

CALIFORNIA COASTAL COMMISSION

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Hearing Date: 9/16/2005
Commission Action:

**STAFF REPORT: MATERIAL AMENDMENT****APPLICATION NUMBER:** A-5-MNB-02-257-A1**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 County.**DESCRIPTION OF PROJECT ORIGINALLY APPROVED NOVEMBER 5, 2002:**

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.

DESCRIPTION OF CURRENT AMENDMENT REQUEST:

Amend terms of the underlying permit as they relate to the management of the hotel within the originally approved commercial development, and relocate and consolidate the three breakfast service areas within the hotel to one service area situated on the first-level, outdoor terrace which faces south toward the Metlox public square (Exhibit 3).

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of the proposed changes because they are consistent with the certified Manhattan Beach LCP. Staff is recommending no changes in the adopted special conditions.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Manhattan Beach Certified Local Coastal Program (LCP).
2. A-5-MNB-02-257 (Metlox/City of Manhattan Beach)
3. Local Coastal Development Permit No. CA 02-21 (Metlox Development).
4. Local Coastal Development Permit No. CA 02-01 (Civic Center/Public Safety).
5. Local Coastal Development Permit No. CA 98-15 (Lot M Parking).
6. Traffic Study for Proposed Civic Center/Metlox Development Project, Prepared by Crain & Associates, September 2000.
7. City of Manhattan Beach Resolution Nos. 5770 and P.C. 05-08.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the permit amendment request with special conditions:

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

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment 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 to Approve a Permit Amendment

The Commission hereby approves, subject to the conditions below, a coastal development permit amendment on the grounds that the amendment and 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 AND SPECIAL CONDITIONS

See Appendix A. The Commission is not adopting changes to its special Conditions in this amendment.

III. Findings and Declarations

The Commission hereby finds and declares:

A. Amendment Description

The Commission approved this development, referred to as the Metlox Development Project, on November 5, 2002. The project includes a two-level subterranean parking structure with approximately 460 parking spaces (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). The construction of the proposed commercial buildings and public areas approved by this coastal development permit has commenced, with completion of the project anticipated in the fall of 2005.

One of the five proposed commercial buildings on the site is a two-story, 26,000 square foot inn approved for 35 to 40 guest rooms. The applicant is in the process of constructing 38 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 #5).

The commercial development on the site, as proposed and as conditioned by the City's approved Master Use Permit (City Council Resolution No. 5770, attached as Appendix B), is limited to specific types of uses and specific maximum coverage areas for each type of use. The approved 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 Resolution No. 5770, and are included as part of the project description. (See Appendix B.)

The applicant proposes to make two changes to its project as part of this amendment. First, the applicant proposes to move an approved food service area from the lower level hotel lobby to a patio that faces the walk street and public courtyard, reducing it in size to 240 square feet. As part of the move, the applicant proposes to open the tables to the general public. The City, in approving this amendment, also changed the threshold for a temporary use permit for a special event on the site from 60 people to 99 people. Neither of these proposed changes results in a change in the use or intensity of the development. Food service is already contemplated in the approval, and special events of up to 200 people are approved as part of both the coastal development permit and the Master Use Permit. The Master Use permit requires a separate Temporary Use permit for each special event that exceeds the threshold established in the Master Use Permit.

B. Underlying City/Commission Approval.

In 2002, the City approved a Coastal Development Permit and a Master Use Permit for the underlying development. The coastal development permit was appealed based on intensity, public access, and parking issues. The Commission approved the project on appeal, finding that, as conditioned, the project conforms to the policies of the certified LCP. In Special Condition 1, the Commission required the applicant to report any changes in the parking management to the Executive Director to determine whether an amendment to the permit would be necessary.

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.

In Special Condition 2, the Commission indicated that it was its intent to leave the conditions of the City's Master Use Permit in place, except where the Master Use Permit was in conflict with the terms and conditions of coastal development permit issued by the Commission. In those instances the coastal development permit would prevail:

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.

In considering the present amendment, the City approved two changes to its Master Use Permit. The first change was a change in the location of an approved activity: the relocation of three breakfast areas onto a patio that had not been previously identified for restaurant use, and a reduction in their total size. Second, the City changed the threshold that triggers a (City) temporary use permit for a special event at the hotel (such as a wedding) from 60 persons to 99 persons. The first action affected the location of an approved activity in the Commission-approved project. The second action does not change the type and location of uses, but reduces the possibility of public comments on temporary use permits for special events. These temporary use permits are issued by the City based on local planning criteria and are not appealable to the Coastal Commission. Special events share parking with the hotel and commercial uses in the shared 460 space parking structure. The change in the temporary use permit criteria does not affect the parking structure's legal availability to the public: both the coastal development permit and the master use permit require the structure to be open to members of the public, including beach visitors and visitors to City offices. Because the change in the threshold of special events requiring temporary use permits could affect the demand for shared parking, the change needs to be reported to the Commission. The proposed change is the following:

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~~ 99 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. [Scope of Use, Master use permit, 2002 Emphasis added]

The City indicated to the Commission that the parking structure contains approximately 97 more parking spaces than the commercial development on the site is likely to require. A one hundred-person event will require approximately 33 spaces (one per three seats), depending on the type of event. This is within the surplus of spaces available at the facility.

C. Public Access And Recreation

The site is located about four blocks from the beach, on the inland edge of the Manhattan Beach coastal zone. The parking for the hotel and the adjoining commercial development is all provided in a shared 460-space structure that also provides overflow parking for City Hall, the new commercial areas and, on very heavy attendance days the beach. The parking structure is required by the Commission and City conditions to be managed as a shared parking facility, with limitations on reserved parking. The proposed changes are consistent with the approved use, which is a public serving visitor serving commercial facility. The proposed changes to the project will not affect public beach parking areas or impose any new burdens on the parking provided for the structure. The reduction in size of the on site food service areas is not a concern because there are other restaurants in the surrounding area, including both upper end and moderate cost accommodations. Most of these are located between the Metlox site and the beach. Opening the breakfast area to the general public could theoretically increase parking demand, although the City indicated in its findings that the possible additional parking needed, six spaces, was within the surplus of parking that exists on the site. In addition, the City indicated that the public was not expected to patronize the hotel breakfast patio in great numbers.

D. 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.

Appendix A
Originally Approved Standard and Special Conditions

Note: The Commission, in approving Amendment 1 has not changed the standard and special conditions as originally imposed on the underlying permit. The following are the adopted special conditions.

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 on which the Commission voted on the application. 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.

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

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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.

G. 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.

APPENDIX B
CITY LAND USE CONDITIONS/MASTER USE PERMIT
Page 1

The City's Land Use Conditions in the Master Use Permit 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.
 - A) 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).
 - B) 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.
 - C) 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~~ 99 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.

APPENDIX B

City of Manhattan Beach Master Use Permit/Land use conditions

Page 2

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).*

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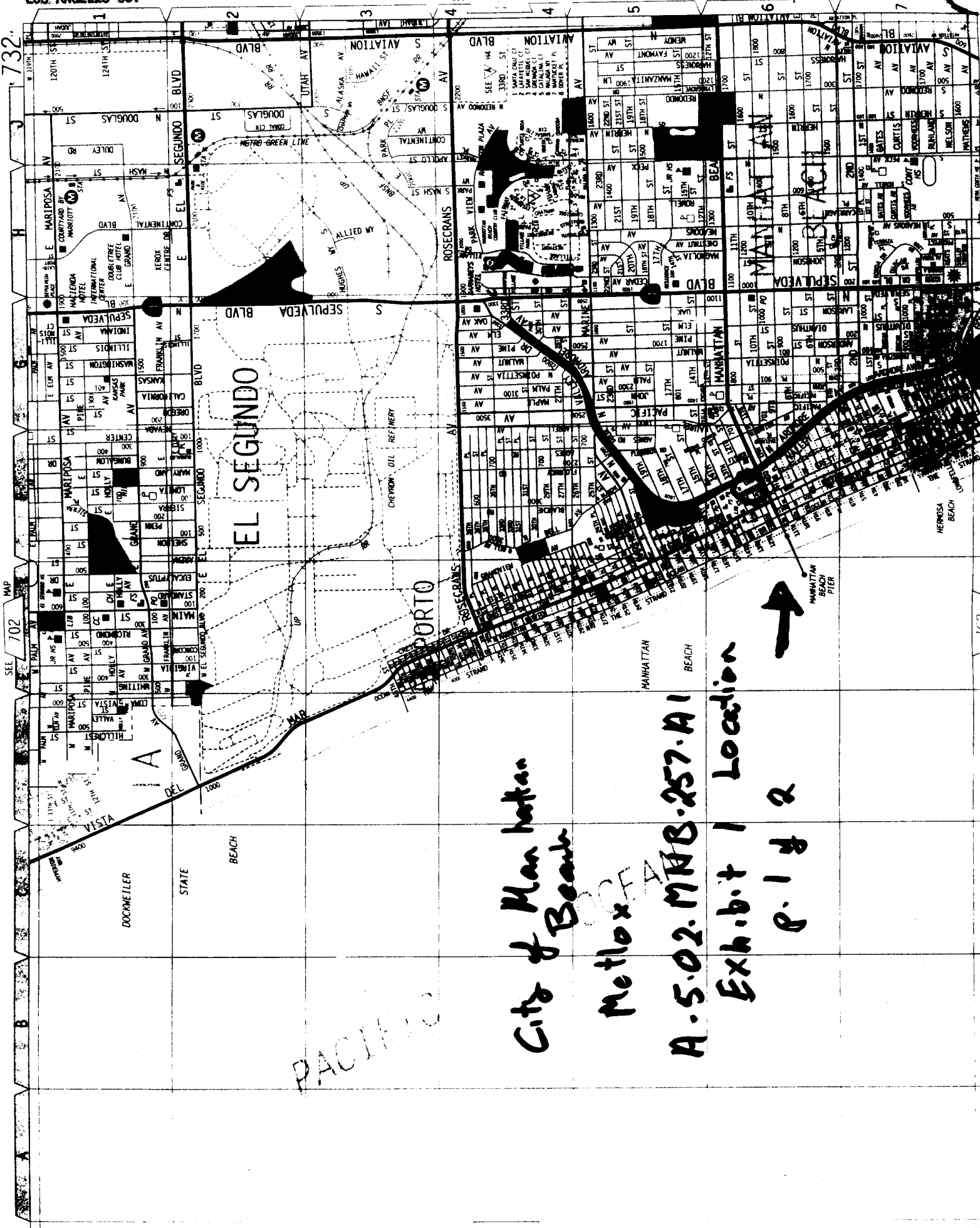
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MAP 702

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City of Manhattan
Beach

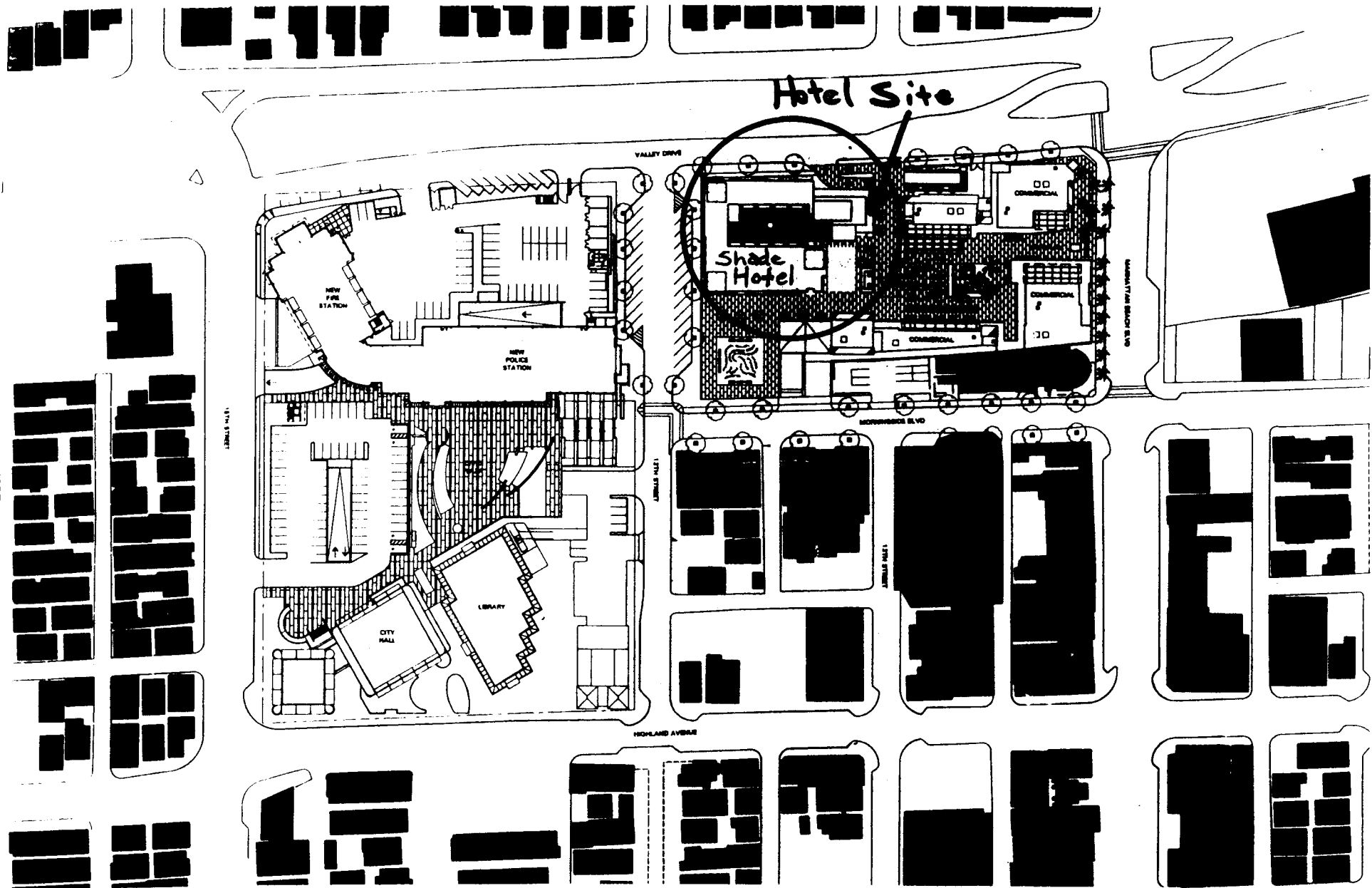
Metlox

A-5.02.MNB-257-A1

Exhibit 1 Location

P. 1 of 2

PACIFIC



SITE AREA PLAN

METLOX

MANHATTAN BEACH, CALIFORNIA

OWNER: METLOX LLC

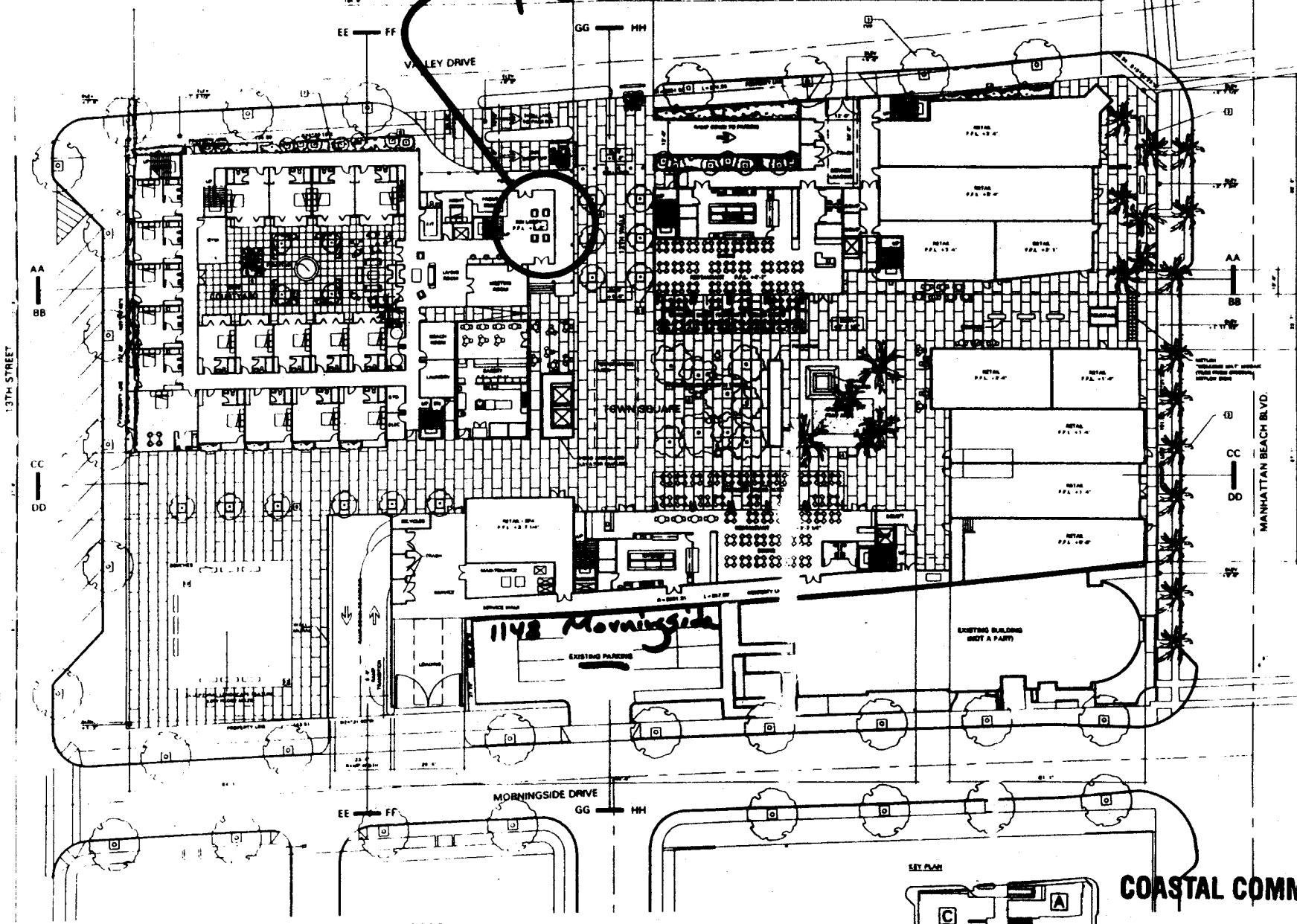
DEVELOPER: TOLENGROUP

A5-MNB-02-257A COASTAL COMMISSION

TOLENG & ASSOCIATES ARCHITECTURE	PASADENA, CALIFORNIA 91103	SCALE: 1"=40'
41 WEST BELLEVUE DRIVE	TEL: 626 350 9000 FAX: 626 350 9077	DATE: 07-09-02
	info@toleng.com	PROJECT: 2-0203

EXHIBIT # **2**

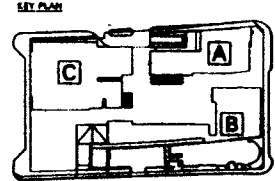
Proposed Hotel Food Service - See Exhibit # 4



GROUND FLOOR PLAN

PLANTING LEGEND

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COASTAL COMMISSION

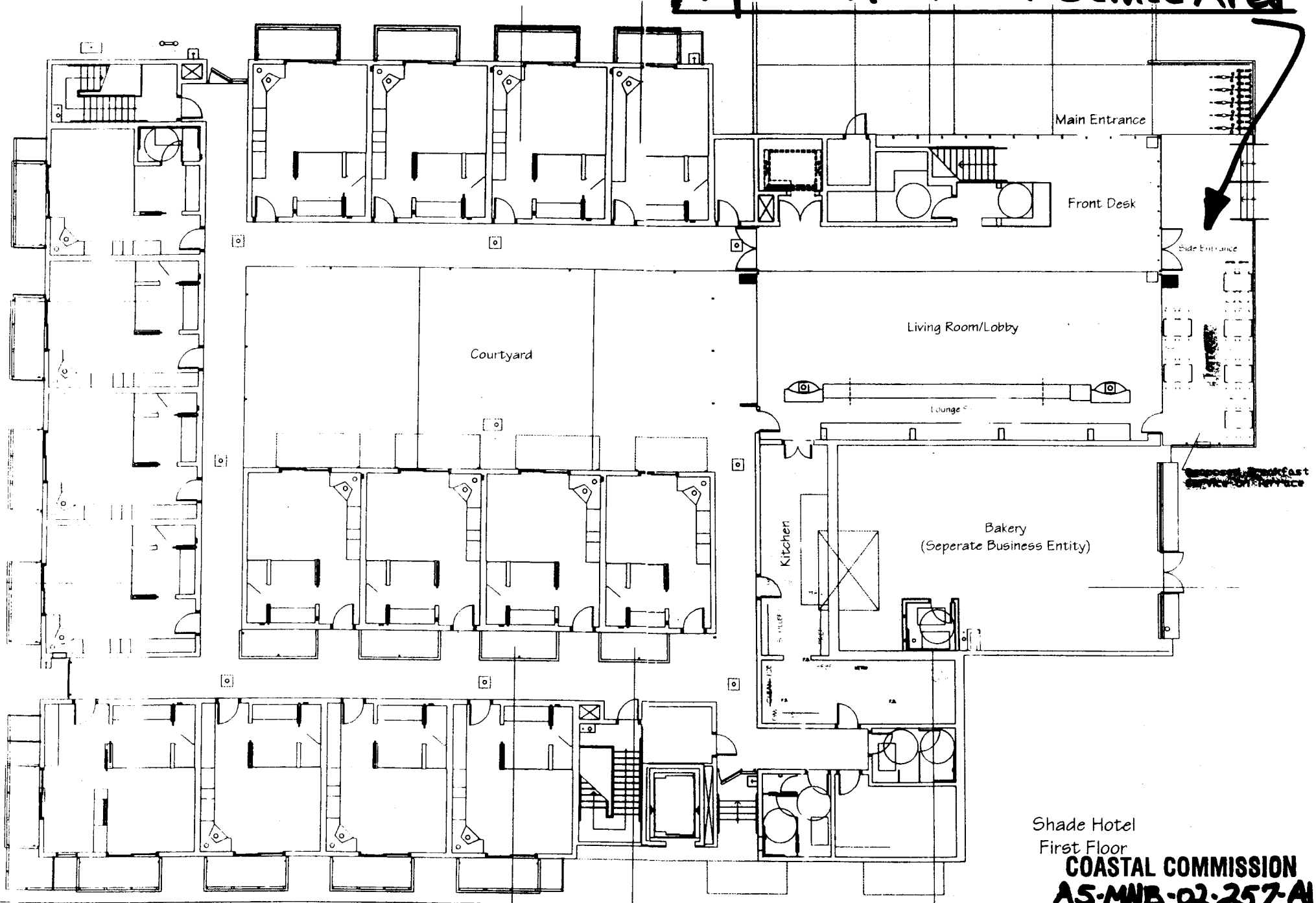
EXHIBIT # 3
PAGE 1 OF 1

A5-MNB-02-257-A1

METLOX

MANHATTAN BEACH, CALIFORNIA		TOLKIN & ASSOCIATES ARCHITECTURE		SCALE 1/16" = 1' 0"	
OWNER METLOX LLC		4 WEST BELLEVUE BLVD.		DATE 07.05.02	
DEVELOPER TOLKINGROUP		PASADENA CALIFORNIA 91105		PROJECT 2.5709	
		1.624.334.0642 FAX 624.334.0772		info@tolkinarchitects.com	

Proposed Hotel Food Service Area



Shade Hotel
First Floor

COASTAL COMMISSION
A5-MNB-02-257-A1

EXHIBIT # 4
PAGE 1 OF 1



SCALE 1/16" = 1' 0"
DATE 07 03 02
PROJ# 2-0203

RESOLUTION NO. PC 05-08

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING AN AMENDMENT TO A MASTER USE PERMIT FOR MODIFICATIONS TO THE PREVIOUSLY APPROVED ALCOHOL SALES AND SPECIAL EVENTS AT THE SHADE HOTEL, METLOX SITE, 1221 NORTH VALLEY DRIVE (MANHATTAN INN OPERATION COMPANY, LLC- MICHAEL A. ZISLIS, PRESIDENT)

THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Manhattan Beach, California, hereby makes the following findings:

- A. Manhattan Inn Operation Company, LLC is seeking approval of an Amendment to a Master Use Permit, to allow modifications to the previously approved alcohol sales and special events at the Shade Hotel, Metlox site, 1221 north Valley Drive in the City of Manhattan Beach.
- B. In accordance with the Master Use Permit approval an Amendment to the existing Master Use Permit approval is required for the project.
- C. The subject property is located within the City of Manhattan Beach Coastal Zone, and the Coastal Development Permit for the Master Use Permit was issued by the California Coastal Commission and therefore they will review the project and make a determine if an amendment to the Permit will be required to be processed.
- D. The applicant is Manhattan Inn Operation Company, LLC and the property owner is the City of Manhattan Beach.
- E. The following is a summary of some of the key milestones for the Metlox site:
 - 1995- 96- The City Council authorized development of the Downtown Strategic Action Plan (DSAP) to provide a comprehensive approach and community vision for the Downtown including the Metlox site
 - 1997/98- The City purchased the Metlox property to control development and Master Plan the site
 - 1998- 2001 Numerous public meetings and workshops held to solicit public input on the site and Downtown.
 - December 1998- The City selected the Tolkin Group as a development partner
 - April 2001- The City Council certified the EIR
 - April 2002- The City Council approved the Disposition and Development Agreement (DDA)/Ground Lease
 - July 2002- Master Use Permit and Coastal Development Permit for the Metlox project approved by the City Council
 - November 2002- California Coastal Commission denied the appeal of the Coastal Development Permit, and unanimously approved the Permit
 - February 2003- Groundbreaking for the Metlox parking structure
 - January 2004- Grand opening of public parking structure with 460 parking spaces
 - April 2004- Shade Hotel construction commenced
 - September 2004- Construction of the Metlox commercial buildings started
- F. The Planning Commission of the City of Manhattan Beach conducted a public hearing regarding the project at their regular scheduled meeting of May 25, 2005. The public hearing was advertised pursuant to applicable law and testimony was invited and received.

Amendment 1
Relevant Pages of City Resolution
approving changed MUP
COASTAL COMMISSION
A5-MNB-02-257-AJ

EXHIBIT # 6
PAGE 1 OF 3

15

advertising, marketing and promotions will be focused on potential hotel guests and not the general public.

- N. As part of the ABC license application process completed in February 2005 public notices were mailed to the neighbors located within a 500 yard radius of the property, the application sign was posted on the exterior of the property for thirty days, and the application was advertised publicly in the newspaper three times. Not one neighbor or citizen protested the application.
- O. Potential noise concerns will be addressed through the review of the annual Entertainment Permit as well as a retractable partition in the Living Room will be installed which is capable of separating the Wine Bar/Living Room facility from the reception area. The walls and partition of the Living Room will insulate the sound produced by events as the room will have a STC (Sound Transmission Code) rating of 50. The Sun Deck is designed to minimize noise and maximize privacy. The Sun Deck will be enclosed by decorative walls on all four sides: the walls stand eight feet to the east and six feet in all other directions.
- P. The ABC has identified the Downtown area of Manhattan Beach as having an "undue concentration" of alcohol licenses, which is typical for South Bay Cities. The criteria that the ABC uses in their calculations and determination of "undue concentration" takes into account all of Los Angeles County, including areas with very little population. This tends to create areas of "undue concentration" of alcohol licenses in areas where there is concentration of people and businesses, such as Downtown and other commercial areas. The Planning Commission makes the findings of public convenience and necessity for the alcohol license as the license for the hotel use is compatible with similar uses that have alcohol licenses, and other Downtown uses and the City Council has removed alcohol licenses in the past and has supported alcohol in conjunction with food service and hotel uses.
- Q. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- R. This Resolution, upon its effectiveness, constitutes the Amendment to the Master Use Permit for the subject property. This Resolution only amends Conditions No's 28 and 38 of Resolution No. 5770, all other conditions remain effective and in full force.
- S. Based upon State law, and MBLCP Section A.84.050, relating to the Amendment to the Master Use Permit application for the proposed project, the following findings are hereby made:
 - 1. The proposed location of the use is in accord with the objectives of this title and the purposes of the district in which the site is located since, the proposed amendments to the 'use permit' of Shade Hotel are consistent with the Commercial Downtown designation. This area is specifically designated for commercial activity and services for residents and out-of-town visitors. Several other business operations in the area already engage in similar uses. The project provides a full range of services needed by residents of, and visitors to, the city and region. The project will strengthen the city's economic base, but also protect small businesses that serve city residents. The project protects surrounding residential uses from the potential adverse effects of inharmonious uses by minimizing the impact of commercial development on adjacent residential districts.
 - 2. The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working on the proposed project site or in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City since, the proposed amended 'use permit' of this

Amendment →
to CDP
AS-MNB-02-257

by the Director of Community Development. Any substantial deviation from the approved plans and project description must be reviewed and approved by the Planning Commission.

Land Use

2. (This condition replaces Condition No. 28- City Council Resolution No. 5770) 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 99 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 99 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.

Alcohol

3. (This condition replaces Condition No. 38- City Council Resolution No. 5770) The two restaurants may provide full liquor service, which is incidental to, and in conjunction with, the service of food. Service of alcohol at the restaurants shall be in conjunction with the service of food at all times during all hours of operation. The Hotel may provide full liquor service throughout the Hotel, including self-service in room "mini-bars", and a portable bar for special events. The service of alcohol at the Hotel shall be in conjunction with food. The hours of food service, and the associated alcohol service, shall be consistent with the project description, which is generally breakfast, evening appetizers and for special events. The Sale of alcoholic beverages for consumption off-premise is not approved with this Master Use Permit. This approval shall operate within all applicable State, County and City regulations governing the sale of alcohol prior to the start of business operations. Any violation of the regulations of the Department of Alcohol and Beverage Control as they pertain to the subject location, or of the City of Manhattan Beach, as they relate to the sale of alcohol, may result in the revocation and/or modification of the subject Master Use Permit.

New conditions

4. All hotel marketing, advertising, and promotions shall be limited to attracting potential hotel guests and event planners. The Wine Bar (now called "Zinc") and Sun Deck will not be marketed to the general public as separate hospitality attractions.
5. The Wine Bar shall limit its food menu to appetizers or "small plates" (or "tapas"), to qualify as a "bonafide eating place" as required by the ABC Type 47 license. The Wine Bar shall provide food service but shall not operate as a full scale "restaurant". Breakfast may be served daily in the Living Room, Porch, and/or Courtyard.
6. Shade Hotel shall not post any drink or food menus, or any drink or food signage outside of the hotel.
7. The Sun Deck shall stop regular alcohol service no later than 9:00 p.m. daily.
8. Alcohol service at events and functions shall stop thirty minutes prior to the hotel closing hours: 10:30 p.m., Sunday - Thursday; 11:30 p.m., Friday and Saturday.

