

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071



## Addendum - F 7a

April 16, 2010

To: Commissioners and Interested Persons

From: South Coast District Staff

Re: Item 7a – Appeal A-5-MNB-10-054 (City of Manhattan Beach Parking Management)

- 1) Attached e-mail and two letters received from William Victor, appellant, in opposition to the staff recommendation that the Commission determine that the above referenced appeal raises **No Substantial Issue**.
- 2) Attached (2) e-mail responses to the above referenced Victor letters from City of Manhattan Beach staff.
- 3) Attached e-mail from City of Manhattan Beach correcting staff report to reflect that parking meter fee increases in area inland of the appealable area are 50 cents per hour rather than 75 cents per hour.

The e-mail and letters from William Victor, appellant, states that the Commission staff report did not note that the local coastal development permit and project approved by the City would extend the hours of parking meter enforcement from 9 a.m. to 8 a.m. in the mornings and from 8 p.m. to 9 p.m. in the evenings, or a total of 2 hours of additional enforcement per day. The appellant further alleges that the increase in hours of parking meter enforcement will have a significant impact on public access for bike riders and surfers. Mr. Victor adds that the City's final notice of action did not identify this change.

In response to the appellant's letter the City notes, in an attached e-mail, that the notice was general and included parking revisions Citywide rather than including each individual proposed action. The City further notes that the increase in hours of meter operation was added by the City Council at the public hearing on the project and that the minutes for the City Council meeting, which Mr. Victor attended, clearly reflect the approved change to the hours of parking meter enforcement. The City further notes, in its second e-mail response attached, that there are many additional unmetered parking spaces in the coastal zone providing many opportunities for bicyclists to park for free, with no time limits, and then ride on the bike path.

Commission staff has reviewed the attached e-mails and letters relative to the public access policies of the Coastal Act and the City's certified LCP. As noted in the staff report, there are more than 300 parking spaces available to the public within four blocks of the beach where parking is allowed for at least ten hours and the pier lots allow up to five hours parking. In addition, as noted by the City, many additional unmetered parking spaces are available in the City's coastal zone. Therefore, the City's two-hour increase in parking meter enforcement along with the meter fee increase discussed in the staff report does not raise any additional substantial issue in regards to the public access policies of the Coastal Act or the policies of the certified LCP.

**Gary Timm**

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**From:** vic.law1@gmail.com  
**Sent:** Wednesday, April 07, 2010 3:56 PM  
**To:** Gary Timm  
**Cc:** Chuck Posner  
**Subject:** CITY OF MANHATTAN BEACH INCOMPLETE RESPONSE TO APPEAL# A-5-MNB-10-054  
**Attachments:** Letter to Gary Timms CCC 40710 CCC.doc

Dear Mr. Timm:  
It is April 7, 2010.

Confirming our telephone conference yesterday afternoon: I am noting on the attached letter some of the missing and erroneous information supplied and not supplied by the City of Manhattan Beach most of which are inaccuracies or failure of notice by the City of Manhattan Beach. Tomorrow, as I noted to Theresa Henry on Monday, I will be filing at least one letter by a party who was not given notice of the extending of in the hours that meters would be charging rates mainly because as you will see from the published notice dated announcing the February 16, 2010 hearing it was mentioned in the notice and the required notice was deficient.

Even the resolution fails to mention this expansion of meter enforcement hours. I did not have the amended resolution when I filed my appeal because I was told the City was the process of amending it and would include the decision of the city Council relating to the appealable area and send the resolution so amended to the Coastal Commission. When I received the Coastal Commission Staff Report on April 4, 2010 I could see that the Coastal Commission was not aware of the addition of hours and therefor an increase of the parking charges for those periods for the full amount of \$ 1.25 per hour. The increase of 1.25 takes place between the hours of 8AM and 9 AM and 8PM to 9PM where there were no charges for these metered spaces during those hours in the recorded history of Manhattan Beach before this unannounced hearing on this issue was determined for all of the meters on the streets of the appealable area.

The resolution does not refer to this change but the minutes which I am told the Commission was sent does mention vaguely this "extend the hours of enforcement at page 5, of the minutes of the February 16, 2010 City Council Meeting which minutes were not available to the public until after the date on which my appeal had to be filed.

I request that the Commission Staff consider not permitting the change in times for the meters until there is a proper notice to the public of a City Council Meeting of the proposed change of hours of enforcement of all street meters in the appealable area and a City Council Meeting for all those interested to participate on the issue of extended hours.

I would prefer and respectfully request that this entire appeal on the merits including the defects in notice be considered as a substantial issue and the hearing on the merits be scheduled for date later than December 16, 2010 if possible.

The Staff presentation and staff report did not include the change in hours was not a recommendation and no one at the hearing had notice before the hearing and motion that there would be an expansion of the hours of operation and enforcement of meters from 9AM to 8PM to 8AM until 9PM. These two hours per day, 14 hours per week and 728 hours per year most definitely WILL HAVE A SIGNIFICANT IMPACT ON PUBLIC ACCESS and for the class of bicycle riders and surfers that have depended on not having to feed meters for these parking spaces for literally over a century. They certainly deserve a right to have notice and to

4/8/2010

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participate in the City hearing process and the City Commission should abide by Coastal Act and the Manhattan Beach LCP in making sure this right is honored and the significant adverse impact on public access is mitigated.

I attach a letter from my law office which states the above and, as confirmed by Ms. Henry, I plan to fax tomorrow to you at least one letter from one citizen that has depended on parking and using the bike path almost every morning without an interruption to have to feed meters in the mornings. If we had more time, and I knew that the deficiencies, I would have more lead time to get additional letters, testimony and possible appearances by interested parties on April 16. He had ridden on the public streets with his bike before this and was hit and injured by a car and hospitalized before his wife and he decided to park near the path and ride their bikes almost every day of the year. He only learned about the change in parking meter enforcement in an article in a newspaper after the hearing took place.

I reviewed the NOTICE OF FINAL GOVERNMENT ACTION which does not mention the expansion in the operation of meter enforcement and in fact falsely states the following:

"Attached is a copy of Resolution No. 6244 approving the Coastal Development Permit. This Resolution outlines the finding and conditions of approval" (emphasis added)

Thank you for your prompt attention to this matter and confirmation of what you will do with respect to the improper notice and request for a later hearing date if necessary..

One additional error by the City personnel is that the City placed the wrong address for me on the address list of interested persons and the City person refused to correct it. My address is :POB 241072, Los Angeles, Ca. 90024

My email address is :[vic.law1@gmail.com](mailto:vic.law1@gmail.com)

Telephone: 516-670-2590

Respectfully yours,

William Victor

4/8/2010

F 7a

WILLIAM VICTOR  
A LAW CORPORATION

Post Office Box 241072  
Los Angeles, Ca. 90024  
(516)-670-2590

Mr. Gary Timm,  
California Coastal Commission  
Long Beach Office  
Sent via email attached to cover email  
Date:  
April 7, 2010

Dear Mr. Timm:

It is April 7, 2010.

Confirming our telephone conference yesterday afternoon: I am noting below some of the missing and erroneous information supplied and not supplied by the City of Manhattan Beach most of which are inaccuracies or failure of notice by the City of Manhattan Beach. Tomorrow, as I noted to Theresa Henry on Monday, I will be filing at least one letter by a party who was not given notice of the extending of the hours that meters would be charging rates mainly because as you will see from the allegedly published notices dated February 4 and 11, 2010 announcing the February 16, 2010 hearing it was NOT mentioned in the notice and the required notice was deficient.

Even the resolution fails to mention this expansion of meter enforcement hours. I did not have the amended resolution when I filed my appeal because I was told the City was the process of amending it and would include the decision of the city Council relating to the appealable area and send the resolution so amended to the Coastal Commission. When I received the Coastal Commission Staff Report on April 5, 2010 I could see that the Coastal Commission was not aware of the addition of hours and therefor an increase of the parking charges for those extended hours for the full amount of \$ 1.25 per hour. The increase of 1.25 from no charge takes place between the hours of 8AM and 9 AM and 8PM to 9PM where there were no charges for these metered spaces during those hours in the recorded history of Manhattan Beach before this unannounced hearing on February 16, 2010 when this issue was determined for all of the coin operated meters on the streets of the appealable area.

The resolution does not refer to this change in enforcement hours but the minutes which I am told the Commission was sent does mention somewhat vaguely this "extend the hours of enforcement" at page 5, of the minutes of the February 16, 2010 City Council Meeting which minutes were not available to the public until after the date on which my appeal had to be filed.

I respectfully request that the Commission Staff consider not permitting the change in times for the meters until there is a proper notice to the public of a City Council Meeting of the proposed change of hours of enforcement of all street meters in the appealable area and a City Council Meeting for all those interested to participate on the issue of extended hours.

I would prefer and respectfully request that this entire appeal on the merits including the defects in notice be

considered as a substantial issue and the hearing on the merits be scheduled for date later than April 16, 2010 if possible.

The Staff presentation and staff report did not include the change in hours (perhaps by design) and it was not a recommendation by the staff and no one at the hearing had notice before the hearing and motion that there would be a proposed expansion of the hours of operation and enforcement of meters from 9AM to 8PM to 8AM until 9PM. These two hours per day, 14 hours per week and 728 hours per year most definitely WILL HAVE A SIGNIFICANT IMPACT ON PUBLIC ACCESS and for the large significant group of bicycle riders and surfers that have depended on not having to feed coins into meters for these parking spaces for literally over a century during the early morning hours until 9AM, for example, not to mention the impact on those who wish to have access to these recreational resources after 8PM.. They all certainly deserve a right to have notice and to participate in the City hearing process and the City should abide by Coastal Act and the Manhattan Beach LCP in making sure this right is honored and the significant adverse impact on public access is mitigated. The Commissions help in assuring this right is appreciated greatly.

As confirmed by telephone with Ms. Henry yesterday, I plan to fax tomorrow to you at least one letter from one citizen that has depended on parking and using the bike path almost every morning without an interruption to not have to feed meters in the mornings before 9AM. If we had more time, and I knew about the deficiencies, I would have more lead time to get additional letters, testimony and possible appearances by interested parties on April 16 The one bike aficionado had ridden on the public streets with his bike before this and was hit and injured by a car and hospitalized before his wife and he decided to park near the path and ride their bikes almost every day of the year since then.. He only learned about the decision to change parking meter enforcement in an article in a newspaper after the hearing took place.

I reviewed the NOTICE OF FINAL GOVERNMENT ACTION which does not mention the expansion in the operation of meter enforcement and in fact falsely states the following:

"Attached is a copy of Resolution No. 6244 approving the Coastal Development Permit. This Resolution outlines the finding and conditions of approval" (emphasis added)

Thank you for your prompt attention to this matter and confirmation of what you will do with respect to the improper notice and request for a later hearing date if necessary..

One additional error by the City personnel is that the City placed the wrong address for me on the address list of interested persons and the City person, a Nun Madrid, absolutely refused to correct the address when I requested same. She stated that although the assessor places my mailing address on the tax bills, she claims that the assessor gives her another address for me. she insists on sending all notices and indications of my address falsely. This suggests that perhaps the omissions in Notices were also by design and not innocent error..

My correct mailing address is :POB 241072, Los Angeles, Ca. 90024 as stated in the above letterhead.

Please correct the address that the Community Development Department lists have used despite the flagrant disregard of the citizens, the law and the Coastal Act by the Manhattan Beach Department of Community Development.

My email address is :vic.law1@gmail.com  
Telephone: 516-670-2590

Thank you very much for your consideration in this matter.  
Respectfully yours,

WILLIAM VICTOR, A LAW CORPORATION

By  
William Victor  
Xc: Interested parties

2 of 2

The California Coastal Commission Long Beach, Ca. 90802

F 7a

Via email to Mr. Gary Timm April 8, 2010

From : Yury and Marina Gurvich , 11<sup>th</sup> Street, Manhattan Beach, CA 90266

We are a couple married for over 55 years and have lived in California since the 1940s. We both categorically object to a recent decision of the Manhattan Beach City Council (which we only learned after the Council Meeting ) to raise parking fees in June and extend enforcing hours for meters throughout the meters near the Coastline and bike path in Manhattan Beach.

We both are 78 and feel that the most important preventative medicine to maintain health care at old age is biking. At 7:30 AM every day we drive our bikes by car to the pier and for approximately one hour or slightly more depending on the safety condition of the bike path we enjoy biking at the most unique (in the whole world) bike path along the beach.

Currently the enforced hours of parking meters start at 9AM, so we can bike an hour for free. This is important since we are both retired and live on a fixed income. Dozens of other aged residents enjoy the same healthy exercise at similar hours.

I bike daily for 15.5 miles and have for many years and have stayed healthy; that is more important now after we believe that Obama care brings a heavy burden on Senior Citizens. Years ago I was riding a bike from home to the beach but then I was hit by a car on Manhattan Beach Blvd, broke my clavicle and was transported by ambulance to the hospital. Since then my wife and I bring our bikes on the rear of the car.

We feel that the MB Council making this decision continues its anti-senior attitude, first imposing ridiculously expensive and absolutely unnecessary "undergrounding" in the City forcing many long term residents to other locations, and after wasting hundreds of thousands of our tax dollars initiate this new parking procedure also unfriendly to seniors.

While we are on the beach biking subject, we want to briefly touch a couple of related safety matters regarding the bike path. The simple rule written everywhere on the bike path clearly states "Bikes only". We can understand sharing the path with roller skaters who do not have any decent place to exercise. Runners and pedestrians are OK as far as we are concerned if they use the edges of the bike path, but bicyclists with a dog (or two!) on a beach present real danger to other bikers. I, Yury, talked to the Police Chief and he refused to enforce the regulations which are stated on the signs prohibiting dogs on the beach, claiming that there is no prohibition or law prohibiting bikers with dogs on the Bike path. The man obviously does not understand common sense or an existing law prohibiting dogs on the beach. The bike path IS certainly a part of the beach, and in Manhattan Beach it is west of the Strand.

Even the driver of cleaning vehicle on the bike path appears to realize (contrary to the City of MB) that the safety of the bikers should be considered; we appreciate the fact that he always stops when seeing an approaching bike and allows the bikers space for them to continue biking without having to stop or be in a position to reduce their safety. Thank you for requiring enactment and enforcement of bike path safety rules at your hearing on April 16, 2010 or at any time the hearing is ultimately held.

Sincerely,

Yury and Marina Gurvich, Manhattan Beach, Ca.

1430 11<sup>th</sup> St, MB, (310) 379-5204

*Y. Gurvich*  
*Marina Gurvich*

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**Gary Timm**

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**From:** Laurie B. Jester [ljester@citymb.info]  
**Sent:** Monday, April 12, 2010 4:26 PM  
**To:** Gary Timm  
**Cc:** Chuck Posner; Nhung Madrid; Richard Thompson  
**Subject:** RE: CITY OF MANHATTAN BEACH INCOMPLETE RESPONSE TO APPEAL# A-5-MNB-10-054  
**Attachments:** Letter to Gary Timms CCC 40710 CCC.DOC

Gary-

I will be happy to respond to Bill Victor's letter.

1- Notice of the public hearing was published in the paper as required. It was also distributed individually to businesses and residents. The agenda was posted as required. The Notice was general and included parking revisions Citywide; the notice is not required to include each individual proposed action. The increase in the hours for the meters was not proposed by staff; it was brought up at the public hearing by the City Council. The notice and hearing were all in accordance with State and local requirements and the public had the opportunity to participate.

2-The minutes for the City Council meeting clearly indicate the increased hours for the meters. The minutes are an official document of the Councils actions. Mr. Victor was at the meeting so he was aware of this action. Anyone that did not attend and was not clear on the City Council actions could watch the video on-line or ask City staff what the outcome of the meeting was.

3- As mentioned above the meeting was not only properly noticed but Notice of the Citywide amendments was provided in excess of the minimum requirements.

4- Mr. Victor did not provide his address to the City Clerk at the Council hearing so staff used the address from the official records that are on file with the Los Angeles County Assessor.

There is no defect in any notice or hearing procedure and therefore this can not be considered a substantial issue. All of these documents are part of the complete public record that the City transmitted to the Coastal Commission.

Thank you  
Laurie Jester

**Laurie B. Jester**  
**Community Development Acting Director**  
P: (310) 802-5510  
E: ljester@citymb.info

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4/13/2010

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**Gary Timm**

**From:** Laurie B. Jester [ljester@citymb.info]  
**Sent:** Monday, April 12, 2010 4:38 PM  
**To:** Gary Timm  
**Cc:** Nhung Madrid; Chuck Posner; Richard Thompson  
**Subject:** FW: F -7A  
**Attachments:** scan0032.tif

Gary-

There are thousands of parking spaces on the street in the coastal zone that are not metered that are available to the general public. Meters are only in the commercial areas and the public parking lots. There are many opportunities for bicyclists to park for free, with no time limits, and then ride on the bike path.

Thank you  
Laurie Jester

**Laurie B. Jester**  
**Community Development Acting Director**  
P: (310) 802-5510  
E: ljester@citymb.info



Please consider the environment before printing this email.

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**Chuck Posner**

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**From:** Nhung Madrid [nmadrid@citymb.info]  
**Sent:** Thursday, April 01, 2010 3:06 PM  
**To:** Chuck Posner  
**Subject:** City of Manhattan Beach Staff Report F7a  
Hi Chuck-

I read through the staff report and found the follow error:

Page 2 under Resolution No. 6245:

Approves Local Coastal Development Permit No. CA-10-03 to increase the fees by ~~seventy-five~~ fifty cents per hour for public parking meters located inland of the appealable area of the coastal zone, resulting in a rate of \$1.25 per hour. Additional changes approved in the non-appealable area include new parking meters on 15<sup>th</sup> Street and 10<sup>th</sup> Place, increased hang-tag parking permits allocated to Lot 2, and reduced permit applicability hours in Lot 1.

Hopefully, this is an easy fix.

Please let me know if you have any questions.

Thanks,  
Nhung

**Nhung Madrid**  
**Community Development Management Analyst**  
P: (310) 802-5540  
E: nmadrid@citymb.info



4/12/2010

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071

**F7a**

Filed: 3/4/2010  
49th Day: 4/22/2010  
180th Day: N/A  
Staff: Charles Posner - LB  
Staff Report: 3/30/2010  
Hearing Date: April 16, 2010  
Commission Action:

**STAFF REPORT: APPEAL - NO SUBSTANTIAL ISSUE**

**LOCAL GOVERNMENT:** City of Manhattan Beach

**LOCAL DECISION:** Approval with Conditions

**APPEAL NUMBER:** A-5-MNB-10-054

**APPLICANT:** City of Manhattan Beach

**APPELLANT:** William Victor

**PROJECT LOCATION:** Parking meters on public streets and within public parking lots (including the pier lots) within the appealable area of the coastal zone, City of Manhattan Beach, Los Angeles County.

**PROJECT DESCRIPTION:** Appeal of City of Manhattan Beach Local Coastal Development Permit No. CA-10-02 adopting the Downtown Coastal Zone Parking Management Program within the appealable area of the coastal zone. The approval sets on-street parking meter rates at \$1.25 per hour and authorizes new parking meters to be installed at four on-street parking spaces on 12<sup>th</sup> Street west of Manhattan Avenue.

**SUBSTANTIVE FILE DOCUMENTS:**

1. Local Coastal Development Permit No. CA-10-02 and City Council Resolution No. 6244, 2/16/2010 (Exhibit #2).
2. City of Manhattan Beach Local Coastal Program (LCP), certified 5/12/1994.
3. Coastal Commission Appeal File A-5-MNB-08-306 (Wm. Victor - Parking Meter Rates).

**SUMMARY OF STAFF RECOMMENDATION**

The staff recommends that the Commission, after public hearing, determine that the appeal raises **no substantial issue** with respect to the grounds on which the appeal has been filed. The local coastal development permit approving the public parking meter fees and adding parking meters to on-street spaces conforms to the City of Manhattan Beach certified Local Coastal Program (LCP) and the public access policies of the Coastal Act. The City-approved \$1.25 per hour parking rates will not have a significant adverse impact on public access and use of the public parking facilities. **The motion to carry out the staff recommendation is on Page Six.**

## **I. APPELLANT'S CONTENTIONS**

The appeal asserts generally that the City-approved hourly parking rates will adversely affect public access by making a visit to the beach unaffordable for lower income families and unemployed persons. The appeal is attached to this staff report as Exhibit #3.

## **II. LOCAL GOVERNMENT ACTION**

The City's action in this case is a continuation of the ongoing management of the public parking resources in Downtown Manhattan Beach. During 2008 the City Council held several public meetings to review strategies set forth in the 2008 Downtown Parking Management Plan. The Downtown Parking Management Plan provides a comprehensive analysis of parking conditions in the downtown area and sets forth strategies for optimizing usage of on-street parking spaces and public parking lots. The strategies include the adjustment of parking meters, monthly parking permits, a residential override parking program, and improved signage.

On October 21, 2008, the City Council adopted Resolution No. 6161 and approved Local Coastal Development Permit No. CA-08-033 to increase the fees for public parking meters located within the appealable area of the coastal zone. At the same time, the City Council approved Local Coastal Development Permit No. CA-08-032 for the increase in fees for metered parking located inland of the appealable area of the coastal zone. The parking meter fees for on-street parking were increased by twenty-five cents per hour, resulting in a rate of \$1.25 per hour. The parking meter fees for the pier and beach parking lots were increased by fifty cents per hour, resulting in a rate of \$1.50 per hour. The appellant, William Victor, appealed the City's approval of Local Coastal Development Permit No. CA-08-033 to the Coastal Commission [Appeal Case A-5-MNB-08-306]. On January 7, 2009, after a public hearing, the Coastal Commission determined that the Mr. Victor's appeal did not raise a substantial issue and found that the City-approved \$1.25-\$1.50 per hour parking rates would not have a significant adverse impact on public access and use of the public parking facilities.

In May 2009, however, the City Council again changed the fees for the on-street public parking meters, decreasing parking meter fees to seventy-five cents per hour. The parking meter fees for the pier and beach parking lots were kept at \$1.50 per hour.

On February 16, 2010, the City Council adopted two resolutions and two local coastal development permits in order to adopt the updated Downtown Coastal Zone Parking Management Program within the appealable and non-appealable portions of the coastal zone:

Resolution No. 6245: Approves Local Coastal Development Permit No. CA-10-03 to increase the fees by seventy-five cents per hour for public parking meters located inland of the appealable area of the coastal zone, resulting in a rate of \$1.25 per hour. Additional changes approved in the non-appealable area include new parking meters on 15<sup>th</sup> Street and 10<sup>th</sup> Place, increased hang-tag parking permits allocated to Lot 2, and reduced permit applicability hours in Lot 1.

Resolution No. 6244: Approves Local Coastal Development Permit No. CA-10-02 and sets on-street parking meter rates at \$1.25 per hour within

the appealable area of the coastal zone and authorizes new parking meters (with two-hour limits) to be installed at four on-street parking spaces on 12<sup>th</sup> Street west of Manhattan Avenue [See Exhibit #2.]. The parking meter fees for the pier and beach parking lots remain unchanged at \$1.50 per hour.

It should be noted that parking meter fee increase that the City Council approved within the appealable area of the coastal zone simply re-sets the rate at \$1.25 per hour; the same rate that the City previously approved in 2008 and which the Commission upheld on appeal on January 7, 2009 when it rejected Mr. Victor's prior appeal [Appeal Case A-5-MNB-08-306]. Local Coastal Development Permit No. CA-10-02 does not approve any changes to the parking fees or to the amount of time that a vehicle may occupy a public parking stall within the pier and beach parking lots. No changes were made to the City's parking permit program within the appealable area of the coastal zone. The actions by the City Council were not appealable at the local level.

On February 22, 2010 the Commission's South Coast District office in Long Beach received the City's Notice of Final Local Action for Local Coastal Development Permit No. CA-10-02. The Commission's ten working day appeal period was then established and noticed. The Commission's South Coast District office received the appeal from William Victor on March 4, 2010. No other appeals were received.



### **III. APPEAL PROCEDURES**

After certification of Local Coastal Programs (LCP), 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 appealable areas, such as 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 [Coastal Act Section 30603(a)]. In addition, an action taken by a local government on a coastal development permit application may be appealed to the Commission if the development constitutes a "major public works project" or a "major energy facility" [Coastal Act Section 30603(a)(5)].

The City of Manhattan Beach LCP was certified on May 12, 1994. In Manhattan Beach, the inland boundary of the appealable area of the City's coastal zone, located three hundred feet from the inland extent of the beach, has been mapped within the Manhattan Avenue right-of-way (Exhibit #1). The parking management changes approved by Local Coastal Development Permit No. CA-10-02 are limited to the on-street parking spaces located within the appealable area of the coastal zone.

Section 30603 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 greater distance.

(2) Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.

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. Sections 30621 and 30625(b)(2) of the Coastal Act require a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal.

Commission staff recommends a finding of no substantial issue. If the Commission decides that the appellant's contentions raise no substantial issue as to conformity with Chapter 3 of the Coastal Act, the action of the local government stands.

Alternatively, if the Commission finds that a substantial issue exists with respect to the conformity of the action of the local government with the standards set forth in the certified LCP or the public access policies of the Coastal Act, the local coastal development permit is voided and the Commission will conduct a de novo review of the permit at a later date. [Cal. Pub. Res. Code §§ 30621 and 30625.] Section 13115(b) of the Coastal Commission regulations specifies that de novo actions will be heard according to the procedures outlined in Sections 13114 and 13057-13096 of the Commission's regulations.

If there is no motion from the Commission to find no substantial issue, it will be presumed that the appeal raises a substantial issue and the Commission will schedule the de novo phase of the public hearing on the merits of the application at a subsequent Commission hearing. A de novo public hearing on the merits of the application 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 an approved application is consistent with the public access and recreation policies of the Coastal Act. Sections 13110-13120 of Title 14 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 the grounds for the appeal raise no substantial issue.

#### **IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE**

The staff recommends that the Commission determine that **no substantial issue exists** with respect to the grounds for the appeal regarding 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).

Staff recommends a **YES** vote on the following motion:

**MOTION:** *"I move that the Commission determine that Appeal No. A-5-MNB-10-054 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.

#### **Resolution to Find No Substantial Issue for Appeal A-5-MNB-10-054**

The Commission hereby finds that Appeal No. A-5-MNB-10-054 raises no substantial issue regarding consistency with the Certified Local Coastal Plan and/or the public access policies of the Coastal Act.

#### **V. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

##### **A. Project Description**

On February 16, 2010, after a public hearing, the Manhattan Beach City Council adopted City Council Resolution No. 6244 and approved with conditions Local Coastal Development Permit No. CA-10-02 for the updated Downtown Coastal Zone Parking Management Program within the appealable area of the coastal zone. (Exhibit #2). The approval sets on-street parking meter rates at \$1.25 per hour and authorizes new parking meters to be installed at four on-street parking spaces on 12<sup>th</sup> Street west of Manhattan Avenue. Local Coastal Development Permit No. CA-10-02 does not approve any changes to the rates or management of the pier and beach parking lots, or any changes to the City's parking permit program within the appealable area of the coastal zone. Also, no changes were adopted that would result in a reduction to the amount of time that a vehicle may occupy a public parking stall within the appealable area of the coastal zone, except at the four spaces on 12<sup>th</sup> Street where the parking meters (with two-hour limits) were approved.

The City-approved changes to the public parking supplies located inland of the coastal zone appealable area are not included in Local Coastal Development Permit No. CA-10-02. The parking management changes for the non-appealable area of the coastal zone were approved by Local Coastal Development Permit No. CA-10-03, which is not the subject of this appeal.

**B. 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.

Chapter 3 of the Coastal Act contains the following public access policies:

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 of the Coastal Act states:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) Adequate access exists nearby, or, (3) Agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

(b) For purposes of this section, "new development" does not include:

(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.

(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.



(5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.

As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

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, in part:

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

Section 30214 of the Coastal Act states:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

The certified City of Manhattan Beach LCP sets forth the following parking policies:

- 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.2:** The City shall maximize the opportunities for using available parking for weekend beach use.
- 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.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.
- 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.
- 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.
- 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.
- 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.
- 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). Any change in the parking fee system shall not reduce existing public access opportunities, and shall require a coastal development permit.

- POLICY I.C.10:** Concentrate new parking in the Downtown Commercial District to facilitate joint use opportunities (office and weekend beach parking uses).
- 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.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.
- POLICY I.C.13:** Require off-street parking for the Highland commercial strip where feasible.
- POLICY I.C.14:** Work toward an attendant supervised pay/City controlled parking program for The Strand parking lot at El Porto.
- 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.
- 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.

The appellant asserts that the City-approved on-street parking rate of \$1.25 per hour will adversely affect public access by making a visit to the beach unaffordable for lower income families and unemployed persons. The City-approved parking rate of \$1.25 per hour is the same rate that the City previously approved in 2008 and the Commission upheld on appeal on January 7, 2009 when it rejected Mr. Victor's prior appeal [Appeal Case A-5-MNB-08-306]. Local Coastal Development Permit No. CA-10-02 does not approve any parking rate increase for the pier and beach parking lots (\$1.50 per hour), or any reduction to the amount of time that a vehicle may occupy a parking stall within a pier or beach parking lot.

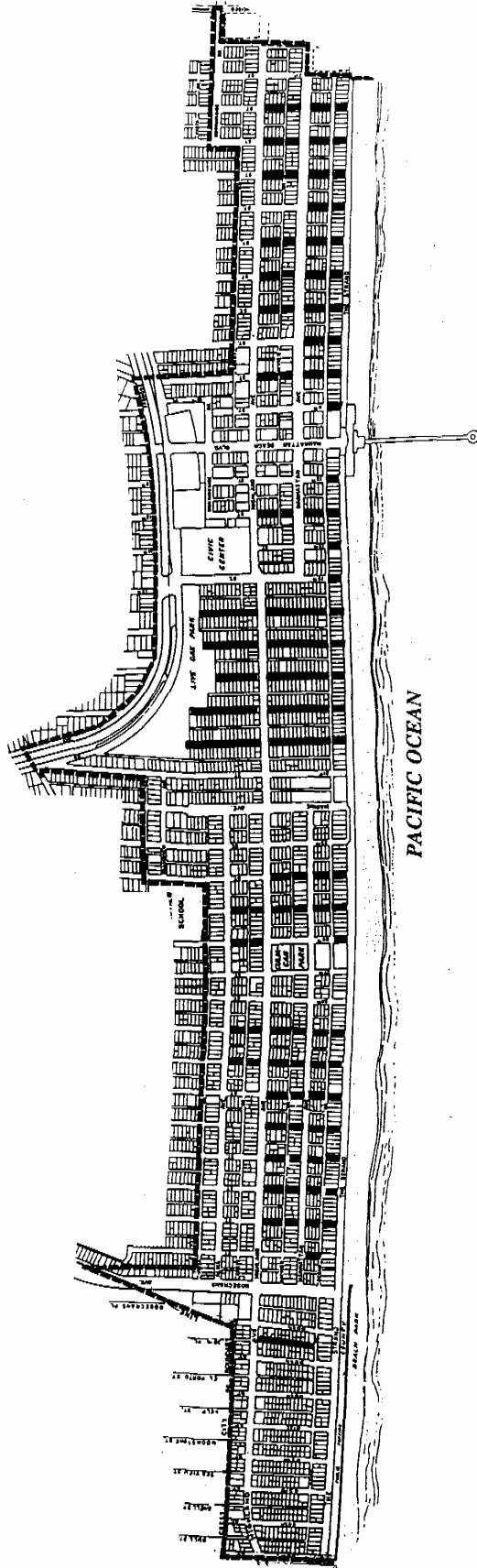
The City-approved parking meter fees, in this case, do not violate the public access provisions of Chapter 3 of the Coastal Act. The Manhattan Beach LCP and the public access policies of the Coastal Act do not expressly address the price of parking. Most of the free parking near the beach in Los Angeles County was phased out many years ago. Excessive parking rates could discourage public access, but the rates approved by the City in this case are consistent with the rates charged in other nearby coastal cities. The rate for public metered parking in the City of Long Beach coastal zone is three dollars per hour. Other cities, like Santa Monica, charge one dollar per hour for metered parking. Bolsa Chica State Beach charges a flat \$15 entrance fee per vehicle. Therefore, the City of Manhattan Beach on-street parking meter fees (\$1.25 per hour) are within the current range of fees being charged in Los Angeles County.

The City was correct in finding that the local coastal development permit conforms with the policies set forth by the certified City of Manhattan Beach LCP (Exhibit #2 - City Resolution No. 6244). In a prior appeal case (Appeal A-5-MNB-08-306), the Commission determined that \$1.25 per hour for parking in Manhattan Beach is not significant enough to merit a substantial issue finding because it will not have a significant adverse impact on public access and use of the public parking facilities. The City-approved parking meter fees in this case do not raise a substantial issue regarding consistency with the public access policies of the Coastal Act or the policies of the certified LCP.

The installation of parking meters at four existing on-street parking spaces in front of commercial uses will not have a significant adverse impact on public access and use of the public parking facilities, and also does not raise a substantial issue regarding consistency with the public access policies of the Coastal Act or the policies of the certified LCP. The certified City of Manhattan Beach LCP does not prohibit the installation of parking meters, but does encourage the active management of public parking resources. Metered parking stalls and pay parking lots are the norm in the Los Angeles County coastal zone. Generally, the Commission recognizes that pay parking does not inherently violate the public access policies of the Coastal Act. The Commission does, however, recognize that rates for pay parking may exceed a reasonable amount and have an adverse impact on public access. The pay parking rate for this area (\$1.25 per hour) is well within a reasonable amount relative to the surrounding coastal areas. Therefore, the installation of the approved parking meters will not adversely impact public access to the coast.

The appellant has also vaguely alluded to other changes to the way that the City is managing its public parking resources, including reductions to the amount of time that a vehicle may occupy parking spaces. Local Coastal Development Permit No. CA-10-02, which is the subject of this appeal, does not approve any changes to the City's parking management other than the on-street parking meter rate of \$1.25 per hour and the installation of parking meters at four existing on-street parking spaces. Parking will be limited to two-hours at the four spaces on 12<sup>th</sup> Street in front of commercial uses where the parking meters were approved. The purpose of the new two-hour limit on the four on-street parking spaces is to encourage turnover and to prohibit long-term occupation of the spaces by local residents and others. Two-hour parking limits can discourage use of the parking spaces by some beachgoers because most beach trips last more than two hours. In this case, however, the change applies only to four parking spaces, and the turnover generated by the time limits may also allow more coastal visitors to use spaces (as opposed to local residents occupying the spaces all day). The City states that there are more than three hundred parking spaces within four blocks of the beach where parking is allowed for at least ten hours: Lot 3 - ten hour limit; Lot 7 - unlimited; Lot 8 - ten hours free; and Metlox - ten hour limit. The pier lots allow up to five hours parking. Therefore, the local action will not have a significant adverse impact on public access and does not raise a substantial issue in regards to the to the public access policies of the Coastal Act or the policies of the certified LCP.

The appeal does not raise a substantial issue in regards to the public access policies of the Coastal Act or the policies of the certified LCP. Therefore, the Commission finds that no substantial issue exists with respect to the City's approval of Local Coastal Development Permit No. CA-10-02.



Map III-2  
Coastal Access  
City of Manhattan Beach Local Coastal Plan

Source: City of Manhattan Beach, 1994

Legend  
--- Coastal Zone Boundaries  
— Walk Streets



Scale



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

**NOTICE OF FINAL GOVERNMENT ACTION** **RECEIVED**  
South Coast Region

February 19, 2010

FEB 22 2010

California Coastal Commission  
South Coast Area  
200 Oceangate, 10<sup>th</sup> Floor  
Long Beach CA 90802

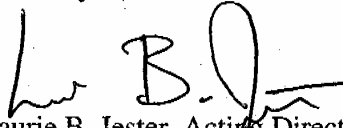
CALIFORNIA  
COASTAL COMMISSION

**Re: Coastal Development Permit to Adopt Downtown Coastal Zone Parking Management Program, Including Modifications to Public Parking Meter Rates and Related Parking Revisions Within the Appealable Portion of the City's Coastal Zone (CA 10-02)**

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 (February 16, 2010) on the above referenced project. At this hearing the Council voted 4-0 to approve the Coastal Development Permit. This approval is the City's final action for the project. Pursuant to section A.96.100 (H) of the City's LCP, the City's action shall establish a ten (10) working day appeal period to the Coastal Commission commencing upon receipt of the Notice of Final Action by the Coastal Commission.

Attached is a copy of Resolution No. 6244 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 Eric Haaland, Associate Planner at (310) 802-5511.

Sincerely,

  
Laurie B. Jester, Acting Director  
Department of Community Development

Attachment: Resolution No. 6244

**COASTAL COMMISSION**  
**AS-MNB-10-054**

EXHIBIT # 2  
PAGE 1 OF 6

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RESOLUTION NO. 6244

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH APPROVING A COASTAL DEVELOPMENT PERMIT ADOPTING THE DOWNTOWN COASTAL ZONE PARKING MANAGEMENT PROGRAM, INCLUDING MODIFICATIONS TO PUBLIC PARKING METER RATES AND RELATED PARKING REVISIONS WITHIN THE APPEALABLE PORTION OF THE CITY'S COASTAL ZONE - CA 10-02 (City of Manhattan Beach)

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council of the City of Manhattan Beach, California, hereby makes the following findings:

- A. The City of Manhattan Beach has proposed citywide modifications to the public parking meter rates and other parking modifications in the City of Manhattan Beach.
- B. On February 19, 2008, the City Council reviewed the 2008 Downtown Parking Management Plan Draft report, and discussed its finding at a study session.
- C. March 18, 2008, the City Council finalized the list of strategies and recommendations and forwarded the Downtown Parking Management Plan report to the Parking and Public Improvements Commission.
- D. On March 25, 2008, the City Council and the Parking and Public Improvements Commission held a joint meeting to clarify the specific measures to be implemented, and the City Council directed staff to review the study findings with the Parking and Public Improvements Commission for additional hearings and implementation.
- E. The Parking and Public Improvements Commission held public hearings on May 22, 2008, June 26, 2008, and September 25, 2008 to discuss the recommended parking management strategies within the Downtown Parking Program.
- F. On October 21, 2008, the City Council directed that the Downtown Parking Program be implemented on a trial basis.
- G. On November 19, 2009, the Parking and Public Improvements Commission held a public hearing to discuss the implementation of the trial period and revisions to the Parking Management Program.
- H. The implementation of the Downtown Parking Management Program on a permanent basis requires approval of a Coastal Development Permit.
- I. On June 3, 2008, Resolution No. 6145 was approved and adopted raising the fee for public parking by twenty-five cents per hour resulting in seventy-five cents per hour for lots and \$1.00 per hour for streets.
- J. On October 21, 2008, Resolution No. 6161 was approved and adopted raising the fee for public parking meters by twenty-five cents per hour resulting in \$1.25 per hour for streets, and by fifty cents per hour resulting in \$1.50 per hour for pier and beach parking lots.
- K. By minute action on May 19, 2009, City Council ratified the action taken at the May 5, 2009 City Council Meeting for a temporary reduction in on-street parking meter rates to seventy-five cents per hour.
- L. The proposed project includes raising the fee for public parking meters by fifty cents per hour resulting in \$1.25 per hour for streets citywide.



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City Clerk of  
the City of  
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COASTAL COMMISSION  
AS-MNB-10-054

EXHIBIT # 2  
PAGE 2 OF 6

- M. The subject Downtown Parking Management Program is applicable in the appealable area of the City of Manhattan Beach Coastal Zone. In accordance with the Manhattan Beach Local Coastal Program (MBLCP), Coastal Development Permit approval is required for this portion of the project, which is appealable to the California Coastal Commission.
- N. The proposed Downtown Parking Program establishes public parking locations, public parking fees, public parking time limits, parking permit allocation, and parking signage. The proposed plan maintains original public parking quantities and qualities as operated by the City of Manhattan Beach prior to the above-mentioned trial period in consistency with the provisions of the City's certified Local Coastal Program with notable changes pertaining to the appealable portion of the Coastal Zone, including: parking meter rates of \$1.25 per hour, and new parking meters located on 12<sup>th</sup> Street west of Manhattan Avenue.
- M. The project is consistent with the City's General Plan and Local Coastal Program (LCP), including specifically the General Plan Goals and Policies, LCP Coastal Access Policies, LCP Coastal Locating and Planning New Development Policies, and LCP Section A.64.230: Parking Program requirements stated below.

**GENERAL PLAN****GOALS AND POLICIES: LAND USE**

GOAL 7: CONTINUE TO SUPPORT AND ENCOURAGE THE VIABILITY OF THE "DOWNTOWN" AREA OF MANHATTAN BEACH.

Policy 2.3: Protect public access to and enjoyment of the beach while respecting the privacy of beach residents.

**GOALS AND POLICIES: INFRASTRUCTURE ELEMENT**

GOAL 1-3: ENSURE THAT ADEQUATE PARKING AND LOADING FACILITIES ARE AVAILABLE TO SUPPORT RESIDENTIAL AND COMMERCIAL NEEDS.

Policy 1-3-1: Review the existing Downtown Parking Management Program recommendations, re-evaluate parking and loading demands, and develop and implement a comprehensive program, including revised regulations as appropriate, to address parking issues.

Policy 1-3.2: Explore opportunities for creating peripheral parking lots to serve the Downtown and North End.

Policy 1-3.3: Periodically evaluate the adequacy of parking standards in light of vehicle ownership patterns and vehicle sizes in the City.

Policy 1-3.5: Encourage joint-use and off-site parking where appropriate.

Policy 1-3.9: Work to retain on-street parking in the Beach Area, particularly on Highland Ave.

Policy 1-3.10: Continue to work with businesses and public agencies to coordinate parking strategies.

GOAL 1-4: PROTECT RESIDENTIAL NEIGHBORHOODS FROM THE ADVERSE IMPACTS OF TRAFFIC AND PARKING OF ADJACENT NON-RESIDENTIAL USES.

Policy 1-4.1: Review on-street parking in neighborhoods adjacent to commercial areas where neighbors have requested such review, and develop parking and traffic control plans for those neighborhoods which are or which could potentially be adversely impacted by spillover parking and traffic.



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**COASTAL COMMISSION**

EXHIBIT # 2  
PAGE 3 OF 6



Policy I-4.3: Encourage provision of on-site parking for employees.

Policy I-4.4: Ensure that required paring and loading spaces are available and maintained for parking.

### COASTAL ACCESS POLICIES

#### A. Access 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.

#### B. Transit Policies

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

#### C. Parking Policies

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

**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).

**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.

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

### COASTAL LOCATING AND PLANNING NEW DEVELOPMENT POLICIES

#### A. Commercial Development

**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.

### LCP COASTAL ZONE PARKING MANAGEMENT PROGRAM REQUIREMENTS

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.

**COASTAL COMMISSION**

EXHIBIT # 2  
PAGE 4 OF 6



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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.
- N. The applicant and property owner is the City of Manhattan Beach.
- O. The City Council of the City of Manhattan Beach conducted a noticed public hearing regarding the project at their regular scheduled meeting of February 16, 2010. The public hearing was advertised pursuant to applicable law and testimony was invited and received. All decisions set forth in this resolution are based upon substantial evidence received at said public meeting.
- P. The proposal is exempt from the requirements of the California Environmental Quality Act (CEQA) due to determination that it has no potential for having a significant effect on the environment, per CEQA Guidelines Section 15061(b)(3).
- Q. The subject locations are located within Area Districts III & IV, and are zoned Downtown Commercial, Open Space, and Public and Semi-public. The surrounding properties are generally also zoned the same as the parking meter locations, or are residentially zoned. The General Plan designations for the subject locations all correspond to the zoning designations.
- R. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- S. This Resolution, upon its effectiveness, constitutes the Coastal Development Permit for the subject Coastal Zone Downtown Parking Management Plan, including the stated parking meter rate changes and related parking revisions for the appealable portion (west of Manhattan Avenue centerline). Resolution No. 6245 upon its effectiveness, and Coastal Development Permit No. A5-MNB-02-257, shall constitute Coastal Development Permits for the non-appealable portion of the Coastal Zone, and the Metlox Development, respectively.

**SECTION 2.** The City Council of the City of Manhattan Beach hereby APPROVES the subject Coastal Development Permit as follows, and subject to the following conditions:

**Special Conditions**

1. Fees for public parking meters shall not exceed \$1.25 per hour for streets.
2. Fees for pier parking lots shall not be increased.

**General Conditions**

1. The proposed project shall be in substantial conformance with the project description, as approved by the City Council on February 16, 2010, subject to any special conditions set forth below. Any substantial deviation from the approved project description must be reviewed and approved by the City Council.
2. Effective Date. The subject Coastal Development Permit shall become effective after expiration of the time limits established by Manhattan Beach Municipal Code and Local Coastal Program.



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**COASTAL COMMISSION**

EXHIBIT # 2  
PAGE 5 OF 6

4. Fish and Game. Pursuant to Public Resources Code Section 21089 (b) and Fish and Game Code Section 711.4 (c), the project is not operative, vested, or final until the required filing fees are paid.
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.
6. Review. All provisions of the Coastal Development Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter. At any time in the future, the City Council may review the Coastal Development Permit for the purposes of revocation or modification. Modification may consist of conditions deemed reasonable to mitigate or alleviate impacts to adjacent land uses.
7. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the City Council.
8. Inspections. The Community Development Department staff shall be allowed to inspect the site and the development during construction at any time.
9. Assignment. Pursuant to Section A.96.220 of the City's certified Local Coastal Program (Implementation Program), the Coastal Development Permit may be assigned to any qualified persons subject to submittal of the following information to the Director of Community Development.

**SECTION 3.** Pursuant to Government Code Section 65009 and Code of Civil Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution.

**SECTION 4.** This resolution shall take effect immediately upon completion of applicable California Coastal Commission appeal periods or procedures.

**SECTION 5.** The City Clerk shall certify to the adoption of this resolution; enter it into the original records of the City and thenceforth and thereafter the same shall be in full force and effect.

**SECTION 6.** The City Clerk shall make this Resolution reasonably available for public inspection within thirty (30) days of the date this Resolution is adopted.

PASSED, APPROVED AND ADOPTED this 16<sup>th</sup> day of February 2010.

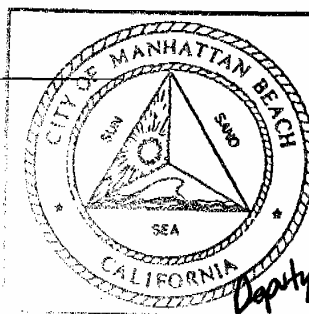
Ayes:	Tell, Powell, Cohen, Montgomery and Mayor Ward.
Noes:	None.
Abstain:	None.
Absent:	None.

/s/ Mitch Ward **COASTAL COMMISSION**  
Mayor, City of Manhattan Beach, California

EXHIBIT # 2  
PAGE 6 OF 6

ATTEST:

/s/ Liza Tamura  
City Clerk



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

[Signature]  
City Clerk of the City of  
Manhattan Beach, California

## CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE

200 OCEANGATE, 10<sup>TH</sup> FLOOR

LONG BEACH, CA 90802-4416

VOICE (562) 590-5071 FAX (562) 590-5084

MAR 04 2010

CALIFORNIA  
COASTAL COMMISSION

## APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: William Victor

Mailing Address: POB 241072

City: Los Angeles,

Zip Code: 90024

Phone: 516-670-2590

SECTION II. Decision Being Appealed

- Name of local/port government: City of Manhattan Beach
- Brief description of development being appealed:  
MODIFICATIONS of Parking Meter Rates  
and Related Parking Revenues within Appealable  
Area Portion of the City's Coastal Zone.
- Development's location (street address, assessor's parcel no., cross street, etc.):  
West of Center Line of Manhattan Beach  
in what is called the Downtown as set forth in Resolution  
No 6244 which Resolution was adopted Monday, February 22, 2010
- Description of decision being appealed (check one):  
☐ Approval; no special conditions } either one or the other  
☐ Approval with special conditions: CA/10-02  
☐ 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-10-054

DATE FILED: March 4, 2010

COASTAL COMMISSION

DISTRICT: South Coast

EXHIBIT # 3

PAGE 1 OF 2

## APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

### SECTION IV. Reasons Supporting This Appeal

#### **PLEASE 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.
- 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.)
- This 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.

The decision to raise parking rates in the Coastal zone restricts access especially in view of the economic situation in Southern California.

I reserve the right to supplement this appeal prior to the date of hearing and if possible at the hearing.

This action restricts access of the recreational resource community the increase of the meter rates and the preference given to certain parking limits available parking to those desirous of utilizing the recreational resources.

COASTAL COMMISSION  
AS-MNB-10-054

EXHIBIT # 3  
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