

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: 12/10/1999
 49th Day: 1/28/2000
 Staff: CP-LB
 Staff Report: 1/27/2000
 Hearing Date: Feb. 15-18, 2000
 Commission Action:

**RECORD PACKET COPY**

STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: City of Manhattan Beach

LOCAL DECISION: Approval with Conditions

APPEAL NUMBER: A-5-MNB-99-453

APPLICANTS: City of Manhattan Beach &
 Downtown Business and Professional Association

AGENT: David Doyle, City Manager's Office

PROJECT LOCATION: Downtown, City of Manhattan Beach, Los Angeles Co.

PROJECT DESCRIPTION: Appeal of City of Manhattan Beach local coastal development permit approving the implementation of a Downtown Valet Parking Program.

APPELLANT: William Victor

SUBSTANTIVE FILE DOCUMENTS: City of Manhattan Beach Certified Local Coastal Program (LCP).
 Local Coastal Development Permit Nos. CA 99-41 & 99-41A.
 Local Coastal Development Permit No. CA 99-17.

SUMMARY OF STAFF RECOMMENDATION

The appellant asserts that the operation of the City of Manhattan Beach valet parking program discourages public access by making it more difficult for beach goers to find an affordable parking space to use while visiting Manhattan Beach. The City has approved valet parking program includes at least six different drop-off locations, each of which displaces several public on-street parking spaces when in use. The local coastal development permits approving the valet parking program lack any conditions that would prohibit the valets from storing vehicles in the public parking reservoirs that support coastal access. Therefore, the staff recommends that the Commission, after public hearing, determine that the appeal does raise a substantial issue in regards to appeal. The motion to carry out the staff recommendation is on page six. If the Commission adopts the staff recommendation, a de novo hearing will be scheduled at a future Commission meeting in Southern California.

I. APPELLANT'S CONTENTIONS

On November 16, 1999, after a public hearing, the Manhattan Beach City Council approved with conditions Local Coastal Development Permit No. CA 99-41 for:

"Implementation of a Downtown Valet Parking Program utilizing the following areas as vehicle drop-off locations: west side of Manhattan Avenue, north of 10th Street and south of 11th Street (alternative location, between 8th Place and 9th Street). Vehicles dropped off at these locations will be stored at various sites in the Downtown area. Proposed hours of operations are: Tuesday, Wednesday, Thursday and Friday between 6:00 p.m. and Midnight; and, Saturday and Sunday between 11 a.m. and Midnight." (See Exhibit #3).

The City's approval of Local Coastal Development Permit No. CA 99-41 included the two following special conditions:

1. The subject coastal development permit will be operated and implemented in conformance with all conditions and recommendations of the Manhattan Beach City Council.
2. The subject coastal development permit will be operated and implemented in conformance with all provisions and policies of the certified Manhattan Beach Local Coastal Program and the LCP - Implementation Program.

The City Council's November 16, 1999 action approving Local Coastal Development Permit No. CA 99-41 was not appealable at the local level.

On December 10, 1999, William Victor submitted an appeal of the City's approval of Local Coastal Development Permit No. CA 99-41 to the Commission's office in Long Beach (Exhibit #2). The appellant contends that the City-approved Downtown Valet Parking Program does not conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act. The appellant's appeal raises the following issues:

1. The City-approved Downtown Valet Parking Program, which is actually comprised of three different local coastal development permit approvals¹, cumulatively displaces at least nineteen public parking spaces that area necessary to support public access to the beach.
2. The City-approved Downtown Valet Parking Program is elitist because it has been designed to make it cost prohibitive for beach goers (Exhibit #2, p.6).

¹ Local Coastal Development Permit Nos. CA 99-17 & CA 99-41A approved four valet parking drop-off stations in the non-appealable portion of the City's coastal zone (Exhibit #1).

3. The operation of the City-approved Downtown Valet Parking Program is unsafe due to double-parking and blocking of alleys by the valets (Exhibit #2, p.7).
4. The local coastal development permits for the City of Manhattan Beach Downtown Valet Parking Program do not clearly identify where the valets are permitted or not permitted to store the parked vehicles.

II. LOCAL GOVERNMENT ACTION

As previously stated, the Manhattan Beach City Council approved Local Coastal Development Permit No. CA 99-41 for a Downtown Valet Parking Program on November 16, 1999. The City's approval of Local Coastal Development Permit No. CA 99-41 is the subject of this appeal. The Downtown Valet Parking Program, however, has a longer history than the program approved by Local Coastal Development Permit No. CA 99-41.

The appellant, William Victor, originally brought his concerns with the Manhattan Beach Downtown Valet Parking Program to the attention of Commission staff in June of 1999, and to the attention of the Commission at its August 10, 1999 meeting in Los Angeles. The appellant complained that a City-approved valet parking program was usurping much-needed public beach parking spaces in Downtown Manhattan Beach. In response to the appellant's concerns, Commission staff requested that the City of Manhattan Beach forward any information that was available regarding the alleged implementation of a Downtown Valet Parking Program in Manhattan Beach. The City responded by forwarding a copy of Local Coastal Development Permit No. CA 99-17 to the Commission's Long Beach office.

Local Coastal Development Permit No. CA 99-17, approved by the Manhattan Beach City Council on May 18, 1999, permitted United Valet Parking, Inc. to implement a valet parking program that uses eleven on-street parking spaces for two vehicle drop-off zones located at: 1) the north side of Manhattan Beach Boulevard, east of Morningside Drive; and 2) the east side of Manhattan Avenue at 12th Street, north of Manhattan Beach Boulevard (Exhibit #1). Valet vehicle storage areas were permitted on the third level of City Lot No. 3 located on the corner of Morningside Drive and 12th Street, and on the private parking lots owned by Union Bank and Washington Mutual (Exhibit #1). The approval did not include permission for the valets to use any parking spaces located within the four upper and lower pier parking lots located adjacent to the pier and beach.

On Saturday, August 21, 1999, a Commission staff member visited Downtown Manhattan Beach and confirmed that the valet parking program was being implemented consistent with the terms of Local Coastal Development Permit No. CA 99-17. On August 31, 1999, Commission staff issued a written letter to William Victor concluding that Local Coastal Development Permit No. CA 99-17 was properly issued consistent with the City's certified LCP, and that the local permit was not appealable to the Commission because the

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Valet Parking Program
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approved valet parking program, including all drop-off and pick-up zones and parking reservoirs, was located outside of the appealable area of the coastal zone².

More recently, the Manhattan Beach City Council approved Local Coastal Development Permit Nos. CA 99-41 and CA 99-41A that would expand the previously approved Downtown Valet Parking Program to the Downtown area located south of Manhattan Beach Boulevard (Exhibit #3). Both Local Coastal Development Permit Nos. CA 99-41 and CA 99-41A were approved on November 16, 1999. The City's approval of Local Coastal Development Permit No. CA 99-41 is the subject of this appeal. The City has not notified the Commission of its action on Local Coastal Development Permit No. CA 99-41A which approved two valet drop-off stations located on the inland side of Manhattan Avenue outside of the mapped appealable area of the City's coastal zone (Exhibit #1).

Each of the six City-approved valet drop-off stations occupies approximately five-to-six on-street metered parking spaces (Exhibit #1). The City states that at least two of the approved valet drop-off stations are alternative locations for the primary locations (Exhibit #3, p.6). The valet parking program is open to the general public with the following City-approved valet parking fees:

\$2.50 for first two hours
\$1.00 for each additional twenty minutes
\$12.50 Maximum per day

The City has identified the following vehicle storage locations (Exhibit #1):

Third level of City Lot No. 3 located on the corner of Morningside Dr. & 12th St.;
Private parking lot owned by Union Bank (Manhattan Beach Blvd.)
Private parking lot owned by Washington Mutual (Manhattan Beach Blvd.)
Three-level private parking lot owned by Skechers (Manhattan Beach Blvd.)

The valet parking program is being funded by a new Business Improvement District (BID) in the downtown area that generates funds through a self-imposed tax on businesses to promote the area and to provide specialized services like valet parking. There is no limitation on who may patronize the valet service.

The Commission's Long Beach office received the City's Notice of Final Local Action for Local Coastal Development Permit No. CA 99-41, the subject of this appeal, on Wednesday, November 24, 1999. The Commission's ten working-day appeal period was established and noticed on Monday, November 29, 1999, after the Thanksgiving holiday weekend. On Friday, December 10, 1999, the last day of the appeal period, the Commission received the appeal of the City's approval (Exhibit #2).

² The inland boundary of the appealable area of the City's coastal zone, located 300 feet from the inland extent of the beach, has been mapped within the Manhattan Avenue right-of-way (Exhibit #1).

The Commission opened and continued the public hearing for this appeal at its January 11, 2000 meeting in Santa Monica.

On January 21, 2000, the Commission's Long Beach office received a fax from the Assistant City Manager, Dave Doyle, asserting that the applicants have "decided not to consider placing the valet station at the alternate location identified in the staff report: Alternate Location - meter parking spaces in front of 815 Manhattan Avenue (We Love Pets, Cotton Cargo)."

III. 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 proposed project site is located in an appealable area by its location within three hundred feet of the inland extent of the beach.

Section 30603(a)(1) of the Coastal Act states:

- (a) After certification of its Local Coastal Program, an action taken by a local government on a Coastal Development Permit application may be appealed to the Commission for only the following types of developments:
 - (1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greatest distance.

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" or "no 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 at 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 applicants, 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.

IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that a substantial issue does exist 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 NO vote on the following motion:

"I move that the Commission determine that Appeal No. A-5-MNB-99-453 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.

V. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description

Local Coastal Development Permit No. CA 99-41 approves:

"Implementation of a Downtown Valet Parking Program utilizing the following areas as vehicle drop-off locations: west side of Manhattan Avenue, north of 10th Street and south of 11th Street (alternative location, between 8th Place and 9th Street). Vehicles dropped off at these locations will be stored at various sites in the Downtown area. Proposed hours of operations are: Tuesday, Wednesday, Thursday and Friday between 6:00 p.m. and Midnight; and, Saturday and Sunday between 11 a.m. and Midnight." (See Exhibit #3).

The approved primary valet drop-off station would be located at 1017 Manhattan Avenue on the seaward side of the street (Exhibit #1). The approved alternative valet drop-off station, which the City now asserts will not be used, is located at 815 Manhattan Avenue (Exhibit #1). On the inland side of the street, the City approved a primary valet drop-off station at 1006 Manhattan Avenue, and an alternative valet drop-off station at 902 Manhattan Avenue (Exhibit #1). Each valet drop-off station would occupy approximately five-to-six on-street metered parking spaces.

The valet parking program is open to the general public with the following City-approved valet parking fees:

\$2.50 for first two hours
\$1.00 for each additional twenty minutes
\$12.50 Maximum per day

The City-approved valet parking program does not include any type of discounted parking rates that may be obtained pursuant to a parking validation system. The same parking rates apply to all patrons of the valet parking program.

The City has identified the following vehicle storage locations (Exhibit #1):

Third level of City Lot No. 3 located on the corner of Morningside Dr. & 12th St.;
Private parking lot owned by Union Bank (Manhattan Beach Blvd.)
Private parking lot owned by Washington Mutual (Manhattan Beach Blvd.)
Three-level private parking lot owned by Skechers (Manhattan Beach Blvd.)

The City-approved valet parking program does not permit the valets to use any on-street public parking other than the parking spaces that are occupied by the valet drop-off stations. The only public parking areas that are permitted to be used for vehicle storage by the valets is located on the third level of City Lot No. 3 at the corner of Morningside Drive and 12th Street (Exhibit #1).

B. Factors to be Considered in Substantial Issue Analysis

Section 30625 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 indicates 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 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 find that a substantial issue does exist for the reasons set forth below.

C. Substantial Issue Analysis

As stated in Section III of this report, the grounds for appeal of a coastal development permit issued by the local government after certification of its Local Coastal Program (LCP) 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 Commission must then decide whether a substantial issue exists in order to hear the appeal.

In this case, the appellant alleges that the approval of the proposed project is inconsistent with both the certified LCP and the public access policies of the Coastal Act (Exhibit #2). The appellant's appeal raises the following issues:

1. The City-approved Downtown Valet Parking Program, which is actually comprised of three different local coastal development permit approvals³, cumulatively displaces at least nineteen public parking spaces that area necessary to support public access to the beach.
2. The City-approved Downtown Valet Parking Program is elitist because it has been designed to make it cost prohibitive for beach goers (Exhibit #2, p.6).
3. The operation of the City-approved Downtown Valet Parking Program is unsafe due to double-parking and blocking of alleys by the valets (Exhibit #2, p.7).
4. The local coastal development permits for the City of Manhattan Beach Downtown Valet Parking Program do not clearly identify where the valets are permitted or not permitted to store the parked vehicles.

The appellant asserts that the City-approved valet parking program does not conform to the following policies of the certified LCP:

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

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

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.

³ Local Coastal Development Permit Nos. CA 99-17 & CA 99-41A approved four valet parking drop-off stations in the non-appealable portion of the City's coastal zone (Exhibit #1).

The City Council, in approving Local Coastal Development Permit No. CA 99-41, found that the valet parking program is consistent with the above-stated LCP Policies I.A.2 and I.C.3, as well as the following policies of the certified LCP:

- Policy I.C.1: The City shall maintain and encourage the expansion of commercial district parking facilities necessary to meet demand requirements.
- Policy I.C.10: Concentrate new parking in the Downtown Commercial District to facilitate joint use opportunities (office and weekend beach parking uses).

The following policies of the certified LCP are also relevant to the proposed project:

- Policy I.B.7: The City shall provide adequate signing and directional aids so that beach goers can be directed toward available parking.
- Policy I.C.2: The City shall maximize the opportunities for using available parking for weekend beach use.
- 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 beach parking...
- Policy I.C.16: Improve information management of the off-street parking system through improved signing, graphics and public information maps.
- Policy I.C.17: Provide signing and distribution of information for use of the Civic Center parking for beach parking on weekends days.
- Policy II.A.3: Encourage the maintenance of commercial area orientation to the pedestrian.
- Policy II.A.6: Encourage the 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.

The following public access policies of the Coastal Act are relevant.

Section 30212.5. of the Coastal Act states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the

impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213 of the Coastal Act states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

As previously stated, the City found that the valet parking program is consistent with specific policies of the certified LCP (Policies I.A.2, I.C.1, I.C.3 & I.C.10) that encourage safe traffic flows, increased parking supplies, and shared parking opportunities (Exhibit #3). The City's analysis of the proposed project, however, does not include any factual support to the conclusion that the valet parking program will actually encourage safe traffic flows, increased parking supplies, and shared parking opportunities.

The appellant has raised the issue of whether the valet parking drop-off stations are safe and efficient for traffic flows. The City's local coastal development permit approval does not address this issue, nor does the local approval include any mitigation measures that address the safety issues raised by the appellant. For instance, the appellant asserts that valets are currently double-parking on the main thoroughfares of the City and blocking alleys (coastal accessways) with parked vehicles. He also asserts that the operation of the valet drop-off stations near street corners would obstruct the sightlines that are necessary for safe traffic circulation.

Although the City believes that the valet parking program will help to relieve traffic congestion by making it easier and faster for visitors to find off-street parking, the City's approval of Local Coastal Development Permit No. CA 99-41 does not include an analysis or finding that would support such a conclusion. Therefore, the staff recommends that the Commission determine that the City's approval of Local Coastal Development Permit No. CA 99-41 raises a substantial issue with respect to the grounds of the appeal.

In regards to the appellant's assertion that the valet parking program displaces public parking spaces necessary to support coastal access, the local approval clearly approves the displacement of metered on-street parking for the establishment of valet parking drop-off stations. The metered on-street parking in Downtown Manhattan Beach is used by both beach goers and the customers of the thriving downtown businesses, although the City limits use of the on-street parking spaces to a two hour maximum in order to ensure turnover of the parking supply on which many of the local businesses are dependent.

The City asserts that the valet parking program creates many more parking spaces than it occupies on the street by coordinating shared parking on private property and by maximizing available parking reservoirs. Again, the City's approval of Local Coastal Development Permit No. CA 99-41 does not include an analysis or finding that would

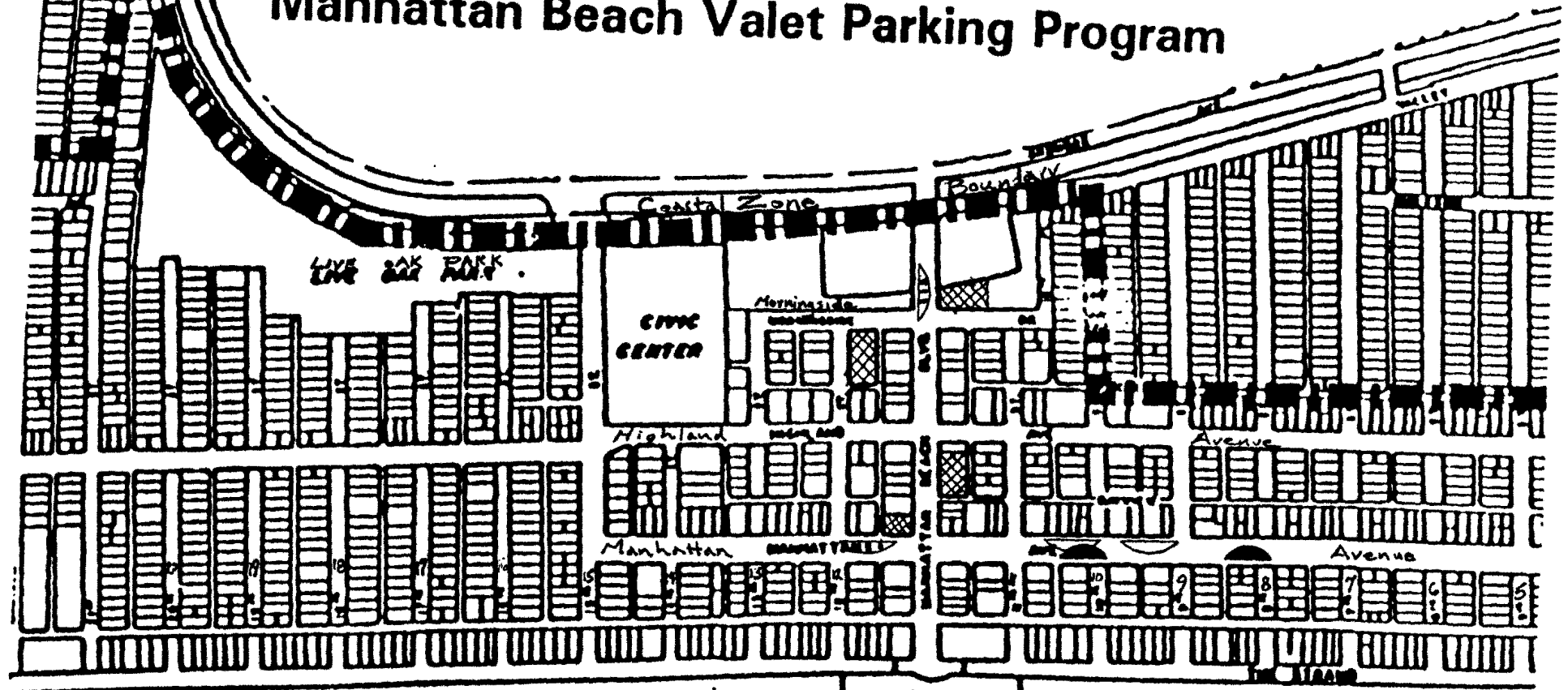
support such a conclusion. In addition, the local approval does not include any limitation of the number of on-street parking spaces used at any one time by the valet stations. The City has approved a total of six different locations for valet parking drop-off stations. The lack of any maximum limit on the number of displaced on-street parking spaces does raise a substantial issue with respect to the grounds of the appeal.

The City's approval of Local Coastal Development Permit No. CA 99-41 also does not include any prohibition on the use of public beach parking supplies for the storage of parked vehicles by the valet parking program. In fact, one of the City-approved vehicle storage areas is in City Lot No. 3 near the Civic Center (Exhibit #9). The use of City Lot No. 3 local by the valet parking program for the storage of parked vehicles may negatively impact the public's ability to access the coast in violation of the certified LCP and the public access policies of the Coastal Act. The City's approval of Local Coastal Development Permit No. CA 99-41 does not include an analysis or finding that supports its determination of consistency with the certified LCP. The local approval is also lacking any kind of condition that would prohibit the storage of vehicles by the valets in the public beach parking supply located on the streets and within the four upper and lower pier parking lots located adjacent to the pier and beach (Exhibit #9). Use of the public beach parking supply for the storage of vehicles by the valets may negatively impact the public's ability to access the coast, and reduce public access to lower cost recreational facilities that are protected by Section 30213 of the Coastal Act. Therefore, the staff recommends that the Commission determine that the City's approval of Local Coastal Development Permit No. CA 99-41 raises a substantial issue with respect to the grounds of the appeal.

In regards to the cost of the City's valet parking program, and whether the program is elitist, this issue is secondary to the issue of whether the public can safely access affordable parking for beach access. There exists no prohibition on elitist or expensive commercial uses that have no negative impacts on coastal resources. Therefore, the question is whether the valet parking program has negative impacts to coastal access inconsistent with the Manhattan Beach certified LCP and the public access policies of the Coastal Act. If a valet parking program in Downtown Manhattan Beach can safely increase the amount of affordable public parking available for all visitors to Manhattan Beach, then the fees for the valet service are of little relevance as long as the program is available to all visitors at the same terms and cost. If the valet parking program somehow gives preference to visitors of the commercial uses over beach goers, then a substantial issue does exist with regards to the City's approval.

In this case, the City's approval of Local Coastal Development Permit No. CA 99-41 does not adequately answer the question of whether the approved valet parking program adequately protects public access as required by the Manhattan Beach certified LCP and the public access policies of the Coastal Act. Therefore, the appeal does raise a substantial issue with respect to the grounds of the appeal.

Manhattan Beach Valet Parking Program



Drop-off locations:

West Side of Manhattan Avenue (appealable area)
 1017 Manhattan Avenue, or
 815 Manhattan Avenue

East Side of Manhattan Avenue (non-appealable area)
 1006 Manhattan Avenue, or
 902 Manhattan Avenue

Original Locations (non-appealable area)
 1190 Manhattan Avenue (@ 12th Street), and
 401 Manhattan Beach Boulevard (@ Morningside Drive)

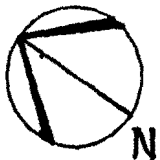
Vehicle Storage Locations:

Washington Mutual, Manhattan Beach Boulevard @ Manhattan Avenue
 Union Bank, Manhattan Beach Boulevard @ Morningside Drive
 Sketchers, Manhattan Beach Boulevard
 City Parking Structure/Lot #3, 12th Street @ Morningside Drive

COASTAL COMMISSION
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EXHIBIT # 1

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CALIFORNIA COASTAL COMMISSION

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

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT
(Commission Form D)



CALIFORNIA
COASTAL COMMISSION

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

SECTION I. Appellant(s)

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

William Victor, P.O. Box 24A72, Los Angeles, Ca. 90024
(310) 374-0086
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: City Of Manhattan Beach

2. Brief description of development being appealed: valet Program in the appealable area of the Coastal zone making the total number of parking spaces with meters at least 10% less than prior to this program-and as attached article states is designed to "make(s) it cost prohibitive to do beach parking"
Development's location (street address, assessor's parcel no., cross street, etc.): The west side of Manhattan Area on one of two areas, not specified by City, but south of Manhattan Beach Blvd. between Ninth Street and Eight Place.

4. Description of decision being appealed:

- a. Approval; no special conditions: xx
- b. Approval with special conditions: _____
- c. Denial: _____

Note: For jurisdictions 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: A-5-MNB-99-453

DATE FILED: 12.10.99

DISTRICT: S. Coast / Long Beach

H5: 4/88

COASTAL COMMISSION
A5-MNB-99-453

EXHIBIT # 2

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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 the decision warrants a new hearing. (Use additional paper as necessary.) *Nine Pages included in Appeal.*

The program has not and does not conform to the standards set forth in the Certified lcp or the public access policies and spirit of the Coastal Act including but not limited to Sections 30001, 30001.5, 30214, and as City of Manhattan Beach is aware policies of the Certified LCPA including policies 1.C.15, 1A1, 1C3, increasing already material violations of the LCP, Coastal Act, General Plan and CEQA- but even as important if not more important is the safety problems witnessed by me and other citizens attempting to use the public resources (the BEACH!) as noted on the copy of pages from a letter to the City from Mr. Ford, dated and hand delivered to the Council on November 1, 1999 indicating double parking and blocking of alleys provided under the LCP for access, where the Police merely told beachgoers to complain to the City Manager and he apparently did not do ANYTHING except to facilitate more of the same including this application for the apparent reason that the City will get more revenue.

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.

* Appellant(s) respectfully reserve the right to present additional SECTION V. Certification evidence and argument prior to and at hearing which is requested at a local near Manhattan

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

William Victor

Signature of Appellant(s) or
Authorized Agent

Date 12-10-99

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

COASTAL COMMISSION
AS-MNB-99-453

EXHIBIT # 2

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LAW OFFICES

WILLIAM A. VICTOR

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RECEIVED
JAN 24 2000

**CALIFORNIA
COASTAL COMMISSION**

California Coastal Commission
Att: Mr. Chuck Posner, Coastal Program Analyst January 24, 2000 BY HAND
South Coast District
200 Oceangate, 10th Floor
Long Beach, Ca. 90802-4302

Mr. Peter M. Douglas, Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, Ca. 94105-2219

Re: Valet Parking in Manhattan Beach four positions request Projects No 99-41 and 99-41A

Dear Mssrs Posner and Douglas:

There are at least four concerns with respect to the City of Manhattan Beach's application for two more Locations for valet parking in addition to the four which have already been approved by the City-

They include (1) the venue of this hearing (2) interference with access in violation of the LCP and Coastal Act (3) Safety in violation of the LCP and Coastal Act and (4) Notice by the City of this hearing and the locations of what they plan;

First, as I mentioned at the last meeting of the Commission, there are people who would like to attend the hearing and it is not convenient and is prohibitive for them in San Diego. It is requested that the hearing be the next one which is Long Beach and people would be able to attend this very important hearing.

Second, with regards to the access violations of the LCP:

I have been unable to obtain a map of the proposed locations from the City. Please note that the permits granted permit the City to have these locations from Tuesday through Sunday—two in the appealable area of Manhattan Avenue IN ADDITION TO THE FOUR ALREADY GRANTED BY THE CITY two of which were granted by the City to itself last year when I and others objected last August and in split vote of the Commission were not reversed.

The additional parking, the alleged quantity of which is difficult to verify, is all in a building on the south side of Manhattan Beach Boulevard EAST OF Manhattan Avenue at 228 Manhattan Beach Blvd and the corner of Highland Avenue and that would be the best place for the valet location if any additional location is approved by the Commission. The safety issue is not one to be disregarded—I enclose another email which I received from Harry Ford who has complained contrary to the false representations in the past by the office of the City Manager. (Please see the 11-16-99 minutes in the Commission file)

Incidentally, the City is really the applicant who is "rubber stamping" its own application. The Downtown Business and Professional Association (who is named as the co-applicant with the City) is an organization formed by the City as I understand at the request or suggestion of the City Manager whereby each of the merchants in the downtown area are mandated and required to pay for membership under rules created by the Office of the City Manager. So it is not difficult to pierce the veil of the fiction that there is anyone other than the City making its own application and then approving it.

COASTAL COMMISSION
A5-MNB-99-4

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Page Two of Three Mssrs. Douglas and Posner January 24, 2000

Because the City too frequently proposes, , applies for and then grants its own permit in Manhattan Beach apparently very often with the intention of short circuiting CEQA, its own Local Coastal Plan and the Coastal Act, and has a documented history of doing so for many years, this scenario happens a great deal with coastal development permits in the City of Manhattan Beach and makes it very predictable that the local coastal plan might be compromised as it is here, by reason of revenue, or whatever so that access is seriously and intentionally jeopardized-Please see the comments in the newspaper article attached to my appeal and in enlarged for here) wherein the then President, a David Levin, of the City sponsored association stated (and I have also personally heard him state this):

“ There is no restriction, but by the fee structure, it makes it cost prohibitive to do beach parking...”

It should come as no surprise to this Commission that the City ,most of its top officials and many of the citizens of Manhattan Beach could care less about beach access. The City and some of its officials and council persons appear to believe that the City has the exclusive right to the beach. This is one more example, especially since the current City Manager Assistant City Manager and City attorney have come aboard..I know many people who live in and out of the City who have already found it more difficult to use the beach while the current valet service is in place. I know some of them would attend the hearing if it is near by .Further, there have been a number times and maybe more , that the Office of the City Manager is aware of, where the valet service was not present (for the last few weeks for example on Manhattan Beach Boulevard) yet cars were prohibited from parking and/or even towed at costs always in excess of \$115 for parking (of which the City gets a fifty dollar (\$50)fee when each vehicle is reclaimed even though the City disclaims revenue in this scheme) in those very same parking spaces that before this time were available to beachgoers and are not available to anyone other than the valet service which really appears to use it a great deal of the time for its own employee's parking. This scheme unfairly deprives low income, inland Californians access to the beach. Again it is noted that it should come as no surprise to this Commission that the City of Manhattan Beach could care less about beach access. Since the City profits from each ticket issued and nets at least \$50 for each tow, in fact the City is delighted with each of the nineteen or more parking meter spaces taken from the low income, inland Californians because furthermore, they do not have the money which would fill the more glitzy of the stores with rich patrons to add to the sales and business tax base on which the City Management chooses to thrive.

A number of residents have written letters and appeared before the City Council and Planning Commission to complain about this valet parking plan because it is so very expensive, is elitist, people really do not know where their car is parked and if it will be locked or protected, but they too now realize that the present council and City Manager only listen to money for the City as the solution to everything despite what the laws or equities may be .Those residents have, for the most part, become frustrated and given up. Only the Coastal Commission remains to enforce the Coastal Act on behalf of those low income, inland Californians and residents/ property owners/ citizens who care about compliance with the letter and spirit of the Coastal Act.

Second and Third: What the City of Manhattan Beach is doing is a heinous violation of Local Coastal Plan policies including but not limited to : Policies I.A.2 (it very much interferes with the safe and efficient traffic flow patterns-and no study was made to examine the existing traffic flow on Manhattan Beach Boulevard probably because the City is aware of this dangerous situation) Policy I.C.3- it not only takes away now at least 19 meter parking spots from families desirous of using the beach recreational area, but admits , by Mr. Levin's statement, that it is designed to deter those families from using this permitted plan (see article attached). You can see from from the minutes of November 16, 1999 City Council minutes, the comments of Council member s really only dealt with the concerns of certain residents not access or safety to people using these California Recreational facilities. At the hearing of November 16, the Assistant City Manager stated that” the program never caused any traffic congestion “ when he was told a number of times by citizens and must have been told by the police who told Mr. Ford that they would forward this information to his office. These kinds of apparent fabrications at high City levels indicate the desire of the City to brush aside compliance with the LCP . Accordingly, the comments by the City must be given the appropriate weight.

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The City is hardly a non-party arbiter of the facts, and the finding by the City that there is no negative impact on traffic, public access or recreation, or safety or LCP policies cannot be given any weight.

The Commission should be made aware that the safety is a definite problem for fire and police access, and causing near auto vs. auto and auto vs. pedestrian accidents especially with respect to the two locations in the Coastal Area (on the west side of Manhattan Beach Boulevard).

Because the City has now permitted two locations on the east side of Manhattan Avenue, it may be that the Commission will not take jurisdiction with respect to those locations. However, the two locations on the West side of Manhattan Avenue should be denied since without those, the City would already have Permits in place for four locations. This might be the solution. The City has also not been candid with many of the shopkeepers, and told them that they will not have the locations on the west side of Manhattan Avenue so they have not participated in this proceeding thus far believing what the City and /or its City formed Association tell them.

Furthermore, since the alleged additional 100 spaces are all on the east side of Manhattan Avenue, at the corner of Highland, it would be less exposure to accidents by the understaffed, over pressured valets if the locations also were on the east side of Highland closer to where the cars are being parked. This obvious solution, (other than a denial of the application would be more obvious if the City had supplied maps of the plan so that this Honorable Commission could make a more informed decision.

Store operators concerned for the access, traffic, safety of their customers believe what the City told them, i.e. that the City has dropped its plan to have any valet parking location on the west side of Manhattan Avenue. I have been informed that among those merchants who have been told that are We love Pets, and Door to Door Cleaners-both of whom are located adjacent to one of the locations on the west side of Manhattan Avenue in the appealable area.

Fourth: The Notice which the City undertook to prepare and place on some locations at the City are located for example ,between Eight Place and Eight Street and are on less than 8 by 11 sheets of paper on a few parking meters but fail to indicate where the valet parking is being applied for-so that many of the merchants concerned and certainly the inland beachgoers who try to come to Manhattan's beach, are not aware of the hearing and will only learn about this ill-conceived plan when they arrive with their families this spring and try to park for less than \$12.50 or obtain access to the beach.

When I am permitted by the City Manager to have a copy of a map of the proposed plans, I will forward it to you if the City has not done so by that time. I will supplement these comments before and at the hearing. Thank you for your consideration.

Respectfully yours,

William A. Victor
William A. Victor

Enclosures: as stated

WAV/

All delivered BY HAND 1-24-00

COASTAL COMMISSION
A5-MNB-99-4

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SECTION

B

MONDAY

AUGUST 9, 1999

CC

METRO

Manhattan Beach Helping Curb Parking Crunch

■ **Business:** Valet service is meant to aid merchants. It seems to be working despite some complaints from residents and use by beach-goers.

By **JOE MOZINGO**
TIMES STAFF WRITER

Maybe you're jetting down Manhattan Beach Boulevard on a summer day, hoping to shop or get a bite to eat.

Then you groan, remembering the last time you tried this: You cycled for a half-hour, didn't have change for the parking meter, were rebuffed by a liquor store clerk who wouldn't make change, and finally had to buy some candy to get a couple quarters.

To help keep that from happen-



PAUL MORSE / Los Angeles Times

Valet Edy Umana assists a driver Saturday on Manhattan Avenue.

ing, the city of Manhattan Beach is offering valet parking for its chic waterside downtown. Joining a few other cities across the country, merchants are hoping that, as part of a general resurgence in down-

town popularity, the service will boost revenues and help street-side businesses compete with malls.

In Manhattan, just fork out \$2.50 and let someone else find a parking spot for you.

The Manhattan Beach Downtown and Professional Assn., which represents 300 local businesses, led the effort to set up two valet posts for visitors. One booth is on Manhattan Beach Boulevard, just west of Valley Drive; the other is on Manhattan Avenue, just north of the pier. They operate on Thursday and Friday, 6 p.m. to midnight, and Saturday and Sunday, 11 a.m. to midnight.

"Probably the most often heard complaint in commercial districts is not enough parking," said Manuel Ochoa, a manager with the International Assn. of Downtowns. Ochoa said numerous cities have considered valet parking.

Since the Manhattan Beach service began in June, the city has been able to accommodate 120 cars, mostly in business parking lots empty on weekends. Now, on hot days, those spots fill up fast, and

Please see VALET, B3

VALET

Continued from B1
the downtown association is trying to acquire another 100 spots.

"I think it's one of the most successful parking programs we've put in place," said David Doyle, assistant to the city manager in charge of the project.

The effort is a joint venture of the city, the downtown association and United Parking. The city of Manhattan Beach gave up 12 public parking spaces for the two valet posts. United won a bid for the parking contract and is responsible for finding available parking spots. And because they offer a money-making service, it does not cost taxpayers or the merchants association a dime, officials said.

One problem for the business owners, is to keep beach-goers from using the service. Currently, they are counting on the notion that people spend much more time at the beach than they do shopping or sipping coffee in town. Thus, the cost is \$2.50 for the first two hours, and \$1 for every 20 minutes after that, up to a maximum \$12.50 charge.

"There is no restriction, but by the fee structure, it makes it cost prohibitive to do beach parking," said David Levin, board member and past president of the association, who pushed the idea for valet parking. "This is not intended for that."

But around noon on a recent Saturday, several carloads of people unloaded at the valet with beach towels, ice boxes and bodyboards. One man drove up in a Ford pickup, unloaded his bike and rode down to the pier. "We get a lot of beach people," said valet Edy Umana.

Customers like Greg Wick was more what the association had in mind. Late to meet someone for brunch, the Washington state resident had been searching for a spot for 15 minutes when he spotted the valet's umbrella. "We have this up in Seattle," he said. "It's great when you can't find a spot."

Though its been operating for less than two months, some local business owners and managers said the service has attracted customers. "It's helped us tremendously," said Marty Carrizo, general manager of Wahoo's Fish Tacos on Manhattan Avenue. "Last week when we had the volleyball tournament, the valet was packed."

Carrizo initially didn't believe that it would affect his business, whose highest priced dish is the Maui Bowl for \$6.98. Now, he said it has really made it easier for customers.

But some residents don't like the valet booths. When the valets arrive on weekend mornings, they routinely find cars illegally parked where they set up their booths. Those cars are promptly ticketed and towed away, infuriating Sol Kessler, a 20-year resident of Manhattan Beach.

"This is overkill," he said, of the towing. "The punishment doesn't fit the crime."

Though he concedes that finding parking can be difficult during the summer, Kessler thinks the valet is unnecessary. "I've come here every day for 20 years and I've always found a place to park."

Indeed, some cities have implemented valet parking programs and found that not many people are interested in using them. In La Jolla, the business association discovered that shoppers just didn't use the valet like diners in restaurants did. They stopped their public valet last year, after a year of use. In Decatur, Ga., officials found that having a valet wasn't cost effective.

COASTAL COMM

A5-MNB-99-4

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From: HarryFordManBch@aol.com <HarryFordManBch@aol.com>
To: gdolan@ci.manhattan-beach.ca.us <gdolan@ci.manhattan-beach.ca.us>;
ddoyle@ci.manhattan-beach.ca.us <ddoyle@ci.manhattan-beach.ca.us>
Cc: Mbdoer@aol.com <Mbdoer@aol.com>; jfahey1@juno.com <jfahey1@juno.com>;
snapolitano@ci.manhattan-beach.ca.us <snapolitano@ci.manhattan-
beach.ca.us>; LVBLCPA@aol.com <LVBLCPA@aol.com>;
dgroat@ci.manhattan-beach.ca.us <dgroat@ci.manhattan-beach.ca.us>
Date: Monday, January 17, 2000 8:48 AM
Subject: Valet Parking article in the Beach Reporter of 1/13/2000

Geoff and Dave, Hi. Harry Ford

I read the article in the Beach Reporter of January 13, 2000 on Valet parking and I am confused. It states that Doyle also said he had not heard of one complaint about the safety of the program.

I had sent the City a letter dated November 1, 1999 for the Coastal Development Permit for valet parking (see attached WORD file), and followed up with a subsequent letter dated 11/15/99 for the Nov. 16th City council meeting.

I had indicated in my Nov. 1, 1999 letter about talking to the police about the valet cars that were parked in the alley next to Soleil. The signs on one the American Saving side of the alley say, no parking any time. The signs on the alley by Soleil state; 1) no parking this side, and 2) commercial loading (?). In addition, as I recall I mentioned to the police the double parking in front of Subway, which I saw many times during the summer. The police officer didn't answer my comment about safety but said that the police had forwarded their concerns/issues to Geoff Dolan. Perhaps having cars which appear to have valet parking stickers parked in the alley, or double parked is not a safety issue? This was not an isolated incident.

I will forward a request for public records to Geoff Dolan to see if he had received any documentation from Public Safety (police, fire, parking enforcement) or whether the officer was just kidding, or their concerns were not safety issues.

There are often cars and trucks parked in the narrow alleys Downtown. We had the same problem for many years at the Mall with trucks and cars until no parking in fire lane signs were installed. Perhaps the City may consider doing this Downtown. Is there a larger fine for parking in a fire lane?

Thanks for your consideration of my comments and suggestions. If my comments of November 1st weren't a safety complaint please let me know. Perhaps these issues weren't raised to Dave Doyle? Harry Ford

Attached as Word file - 11/1/99 letter on Valet Parking

01/17/2000

COASTAL COMMISSION
A5-MNB-99-45

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PAGE 7 OF 7



City Hall 1400 Highland Avenue Manhattan Beach, CA 90266-4795
Telephone (310) 802-5000 FAX (310) 802-5001 TDD (310) 546-3501

December 2, 1999

California Coastal Commission
Attention: Chuck Posner, Coastal Program Analyst
South Coast District
200 Oceangate, 10th Floor
Long Beach, CA. 90802-4302

RECEIVED
DEC 06 1999
CALIFORNIA
COASTAL COMMISSION

Dear Mr. Posner:

Per our discussion, attached is a copy of the information submitted to the City Council related to the issuance of Coastal Development Permits 99-41 and 99-41A. The City Council considered public testimony at a noticed public hearing and subsequently unanimously approved the program as presented in the attached staff report.

As you can see in the attached information, the valet program will utilize five (5) on-street metered parking spaces as a vehicle drop off/pick up location. The valet company has secured approximately 100 private off-street parking spaces to store the vehicles dropped off at this location. Therefore, no additional public parking spaces will be utilized in conjunction with this valet station.

The valet program provides a unique opportunity for our community to increase the available public parking supply through agreements between the valet company and private businesses for the use of private parking lots. This proposed valet station along with the two other valet locations in the downtown area increase our available public parking supply by approximately 200 parking spaces. These additional parking spaces, which were previously unavailable to the public, improve public access to our retail and other business establishments as well as to our coastline.

If you have any additional questions regarding our valet parking program, please do not hesitate to contact me at 310-802-5054.

Sincerely,

David A. Doyle
Assistant to the City Manager

CC: Richard Thompson, Director of Community Development
Shelby Phillips, DMBBPA

Fire Department Address: 400 15th Street, Manhattan Beach, CA 90266 FAX (310) 802-5201
Police Department Address: 420 15th Street, Manhattan Beach, CA 90266 FAX (310) 802-5301
Public Works Department Address: 3621 Bell Avenue, Manhattan Beach, CA 90266 FAX (310) 802-5301
City of Manhattan Beach Web Site: <http://www.ci.manhattan-beach.ca.us>

COASTAL COMMISSION

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EXHIBIT # 3
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City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach, CA 90266f
(310) 545-5621
(310) 545-9322 (FAX)

COASTAL DEVELOPMENT PERMIT

Project No. CA 99 - 41
Page 1 of 3


The City Council of the City of Manhattan Beach processed the attached Coastal Development Permit for the described project. On November 16, 1999 the City Council conducted a duly noticed public hearing and granted this permit for the project described below, subject to the attached Standard and Special conditions.

Site: Downtown Manhattan Beach – See Description for Specific Locations

Description: Implementation of a Downtown Valet Parking Program. The program will utilize the following areas as vehicle drop-off locations: west side of Manhattan Avenue, north of 10th Street and south of 11th Street (alternative location, between 8th Place and 9th Street). Vehicles dropped off at these locations will be stored at various sites in the Downtown area. Proposed hours of operations are: Tuesday, Wednesday, Thursday and Friday between 6:00 p.m. and Midnight; and, Saturday and Sunday between 11 a.m. and Midnight.

Issued by: Richard Thompson, Director of Community Development

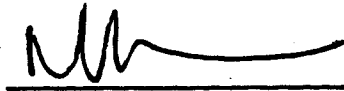
COMMUNITY DEVELOPMENT DEPARTMENT
Richard Thompson, Director

 11-19-99

Acknowledgment:

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

11/19/99
Date


Signature of Permittee

COASTAL COMMISSION
A5-MNB-99-453

EXHIBIT # 3
PAGE 2 OF 8

City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach, CA 90266f
(310) 545-5621
(310) 545-9322 (FAX)

COASTAL DEVELOPMENT PERMIT

Project No CA 99 - 41
Page 2 of 3

Required Findings: (Per Section A.96.150 (A) and (B) of the Local Coastal Program)

Written findings are required for all decisions on Coastal Development Permits. Such findings must demonstrate that the project, as described in the application and accompanying material, or as modified by any conditions of approval, conforms to the certified Manhattan Beach Local Coastal Program.

- A. That the project, as described in the applicant and accompanying materials, as modified by any conditions of approval, conforms with the certified Manhattan Beach Local Coastal Program:

(Finding) *The proposed valet parking program is consistent with the following policies of the Local Coastal Program:*

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

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

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

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

- B. The temporary event is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 commencing with Section 30200 of the Public Resources Code, specifically:

(Finding): The project does not physically block or prohibit access to the Pier and / or shoreline by the general public. All existing access points to the Pier and beach area will remain open and unobstructed during the operation of the parking program.

COASTAL COMMISSION
A5-MNB-99-453

EXHIBIT # 3

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City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach, CA 90266f
(310) 545-5621
(310) 545-9322 (FAX)

COASTAL DEVELOPMENT PERMIT

Project No CDP 99 - 41
Page 3 of 3

Standard Conditions:

1. Notice of Receipt and Acknowledgment. The permit is not valid and the temporary event shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Community Development Department.
2. Expiration. The Coastal Development Permit shall expire one year from the date of approval (November 16, 2000) if not commenced during that time. The City Council may grant a reasonable extension of time for due cause. The applicant or authorized agent prior to the expiration of the permit shall request said time extension in writing.
3. Compliance. All activities associated with the valet parking program must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the Director of Community Development.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Director of Community Development.
5. Terms and Conditions are Perpetual. These terms and conditions shall be perpetual, and it is the intention of the Director of Community Development and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

Special Conditions:

1. The subject Coastal Development Permit will be operated and implemented in conformance with all conditions and recommendations of the Manhattan Beach City Council.
2. The subject Coastal Development Permit will be operated and implemented in conformance with all provisions and policies of the Certified Manhattan Beach Local Coastal Program and the LCP - Implementation Program.

COASTAL COMMISSION
A5-MNB-99-453

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99/1116.21

CITY OF MANHATTAN BEACH
MEMORANDUM

TO: Honorable Mayor & Members of the City Council
THROUGH: Geoff Dolan, City Manager
FROM: Dave Doyle, Assistant to the City Manager
DATE: November 16, 1999

RECEIVED
DEC 06 1999
CALIFORNIA
COASTAL COMMISSION

SUBJECT: Issue Coastal Development Permits 99-41 & 99-41A and Amend Agreement between City and United Valet Parking, Inc. to Provide Valet Parking on Manhattan Avenue South of Manhattan Beach Boulevard

Recommendation:

The Parking & Public Improvements Commission and City Staff recommend the City Council conduct a public hearing; issue Coastal Development Permits 99-41 & 99-41A; and approve an addendum to the existing agreement between the City and United Valet Parking Inc. to provide a valet parking operation on Manhattan Avenue, South of Manhattan Beach Boulevard.

Budget Implication:

The proposed program should have no net impact to the City's budget. There will be no lost revenue from the on-street parking meters as a result of this project since the valet company is required to compensate the City for the use of those spaces.

It is important to note that the agreement to provide valet parking services is between United Valet Parking, Inc. and the Downtown Business & Improvement District not the City. The agreement between United Valet Parking, Inc. and the City is only for the use of the on-street spaces.

Background:

Last year the Downtown business owners came together as a group and created a new Business Improvement District (BID) for the Downtown area. The creation of the new BID allows the business owners to assess a self-imposed tax upon all businesses in the downtown area. The funds generated from the tax (80% surcharge on the business license fee - capped at \$500.00) are used to promote the area and provide specialized services to all downtown businesses.

During the development of the BID, business owners were asked to prioritize the specialized services and decide which, of all the suggested ideas, would be funded by the BID. The number one recommended service was to implement a valet parking program for the Downtown area.

COASTAL COMMISSION
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Discussion:

As a result, the City began to work cooperatively with representatives of the BID to develop a Request for Proposal for valet services. A total of three proposals were received and the BID Valet Parking Committee including Ron Guidone of Talia's & Mangiamo; Pete Moffett of Manhattan Coolers; and David Levin of Manhattan Sports & The Beehive. The committee selected United Valet Parking, Inc. based on their experience in other communities, favorable pricing scheme, and ability to work cooperatively with the businesses. All references provided by United Valet Parking, Inc. indicated that United Valet Parking, Inc. was a superior company and provided quality service.

Subsequently, City staff and members of the BID Valet Parking Committee met several times to develop an appropriate valet parking program. The following represents the proposed valet program that is supported by the Downtown business owners, City staff & the Police Department.

Hours of Operation

Thursday	6:00 p.m. until midnight	Saturday	11:00 am until midnight
Friday	6:00 p.m. until midnight	Sunday	11:00 am until midnight

It is important to note that the Coastal Development Permit authorizes the use of the on-street parking spaces on Tuesday and Wednesday nights also. At this time, the Downtown merchants are not requesting the use of the spaces during these hours. However, if in the future it is perceived to be beneficial to have valet parking during these times (particularly in the summer months), there is flexibility to allow the service to be provided.

Costs

Valet parking patrons will be charged the following rates:

- \$2.50 for the first 2 hours
- \$1.00 each additional 20 minutes
- \$12.50 Maximum per day

Vehicle Drop Off/Pick Up Locations

The Association members have requested a total of four possible locations on Manhattan Avenue, south of MBB. They would like to have approval for two primary locations and two alternate locations on each side of Manhattan Avenue (East & West). Although only one station will actually be operational at any one time, the multiple location approval will provide the valet service with some flexibility to maximize operational efficiency. The proposed locations are as follows:

WEST SIDE OF MANHATTAN AVENUE

COASTAL COMMISSION
A5-MNB-99-45

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- 1. Primary Location - meter parking spaces in front of 1017 Manhattan Avenue (Becker's Bakery)
- 2. Alternate Location - meter parking spaces in front of 815 Manhattan Avenue (We Love Pets)

EAST SIDE OF MANHATTAN AVENUE

- 1. Primary Location - meter parking spaces in front of 1006 Manhattan Avenue (Manhattan Health & Beauty)
- 2. Alternate Location - meter parking spaces in front of 902 Manhattan Avenue (Table Tops)

Vehicle Storage

The main purpose of the valet parking program is to enhance the number of available parking spaces for patrons of downtown businesses and to increase the amount of available public parking. To this end, United Valet Parking, Inc. has secured the use of the first three levels of the private underground parking structure located in the Skecher's Building. Therefore no public parking spaces will be utilized to store vehicles from this valet location.

CEQA - Coastal Development Permit

Coastal Development Permit

Pursuant to Code Section A.96.040 of the certified Local Coastal Program (LCP) 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 parking management program established by Section A.64.230.

Based upon this Code section it is staff's determination that the proposed program is a project requiring issuance of a Coastal Development Permit. The portion of the program that operates and is located within the appealable area of the coastal zone is appealable to the California Coastal Commission. The portion of the program that operates and is located outside the appealable area of the coastal zone is a City issued Coastal Development Permit and is not appealable to the Coastal Commission.

Since approval of the program requires a public hearing before the City Council, Section A.96.090 (A.1) of the LCP requires that action on the Coastal Development Permit be held concurrently. Public notification, consistent with Section A.96.110 (B) of the LCP, has been made in preparation for the City Council hearing.

COASTAL COMMISSION
A5-MNB-99-453

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Coastal Development Permit Findings

The findings required for issuance of the Coastal Development Permit are contained in Section A.96.150 (A & B) of the LCP. These findings are:

1. That the project, as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified Manhattan Beach Local Coastal Program; and,
2. If the project is located within the first public road and the sea, that the project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976.

Staff recommends approval of the Coastal Development Permit based upon the project consistency with the following LCP policies:

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

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

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

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

Based upon the project consistency with these LCP policies, and the fact that the project will not negatively impact public access and recreation, staff recommends the approval of the attached Coastal Development Permit.

Environmental Review

Based upon staff's analysis the proposed program is categorically exempt from the provisions of the California Environmental Quality Act (CEQA). Specifically, the project is exempt per Section 15061 (b)(3) which states that, "CEQA only applies to projects which have the potential for causing a significant effect on the environment". The project, as presented, simply provides a program to increase the convenience of downtown parking and does not have any potential for significant environmental impact. Should the Council approve the program, a Notice of Exemption will be filed with the Los Angeles County Recorder.

A requirement of the Coastal Development Permit process is a noticed public hearing before the City Council or Planning Commission. Therefore the City Council will hold a public hearing at its meeting of November 16, 1999 to consider the issuance of the necessary Coastal Development Permits to implement the valet station. The attached notices were circulated to all required individuals and properties.

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Harry A. Ford, Jr.

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RECEIVED
JAN 25 2000

Monday, January 24, 2000 – Via fax and first class mail to Charles Posner

Charles Posner for the California Coastal Commission
California Coastal Commission, South Coast Area
200 Oceangate, 10th floor, Long Beach, CA 90802-4416

CALIFORNIA
COASTAL COMMISSION

Dear Charles Posner and the California Coastal Commission:

Re: Commission Appeal No. A-5-MNB-99-453 - This letter constitutes additional public comments and questions and suggestions for the Coastal Commission hearing on the appeal of Coastal Development Permit ("CDP") 99-41 and 41A for expanding the Valet parking program in Downtown Manhattan Beach

I had previously forwarded written comments to the City council and Staff on this Agenda item by Hand Delivering them to the City Hall cash receipts box on Monday, Nov. 1, 1999 for the Tuesday, 11/2/99 (and 11/16/99) City Council meeting(s), and followed up with a letter to the Council for their hearing on this matter on Nov. 16, 1999 (copies attached for California Coastal Commission).

Cumulative CEQA traffic review: In my opinion, the City has not done a proper CEQA review of traffic/parking for this project, and many other projects that have intensified uses Downtown over the last several years. As you can see from the attached table in the Nov. 1, 1999 letter for this CDP the City has continued to expand high intensity restaurant uses, and total commercial space and has not properly studied the cumulative traffic impact of these expansions as required by CEQA. At the public hearing on this matter the Valet person indicated that up to 1,500 cars were being parked in this program on a weekend. This is a significant impact on traffic. The 1988 General Plan clearly indicates that there are nine areas Downtown that have a traffic Level of Service of F, and that Manhattan Beach Blvd. and Highland Ave. are streets with year 2000 volumes exceeding design capacity (copies attached). The daily traffic volume for the 1988 Plan for Manhattan Beach Blvd. was 10,500 and assuming 750 cars a day currently use the program, with the addition of an additional 100 spaces at the Skechers building this clearly is a significant increase in traffic. The Circulation section of the 1988 General Plan; Goal 1; Policy 1.1: Annually review the functioning of the street system to identify problems and develop solutions. Attached is a memorandum dated December 15, 1999 for the Metlox EIR that indicates that the last City wide traffic counts were done in 1993. In addition, attached is a response to my request for public records for the Metlox EIR that requested Downtown traffic data and as you can see the response is that the data should be available March 22, 2000, instead of the 10 days per the public records act for historical data on a project the City has been working on for a year and a half. Perhaps the Coastal Commission can get the latest traffic data, and ask the City to explain why they have expanded past the Downtown build out numbers in the LCP without a traffic and parking EIR? These issues were clearly raised in my Nov. 1, 1999 letter for the Coastal Development Permit, but were not addressed in the staff report. What is even more disturbing is the 7/14/99 proposal for the Metlox development EIR only listed 10 intersections to study (attached portions) and did not include those that were a level of service F in the 1988 General Plan and would increase traffic in the valet parking program. Downtown parking and traffic are a disaster, and the Coastal Commission should not allow the City to continue to make the situation worse without a proper CEQA traffic and parking evaluation (EIR), especially with cars making multiple trips to the valet station for parking and then re

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Notice: As noted in my Nov. 1, 1999 letter for the CDP the notice for this item did not meet the requirements of the LCP. In addition, the notice area did not include the area will the cars will be driving to get to and from the pickup points. These are also residential areas that will be impacted by the many cars that will be dropped off on Manhattan Avenue and then go to and from the parking in the Skechers building. There was also no estimate of the amount of trips that would be required on a busy day for this program, nor for the previous valet parking programs. There was one resident at the hearing who got a notice and was clearly concerned about the additional traffic. If there had been notice to the residents Downtown for all the Valet Parking areas I am confident that there would have been much more concern, as there has been tremendous concern for the traffic from the 90,000 SF Metlox development, and huge expansion of the Civic Center, which will add nearly 25% to Downtown commercial uses. This is why I suggested on Nov. 1, 1999 that there should be a moratorium on the Uncle Bill's restaurant expansion and Valet Parking until a proper EIR for traffic and parking for all of Downtown Manhattan Beach had been completed. Over 8,000 residents (30% of voters) signed a petition for public use of Metlox Initiative.

Temporary use of Public Parking lot 3: The use of public parking lot 3 for valet parking was supposed to be temporary, but now the program is expanding and Lot 3 is still in use. Since the 1997 Downtown parking study showed that during the summer parking demand exceeded supply, the use of the public lot should not be continued, but only private lots, if the cumulative parking and traffic requirements of CEQA can be demonstrated via an appropriate EIR.

Traffic route: The materials I reviewed at City Hall did not show the traffic routes for the various valet parking locations. These should be indicated and notice sent to all residents and businesses within 100 feet of the various paths taken for the cars to get to the valet drop-off, from the drop-off to the parking location, and then back to the valet drop-off. Since the traffic Downtown is already terrible, the map should also show the shortcuts through the residential areas that may be taken to avoid the backed up traffic. This is the map that should have been used for notice.

Safety of the program: I had noted in my written comments that there appeared to be illegally parked cars from the valet program. Valet cars, with their pink parking tags, have been double parked on Manhattan Avenue and parked in the narrow Downtown alley's in spaces that are marked no parking this side. In addition, cars with the pink tags were parked in other private parking spaces. A police officer that I complained to indicated that the police had passed their concerns along to Geoff Dolan, the City Manager. I have submitted a request for public records to see if any of those comments are in writing, but the 10 days for a response has not yet expired.

I hope that the Coastal Commission will require a proper traffic and parking review of this program before it is expanded. This is clearly a change in Use of the properties that are being used for valet parking and in my opinion a public hearing before the planning commission should have been required for each private lot that is being used for valet parking, and the cumulative impacts of this program, as well as the unabated intensification of Downtown commercial uses, should have been studied. In my opinion, the lack of this most basic notice, safety, parking and traffic, and use permit review of this program constitutes a substantial issue that the Commission should have remedied before approving this permit. In addition, I would strongly urge the Coastal Commission to get involved in the EIR for the huge increase in Downtown commercial and public uses from the Metlox and Civic Center Development from the beginning (NOP already issued and comment period expired 1/21/2000).

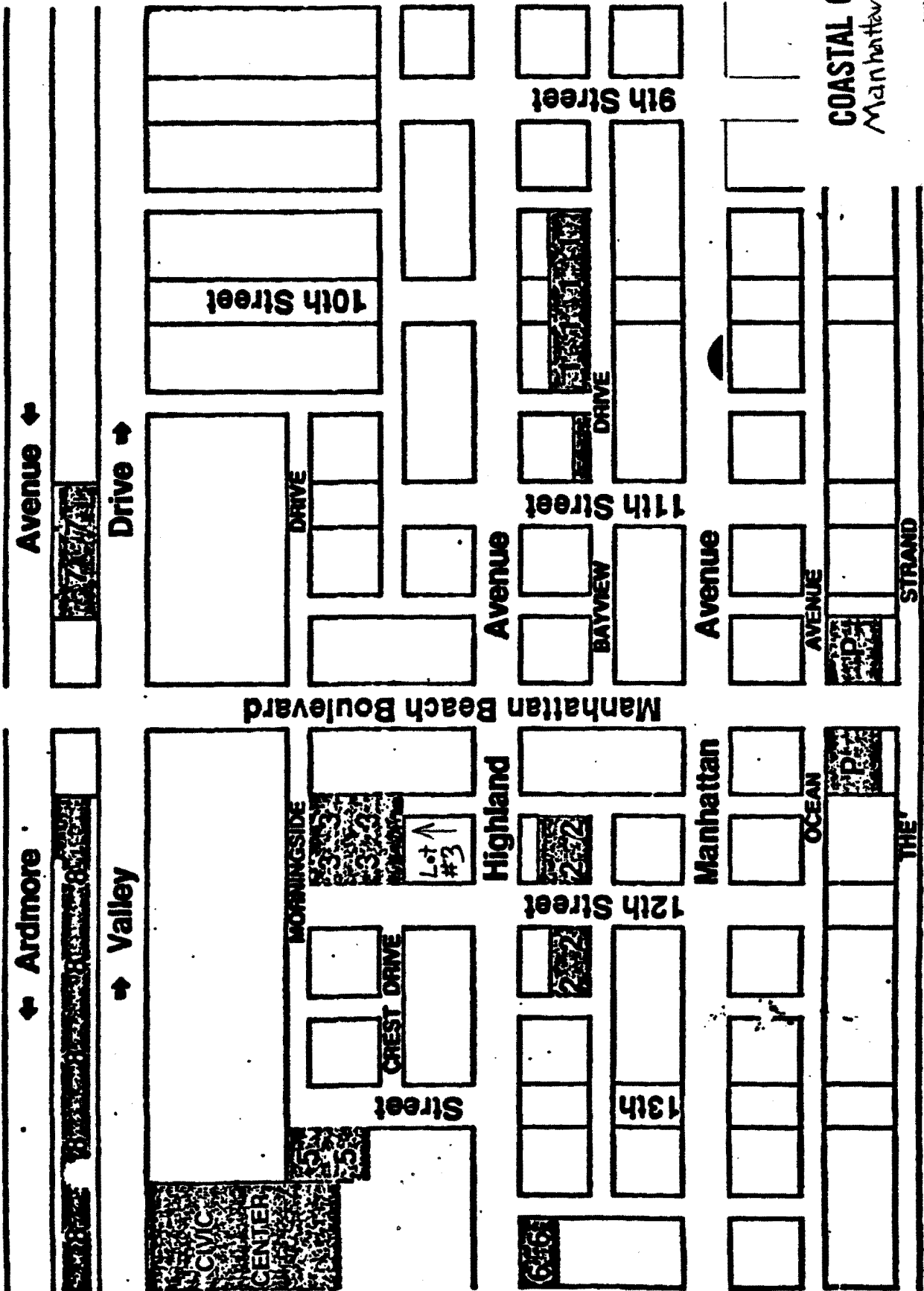
Sincerely, Harry A. Ford, Jr. 

Attachments

CC (without attachments): Bill Victor, Daniel Moreno/Dave Doyle via fax to 310-802-5501 AS-MNB-99-4

COASTAL COMMISSION

Public Parking Lots Manhattan Beach LCP



COASTAL COMMISSION
Manhattan Beach LCP

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