

Matthew Cuevas

Subject: Appellants Input for Shade Hotel Appeal, September 2

From: Michael Zislis <zislis@aol.com>

Date: August 25, 2014 at 9:00:13 AM PDT

To: John Strain <jstrain@ustaxlawyer.com>

Cc: Amy Howorth <ahoworth@citymb.info>, Wayne Powell <wpowell@citymb.info>, Mark Burton <mburton@citymb.info>, Tony D'Errico <tderrico@citymb.info>, David Lesser <dlesser@citymb.info>, Mark Danaj <mdanaj@citymb.info>, "Quinn Barrow" <qbarrow@citymb.info>, Eve Irvine <eirvine@citymb.info>, "Robert Espinosa" <respinosa@citymb.info>, Liza Tamura <LTamura@citymb.info>, "Richard Thompson" <rthompson@citymb.info>, Laurie Jester <ljester@citymb.info>, "Sal Kaddorah" <skaddorah@citymb.info>, Mike Zislis <zislis@shadehotel.com>, "Don Behrens" <quote@baenc.com>, Tim Medlin <mail@medlin-acoustics.com>, "Nathaniel Hubbard" <natehubz@me.com>, Wayne Partridge <wepmako@gte.net>

Subject: Re: Appellants Input for Shade Hotel Appeal, September 2

Let's all remember there has not been one noise complaint since planning commission meeting. I agreed to do all this as a goodwill gesture for the city as a whole. I feel Don is pushed me to the tipping point(new CUP or old CUP), I will ask council for a simple up or down vote, I will not accept anymore major changes.

I have over 100,000 dollars invested in this project to date:

- Blueprints
- Design
- Sound Studies
- Lawyers
- Staff time
- structural engineering
- city building permit fees

Don has wasted countless hours of staff time on a problem that does not exist. I hope you all remember the secret sound study by city staff, NO VIOLATIONS OF THE SOUND ORDINANCE!

It will cost me an additional 200,000 to implement all new requirements required by the planning commission(50% of a years profits).

Please remember the planning commission has asked me to close my patio an hour and a half earlier than I have been operating for the last 8 years. They did this with no mechanism to give me back the hours if all the sound abatement works.

The city has the right to revoke my CUP at any time if these measures don't work.

Owner

Michael Zislis

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Liza Tamura

City Clerk

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On Aug 25, 2014, at 8:18 AM, Don McPherson <dmcphersonla@gmail.com> wrote:

City Council
City of Manhattan Beach

Via Email

Subject: Appellants Input for Appeal of Resolution No. PC 14-07, Shade Hotel, 2 September 2014

Mayor Howorth and Councilmembers,

This email and attachments shall serve as our written input for the subject appeal, as follows:

- The 1st and 2nd attachments comprise our requested modifications to Reso 14-07 and the exhibits thereto;
- The 3rd attachment provides the previously submitted letter from Strumwasser & Woocher, regarding the requirement for the city council to conduct the appeal as a de novo hearing; and,
- The 4th attachment provides a chronology of Shade Hotel, from the 2002 Metlox Master Use Permit through 2013.

I briefly address these three items.

Appellants Input.

For the September 2 appeal hearing, we will focus on the two problems that will adversely impact the neighbors the most, namely:

- Extending alcohol consumption by the public in the Green Room to 2 AM every day, from the current 11 PM/midnight hours; and,
- Failing to implement doors to close the terrace south exit, as required for effective noise mitigation by the city acoustic expert.

The extension of hours to 2 AM for consumption of alcohol by public patrons will have profound impacts on the adjoining residential neighborhood, during hours after midnight.

At the May 28 meeting, the planning commission introduced this new entitlement after closing the public hearing. Consequently, until this appeal, we have not had the opportunity to oppose alcohol consumption by the public in Shade Hotel until 2 AM every morning.

Regarding closure by doors of the terrace south exit, the city acoustic expert, Behrens and Associates, requires this mitigation measure to obtain sufficient reduction of noise to be effective in abating disturbances in the adjoining residential neighborhood. Our acoustic expert, Medlin & Associates, concurs with Behrens.

City staff has opposed closing the terrace south exit, since September 2010, when the city council approved the now-expired 2010 CUP. Staff has relied on a provision in the state building code, Section 1029, which as of the 2013 code, no longer applies to Shade Hotel. Staff has not provided any explanation why they continue to oppose closing the terrace south exit.

Strumwasser & Woocher Letter Regarding De Novo Hearing.

The planning commission had no evidence before them, when approving the new entitlement for public patrons to consume alcohol in Shade Hotel until 2 AM every morning. In order to fairly consider our opposition to this dramatic increase in intensity, the city council must conduct the appeal as a de novo hearing.

Shade Hotel Chronology.

The attached chronology for Shade Hotel may assist the city council to understand the long and tortuous history of travail experienced by the neighbors. The chronology reads as a standalone document, but cites many exhibits, which councilmembers can find somewhere in their packets.

Conclusions.

We propose only a few changes to Reso 14-07, but they will make the difference between abating the disturbances versus making them more intensive, especially during hours after midnight.

On Friday August 29, we will submit a critique of the staff report, which will include a redlined version of our two modifications to Reso 14-07.

Thanks for considering our appeal,

Don McPherson
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Cell: 310 487 0383
dmcphersonla@gmail.com

Attachments: Four

<140824-ShadeAppeal-AppellantsWrittenInput-Final.pdf><140824-ShadeAppeal-ExhibitsCompiled-Final.pdf><140822-Palmer-Barrow-Letter re Shade Hotel -McPherson-Final.pdf><140126-Chronology-Shade-UsePermits-Appeal-Final.pdf>