

Draft Conditions of Approval

(subject to change)

General

1. This resolution shall not become effective unless and until a fourth amendment to the Disposition & Development Agreement & Ground Lease, dated May 13, 2002, is approved by the City Council, as to the subject application.
2. All conditions applied to Resolution No. 5770 and subsequent amendments, including Resolution No. PC 18-0074, and Coastal Development Permit No. A5-MB-02-257 remain in full effect unless expressly modified or superseded by the conditions contained herein.
3. The Project shall be in substantial conformance with the plans and project description submitted to, and approved by, the City Council, as amended by these conditions. Any substantial deviation from the approved plans and project description, as conditioned, shall require review by the Community Development Director to determine if further approval from the Planning Commission or City Council is required.
4. Any questions of intent of interpretation of any condition will be reviewed by the Community Development Director to determine if Planning Commission of City Council review and action is required.
5. At any time in the future, the Planning Commission or City Council may review the Master Use Permit for the purpose of revocation or modification in accordance with the requirements of the Manhattan Beach Municipal Code ("MBMC") Chapter 10.104. Modification may consist of conditions deemed reasonable to mitigate or alleviate impacts to adjacent land uses.
6. Community Development Department staff shall be allowed to inspect areas of the Property open to the public at any time during regular business hours to determine compliance with the conditions imposed and Local Coastal Program requirements.
7. The Applicant shall submit all necessary plans to the Community Development Department for any tenant improvements. Modifications and improvements to the Property shall be in compliance with applicable Planning Division, Building Division, Public Works, Waste Management, Fire Department, and Health Department regulations, when applicable, and all other applicable codes and regulations (California Building Code, MBMC, etc.).

Operational

8. The following land uses are permitted at the Property and are limited to the identified maximum buildable floor area (BFA), subject to parking availability as described in Parking condition no. 12 below:
 - Visitor Accommodations (Hotel – No Change): 22,500 square feet

- Eating & Drinking Establishment: 17,212 square feet (13,770 square feet seating area)
 - Remaining BFA Available: 23,868 square feet
 - Retail Sales
 - Food and Beverage Sales
 - Personal Improvement Services
 - Offices, Business and Professional (second floor only)
 - Personal Services
 - Similar uses that are identified as permitted uses (by-right) in the CD zoning district, and not expressly referenced in Master Use Permit Amendment, are subject to the approval of the Community Development Director.
9. The Project shall be operated in conformance with all applicable provisions of the MBMC, MBLCP, and this Master Use Permit Amendment and Coastal Development Permit.

Parking

10. Prior to the issuance of any building permit for a change of use to convert any of the existing tenant spaces into an Eating and Drinking Establishment (i.e., sit-down restaurant use), the Applicant shall install six new bicycle racks to encourage non-vehicular modes of transportation. The locations shall be in substantial conformance to those identified in the “Metlox 2023 Master Use Amendment - Parking Assessment” study dated May 8, 2024.
11. Any future changes of use shall be reviewed by the City Traffic Engineer for consistency with the approved parking study to ensure compliance with parking requirements.
12. The composition of uses shall be subject to the parking demand limit of 389 stalls calculated pursuant to the parking study (prepared by Linscott, Law, and Greenspan, dated May 8, 2024). A minimum surplus of 50 parking stalls at the Metlox parking facility shall remain available to the public.

Public Works

13. Prior to the issuance of any building permit for a change of use to convert any of the existing tenant spaces into Eating and Drinking Establishment use or to expand any existing Eating and Drinking Establishment use, the Applicant shall improve the Property’s trash enclosures to comply with the Manhattan Beach Municipal Code. The operator shall submit plans to the Community Development Department for review and approval.
14. The gates to all trash enclosures shall remain closed other than when refuse is being removed.

Procedural

15. Terms and Conditions are Perpetual; Recordation of Covenant. The provisions, terms and conditions set forth herein are perpetual, and are binding on the owner, its successors- in-interest, and, where applicable, all tenants and lessees of the site. Further, the owner shall submit the covenant, prepared and approved by the City, indicating its consent to the conditions of approval of this Resolution, and the City shall record the covenant with the Office of the County Clerk/Recorder of Los Angeles. Owner shall deliver the executed covenant, and all required recording and related fees, to the Community Development Department within 45 calendar days of receipt of a signed copy of this Resolution. Notwithstanding the foregoing, the Director may, upon a request by owner, grant an extension to the 45-day time limit. The Project approval shall not become effective until the covenant is recorded.