



# MASTER APPLICATION FORM

CITY OF MANHATTAN BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT

## Office Use Only

Date Submitted:  
Received By:  
F&G Check Submitted:

451 Manhattan Beach Boulevard, Manhattan Beach CA 90266

**Project Address**  
Metlox Property, Legal description not provided in draft Resolution PC No. 18-

**Legal Description**  
CD Downtown Commercial District  
**General Plan Designation**

**CD** **III**  
**Zoning Designation** **Area District**

For projects requiring a Coastal Development Permit, select one of the following determinations<sup>1</sup>:

Project located in Appeal Jurisdiction

Project not located in Appeal Jurisdiction

☐ Major Development (Public Hearing required)

☒ Public Hearing Required (due to UP, Var, ME, etc)

☐ Minor Development (Public Hearing, if requested)

☐ No Public Hearing Required

### Submitted Application (check all that apply)

<input checked="" type="checkbox"/> Appeal to PC/PPIC/BBA/CC	4225	<input checked="" type="checkbox"/> Use Permit (Residential)	4330
<input type="checkbox"/> Coastal Development Permit	4341	<input type="checkbox"/> Use Permit (Commercial)	4330
<input type="checkbox"/> Continuance	4343	<input checked="" type="checkbox"/> Use Permit Amendment	4332
<input type="checkbox"/> Cultural Landmark	4336	<input type="checkbox"/> Variance	4331
<input type="checkbox"/> Environmental Assessment	4225	<input type="checkbox"/> Park/Rec Quimby Fee	4425
<input type="checkbox"/> Minor Exception	4333	<input type="checkbox"/> Pre-application meeting	4425
<input type="checkbox"/> Subdivision (Map Deposit)	4300	<input type="checkbox"/> Public Hearing Notice	4339
<input type="checkbox"/> Subdivision (Tentative Map)	4334	<input type="checkbox"/> Lot Merger/Adjust./\$15 rec. fee	4225
<input type="checkbox"/> Subdivision (Final)	4334	<input type="checkbox"/> Zoning Business Review	4337
<input type="checkbox"/> Subdivision (Lot Line Adjust.)	4335	<input type="checkbox"/> Zoning Report	4340
<input type="checkbox"/> Telecom (New or Renewed)	4338	<input type="checkbox"/> Other	

### Fee Summary: (See fees on reverse side)

Total Amount: \$ \_\_\_\_\_ (less Pre-Application Fee if applied within past 3 months)

Receipt Number: \_\_\_\_\_ Date Paid: \_\_\_\_\_ Cashier: \_\_\_\_\_

### Applicant(s)/Appellant(s) Information

Donald McPherson

Name

1014 1st St, Manhattan Beach, CA 90266

Mailing Address

Nearby resident

Applicant(s)/Appellant(s) Relationship to Property

Donald McPherson

Cell: 310 487 0383, dmcphersonla@gmail.com

Contact Person (include relation to applicant/appellant)

Phone number / email

1014 1st St, Manhattan Beach, CA 90266

Address

Cell: 310 487 0383, dmcphersonla@gmail.com

Applicant(s)/Appellant(s) Signature

Phone number / email

### Complete Project Description- Including any demolition (attach additional pages as necessary)

1) Appeal of Metlox Master Use Permit Amendment, Reso. No. PC.18-XX, 14 Feb. 2018

2) Please see the attached summary for a description of the appeal.

<sup>1</sup> An Application for a Coastal Development Permit shall be made prior to, or concurrent with, an application for any other permit or approvals required for the project by the City of Manhattan Beach Municipal Code. (Continued on reverse)

RECEIVED

2018 FEB 22 PM 2:02

CITY CLERK'S OFFICE  
MANHATTAN BEACH, CA

# APPELLANT AFFIDAVIT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

I, Donald McPherson being duly sworn,  
depose and say that I am the appellant involved in this application and that  
the foregoing statements and answers herein contained and the information herewith submitted  
are in all respects true and correct to the best of my/our knowledge and belief(s).

[Signature]  
Signature of appellant

Donald McPherson  
Print Name

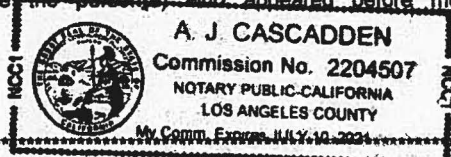
1014 1st St, Manhattan Beach, CA 90266  
Mailing Address

Cell: 310 487 0383, dmcphersonia@gmail.com  
Telephone/email

Subscribed and sworn to (or affirmed) before me this 22nd day of February, 2018  
by Donald McPherson, proved to me

on the basis of satisfactory evidence to be the person(s) who appeared before me.

[Signature]  
Signature  
Notary Public



## Fee Schedule Summary

Below are the fees typically associated with the corresponding applications. Additional fees not shown on this sheet may apply – refer to current City Fee Resolution (contact the Planning Division for assistance.) Fees are subject to annual adjustment.

### Submitted Application (circle applicable fees, apply total to Fee Summary on application)

#### Coastal Development Permit

Public hearing – no other discretionary approval required: \$ 4,727 ☒  
Public hearing – other discretionary approvals required: 2,083 ☒  
No public hearing required – administrative: 1,287 ☒

#### Use Permit

Use Permit: \$ 6,207 ☒  
Master Use Permit: 9,578 ☒  
Master Use Permit Amendment: 4,972 ☒  
Master Use Permit Conversion: 4,564 ☒

#### Variance

Filing Fee: \$ 6,001 ☒

#### Minor Exception

Without notice: \$ 1,434  
With notice: 1,829 ☒

#### Subdivision

Certificate of Compliance: \$ 1,804  
Final Parcel Map + mapping deposit: 520  
Final Tract Map + mapping deposit: 720  
Mapping Deposit (paid with Final Map application): 500  
Merger of Parcels or Lot Line Adjustment: 1,119  
Quimby (Parks & Recreation) fee (per unit/lot): 1,817  
Tentative Parcel Map (4 or less lots / units) No Public Hearing: 1,291  
Tentative Parcel Map (4 or less lots / units) Public Hearing: 3,511 ☒  
Tentative Tract Map (5 or more lots / units): 4,007 ☒

#### Environmental Review (contact Planning Division for applicable fee)

Environmental Assessment (no Initial Study prepared): \$ 215  
Environmental Assessment (if Initial Study is prepared): 3,040  
Fish and Game/CEQA Exemption County Clerk Posting Fee<sup>2</sup>: 75

☒ Public Hearing Notice applies to all projects with public hearings and covers the City's costs of envelopes, postage and handling the mailing of public notices. Add this to filing fees above, as applicable: \$ 70

<sup>2</sup>Make a separate \$75 check payable to LA County Clerk, (DO NOT PUT DATE ON CHECK)

21 February 2018

Mayor Amy Howorth  
City Council  
City of Manhattan Beach

Via: Personal Delivery

Subject: Appeal of Metlox Master Use Permit Amendment, Reso. No. PC 18-XX, 14 Feb. 2018

Mayor Howorth and Councilmembers,

My appeal addresses regulation violations in the subject resolution that will:

- 1) Violate the California Environmental Quality Act ["CEQA"]; and,
- 2) Exceed the scope of the notice for the January 24, 2018 public hearing.

The city council cannot make the required findings for the Master Use Permit ["MUP"] amendment, Resolution No. PC 18-XX ["Resolution"], pursuant to MBMC 10.84.060(A).

**CEQA VIOLATION: CLASS 1 CATEGORICAL EXEMPTION.**

Resolution Section 1(l) states that the project qualifies for a Class 1 Categorical Exemption, "...with a negligible expansion of the presently existing use of the property."

The new Conditions 2(B) and 3 greatly expand the Eat & Drink use, as follows:

- 1) Gross restaurant space increased from 8,000 SF to 14,432 SF, 80% more;
- 2) Seating area increased from 6,400 SF to 9,916 SF, 55% more;
- 3) Alcohol service area expanded by more than 55% and,
- 4) Additional 51 parking spaces required, increasing the current total of 330 spaces by 16%.

The alcohol service area will expand by more than 55%, because Condition 3 adds alcohol to all Metlox Eating and Drinking use, including those that do not now serve alcohol. The Resolution fails to address these non-alcohol restaurants, and CEQA does not permit

piecemealing in environmental review. [14 CCR §15162]

Per CEQA regarding a Class 1 exemption, "The key consideration is whether the project involves negligible or no expansion of an existing use." [14 CCR §15301]

**Expansions of Eat & Drink areas by 55%, alcohol service areas over 55% and parking 16% do not equate to 'negligible'.**

**CEQA VIOLATION: SUBSEQUENT EIR**

The Resolution cites CEQA Guidelines §15162(a), which under certain circumstances, may waive environmental review of an existing EIR, such as Metlox's.

One of those conditions requires no "...substantial increase in the severity of previously identified significant effects. [14 CCR §15162(a)(1)]

When the Metlox EIR approved in 2002, no one could possibly anticipate Shade Hotel operating as a public nuisance from 2005 through 2014. In a 2009 public hearing, one planning commissioner stated Shade Hotel had 'traumatized' the adjoining residential neighborhood.

The "whole record" of many public hearings on Shade Hotel mandates environmental review of the proposed amendment to the MUP, to further expand Eat & Drink use. [*ibid.*]

**BROWN ACT VIOLATION: SCOPE OF PUBLIC NOTICE.**

The public notice and the staff report for the January 24 public hearing limited the amendment to expanding Eat & Drink use in four businesses: Nicks, Petros, Kasai Hair Studio and Waterleaf.

Resolution Condition 3 exceeds the scope of the public notice, by enabling alcohol service to all Metlox restaurants, including those currently not permitted to serve alcohol.

As noted above, the city must conduct an environmental review of all expansions.

**BROWN ACT VIOLATION: RESOLUTION MODIFICATION AFTER PUBLIC HEARING CLOSED.**

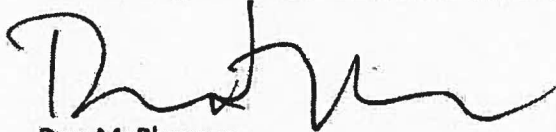
The staff report for the January 24 hearing cited only CEQA Guidelines §15162(a), Subsequent EIRs and Negative Declarations, to justify not conducting environmental review.

After the public hearing closed, staff added to the Resolution, the Class 1 categorical exemption, as justification for not conducting an environmental review.

This denied the public from challenging the Class 1 exemption, which per above, constitutes an incontrovertible argument that the project does involve expansions of Eat & Drink use that could have a significant effect on the environment.

I look forward to bringing this appeal before the city council.

Thanks for your careful consideration of the facts,



Don McPherson,  
1014 1<sup>st</sup> St, Manhattan Beach CA 90266  
Cell: 310 487 0383  
[dmcphersonla@gmail.com](mailto:dmcphersonla@gmail.com)



City of Manhattan Beach  
Central Cashiering  
1400 Highland Ave  
Manhattan Beach, CA 90266  
310-802-5550

Welcome to the City of Manhattan Beach

002407-0042 Toni P. 02/22/2018 02:09PM

**PROFILES**

Payment Tran Code: MASTER

APPLICATION (0099)

Description: METLOX

**PROPERTIES**

MASTER APPLICATION 500.00

100-3704 500.00C

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500.00

Subtotal 500.00

Total 500.00

CHECK 500.00

Check Number 4311

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Change due 0.00

Paid by: MCPHERSON, DONALD/JEANNE

Thank you for your payment!

[www.citymb.info](http://www.citymb.info)



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DUPLICATE RECEIPT