plan for overnight use of the subterranean public parking facility (except by customers of the inn) shall be submitted for the review and approval of the Executive Director. Such plan shall include appropriate enforcement mechanisms that will ensure that an adequate public parking supply will be available to meet the demands during daytime and evening hours. In addition to the requirements noted above, overnight parkers shall be required to remove their vehicle from the facility each morning. The permittee shall allow overnight parking only in accordance with the plan approved by the Executive Director pursuant to Special Condition Five (Parking Management).

In addition, customers of the inn may be granted free or validated parking throughout their entire stay in the inn as part of their paid accommodations. However, no other parking validation program is permitted by this action, as it could reduce the ability of the general public to access and use the facility. The City has requested the ability to apply for a parking validation program in the future, but currently has not planned for such a program and cannot explain the details of how such a program may work without conflicting with the provision of Special Condition Four that prohibits any preferential parking system. Therefore, Special Condition Five (E) states that any proposed parking validation system shall be submitted to the Commission as an amendment to this coastal development permit along with provisions to ensure consistency with the terms of this coastal development permit and the certified Manhattan Beach LCP.

Valet Parking

The applicant proposes to allow valet parking within the proposed 460-space public parking facility. There is an issue of whether the proposed valet parking program is exclusionary and cost prohibitive for beach goers. This issue was addressed as part of Manhattan Beach Coastal Development Permit Appeal A5-MNB-99-453, where the Commission ultimately approved a valet parking program for the City of Manhattan Beach with conditions to protect

public access to public parking. The Commission found that, with proper safeguards to protect public access to public parking, a valet parking program could increase the amount of available parking in the City by utilizing private parking facilities for the storage of vehicles. The Commission did not permit the use of public parking spaces for parking by valets, and required that the valet parking program not include any type of discounted parking rates or parking validation system so that the same parking rates would apply to all patrons of the valet parking program (\$12.50 maximum per day).

In this case, the proposal involves the use of only public parking spaces. Special Condition Five (G) would allow valet parking within the proposed project subject to a valet parking plan reviewed and approved of the Executive Director with the following provisions: a) the valet parking plan shall not interfere with the general public's ability to self-park in the facility; b) the valet parking plan shall not grant any preference to the valet service for use of the 460 public parking spaces; c) any approved valet parking program shall be available to the general public with no preference granted to any group or type of use (i.e., restaurant customers vs. beach goers); d) the hourly cost for utilizing the valet parking service shall be equal for all patrons of the valet parking program; and, e) discounted parking rates for valet parking service shall not be provided or obtained pursuant to any type of parking validation system or preferential system. Only as conditioned does the proposed project protect public access to the parking as required by the provisions of the certified Manhattan Beach LCP.

Special Condition Six requires the applicant to provide signs, as required by LCP Policies I.B.7 and I.C16, to direct the public to the subterranean public parking facility. The signage shall be visible from vehicles on Manhattan Beach Boulevard, Highland Avenue, and shall clearly state "Public Parking." Only as conditioned is the proposed project consistent with the provision of the certified Manhattan Beach LCP

Interim Parking Programs

As proposed by the applicant, the proposed 460-space subterranean public parking structure will be available for use by the general public as soon as possible after completion of construction. The subterranean public parking structure will also be available for use by the general public during the construction of the buildings to be located on top of the parking structure, and during construction of the Public Safety Facility. Special Condition Seven (B) requires that the parking will be available for public use as soon as possible.

Special Condition Seven (A) requires the City to provide interim replacement parking (only during the daytime during the peak beach use period) for the 155-space Lot M during construction of the proposed 460-space subterranean parking structure on the Metlox (and Lot M) site. The provision of interim replacement parking will help to minimize the negative traffic and parking impacts that would occur during the peak beach use period after the 155-space public parking lot is closed and demolished to make way for the proposed project. The loss of the existing 155 public parking spaces would worsen the City's parking deficit that occurs during the peak beach use period, and could also worsen traffic as people drive around the downtown looking for a parking space.

Therefore, prior to displacement of the existing surface parking on the project site (Lot M), the applicant shall submit an interim public parking plan, for the review and approval of the Executive Director. The temporary replacement parking shall be provided for public use

during each day (7 a.m. to 8 p.m.) of the peak beach use period (start of Memorial Day weekend until September 30) each year until such time as the proposed 460-space subterranean public parking structure is made available for use by the general public. Existing public parking facilities that are already available for public use during these time periods shall not be used to satisfy this requirement for interim parking. If the interim public parking supply is located more than one thousand feet from the project site, the applicant shall provide a public shuttle service to transport people between the interim parking supply and the downtown. Such shuttle must make at least one complete circuit each hour. Only as conditioned is the public parking supply adequately provided and maintained as required by the policies of the certified LCP.

Traffic and Circulation

Certified LCP Policy I.A.2 requires the City to encourage, maintain, and implement safe and efficient traffic flow patterns to permit sufficient beach and parking access. Certified LCP Policy I.C.3 requires the City to encourage additional off-street parking to be concentrated for efficiency relative to the parking and traffic system. The design of the proposed project is consistent with these LCP policies because a substantial amount of additional off-street parking is being provided for public use (460 spaces), and the ingress and egress of the vehicles using this new parking will not create inefficient traffic flow patterns.

The proposed 460-space parking facility has one entrance on Valley Drive, and one entrance and exit on Morningside Drive (Exhibit #3). A street-level drop-off for the inn is proposed on Valley Drive. Morningside Drive is proposed to be converted to a one-way street (northbound north of Manhattan Beach Blvd.). Valley Drive would be converted from a one-way southbound street to a two-way street on the northeast side of the project. A new street segment would be installed along the northwest side of the project (13th Street), with diagonal public parking spaces. The City states that all of the proposed street improvements were approved locally pursuant to Local Coastal Development Permit No. CA 02-01 (Civic Center/Public Safety Facility).

The Traffic Study for the proposed Civic Center/Metlox Development Project (Prepared by Crain & Associates, September 2000) concludes that the proposed traffic mitigation measures, including the street improvements described above, would reduce the project's traffic impacts. However, during busy summer days it is anticipated that the intersection of Manhattan Beach Boulevard and Valley Drive/Ardmore Avenue and the intersection of Highland Avenue and Manhattan Beach Boulevard will suffer Levels of Service (LOS) at E or F, whether the proposed project is built or not.

D. Control of Polluted Runoff

The certified Manhattan Beach LCP contains the following policies to protect marine resources from the effects of polluted runoff.

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

POLICY III.4: *The City should continue to maintain and enforce the City ordinances that prohibit disposal of oils or refuse in the ocean or on beaches. (Title 12, Chapter 6).*

POLICY III.7: *The City should continue to maintain enforcement codes for littering waters or shore. (Title 10 Public Health and Safety Code, Section 374.7).*

POLICY III.8: *he City should continue to have programs to educate both staff and the public on the value and protection of the marine environment.*

The proposed development poses a potential source of pollution due to runoff from the restaurants, exposed surfaces, roofs and parking and trash areas that may be contaminated. Runoff from the site would enter the City's storm drain system and would be ultimately discharged into the marine environment. The discharge of polluted runoff into to coastal waters can cause cumulative adverse impacts to water quality, including eutrophication and anoxic conditions, which can result in:

- Fish kills, aquatic diseases, and the alteration of aquatic habitat, including adverse changes to species composition and size;
- Excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species;
- Disruptions to the reproductive cycle of aquatic species; and,
- Acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior.

These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health. In order to reduce the amount of polluted runoff that leaves the completed project, the applicant proposes the following mitigation measures:

- The drainage system for the proposed subterranean parking facility would be connected to the sanitary sewer system, with an oil separator to intercept hydrocarbons before they enter the sewer.
- The surface drains for the exposed outdoor surfaces of the above-ground development would include a CDS unit to intercept trash and sediment from runoff before it is directed into the City storm drain system that ultimately drains into the Pacific Ocean.
- The trash receptacle areas would be connected to the sanitary sewer system in order to keep the particulates, bacteria, metals, and toxics that frequently collect around trash receptacles out of the City storm drain system that ultimately drains into the Pacific Ocean.

- The trash receptacle areas also would have a canopy/roof to keep stormwater away from the trash areas.
- Restaurants have grease traps to intercept grease before it enters and clogs the sanitary sewer.

Untreated wastewater from the site must be prevented from negatively affecting the marine resources in the adjacent waters of the Pacific Ocean. As proposed, the project does not adequately protect marine resources from polluted runoff. The proposed project does not include the following mitigation measures which the Commission requires in order to reduce the amount of polluted runoff that leaves the completed project:

- Filters in the drainage system for the above-ground development, including roof drains, to intercept fine particles, toxins, pesticides, and grease, especially from loading and wash down areas, from runoff before it is directed into the City storm drain system that ultimately drains into the Pacific Ocean.

To mitigate potential impacts to marine resources caused by polluted runoff leaving the site, Special Condition Ten requires the applicant to incorporate best management practices (BMPs) into the project and site management procedures to reduce or prevent contaminants from running off the site. The applicant is required to submit, for approval by the Executive Director, a Water Quality Management Plan (WQMP) for the post-construction project site prepared by a licensed water quality professional. The required WQMP shall incorporate structural and non-structural Best Management Practices (BMPs) designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of storm water and nuisance flow leaving the developed site.

Critical to the successful function of post-construction structural BMPs in removing pollutants in storm water to the Maximum Extent Practicable (MEP) is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small in scale. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost. Therefore, post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate or filter the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.

The Commission notes that BMPs are very new in design and some are still in the experimental stage and the applicant may determine that another method is more effective after the completion of the project. A key factor in the continued effectiveness of structural BMPs is regular and adequate maintenance and monitoring of the implemented system. Also, by implementing a monitoring program the applicant can ensure that the proper type and design of BMPs were selected to comply with the Water Quality Management Plan. Therefore, all BMPs be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and when necessary, repaired at the following minimum frequencies: (1) prior to October 15th each year; (2) during each month between October 15th and April 15th of each year and, (3) at least twice during the dry

season. Debris and other water pollutants removed from filter device(s) during clean-out shall be contained and disposed of in a proper manner.

As conditioned, the proposed project is consistent with the certified LCP and past Commission action with regards to water quality requirements and will minimize water quality impacts.

Construction Impacts to Water Quality

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain, surf, tide, or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. In addition, the use of machinery in coastal waters not designed for such use may result in the release of lubricants or oils that are toxic to marine life. Sediment discharged to coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species' ability to see food in the water column. In order to avoid adverse construction-related impacts upon marine resources, Special Condition Nine outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris.

Special Condition Nine requires the applicant to dispose of all demolition and construction debris at an appropriate location outside of the coastal zone and informs the applicant that use of a disposal site within the coastal zone will require an amendment or new coastal development permit. This condition also requires the applicant to submit a Construction Best Management Practice Plan for the project, prepared by a licensed professional, and shall incorporate erosion, sediment, and chemical control Best Management Practices (BMPs) designed to minimize to the maximum extent practicable the adverse impacts associated with construction to receiving waters. As conditioned, the proposed project is consistent with the certified LCP and past Commission action with regards to water quality requirements and will minimize water quality impacts.

E. California Environmental Quality Act

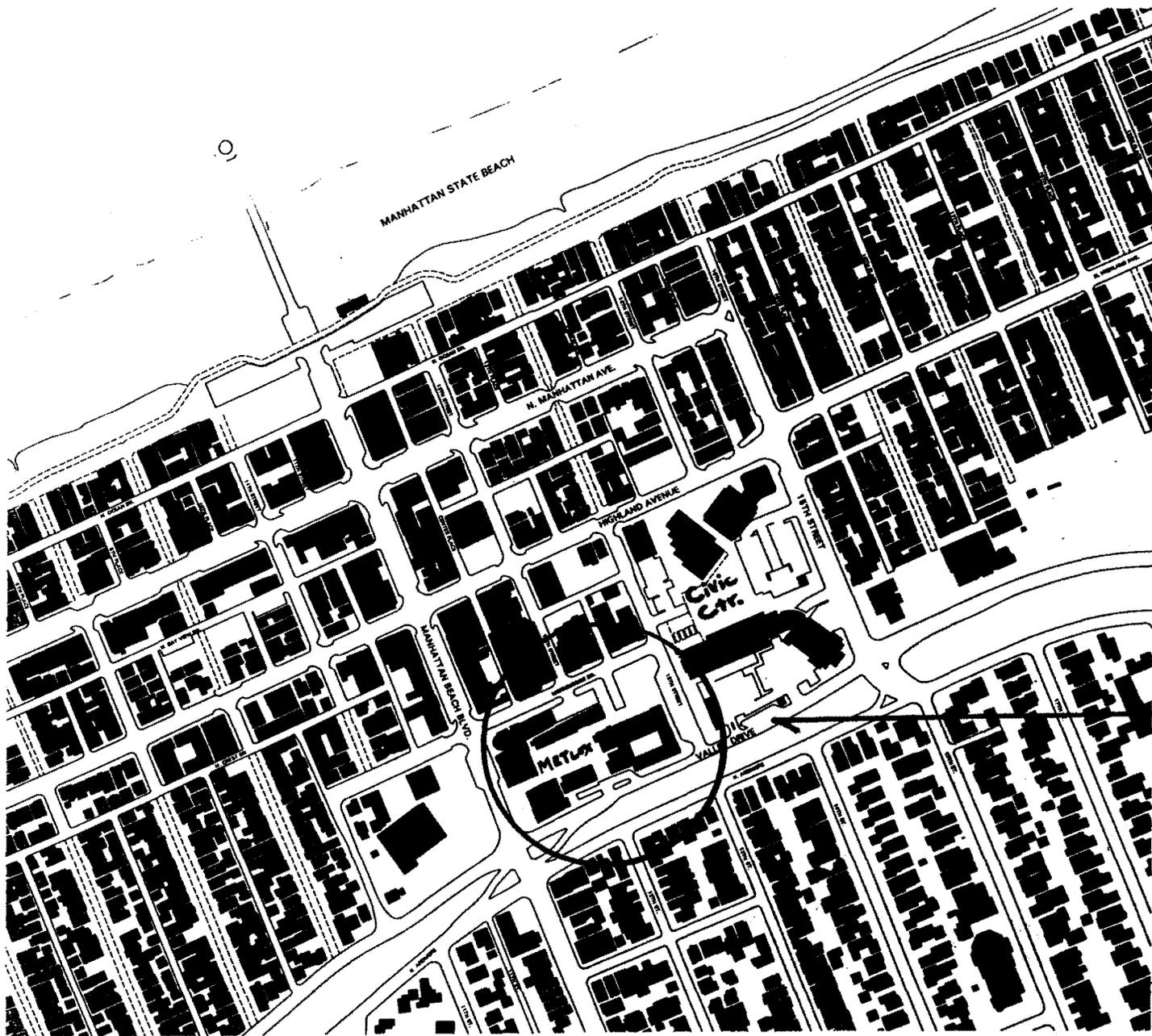
Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project, as conditioned, has been found consistent with the Manhattan Beach certified LCP. All adverse impacts have been minimized by the recommended conditions of approval and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.



City of Manhattan Beach – Metlox Development Project

A-5-02-MNB-257



LOCATION PLAN

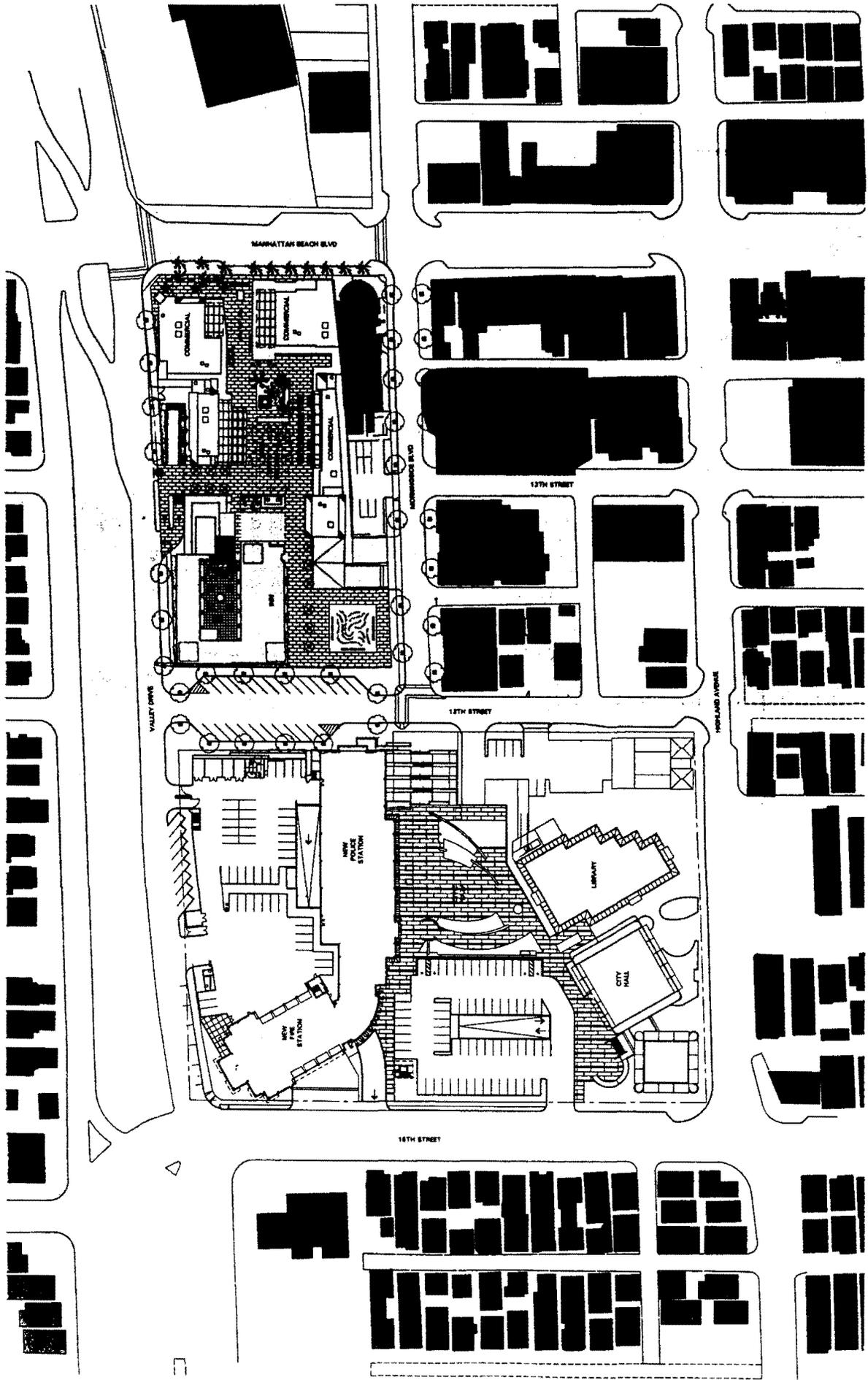
BUILDING INFORMATION	
ADDRESS	CV - COMMERCIAL AREA
TOTAL PROPERTY AREA	54,116 SQ. FT. (APPROX.)
TOTAL OFFICE SPACE AREA	(AS SHOWN ON PLANS)
BUILDING AREA BREAKDOWN:	
BUILDING A (1ST FLOOR) MANHATTAN BEACH BLVD / VALLEY DR	
1ST FLOOR OFFICE	2,200 SQ. FT.
1ST FLOOR RESTAURANT	2,200 SQ. FT.
2ND FLOOR OFFICE	7,000 SQ. FT.
BUILDING B (2ND CORNER) MANHATTAN BEACH BLVD / HIGHLAND AVE	
1ST FLOOR OFFICE / RESTAURANT	6,000 SQ. FT.
1ST FLOOR RESTAURANT	2,000 SQ. FT.
2ND FLOOR OFFICE	7,000 SQ. FT.
BUILDING C (3RD CORNER) HIGHLAND AVE / VALLEY DRIVE	
1ST FLOOR OFFICE	1,000 SQ. FT.
1ST AND 2ND FLOOR OFFICE TO 40' HEIGHT ROOM	24,000 SQ. FT.
TOTAL PROPOSED BUILDING AREA	
	60,000 SQ. FT.
TOTAL ALLOWABLE BUILDING AREA	
	60,000 SQ. FT.
HEIGHT LIMITATIONS	
GENERAL BUILDING HEIGHT	35 FEET
HEIGHT FOR STRUCTURAL PURPOSES	35 FEET
MAX. HEIGHT	35 FEET
FIRE PROTECTION/EXTINGUISHMENT	
AUTOMATIC FIRE SMOKE EXHAUST SYSTEM THROUGHOUT	
CONSTRUCTION TYPES	
FRAME	TYPE I - S.F.
ROOF	TYPE IV - S.F.
TOTAL	TYPE V - S.F.
BUILDING SEPARATION BETWEEN FRAMES AND WALLS: 2" AIR	
FLOORING FINISHES	
UPPER LEVEL - F1	
CONCRETE	35
WOOD	100
MAX. ALLOWABLE	1
ADJ.	1
LOWER LEVEL - F2	
CONCRETE	35
WOOD	100
TOTAL NO. OF STAIRS	400
LIFTING SPACE PROVIDED	
30' 10" W 8' 11" SPACE	
SEE CLASSIFICATION GROUP 1, GROUP FLOOR AREA OVER 50,000	

**METLOX
Site**

**A5-MNB-02-257
COASTAL COMMISSION**

EXHIBIT # 1
PAGE 1 OF 1





SITE AREA PLAN

COASTAL COMMISSION

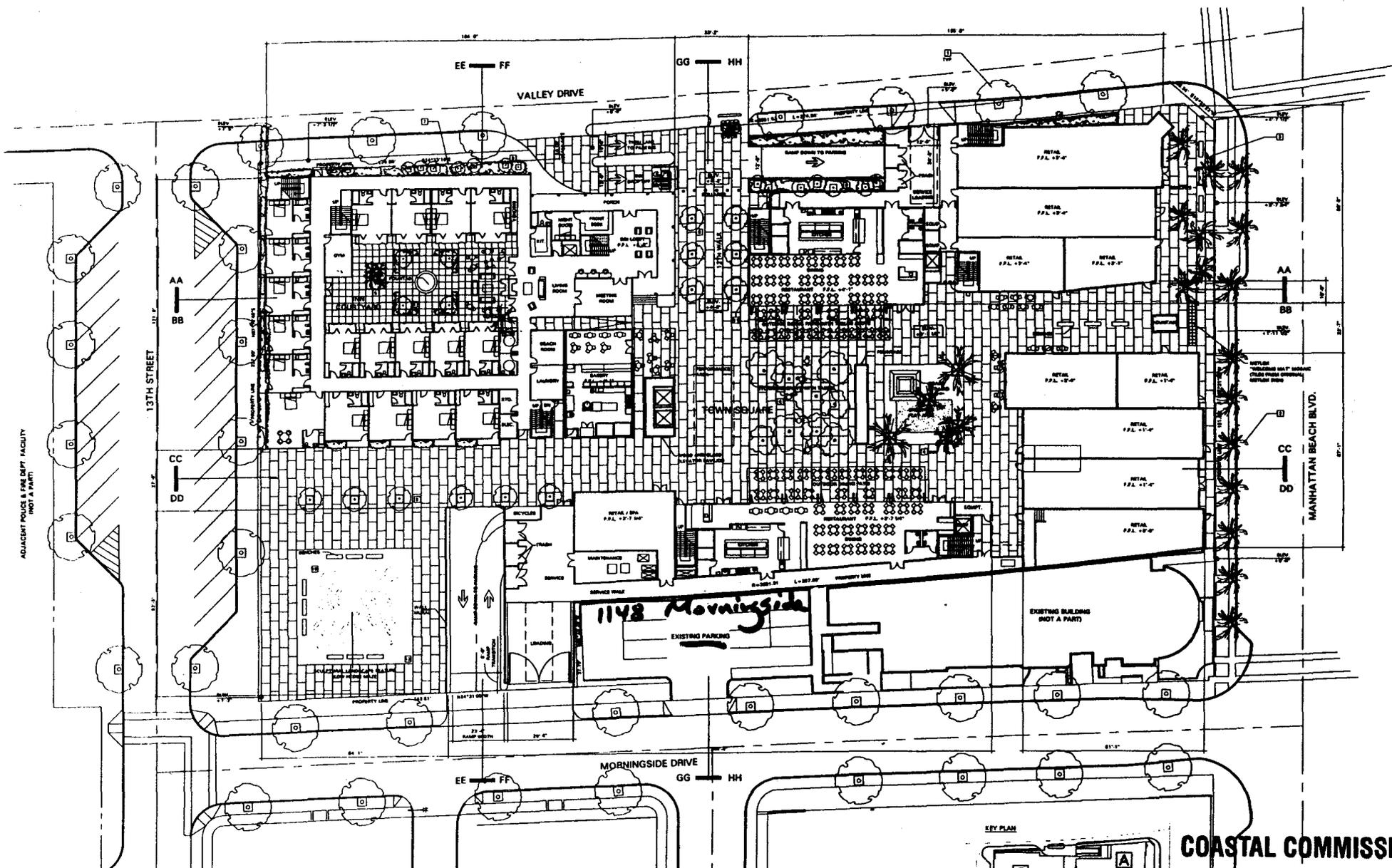
A5-MNB-02-257

MANHATTAN BEACH, CALIFORNIA	SCALE 1/4"
OWNER: METLOX, LLC	DATE: 07/03/03
DEVELOPER: VOITRIGLOUP	PROJECT: 02-257
DESIGNER: J. W. WILSON & ASSOCIATES ARCHITECTURE	PROJECT NUMBER: 01192
11 WEST SILVER DRIVE	MANHATTAN BEACH, CALIFORNIA 90266
TEL: 310-318-3422	FAX: 310-318-3422

METLOX

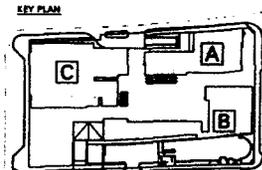
EXHIBIT # **2**

PAGE 1 OF 1



GROUND FLOOR PLAN

- PLANTING LEGEND**
- 1 MIMODROMIS PSEUDOBALMIS (SILVER CHERRY) TREE TYPICAL STREET TREE
 - 2 PRUNUS SPINOSA (BLACK CHERRY) TREE
 - 3 PRUNUS SPINOSA (BLACK CHERRY) TREE
 - 4 NEW ARIAS ARCHONTOCARPUS CUMINGII (NEW ARIAS PALM)
 - 5 PRUNUS SPINOSA (BLACK CHERRY) TREE
 - 6 PRUNUS SPINOSA (BLACK CHERRY) TREE
 - 7 PLATANUS RADICATA (CALIFORNIA PLATANUS)
 - 8 PRUNUS SPINOSA (BLACK CHERRY) TREE
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COASTAL COMMISSION
 EXHIBIT # 3
 PAGE 1 OF 1

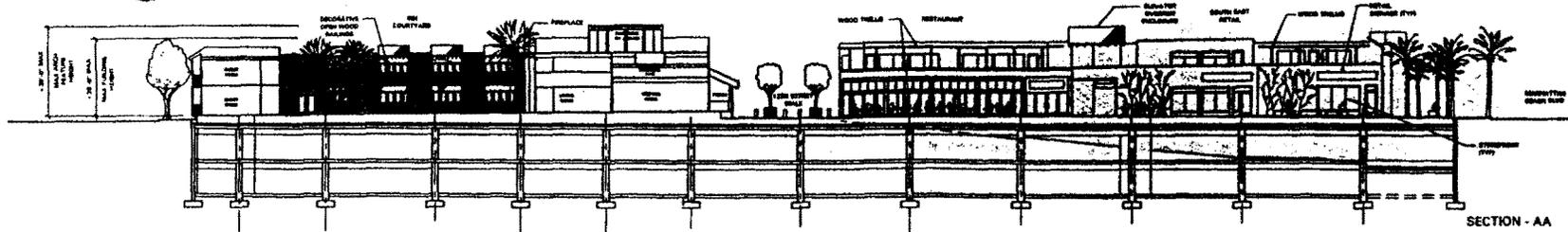
A5-MNB-02-257

METLOX

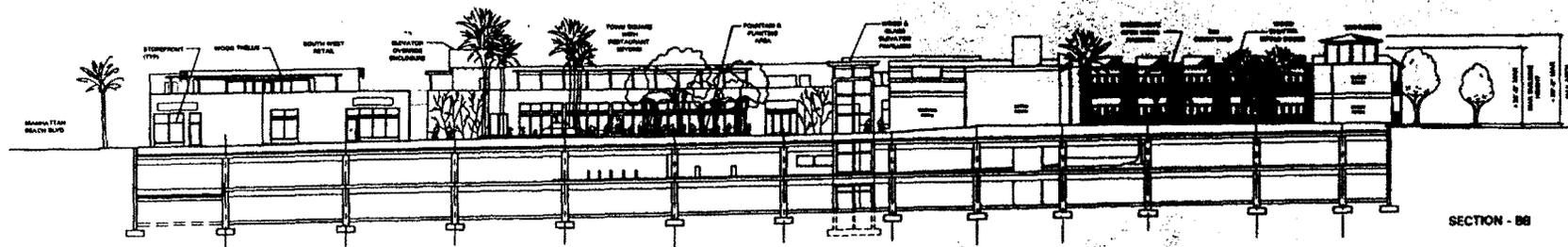
MANHATTAN BEACH, CALIFORNIA
 OWNER METLOX LLC DEVELOPER TOLKINPOUP

TOLKIN & ASSOCIATES ARCHITECTURE
 41 WEST BELLEVUE DRIVE PASADENA CALIFORNIA 91105
 TEL 626 334 0442 FAX 626 334 0773 tolkinarchitecture.com

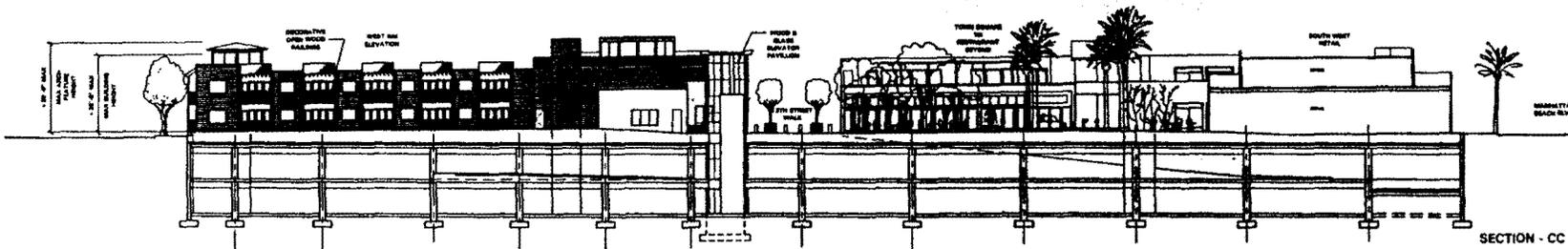
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 PROJ# 2-0205



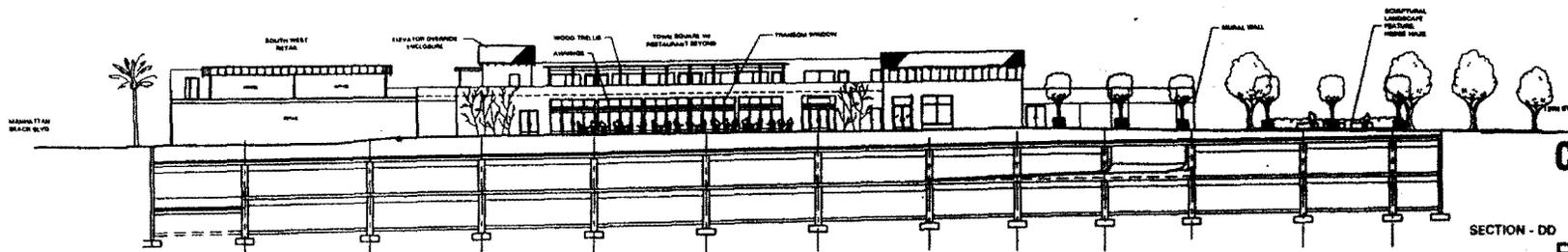
SECTION - AA



SECTION - BB



SECTION - CC



SECTION - DD

SITE SECTIONS

COASTAL COMMISSION

EXHIBIT # 4
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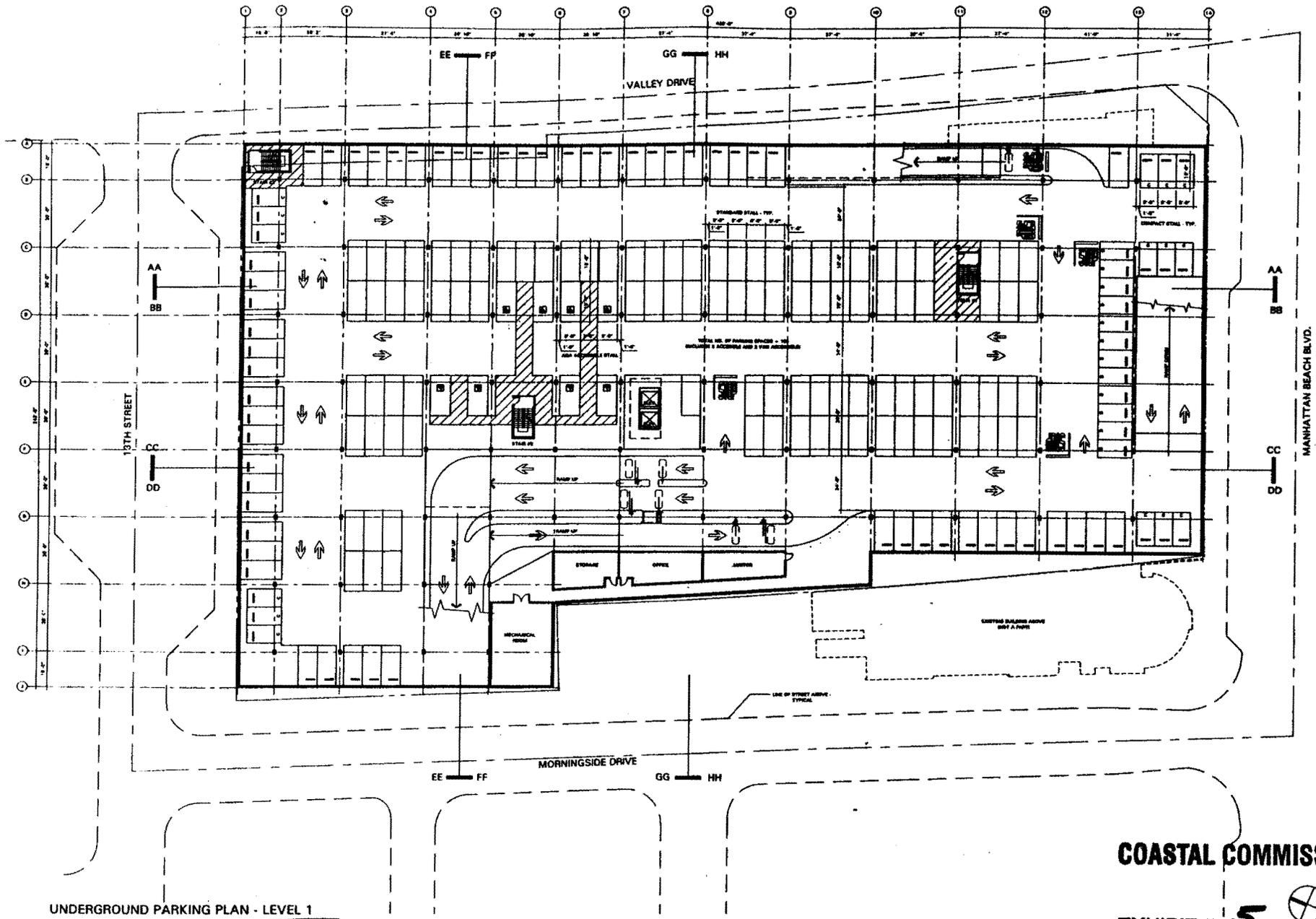
TLOX

MANHATTAN BEACH, CALIFORNIA
OWNER: TLOX LLC

DEVELOPER: TOIKINGROUP

TOIKIN & ASSOCIATES ARCHITECTURE
41 WEST BELLEVUE DRIVE PASADENA CALIFORNIA 91102
TEL 626 336 0423 FAX 626 336 0975 toikinarchitects.com

SCALE 1/16" = 1'-0"
DATE 07.08.03
PROJECT 2.0103



UNDERGROUND PARKING PLAN - LEVEL 1

COASTAL COMMISSION

EXHIBIT #

5

PAGE

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OF 2

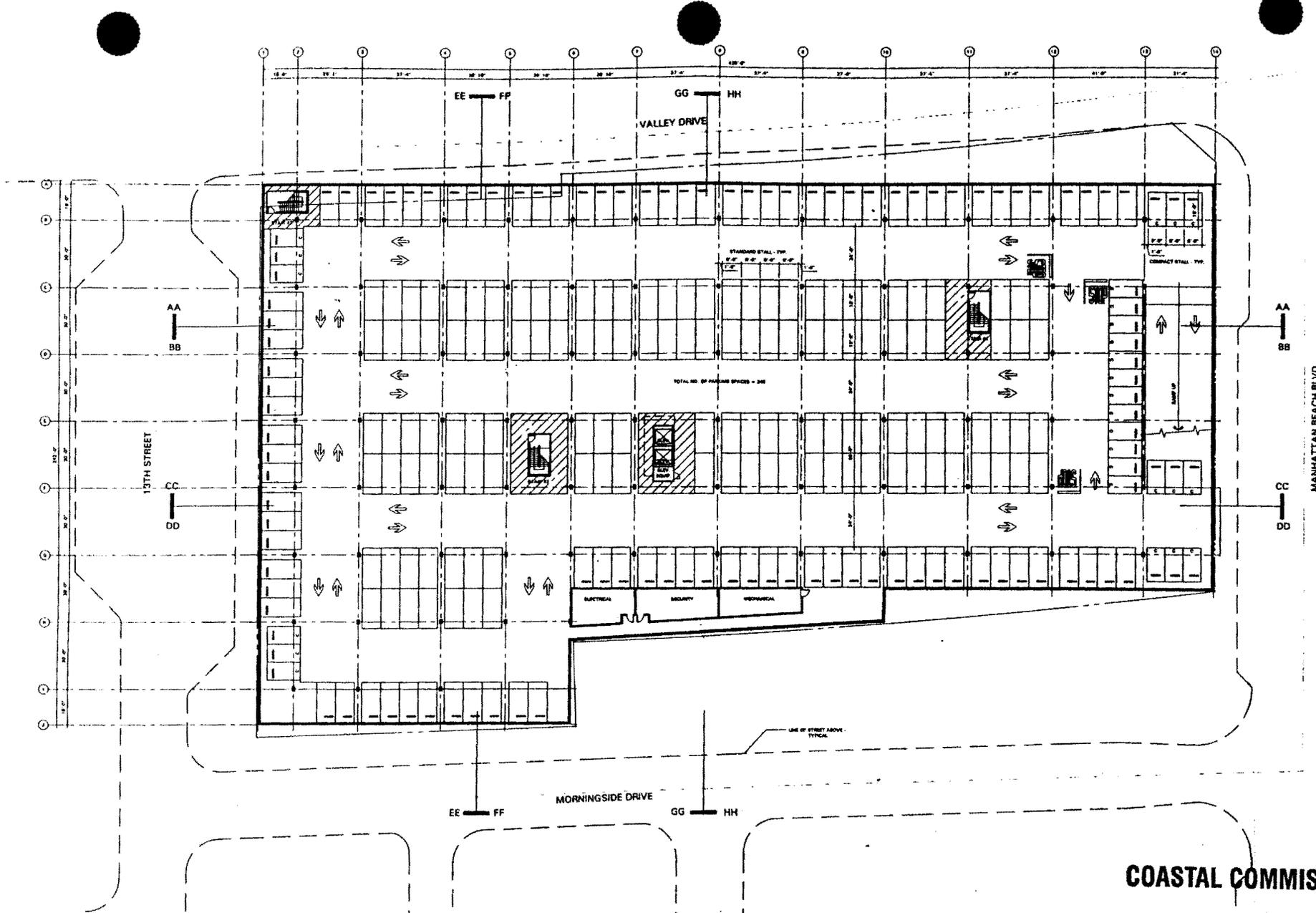
A5-MNB-02-257

METLOX

MANHATTAN BEACH, CALIFORNIA
OWNER METLOX, LLC DEVELOPER TOLKINGROUP

TOLKIN & ASSOCIATES ARCHITECTURE
41 WEST BELLEVUE DRIVE PASADENA CALIFORNIA 91105
TEL 626 356 0443 FAX 626 356 0973 tolkinarchitecture.com

SCALE 1/16" = 1'-0"
DATE 07-09-07
PROJ 3-0205



UNDERGROUND PARKING PLAN - LEVEL 2

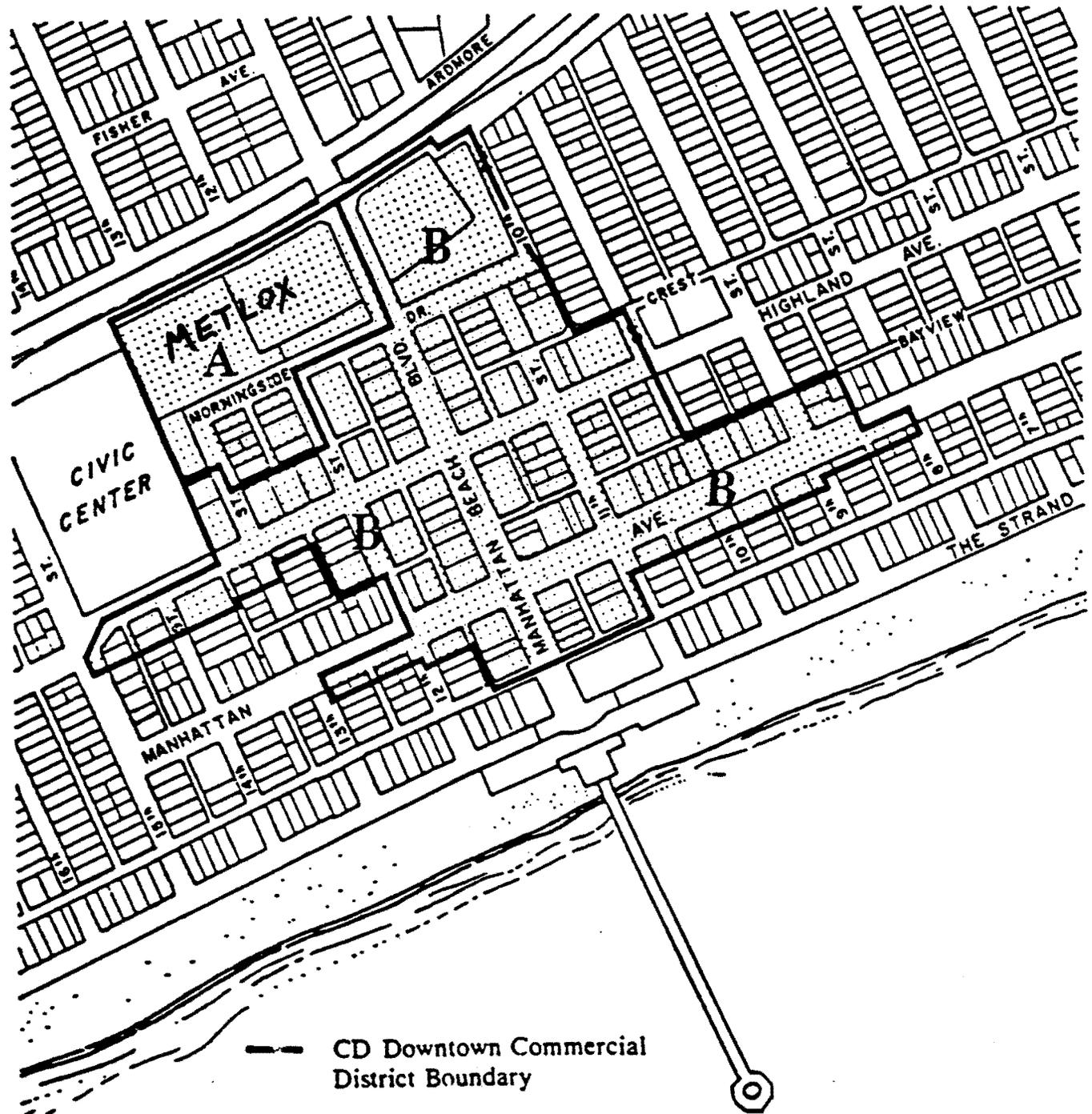
COASTAL COMMISSION

EXHIBIT # 5 

PAGE 2 OF 2

A5-MNB-02-257

METLOX	MANHATTAN BEACH, CALIFORNIA		TOLKIN & ASSOCIATES ARCHITECTURE		SCALE 1/16" = 1'-0"
	OWNER METLOX, LLC	DEVELOPER TOLKINGROUP	41 WEST BELLEVUE DRIVE	PASADENA CALIFORNIA 91103	DATE 07.03.02
			TEL 626.356.0423	FAX 626.356.0473	PROJECT 2-0205



Maximum Building Heights in Feet

- A 30' (with parking structure or a pitched roof)
- 22' (with a flat roof)
- B 26'

Section ^A16.030(G):
CD DOWNTOWN COMMERCIAL
DISTRICT HEIGHT LIMITS

16 - 9

LCP

A.60.050. Measurement of height.

This section establishes regulations for determining compliance with the maximum building height limits prescribed for each zoning district and area district or as modified by an overlay district. The procedure involves a two-step process: first the reference elevation, defined as the average of the elevation at the four corners on the lot, is determined and then a second limit is imposed to ensure that no building exceeds the maximum allowable height above existing grade or finished grade, whichever is lower, by more than 20 percent.

- A. Height shall be measured from a horizontal plane established by determining the average elevation of existing grade at all four corners of the lot. In situations where the elevation of existing grade at a lot corner is not clearly representative of a site's topography (because, for example, of the existence of such structures as retaining walls, property line walls, planters) the Community Development Director shall select an elevation that minimizes, to the extent possible, adverse impacts on adjacent properties and encourages some degree of consistency in the maximum building height limits of adjacent properties. Such interpretations may be appealed pursuant to the provisions of Chapter A.100.
- B. No portion of a building shall exceed the maximum allowable height for the zoning district and area district in which the building site is located by more than 20 percent. For purpose of this requirement, height shall be measured from the existing grade or finished ground level grade, whichever is lower.
- C. To determine compliance with this section, the Community Development Director may require applicants to submit a topographic survey of the project site, and, if necessary, portions of adjacent sites, prepared by a licensed surveyor or licensed civil engineer, depicting existing contours and the contours of finished grade, if different from existing grade, at elevation change intervals no greater than 5 feet. Survey measurements also shall indicate the elevations of adjacent curbs and street pavements where no curb exists.

Exceptions.

- 1. The Community Development Director may approve measuring height from finished grade elevation within 5 feet of front or street side property lines for alterations and additions to preexisting structures which have height nonconformities under the procedures for granting minor exceptions established in Section A.84.120.
- 2. The Community Development Director may administratively approve measuring height from local grade adjacent to an existing or planned building that is adjacent to a street where substantial grading occurred which lowered the street, which, in turn, affected the elevation of the street property line. The intent of this exception is to accommodate situations which exist, such as, on portions of Ardmore Avenue.

A.60.060. Exceptions to height limits.

Vent pipes, and radio and television antennas may exceed the maximum permitted height in the district in which the site is located by no more than 10 feet. Chimneys may exceed the maximum height permitted height by no more than 5 feet, provided the length and the width of the chimney

COASTAL COMMISSION

EXHIBIT # 6
PAGE 2 OF 3

portion exceeding the height limit shall not exceed 3 feet in width and 5 feet in length. The Planning Commission may approve greater height for radio and television antennas with a use permit.

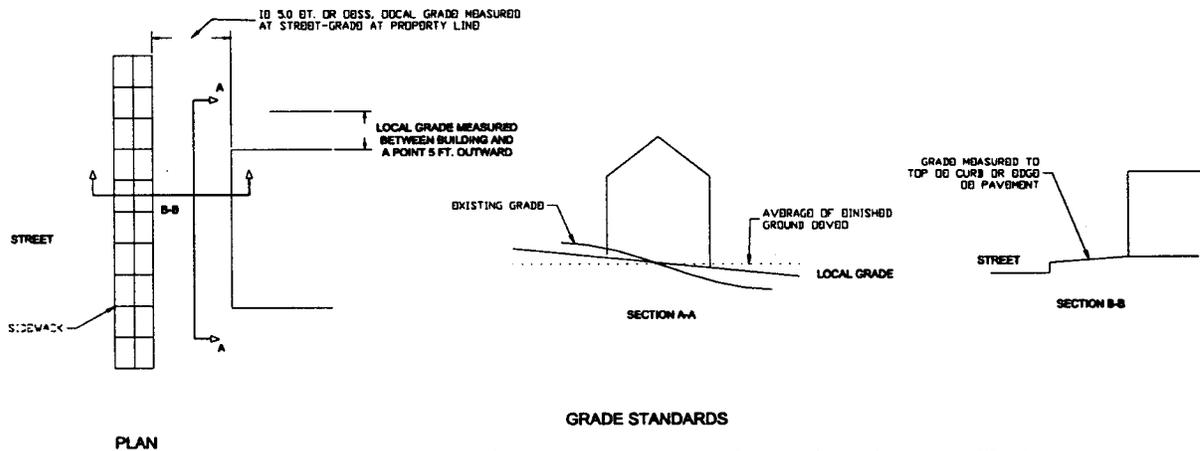
§A.04.030 - Definitions

Grade, Existing: The surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project regulated by this title.

Grade, Ground Level Finished: The average of the finished ground level at the exterior perimeter of all walls of a building. In cases where walls are parallel to and within five feet of a front or corner side property line, the ground level shall be measured at the property line.

Grade, Local: The ground elevation adjacent to a specified location on the exterior of a building (existing or finished, whichever is lower). It is to be taken as the lowest point on a line between the location specified and the nearest property line if the property line is within 5 feet of the building, or, if not, between the building and a point 5 feet outward from the building. For purposes of determining height above or below grade for a specified location on a building not on its perimeter, the local grade shall be considered to be the local grade corresponding to the nearest perimeter location.

Grade, Street: The top of the curb, or the top of the edge of the pavement or traveled way where no curb exists.



Height: A vertical dimension measured from local grade, unless otherwise specified.

COASTAL COMMISSION

EXHIBIT # 6
PAGE 3 OF 3

Estimated Civic Center and Metlox Parking After Completion
August 5, 2002

<i>Location</i>	<i>Existing</i>	<i>Proposed- Civic Center and Metlox</i>
Civic Center	208	311-337
Lot M <u>Metlox Site</u>	155*	430 } → (460)
Morningside Extension (existing surface parking lot 1148 Morningside)	15	28 }
Parking Lot 5	33	N/A
Valley Drive	8	9
Parking Lot 8	50	50
15 th Street (South Side)	5	16
Morningside Drive- MBB to 13th	16	18
13 th Street- Morningside to Highland	11	11
13 th Street Extension (Angled parking both sides)	0	25
Total Approximate Parking	501	898-924

* The approval for Temporary Parking Lot M expired April 2002.

G:\Planning\Temporary (file sharing)\Bobby\Metlox\Master Use Permit-CDP\Parking Civic Center and Metlox after completion-8-5-02.doc

Parking totals provided by City staff.

COASTAL COMMISSION
AS-MNB-02-257

EXHIBIT # 7
PAGE 1 OF 2

Avenue ←

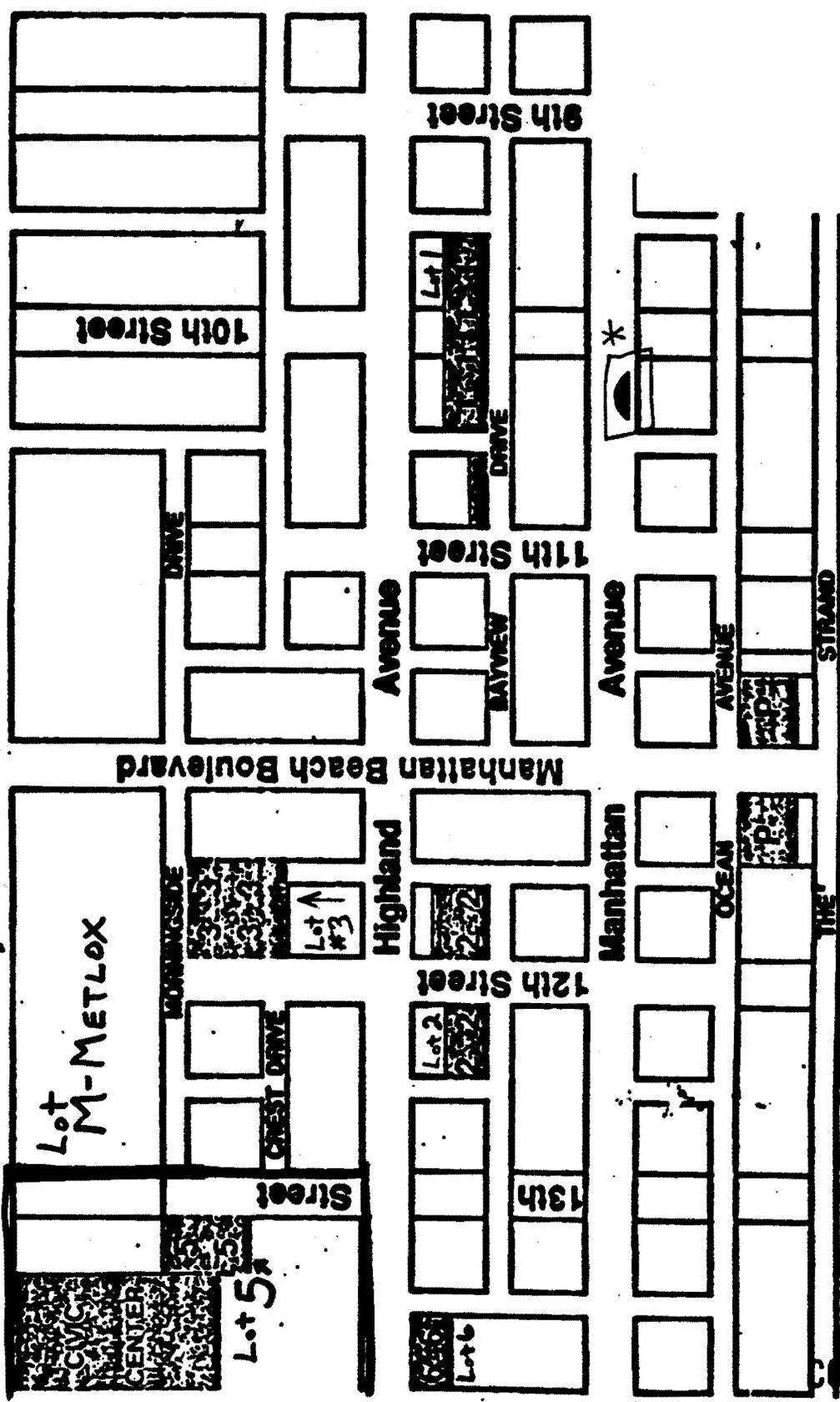
7

Drive →

← Ardmore

8

→ Valley



* VALET Drop off/Pickup STATION

LCP Parking - Public Lots
(Exhibit #9)

Ocean

COASTAL COMMISS

A-5-MNB-02-257

EXHIBIT # 7

p. 2 of 2

4 + 01

GLENN L. BLOCK
CHARLES F. CALLANAN
CHARLES D. CUMMINGS
JOHN J. DEE
JOSEPH S. DZIDA
GARY A. KOVACIC
ROBERT HAMPTON ROGERS
ROGER M. SULLIVAN
HENRY K. WORKMAN

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PLEASE REFER TO
OUR FILE NO.

AUTHOR'S EMAIL ADDRESS

Jdzida@swdlaw.net

October 1, 2002

HAND DELIVERED

California Coastal Commission
South Coast District Office
attn: Charles R. Posner
Coastal Program Analyst
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

RECEIVED
South Coast Region

OCT 1 2002

CALIFORNIA
COASTAL COMMISSION

Re: **Metlox Project in Manhattan Beach Appeal/David Arias**

Dear Mr. Posner:

As you know, I represent David Arias, one of the appellants in the pending appeal before the Coastal Commission of the Metlox Project in Manhattan Beach. By e-mail to you dated September 18th, and in our phone conversation last week, I promised to submit some additional materials. This letter fulfills that promise.

Violation of the Local Coastal Plan and Implementation Program

The parking for the subject project violates the Local Coastal Plan and the Local Coastal Program, Phase III, Implementation Program. The Plan and the Implementation Program are very clear and specific.

First, the certified plan provides in Policy II.B.5 that:

“Development of the former Metlox site shall provide the parking necessary to meet the standards set forth in Section A.64 of Chapter 2 of the Implementation Plan. All required parking shall be provided on the Metlox site.”

This policy was noted at page 12 of the Commission's staff report dated 8/28/02.

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Section A.64.030 sets forth, by proposed use, the number of spaces required generally in development projects governed by the Plan and Implementation Program.

Section A.64.020 provides:

“If more than one use is located on a site, the number of off-street parking spaces and loading berths to be provided shall be equal to the sum of the requirements prescribed for each use.”

In short, the general rule is that there is no reduction in the number of parking spaces required, due to “shared use.” The number of total spaces must be equal to the sum of the spaces required for each use.

Under section A.64.050, the City is given some discretion to approve parking below the generally required levels, if it makes certain findings.

However, that discretion is expressly and narrowly limited in larger projects. Section A.64.040 governs sites larger than 5,000 square feet that serve multiple uses and that require a use permit for collective off-street parking. The Metlox project is such a site. Section A.64.040 limits the City’s discretion in regard to such sites. It requires specific findings (not made here) and states:

“The maximum allowable reduction in the number of spaces to be provided shall not exceed 15 percent of the sum of the number required for each use served. . . . A use permit for collective parking shall describe the limits of any area subject to reduced parking requirements and the reduction applicable to each use.”

Clearly, because of Manhattan Beach’s ongoing, desperate and chronic parking shortage, it was deemed wise to include this limitation in order to ensure that the shortage was addressed, and, at least, not exacerbated by the approval of large projects with massive reductions due to alleged “shared use.” Unwise and unchecked approvals of such developments had led to the shortage in the first place.

Therefore, the proposed project violates the clear and specific provisions of the Local Coastal Plan and its Implementation Program.

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First, the City has approved a reduction greater than 15 percent in the number of spaces required to serve the uses which will be built on the project site. As noted at p. 12 of the Commission's Staff Report dated 8/28/02:

"The City has determined that Section A.64 of Chapter 2 of the Municipal Code requires that the proposed commercial development provide a minimum of 160 on-site parking spaces. The figure of 160 parking spaces was determined by using a shared-parking analysis that estimated 160 parking spaces as being the maximum demand for the proposed commercial uses during any one-time period."

However, as set forth in the attached Declaration of David Arias (accompanying this letter), the number of spaces required generally by the Code for the uses actually approved by the City on the site is 597. The maximum allowable reduction in these required spaces based on "shared use" is 15% or 90 spaces, which means that the project can be approved under the Implementation Program only with 507 on-site parking spaces. The subject project will contain at most 458 spaces (see City Resolution 5770, Section 1, parts J and K). Therefore, the subject project is inadequate under the Implementation Program to even take care of project uses, let alone to replace the public parking spaces (business, merchant and beach going) to be eliminated by the project.

Second, the use permit approved by the City does not "describe the limits of any area subject to reduced parking requirements and the reduction applicable to each use" as expressly required by section A.64.040.

Therefore, this appeal must be sustained. This development as approved simply does not conform with the certified Local Coastal Plan and its Implementation Program. None of these facts are in dispute. The City has no discretion to deviate from the 15 percent maximum allowable reduction contained in the Implementation Program. The Commission has no discretion to allow the City to deviate. If section A.64.040 does not apply to this situation, where does it apply? The City would read it right out of the Implementation Program.

The City may wish to amend its Plan and Implementation Program at some point in the future. However, it must follow the procedures required by law in doing so. It cannot amend its Plan and Implementation Program simply by declaring that it has "discretion" to deviate from them.

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Cumulative Impacts of Elimination of Business/Merchant Permit Spaces.

The above analysis, as stated, does not even address the separate issue of the effects and cumulative impacts this project will have on public parking in the area.

When the City Council approved this project, it understood (wrongly) that it was acting legally by determining that project uses would require only 160 parking spaces. In fact, the Council, specifically authorized the construction of a second, separate parking level to serve the business and general public, whose existing parking was being displaced by the project. It was told that 160 spaces were adequate for the subject project. It did not consider any cumulative impacts, because it was told (falsely) that there weren't any.

However, there are cumulative impacts. This project displaces the already existing business and public parking in Lots 5 and Lot M. The spaces in those lots (approximately 189) are already inadequate to meet the public need and demand. In order to meet the required levels of parking for the uses approved on the subject site alone, 507 parking spaces must be provided. In order to replace the spaces in the Lots 5 and M, another 189 spaces must be provided for a total of 696 spaces. Only 458 are planned, creating a deficit of 238 spaces.

Now the City, in ex parte communications to the Commission's staff, has apparently conceded that it must replace the Lot 5 permit spaces in the proposed parking structure. However, the City also apparently contends that, because Lot M was purportedly a "temporary" lot, it is unnecessary for the Commission to require replacement of the Lot M spaces in the proposed project.

The City's position:

(a) Ignores the requirements of the Local Coastal Plan and its Implementation Program. As discussed above, in concurrent, "shared" use situations like this, the number of spaces required must be equal to the number of spaces required for each planned use, less a deduction for "shared use" that cannot exceed 15 percent. Here there are not enough spaces in the proposed structure to provide for project use, let alone to replace the business and general public uses of Lot 5 and Lot M. As noted at page 13 of the Commission's Staff Report dated 8/28/02, Policy I.C.8 of the Local Coastal Plan specifically provides that:

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“Use of the existing public parking . . . shall be protected to provide public beach parking.”

The plan does not distinguish between “temporary” and “permanent” parking. If Lot M is in fact “temporary” it should be replaced by a permanent lot in order to fulfill the explicit policy contained in the Local Coastal Plan.

(b) Ignores the fact that Lot M is the largest public surface parking lot in the downtown area. That is a fact, whether the lot was temporary or not. Eliminating Lot M and not replacing its spaces will have a devastating impact on the already desperate parking crunch in the City. The impact will be cumulative. The members of the public (business and general) using the Lot M spaces will have to compete with members of the general beach going public for the remaining, already inadequate street and other public lot spaces in the area. **The effect can only be to deter the beach going public from visiting the beach in the City, because of the limited parking and the ferocious competition that will inevitably ensue over it.**

(c) Ignores the history of the parking shortage in Manhattan Beach, and the history of Lot M. While the City has always designated Lot M as “temporary,” the City has always promised that the Lot would be in place until “permanent” parking was built to replace it. This promise was reaffirmed when the City Council approved a second level in the parking structure, believing (wrongly) that the second level would replace the spaces on Lot M. It would be completely unjust and anomalous for the City Council to approve a second level, believing it was replacing Lot M, only to have its staff argue before the Coastal Commission that it is now no longer necessary to replace Lot M because it is “temporary.”

The City’s position, therefore, does not solve the problem. It moves it from the project onto the streets of Manhattan Beach, further exacerbating an already desperate and chronic parking shortage.

Interim Replacement Parking During Construction

This project lacks any measures or requirements to provide interim replacement parking during construction of the project. The City concedes that it will take at least nine months to construct this project. Even after that, portions of the completed lot will be needed for construction use, for use during construction of the Civic Center expansion across the street, for valet parking,

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etc. During this period, Lots 5 and M (the largest surface parking lot in the downtown area, and a companion lot across the street) will be eliminated. The loss of these spaces, even on an interim basis during construction, will impact access by the beach going public in a major way.

The Adjacent Public Safety Facility

The cumulative impact of the adjacent Public Safety Facility planned for concurrent construction with the subject project must also be considered. The City simply intends to use the subject parking structure during the construction of the Public Safety Facility. As stated in the City's Resolution No. 5771, at p. 6, part 14:

"The public parking structure shall be available for use by the public, library employees and patrons, merchants, visitors and employees . . . during construction of the Public Safety Facility."

Valet and Employee Parking

The inadequacy of the parking analysis is further demonstrated by the fact that it defers analysis of employee parking and by the fact that it failed to address valet parking (approved only after the project's environmental impact report, and without any information concerning the volume of valet parking that will be generated).

The City's Resolution No. 5770 states at p. 13, part F that:

"An employee parking program shall be required for the Metlox commercial establishments to alleviate the parking demands within the Downtown Commercial District. Potential mitigation options may include satellite parking programs and/or providing tandem parking stalls designated for employees only."

As noted in the Commission's staff report of 8/28/02, the project lacks a parking management plan. It improperly defers key analysis until preparation of such a plan. Furthermore, the City's proposed mitigation measure (satellite parking) violates Policy II.B.5 of the Local Coastal Plan which states that "All required parking shall be provided on the Metlox site." Off-site parking is not an option permitted by the Plan.

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The City's Resolution No. 5770 states at p. 13, part G that:

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

There has been zero analysis of the impact that valet parking operations will have on this project and the surrounding area. In fact, the City's acknowledgment that tandem parking will be utilized demonstrates that the potential parking demand generated by this project goes far beyond the 160 spaces originally acknowledged.

Proposed Conditions

Therefore, the Commission should not approve this Coastal Development Permit, or should approve it only subject to the following conditions:

1. The developer should provide replacement parking during construction equal to the number of spaces removed from use in Lots 5 and M during construction. Permits for the replacement spaces should be issued by the City on a one for one basis to permit holders in Lots 5 and M.
2. The total amount of new parking provided for this project should include spaces reserved for business/merchant permit parking sufficient to replace on a one for one basis the permits now using Lots 5 and M. Replacement permits should be issued in the new facility to those presently holding permits to use Lots 5 and M.
3. The parking for this project should also include spaces for project shared use that comply with the 15% maximum reduction allowed by the Implementation Program.
4. The parking for this project should also include additional spaces reserved for use by the general beachgoing public, and not by business/merchant permittees who are also members of the public, or project tenants.
5. If on-site valet and employee parking is going to be permitted, additional spaces should be required in order to meet this demand.

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Mr. Charles Posner
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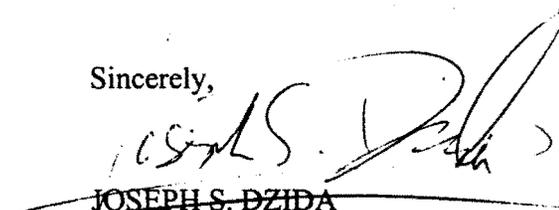
6. That no parking (including employee or valet parking) be permitted offsite in violation of Policy II.B.5 of the Local Coastal Plan which requires that "All required parking shall be provided on the Metlox site."

In my e-mail of September 18th, my client and I requested the opportunity to meet with Staff to discuss these issues and answer any questions you may have. It is vital that Staff have a clear understanding of the issues, unfiltered by the City. We understand that Staff has already met with representatives of the City and Developer to get their take.

DUE PROCESS

I must also note that, while I am copying the City's planner on this letter, the City has not afforded the same courtesy to me. You have mentioned that the City has sent several letters to you. My client has not been afforded a chance to respond to the specifics, if any, contained in those letters. This is a violation of due process. We would ask for notice and an opportunity to be heard with respect to any communications that the Commission receives from anyone in regard to this appeal.

Sincerely,


~~JOSEPH S. DZIDA~~
SULLIVAN, WORKMAN & DEE, LLP

cc: David Arias
Laurie Jester, Manhattan Beach Planning

JSD/tl

SA\USERS\WP51\TINA\arias\parking\correspondence\posner.ltr1.wpd

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**METLOX DEVELOPMENT
PARKING REQUIREMENTS**

	Interior Sq Ft	Outdoor Sq Ft	Code Requirement	Spaces Required
Tolkin Development				
Retail *				0
Bakery	1,250	300	1 space per 75 sf; 1 space per 50 sf	23
Tea Salon	1,000	300	1 space per 75 sf; 1 space per 50 sf	19
Ice Cream Parlor	1,000	300	1 space per 75 sf; 1 space per 50 sf	19
Coffee House	1,000	300	1 space per 75 sf; 1 space per 50 sf	19
Yogurt Shop	1,000	300	1 space per 75 sf; 1 space per 50 sf	19
Candy Store	1,000	300	1 space per 75 sf; 1 space per 50 sf	19
Cookie Store	1,000	300	1 space per 75 sf; 1 space per 50 sf	19
Juice Store	1,000	300	1 space per 75 sf; 1 space per 50 sf	19
Other	4,100		1 space per 200 sf	21
Kiosks		Unknown	Unknown	Unknown
Total Retail	12,350			
Restaurant*	8,000	2,400	1 space per 50 sf of Dining Area Dining Area - 6,400 sf	128
Personal Services*	8,750		1 space per 250 sf	35
Office*	8,750		1 space per 300 sf	29
Inn: 40 Rooms*	26,000		1.1 space per Room plus other uses	44
Library	450		1 space for 50 sf	9
Courtyard		1,250	1 space for 50 sf	25
	<hr/>	<hr/>		<hr/>
Totals	63,850	6,050		449
Plus				
Ireland Miller			Per Purchase Agreement	15
City of Manhattan Beach				
Town Square	40,000		1 space per 300 sq ft of Floor Area	133
				<hr/>
			Total Code Required Parking Spaces	597
			Less:	
			Permitted Reduction	<u>(90) 15%</u>
			Net Spaces Required - Metlox Development	<u><u>507</u></u>

* City of Manhattan Beach Resolution No. 5770, Coastal Commission A5-MNB-02-257 Exhibit #

COASTAL COMMISSION



City Hall 1400 Highland Avenue Manhattan Beach, CA 90266-4795
Telephone (310) 802-5000 FAX (310) 802-5001 TDD (310) 546-3501

October 3, 2002

Mr. Chuck Posner
California Coastal Commission
South Coast Area
200 Oceangate, 10th Floor
Long Beach, CA. 90802-4416

**RE: Coastal Development Permit for 1200 Morningside Drive- Metlox Public
Subterranean Parking Facility- Commission Appeal Number A-5-MNB-02-257**

Dear Mr. Posner,

The following information is in response to the questions that you had regarding the parking demand for the Metlox project as we discussed on the phone and the applicable Local Coastal Program requirements, as well as the parking demand issues raised by Mr. David Arias in his letter dated October 1, 2002. The City of Manhattan Beach clearly has the authority in the Certified Local Coastal Program to approve joint use/reduced parking that exceeds 15%.

EIR

The Certified Environmental Impact Report (EIR) provides a very detailed shared parking demand analysis prepared by a licensed traffic engineer, and reviewed by the City's licensed traffic engineer, the public, and public agencies, including the California Coastal Commission. The Downtown Business and Professional Association also hired a traffic engineer who agreed with the methodology utilized in the EIR. The EIR parking demand study methodology and assumptions were prepared in accordance with ULI standards. The judgement in a lawsuit that challenged the adequacy of the EIR was rendered in favor of the City in November 2001.

The following are the Code Sections in the City of Manhattan Beach Certified Local Coastal Program that have been discussed in relationship to the parking requirements on the Metlox site.

Section A.64.020 E

Section A.64.020 E of the LCP allows "joint facility" parking where uses on the same site have different hours of operation and the same parking spaces can serve both uses without conflict. The Director of Community Development has the authority to determine if the

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Police Department Address: 420 15th Street, Manhattan Beach, CA 90266 FAX (310) 802-5102
Public Works Department Address: 3621 Bell Avenue, Manhattan Beach, CA 90266 FAX (310) 802-5301
City of Manhattan Beach Web Site: <http://www.cityymb.info>

COASTAL COMMISSION

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achieve the purpose of Chapter A.64. The "Purpose" section of Chapter A.64 of the LCP, Section A.64.010 A., requires parking in proportion to the need created by the uses. The Metlox project clearly achieves this purpose.

Although the Director of Community Development clearly has the authority under Section A.64.020 E to administratively approve a "joint facility", the Department has used the Use Permit process to review and approve reduced parking.

Section A.64.050

Section A.64.050 B. of the LCP is the Code section that the City used to evaluate the parking for the Metlox development. This Section allows reduced parking, with no limit on the percentage of the parking reduction. Section A.64.050 states that a Use Permit may be approved to reduce the number of parking spaces, findings are required to be made, and a parking survey "**shall**" be required. This section applies to the entire Coastal Zone and is not limited to the Downtown (CD District). Section A.64.050 A. of the LCP may only be used in the Downtown (CD District) but **does not** preclude the use of subsection B. in the CD District. This Code Section has been used in limited instances for larger projects with a broader range of tenants with varying times of peak parking demand, such as at the Manhattan Village Mall.

Section A.64.040

Section A.64.040 of the LCP, which provides requirements for "Collective Provisions of Parking", is not applicable to the Metlox project. A parking survey "**may**" be submitted, but it is not specifically required to be submitted, as in Section A. 64.050 B. The findings that are required to be met are different than those in the reduced parking. The Collective provisions Code section has been used many times throughout the City, as it is very common to have multi-tenant buildings with a variety of uses on the site collective parking.

If there were no shared parking on the site as approved through the Certified EIR and the Master Use Permit, and if the City of Manhattan Beach did not rely on Section A.64.050 B. of the LCP in evaluating and approving the parking for Metlox, the following code sections would apply.

Parking calculations

First in accordance with Section A.64.050 A. 1. , the project could be divided into building sites of less than 10,000 sq. ft. each and no parking at all would be required on the site since the Floor Area Factor is less than 1:1. If the site remains as one large site as currently proposed, 5,000 sq. ft of floor area would be excluded from the parking calculations, in accordance with Section A.64.050 A. 2. Section A.84.105 B., Master Use Permits, calculates parking based on the gross leasable floor area, thereby excluding all of the outdoor area.

COASTAL COMMISSION

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I hope that this clarifies the issues brought up. Should you have any questions, or need additional information, please feel free to contact Laurie Jester, Senior Planner at (310) 802-5510, or ljester@citymb.info.

Sincerely,

Richard Thompson
Director of Community Development

xc: City of Manhattan Beach City Council
Robert Wadden, City Attorney
Jonathan Tolkin, Tolkin Group

G:\Planning\Temporary (file sharing)\Bobby\Metlox\Master Use Permit-CDP\CCC Response to David Arias-parking 10-3-02.doc

COASTAL COMMISSION

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City of Manhattan Beach
Local Coastal Program Code Sections
(Emphasis added)

A.64.010. Specific purposes.

In addition to the general purposes listed in Chapter A.01, the specific purposes of the off-street parking and loading regulations are to:

- A. Ensure that off-street parking and loading facilities are provided for new land uses, and for major alterations and enlargements of existing uses *in proportion to the need for such facilities created by each use.*

A.64.020. Basic requirements for off-street parking and loading

- E. Joint Use. Off-street parking and loading facilities required by this chapter for any use shall not be considered as providing parking spaces or loading spaces for any other use except where the provisions of Section A.64.040: Collective provision of parking apply *or a joint facility exists.* Such a facility shall contain not less than the total number of spaces as determined individually, subject to the provisions of subsection (F) below, or *fewer spaces may be permitted where adjoining uses on the same site have different hours of operation and the same parking spaces or loading spaces can serve both without conflict. A determination of the extent, if any, to which joint use will achieve the purposes of this chapter shall be made by the Community Development Director, who may require submission of information necessary.*

A.64.040. Collective provision of parking.

Notwithstanding the provisions of Section A.64.020 (E), a use permit may be approved for collective provision of parking on a site of 5,000 square feet or more that serves more than one use or site and is located in a district in which parking for the uses served is a permitted or conditional use. A use permit for collective off-street parking may reduce the total number of spaces required by this chapter if the following findings are made:

- A. The spaces to be provided will be available as long as the uses requiring the spaces are in operation; and
- B. The adequacy of the quantity and efficiency of parking provided will equal or exceed the level that can be expected if collective parking is not provided.

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The maximum allowable reduction in the number of spaces to be provided shall not exceed 15 percent of the sum of the number required for each use served.

An applicant for a use permit for collective parking may be required to submit survey data substantiating a request for reduced parking requirements. A use permit for collective parking shall describe the limits of any area subject to reduced parking requirements and the reduction applicable to each use.

A.64.050. Reduced parking for certain districts and uses.

- A. CD District. The following parking requirements shall apply to nonresidential uses:
1. Building Sites equal to or less than 10,000 Sq. Ft. If the FAF is less than 1:1, no parking is required; if the FAF exceeds 1:1, only the excess floor area over the 1:1 ratio shall be considered in determining the required parking prescribed by Section A.64.030.
 2. Building Sites greater than 10,000 Sq. Ft. The amount of required parking shall be determined by first excluding 5,000 square feet from the buildable floor area and then calculating the number of spaces prescribed by Section A.64.030.
- B. A use permit may be approved reducing the number of spaces to less than the number specified in the schedules in Section A.64.030, provided that the following findings are made:
1. The parking demand will be less than the requirement in Schedule A or B; and
 2. The probable long-term occupancy of the building or structure, based on its design, will not generate additional parking demand.

In reaching a decision, the Planning Commission shall consider survey data submitted by an applicant or collected at the applicant's request and expense.

A.84.105. Master use permits.

A master use permit authorizing multiple uses for a project with more than 5,000 square feet of buildable floor area or more than 10,000 square feet of land area, shall be subject to the provisions applicable to use permits (Chapter A.84 et seq.), with the following exceptions or special provisions:

- B. Uses: Parking. The master use permit shall establish a mix of uses by classification, or combinations of use classifications defined in Chapter A.08. The mix of uses shall be the basis for a percentage distribution of *building gross*

COASTAL COMMISSION

leasable floor area by use classification. Parking and loading requirements approved in conjunction with a master use permit shall correspond to the percentage distribution of building gross leasable floor area by use classification.

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OCT 17 2002

CALIFORNIA

PO Box 24A72
11000 Wilshire Blvd.
Los Angeles, Ca. 90024
OCTOBER 17, 2002

Via fax: 562-590-5084

SEVEN PAGES INCLUDING THIS PAGE

California Coastal Commission

Hon. Commissioners:

200 Oceangate, Suite 100

Long Beach, Ca. 90802

LETTER TO BE

SUPPLEMENTED

**RE: ITEM 15g OPPOSITION
TO PROJECT**

Dear Hon. Commissioners and Alternates:

Since I may not be able to be present at the hearing on
11-05-02

I am trying to summarize the points made in my appeal
below:

1. The DEVELOPMENT does not conform to standards
required in the Certified LCP-(Local Coastal Plan) for
example, violations of Chapter A.54, A 64.230 ,
Policies II.B.5 ,II.B., I.C.2, I.C. 17, I.A.2.of the
Certified LCP and Implementation Plan-A.64 which
for only one example, requires that all parking needed
for the Metlox site "be provided on the Metlox
site" This is NOT accomplished by the overly
ambitious proposed project. The project fails to maintain
"safe and efficient traffic flow patterns to permit
sufficient beach and parking access" Policy I.A.2.

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2. The EIR identified unacceptable traffic conditions which have not been mitigated in the project- the project's impact on traffic will be at best, impossible gridlock, more so than the present, especially at times when the beach is heavily used.

3. The project violates the public policy for access set forth in the California Coastal Act and reduces access monumentally

4. The project negatively impacts parking- while the City claims it is adding "approximately" 460 spaces, it is removing 155 spaces from lot M which it now calls a "temporary" lot and 33 spaces in lot 5 leaving a net parking from its "approximate" parking of "approximately 277 spaces". In addition, the project requires, according to the City's own EIR, parking for at least 165 employees. There is no indication if any will have shared riding or shared riding incentives. When the calculations for 165 employees were made, it was before the Inn became a medium sized hotel, and the project only required 628 SPACES THEN - and the offices, retail USES, MEETING facilities or areas were later authorized. Later the kiosks were authorized;

5. The unlimited number of kiosks, carts, businesses were authorized by Sections 25 (c) and 31 of a recent resolution (#5770) passed by the City for this project. Each of the unlimited number of kiosks which are authorized has up to 300 square feet of seating with no provision for additional parking. Only needing the approval of the City Manager (known to be solely interested in the profit motive in this project without COASTAL COMMISSION

consideration to coastal access). Additional required parking could be up to 1700 spaces if the current code were enforced; If only the 628 spaces would be required. Thus without those there would be a shortage computed as follows:

460 "Approximate" number of parking places in the project

LESS: -183(155 M 33 lot5)

LESS:-165(Employees cars) # claimed in the inadequate EIR; leaving only 112 additional spaces instead of 628 spaces, a 512 space deficit without even considering

- (a) unlimited number of kiosks each having seating
- (b) meetings now allowed for 90 or more people at the hotel or convention- type center (called an "Inn" by the developers for purposes of this application)
- (c) additional employees required for kiosks, carts and events
- (d) the parking deficit during the years of construction when the 155 spaces of lot M and 33 spaces of lot 5 will be eliminated without replacement and the other lots (e.g. lots 7 and 8) will be eliminated or exclusively dedicated for construction , storage, construction personnel parking and displacement of police and fire facilities and personnel.

6. The City's credibility has to be questioned since it is the City investment and profit that appears to be the driving force as a partner in this venture- a cost to Coastal Access in traffic and parking for example. The City is not an impartial arbiter of the facts and judgment necessary to enforce its own Certified Local Coastal Plan in this particular development/work project. For example it (a) uses the word "temporary" for the lot which had 155 spaces and will be eliminated; (b) it COASTAL COMMISSION

attacks personally the appellants rather than directing your focus on the facts, and (c) it calls a 40 plus room hotel with convention type meeting facilities an "Inp".

7. Certain lots (in the land use plan) that were available for beach parking are no longer available;

8. Increasing number of bars in the area since the last inadequate downtown parking study in 1997, reduces the available parking for beach goers;

9. Increased number of events (often unrelated to use of the beach) often on the same weekend, are scheduled with more frequency since the EIR and Parking study, make traffic and parking already below acceptable levels;

10 Valet parking is using public parking both where it stores the cars and where the pick ups are. The Valet parking site on

Manhattan Beach Blvd. sometimes takes as many as 12 spaces away from beach goers and then takes parking spaces from public areas where it stores the cars requiring beach goers to pay \$12.00 or more plus tip to use the beach intended to be free or at least affordable to everyone. Section 30213 of the Coastal Act protects "lower cost visitor and recreational facilities" and states "Developments providing recreational opportunities are preferred."

11. The environmental effect of the increased smog and the construction where no controls have even been

considered in the materials and are unmitigated and should be a concern of the Coastal Commission;

12. The City of Manhattan Beach, the applicant herein, has a reputation for frequently ignoring the rights of California Citizens and taxpayers, including violations of notice periods, failure of notice, violations of its own codes. For example the city failed to give the required notice for appeal of the Planning Commission in its decision of July 16, 2002 and under law would have to be referred back to City Council after the appropriate appeal period.

13. The Cumulative failures of the City to enforce parking requirements for fast food projects in the beach area. For example only a month or two ago, the city permitted 1100 Manhattan Ave to demolish a modest use (which had required parking spaces) to a much larger project which ordinarily would require 34 spaces. City only required 6 spaces instead of 34 causing another deficit in the beach parking of 28 spaces.

14. Mr. Charles Posner, Coastal Commission Coastal Program Analyst, on November 16, 2000 reminded the City of Manhattan Beach of many of these concerns when commenting on the on the Draft EIR (an Exhibit to the FEIR); it appears the Coastal Commission was falsely assured by the City that these concerns would be mitigated. For example, the City stated: "The project will accommodate the anticipated parking demands of the proposed Civic Center and Metlox uses in on-site underground parking structures" See FEIR

- 5 -

COASTAL COMMISSION

EXHIBIT # 10
PAGE 5 OF 8

15. On November 15, 2000, the California Department of Transportation advised in a letter to Mr. Richard Thompson of the City of Manhattan Beach that Cal Trans had serious concerns indicating that the "cumulative impacts on State Facilities cannot be justified without major improvements to alleviate the over capacity conditions which exist on both the State Highway System and local roads" and the letter commenting on the EIR indicated that it "could only be accomplished by widening the roadway" which has not been done as far as I can determine; Please see a collection of pictures taken in past two years where no improvements have been made and the situation will only be aggravated by this public works project.

16. Toxic concerns were commented upon by the Department of Toxic Substances, the Unit Chief of Southern California Cleanup Operations, on October 25, 2000 about the historic soil contamination at the Metlox pottery site. The City responded by stating that "If during construction of the project, contamination is suspected, construction in the area should stop..." but there is no provision in the FEIR to do sampling or testing during the construction at any intervals whatsoever. It is and should be a concern of the Coastal Commission pursuant to the Coastal Act to require a procedure to insure the safety of beachgoers and the public using the resources especially during the anticipated long construction periods, in view of the fact that the FEIR acknowledges the toxic history of the site, and also that asbestos is acknowledged as likely in the buildings to be demolished in this public works project; Certainly there should already be completed

- 5(b)

COASTAL COMMISSION

EXHIBIT # 10
PAGE 6 OF 8

testing for asbestos, silica and fibrous materials which would have a serious health and safety impact upon beachgoers, residents and even the applicants for years to come. Although design work has continued there is no mention of any testing for asbestos, silica and fibrous materials which could and should have been done already. It suggests that it may never be done since there is no evidence of any time component for the testing and possible removal in city prepared materials distributed by applicant.

17. The City will be "temporarily" eliminating other parking lots, lots 7 and 8, for example, during the different construction phases of this public works project and do not appear to disclose this to the Commission. The material made available to the public which I have seen does not have a schedule to show how long these temporary closings will take in the overall construction schedules. In fact the construction schedules have not been made available to the public or Commission to my knowledge. These failures of disclosure by the City are additional examples of its history and growing reputation of violating its own codes, abusing the permits granted by this Commission (e.g. Valet parking taking many more public spaces away than represented in the applications for those permits) and in addition violating again this Certified ECP with what will probably be the worst and most irreparable example of interference with beach access, parking and traffic control in recent decades. I very much appreciate the considerable effort made by the Staff in reviewing whatever portions of the facts that has been supplied to the Commission and respectfully request the Commission to grant deny this permit or grant sufficient conditions so that this project

COASTAL COMMISSION

EXHIBIT # 10
PAGE 7 OF 8



does in fact comply with the Certified Local Coastal
Plan ..

Respectfully,

William Victor
William Victor, Appellant,
beachgoer and property taxpayer

COASTAL COMMISSION

EXHIBIT # 10
PAGE 8 OF 8



**JOHN POST PHOTOGRAPHY
ANTHRO-GRAPHICS**

- Specializing in the South Bay since 1976
- Specializing in the Unique and Exciting 617
Panorama Format since 1990

October 15, 2002

California Coastal Commission
South Coast District Office
Attn: Charles R. Posner
Coastal Program Analyst
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

RECEIVED
South Coast Region

OCT 21 2002

CALIFORNIA
COASTAL COMMISSION

Re: Metlox Project in Manhattan Beach

Dear Mr. Posner,

As a longtime business owner in Manhattan Beach I am concerned with the development of our downtown area. I have been watching the progress of the Metlox site through its many phases over the years. I have been pleased with the continued downsizing of the project, and my feeling is that it is still too big and unnecessary.

At this time however I am most concerned with the projects parking.

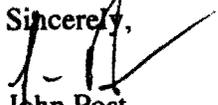
As a downtown M.B. business owner I have felt that Metlox project has been underparked from the start, especially with the traffic congestion that will be generated. The M.B. Downtown businesses have been promised more parking for years and were told that the Metlox site would hold the solution. So far the business community has had to struggle, not only to obtain additional parking from the project but to preserve the spaces now available.

The city did finally decide a second level of parking was practical and needed. I was under the impression that most of that second level was to be for downtown business employee and general public parking, to relieve some of the stress the project will create, it now appears that may not be the case.

With the Metlox project in its most recent format with expanded outside dining areas, moveable kiosks, several additional businesses and expanded hotel size, I am afraid that the location is now, desperately underparked.

To preserve the original intent of the development of the Metlox site, 'To enhance downtown Manhattan Beach, minimize congestion and be a benefit to all', I suggest The Coastal Commission not approve the Metlox permit until all downtown parking issues are resolved. Thank you for your attention to this matter.

Sincerely,


John Post

COASTAL COMMISSION

EXHIBIT # 11
PAGE 1 OF 1

Mailing Address: P.O. Box 211, Hermosa Beach, CA 90254

➤ Gallery Address: 809 Manhattan Avenue, Manhattan Beach, CA 90266

Phone: (310) 376-4448 Fax: (310) 376-4448 Gallery: (310) 376-6982

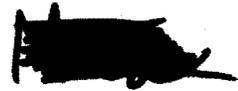
WWW.JOHNPOST.COM

Harry A. Ford, Jr.

54 Village Circle, Manhattan Beach, California 90266-7222 USA

Phone & Fax: (310-546-5117)

E-mail: HarryFordManBch@aol.com



August 29, 2002 – via U.S. Mail with attachments, and via fax to Chuck Posner without attachments

RECEIVED
South Coast Region

California Coastal Commission, and Chuck Posner, Coastal Program Analyst
200 Oceangate, 10th Floor, Long Beach, CA 90802-4416

AUG 30 2002

Dear California Coastal Commission, and Chuck Posner:

CALIFORNIA
COASTAL COMMISSION

Re: Permit Number: A-5-MNB-02-257; This Letter is **FOR the appeal of the Manhattan Beach Metlox project public parking, Civic Center parking, and against approval of this major public works project without a current Parking Management Plan for the Downtown Manhattan Beach Coastal zone that demonstrates with empirical data that Downtown parking supply exceeds demand, and explains in detail all relevant items required by A.64.**

Summary: The City of Manhattan Beach has had five years to prepare a Downtown Parking Management Plan (MBMC 10.64. and Section A.64 of Chapter 2 of the Implementation Plan – Policy II.B.5 All required parking shall be provided on the Metlox site), and demonstrates with empirical data of parking demand and supply, with monitoring data, that the cumulative Downtown parking supply (as required by CEQA but was not a part of the Metlox EIR) exceeds demand. They failed to do so. The City had previously done parking studies in 1984, 1990 (selected pages attached), and 1997 but chose not to update those to provide the necessary information to make an informed decision on all the details of the Downtown parking (including the status of the parking loopholes in the Code). The last time the City added public parking in the Veteran's Parkway (Lots 7 and 8 also not in the appealable area) the Coastal Commission had to come in and have the City remove parking meters in Lot 8 (now free) and make other parking changes. Since there is no Parking Management Plan with documentation of all the aspects of the Downtown parking (and the Code is now out of date with the new parking) and how it will operate permanently, and during construction, a substantial issue exists as there is inadequate documentation that the City is in compliance with A.64, LUP, and LCP and CEQA which provides for a cumulative parking analysis of this last opportunity to address the very serious Downtown parking issues. The Coastal Commission should require the City to prepare a documented Parking Management Plan, which is accordance with CEQA, **before** the project is approved. If not, the City will continue to expand parking demand through intensifications of use as they have since 1990 (retail to restaurants or fast food with bars and entertainment and outdoor dining with no new parking in apparent violation of CEQA to not approve intensifications of the same type in the same area without and EIR) which will be in conflict with the Policy I.C.2; The City shall maximize the opportunities for using available parking for weekend beach use. Below is some additional detail.

- 1) **Lack of accurate accounting of all Downtown parking supply and demand (No updated plan):** The City has never provided the updated information to accurately show that Downtown parking supply exceeds demand. There are many demands that the City has not adequately addressed, and without a parking plan for Downtown it is unacceptable conjecture to suggest that supply exceeds demand. Here are some examples:
 - a) The City is losing 33 spaces in Lot 5 and 155 in Lot M that are heavily utilized (City does not have monitoring that they said they would do on a quarterly basis when the 1997 parking study was presented on 2/17/98; details provided with EIR comments by myself and Dave Arias).
 - b) The 160 parking spaces that are supposedly required for 63,580 of high intensity commercial use, along with 40,000 SF of public use is laughable. This is more than the 15% allowed by Code. The City has a conflict of interest in that it is providing basically free parking to the developer, and spending up to \$17 million to control the Metlox development, and getting 25% of the future NOI of the project. The project is providing about one-half as much parking as currently exists Downtown, **which is heavily utilized.**

EXHIBIT # _____ #12
PAGE 1 OF 4

- c) The City did a 1997 parking study, but did not update it to show that Cumulative parking supply exceeds demand, before and with the Metlox project. Without an updated plan, there is no relevant information to make an informed decision. Some of the key items in that study that have still not been addressed are a) The loopholes in the Code that have, and continue to allow (1100 Manhattan Ave. e-mail attached) heavy intensification of use Downtown without any more parking, or parking in lieu fees per Code (free parking to developers that now costs \$11.8 million, plus financing costs), b) The 1997 parking study survey of 200 residents and businesses indicated 69% of residents said there was not adequate parking Downtown, and 81% of businesses said there was not adequate parking Downtown, only 51% of employees used merchant parking spaces (hundreds of employees who need merchant passes?), etc. The 1997 parking study, along with the Metlox analysis, had numerous items that understated demand like not showing the one space per 35 SF for entertainment, and the one space per 75 SF for fast food. The City Council and staff are sticking their heads in the sand instead of planning (General Plan update?).
- d) The Metlox EIR indicates that there are 165 employees, that should need merchant parking passes and along with all the customers and visitors to the Metlox and Civic Center Town Squares will only use 160 spaces. This is laughable. Where is a summary of all the existing parking, and future Code needs for Metlox (40 Inn special permits not available to public, 32 permits for H2O, events in public square, outdoor dining and seating, added fast food (bakery and ice cream parlor and more outdoor dining with no parking) added entertainment since EIR, added conference room at Inn, added events in Inn up to 60 people without and approval, etc), and merchant waiting list (100 people plus employees who park in free Lot 8 and free residential areas), etc. and how that is going to fill up the 460 spaces on Metlox? There has never been any detail of the current cumulative Downtown parking supply versus demand.
- e) You have to ask yourself why the City didn't update the 1997 Parking Management Plan? It should be obvious that parking supply, even with the new parking will not exceed demand. This will just continue to reduce beach parking. The Phase III implementation plan showed a) Metlox a pottery manufacturer with 140 beach parking (where are those in the total of 460?), b) Local Banks (Bank of America 31 spaces are posted as private, as are the 17 spaces across from Good Stuff, and c) the 157 parking spaces at the Civic Center are problematic as they are shown as being shared with Metlox. So where is the plan that shows where these 370 beach parking spots are? Where are the protected parking spots as specified in the LCP and how are they protected if the City keeps intensifying uses that take up that parking?
- 2) City apparent History of now following rules: As noted above, the Coastal Commission had to make the City take the meters out of the free Lot 8 the last time parking was added Downtown (non appealable area as precedent for supporting this appeal). The City had paid events on the beach, even though they were prohibited. The City is still using public lot 3 for valet parking (???), even though the Coastal Commission objected. The City did not implement the various changes approved by the Coastal Commission for temporary events, nor submit info for hearings. For example, at the August 11th AVP tournament there was VIP parking which was in the Northwest Pier lot. Of course the City also had the 10,000 person Chevron Grand Prix event on the same Sunday, along with the normal churches near Downtown, and the huge tennis tournament at the County club, and Concerts in the park. Where is the City plan as to what it is going to do with the plethora of special events during the 3-year construction period with reduced parking? Also refer to my E-mail on the new development at 1100 Manhattan Ave. that is only provided 6 parking spaces for a 34 Code demand in the SW parking quadrant that was 78 spaces short in the 1997 parking study, and has had more intensifications since there. Also it appears the City is putting aside secure parking at the Civic Center (questions not answered) for a new group of City council, managers, etc. that have not had secure parking (how is this maximizing beach parking?) as well as over the last few years the City has added many new reserved spaces at City Hall. So where is the public parking at City Hall that is not reserved and how does it compare to the 157 spaces in the implementation plan? If you look at the analysis I prepared of the original uses and the 306 parking spaces required for the safety facility in the EIR (1995 analysis) and the current uses there is only one parking space per every 389 SF on a heavily used Civic Center with Safety facility, City Hall and larger library and cultural arts center, and no new public spaces. This is clearly inadequate. Answer there is no plan, and there is no detail, so how is the City in compliance with the LCP and Code?

- 3) Policy I.A.1: The City shall maintain the existing vertical and horizontal accessways in the Manhattan Beach Coastal Zone (Pedestrian Friendly): Again, the City has added sidewalk dining (alcohol, etc. not enforced), benches, and other items on the main public sidewalks on Manhattan Beach Blvd., and other key streets that make the already narrow sidewalks extremely congested. For example, the Manhattan Beach Pizzeria has benches with dining (no parking) and a take out window which as many as 20 people line up at on the narrow public sidewalk. Also dogs, strollers, bikes, valet parking stands, etc. all have come to restrict the accessways. How much room is there on Metlox, and where is the bus stop for public transportation?
- 4) Items submitted for the public hearing records on this matter which should be part of the record: I submitted the following documents which if the Coastal Commission did not receive, they do not have a complete record; a) extensive comment letter (November 19, 2000) with attachments for the EIR with significant parking detail which was not addressed, b) June 18, 2002 letter with attachments for the June 26, 2002 Planning Commission hearing, c) June 26, 2002 letter with attachments hand delivered to the June 26, 2002 Planning Commission hearing, d) July 9, 2002 letter with attachments for the continued July 10, 2002 Planning Commission hearing, and e) July 16, 2002 letter hand delivered to the City Council meeting for their public hearing. These letters with attachments have many details, with supporting documentation of the various parking issues that have not been addressed with a cumulative parking plan for Downtown to demonstrate that supply exceeds demand, now and in the future with the loopholes in the Code.
- 5) Coastal Commission Appeals: Since the beginning of this project many years ago the City staff has always indicated there would be no appeals to the Coastal Commission, even when the EIR had two parking levels. Now out of the blue, including after the hearings on the parking structure, the staff report says "...the decision on public parking structure is appealable to the State Coastal Commission." There was no documentation on this issue in the City file
- 6) No Parking Area Plan: Since I already provided extensive documentation that the City does not have a cumulative Downtown parking plan for the EIR and public hearings on this appeal, those should be part of the record the Coastal Commission staff have received and reviewed to insure that the City is in fact in compliance with the LUP, LCP, and Code section A.64.

If the Coastal Commission does not support this appeal the City will likely continue to operate without a Downtown Parking management plan and make the same mistakes that other cities have made in ruining their beach Downtowns and running out the local serving businesses by not providing adequate, accessible, and affordable parking to the residents who used to use the many businesses that have already gone out of business. The trend of the last 10 years since the 1990 parking plan will likely continue with Downtown becoming a regional draw (economic analysis for Metlox said 2/3 of customers from outside Manhattan Beach) with retail and other less intense uses being replaced by more profitable bars, entertainment, fast food, **CRIME**, and less resident serving businesses and more parking in the adjoining residential neighborhoods. Thanks for your consideration of my comments and suggestions, and looking forward to seeing the answers to your requiring the City to do a proper plan. The \$14 million Safety facility is already 7 years behind the original completion date, and the total costs have escalated to nearly \$40 million (with reduced scope) mainly due the City's own mistakes. If the Metlox project is delayed, it will further delay the Safety facility which should have been done years ago and before the Metlox project as planned since 1995. The City should have done the 7 year old phased plan and built the Safety facility first, and not subject the City to years of construction, and likely business defaults, without a clear plan up front. How can the public comment on "smoke and mirrors"?

Sincerely,



Harry A. Ford, Jr.

Exhibits attached.

COASTAL COMMISSION

EXHIBIT # 12
PAGE 3 OF 4

LCP PHASE III IMPLEMENTATION PLAN?

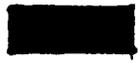
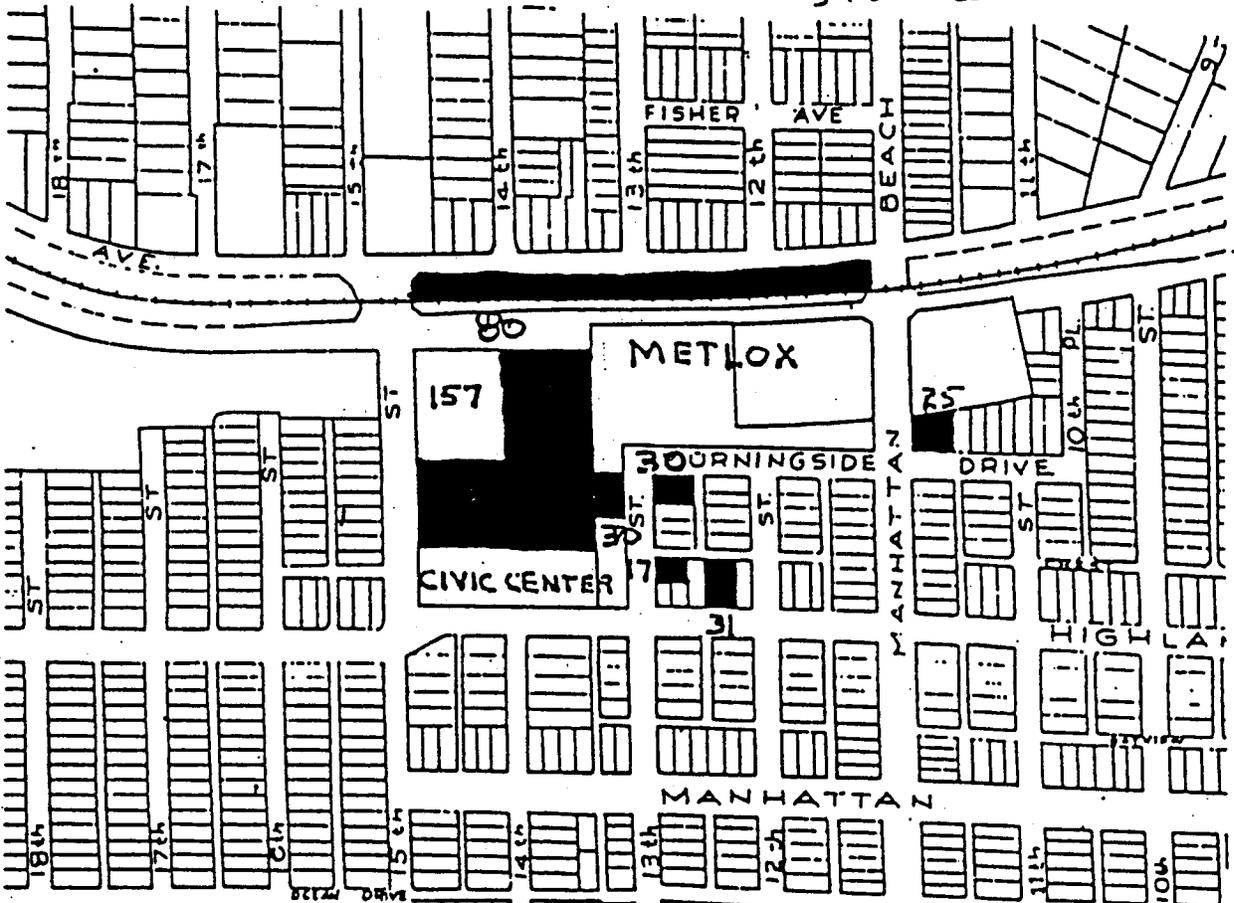
CENTRAL BUSINESS DISTRICT

The figure below depicts the location of 370 parking spaces located in the central business district which are generally not in use on weekends, evenings, and holidays, and are available to the general public for beach parking during those times. These spaces are divided among the following locations:

Metlox, a pottery manufacturer = 140
 Local banks = 56
 Local daytime businesses = 17
 Civic Center = 157

→ MULTIPLE USERS FOR SAME SPACES IN ~~PUBLIC~~ LEVEL PARKING
 → BSA PRIVATE?
 → PRIVATE?
 → HOW MANY ARE NON-SECURE OR RESERVED?

370



off-street parking

COASTAL COMMISSION

EXHIBIT # 12
 PAGE 4 OF 4

320 5th Street, Manhattan Beach, CA 90266
Fax/Phone: 310/376-2781

Noble & Kay Ford

Fax

RECEIVED
South Coast Region

SEP 04 2002

CALIFORNIA
COASTAL COMMISSION

To: Mr. Chuck Posner

From: Noble & Kay Ford

California Coastal Commission

Fax: 562/590-5071

Pages: 1

Phone:

Date: 9/3/2002

Re: See Permit/Hearing Reference Below

CC:

Urgent For Review Please Comment Please Reply Please Recycle

• **Comments:**

RE: Permit No. A-5-MNB-020257, Sept. 9, 2002, Item No. MON 15a

We favor uses for this site that limit the number of employees (where will they park?). The current project lacks a plan to manage parking and the increase in traffic. We understand that the project as currently approved by the Planning Commission involves more intensive uses than originally assumed in the study that formed the basis for the EIR. We hope you will consider the limiting of beach access due to extreme congestion important and that you will require substantial changes and downsizing of this Mattox project.

Parking and traffic are major issues in Manhattan Beach. On a daily basis, cars trying to reach downtown restaurants and/or the beach aggravate chronic congestion. The only way residents can get home is to traverse the "Hill" section and avoid Manhattan Beach Blvd., which often is backed up as far as the signal at Poinsettia (first signal west of Sepulveda.) There is very limited parking and people make illegal U-turns when they "spot" a place, often in residential areas. The small streets closer to the beach are congested with illegally parked cars, making them difficult and sometimes impassable either for people trying to reach their residences or for emergency vehicles.

As currently configured, the referenced project will severely impact the already chronic parking problem. If access is a problem for residents, how can the beach be truly open and available to the general public? We don't need an EIR to tell us this. As residents we are able to walk most places but others who must drive to the beach must confront the hassle to find parking. You should see the parking on the hilly streets above Valley Drive on a sunny day. If a spot is vacated, there is someone waiting to take it! These are taxpayers trying to visit the "public" beaches with their families.

Noble & Kay Ford **Ex B**

Dennis "Duke" Noor
250-35th Street
Hermosa Beach, Ca 90254
310-318-5425
den.duke@gte.net

September 3, 2002

VIA FAX

Reference: PERMIT NO: A-5-MNB-02-257
SEPTEMBER 9, 2002 ITEM NO: 15a

Dear California Coastal Commissioners,

My name is Dennis "Duke" Noor, a lifelong resident of the South Bay area, including Manhattan and Hermosa Beaches. I have been in front of you before on environmental issues, but I may not be able to join you on September 9th, therefore, please accept this letter as my sincere opposition to any development permit for the proposed "Metlox Project" in the downtown area of Manhattan Beach. Also, please allow any and all appellants to be heard on this precedent setting matter.

As the project will negatively impact parking in the entire downtown "zone", it will also limit the regional taxpayers right to move freely in the area or be able to use the "public" beaches that we are trying so hard to preserve.

EXHIBIT # 14
PAGE 1 OF 2

The increase of bars and restaurants in the area, plus the Valet parking system that is now in place, only adds to the congestion and limits the public's "right to pass freely" in the impacted zone.

Not to mention the environmental effect of air pollution, construction materials, etc. (for the building of the project) that have not been considered (at all) in the process.

The Metlox Project is a strictly commercial venture between the City and the developer. Please represent all of us that care about beach access and "hear" the appeals that have been filed before you on this issue.

I have spent 52 years here along California's Coast and we must preserve it and the means to get to it.

Thank you very much,

Sincerely,



Dennis "Duke" Noor

COASTAL COMMISSION

EXHIBIT # 145
PAGE 2 OF 2

MR. CHUCK POSNER
CALIFORNIA COASTAL COMMISSION
SOUTH COAST AREA
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CA. 90802

03SEP02

DEAR MR. POSNER,

REFERENCE PERMIT #A-5-MHB-020257, SEPT. 09, 2002 - ITEM # MOW15A

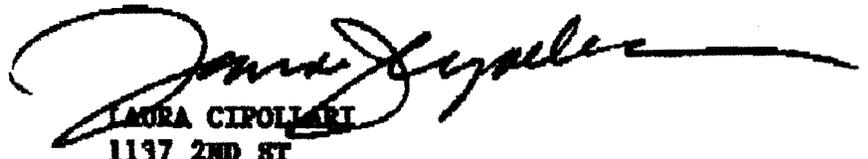
I WOULD LIKE TO TAKE THIS OPPORTUNITY TO EXPRESS MY GRAVE CONCERNS REGARDING THE METLOX PROJECT.

THE OFT REPEATED "SMALL TOWN" QUALITY OF MANHATTAN BEACH IS ALREADY A THING OF THE PAST. OUR RESIDENTIAL STREETS ARE INUNDATED WITH OVERFLOW TRAFFIC FROM THE MAJOR THOROUGHFARES (ROSECRANS, BLVD, AVIATION). OUR AIR QUALITY IS NOT WHAT IT USED TO BE AS A RESULT.

THE PUBLIC IS HARD PRESSED AS IT IS TO FIND BEACH PARKING. THE METLOX PROJECT WILL ONLY EXACERBATE THE PROBLEM.

WE ARE IN DIKE NEED OF SOME FORM OF ADJUDICATION AS METLOX IN NO WAY CONFORMS WITH MANHATTAN BEACH'S CERTIFIED LOCAL COASTAL PROGRAM NOR THE ACCESS REQUIREMENTS OF THE COASTAL ACT.

THANK YOU FOR YOUR TIME,



LAURA CIPOLLARI
1137 2ND ST
MANHATTAN, BCH. CA 90266

COASTAL COMMISSION

EXHIBIT # 15
PAGE 1 OF 1

Re: Permit #A-5-MNB-02-257

Hearing Date: ~~9-9-02~~

Item # ~~Mon-15a~~

Manhattan Beach Residents Association-Opposition
Robert S. Caldwell, President

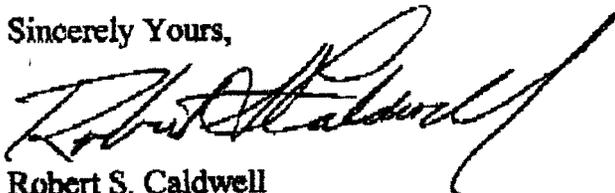
The residents of Manhattan Beach are greatly concerned with the traffic and parking problems that exist in our city. The City Council is progressing towards more development resulting in massive traffic congestion which will adversely affect those people seeking access to the ocean and parking for their cars. The Metlox project will not provide any additional parking for beachgoers as the project itself utilizes all the available parking it creates for employees, hotel and restaurant guests and mall shoppers.

The Metlox project is eliminating 188 parking spaces now available for the public to use in gaining access to the ocean and beaches. It will also create a traffic nightmare for which the council members acknowledge that they do not have a solution, a fact confirmed by the EIR study.

The primary street access to the ocean and pier is Manhattan Beach Blvd. and this street narrows to one traffic lane approximately 1/2 mile east of the beaches and without any possibility of widening. Beach access bogs down at this point already as evidenced by the enclosed pictures and the Metlox project is 1/8th mile west of this narrowing which means havoc will be generated by the development. Access to the ocean will be so impacted that beachgoers will be faced with parking 1/2 mile from the beach and carrying picnic accessories the remaining distance.

A solution to this problem would be to tell the city to forego any commercial development and build an underground parking structure with an open space walking park on the surface level. This would add parking for visitors, retain 188 lost parking spaces and provide the public with open space instead of a hotel/shopping mall complex for which there isn't any need.

Sincerely Yours,



Robert S. Caldwell
President-Manhattan Beach Residents Association

Enc/24

COASTAL COMMISSION

EXHIBIT # 16
PAGE 1 OF 1



RESIDENTS FOR A QUALITY CITY

P.O. Box 1882
Manhattan Beach, CA 90267
Phone 310-546-2085
Fax 310-546-4965

September 4, 2002

RECEIVED
South Coast Region

SEP 06 2002

Honorable Sara J. Wan, Chair
Members and Alternate Members of
the California Coastal Commission
South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302

**CALIFORNIA
COASTAL COMMISSION**

Re: Item M15a, Sept. 9 meeting
Appeal No. A-5-MNB-02-257
Metlox Commercial Development

Dear Commissioners:

Our group, one of the appellants in the above referenced appeal, concurs with the staff report in that the appeal does raise a substantial issue. However, at last night's city council meeting the city manager told the city council that the city was nevertheless forging ahead with the engineering and working drawings for the Metlox project with construction expected to begin in January of 2003. He said that, after discussions with Coastal Commission staff, he felt that the city need only prepare a parking management plan.

A parking management plan will do little to mitigate the huge parking deficit that this project creates.

As noted in the papers supporting our appeal, parking and traffic congestion has gotten progressively worse near the pier in Manhattan Beach. This is due to the city council's policy of allowing an intensification of commercial use (second story additions, retail converted to restaurant/bar use, etc.) with no corresponding increase in off-street parking except for the 156 parking spaces that the city installed on the Metlox site in 1998.

The city is ready to commence replacement of its police and fire facilities (adjacent to the Metlox site) which will eliminate the some 150 public parking spaces (to be replaced with underground "secured" parking) which are also currently used for beach parking. Elimination of the Metlox parking will be the coup de grace for beach parking in downtown Manhattan Beach. Anyone wishing to visit the state owned pier or use the beach in the vicinity of the pier will then be required to use the expensive downtown valet parking service

COASTAL COMMISSION

EXHIBIT # 17
PAGE 1 OF 3

or spend considerable time driving around (and adding to the already severe parking congestion) looking for a parking space.

The Coastal Commission, of course, is not obligated to approve every project presented to it. The Metlox project is strictly a commercial development made appealable by the downtown merchants' insistence that the project also include parking to replace the 156 space Metlox parking installed by the city in 1998 shortly after it completed its purchase of the site.¹⁷ However, the project, as it is presently proposed, creates a greater demand for parking than it presently provides. Unfortunately, our city council has no interest in alleviating the the parking shortage and traffic congestion downtown nor does it care about coastal access for beach goers.

Enclosed is a photo, taken on a weekday in February of 2000, showing the Metlox and civic center sites. As can be ascertained from the photo, the non-metered parking spaces behind city hall and the police and fire stations and along Ardmore are pretty much filled. The Metlox parking (Lot M) and Lot 5 parking (to the immediate west of Lot M) are only partially filled - probably because the spaces are metered.

Also enclosed is a copy of several pages from the February 1998 Downtown Manhattan Beach Parking Management Plan Report (issued just prior to the city's installation of the 156 space Lot M parking) showing an inventory of 1624 commercial spaces downtown (comprising 715 spaces in public lots, 493 private spaces and 416 on-street spaces). Included in the report is a chart (copy enclosed) showing an estimated parking demand (excluding civic center parking demand and beach goer parking demand) of 1933 spaces for the commercial land uses downtown.

Although the city's installation of the 156 space Lot M parking in 1998 helped alleviate the downtown parking shortage the intensification of commercial uses in the downtown area since that time have increased the commercial demand for parking far more than the 156 spaces provided in Lot M.

1. The downtown commercial zoning, adopted by the city prior to its LCP, exempted downtown merchants from off-street parking requirements to a maximum 1:1 floor area ration. However, a Business Improvement District Parking Fund was also created requiring the downtown merchants to fund the city's purchase of parking lots in the downtown area. Since that time the merchants have contributed millions of dollars but the only new city created parking in the downtown area in recent years is the Lot M Metlox parking.

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At a minimum, the city should be required to retain its 156 off-street Lot M parking spaces currently serving the existing downtown area and which provide parking for beach goers on a regular basis. The city should not be allowed to satisfy this parking requirement through a slight-of-hand shared parking demand analysis or a parking garage management plan. The city recently approved Sketchers' proposed new headquarters on Sepulveda with 4 levels of underground parking. The city has the financial resources to provide ample off-street parking to more than cover a loss of parking, attributed to the project, of Lot M (156 spaces), Lot 5 (40 spaces) and the adjoining private parking (16 spaces). This loss of parking can be made up through additional levels of underground parking at the Metlox site or a reduction in the size and useage of the Metlox commercial space.

Since the city is forging ahead with its Metlox commercial development despite the pendency of our appeal we urge you to direct the Coastal Commission staff to direct the city to stop all work on the project until the merits of our appeal are decided.

Sincerely yours,


Bill Eisen

Encl.

cc: Members, Alternate Members and Non-
voting Members of the Coastal Commission
Coastal Commission staff

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EXHIBIT # 17
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Downtown Manhattan Beach Parking Management Plan Report

Submitted to

City of Manhattan Beach

Prepared by

Meyer, Mohaddes Associates
3010 Old Ranch Parkway, Suite 350
Seal Beach, CA 90740
(562) 799-0200

February 1998

J97-044

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A5-MNB-02-257

EXHIBIT # 18
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Downtown Manhattan Beach Parking Management Plan Report

Key Findings

Parking Inventory

- There are a total of 1,624 commercial spaces Downtown (does not include private residential parking). Figure ES-1 illustrates Downtown public parking lots. ES-2 illustrates Downtown private parking lots and ES-3 shows on-street parking.
- 26 percent are on-street (416 spaces)
- 44 percent (715 spaces) are in public lots (Lots 1 through 8, the Civic Center and Pier Lots)
- Almost one-third of all spaces are private (493 spaces)
- There are more 5-hour meters (167) than 2-hour meters (106)
- 106 spaces are merchant reserved spaces (Lots 1, 2, 3 and 5)

Parking Utilization/Duration

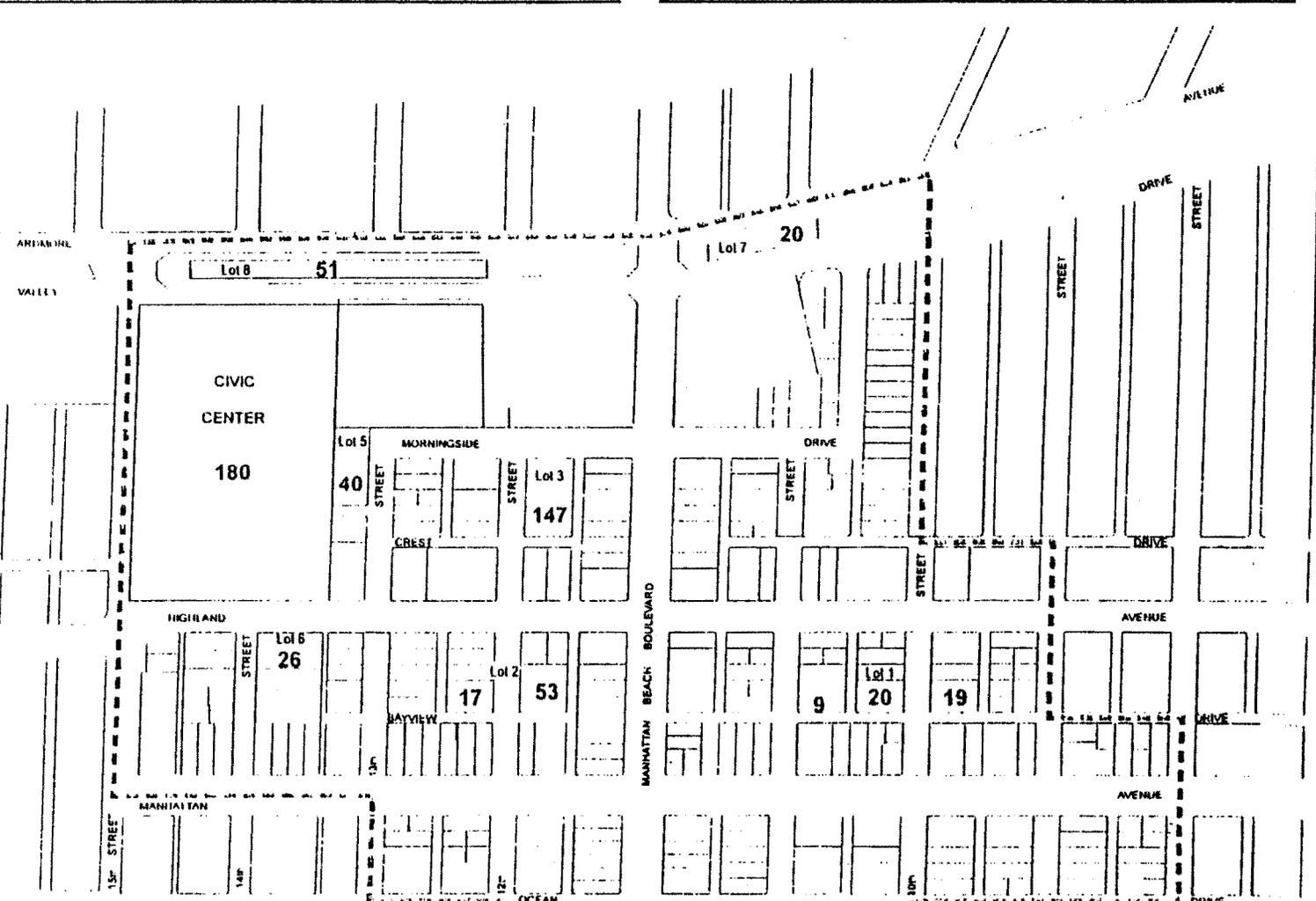
- Parking demand during the summer uses nearly all the available parking supply on peak days. During typical non-summer days, parking is available but scattered throughout Downtown. Non-summer peak parking demand occurs in the evening at 8 PM and after.
- On-street parking is heavily utilized during the evenings on weekdays and all day on weekends throughout the year (both summer and non-summer seasons).
- On non-summer days, peak parking over all of Downtown reaches about 60 to 70 percent utilization during typical peak hours, leaving over 200 public parking spaces available scattered throughout Downtown. Figures ES-4 through ES-7 illustrate where parking was available based on field observations at Noon and 8 pm on a typical non summer weekday and Saturday. Figures ES-8 and ES-9 illustrate observed parking occupancy by type of space over all of downtown for the weekday and weekend.
- Merchant reserved spaces are fully utilized in Lots 1, 2, 3 and 5 for at least two hours per weekday, and merchant spaces in Lots 1 and 2 are fully utilized at least one hour on Saturday
- Portions of Lot 3 are underutilized throughout much of the day, with 50 to 100 free spaces available at various times.

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Meyer, Mohaddes Associates, Inc.

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Summary:
 535 - Public lot spaces
 180 - Civic Center spaces
 715 - Total public off-street spaces



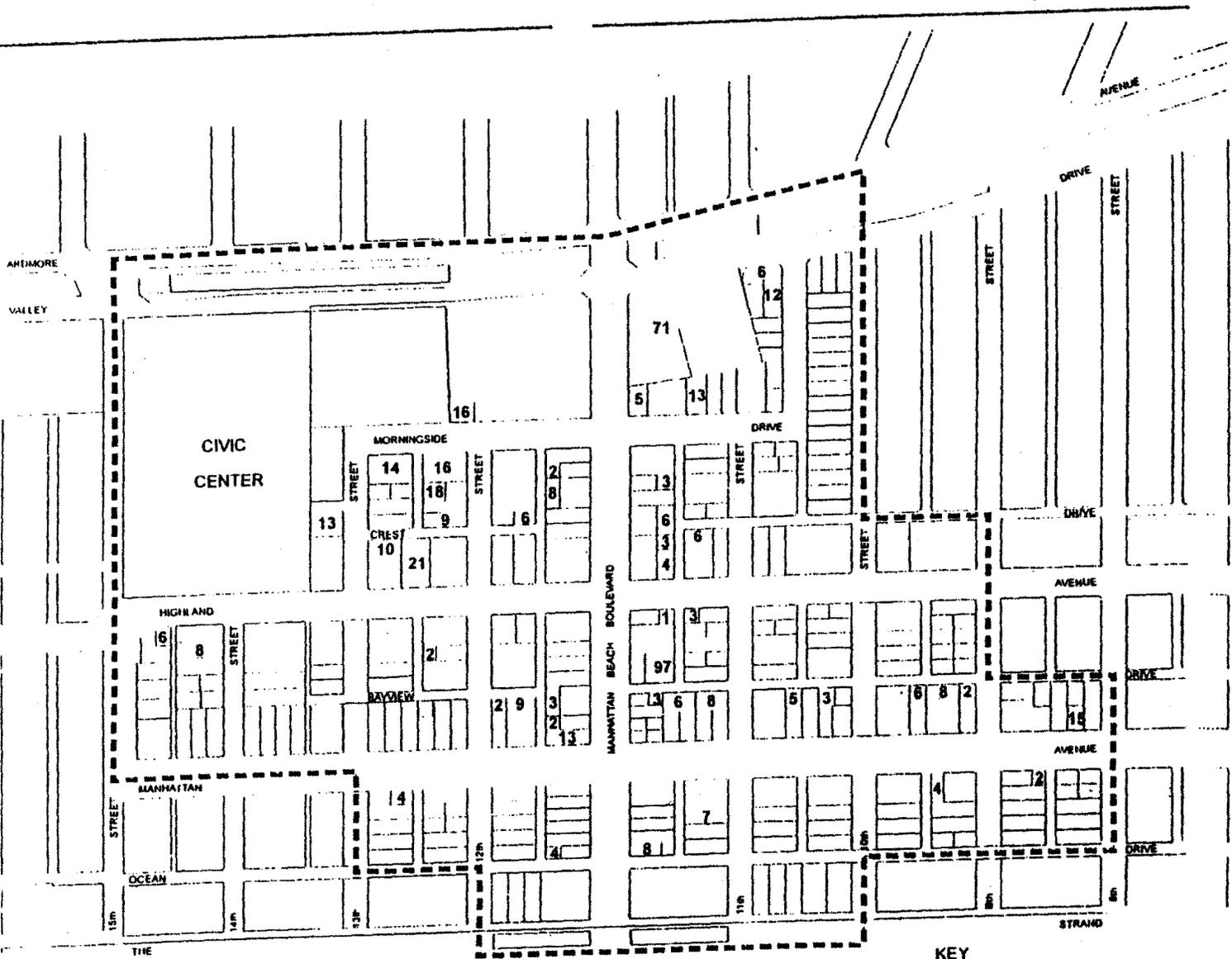
KEY
 38 NUMBER OF PARKING SPACES NOT TO SCALE



Off-Street Public Parking Inventory

FIGURE ES-1

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Total off-street private parking spaces = 493

KEY
 4 NUMBER OF PARKING SPACES

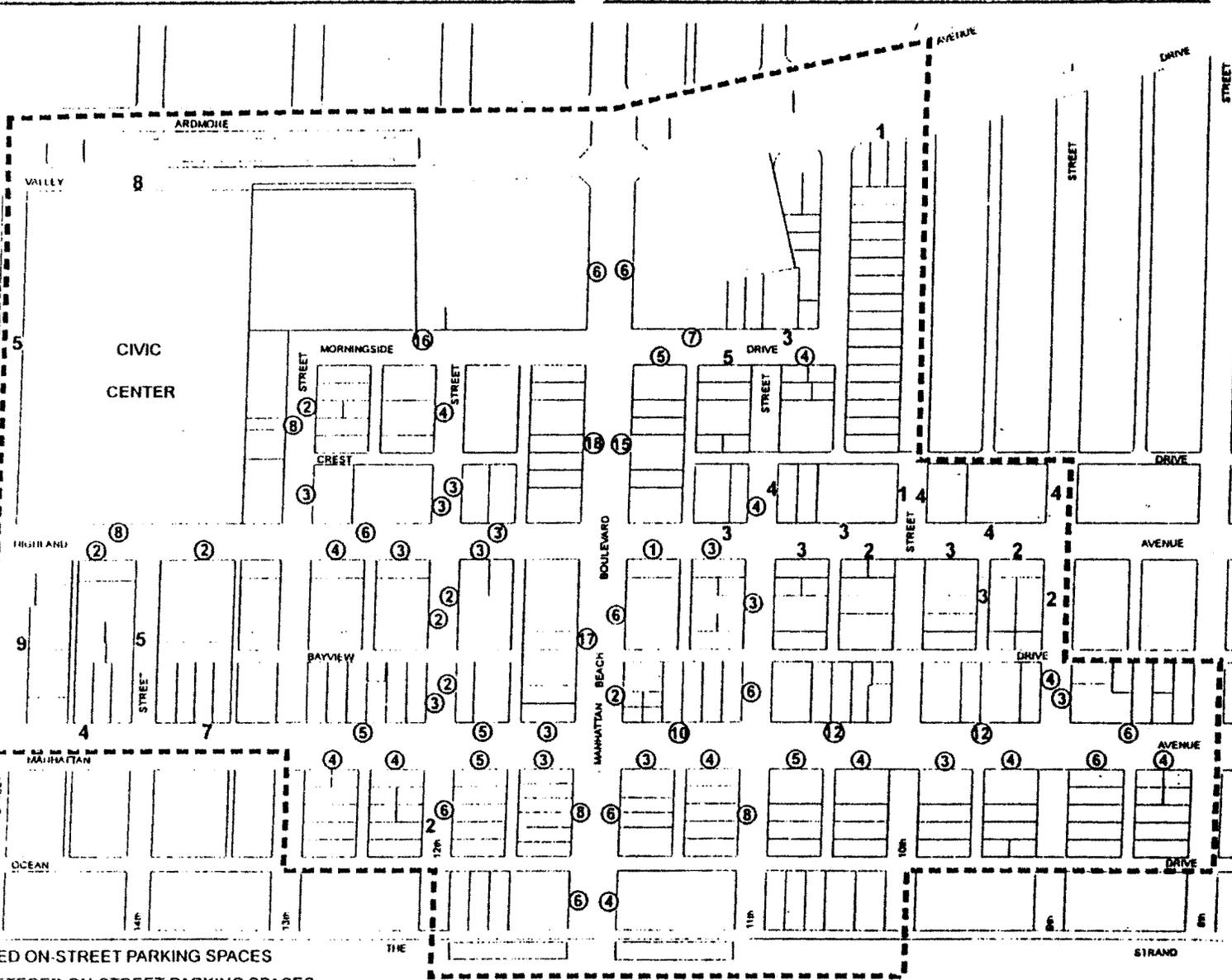
NOT TO SCALE



Off-Street Private Parking Inventory

FIGURE ES-2

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- KEY
- ④ METERED ON-STREET PARKING SPACES
 - 4 NON-METERED ON-STREET PARKING SPACES

NOT TO SCALE



On-Street Parking Locations

FIGURE ES-3

MANHATTAN BEACH DOWNTOWN EXISTING PARKING DEMAND MODEL - SUMMARY PAGE

Land Use	Area 1		Area 2		Area 3		Area 4		Total	
	Square ft or # of Units	Estimated Spaces	Square ft or # of Units	Estimated Spaces	Square ft or # of Units	Estimated Spaces	Square ft or # of Units	Estimated Spaces	Square ft or # of Units	Estimated Parking Demand
Office	14,658	49	15,452	52	11,900	40	63,883	213	105,893	354
Medical Office	9,070	45	3,792	19	5,820	29			18,682	93
Sit-Down Restaurant	6,615	132	474	9	6,210	124	11,199	224	24,498	489
Take-Out Restaurant	1,435	19	4,152	55	5,004	67	4,736	63	15,327	204
Entertainment/Bar	13,559	181	0	0	6,750	90	2,097	28	22,406	299
Retail Building	5,760	19	10,175	34	23,785	79	41,515	138	81,235	270
Food/Beverage Retail	0	0	15,267	76	0	0	7,928	40	23,195	116
Personal Services	795	3	0	0	7,981	27	4,514	15	13,290	45
Banks	6,039	20	5,431	18	5,022	17	0	0	16,492	55
Industrial	0	0	720	1	0	0	0	0	0	1
Animal Hospital	2,861	7	0	0	0	0	0	0	2,861	7
SFU	0	0	0	0	4	8	0	0	4	8
MFU	8	16	88	176	75	150	82	164	253	506
Total Estimated Demand		491		440		631		885	---	2,447
Non-Residential Total Demand		475		264		473		721	---	1,933

Note: Does not include Civic Center parking demand.

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METLOX AND CIVIC CENTER SHARED PARKING DEMAND CALCULATIONS
JULY PROJECT DEMAND

	SIZE	PARKING RATE	STAND-ALONE SPACES REQ'D	INTERNAL USE FACTOR	"WALK-IN" FACTOR	JULY MONTHLY USE FACTOR	ADJUST. PARKING DEMAND
OFFICE	26,411 SF	1 / 300 SF	88	0%	0%	100%	88
RETAIL	26,168 SF	5 / 1000 SF	131	10%	5%	75%	84
RESTAURANT	6,400 SF	20 / 1000 SF	128	10%	5%	100%	109
HOTEL 40 ROOMS	30,780	1 / 1 ROOM	40	0%	0%	100%	40
CIVIC CENTER	97,000 SF		306	5%	5%	100%	275
TOTALS:	186,759		693				596

WEEKDAY "TOTAL SITE" PARKING ACCUMULATIONS

TIME OF DAY	OFFICE	RETAIL	RESTAURANT	INN	CIVIC CENTER	TOTAL PARKING DEMAND	MAXIMUM PARKING DEMAND
6:00 AM	3	0	0	38	138	177	
7:00	18	2	2	28	138	188	
8:00	55	8	5	24	173	265	
9:00	82	24	11	20	256	393	
10:00	88	36	22	16	275	437	
11:00	88	58	33	14	275	468	
12:00 Noon	79	68	55	12	248	462	
1:00 PM	79	76	76	12	248	491	
2:00	85	80	65	14	267	511	511
3:00	82	80	65	16	256	499	
4:00	68	72	55	20	212	427	
5:00	41	60	76	24	138	339	
6:00	20	52	98	28	138	336	
7:00	6	48	109	32	138	333	
8:00	6	44	109	38	138	333	
9:00	3	32	109	38	138	320	
10:00	3	30	98	40	138	309	
11:00	0	10	76	40	138	264	
12:00 Mid	0	0	55	40	138	233	

SATURDAY "TOTAL SITE" PARKING ACCUMULATIONS

TIME OF DAY	OFFICE	RETAIL	RESTAURANT	INN	CIVIC CENTER	TOTAL PARKING DEMAND	MAXIMUM PARKING DEMAND
6:00 AM	0	0	0	38	103	139	
7:00	3	3	2	28	103	139	
8:00	9	8	3	24	124	168	
9:00	12	25	7	20	165	229	
10:00	12	38	9	16	165	240	
11:00	15	61	11	14	208	307	
12:00 Noon	15	71	33	12	208	337	
1:00 PM	12	80	49	12	165	318	337
2:00	9	84	49	14	124	280	
3:00	6	84	49	16	103	258	
4:00	6	78	49	20	103	254	
5:00	3	63	65	24	103	258	
6:00	3	55	98	28	103	287	
7:00	3	50	104	32	103	292	
8:00	3	46	109	38	103	297	
9:00	0	34	109	38	103	284	
10:00	0	32	104	40	103	279	
11:00	0	11	93	40	103	247	
12:00 Mid	0	0	76	40	103	219	

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* From Manhattan Beach Public Safety Facilities Review, City of Manhattan Beach and Leach Architects, July 5, 1995

METLOX AND CIVIC CENTER SHARED PARKING DEMAND CALCULATIONS
DECEMBER PROJECT DEMAND

	SIZE	PARKING RATE	STAND-ALONE SPACES REQ'D	INTERNAL USE FACTOR	"WALK-IN" FACTOR	DECEMBER MONTHLY USE FACTOR	ADJUST. PARKING DEMAND
OFFICE	26,411 SF	1 / 300 SF	88	0%	0%	100%	88
RETAIL	26,168 SF	5 / 1000 SF	131	10%	5%	100%	111
RESTAURANT	6,400 SF	20 / 1000 SF	128	10%	5%	90%	98
HOTEL 40 ROOMS	30,780	1 / 1 ROOM	40	0%	0%	85%	34
CIVIC CENTER	97,000 SF		306	5%	5%	100%	275
TOTALS:	186,759		693				606

WEEKDAY "TOTAL SITE" PARKING ACCUMULATIONS

TIME OF DAY	OFFICE	RETAIL	RESTAURANT	INN	CIVIC CENTER	TOTAL PARKING DEMAND	MAXIMUM PARKING DEMAND
6:00 AM	3	0	0	31	138	172	
7:00	18	3	2	24	138	185	
8:00	55	11	5	20	138	229	
9:00	82	32	10	17	256	397	
10:00	88	47	20	14	275	444	
11:00	88	77	29	12	275	481	
12:00 Noon	79	90	49	10	248	476	
1:00 PM	79	100	69	10	248	506	
2:00	85	105	59	12	267	528	528
3:00	82	105	59	14	256	516	
4:00	68	95	49	17	212	441	
5:00	41	79	69	20	138	347	
6:00	20	69	88	24	138	339	
7:00	6	63	98	27	138	332	
8:00	6	58	98	31	138	331	
9:00	3	42	98	32	138	313	
10:00	3	40	88	34	138	303	
11:00	0	14	69	34	138	255	
12:00 Mid	0	0	49	34	138	221	

SATURDAY "TOTAL SITE" PARKING ACCUMULATIONS

TIME OF DAY	OFFICE	RETAIL	RESTAURANT	INN	CIVIC CENTER	TOTAL PARKING DEMAND	MAXIMUM PARKING DEMAND
6:00 AM	0	0	0	31	103	134	
7:00	3	3	2	24	103	135	
8:00	9	11	3	20	124	167	
9:00	12	33	6	17	165	233	
10:00	12	50	8	14	165	249	
11:00	15	81	10	12	206	324	
12:00 Noon	15	94	29	10	206	354	
1:00 PM	12	105	44	10	165	336	354
2:00	9	111	44	12	124	300	
3:00	6	111	44	14	103	278	
4:00	6	100	44	17	103	270	
5:00	3	83	59	20	103	268	
6:00	3	72	88	24	103	290	
7:00	3	67	93	27	103	293	
8:00	3	61	98	31	103	296	
9:00	0	44	98	32	103	277	
10:00	0	42	93	34	103	272	
11:00	0	14	83	34	103	234	
12:00 Mid	0	0	69	34	103	206	

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* From Manhattan Beach Public Safety Facilities Review, City of Manhattan Beach and Leach Architects, July 5, 1995