

RESOLUTION NO. 15-0045

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL APPROVING A COASTAL DEVELOPMENT PERMIT FOR MODIFICATIONS TO THE EXISTING VALET PARKING PROGRAM IN THE CITY OF MANHATTAN BEACH (Downtown Business & Professional Association)

THE MANHATTAN BEACH CITY COUNCIL HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

SECTION 1. The Downtown Business and Professional Association (“Applicant”) has requested a coastal development permit for a modification to the existing valet parking program (“Project”) for the downtown Manhattan Beach area. The Project would establish two valet parking stations: 1) on the north side of the 100 block of Manhattan Beach Boulevard between Ocean Drive and Manhattan Avenue; and 2) on the west side of Manhattan Avenue between 9th Street and 10th Street. The Project will also permit weekday valet service between 6:00 p.m. and 12:00 midnight, Saturday valet service between 12:00 noon and 12:00 midnight, and Sunday valet service between 11:00 a.m. and 10:00 p.m. at all existing and proposed valet locations within Downtown Manhattan Beach. The Parking and Public Improvements Commission reviewed the request on June 11, 2015, and recommended approval to the City Council. The City Council considered the request at a duly noticed public hearing on July 7, 2015.

SECTION 2. The Project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15061 (b)(3) which states that, “CEQA only applies to projects which have the potential for causing a significant effect on the environment”. The Project, as presented, simply continues to provide a program to increase the convenience of downtown parking and does not have any potential for significant environmental impact. The Project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

SECTION 3. The Project, as conditioned herein, is in accordance with the objectives and policies of the Manhattan Beach Coastal Program, as follows:

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

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

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

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

SECTION 4. Based upon the foregoing, the City Council hereby approves the proposed Coastal Development Permit for modification of an existing valet parking program, subject to the following conditions:

1. The Project shall be in substantial conformance with the information submitted to, and approved by, the City Council on July 7, 2015. Staff shall resolve any questions of intent or interpretation of any condition. The Applicant may appeal staff determinations to the City Council.
2. The Applicant shall implement the Project in conformance with all provisions and policies of the Certified Manhattan Beach Local Coastal Program (LCP) and all applicable development regulations of the LCP - Implementation Program.
3. The Applicant shall pay all required filing fees pursuant to Public Resources Code section 21089(b) and Fish and Game Code section 711.4(c). The Project is not operative until all required filing fees are paid.
4. As a condition of approval of this Project, the Applicant shall defend, indemnify, and hold the City, its elected officials, officers, employees, volunteers, agents, and those City agents serving as independent contractors in the role of City officials (collectively "Indemnitees") free and harmless from and against any and all claims (including, without limitation, claims for bodily injury, death, or damage to property), demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including, without limitation, attorneys' fees, consequential damages, disbursements, and court costs) of every kind and nature whatsoever (individually, a "Claim," collectively, "Claims"), in any manner arising out of or incident to this approval and related entitlements. The Applicant shall pay and satisfy any judgment, award or decree that may be rendered against the City or the other Indemnitees in any such suit, action, or other legal proceeding arising out of or incident to this approval, any construction related to this approval, or the use of the property that is the subject of this approval. The City shall have the right to select counsel of its choice. The Applicant shall reimburse the City, and the other Indemnitees, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. In the event such a legal action is filed challenging the City's determinations herein or the issuance of the permit, the City shall estimate its

expenses for the litigation. The Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

SECTION 5. Pursuant to Government Code Section 65907 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. The City Clerk shall send a certified copy of this Resolution to the Applicant, and if any, the appellant at the address of said person set forth in the record of the proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

SECTION 6. This Resolution constitutes the Coastal Development Permit for the Project and shall take effect immediately. The Project may not be implemented until all time limits for appeal set forth in the Manhattan Beach Local Coastal Program - Implementation Program Section A.96.160 have expired; and, following the subsequent Coastal Commission appeal period (if applicable) which is ten working days following notification of final local action.

SECTION 7. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED and ADOPTED July 7, 2015.

Ayes:
Noes:
Absent:
Abstain:

Mayor, City of Manhattan Beach

ATTEST:

City Clerk