

CITY OF MANHATTAN BEACH
PARKING AND PUBLIC IMPROVEMENTS COMMISSION
EXCERPT OF MINUTES OF A REGULAR MEETING
DECEMBER 6, 2012

E. GENERAL BUSINESS

12/6/12-2 Administrative Appeal to Remove and/or Relocate One (1) On-Street Public Parking Space Adjacent to 217 4th Place

Chair Adami introduced the item.

Management Analyst Madrid gave the presentation. She began by showing an aerial map of 217 4th Place and the surrounding neighborhood. She explained that due to the recent slurry seal project, the parking T's have not been replaced due to this pending appeal. She then provided the background information on the appellant, Ms. Mary Anderson's request to remove and/or relocate the parking space adjacent to her property at 217 4th Place. Staff reviewed the request with the Traffic Engineer and Director of Community Development and did not find valid justification for removing or relocating the public on-street parking space adjacent to 217 4th Place. Both requests were denied. On October 19, 2012, Ms. Anderson filed an Appeal of an Administrative Action to the Parking and Public Improvements Commission. She is appealing staff's evaluation denying the removal and/or relocation of the subject parking space adjacent to her property.

Commissioner Stabile asked if the parking space was installed through a request from a resident and what are considered valid reasons for removing parking.

Management Analyst Madrid responded that there was not a request in the project file, that the traffic engineer at the time made the decision to install the parking space and valid reasons for removing parking include safety concerns or impeding emergency vehicle access.

Management Analyst Madrid continued her presentation and explained that staff suggested Ms. Anderson to circulate a petition to see if she could get support from her neighbors to remove and/or relocate the parking space. Ms. Anderson received 14 supportive signatures from surrounding neighbors, however, only eight of those were within the petition area directly surrounding her property.

Management Analyst provided staff's recommendation to uphold the decision of

the Director of Community Development and deny the request to remove and/or relocate one (1) on-street public parking space adjacent to 217 4th Place. In addition, staff also provided the Commission three alternatives to consider, including:

1. Relocate the subject parking space to the south side of 4th Place directly adjacent to 400 Bayview Drive. This recommendation would require the parking prohibitions to be reversed on 4th Place to “NO PARKING THIS SIDE” on the north side and “NO PARKING OPPOSITE GARAGES AND/OR CARPORTS” on the south side, which may impact parking for all properties contiguous to 4th Place, and would be inconsistent with alley parking on east/west streets throughout the City.
2. Removing the only legal parking space on 4th Place. This recommendation would change the parking prohibitions on the entire 200 block of 4th Place to “NO PARKING ON THISE STREET” since no other legal parking spaces on 4th Place would remain.
3. Maintaining and relocating the existing parking space westerly a small amount and install red striping in front of the walkway to 217 4th Place to better facilitate access to the property. This will not affect any parking prohibitions on 4th Place.

Management Analyst Madrid also shared that surrounding homes within 500 ft. of the appeal location were noticed of tonight’s Administrative Appeal and the staff report includes the appellant’s Application of Appeal of Administrative Action with attachments, the mailed public notice with vicinity map and public comments.

Commissioner Fournier clarified that Commissioner Stabile was asking for the history of the parking space; if the space existed prior to 2004; the criteria that was used to create the parking space; and if it was a staff decision to install the parking space.

Chair Adami asked if the parking space is a standard sized space or a compact car parking space.

Management Analyst Madrid stated that before the street was slurried, it was an 18 foot space.

Traffic Engineer Rydell confirmed that 18 feet is the common length for a parking space.

Commissioner Silverman asked if the issue staff had with relocating the parking spot was directly related to the cost of replacing the signage.

Management Analyst Madrid responded no.

Commissioner Silverman asked how much signage would need to be changed if the parking space was removed and if it would be difficult to do.

Management Analyst Madrid explained removing the parking space would not be difficult from the City's standpoint because only a few signs would need to be changed out, but that eliminating the parking space would create a situation where occupants on the 400 block of 4th Place would no longer be able to park across their own garage on 4th Place as several do now, since no parking would be allowed on the entire segment of 4th Place.

Commissioner Silverman asked for clarification and if the informal arrangement would be voided.

Management Analyst Madrid explained that some occupants on 4th Place park their vehicles across their own garage/carport even though it may be parked opposite their neighbor's garage/carport. Although this is prohibited, the occupants have an informal arrangement with their neighbors which allow them to park in this manner because enforcement is a complaint driven process. This informal arrangement works for the neighborhood and is seen all throughout the City. If the parking space was removed, effectively banning parking on the entire street, the informal arrangement would no longer be allowed on 4th Place.

Commissioner Fournier asked Management Analyst Madrid if there are any other exceptions in the Sand Section that would be comparable to the current situation.

Management Analyst Madrid responded to her knowledge, there are no other similar exceptions.

Chair Adami stated that parking in alleys in the City of Westwood automatically gets you a parking ticket.

Commissioner Silverman stated that Manhattan Beach Police Department only tickets alley parking on a complaint basis.

Chair Adami iterated his question was in terms of state law, is it illegal to park in all alleys?

Commissioner Nicholson further explained that in this situation the Police Department has decided to be selective and not enforce "NO PARKING OPPOSITE GARAGES AND/OR CARPORTS" rules since it is a complaint driven process.

Commissioner Silverman asked if there is a sidewalk between the house and the parking space.

Management Analyst Madrid explained there are no sidewalks in alleys.

Management Analyst Madrid introduced the appellants, Mr. Peter Goodwin and Ms. Mary Anderson, who gave their presentation.

Mr. Goodwin's presentation hit upon a few points the homeowner's deemed important including: the lack of a walkway. Mr. Goodwin explained they do not have the benefit of a sidewalk and it is a unique parking space that is located at a T intersection. Drivers must complete a tight turn and those using the parking space hit and scrape the wall. Unfortunately, no one has taken responsibility and it continues to happen. He explained they have spent nearly \$2,500 in repair costs on the planter wall. He then shared that staff continues to state there is a set pattern in regards to parking on east/west streets in the Sand Section even though Homer Place, 8th Place and 2nd Place do not follow the pattern. He stated that staff states that the parking space partially encroaches in the walkway which provides access to the home. The design of the home did not include a parking space in front of the home. When his townhome was constructed, that private parking was increased from four parking spaces on the property to six parking spaces on the property. That the parking space was installed without notification or provocation from the neighbors. And removing and/or relocating the parking space required one or two signs to be changed. Mr. Goodwin explained he was not able to find an example of a parking space directly in front of a home similar to his and feels as though they are being treated differently.

Mr. Goodwin cited three different parts of the Municipal Code that he believes apply to his situation:

- *Authority to install traffic control devices 14.12.010 Section B, "traffic control devices be installed to give notice to the public of the application of such law..."*
The appellants know of no such notification.
- *Residential Districts – Specific Purposes 10.12.010 Section B, "ensure adequate light, air, privacy, and open space for each dwelling..."*
The appellants state that the parking space restricts access to their required open space.
- *Driveway – Visibility 10.64.150*
The appellants state that the parking space is three feet from 221 4th Place's carport driveway.

He agrees that parking is at a premium in the City and considers how this parking spot came to be directly in front of their home. He concluded by stating they have yet to experience open and transparent government.

Commissioner Silverman asked when the townhomes were built.

Commissioner Stabile responded; the townhomes were built in 2006.

Ms. Anderson clarified the townhomes were built in 2004; the Anderson's purchased the property in 2006. The parking space was installed after the home was built during the original escrow in 2004.

Commissioner Silverman asked why the Anderson's feel the parking space should be removed since it was already installed when they purchased the property in 2006.

Ms. Anderson responded that when they purchased the property, they did not understand the damage the parking space would cause; she explained it has been an ongoing issue for the last seven years.

Chair Adami stated the Anderson's have not previously complained to the City regarding property damage and asked why.

Ms. Anderson explained they believed people would take responsibility for the damage that was caused and they were patient.

Commissioner Nicholson asked for clarification of the relationship between cars and the wall.

Ms. Anderson explained that the parking space is adjacent to their planter wall and vehicles parking in the space are facing west on 4th Place; that the most common way off of 4th Place is a hard right turn onto Bayview Drive.

Commissioner Fournier asked if the damage to the wall is attributed the car parked in the space.

Commissioner Nicholson asked if there is a relationship between being parked in the space, turning right, and causing damage.

Ms. Anderson explained the damage occurs when there is a car parked in the space and is turning right and hits the planter wall. When this occurs, the impact can be felt on the third level of their home. She also explained they have witnessed it happen on three occasions in the last three or four years.

Commissioner Silverman asked if there would be a downside if the parking space was relocated to the south side of 4th Place.

Ms. Anderson explained that was an option they recommended the City to consider when their first request to remove the parking space was denied by staff.

Commissioner Fournier asked if the home builder knew there was a parking space there when he designed the townhome.

Robin Michael, the builder and occupant of the adjacent townhome explained when the Certificate of Occupancy was issued; the City immediately installed the parking space. He shared his belief that the parking space is a hazard and explained his son received a ticket because his vehicle was blocking emergency vehicle access.

Commissioner Nicholson asked Mr. Michael what the corner looked like before the rebuild and if there was a cinderblock wall.

Mr. Michael explained the garages were facing Bayview Drive before the rebuild but there was a cinderblock wall in the same place.

Commissioner Fournier asked if Mr. Michael currently lives in the townhouse next door.

Mr. Michael answered in the affirmative.

Commissioner Stabile asked for clarification from staff regarding the accusation the appellants made regarding the lack of consistency with east/west street signage.

Management Analyst Madrid explained she mapped all of the east/west numbered "Place" streets in the Sand Section using the City's GIS software, and determined they are consistent with "No Parking this Side" on the south side and "No Parking Opposite Garages/Carports" on the north side, and some segments do not allow parking on either side of the street.

Commissioner Fournier asked the Anderson's for their main objective for their request.

Ms. Anderson explained that moving the parking space westerly does not address the issue of vehicles encroaching in their walkway and therefore, they asked the parking space be relocated to the south side of the street or eliminated all together.

Commissioner Stabile pointed out the photos provided by the appellants are inconsistent with Management Analyst Madrid's information.

Management Analyst Madrid responded that Homer Place is the City boundary line; the north side of the street is consistent with current City parking prohibitions while the south side of the street is in the City of Hermosa Beach. The 8th Place at Bayview picture, the No Parking on the south side is consistent, and the sign for the north side is not visible in the picture provided by the appellants.

Audience Participation

Jacob (no last name provided), stated that he is the owner of the silver truck shown in several of the photos provided by the appellant, apologized for blocking the

Anderson's walkway and explained originally the cinderblock wall went to the end of the property. He has been parking in the said parking space for the last 15 years and has never hit the wall or the telephone pole.

Commission Fournier asked if Jacob had some history regarding the parking space.

Jacob explained that he has been using that parking space for as long as he's lived there which has been for the last 15 years. At some point the parking space was painted over to prohibit parking, and in 2004 the parking T's were reinstalled to allow for parking again.

James Horner stated he does not understand why this one space is so important. It will make a difference to homeowner's enjoyment of their property and supports the Anderson's request that the parking space be removed.

Commission Discussion

Commissioner Stabile asked if the picture of 2nd Place at Ocean Drive was accurate, meaning the No Parking on the north side of the street. He indicated his inclination towards relocation of the parking space and explained the three arguments against relocation:

- 1- Inconsistent with other alley streets. It's a value but not the only value in issue here and not necessarily the most important value. He shared his belief the consistency is overridden by other considerations.
- 2- Might be easier to park on the other side of the street.
- 3- Requires changes in signage. Parking on the other side of the street doesn't hurt anyone; He favored relocating the parking space to the south side of the street. If that is deemed invalid. He would be inclined to remove the parking space; relocate or move.

Management Analyst Madrid stated that the 2nd Place at Ocean Drive picture provided does not show the sign for the south side, and the sign on the north side states "No Parking Within 25 Feet".

Commissioner Silverman shared his concern regarding the consistent property damage and suggested relocating the parking space might have an impact but would not impede anyone's entrance to their home. He expressed concern with losing parking.

Commissioner Nicholson shared he would prefer to move the parking space across the street. He wanted to honor the appellants request to keep parking, therefore, was leaning toward the third recommendation.

Commissioner Fournier iterated his concern is consistency; he believes consistency is important and expressed his concern that the appellants were not interested in moving the parking space west and shared his support for staff's recommendation.

Chair Adami thanked everyone for their participation and commented that the issue of parking in the Sand Section is very important; he voiced his opposition to relocating the parking space across the street and suggested removal.

MOTION: Commissioner Nicholson moved to recommend to the City Council to relocate the parking place across the street, as specified in the first alternative recommendation. Commissioner Nicholson clarified relocating the parking space would not have adverse effects on the neighborhood. The motion was seconded by Commissioner Stabile.

Traffic Engineer Rydell shared his belief that by relocating the parking space across its current location, that the majority of traffic would be coming from Highland Avenue westbound on 4th Place, therefore, relocating the parking space would possibly cause vehicles parking in the wrong direction. He also commented that relocating the parking space to the south side of 4th Place does not mitigate the possible damage to the wall; vehicles making a right turn from 4th Place to Bayview Drive would actually be closer to the wall when making that turn and may continue to cause damage to the planter wall.

Chair Adami reiterated that relocation would create more problems and removing the parking space is the right decision.

Ayes: Nicholson and Stabile.

Noes: Chair Adami, Silverman, and Fournier.

Abstain: None.

Absent: None.

MOTION: Chair Adami moved to recommend to the City Council to remove the parking space as specified in the second alternative recommendation. The motion was seconded by Commissioner Stabile.

Commissioner Nicholson stated the third alternative recommendation was the best option.

Ayes: Chair Adami and Stabile.

Noes: Nicholson, Silverman, and Fournier.

Abstain: None.

Absent: None.

MOTION: Commissioner Silverman moved to recommend to the City Council to relocate the parking space a small amount westerly as specified in the third alternative recommendation. The motion was seconded by Commissioner Fournier.

Commissioner Stabile commented the motion fails to address degradation of homeowner's quality of life issues and safety.

Commissioner Silverman explained he did not see an issue with quality of life or blocking sunlight issues because their living space is on the third floor.

Commissioner Nicholson reiterated that the homeowner's purchased the property with the current parking in place and does not know the extent of the relationship between the parking spot and damage.

Ayes: Silverman, Nicholson and Fournier.

Noes: Chair Adami and Stabile.

Abstain: None.

Absent: None.

Management Analyst Madrid explained to the appellants that the PPIC's recommendation will go to City Council most likely at the second meeting in January 2013 because the first meeting in January is dark.