



October 15, 2018

Mayor Steve Napolitano  
Members of City Council  
City Manager Bruce Moe  
Director Anne McIntosh

City of Manhattan Beach  
1400 Highland Avenue  
Manhattan Beach, CA 90266

**Re: Ordinance No. 18-0022 Amending the Municipal Code (MBMC) and 18-0427 Ordinance No. 18-0023 Amending the Local Coastal Program (LCP) To Regulate: (a) Banks, Catering Services, Offices (Business and Professional), Communication Facilities, Veterinary Services and Optometrists; (b) Retail Store Sales Floor Area; and (c) Second-Floor Outdoor Dining, in the Downtown Commercial (CD) Zone; Resolution No. 18-0037 Not Accepting the California Coastal Commission's 27 Modifications to the Downtown Specific Plan and Resolution No. 18-0138 Repealing the Downtown Specific Plan and Conforming Amendments**

Dear Mayor Napolitano et al,

The Downtown Business & Professional Association (DBPA) is pleased that on Tuesday October 15, 2018 you will consider amending the LCP adopting permanent ordinances that will move to regulate change of use of ground floor units within the downtown business district. We believe that this will continue to support a balanced mix of vibrant businesses and to maintain the small town feel and charm that is desired.

With regards to section **(c) Second-Floor Outdoor Dining, in the Downtown Commercial (CD) Zone**; we respectfully request you create parameters that allow such potential projects to be considered on a case-by-case basis with well thought out conditions, facilitating thoughtful evaluation of each proposal. By requiring specific requests to be evaluated on a case-by-case basis, there will be ample opportunity for the community and stakeholders to weigh in. We strongly oppose any blanket ordinance that unequivocally prohibits future second floor dining. Thank you for your consideration regarding this very important matter.

Respectfully,

Linda McLoughlin Figel  
President, DBPA

Kelly Stroman  
Executive Director, DBPA

## Ted Fatuross

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**From:** kyle Ransford <kyle@cardinalinvestments.com>  
**Sent:** Wednesday, October 24, 2018 12:10 PM  
**To:** Ted Fatuross  
**Cc:** Laurie B. Jester; Nhung Madrid  
**Subject:** Re: Feedback Requested: Second-Story Outdoor Dining in Downtown MB

I am in favor of those concepts. I think defining them as thoroughly as possible and then figuring a way to have that activity not drag out the process for a new building would be of most importance.

Also this is all likely moot as I understand the new proposal as you will never be able to park second story food use, without underground parking.

On Oct 24, 2018, at 12:04 PM, Ted Fatuross <[tfatuross@citymb.info](mailto:tfatuross@citymb.info)> wrote:

Dear Stakeholder,

The City Council has asked Staff to reach out to various Downtown stakeholders regarding regulations for second-story outdoor dining. At its October 16, 2018 City Council meeting, the City Council did not support an outright prohibition on second-story outdoor dining as was proposed by the Downtown Specific Plan. Council asked Staff to develop and return with performance criteria for second-story outdoor dining.

The Zoning Code currently requires all restaurants to obtain a Use Permit, and that second-story outdoor dining be requested through the Use Permit process. Use Permits require a noticed public hearing before the Planning Commission. **The potential second-story outdoor dining regulations discussed below would be more restrictive than existing regulations.**

Before providing feedback on potential second-story outdoor dining regulations discussed below, please see the attached *Existing Regulations for Restaurants and Second-Story Outdoor Dining* fact sheet. The fact sheet provides important context for evaluating the performance criteria discussed below. The following second-story outdoor dining regulations have been previously reviewed and discussed by the Planning Commission.

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Please review these potential second-story outdoor dining performance criteria above and provide feedback. Please feel free to forward this email to other potential stakeholders. I would also be more than happy to meet in person with any stakeholders. **All comments must be received no later than Friday, November 16<sup>th</sup>.** Staff is planning to present the performance criteria at the December 18, 2018 City Council meeting.

Please let me know if you have any questions.

**Ted Faturos**  
**Assistant Planner**

P: (310) 802-5512

E: [tfaturos@citymb.info](mailto:tfaturos@citymb.info)



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## Ted Fatuross

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**From:** David Zislis <davidzislis@yahoo.com>  
**Sent:** Wednesday, October 24, 2018 12:34 PM  
**To:** Laurie B. Jester; Nhung Madrid; Ted Fatuross  
**Subject:** Re: Feedback Requested: Second-Story Outdoor Dining in Downtown MB

Does this affect two story restaurants without a second level outdoor patio? For instance, a restaurant like Rock'N Fish has a second level mezzanine. RNF is actually a one story building with a mezzanine with no second level outdoor patio.

I can only think of one second level outdoor patio other than The Strand House: Shark's Cove. It's my understanding that that patio is not permitted to be used by the public, although it is.

There is no need for new regulations. These issues can be addressed through the CUP process per application.

The various branches of government are passing so many new laws, regulations, codes, and rules that small (and large) businesses can't keep up with them, and we can't get our employees to comply with them. Because there is a surplus of lawyers, we are getting sued for every little violation. I've been in business in MB for almost 28 years. I had one frivolous lawsuit in the first 23 years. Now we're getting sued 6-7 times a year. It's not because we changed how we operate; it's because there's too many burdensome laws that address every minor issue under the sun.

If you want to help businesses, create jobs for workers, and have a healthy community....stop passing laws to make the city government feel productive and useful. People want more outdoor dining, not less. It's the same gang of gadflies that complain about all change in MB.

Let the CUP process work case by case!!

Thank you.

On Wednesday, October 24, 2018, 12:04:38 PM PDT, Ted Fatuross <tfatuross@citymb.info> wrote:

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**Assistant Planner**

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## Ted Fatuross

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**From:** Larry Scanlan <larry@larryscanlan.com>  
**Sent:** Wednesday, October 24, 2018 1:31 PM  
**To:** Ted Fatuross  
**Subject:** Re: Feedback Requested: Second-Story Outdoor Dining in Downtown MB

Ted,

The proposed Performance Criteria, while restrictive, seem reasonable given the generally accepted desire to retain the small town character of MB while still providing quality dining options for residents.

Larry Scanlan, PhD

On Oct 24, 2018, at 12:04 PM, Ted Fatuross <[tfatuross@citymb.info](mailto:tfatuross@citymb.info)> wrote:

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## Ted Fatuross

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**From:** Jonathan Tolkin <jtolkin@tolkingroup.com>  
**Sent:** Wednesday, October 24, 2018 4:24 PM  
**To:** Ted Fatuross  
**Cc:** Laurie B. Jester; Nhung Madrid; Glenn Loucks  
**Subject:** Re: Feedback Requested: Second-Story Outdoor Dining in Downtown MB

Ted

Thanks for sharing. These sound fair to me. Give yourself some leeway depending on the specific circumstances of the location and use.

Best

Jon

Jonathan Tolkin  
**TOLKIN GROUP**  
51 West Dayton Street, Suite 100  
Pasadena, California 91105  
[www.TolkinGroup.com](http://www.TolkinGroup.com)  
Cell: 626-833-0450

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## Ted Fatuross

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**From:** Jonathan Tolkin <jtolkin@tolkingroup.com>  
**Sent:** Monday, November 5, 2018 2:40 PM  
**To:** Ted Fatuross  
**Cc:** Laurie B. Jester; Nhung Madrid; Glenn Loucks  
**Subject:** Re: Feedback Requested: Second-Story Outdoor Dining in Downtown MB

Ted

It was suggest that Metlox, LLC write the City in support of Second-Story Outdoor Dining in Downtown MB in advance of its hearing to consider it.

Please accept this email as Metlox, LLC's expression of support for Second-Story Outdoor Dining in Downtown MB and staff's "Potential Performance Criteria- Second-Story Outdoor Dining".

Thanks

Jon

Jonathan Tolkin  
**TOLKIN GROUP**  
51 West Dayton Street, Suite 100  
Pasadena, California 91105  
[www.TolkinGroup.com](http://www.TolkinGroup.com)  
Cell: 626-833-0450

On Oct 24, 2018, at 4:23 PM, Jonathan Tolkin <[jtolkin@tolkingroup.com](mailto:jtolkin@tolkingroup.com)> wrote:

Ted

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Best

Jon

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16<sup>th</sup>. Staff is planning to present the performance criteria at the December 18, 2018 City Council meeting.

Please let me know if you have any questions.

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**Assistant Planner**

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## Ted Fatuross

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**From:** Suzanne Lerner @ Michael Stars <slerner@michaelstars.com>  
**Sent:** Thursday, October 25, 2018 4:11 PM  
**To:** Nhung Madrid; Ted Fatuross  
**Cc:** Carol Perrin  
**Subject:** Fwd: Feedback Requested: Second-Story Outdoor Dining in Downtown MB

Hi Nhung and ted

Thank you for informing me - unfortunately some of the people who have taken an interest in this from the beginning did not receive this email

Was it not sent out to all residents who participated in the original inputs?

So many people spent countless hours in those meetings and probably are not aware of the change city council is planning for 2nd store dining. When the residents were opposed as the downtown specific plan stated. There were hundreds of people who provided input that opposed 2nd story dining

Is there something going on at city hall behind the scenes that 2nd floor dining is a done deal - we al know CUPs are typically accepted . This decision will only line the pockets of restaurant owners -

And make living near downtown and getting into downtown worse

It appears our city council is not interested in protecting their residents....i am sorry to say.

Please ensure that your request goes out to all

Thank you very much

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Begin forwarded message:

**From:** Ted Fatuross <[tfatuross@citymb.info](mailto:tfatuross@citymb.info)>  
**Subject:** Feedback Requested: Second-Story Outdoor Dining in Downtown MB  
**Date:** October 24, 2018 at 12:04:30 PM PDT  
**To:** "Laurie B. Jester" <[ljester@citymb.info](mailto:ljester@citymb.info)>, Nhung Madrid <[nmadrid@citymb.info](mailto:nmadrid@citymb.info)>

Dear Stakeholder,

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## Ted Fatuross

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**From:** Steven Nicholson (External)  
**Sent:** Sunday, October 28, 2018 11:04 AM  
**To:** Ted Fatuross  
**Subject:** Re: Feedback Requested: Second-Story Outdoor Dining in Downtown MB

Ted, I don't think there is a need for second story outdoor dining in downtown Manhattan Beach. My concerns are that any intensification of use by a restaurant will drive a requirement for additional employee and guest parking and that the risk of noise pollution to nearby residents is too high. The battle that the Shade Hotel and the private club located near residents taught us that it is very difficult to solve noise issues once a restaurant commences operation.

There is no benefit to the city to authorize second story dining and several reasons why it is problematic.

Regards,  
Steven Nicholson  
Parks and Recreation Commissioner

**Steven Nicholson (External)**  
**PPIC Commissioner**

P:  
E: [alfa009@aol.com](mailto:alfa009@aol.com)



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-----Original Message-----

From: Ted Fatuross <[tfatuross@citymb.info](mailto:tfatuross@citymb.info)>  
To: Laurie B. Jester <[ljester@citymb.info](mailto:ljester@citymb.info)>; Nhung Madrid <[nmadrid@citymb.info](mailto:nmadrid@citymb.info)>  
Sent: Wed, Oct 24, 2018 12:04 pm  
Subject: Feedback Requested: Second-Story Outdoor Dining in Downtown MB

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## Ted Fatuross

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**From:** Paul J. Gross <pjgross@msn.com>  
**Sent:** Sunday, October 28, 2018 3:13 PM  
**To:** Ted Fatuross  
**Subject:** Re: Feedback Requested: Second-Story Outdoor Dining in Downtown MB

Ted,

As a former planning commissioner and a long time resident living near the downtown area I know how difficult this issue can be for staff. I am in favor of balancing the rights of residential and commercial property owners and therefore am in favor of allowing some second story outside dining but with significant restrictions. Written policy / ordinance covering the broad issue and CUPs for each case are the preferred implementation for me.

Your list of policy is a good starting point but I have found noise studies to be expensive to conduct and of very little value. I know of no technology or method that captures what does or does not bother people because of the unique capability of the human brain to filter and or enhance certain sounds at certain times. I sat through a lot of noise studies for the Shade Hotel and Club 900 that were essentially useless.

Some issues that should be covered by broad written policy include:

1) The total amount of outdoor dining (first or second floor) should be significantly restricted (after certain hours) because the noise to residents is cumulative from all sources once it gets into open space. Therefore sharply limiting where this can happen on a map is probably the most transparent way to limit the cumulative effect. That map can be debated by the public and CC. My guess is the total number of outdoor dining locations the downtown area ever sees (after certain hours) is between 10 and 20. I recommend the initial proposed map would create that restriction.

2) All outdoor dining locations should have as many sound barriers as possible with a continuous one overhead all dinners / noise makers mandatory after certain hours - 9-10pm? The building code should include specifications (probably performance for db attenuation) for all sound barriers - vertical and horizontal which may be different. Limiting the cumulative number of sources and controlling the sound that can escape into space from each source is the only way I know to keep the impact on residents reasonable.

3) There should never be any amplified sound that leaks into open space in the downtown area, no matter where that amplified sound originates.

Paul

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**From:** Ted Fatuross <tfatuross@citymb.info>  
**Sent:** Wednesday, October 24, 2018 12:04 PM  
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Please let me know if you have any questions.

**Ted Faturos**  
**Assistant Planner**

P: (310) 802-5512

E: [tfaturos@citymb.info](mailto:tfaturos@citymb.info)



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## Ted Fatuross

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**From:** Karla Jackson-Mendelson <ineedanap@verizon.net>  
**Sent:** Monday, October 29, 2018 10:19 AM  
**To:** Ted Fatuross  
**Cc:** Laurie B. Jester; Nhung Madrid  
**Subject:** Open air, second floor dining Downtown

Hi,

Living on 5th Street, near Highland, I don't think you consider me a Downtown Stakeholder. But I do want to chime in on the "Open Air, Second Floor Dining Downtown" issue.

The concerns expressed by those opposing the proposal are valid — as demonstrated time and again by the problems caused by the Shade Hotel rooftop patio. I would, however, enjoy being able to dine *al fresco* at our local restaurants.

If outdoor rooftop dining is allowed, I hope you will craft *permanent* regulations to prevent impacts on nearby residences:

- Buffer walls (which could be greenery)
- Strictly enforced hours (cutoff at 9 pm, out of respect to residents, who deserve quiet nights)
- The ability to revoke rooftop dining permits at any time — with decisions to revoke heavily favoring the residents most impacted by frequent offenders.
- No music, no TVs, amplification or large parties allowed. (Partiers tend to be much louder than small groups of diners.)

The above standards should be in perpetuity, not subject to change at any time in the future. They should also be applied to the Shade Hotel. It's been a fiasco for neighbors that the city has turned a blind eye to the impacts of that party patio — especially given that the property was initially presented to residents and approved on the basis that it would be a quiet 6-8 room Bed and Breakfast.

Will the restaurants make as much money with such restrictions? No, but they'll still have the chance to make more profit than before. And it's a better option than filling our already crowded sidewalks with dining tables.

So, yes, I'd like to see rooftop dining with fair standards put in place and upheld by enforcement. In fact, while you're at it, please lift the restriction on residents having rooftop decks.

Karla Mendelson

## Ted Fatuross

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**From:** jim <jim@fasolaarchitects.com>  
**Sent:** Monday, November 5, 2018 3:30 PM  
**To:** Ted Fatuross; Laurie B. Jester  
**Subject:** Re: Feedback Requested: Second-Story Outdoor Dining in Downtown MB

Hi Ted,

I've got a few questions about this:

1. Will the outdoor area be treated like interior floor area in regards to parking or in-lieu parking structure fees?
2. Will a CUP be required for every business with outdoor dining?
3. What restaurants currently have approved, second-floor outdoor dining?

And commentary:

Outdoor uses, especially second floor or roof uses, are vastly noisier than indoor uses. Noise studies which are paid for the business owner will **always** show that there is no potential or actual noise problem. Always. This is a natural result of who pays for these reports (we saw this with the Shade rooftop deck). Listen to Simmzy's on a Friday evening- although that restaurant is only on the first floor, and is only open in one direction, you can hear it for two or three blocks to the south.

Although these open decks will be fun for patrons, they are guaranteed to cause problems that will be difficult or impossible to solve. Are you sure this is in the best interests of our residents?

**Jim Fasola**

FASOLA ARCHITECTS  
800 Manhattan Beach Blvd. Suite 110  
Manhattan Beach, CA 90266  
Phone 310.374.7000 [FasolaArchitects.com](http://FasolaArchitects.com)

On October 24, 2018 at 12:04 PM Ted Fatuross <tfatuross@citymb.info> wrote:

Dear Stakeholder,

The City Council has asked Staff to reach out to various Downtown stakeholders regarding regulations for second-story outdoor dining. At its October 16, 2018 City Council meeting, the City Council did not support an outright prohibition on second-story outdoor dining as was proposed by the Downtown Specific Plan. Council asked Staff to develop and return with performance criteria for second-story outdoor dining.

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Please let me know if you have any questions.

**Ted Faturos**  
**Assistant Planner**  
P: (310) 802-5512  
E: [tfaturos@citymb.info](mailto:tfaturos@citymb.info)





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## Ted Faturos

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**From:** Lynne Gross <lynnesgross@gmail.com>  
**Sent:** Tuesday, November 6, 2018 1:55 PM  
**To:** Ted Faturos  
**Subject:** Re: Feedback Requested: Second-Story Outdoor Dining in Downtown MB

Dear Ted.

Here is my feedback regarding second-story outdoor dining.

Lynne Gross

Point 1 regarding use permits as depicted on the map:

This Second Story Outdoor Dining map needs revised. It should not include anything in Metlox Plaza or on the Manhattan Beach Boulevard block from Morningside to Valley. History has shown that noise travels from those areas to the residential areas near Valley and Ardmere. There is no sense repeating all the heated arguments that have occurred in that area.

In other areas, the rule should be that there is no second story outdoor dining within 200 feet of any residential property. That would mean some of the areas presently included such as most of Highland north of 12th Street and the block on Manhattan Avenue by 11th Street, would be excluded.

Point 2 regarding facing residential uses:

This is all right as stated.

Point 3 regarding a noise study:

This statement should be revised to say, "No establishment will be allowed to serve full alcohol past 10:00 p.m." Doing so will create too much overall noise in the whole downtown area as people leave the establishments. If this statement is revised, there will be no need for the expense and lack of accuracy associated with noise studies

Point 4 regarding providing modifications to address adverse impacts:

This is all right as stated.

Point 5 regarding being subject to post-construction monitoring:

This statement needs strengthened and needs to indicate who will be doing the monitoring. It might say something such as, "Will be subject to regular post-construction and operation monitoring by the (police?, city manager?) to verify conformance with the conditions of the Use Permit."

Point 6 regarding being subject to additional modifications:

This is all right as stated.

Additional Point 7 regarding notification:

There should be an additional point that states something of the following nature. "Anytime an establishment proposes second story outside dining, the City should notify all residents located in the area shown in the Second Story Outside Dining map."

On Wed, Oct 24, 2018 at 12:04 PM Ted Faturos <[tfaturos@citymb.info](mailto:tfaturos@citymb.info)> wrote:

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Lynne S. Gross

Home Phone: 310-545-5410

Web site: <http://lynnegross.com/>

## Ted Fatuross

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**From:** Neil Leventhal <NL@LMA-web.com>  
**Sent:** Friday, November 16, 2018 3:53 PM  
**To:** Ted Fatuross  
**Cc:** Laurie B. Jester; Nhung Madrid  
**Subject:** Re: Feedback Requested: Second-Story Outdoor Dining in Downtown MB

Hi Ted,

Concerns relative to second story outdoor dining continue, for previously articulated reasons of character, intensity of use and resulting traffic, parking and trash issues, and, particularly with an outdoor space lifted above the street level obstructions, noise.

Relative to specifics of second story outdoor dining, should any such opportunity be considered, it should clearly be constrained and limited as much as possible, and the proposed map should generally be re-considered to ensure that it not only doesn't face residences, there should be a buffer of at least 300 feet in any direction to mitigate impact.

There should not be ANY outdoor second story dining after 10 PM, and, therefore, of course, absolutely no alcohol after 10 PM, so noise studies in that context should be moot.

Generally, of course, relying on the Use Permit process and enforcement is inadequate and places all the burden on interested residents to monitor and oppose. If second story outside dining should be proposed for a specific establishment, the City should notify all residents located in the area indicated in the Second Story Outside Dining map. In addition, City responsibilities for post-construction and operation monitoring to verify conformance should be specified.

Thanks for the opportunity to provide input, and please contact me if you would like to discuss or clarify further.

Regards,

Neil Leventhal

128 13th. St.  
Manhattan Beach, CA 90266

[NL@LMA-web.com](mailto:NL@LMA-web.com)

Fax: 310.507.0204

Cell: 310.600.5834

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On Oct 24, 2018, at 12:04 PM, Ted Fatuross <[tfatuross@citymb.info](mailto:tfatuross@citymb.info)> wrote:

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**Ted Faturos**

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<Second Floor Outdoor Dining Map.pdf><Fact Sheet- Existing Regulations for Restaurants and Second-Story Outdoo....pdf>

## **Proposed additional 2<sup>nd</sup> Floor Dining Criteria**

Gary Osterhout

[garyosterhout@verizon.net](mailto:garyosterhout@verizon.net)

November 16, 2018

Community Development has asked for “feedback” from stakeholders on potential performance criteria for Second-Story Outdoor Dining. As a resident of Manhattan Beach, I believe I am a “stakeholder.”

In my opinion, the proposed criteria are incredibly weak in controlling against the concerns expressed by many residents, myself included, regarding the “adverse impacts to quality of life . . . and the increase in visitors, noise, trash and traffic related to allowing second-floor outdoor dining.” (see Staff Report File #18-0427). I encapsulate all these negative impacts in the term “intensification of use” of downtown.

My proposed criteria, to add to the proposed criteria by Community Development, are as follows:

1. No 2<sup>nd</sup> floor dining related to any establishment along Manhattan Beach Blvd. [Note: this is to reduce the possibility of the “main artery” driving the interpretation of downtown as a “party destination.”]
2. Serving hours shall only be from 5pm to 9pm.
3. No liquor served after 9 pm for any reason. No serving liquor at all if continual noise violations occur.
4. No cooking/kitchen/food heating facilities on the 2<sup>nd</sup> floor.
5. No bar areas with standing or seating allowed on the second floor. A liquor service area is allowed (bartenders only).
6. 2<sup>nd</sup> floor must be served by an elevator
7. No standing-only tables.
8. Must be a continuation of the same restaurant on the main floor, with no separate branding.
9. All 2<sup>nd</sup> food/liquor offerings must be exactly the same as offered on the first floor, for the same hours in operation.
10. New business owners must apply for a new permit.
11. The 2<sup>nd</sup> floor area will not be offered for private parties, although a group reservation will be allowed if there no departure from the regular food/liquor service offerings.
12. No separate liquor service without food.
13. Dining will be screened from view at street level by a 5 foot, nontransparent barrier.
14. There will be no awnings, coverings or umbrellas allowed higher than the maximum height of the building.
15. Awnings, coverings or umbrellas will contain no advertising other than the name of the restaurant.
16. Awnings, coverings or umbrellas will blend appropriately with the surrounding built environment, of one solid color, and is not permitted to be a fluorescent or other strikingly bright or vivid color.



17. No lighting is allowed if the purpose is deemed to attract attention from the street.
18. No music allowed, either amplified or acoustic.
19. No sound amplification allowed.
20. There will be no lighted projected visual attractions such as televisions, movie screenings or any other frequently changing lighted projection.
21. The 2<sup>nd</sup> floor dining floor will be one continuous level from the entry point, with no tiering or elevation of dining surface.
22. No waste storage on the 2<sup>nd</sup> floor subsequent to 10:00pm on any night.
23. Restaurant operator will be required to annually certify that the operator has secured a specific owned or leased an additional parking space for each server (including bartender) working the 2<sup>nd</sup> floor dining during the server/bartender's work hours.
24. Applicant must commit to and provide evidence that it has secured sufficient parking for the 2<sup>nd</sup> floor space during its hours of operation, which can include a reasonable mix of additional parking spaces, bicycle parking stalls, and a transportation management plan.
25. A sign shall be installed conspicuously located near the entrance to the restaurant, providing notice that the second floor shall only be open from 5:00pm to 9:00pm. The same statement will be conspicuously provided on any page of the website providing information about the location and hours of operation of the restaurant.
26. The applicant will submit a play of proposed measures (e.g., video footage, motion-sensor camera, or other method of documenting the non-use during prohibited hours) by which the permittee establishes through objective, reliable, verifiable data that the restrictions on the use of the second floor are being implemented as required. Monitoring reports to be submitted to the Director of Community Development every six months.

In addition, I would recommend that if the City desires a cogent discussion in this matter, that Community Development expand and quantify the Planning Commission statement from Staff Report File #18-0427 that "second-floor outdoor dining could benefit the entire community." I would recommend that such "benefits" be empirically developed for both (i) individual locations, and (ii) based on the entire allowed area resulting in established 2<sup>nd</sup> floor dining. If Community Development deems it impractical to consider that the entire area would not ultimately result in 2<sup>nd</sup> floor dining, then a reasonable number of developed properties could substitute. I believe a quantification of such "benefits" is important to weigh against the potential loss of our "small town downtown."

## Ted Fatuross

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**From:** Carol Perrin <cplaw28@gmail.com>  
**Sent:** Monday, November 19, 2018 5:23 PM  
**To:** Ted Fatuross  
**Cc:** Laurie B. Jester; Nhung Madrid; List - City Council; Bruce Moe  
**Subject:** Fwd: Feedback Requested: Second-Story Outdoor Dining in Downtown MB  
**Attachments:** ATT00001.htm; Second Floor Outdoor Dining Map.pdf; Fact Sheet- Existing Regulations for Restaurants and Second-Story Outdoo....pdf; ATT00002.htm

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Ted,

I recently had the below email forwarded to me for review and comment. As the Representative for the Manhattan Beach Downtown Residents Group, I am extremely disappointed to not have received this request for input directly from you.

Our group has spent considerable time and effort to solicit feedback, commentary and recommendations specifically related to the issue of second-story outdoor dining, and have, on multiple occasions, provided this input to the City. Let me be clear, the Downtown Resident's Group unequivocally rejects allowing any second floor outdoor dining at this time and will maintain this position until a plan is in place and ready to be operative, that will deal with all the anticipated and unintended negative consequences that are sure to result. Putting the onus on the residents to have to be ever vigilant to respond every time a request for a use permit is made, is not what we expect from our representatives, who we elected to promote our legitimate interests.

I will restate and explain some of the concerns already mentioned by members of our group, around which performance criteria would need to be not only developed, but also be in place to be monitored, managed and measured, prior to any approval for outdoor second story dining should be considered.

Noise impact to downtown residents - The City Council would need to engage a competent acoustic engineering consultant to understand how the sound would travel from each establishment and what requirements and restrictions would be necessary to mitigate these noise intrusions which will occur. If we rely on anecdotal evidence, we have already had experience that the noise travels in a manner which disrupts residents quiet enjoyment of their homes.

Alcohol sale / consumption - We do not need an expert, although there are many to advise that additional alcohol sales would result in more crime, more garbage, more substance abuse and more nuisances - all issues that Manhattan Beach is already struggling with, without further exacerbating the problems. Although limiting (disallowing) alcohol sales beyond 10pm would certainly contribute to keeping noise levels under some control, even this would not mitigate all the other resulting issues.

Trash management - Trash management is already a huge problem in Manhattan Beach, without adding additional restaurants, which is really what is on the table. Enforcing proper trash storage and frequency of trash pick-up has been an issue the City has not been able to effectively tackle and resolve. Our alleys are riddled with restaurant trash - who is it who wants more trash? Not the residents who live downtown and have to wade through all the garbage on a daily basis.

Police / enforcement / public safety - Our police department is already handling a daunting schedule due to increased crime and unfortunately, homelessness. Is the City Council fiscally prepared to increase the police force to meet the demand that this additional night alcohol consumption would require? There are numerous

government studies (previously provided to the City Council) which conclude that additional facilities serving alcohol adds crime, nuisance, trash, etc. This is not a potential threat - it is a proven consequence. Therefore, until we have increased law enforcement presence to ensure noise abatement and that the alcohol consumption will be actively managed and monitored with effective procedures in place, it is premature to contemplate second story outdoor dining.

Parking - Always an issue. Do we really want bar patrons taking all of the parking spaces (we all have experience with Hermosa) so that our neighborhood families cannot enjoy downtown?

Community atmosphere - Our Manhattan Beach goals have consistently included being a small town beach community. Manhattan Beach stands out as a beacon of family life, with its schools and family friendly activities. People move here and pay the high prices for their homes, which gives this city the real revenue it survives on - residents property taxes. Revenue from the businesses downtown pales in comparison, so, do we want to intentionally blight Manhattan Beach, change the ambiance from family to hangout - and ultimately reduce revenues - all for second story outdoor dining?

I thank you for your consideration to these issues.

Very truly yours,

Carol Perrin

Individually and as Representative of the Manhattan Beach Downtown Residents Group

**From:** Ted Fatuross <[tfatuross@citymb.info](mailto:tfatuross@citymb.info)>

**Date:** October 24, 2018 at 3:04:30 PM EDT

**To:** "Laurie B. Jester" <[ljester@citymb.info](mailto:ljester@citymb.info)>, Nhung Madrid <[nmadrid@citymb.info](mailto:nmadrid@citymb.info)>

**Subject: Feedback Requested: Second-Story Outdoor Dining in Downtown MB**

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Please let me know if you have any questions.

**Ted Faturos**  
**Assistant Planner**

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Carol Perrin

[cplaw28@gmail.com](mailto:cplaw28@gmail.com)