

Chapter 9.72 STREET IMPROVEMENTS

(Proposed Code Changes in Red)

9.72.010 Driveways, sidewalks, curbs, gutters and paving.

No building or structure shall be constructed or erected, nor shall any improvements or replacements be made upon any property abutting a public right-of-way which would result in the alteration or addition of more than fifty (50%) percent of the value of the existing structure, as determined by Section 202 of the California Building Code and Section R202 of the California Residential Code, unless the plans and specifications of all driveways, driveway aprons, sidewalks, curbs, gutters, curb ramps, **public parking pads** and street paving to be built in the public right-of-way abutting such lot or parcel of property are filed with and approved by the Department of Public Works, and unless all necessary driveways, driveway aprons, sidewalks, curbs, gutters, **public parking pads** and street paving are installed concurrently with any construction, erection, addition or alteration upon the concerned lot or parcel of property consistent with the current City or regulatory standards such as Americans with Disabilities Act (ADA), etc. This may require removal of any and all existing infrastructure to ensure compliance. Any work in the public right-of-way requires a separate permit pursuant to the requirements as set forth in Chapter 7.16 of this Code and shall be constructed to current City codes and standards.

In addition, to any regular or special inspection which may occur, the city's Public Works Department shall inspect the condition of the public rights-of-way inclusive of any new or existing grading, landscaping, pedestrian pathway, sidewalk, driveway, driveway apron, concrete curbs, gutter, curb ramps, **public parking pads** and pavement condition abutting or fronting on a particular piece of property of any building or facility prior to the issuance of an occupancy permit or close-out of a building permit that is valued in excess of five thousand dollars (\$5,000.00) pertaining to occupancy or construction on that property. Any non-code compliant matters or conditions of disrepair observed may be required to be rectified as directed by Department of Public Works Director. All such permits, prior to final issuance, shall require notation that a Public Works Department inspection was completed and that either the conditions within the public rights-of-way is not in need of repair or that repair has been completed or that repair has been bonded to the satisfaction of the Public Works Department Director.

(§ 1, Ord. 1408, eff. April 3, 1975; Ord. No. 20-0022, § 1, eff. October 20, 2020)

9.72.020 9.72.012 Definitions and applicability.

For purposes of this chapter:

~~a block~~ "Block" shall be defined as one (1) side of that segment of a public street or alley which lies between the centerline intersection of a public street and the centerline intersection of the public street nearest thereto. In the event an intersecting street is not continuous through the subject street, the limit of the block on the subject street shall be established by the extension of the centerline of the noncontinuous intersecting street. The length of the block shall be the total lineal footage, measured along the property lines common to both the public street or alley and the adjacent properties, on one (1) side of the public street or alley within the subject block.

“Driveway Access” means a paved surface within the public right-of-way used for vehicle access to a parking space located entirely on private property. A driveway access excluding any sidewalk area may be used for parking by the resident of the adjacent property.

“Pedestrian Access Route” means a paved area of at least four feet wide within the right-of-way between the back of a public sidewalk, or the edge of the roadway if there is no sidewalk, and a private gate, door, stairs or other required access to the adjacent residence. The route alignment shall be determined by the City.

“Public Parking Pad” means a paved surface located entirely within the right-of-way immediately adjacent to the edge of the roadway designed and constructed exclusively for vehicle parking which does not obstruct a driveway access, sidewalk or pedestrian access route. A public parking pad is not a private encroachment in the right-of-way.

“Right of way” has the same meaning as set forth in Section 7.36.020 of this Code as it may be amended from time to time.¹

“Roadway” shall mean that portion of the right-of-way improved, designed, or ordinarily used for vehicular or bicycle travel. Roadway shall include the definition of roadway in Section 530 of the California Vehicle Code.²

(§ 1, Ord. 1408, eff. April 3, 1975)

9.72.015 Development of street right-of-way for public uses.

Where street right-of-way exists adjacent to private property, and such right-of-way has not been improved for use as a public street driving surface, parking area, sidewalk or drainage as approved by the City Engineer, such right-of-way will be developed according to the following standards:

A. Tree Section:

1. The tree section shall be defined as the area bounded by Rosecrans Avenue on the North, Sepulveda Blvd. on the East, Manhattan Beach Blvd. on the South, and a West boundary beginning with Manhattan Beach Blvd. and going north on Valley to Blanche to Bell to Rosecrans.
2. For streets with a forty foot (40') right-of-way the area constructed beyond the public street driving surface will be constructed according the City's Standard Diagram for forty foot (40') wide streets in this area.
3. For streets with a fifty foot (50') right-of-way the area constructed beyond the public street driving surface will be constructed according the City's Standard Diagram for fifty foot (50') streets in this area.
4. For corner lots in the tree section, a minimum of two (2) public parking spaces will be provided. These parking spaces will be constructed according the City's standard plan for parking spaces.

B. Other Provisions for Construction in the Tree Section and Other Non-Standard Street Right-of-Way:

1. Street right-of-way improvements shall be required to be constructed as a condition of a building permit issued for construction on any property abutting a public right-of-way which would result in the alteration or addition of more than fifty percent (50%) of the value of the existing structure, as determined by Section 303(A) of the Uniform Building Code.

2. Permitted improvements must conform to the provisions of the diagram for nonstandard streets.
3. Irrigation systems are prohibited in the street right-of-way used for driving or vehicle parking.
4. Landscaping the street right-of-way is subject to provisions of encroachment permit regulations found in Chapter 7.36 of MBMC. Planting of new trees will not be allowed where minimum parking requirements are not met.
5. Existing trees located in the street right-of-way will be preserved where possible.
6. An obstruction-free corner radius per the City's standard plan may be required to assure adequate vehicle access to the street.

C. Public Parking Pad Standards:

1. The minimum dimensions of a public parking pad shall be 8-1/2 feet wide by 18 feet long.
2. A public parking pad may be aligned either parallel, diagonal or perpendicular to the street centerline.
3. No portion of a public parking pad shall be located at less than one foot away from a private wall or building.
4. Public parking pads shall not be used for any purpose other than parking.
5. When not in use, public parking pads shall remain unobstructed and accessible by a vehicle from the street for public use at all times. A public parking pad shall not be modified in a manner that prevents public parking.
6. Parking pads identified on approved plans or required by a discretionary entitlement are considered public parking pads pursuant to this chapter.
7. Public parking pads shall be identified by an object marker, sign or striping that is recognizable to the public as a public parking space subject to the review and approval of the City.
8. (Possible Grandfather Clause) A property owner of a residence that is legally nonconforming because it does not comply with minimum off-street parking standards may apply for an encroachment permit pursuant to MBMC Chapter 7.36 for the private use of a parking pad that is located directly between their property and the roadway and which parking pad was constructed prior to October 5, 1972. The number of parking spaces on the parking pad shall not exceed the number of deficient parking spaces for that property.

D. Duty to Repair.

1. It shall be the duty of every person owning real property within the City to keep in repair street right-of-way area abutting their real property (not including public street driving surface). If the failure of an abutting owner to maintain the street right-of-way area results in damage or injury to a member of the public, said abutting owner shall be liable to such member of the public.

(§ 2, Ord. 2042, eff. February 18, 2003); Ord. No. 20-0022, § 2, eff. October 20, 2020)

9.72.030 Boundaries of required improvements.

The required driveways, driveway aprons, sidewalks, curbs, gutters, public parking pads and street paving in the public right-of-way abutting that lot or parcel of property upon which the referred to buildings or structures are to be constructed, erected, added to or altered, shall be installed within that area encompassed by the prolongation of the exterior boundary lines of the lot or parcel of property with such prolongation of these lines extending to the centerline of the public right-of-way abutting said lot or parcel of property, and these improvements shall be installed in such a manner as to conform with currently existing improvements.

(§ 1, Ord. 1408, eff. April 3, 1975)

9.72.040 Time allotted for completion of improvements.

In lieu of construction as hereinabove referred to, the construction of such driveways, driveway aprons, sidewalks, curbs, gutters, curb ramps, public parking pads and street paving may be made at any time prior to the final inspection by the Building Official for such construction, erection, addition or alteration provided there is contained on any building permit issued for such construction, erection, addition or alteration a statement approved by the Department of Public Works that the installation of such required improvement shall be a condition precedent to final inspection by the Building Official. Provided, however, that the required improvement may be completed within a reasonable period of time, after occupancy, as determined by the Building Official, subject to the owner, contractor or tenant affected thereby posting a bond with the City in the amount to be determined by the Public Works Director as the cost of the subject public right-of-way improvement to ensure the specific performance of said required improvement.

(§ 1, Ord. 1408, eff. April 3, 1975; Ord. No. 20-0022, § 3, eff. October 20, 2020)

9.72.050 Modifications.

When practical difficulties, unreasonable hardships, or results inconsistent with the general purposes of this chapter occur by reason of the strict interpretation and application of any of the provisions of this chapter, any owner, contractor or tenant affected thereby may file an application for relief from the provisions of Section 9.72.010 of this chapter, pursuant to Section 7.36.080 of this Code.

(§ 1, Ord. 1408, eff. April 3, 1975; Ord. No. 20-0022, § 4, eff. October 20, 2020)

Chapter 14.40 STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS

(Proposed Code Changes in Red)

14.40.140 – Parking Definitions.

- A. "Private property" as used in this chapter, shall mean any property other than public streets, public alleys, public easements, public rights-of-ways, public parks, or real property owned by the City for governmental purposes as in its governmental capacity.
- B. "Posted property" as used in this chapter shall mean public property or any private property enclosed on at least three (3) sides by a hedge, fence, wall, curbing, or other continuous obstruction at least four (4) inches in height and easily visible, or by a building, and along the boundaries of which said parcel of land there is posted a sign meeting the standards set forth in Section 14.40.140.
- C. "Public Parking Pad" has the same meaning as set forth in Section 9.72.012 of this Code as it may be amended from time to time.

14.40.210 – Parking on Public Parking Pads

- A. Vehicles parked partially or wholly within a public parking pad are subject to all applicable vehicle and parking regulations in MBMC Title 14 except street sweeping parking restrictions.
- B. Any vehicle parked partially or wholly on private property shall be subject to a violation pursuant to MBMC Section 14.40.120, even if it is partially parked on a public parking pad.
- C. A vehicle parked partially or wholly on the roadway shall be subject to all applicable vehicle and parking regulations pursuant to the California Vehicle Code and MBMC Title 14.
- D. Objects or obstructions that block access to a public parking pad are unpermitted private use of the public right-of-way subject to enforcement pursuant to MBMC Chapter 7.36.
- E. No portion of a vehicle shall be parked in a landscaped area pursuant to MBMC Section 14.36.030.
- F. Unauthorized parking signs and markings in the right-of-way are a violation of MBMC Chapter 14.12.

¹ For ease of reference, the definition in Section 7.36.020 follows: “ ‘Right of way’ means the surface and space in, on, above, through and below any real property in which the City of Manhattan Beach has a legal or equitable interest whether held in fee or any other estate or interest, or as a trustee for the public, including, but not limited to any public street, boulevard, road, highway, freeway, lane, alley, court, sidewalk, curb, parkway, river, tunnel, viaduct, bridge, public easement, or dedicated easement.”

² For ease of reference, the definition in Section 530 of the California Vehicle Code follows: “A ‘roadway’ is that portion of a highway improved, designed, or ordinarily used for vehicular travel.”