

ORDINANCE NO. 26-0010

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH
AMENDING MANHATTAN BEACH MUNICIPAL CODE
CHAPTERS 9.72 AND 14.40 TO DEFINE AND
REGULATE PUBLIC PARKING PADS WITHIN THE
PUBLIC RIGHT-OF-WAY, AND MAKING A
DETERMINATION OF EXEMPTION UNDER THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH DOES ORDAIN
AS FOLLOWS:

SECTION 1. Manhattan Beach Municipal Code (“Municipal Code”) Chapter 9.72 (STREET IMPROVEMENTS) is hereby amended by amending Section 9.72.010 to include public parking pads among the list of right-of-way improvements regulated thereby to read as follows:

“9.72.010 Driveways, sidewalks, curbs, gutters, public parking pads, 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 California Building Code Section 202 and of the California Residential Code Section R202, 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.”

SECTION 2. Municipal Code Chapter 9.72 (STREET IMPROVEMENTS) is hereby amended by amending and renumbering Section 9.72.020 – Definitions and applicability to read as follows:

“9.72.012 Definitions.

For purposes of this chapter:

“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.

“Roadway” shall mean that portion of the right-of-way improved, designed, or ordinarily used for vehicular or bicycle travel.”

SECTION 3. Municipal Code Section 9.72.015 is hereby amended by re-lettering subsection C as subsection D and adding a new subsection C regarding public parking pad standards to read as follows:

“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. 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.”

SECTION 4. Municipal Code Section 9.72.030 is hereby amended to add public parking pads thereto to read as follows:

“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.”

SECTION 5. Municipal Code Section 9.72.040 is hereby amended to add public parking pads thereto to read as follows:

“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.”

SECTION 6. Municipal Code Section 14.40.130 – Parking definitions is hereby amended by adding a definition of “Public Parking Pad” to read as follows:

14.30.130 - Parking Definitions.

“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.”

SECTION 7. Municipal Code Chapter 14.40 (STOPPING, STANDING OR PARKING-N RESTRICTED OR PROHIBITED ON CERTAIN STREETS) is hereby amended by adding a new Section 14.40.210 – Parking on Public Parking Pads, to read as follows:

“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.”

SECTION 8. The City Council hereby finds that the Ordinance is not a "project under the California Environmental Quality Act ("CEQA") because the Ordinance does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment, as contemplated by CEQA Guidelines Section 15378(b)(4). Furthermore, the Ordinance is exempt from further environmental review pursuant to CEQA Guidelines Section 15061(b)(3) because the City Council hereby finds that there is no possibility that this Ordinance to regulate parking on public property will have a significant effect on the environment. Imposing such regulations on public parking pursuant to this Ordinance will not result in a permanent alteration of property nor the construction of any new or expanded structures or other direct or indirect physical changes in the environment. The Ordinance is an administrative process and regulates the manner in which vehicles are parked on public property.

SECTION 9. Any provisions of the Municipal Code, or appendices thereto, or any other ordinances of the City, to the extent that they are inconsistent with this Ordinance, and no further, are hereby repealed.

SECTION 10. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 11. This Ordinance shall take effect and be in full force and operation 30 days after its final passage and adoption.

SECTION 12. The City Clerk shall certify to the passage and adoption of this Ordinance.

ADOPTED _____, 2026.

AYES:

NOES:

ABSTAIN:

ABSENT:

JOE FRANKLIN
Mayor

ATTEST:

LIZA TAMURA
City Clerk

APPROVED AS TO FORM:

QUINN M. BARROW
City Attorney