

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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Date: February 11, 2003  
Permit No: **A-5-MNB-02-257**



# COASTAL DEVELOPMENT PERMIT A5-MNB-02-257

On **November 5, 2002**, the California Coastal Commission granted to **City Of Manhattan Beach** Coastal Development Permit **A-5-MNB-02-257**, subject to the attached Standard and Special Conditions, for development consisting of: **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.** More specifically described in the application file in the Commission offices.

The development is within the coastal zone in Los Angeles County at **1200 Morningside Drive, (Metlox site), City of Manhattan Beach, Los Angeles County.**

Issued on behalf of the California Coastal Commission on February 11, 2003.

**PETER DOUGLAS**  
Executive Director

By: Charles R. Posner  
Title: Coastal Program Analyst

## ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance . . . of any permit . . ." applies to the issuance of this permit.

**IMPORTANT:** THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 CAL. ADMIN. CODE SECTION 13158(a).

2-19-03  
Date

Signature of Permittee

Please sign and return one copy of this form to the Commission office at the above address.

## **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 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.

**The City's proposed use of the South Live Oak Park baseball field to provide approximately one hundred free public parking spaces during each day (7 a.m. to 8 p.m.) of the peak beach use period (start of Memorial Day weekend until September 30) is an acceptable alternative interim parking plan that may be implemented for the satisfaction of Special Condition No. 7.A.**

- 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 15<sup>th</sup> and April 15<sup>th</sup> 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.