

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
Oceangate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071



TU 19a

Filed: June 2, 1998
49th Day: July 21, 1998
180th Day: Nov. 29, 1998
Staff: JLR: LB
Staff Report: July 16, 1998
Hearing Date: Aug. 11-14, 1998
Commission Action:

STAFF REPORT: APPEALSUBSTANTIAL ISSUE HEARING

LOCAL GOVERNMENT: City of Manhattan Beach

DECISION: Approval

APPEAL NO.: A-5-MNB-98-223

APPLICANT: City of Manhattan Beach

PROJECT LOCATION: Downtown Parking Area, Manhattan Beach

PROJECT DESCRIPTION:

Appeal by Harry Ford from City of Manhattan Beach granting permit to City of Manhattan Beach to increase the fees for on-street parking meters in the downtown area from \$0.25 per hour to \$0.50 per hour.

APPELLANT: Harry Ford

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that No Substantial Issue exists with respect to the grounds on which the appeal has been filed for the following reason: The locally approved development does not raise issues of conformity with the City of Manhattan Beach Certified Local Coastal Program and the public access policies of the Coastal Act. The proposed development will have no adverse impacts on public parking for beach access. The downtown area has traditionally had metered parking that serves the surrounding businesses. The proposed increase in fees will encourage continued short-term use of those spaces.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Manhattan Beach Certified Local Coastal Program.
 2. Local Coastal Development Permit (Resolution) No. PC 5386.
-

STAFF NOTE:

The Commission received a Notice of Final Local Action on May 27, 1998 (Exhibit C). The appellant filed an appeal in a timely manner on June 2, 1998, within 10 working days of receipt by the Commission of the notice of final local action (Exhibit E).

Pursuant to Section 30621 of the Coastal Act, a hearing on a Coastal Development Permit appeal shall be set no later than 49 days after the date on which the appeal is filed with the Commission. An appeal on the above described decision was received in the Commission office on June 2, 1998 (Exhibit C). The 49th day falls on July 21, 1998. The only Coastal Commission hearing scheduled between the date the appeal was filed and the 49 day limit is July 7-10, 1998.

In accordance with Section 13112 of the California Code of Regulations, staff requested on June 2, 1998, that the City of Manhattan Beach forward all relevant documents and materials regarding the subject permit to the Commission's South Coast Office. The City must transmit all relevant documents within five working days of their receipt of a Notice of Appeal. Those documents were not received until June 15, 1998. Consequently, a full analysis of the appealed project by Commission staff, which is necessary to prepare a staff report and recommendation for the July hearing, was not possible.

Therefore, pursuant to Section 13112 of the California Code of Regulations, the Commission opened and continued the Substantial Issue Hearing at the July meeting.

I. APPELLANT'S CONTENTIONS

On May 19, 1998, the City Council of the City of Manhattan Beach approved Local Coastal Development Permit No. PC 5386 to allow the City of Manhattan Beach to increase the fees for on-street parking meters in the downtown area from \$0.25 per hour to \$0.50 per hour. Subsequently, the appellant, Harry Ford, submitted an appeal of the City's approval of that coastal permit. In the appeal, the appellant's basic contention is that the increase in fees is not necessary and it will have an adverse impact on the downtown businesses. The appellant further contends that the City did not follow its LCP procedures for issuing coastal development permits.

II. APPEAL PROCEDURES

After certification of Local Coastal Programs, the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on Coastal Development Permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea or within three hundred feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff. Furthermore, developments approved by counties may be appealed if they are not designated "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county [Coastal Act Section 30603(a)].

Under Section 30603(a)(1) of the Coastal Act, the development approved by the City is appealable to the Commission because of its location within three hundred feet of the inland extent of the beach.

The grounds for appeal of an approved local Coastal Development Permit in the appealable area are stated in Section 30603(b)(1), which states:

- (b)(1) The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in this division.

The action currently before the Commission is to find whether there is a "substantial issue" raised by the appeal of the local approval of the proposed project. Section 30625(b)(2) of the Coastal Act requires a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal.

If Commission staff recommends a finding of substantial issue, and there is no motion from the Commission to find no substantial issue, the substantial issue question will be considered moot, and the Commission will proceed to the de novo public hearing on the merits of the project. The de novo hearing will be scheduled at the same hearing or a subsequent Commission hearing. A de novo public hearing on the merits of the project uses the certified LCP as the standard of review. In addition, for projects located between the first public road and the sea, findings must be made that any approved project is consistent with the public access and recreation policies of the Coastal Act. Sections 13110-13120 of the California Code of Regulations further explain the appeal hearing process.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing.

The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that no substantial issue is raised by the local approval of the subject project.

III. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that No Substantial Issue exists with respect to the conformity of the project with the City of Manhattan Beach certified Local Coastal Program and the public access policies of the Coastal Act, pursuant to Public Resources Code Section 30625(b)(2).

MOTION. Staff recommends a YES vote on the following motion:

I move that the Commission determine that Appeal No. A5-MNB-98-223 raises No Substantial Issue with respect to the grounds on which the appeal has been filed.

A majority of the Commissioners present is required to pass the motion.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

A. Summary of Local Government Action

On May 19, 1998, the City of Manhattan Beach, approved a permit to itself to increase the fees for on-street parking meters in the downtown area from \$0.25 per hour to \$0.50 per hour. The approved project will be implemented in the Downtown area of the City of Manhattan Beach. The downtown area is adjacent to the Strand and covers an area approximately 5 x 7 blocks (See Exhibit B). The downtown area has traditionally had metered parking, limited to two hours, that serves the surrounding businesses. The approved increase in fees will encourage continued short-term use of those spaces. Following is a description of the project area as described by the City:

The project study area is generally bounded by 15th Street to the north, Ardmore Avenue to the east, 8th Street to the south, and the Strand to the west. The boundaries of the study area are shown in Figure 1. The study area matches the area covered in the Downtown Manhattan beach Strategic Action Plan and is generally consistent with the area covered by previous parking studies conducted in 1984 and 1990 (note that the study areas for

each of those studies varies slightly from this project, which follows the Downtown Strategic Plan boundaries). Within the Downtown Manhattan Beach study area, there is a mix of retail, restaurant, office, civic and residential land uses. The primary east-west street is Manhattan Beach Boulevard; and the primary north-south streets are Highland Avenue and Manhattan Avenue. Retail, restaurant, office and other commercial land uses are located mainly along these major traffic corridors; while single-family and multi-family dwelling units are generally located along secondary roadways and pedestrian-only "walk-streets." The Downtown study area includes parking in the Civic Center, public parking lots/structures, private parking lots/structures, and on-street metered and un-metered parking spaces.

Downtown Manhattan Beach contains approximately 1,137 public parking spaces. Of this number 416 spaces are defined as on-street parking. Of the 416 on-street spaces, approximately 310 are metered with the remaining on-street parking spaces available at no charge. Only 87 of the 310 parking spaces are located within the Appeal Jurisdiction of the City of Manhattan Beach Coastal Zone. Approximately 715 parking spaces, or 63%, of all Downtown public parking spaces are off-street spaces.

The action of the Manhattan Beach City Council only increased the parking meter rate for the 310 on-street parking spaces from \$.25 to \$.50 per hour. The remaining public parking spaces (approximately 827) continue to be either free parking or \$.25 per hour. It is important to note that even with the proposed increase in on-street meter rates, the City's parking rates are some of the lowest in the State of California. In fact, the State itself charges \$1.00 per hour for parking at the California State Beach Parking Facilities.

B. Appellant's Contentions and Applicant's Response

As stated in Section II of this report, the grounds for appeal of a Coastal Development Permit issued by the local government after certification of its Local Coastal Program are specific. In this case, the local Coastal Development Permit may be appealed to the Commission on the grounds that it does not conform to the certified LCP or the public access policies of the Coastal Act.

The appellant contends that it is not necessary to increase parking rates in the downtown area and further contends that the City did not follow its LCP procedures for issuing coastal development permits in approving this permit. Specifically, the appellant states that:

I would urge the Commission not to approve this 100 percent increase in parking fees (customer use TAX) as 1) it is not in the best interest of the small community serving businesses, 2) the money may not go back to areas where the use tax on customers from businesses comes from for the

needed improvement of those areas, 3) the LCP procedures may not have been followed, 4) the analysis of the reasons for this recommendation are not comprehensive, and 5) 82% of the parking survey responses said that they do not support raising parking meter fees (See Exhibit D).

The discussion below will discuss the five contentions made by the appellant and the City's response to the appellant's contentions. The substantial issue analysis will follow that discussion.

1) Impacts on Downtown Businesses.

The appellant contends that businesses will clearly be at a disadvantage if their customers have to pay a higher parking fee and that fees should actually be as low as possible in order to keep the Downtown businesses competitive with other businesses in Manhattan Beach.

The applicant, the City of Manhattan Beach, contends that an increase in on-street parking meter rates will maximize the usage of on-street parking spaces. Following is an excerpt from a City staff report:

By increasing on-street meter rates and continuing to provide off-street parking at \$0.25 per hour, it is our hope that we can encourage merchants and their employees to utilize the remote, less desirable, off-street parking lots. In addition, the Parking & Public Improvements Commission and City staff will continue to explore options, both enforcement measures as well as incentives, to encourage off-street parking for business owners and their employees.

While the increase in meter rates would encourage use of remote parking lots through the financial incentive (parking lot meter rates would continue to be \$0.25 per hour), it is not expected that the change would effect the viability of downtown businesses. Parking meter rates at other beach cities are at least two to four times higher than Manhattan Beach and all have thriving commercial areas (e.g. Hermosa Beach, Santa Monica, Balboa Peninsula Balboa Island, etc.).

The appellant's contentions do not analyze why the proposed project would be contrary to LCP policies. Specifically, LCP policy I.C.15 states:

Policy I.C. 15: Continue management of existing parking facilities through enforcement to improve efficiency by keeping on-street spaces available for short-term users and encouraging the long-term parkers to use off-street parking lots.

Short-term parking is limited to two hours whereas long-term parking is five hours. The approved project will increase fees for short-term parking but does not increase fees for long-term parking. The approved project will improve parking efficiency by keeping on-street spaces available for short-term users and encouraging long-term parkers to use off-street, less expensive parking lots, consistent with the provisions of the certified LCP.

2) Expenditure of Fees

The appellant contends that the money from the increase in fees may not be used for improvements within the area from where it was generated. The City's approval does not address this issue. The City's certified LCP does not include policies addressing how or where the parking fees will be spent.

3) Parking Management Plan

The appellant contends that the subject proposal is not consistent with a recent City adopted 1998 parking Management Plan. In addition, the appellant contends that the City did not provide sufficient public notice, adequate public notice, did not file an application for the project and the City did not consider public input from a recent parking survey.

The applicant contends that the appellant has not provided sufficient detail as to why the Parking Management Plan is not in conformance with the provisions of the certified LCP. Staff notes that the 1998 Parking Management Plan is not part of the LCP that was certified in 1994.

The Parking Management Plan in the 1994 certified LCP, protects both long and short term parking. A Coastal Development Permit is required for any changes in fee structure. The City issued a CDP for the proposed project using the standards contained in the certified LCP.

4) LCP Procedures

The appellant contends that neither the appellant or residents and businesses surrounding the site were notified by mail as required in the LCP (See Exhibit K). The City contends that adequate public notice was provided in a publication in a local newspaper.

The City's certified LCP requires that, prior to public hearing, notice shall be mailed to all property owners and residents within 500 feet of the project site and interested persons (See Exhibit K). Because the mailing would involve more than 1000 persons, the City did not do a mailing but did provide notice in a publication of a local newspaper.

Section A.96.100.B of the City's certified LCP requires both mailing and newspaper notice. The City did not provide a mailing notice. Failure to notify by mail is not consistent with the certified LCP.

The appellant further contends that the City did not file an application for a Coastal Development Permit and did not complete a "Coastal Policy Checklist". In response, the City has stated that an application is on file and the City submitted a "Coastal Policy Check List" (See Exhibit H).

5) City's Recommendation not Comprehensive

The appellant contends that the City's analysis to approve the project was not comprehensive. The City contends that it is unable to respond to that issue because the appellant has not identified the issues that were not addressed in the City staff report.

Staff notes the City's report was supported with other documents and studies addressing the proposed parking fee change. It was supported by a Parking Management Plan Report, two 3-page City staff reports to the City Council, and a 3-page report to the Parking and Public Improvements Commission.

6) Parking Survey

The appellant states that 82% of persons responding to a recent parking survey, indicated that they do not support raising parking meter fees. The appellant further states that the City did not consider the parking survey results when approving the project. The City's staff report is silent regarding this issue, however, the City's certified LCP does not contain policies addressing evaluating the use of parking surveys.

C. Substantial Issue Analysis

Section 30625(b) of the Coastal Act states that the Commission shall hear an appeal of a local government action unless it finds that no substantial issue exists with respect to the grounds on which the appeal has been filed. The grounds for an appeal identified in Public Resources Code section 30603 are limited to whether the development conforms to the standards in the certified LCP and to the public access policies of the Coastal Act.

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission's regulations simply indicate that the Commission will hear an appeal unless it "finds that the appellant raises no significant questions". In previous decisions on appeals, the Commission has been guided by the following factors.

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;

3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, section 1094.5

Staff is recommending that the Commission finds that No Substantial Issue exists for the following reasons:

a) Consistency with LCP Provisions

LCP policies I.C. 11: and I.C.15: state:

Policy I.C. 11: Maintain the existing public parking system in the vicinity of Valley/Ardmore/Manhattan Beach Boulevard to provide parking out of the downtown area.

Policy I.C. 15: Continue management of existing parking facilities through enforcement to improve efficiency by keeping on-street spaces available for short-term users and encouraging the long-term parkers to use off-street parking lots.

The approved project will not effect public parking in the vicinity of Ardmore and Manhattan Beach Boulevard. The City has contended that a slight increase in fees for short-term parking will increase efficiency and turnover for downtown parking. The Commission finds that a project designed to increase parking efficiency is consistent with Policy I.C.15:. The approved project will improve parking efficiency by keeping on-street spaces available for short-term users and encouraging long-term parkers to use off-street, less expensive parking lots, consistent with the provisions of the certified LCP.

b) Extent of Development

The extent of the development approved by the City is limited to the Downtown area only and will improve parking for both short-term and long-term users. The development approved by the City only covers a 5 x 7 block area and does not extend into areas for long-term beach parking.

c) Nature of Development

The development approved by the City is really only a slight modification of the management strategy for existing commercial parking. The downtown area has traditionally had metered parking that serves the surrounding businesses.

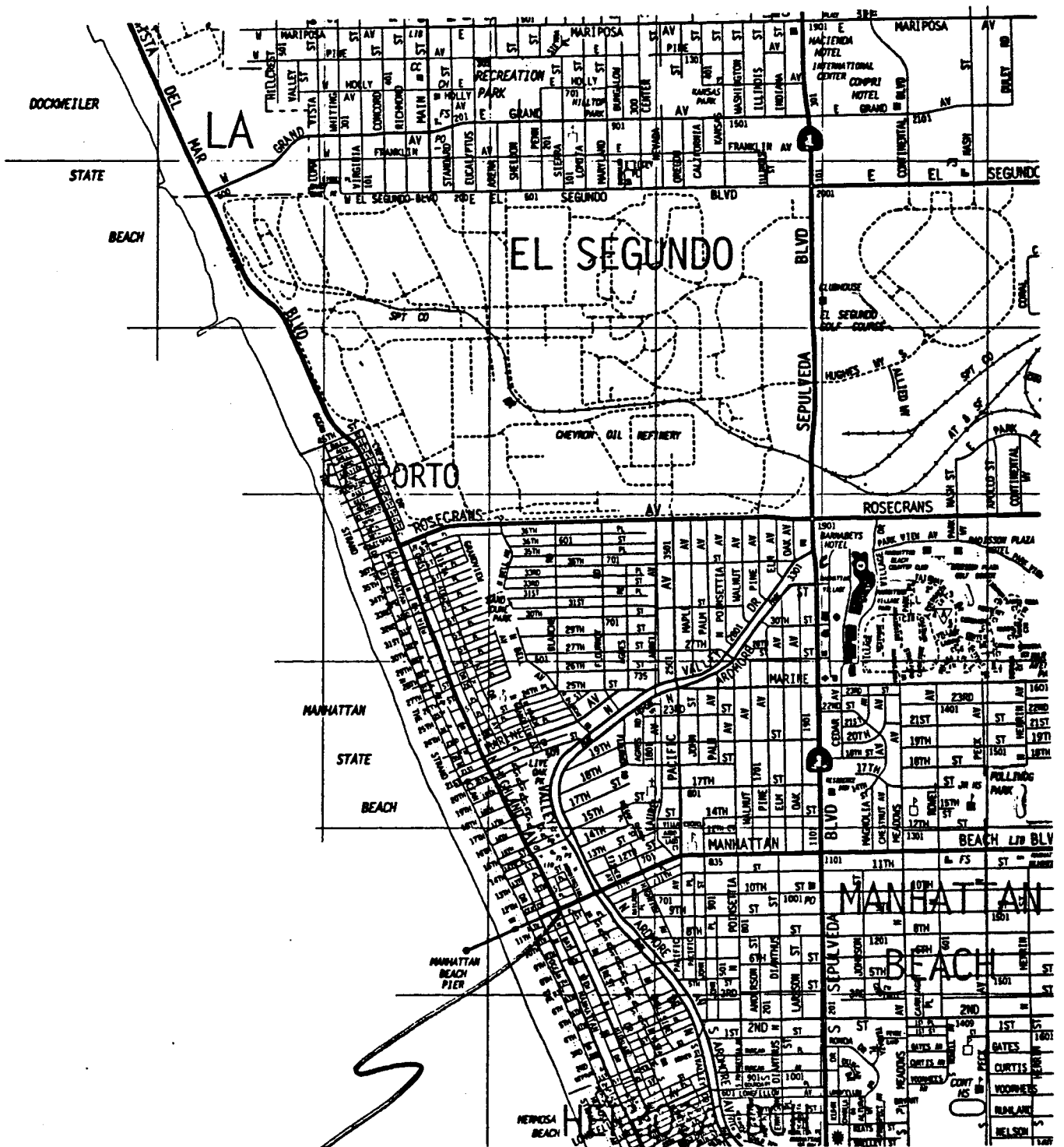
d) Precedent

This project will not set a precedent for long term lots which supply beach parking. The development does not increase the size of the area for short-term parking that could impact long-term parking..

e) Local/Regional Issues

Management of local commercial parking in the downtown area raises only a local issue rather than an issue of regional or statewide significance.

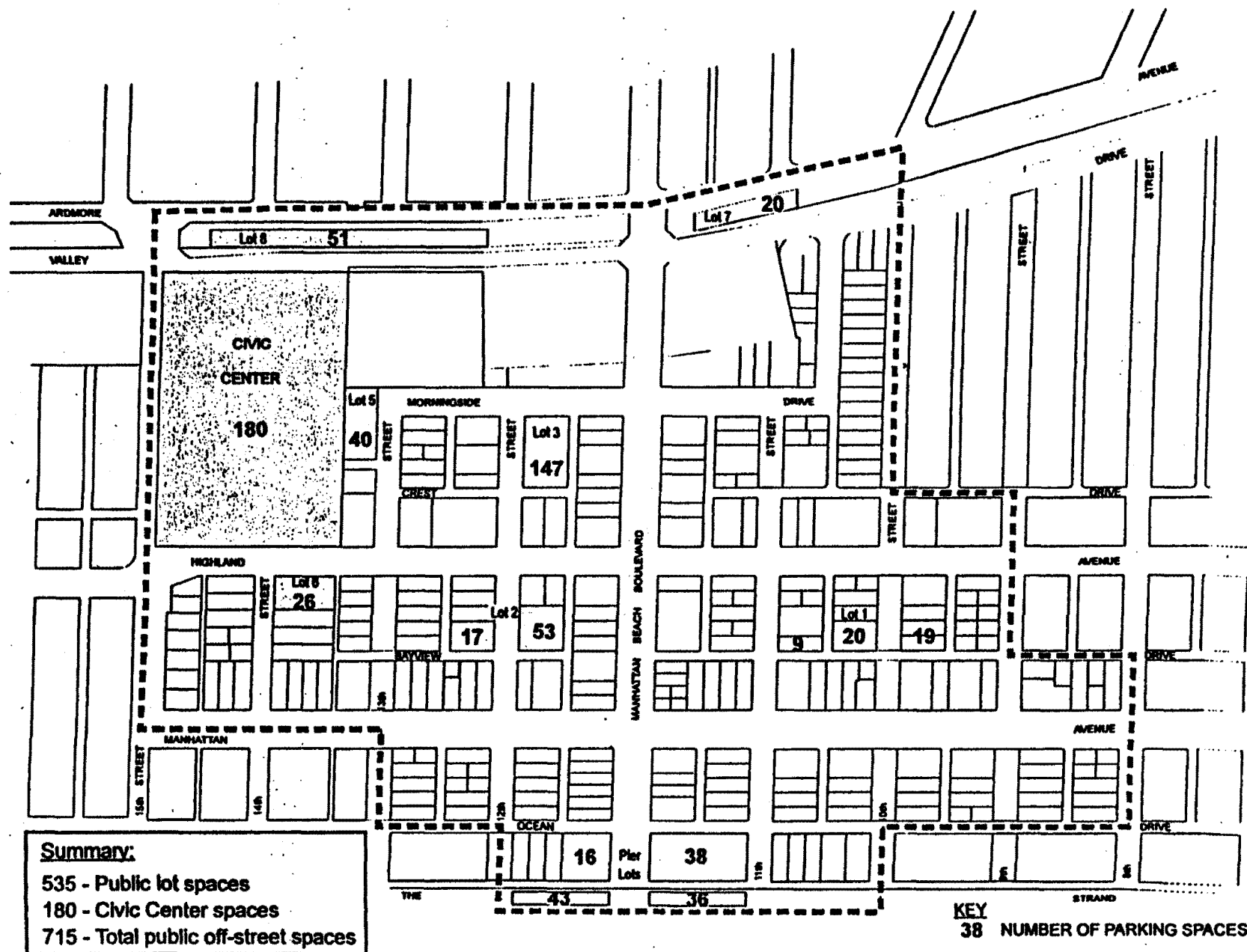
The substantive issues, mainly parking, raised in this appeal do not raise a substantial issue with respect to compliance to the LCP. Staff recommends that the Commission finds that No Substantial Issue exists with the City's approval of a Local Coastal Development Permit on the grounds that the proposed project does not raise issues of conformity with the City of Manhattan Beach certified Local Coastal Program or the coastal access policies of the Coastal Act.



Location
vicinity

AS-MNB-98-223
Exhibit A

A5-MN08-98-223
Exhibit B



5-MNB-98-106



City Hall

1400 Highland Avenue

Manhattan Beach, CA 90266-4795

Telephone (310) 545-5621

FAX (310) 545-5234

TDD (310) 546-3501

RECEIVED
MAY 27 1998

NOTICE OF FINAL GOVERNMENT ACTION

May 21, 1998

California Coastal Commission
South Coast District
200 Oceangate, 10th Floor
Long Beach, CA. 90802-4302

CALIFORNIA
COASTAL COMMISSION

RE: Coastal Development Permit for Downtown Parking Meter Fee Increase

CA-98-72

Pursuant to the procedures set forth in Chapter A.96 of the City of Manhattan Beach Local Coastal Program (LCP), the City Council of the City of Manhattan Beach conducted a duly noticed public hearing on May 19, 1998 for the above referenced project. At this hearing, the City Council voted unanimously (4-0 Councilmember Wilson absent) to approve the Coastal Development Permit to allow the following increases in Downtown Parking Meter fees.

The project will increase the on-street parking meters in the downtown area from \$0.25 per hour to \$0.50 per hour. This will result in on-street parking meter rates which are consistent with the surrounding beach communities. The parking meter rates for all off-street parking meters including those in both the El Porto beach parking lot and the Manhattan State Beach Upper and Lower Pier parking lots will remain the same. The purpose of the project is to encourage individuals parking for a long period of time to utilize the off-street public parking lots. Thereby increasing turn over in, and hence the availability of, the more desirous on-street public parking spaces.

Attached is a copy of Resolution No. 5386 approving the Coastal Development Permit. This Resolution outlines the findings and conditions of approval. Should you have any questions, or need additional information, please feel free to contact me at (310) 545-5621, Extension 360.

Sincerely,

David A. Doyle
Assistant to the City Manager

AS-MNB-98-223
Exhibit C

CC: Geoff Dolan, City Manager
Richard Thompson, Director of Community Development

Fire Department Address: 400 15th Street, Manhattan Beach, CA 90266 FAX (310) 545-8925
Police Department Address: 420 15th Street, Manhattan Beach, CA 90266 FAX (310) 545-7707
Public Works Department Address: 3621 Bell Avenue, Manhattan Beach, CA 90266 FAX (310) 546-1752
City of Manhattan Beach Web Site: <http://www.ci.manhattan-beach.ca.us>

RESOLUTION NO. 5386

RECEIVED
MAY 27 1998

CALIFORNIA
COASTAL COMMISSION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ESTABLISHING A SCHEDULE OF FEES TO BE CHARGED BY VARIOUS DEPARTMENTS OF THE CITY REGARDING PERMITS AND SERVICES, MODIFYING RESOLUTION 5370 AND ALL RESOLUTIONS OR ORDERS IN CONCERT THEREWITH, AND APPROVING A COASTAL DEVELOPMENT PERMIT TO INCREASE DOWNTOWN ON-STREET PARKING METER RATES

WHEREAS, the Office of the City Manager of the City has reviewed the fee schedule and made certain recommendations to the City Council; and

WHEREAS, the schedule of fees for permits and services represents reimbursement for cost incurred by the City in providing direct services to particular individuals or groups rather than to the general populace of the City of Manhattan Beach; and

WHEREAS, it is equitable that the City of Manhattan Beach be compensated for providing such direct services; and

WHEREAS, the City of Manhattan Beach has certain fees established including an hourly rate for parking a vehicle in an on-street metered parking space; and

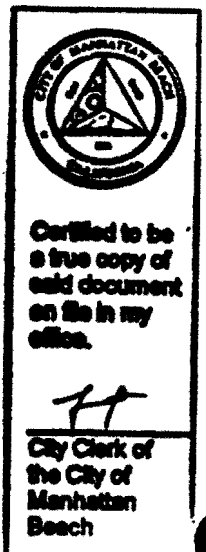
WHEREAS, it is the desire of said City to maximize utilization of the two-hour time limit, on-street metered parking spaces through parking management techniques including adjustment of rates; and

WHEREAS, the Parking & Public Improvements Commission has unanimously approved the recommendation to adjust the parking meters rates for all two-hour, on-street parking meters in the downtown area in accordance with the attached "Schedule B".

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES HEREBY DECLARE, FIND, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The City Council hereby finds as follows:

- A. The fees adopted hereunder as set forth in "Schedule B", attached hereto and incorporated herein by this reference are intended to maximize utilization of existing downtown on-street metered parking spaces, encourage long term parking in the remote off-street parking lots, and enhance turnover of the parking spaces therefore creating enhanced opportunities for on-street public parking.
- B. The proposed project has been found to be statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as implemented by the City of Manhattan Beach CEQA guidelines, pursuant to sections 15273 (a) "Rates, Tolls, Fares, and Charges" of the CEQA Guidelines.
- C. The proposed project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish & Game Code.



AS-MNB-98-223
Exhibit D
1053

- D. The proposed project is in conformance with applicable policies and regulations of the Certified Manhattan Beach Local Coastal Program.
- E. The proposed project is consistent with the public access and recreation policies of Chapter 3 of the California Coastal Act of 1976. The project will not impact existing public access, nor recreational opportunities, within the City's Coastal Zone.
- F. This resolution shall serve as the coastal development permit.

SECTION 2. The City Manager's Office has reviewed the fee schedule and made certain recommendations to the City Council. The schedule of fees shall be modified to include the rate for downtown on-street parking meters adjusted in accordance with the attached schedule.

SECTION 3. The City Manager shall have the authority to interpret the provisions of this resolution for purposes of resolving ambiguities. The City Manager shall have the authority to authorize and require reasonable compensation for the temporary use of City property or receipt of City services not otherwise provided for by City resolution or ordinance.

SECTION 4. This resolution shall be effective July 1, 1998.

SECTION 5. The City Clerk shall make this Resolution reasonably available for public inspection within thirty (30) days of the date this resolution is adopted.

SECTION 6. The City Clerk shall certify to the adoption of this Resolution and thenceforth and thereafter the same shall be in full force and effect.

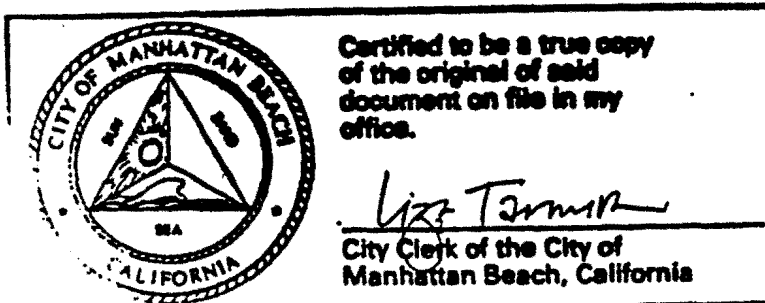
PASSED, APPROVED and ADOPTED this 19th day of May 1998.

Ayes:	Jones, Napolitano, Lilligren, Mayor Cunningham
Noes:	None
Absent:	Wilson
Abstain:	None

/s/ Jack Cunningham
Mayor, City of Manhattan Beach, California

ATTEST:

/s/ Liza Tamura
City Clerk



AS-MNB-98-223
Exhibit D
2 of 3

SCHEDULE "B"

<u>TASK</u>	<u>DESCRIPTION</u>	<u>DEPT</u>	<u>COST</u>
Parking Meter Rates	On-Street Parking, Time Limit 2 hr Downtown area		
Parking Meter Rates	12 minutes	PD	\$0.10
Parking Meter Rates	24 Minutes	PD	\$0.25
Parking Meter Rates	1 hour	PD	\$0.50



Certified to be a true copy
of the original of said
document on file in my
office.

Liza Tamar

City Clerk of the City of
Manhattan Beach, California

AS-MNB-98-223
Exhibit D
3 of 3

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior to Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Harry A. Ford, Jr.
54 Village Circle
Manhattan Beach, California 90266-7222
Phone (310-546-5117)

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Manhattan Beach
2. Brief Description of development being appealed: May 19, 1998 Coastal Development Permit for 100 % increase in on-street parking rates in Downtown Manhattan Beach.
3. Development's location (street address, assessor's parcel no., cross street, etc.):
Downtown Manhattan Beach from the lower pier parking lot east of Ocean Avenue on the West, to 8th Street on the South, to 15th Street on the north to Ardmore street on the east, of "CD" DISTRICT.
4. Description of decision being appealed:
 - a. Approval; no special conditions: Coastal Development Permit (no file or number.)
 - b. Approval with special conditions:
 - c. Denial:

Note: For jurisdiction with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A5-MNB-98-223

DATE FILED: 5.28.98

DISTRICT: South Coast / Long Beach

H5: 4/88

Post-It Fax Note	7671	Date	5/21/98	Page	13 of 13
To	CHUCK POSNER	From	HARRY FORD		
Co./Dept.	COASTAL COMM.	Co.			
Phone #		Phone #	310-546-5117		
Fax #	562-540-5084	Fax #			

RE: APPEAL OF MB ACTION.

A-5-MNB-98-223

Exhibit E

10 of 3

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a. ☐ Planning Director/Zoning Administrator c. ☐ Planning Commission
b. ☒ City Council/Board of Supervisors d. ☐ Other _____

6. Date of local government's decision: May 19, 1998

7. Local government's file number (if any) : none indicated on file or notice.

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant :

City of Manhattan Beach

1400 Highland Avenue

Manhattan Beach, California 90266

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should received notice of this appeal.

(1) Harry A. Ford, Jr., 54 Village Circle, Manhattan Beach, CA 90266-7222

(2) All residents and businesses in the CD district, and within 500 feet thereof, who did not receive notice of the Coastal Development Permit Hearing per the LCP/CDP procedures, and anyone on the LCP/CDP mailing list who did not receive notice of this action.

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons for the decision warrants a new hearing.

(Use additional paper as necessary.)

AS-MNB-98-203
Exhibit E
2 of 3

Refer to the attached letter dated May 19, 1998 (10 pages with attachments) which was delivered to the City Clerk for the Public Hearing on May 19, 1998. Also refer to the letter dated May 5, 1998 which was delivered to the City Clerk's office on May 5, 1998 for the Agenda item on the creation of Temporary Parking Lot on Metlox property (previously forwarded to Staff):

1) City action on 2/17/98 indicated it was likely that a number of items as detailed in the Parking management Plan would likely require Coastal Commission Review, but nothing was included in the Staff Report to the City Council. 2) No Coastal Policy checklist prepared per A.96.030. 3) Standards for Application Review A.96.120 not followed. 4) Notice procedures not followed as set forth in A.96.100. 5) No application, checklist of notice in City file other than insufficient notice in local paper. 6) I am on the mailing list for CDP's and I did not receive a mailed notice, none was in the City file, and there was no evidence in the file that notice was mailed as per the requirements of A.96.100. 7) This is an appealable development as parking meters are in the appealable zone per the LCP. 8) Per Coastal Commission staff under Coastal Commission guidelines this 100% increase in parking rates would require Coastal Commission approval. 9) Staff report and parking study incomplete, and do not adequately address issue. 10) elements of Parking management plan A.64.230 not in accordance with LCP, and 11) elements of Metlox parking lot not in conformance with LCP.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Harry Ford Jr

Signature of Appellant(s) or Authorized Agent

Date May 21, 1998

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

A5-MNB-98-223
Exhibit E
3 of 3

Harry A. Ford, Jr.
 54 Village Circle
 Manhattan Beach, California 90266-7223
 Phone & Fax: (310-546-5117)

e-mail: Seaimage9@aol.com

Monday, July 13, 1998 - Fax to Coastal Commission at 310-590-5084, ATTN: Jim Ryan - Draft # 1

California Coastal Commission, via Jim Ryan
 200 OceanGate, 10th Floor, Suite 1000
 Long Beach, California 90802-4302

Dear Coastal Commission Members and Jim Ryan:

Re: This letter constitutes preliminary comments for the appeal A-6-MNB-98-223 of the City of Manhattan Beach's action to raise on-street parking meter rates 100% from 25 to 50 cents per hour in the Downtown area of Manhattan Beach.

I would urge the Commission to APPROVE my appeal due to the City actions apparently not following the LCP notice and other LCP procedures. In addition, the written analysis of the action did not appear to take into account the 164 residents and businesses (82%) of those that responded to the 8/97 Downtown Parking survey that they did not want meter fees raised.

A.96.100 Notice and Procedures for appealable development. Notice of development appealable to the Coastal Commission shall be provided as follows:

1. A statement that the development is within the Coastal Zone and is appealable to the Coastal Commission: Not contained in notices for the May 19, 1998 meeting. The May 7th notice in the Beach Reporter did not even indicate that a Coastal Development Permit was being issued.
2. The date of filing of the application and the name of the applicant: There was no date of filing of the application in the notice. I did not see any filed by the City of Manhattan Beach in the City file, staff report, or transmitted in the June 11, 1998 letter from Richard Thompson to Pam Emerson.
3. The file number assigned to the application: None provided. Note, I have attached as Exhibit A a normal City application notice as published in the paper. It is evident that this notice is not even consistent with the normal City Notice for Coastal Development Permits.
4. The date, time and place at which the application will be heard: The newspaper notice showed those, but in an incomplete notice of a public hearing, not an application for CDP.
5. A brief description of the general procedure concerning the conduct of hearing and local actions; and: None provided. Refer to Exhibit A for standard City notice.
6. The system for local and Coastal Commission appeals, including and local fees required: Again, this was not provided.

B. Provision of Notice Prior to Public Hearing. Notice shall be mailed at least 10 days before the first public hearing on the project to the following:

1. Applicant: There was no mailed notice in the file, or staff reports, or June 11th letter.
2. Owner of the Property: There was no mailed notice in the file, but the City is the owner.
3. All property owners and residents within 500 feet from the perimeter of the subject parcel: There was no mailed notice in the file. There was no mailing list in the file. The staff report

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 Exhibit F
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California Coastal Commission Re: Appeal A-5-MNB-98-223 Meter fees, July 13, 1998, Page 2

was silent on this subject. Item 4) in Richard Thompson's letter of June 11th notes a zoning code exception for more than 1,000 notices. The Downtown parking study on page 44 says that notices were mailed to all residents and business in the Downtown parking study area which includes all on-street meters, and that this mailing was only for 600 persons. 82% of the 164 residents and businesses that responded, 164 responses, said no to raising parking meter fees. There was no map or mailing list that showed how many residents and businesses were within 500 feet of the meters. In addition, the staff report did not disclose any mailing, or reason for not doing a mailing. The staff report projected that the City would generate \$250,000 annually from this change, but it was too cheap to spend a couple hundred dollars for a notice. In addition, A.96.130 Precedence of local coastal programs, indicates that the LCP procedures shall take precedence. Why doesn't this apply to the notice requirements (see 7 below)?

4. All persons who have, within the past calendar year, submitted a written request for notice of all Coastal Permit applications. I am on that mailing list but I received no written notice for this Coastal Development Permit. As I recall I found out about the meeting by looking at the Agenda for the 5/19/98 meeting on the Internet the weekend before the Tuesday meeting.
5. The Coastal Commission: I did not see a written notice in the Coastal Commission file I reviewed, and I did not see one in the June 11th letter from the City.
6. Public Agencies: ?
7. A newspaper of general circulation in the Coastal Zone. The Notice is to be published once. A Notice was published, but it was clearly inadequate as noted above. This requirement is in addition to the mailed notice to property owners and residents (see requirement in 3 above).

A.96.120. Standards for application review: There appears that there was no application so how was the project reviewed? "The official or body acting on a Coastal Development Permit shall review the project for compliance with: all applicable plans, policies, requirements of the Local Coastal Program; the City's General Plan; requirements of the Planning and Zoning Ordinance; and other provisions of this title. To assist this review, the Director of Community Development shall, as part of the recommendation, complete a Coastal Policy Checklist." I do not recall seeing a Coastal Policy checklist as part of the materials for the Parking Commission or City Council materials. The materials I reviewed from the Community Development Department, and Dave Doyle's office, on Monday May 18th did not include the Coastal Policy Checklist but only the staff report. The first time I recall seeing the Checklist dated April 23rd was at the Coastal Commission after I filed my appeal? In addition, the Coastal Policy Checklist dated April 23 does not appear to address the General Plan, Zoning Code, or the City's Parking Management Program for the Coastal Zone (A.64.230), and is thus clearly incomplete and does not meet the standards set forth by the LCP. Examples are Policy I.C.15: enforcement - this was one of the parking utilization strategies mentioned in the parking study, and was a problem, but no recommendation or action is provided. The City can increase enforcement without raising rates! How is the City in compliance? General Plan Policy 4.1: Protect all small businesses throughout the City which serve City residents. This was not addressed, and the increase in rates clearly hurts the small community serving businesses Downtown. The Zoning Code question of mailing notices to over 1,000 was not addressed in the checklist. Why wasn't the Parking Management Program reviewed as part of the Coastal Development Permit, and the City's Parking Study? When the City Council approved the Parking Plan for this item a footnote said; "This action will likely require Coastal Commission Review" No explanation has been provided that I have seen.

A.96.040 Requirements for a coastal development permit.: A change in fee structure is one of the reasons for issuing a Coastal Development Permit. The notice requirements were not met.

DRAFT
A5-MNB-98-223
Exhibit F
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California Coastal Commission Re: Appeal A-5-MNB-98-223 Meter fees, July 13, 1998, Page 3

Increase in Parking rates from \$.25 to \$.50 per hour: This again is misleading as the 24 minutes meters have been raised to \$.25 for 24 minutes. This is \$.625 per hour. This appears to be a 150% increase from the prior rate (\$.10 for 24 minutes). When I talked to the Coastal Commission they indicated a 100% increase would require a review? The notice would again appear to be incorrect.

June 2, 1998 letter from Jim Ryan to the City of Manhattan Beach staying the City action: As I reported in my fax of July 7, 1998 the City appeared to have raised the rates on all the meters east of the Center of Manhattan Avenue (map provided). In addition, the 24 minute meters in the appealable zone appear to have already been raised to \$.25 for 24 minutes. Why isn't the City in violation of the June 2, 1998 letter? Please take appropriate enforcement action as soon as possible.

A.64.230. Parking Management Program for the Coastal Zone. Again, this was not reviewed as part of the Coastal Policy Checklist. Nor, do I recall a review for the Metlox (170 Parking spaces for 4 years?). "A.64.220 Parking area plan required. Prior to the construction or reconstruction of an off-street parking area, a parking area plan shall be submitted to the Community Development Director for the purpose of indicating compliance with the provisions of this chapter..." Items such as Handicap parking, lighting, screening, parking space dimensions, visibility, landscaping, signs, etc. should have been reviewed for compliance. Are there adequate handicap parking spaces on street and off street? Other items that do not appear to be in compliance are the hang tags in Lot 1 and 20 hang tags for 100% of the spaces in Lot 7. Also the El Porto lot is posted to close at 8:00 p.m., and the Pier lot is posted to clear at 9:30 p.m.

Analysis of recommendation: The staff report did not indicate that the parking survey to 600 residents and businesses downtown indicated that 82%, or 164, said no to higher parking fees. The report analyzed the rates against other towns like Balboa. The analysis did not show that other Downtown's like El Segundo and Burbank have no parking meters. The analysis should have also been against other community serving businesses in Manhattan Beach that have no parking meters. A resident can stop at Strand Cleaners on Manhattan Beach Blvd. and pay zero for parking instead of wandering around Downtown looking for a spot and having to pay \$.25 to \$.625 per hour. This clearly does not support the small community serving businesses. This could be why there are less each year. This could also be why in cities like Hermosa Beach that have raised parking meter rates even further, there are less community serving businesses.

Richard Thompson's letter of June 11, 1998 indicates This appeal process and proposed action by the Coastal Commission may have serious implications for the City's Fiscal Year 1998-99 Operating Budget, adopted by the City Council on June 2, 1998. The City had \$36.3 million of Cash & Investments at June 30, 1997. The City's parking revenues are up over 22% over the last four years. For the year ended June 30, 1997 the City have \$612,286 of net income from parking funds on operating revenues of \$719,990. The PER CAPITA proposed 1998-1999 budget for Manhattan Beach is significantly higher than Redondo Beach (47%- \$456) and Hermosa Beach (27%- \$302) (Source data from table in Easy Reader of 05/28/98). The proposed \$250,000 annual increase is only 1/2 of 1 per cent of the annual budget? The City should have followed their own rules (LCP), and listened to the 82% of residents and businesses that said they didn't want a meter fee increase, but didn't get proper notice or analysis of this CDP.

If you have any questions, please feel free to call.

Sincerely,

Harry A. Ford, Jr.

Attachments - provided to Coastal Commission staff

DRAFT

A5-MNB-98-223
Exhibit
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City Hall 1400 Highland Avenue Manhattan Beach, CA 90266-4795
Telephone (310) 545-5621 FAX (310) 545-5234 TDD (310) 546-3501

RECEIVED
JUN 12 1998

CALIFORNIA
COASTAL COMMISSION

June 11, 1998

Ms. Pam Emerson, L.A. County Area Supervisor
California Coastal Commission
South Coast Area
P.O. Box 1450
200 Oceangate, 10th Floor
Long Beach, CA. 90802-4416

RE: Appeal No. A-5-MNB-98-223 (Parking Meter Fee Increase)

Dear Ms. Emerson,

On June 2nd the City of Manhattan Beach received notice of the above referenced appeal. The City respectfully submits the enclosed materials for your review pertaining to the City's processing and issuance of this Coastal Development Permit. With reference to the stated reasons for the appeal, City staff would like to provide the following response:

- 1) The issue of the Parking Management Plan does not provide enough detail to formulate a response;
- 2) A copy of the Coastal Policy Checklist is included in the enclosed materials;
- 3) The issue of standards for application review does not provide enough detail to formulate a response;
- 4) The public notice provided was a publication in the local newspaper used by the City for all public notification (City Council, Planning Commission, etc....). The basis for utilizing a publication rather than individual noticing was the number of property owners and residents affected by this action. Pursuant to Government Code Section 65091 (a)(3) of the State Planning and Zoning Law, when an action requires individual notification exceeding 1,000 persons such notification may be made in a newspaper of general circulation. Since this action encompasses a significant portion of the City's Coastal Zone, and such notification would have exceeded the 1,000 threshold, Staff opted to place the notice in a newspaper of general circulation.
- 5) See response to Number 4 above.

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Exhibit G
1053

- 6) A separate notice was not mailed to the project appellant. Mr. Ford was provided verbal notification of the scheduled public hearing, and participated in the hearing by providing written comments on the project (see enclosed material).
- 7) Staff concurs that a portion of the meters affected are located within the Appeal Jurisdiction and subject to Coastal Commission appeal.
- 8) Staff disagrees with the assertion that the proposed parking fee increase would require Coastal Commission approval. The City's Local Coastal Program requires issuance of a Coastal Development Permit for meter increases in the Coastal Zone, and pursuant to the location of some of these affected meters in the Appeal Jurisdiction, provides for an appeal process to the Coastal Commission. Absent the filing of an appeal with the Coastal Commission, however, separate approval by the Commission is not required.
- 9) The issues not addressed in the staff report and parking study are not identified.
- 10) The elements of the Parking Management Plan not in accordance with the LCP are not identified;
- 11) The Metlox site is not in the Appeal Jurisdiction of the Coastal Zone, and is not a part of this Coastal Development Permit.

The following information is enclosed:

- | | |
|-------------|---|
| Exhibit 1: | Agenda from the City Council Meeting of May 19, 1998; |
| Exhibit 2: | Staff report to the City Council for the May 19, 1998 meeting, including written comments provided to the Council from the project appellant; |
| Exhibit 3: | Excerpt from the May 19, 1998 City Council Minutes; |
| Exhibit 4: | Resolution No. 5386; |
| Exhibit 5: | Copy of Public Notices published for the May 19, 1998 City Council meeting; |
| Exhibit 6: | Staff report to the Parking & Public Improvements Commission for the April 23, 1998 meeting; |
| Exhibit 7: | Excerpt from the April 23, 1998 Parking & Public Improvements Commission meeting; |
| Exhibit 8: | Executive Summary – Downtown Manhattan Beach Parking Management Plan Report; |
| Exhibit 9: | Introduction – Downtown Manhattan Beach Parking Management Plan Report; |
| Exhibit 10: | Recommended action from the Downtown Manhattan Beach Parking Management Plan regarding parking fee system; |
| Exhibit 11: | Letter to Manhattan Beach Chamber of Commerce; |
| Exhibit 12: | Letter to Downtown Business and Professionals Association |
| Exhibit 13: | Coastal Policy Checklist. |
- AS-MNB-98-223*
Exhibit G
2 of 3

Downtown Manhattan Beach contains approximately 1,137 public parking spaces. Of this number 416 spaces are defined as on-street parking. Of the 416 on-street spaces, approximately 310 are metered with the remaining on-street parking spaces available at no charge. Only 87 of the 310 parking spaces are

located within the Appeal Jurisdiction of the City of Manhattan Beach Coastal Zone. Approximately 715 parking spaces, or 63%, of all Downtown public parking spaces are off-street spaces.

The action of the Manhattan Beach City Council only increased the parking meter rate for the 310 on-street parking spaces from \$.25 to \$.50 per hour. The remaining public parking spaces (approximately 827) continue to be either free parking or \$.25 per hour. It is important to note that even with the proposed increase in on-street meter rates, the City's parking rates are some of the lowest in the State of California. In fact, the State itself charges \$1.00 per hour for parking at the California State Beach Parking Facilities.

This appeal process and proposed action by the California Coastal Commission may have serious implications for the City's Fiscal Year 1998-99 Operating Budget, adopted by the City Council on June 2, 1998. As such, the City hereby requests that the Coastal Commission schedule the appeal hearing at the earliest possible meeting date irrespective of the location of the meeting.

If you require additional information please feel free to contact me at Extension 290, or Bobby Ray, Senior Planner at Extension 278.

Sincerely,



Richard Thompson
Director of Community Development

C: Geoff Dolan, City Manager
Dave Doyle, Assistant to the City Manager
Bobby Ray, Senior Planner

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Exhibit G
3 of 3

CITY OF MANHATTAN BEACH
Local Coastal Program
Coastal Development Policy Checklist

Project File No.: CA 98 - 32
Project Address: City of Manhattan Beach Coastal Zone
Project Description: Increase On-Street Parking Meter Rates from \$.25 per hour to \$.50 per hour in the Downtown and Commercial North End areas of the City of Manhattan Beach coastal zone.
Date: April 23, 1998

Pursuant to Section A.96.030 (G) of the Local Coastal Program (LCP) the Coastal Policy Checklist shall list all LCP Policies, identify those policies with which the application does not comply, and recommended conditions which could bring the applications into compliance. The following information, together with all applicable reports and application materials, shall constitute the required Coastal Policy Checklist.

I. COASTAL ACCESS POLICIES

A. Access Policies

Policy I.A.1: The City shall maintain the existing vertical and horizontal accessways in the Manhattan Beach Coastal Zone.

Project Compliance: Yes _____ No _____ Not Applicable X

Policy I.A.2: The City shall encourage, maintain, and implement safe and efficient traffic flow patterns to permit sufficient beach and parking access.

Project Compliance: Yes _____ No _____ Not Applicable X

Policy I.A.3: The City shall preserve pedestrian access systems including the Spider Web park concept (Spider Web park concept: a linear park system linking the Santa fe railroad right-of-way jogging trail to the beach with a network of walkstreets and public open spaces. See Figure NR-1 of the General Plan).

Project Compliance: Yes _____ No _____ Not Applicable X

Policy I.A.4: The City shall maintain the use of commercial alleys as secondary pedestrian accessways.

Project Compliance: Yes _____ No _____ Not Applicable X

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EXHIBIT #
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EXHIBIT 13

Policy I.A.5: The City shall preserve its walk-street resources, shall prohibit non-complying walk-street encroachments, including decks, shall enforce measures to eliminate walk-street noncompliance with existing guidelines and shall provide expedited appeal procedures related thereto.

Project Compliance: Yes _____ No _____ Not Applicable X _____

Policy I.A.6: The Marine Street and Highland Avenue commercial node shall not be permitted to expand into residentially zoned areas and shall provide on-site parking consistent with the requirements of Section A.64 of Chapter 2 of the Implementation Plan.

Project Compliance: Yes _____ No _____ Not Applicable X _____

Policy I.A.7: The City will promote the public awareness of the Marine environment such as through the Oceanographic Teaching Stations, Inc. located in the Roundhouse on the pier.

Project Compliance: Yes _____ No _____ Not Applicable X _____

Policy I.A.8: The City shall maintain visible signage to El Porto accessways and beach parking, along Highland Avenue.

Project Compliance: Yes _____ No _____ Not Applicable X _____

Policy I.A.9: New one-way streets in the Coastal Zone shall be evaluated for their effects on safety and public access to the coast.

Project Compliance: Yes _____ No _____ Not Applicable X _____

B. Transit Policies

Policy I.B.1: The City shall encourage public transportation service to mitigate excess parking demand and vehicular pollution. All transportation/congestion management plans and mitigation measures shall protect and encourage public beach access.

Project Compliance: Yes _____ No _____ Not Applicable X _____

Policy I.B.2: The City shall work toward a long-range program to provide a shuttle service to the beach at El Porto to alleviate traffic problems through the narrow streets of the El Porto area.

Project Compliance: Yes _____ No _____ Not Applicable X _____

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Exhibit H
2 of 10

Policy I.B.3: The City shall encourage pedestrian and bicycle modes as a transportation means to the beach.

Project Compliance: Yes _____ No _____ Not Applicable X .

Policy I.B.4: The City shall maintain the use of the Santa Fe right-of-way as a non-automobile transportation corridor between the northern city boundary and the intersection of Valley-Ardmore and Manhattan Beach Boulevard, as the closest link to the commercial business district and beach use.

Project Compliance: Yes _____ No _____ Not Applicable X .

Policy I.B.5: The City shall maintain a pathway to facilitate jogging and pedestrian usage along the Santa Fe right-of-way.

Project Compliance: Yes _____ No _____ Not Applicable X .

Policy I.B.6: The Strand shall be maintained for non-vehicular beach access.

Project Compliance: Yes _____ No _____ Not Applicable X .

Policy I.B.7: The City shall provide adequate signing and directional aids so that beach goers can be directed toward available parking.

Project Compliance: Yes _____ No _____ Not Applicable X .

Policy I.B.8: Consider the establishment of alternative transportation system and park-mall facilities, including a shuttle service to the El Porto beach area.

Project Compliance: Yes _____ No _____ Not Applicable X .

C. Parking Policies

Policy I.C.1: The City shall maintain and encourage the expansion of commercial district parking facilities necessary to meet demand requirements.

Project Compliance: Yes _____ No _____ Not Applicable X .

Policy I.C.2: The City shall maximize the opportunities for using available parking for weekend beach use.

Project Compliance: Yes X No _____ Not Applicable _____.

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Exhibit A
3 of 10

Policy I.C.3: The City shall encourage additional off-street parking to be concentrated for efficiency relative to the parking and traffic system.

Project Compliance: Yes _____ No _____ Not Applicable X .

Policy I.C.4: The City shall ensure that future residential and commercial development provides the parking necessary to meet the standards set forth in Section A.64 of Chapter 2 of the Implementation Plan, except that residential parking requirements shall not be reduced for units less than 550 square feet.

Project Compliance: Yes _____ No _____ Not Applicable X .

Policy I.C.5: The City shall encourage the use of private residential garage spaces for parking rather than storage in order to help mitigate on-street parking pressures.

Project Compliance: Yes _____ No _____ Not Applicable X .

Policy I.C.6: The City shall require existing residential and commercial buildings to comply with parking standards set forth in Section A.64 of Chapter 2 of the Implementation Plan upon substantial remodeling or expansion, as defined in Sections A.64.020 and A.68.030 of Chapter 2 of the Implementation Plan except that residential parking requirements shall not be reduced for units less than 550 square feet.

Project Compliance: Yes _____ No _____ Not Applicable X .

Policy I.C.7: The City shall require, when feasible, that commercial development using on-site ground level parking provide vehicular access from the rear of the lot only, so as not to conflict with pedestrian traffic.

Project Compliance: Yes _____ No _____ Not Applicable X .

Policy I.C.8: Use of the existing public parking, including, but not limited to, on-street parking, the El Porto beach parking lot, and those parking lots indicated on Exhibit #9, shall be protected to provide public beach parking. The City shall continue the implementation of the residential parking permit program for the El Porto parking lot or ensure that the County continues such efforts if, at some future time, the County assumes operational functions. Any change in the El Porto parking permit program shall not reduce existing public access opportunities, and shall require a Coastal Development Permit.

Project Compliance: Yes _____ No _____ Not Applicable X .

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Exhibit H
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Policy I.C.9: The City shall ensure continuous public use of the El Porto beach parking lot by participation in a joint maintenance agreement with Los Angeles County and work toward making the lot a City controlled pay-at-the-entrance lot (to help alleviate commuter traffic through the area). Use of the existing parking for beach access support shall be protected. Any change in the parking fee system shall not reduce existing public access opportunities, and shall require a Coastal Development Permit.

Project Compliance: Yes _____ No _____ Not Applicable X .

Policy I.C.10: Concentrate new parking in the Downtown Commercial District to facilitate joint use opportunities (office and weekend beach parking uses).

Project Compliance: Yes _____ No _____ Not Applicable X .

Policy I.C.11: Maintain the existing public parking system in the vicinity of Valley/Ardmore/Manhattan Beach Boulevard to provide parking out of the downtown area.

Project Compliance: Yes X No _____ Not Applicable _____.

Policy I.C.12: Require surface or on-site parking for commercial uses that exceed 1.5 times the area of the lot as prescribed in Section A.16.030 of Chapter 2 of the Implementation Plan.

Project Compliance: Yes _____ No _____ Not Applicable X .

Policy I.C.13: Require off-street parking for the Highland commercial strip where feasible.

Project Compliance: Yes _____ No _____ Not Applicable X .

Policy I.C.14: Work toward an attendant supervised pay/City controlled parking program for The Strand parking lot at El Porto.

Project Compliance: Yes _____ No _____ Not Applicable X .

Policy I.C.15: Continue management of existing parking facilities through enforcement to improve efficiency by keeping on-street spaces available for short-term users and encouraging the long-term parkers to use off-street parking lots.

Project Compliance: Yes X No _____ Not Applicable _____.

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Exhibit H
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Policy I.C.16: Improve information management of the off-street parking system through improved signing, graphics and public information and maps.

Project Compliance: Yes _____ No _____ Not Applicable X_____.

Policy I.C.17: Provide signing and distribution of information for use of the Civic Center parking for beach parking on weekend days.

Project Compliance: Yes _____ No _____ Not Applicable X_____.

DISCUSSION: *The proposed meter fee increase is identified as a significant parking management recommendation in the City's recently adopted Downtown Parking Management Plan. The fee increase is projected to encourage parking turn-over, thus increasing the overall availability of on-street parking. The proposal does not change or alter public access, transit, nor parking policies*

II. COASTAL LOCATING AND PLANNING NEW DEVELOPMENT POLICIES

Policy II.1: Control Development within the Manhattan Beach coastal zone.

Project Compliance: Yes _____ No _____ Not Applicable X_____.

A. Commercial Development

Policy II.A.2: Preserve the predominant existing commercial building scale of one and two stories, by limiting any future development to a 2-story maximum, with a 30' height limitation as required by Sections A.04.030, A.16.030, and A.60.050 of Chapter 2 of the Implementation Plan.

Project Compliance: Yes _____ No _____ Not Applicable X_____.

Policy II.A.3: Encourage the maintenance of commercial area orientation to the pedestrian.

Project Compliance: Yes _____ No _____ Not Applicable X_____.

Policy II.A.4: Discourage commercial lot consolidations of greater than two standard city lots.

Project Compliance: Yes _____ No _____ Not Applicable X_____.

Policy II.A.5: Commercial development eligible to participate in off site parking and in lieu fee parking programs under Sections A.64.050 and A.64.060 of Chapter 2 of the Implementation Plan shall participate only if parking spaces

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required by Section A.64 of Chapter 2 of the Implementation Plan do not exceed the available parking supply.

Project Compliance: Yes _____ No _____ Not Applicable X_____.

Policy II.A.6: Encourage development of adequate parking facilities for future development through ground level on-site parking or a requirement to pay the actual cost of constructing sufficient parking spaces. Maximize use of existing parking facilities to meet the needs of commercial uses and coastal access.

Project Compliance: Yes _____ No _____ Not Applicable X_____.

Policy II.A.7: Permit mixed residential/commercial uses on available, suitable commercial sites.

Project Compliance: Yes _____ No _____ Not Applicable X_____.

B. Residential Development

Policy II.B.1: Maintain building scale in coastal zone residential neighborhoods consistent with Chapter 2 of the Implementation Plan.

Project Compliance: Yes _____ No _____ Not Applicable X_____.

Discussion:

Policy II.B.2: Maintain residential building bulk control established by development standards in Chapter 2 of the Implementation Plan.

Project Compliance: Yes _____ No _____ Not Applicable X_____.

Policy II.B.3: Maintain Coastal Zone residential height limit not to exceed 30' as required by Sections A.04.030 and A.60.050 of Chapter 2 of the Implementation Plan.

Project Compliance: Yes _____ No _____ Not Applicable X_____.

Policy II.B.4: The beach shall be preserved for public beach recreation. No permanent structures, with the exception of bikeways, walkways, and restrooms shall be permitted on the beach.

Project Compliance: Yes _____ No _____ Not Applicable X_____.

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Exhibit H
7 of 10

Policy II.B.5: Development of the former Metlox site shall provide the parking necessary to meet the standards set forth in Section A.64 of Chapter 2 of the Implementation Plan. All required parking shall be provided on the Metlox site.

Project Compliance: Yes _____ No _____ Not Applicable X .

DISCUSSION: *The proposed meter fee increase does not involve any new development.*

III. COASTAL MARINE RESOURCES POLICIES

Policy III.1: The City should continue to maintain monitoring programs of the activities of the Chevron Refinery facilities.

Project Compliance: Yes _____ No _____ Not Applicable X .

Policy III.2: The City should continue to retain its consultant who monitors and reviews the groundwater clean-up program and ground water quality of the Chevron cleanup activities.

Project Compliance: Yes _____ No _____ Not Applicable X .

Policy III.3: The City should continue to maintain and enforce the City ordinances that prohibit unlawful discharges of pollutants into the sewer system or into the tidelands and ocean. (Title 5, Chapter 5, Article 2; Chapter 8)

Project Compliance: Yes _____ No _____ Not Applicable X .

Policy III.4: The City should continue to maintain and enforce the City ordinances that prohibit disposal of oils or refuse in the ocean or on beaches. (Title 12, Chapter 6)

Project Compliance: Yes _____ No _____ Not Applicable X .

Policy III.5: The City should continue to maintain and enforce the City ordinance prohibiting the discharge of sewage or industrial waste on or upon any tidelands or submerged lands or into the waters of the Pacific Ocean within the corporate limits of the City and establishing standards for the effluent of treated sewage and the effluent of industrial waste which may be discharged on or upon said tidelands or submerged lands or into the waters of the ocean. (Ordinance 756, Sections 1 through 10)

Project Compliance: Yes _____ No _____ Not Applicable X .

Policy III.6: The City should continue to maintain and enforce the City ordinance prohibiting persons, firms, or corporations to discharge from vessel, ship, barge, or other vehicle carrying crude petroleum, refined petroleum, engine oil, or oily by-products any

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ballast water, bilge water, or waste water containing or contaminated with any petroleum or oily by-products into the Ocean within the corporate limits of the City of Manhattan Beach. (Ordinance No. 343, Sections 1 through 5)

Project Compliance: Yes _____ No _____ Not Applicable X .

Policy III.7: The City should continue to maintain enforcement codes for littering waters or shore. (Title 10 Public Health and Safety Code, Section 374.7)

Project Compliance: Yes _____ No _____ Not Applicable X .

Policy III.8: The City should continue to have programs to educate both staff and the public on the value and protection of the marine environment.

Project Compliance: Yes _____ No _____ Not Applicable X .

Policy III.9: The City should contact the Los Angeles County Department of Health for information regarding Hyperion monitoring activities.

Project Compliance: Yes _____ No _____ Not Applicable X .

Policy III.10: Chevron Monitoring Program

The City of Manhattan Beach is involved with the existing programs for monitoring the activities of the Chevron Refinery facilities adjacent the City. There is a joint program, developed by Chevron called the "Oil Spill Contingency Plan" for monitoring Chevron's cleanup of oil and gas leaks into the groundwater in and around the facilities, including portions of the City of Manhattan Beach's El Porto district.

The City is informed of the results of the monitoring system and activities and has some input into the program if there are concerns as to the effects there might be on the El Porto area and the beaches. This program allows the City some involvement in maintaining its groundwater quality only to the extent that it is given some input ability and that it is kept informed by monthly reports and at an annual meeting of Chevron and the City of El Segundo.

The City of Manhattan Beach's emergency departments (police and fire) and Public Works are informed on a regular basis in meetings and reports of Chevron's off-shore activities. Those departments have copies of Chevron's operations manual which was prepared by Chevron in accordance with AB 2040 (the Oil Spill Protection Act) and State Fish and Game, State Lands Commission, and Army Corp of Engineers regulations.

Project Compliance: Yes _____ No _____ Not Applicable X .

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Policy III.11: Hyperion Monitoring Program

The Hyperion Treatment Monthly Report is put out by the Bureau of Sanitation located at the Hyperion Treatment facility in Playa del Rey. The Bureau monitors the daily outfall from the facility as well as several storm drains including the Ballona Creek and Pico Kenter storm drains. The report is sent to the Regional Water Quality Control Board, the Los Angeles County Health Department and the State Health Department. It is also sent to several other agencies, however, it is not sent to the City of Manhattan Beach.

The Hyperion Mitigation Monitoring Program prepares weekly and monthly reports and sends them to the Mitigation Monitor in El Segundo. However, those reports deal with construction impacts from expansion of the plant, such as odors, noise and dust.

Project Compliance: Yes _____ No _____ Not Applicable _____ **X** _____.

Policy III.12: City Involvement with Chevron Programs

The program for monitoring the Chevron groundwater clean-up program, as the City is involved includes the following procedures:

- ♦ The City is involved only to the extent that they are informed of activities on a monthly basis and at an annual meeting
- ♦ The City retains a consulting firm to review and monitor groundwater quality results as Chevron does the actual cleanup
- ♦ Chevron maintains monitoring wells to keep track of any leaks or spills

The Marine Terminal Operations for Chevron and the detailed operations manual for maintenance and prevention involves the City as follows:

- ♦ The City's emergency departments maintain copies of the operations manual, which also contains emergency procedures.
- ♦ The City's emergency departments are involved in regular meetings with Chevron.
- ♦ In case of emergencies, e.g., oil spill, there are several levels of involvement starting with Chevron's own emergency clean-up vessels. The City of Manhattan Beach would have some involvement, depending upon the type of and extent of the emergency.

Project Compliance: Yes _____ No _____ Not Applicable _____ **X** _____.

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**CITY OF MANHATTAN BEACH
NOTICE OF A PUBLIC HEARING**

PUBLIC NOTICE IS HEREBY GIVEN:

A public hearing will be held before the City Council of the City of Manhattan Beach to consider raising on-street parking meter rates and to consider adopting a resolution to amend the City's Resolution of Fees, Resolution No. 5370.

The public hearing will be held:

**Tuesday, May 19, 1998, at 6:30 p.m.
in the Council Chambers at City Hall
1400 Highland Avenue, Manhattan Beach**

Proponents and opponents may be heard at that time. A text of the resolution will be available for public review at the City Manager's office, located at 1400 Highland Avenue, Manhattan Beach, from 8:00 a.m. to 5:00 p.m. weekdays (excluding holidays) or by contacting Dave Doyle, Assistant to the City Manager, (310) 545-5621, ext. 402 for additional information.

Published as The Beach Reporter No. 4487, April 30, 1998.

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7/23 - cc: Council
 Geoff
 Dave



1147 Manhattan Avenue/C.P. 41
 Manhattan Beach • CA • 90266
 310.546.5350 • Fax.546.7020

Manhattan Beach City Council
 Civic Center
 Manhattan Beach, CA 90266

RECEIVED

July 22, 1998

JUL 23 1998

MANAGER'S OFFICE

Dear Mayor Cunningham and Council Members:

The Board of Directors of the Downtown Manhattan Beach Business & Professional Association supports the recommended Downtown parking meter increase for the on-street parking spaces from \$.25/hr. to \$.50/hr.

During discussions that took place as part of the Strategic Plan study, one topic that was consistently raised related to establishing a "parking management strategy" that would respond to the different types of parking needs throughout the Downtown. There was a special concern for long term vs. short term parking demand. With the change approved by Council, The Board believes that this fee increase for on-street spaces may be the incentive needed to encourage the longer term and employee parking into the public lots, thereby freeing up the on-street space for the short term parking. This strategy should help provide public parking for all visitors while promoting a higher turn over and better usage for the on-street spaces.

The Board also believes that the increase is in line with parking rates in neighboring cities and should not alienate the Downtown customer base. As a separate issue, Board Members also supported the use of meters that accept nickels and dimes as well as quarters.

Thank you for your continued interest in the Downtown!

Respectfully

Downtown Manhattan Beach Business &
 Professional Association

Bunny Srour
 President.

A cooperative
 committed to the success
 of downtown businesses.

downtown/masters/memo

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 Exhibit D

A.96.090. Public hearing and comment.

- A. The appropriate person or body specified in Section A.96.080 shall hold a public hearing prior to any action on a Coastal Development Permit where:
 - 1. Action or recommendation on other permits or approvals required for the project require the holding of a public hearing;
 - 2. The permit is for development appealable to the Commission as defined in §A.96.030 and §A.96.160.
- B. A public hearing on a Coastal Development Permit may be held concurrently with any other public hearing on the project but all decisions on coastal development permit applications must be accompanied by separate written findings.
- C. Any person may submit written comment on an application for a Coastal Development Permit, or on a Coastal Development Permit appeal at any time prior to the close of the applicable public hearing. If no public hearing is required, written comments may be submitted prior to the decision date specified in the public notice. Written comments shall be submitted to the Director of Community Development who shall forward them to the appropriate person, commission, board, or the Council, and to the applicant.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.100. Notice and Procedures for appealable development.

Notice of development appealable to the Coastal Commission shall be provided as follows:

- A. Contents of Notice.
 - 1. A statement that the development is within the Coastal Zone and is appealable to the Coastal Commission;
 - 2. The date of filing of the application and the name of the applicant;
 - 3. The file number assigned to the application;
 - 4. A description of the development and its proposed location;
 - 5. The date, time, and place at which the application will be heard;
 - 6. A brief description of the general procedure concerning the conduct of hearing and local actions; and
 - 7. The system for local and Coastal Commission appeals, including any local fees required.
- B. Provision of Notice Prior to Public Hearing. Notice shall be mailed at least 10 days before the first public hearing on the project to the following:

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1. Applicant;
 2. Owner of the property;
 3. All property owners and residents within 500 feet from the perimeter of the subject parcel;
 4. All persons who have, within the past calendar year, submitted a written request for notice of all Coastal Permit applications and all persons who at any time have requested to be on the mailing list for that development project; [13565]
 5. The Coastal Commission;
 6. Public agencies which, in the judgement of the Director of Community Development, have an interest in the project; and
 7. --- A newspaper of general circulation in the Coastal Zone. The notice is to be published once.
- C. Notice of Continued Public Hearings. If a decision of an appealable Coastal Development Permit is continued to a time that has not been stated in the initial notice or at the public hearing, notice of the continued hearing shall be provided in the manner prescribed by paragraph (B) above.
- D. Finality of Local Government Action. A decision on an application for a development shall not be deemed complete until (1) the decision on the application has been made and all required findings have been adopted, including specific factual findings supporting the legal conclusions that the proposed development is or is not in conformity with the certified LCP and, where applicable, with the public access and recreation policies of Chapter 3 of the Coastal Act, and (2) when all local rights of appeal have been exhausted.
- E. Exhaustion of Local Appeals. For appealable development, an appellant must pursue and exhaust local appeals under the City's appeal procedures for purposes of filing an appeal under the Coastal Commission's regulations, except that exhaustion of all local appeals shall not be required if any of the following occur:
1. an appellant is denied the right of the initial local appeal by a local ordinance which restricts the class of persons who may appeal the local decision; or
 2. an appellant is denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of the Chapter; or
 3. the City charges an appeal fee for the filing or processing of appeals; or
 4. where a project is appealed by any two (2) members of the Coastal Commission. [13573]

A.64.220. Parking area plan required.

Prior to the construction or reconstruction of an off-street parking area, a parking area plan shall be submitted to the Community Development Director for the purpose of indicating compliance with the provisions of this chapter. This plan shall include:

- A. Location and description of fencing and architectural screen walls.
- B. Location and placement of parking stalls, including bumpers, striping and circulation, all dimensioned to permit comparison with approved parking standards.
- C. Location and placement of lights provided to illuminate the parking area.
- D. A drainage plan showing drainage to a public way in accordance with accepted standards or practices.
- E. A landscaping plan.

Single-family dwellings on pre-existing lots are exempt from this requirement.

A.64.230. Parking Management Program for the Coastal Zone.

A parking management program for lots shown on the accompanying diagram entitled "Section A.64.230: Downtown Business District Parking Facilities" shall be prepared by the Community Development Director for the purpose of demonstrating compliance with the Manhattan Beach Local Coastal Program, Access policies and the provisions of this Chapter. This program shall include:

1. Provisions for use of Hang Tag parking permits in Lots 5 and 7, valid from 6:00 P.M. to 8:00 A.M. daily.
2. Free parking in Lot 8.
3. Overnight parking at Pier ("P") lots and El Porto Lots from 6:00 P.M. to 8:00 A.M. daily and 24 hour parking on weekends from October 1 through March 31, subject to City issued individual permits.
4. Long term parking at rates no higher than charged at nearby public beach parking lots. If meters are present, the meters shall accept payment for time increments up to five (5) hours.
5. Appropriate and adequate signs, indicating public use of parking lots, including plot plan for location and placement of signs.
6. No parking spaces in Lots P, 7, or 8 may be leased to individuals or businesses.

This program shall be approved by coastal development permit pursuant to Chapter 2 of the Implementation Plan, Section A.96. Amendments to the approved program shall be accomplished in the same manner as specified in Chapter 2, §A.96.180.

A coastal development permit is required for any development, including gates, parking controls, new locations for parking meter areas, changes in fee structure, expansion of times and hours in which monthly permits may be offered, or other devices in the Coastal Zone that change the availability of long and short term public parking, including, but not limited to changes in the operation of the City parking management program established in this section (§A.64.230). All parking management permits shall be reviewed for consistency with the Local Coastal Program and with the public access and recreation policies of the Coastal Act of 1976.

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