

**CALIFORNIA COASTAL COMMISSION**

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**W27a**

Appeal Filed: 07/31/15  
49th Day: 09/18/15  
Staff: M. Alvarado-LB  
Staff Report: 08/21/15  
Hearing Date: 09/09/15

**STAFF REPORT: APPEAL – SUBSTANTIAL ISSUE**

**Appeal Number:** A-5-MNB-15-0049

**Applicant:** City of Manhattan Beach and/or Downtown Manhattan Beach Business & Professional Association (DBPA)

**Local Government:** City of Manhattan Beach

**Local Decision:** Approval with Conditions

**Appellant:** William Victor, A Law Corporation

**Project Location:** Manhattan Avenue & Manhattan Beach Blvd, City of Manhattan Beach, Los Angeles County

**Project Description:** Appeal of City of Manhattan Beach Local Coastal Development Permit (CDP No. CA 15-20) for the modification to the existing valet parking program of the Downtown Manhattan Beach area, which includes an increase in valet rates (\$9 to \$11), two (2) additional valet drop-off/pick-up stations, and expansion of the valet operating hours at all existing and proposed valet locations.

**Staff Recommendation:** Determine that a substantial issue exists.

**SUMMARY OF STAFF RECOMMENDATION**

The appellant asserts that the operation of the City of Manhattan Beach valet parking program already discourages public coastal access by making it more difficult for beach goers to find affordable parking spaces in Downtown Manhattan Beach near the coast. Therefore, the appellant is contending that the City-approved expansion of the program will further negatively impact public coastal access by increasing drop-off/pick-up locations, operational hours, and increased valet rates thereby displacing affordable public parking for beach users. The local coastal development permit approving the expanded valet parking program lacks any conditions to ensure the protection of public parking necessary to support public access to the coast. Therefore, the staff recommends that the Commission, after public hearing, determine that the appeal does raise a **substantial issue** with respect to the project's conformity to the Manhattan Beach Certified Local Coastal Program (LCP) and the public access policies of the Coastal Act. **The motion to carry out the staff recommendation is on page four.** If the Commission adopts the staff recommendation, a de novo hearing will be scheduled at a future Commission meeting in Southern California.

**IMPORTANT NOTE:** The Commission will not take testimony on this “substantial issue” recommendation unless at least three commissioners request it. The Commission may ask questions of the applicant, any aggrieved person, the Attorney General or the executive director prior to determining whether or not to take testimony regarding whether the appeal raises a substantial issue. If the Commission takes testimony regarding whether the appeal raises a substantial issue, testimony is generally and at the discretion of the Chair limited to 3 minutes total per side. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify during this phase of the hearing. Others may submit comments in writing. If the Commission finds that the appeal raises a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which it will take public testimony.

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## EXHIBITS

Exhibit 1 – Project Location  
Exhibit 2 – Appeal  
Exhibit 3 – Supplement to Appeal  
Exhibit 4 – City Memorandum  
Exhibit 5 – Local Coastal Development Permit  
Exhibit 6 – Valet Parking Agreement and Operation Plan

## I. MOTION AND RESOLUTION - SUBSTANTIAL ISSUE

**Motion:** *I move that the Commission determine that Appeal No. A-5-MNB-15-0049 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

Staff recommends a **NO** vote. Failure of the motion will result in a de novo hearing on the application and adoption of the following resolution and finding. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the Commissioners present.

**Resolution:**

*The Commission hereby finds that Appeal No. A-5-MNB-15-0049 presents a **SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the City of Manhattan Beach LCP and the public access policies of the Coastal Act.*

## II. APPELLANT’S CONTENTIONS

On July 7, 2015, after the public hearing, Manhattan Beach City Council adopted Resolution No. 15-0045 and approved Local Coastal Development Permit No. CA 15-20 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 9<sup>th</sup> Street and 10<sup>th</sup> 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 a.m. and 10 p.m. at all existing and proposed valet locations within Downtown Manhattan Beach”.

The City’s approval of Local Coastal Development Permit No. CA 15-20 includes 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.
2. *Interpretation.* Any questions of intent or interpretation of any condition will be resolved by the City Council.
3. *Inspections.* The Community Development Department Staff shall be allowed to inspect the site subject to 24-hour advance notice.
4. *Effective Date.* This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030, and the City of 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 10 working days following notification of final local action.

5. The subject Coastal Development Permit will be implemented 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.
6. 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 final fees are paid.
7. The applicant agrees, as a condition of approval of this project, to pay for all reasonable legal expert fees and expenses of the City of Manhattan Beach, in defending any legal actions associated with the approval of this project brought against the City. In the event such a legal action is filed against the project, the City shall estimate its expenses for litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

On July 31, 2015, William Victor filed an appeal of the Local Coastal Development Permit No. CA 15-20 asserting that the approval of the Downtown Valet Parking Program Expansion is inconsistent with the certified LCP and will negatively impact public access to the coast (**Exhibits 2 & 3**).

The appellant's appeal raises the following issues:

1. The Expansion of the City-approved Downtown Valet Parking Program, including an increase in drop-off/pick-up locations and operational hours, will cumulatively displace a significant number of public parking spaces that are necessary to support public access to the beach.
2. With the increase in Valet parking fees, the City-approved Downtown Valet Parking Program is cost prohibitive for beach goers.
3. The operation of the City-approved Downtown Valet Parking Program is unsafe due to double- and triple- parking and blocking of alleys by the valets.
4. The City Council's resolution fails to explain that the approval of the permit and the contract with the vendor is limited to one year.
5. The City of Manhattan Beach is the applicant, or a co-applicant, and should have been set forth as the applicant on the City's Resolution No. 15-0045.
6. Residents and Residential property owners did not receive notice of the hearing as required under the LCP notice provisions.

### **III. LOCAL GOVERNMENT ACTIONS**

On June 11, 2015, the Parking and Public Improvements Commission (PPIC) reviewed the applicant's request for the expansion of the existing Downtown Valet Parking Program, and recommended approval to the City Council. On June 19, 2015, the applicant submitted to the City of Manhattan Beach Community Development Department a Master Application Form for the proposed project. The application was assigned Coastal Development Permit (CDP) No. CA 15-20.

The City records indicate that a public hearing was held before the Manhattan Beach City Council for the Adoption of Resolution No. 15-0045 for the approval of Local CDP No. CA 15-20 on July 7, 2015. At the hearing, this item was introduced by City Clerk Liza Tamura. The City Traffic Engineer Erik Zandvleit provided the PowerPoint presentation and responded to City Council questions. Mayor Burton then opened the public hearing for public comment. The hearing minutes specify that two proponents spoke in support of the project and three opponents (not including the appellant) spoke against the approval of the resolution. However, the appellant affirms that he spoke at the hearing in opposition to the project, and that the minutes were incorrectly recorded. On July 7, 2015, the City Council adopted Resolution 15-0045 and approved Local Coastal Development Permit No. CA 15-20 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 9<sup>th</sup> Street and 10<sup>th</sup> 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 a.m. and 10 p.m. at all existing and proposed valet locations within Downtown Manhattan Beach”.

The City Council meeting minutes contained in the City records indicates that the resolution was amended by the Council at the hearing on July 7, 2015 to limit the duration of the project contract to one year.

The City Council's decision was not appealable at the local level.

On July 17, 2015, the Commission's Long Beach office received the City's Notice of Final Local Action for Local Coastal Development Permit No. CA 15-20, the subject of this appeal. The Commission's ten working-day appeal period commenced on July 18, 2015. On Monday, July 31, 2015, the last day of the appeal period, the Commission received Mr. Victor's appeal of the City's approval (**Exhibit 2**). No other appeals were received prior to the end of the appeal period on July 31, 2015.

#### **Previous Local Government Actions**

The City's approval of Local CDP Permit No. CA 15-20 is the subject of this appeal. As previously stated, the City Council approved the Local CDP No. CA 15-20 to expand the existing Downtown Valet Parking Program on July 7, 2015. The Downtown Valet Program was initiated in 1999 and has been in operation for approximately 15 years prior to the proposal approved by Local Coastal Development Permit No. CA 15-20.

The appellant, William Victor, originally brought his concerns with the Manhattan Beach Downtown Valet Parking Program to the attention of Commission staff in June of 1999, and to the attention of the Commission at its August 10, 1999 meeting in Los Angeles. The appellant complained that a City–approved valet parking program was usurping much-needed public beach parking spaces in Downtown Manhattan Beach. In response to the appellant’s concerns, Commission staff requested that the City of Manhattan Beach forward any information that was available regarding the alleged implementation of a Downtown Valet Parking Program in Manhattan Beach. The City responded by forwarding a copy of Local CDP No. CA 99-17 to the Commission’s Long Beach office.

Local Coastal Development Permit No. CA 99-17, approved by the Manhattan Beach City Council on May 18, 1999, permitted United Valet Parking, Inc. to implement a valet parking program that uses eleven on-street public parking spaces for two vehicle drop-off/pick-up zones located at: 1) the north side of Manhattan Beach Boulevard, east of Morningside Drive; and 2) the east side of Manhattan Avenue at 12<sup>th</sup> Street, north of Manhattan Beach Boulevard. Valet vehicle storage areas were permitted on the third level of City Lot No. 3 located on the corner of Morningside Drive and 12<sup>th</sup> Street, and on the private parking lots owned by Union Bank and Washington Mutual. The approval did not include permission for the valets to use any parking spaces located within the four upper and lower pier public parking lots located adjacent to the pier and beach.

On Saturday, August 21, 1999, a Commission staff member visited Downtown Manhattan Beach and confirmed that the valet parking program was being implemented consistent with the terms of Local Coastal Development Permit No. CA 99-17. On August 31, 1999, Commission staff issued a written letter to William Victor concluding that Local Coastal Development Permit No. CA 99-17 was properly issued consistent with the City’s certified LCP, and that the local permit was not appealable to the Commission because the approved valet parking program, including all drop-off and pick-up zones and parking reservoirs, was located outside of the appealable area of the coastal zone<sup>1</sup>. Because the appealable area is closer to coastal resources, adverse impacts to public coastal access are more significant within this area.

On November 16, 1999, the Manhattan Beach City Council approved Local Coastal Development Permit Nos. CA 99-41 and CA 99-41A that would expand the previously City-approved Downtown Valet Parking Program to the Downtown area located south of Manhattan Beach Boulevard, which is within the appealable area of the coastal zone. The City’s approval of Local Coastal Development Permit No. CA 99-41 was the subject of a previous appeal (Appeal No. A-5-MNB-99-453). William Victor appealed the City’s approval of CDP No. CA 99-41 to the Coastal Commission in 1999. On February 15, 2000, the Coastal Commission held a public hearing on the item and found substantial issue based on the contentions of the appellant. The de novo hearing for A-5-MNB-99-453 was held on April 13, 2000. At this hearing, the Coastal Commission approved with conditions the De Novo Coastal Development Permit No. A-5-MNB-99-453 for:

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<sup>1</sup> The inland boundary of the appealable area of the City’s coastal zone, located 300 feet from the inland extent of the beach, has been mapped within the Manhattan Avenue right-of-way.

“Implementation of a downtown valet parking program with the vehicle drop-off/pick up station located on the west side of Manhattan Avenue between 10<sup>th</sup> Street and 11<sup>th</sup> Street.”

The Coastal Commission’s approval of the De Novo Coastal Development Permit No. A-5-MNB-99-453 includes the following conditions:

**1. Vehicle Drop-off/Pick-up Station**

One vehicle drop-off/pick-up station, utilizing a maximum of five (5) public on-street parking spaces, is permitted on the west side of Manhattan Avenue between 10<sup>th</sup> Street and 11<sup>th</sup> Street in Manhattan Beach during the following times: from 6pm until 12am (midnight) on Tuesdays, Wednesdays, Thursdays and Fridays; and from 11am until 12am (midnight) on Saturdays and Sundays. At all other times, and at all times when the vehicle drop-off/pick-up station is not in operation, all public on-street parking spaces located on the west side of Manhattan Avenue between 10<sup>th</sup> Street and 11<sup>th</sup> Street shall be available for use by the general public on a first-come, first-serve basis consistent with all applicable City parking regulations. Any proposed change in the location of the vehicle drop-off/pick-up station, or change in the times of operation, shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

**2. Vehicle Storage/Parking**

The storage of vehicles by valets is prohibited in the following locations:

- a) the public parking areas identified on Exhibit #2 of the staff report dated March 24, 2000, including but not limited to, the public parking lots located at the terminus of Manhattan Beach Boulevard near the pier and all levels of public parking structures;
- b) on public rights-of-way and in on-street parking spaces (except for loading and unloading at the vehicle drop-off/pick-up station described by Special Condition One above);
- c) any private parking area associated with a commercial use during normal business hours; and,
- d) any location where the storage of a vehicle would cause a hazard or threat to public safety.

**3. Valet Parking Terms**

The approved valet parking program shall be available to the general public with no preference granted to any group or type of use (i.e., restaurant customers vs. beach goers). The hourly cost for utilizing the valet parking service shall be equal for all patrons of the valet parking program. Discounted parking rates for valet parking service shall not be provided or obtained pursuant to any type of parking validation system or preferential system.

Over the last 15 years, the City has indicated that the number of valet drop-off/pick-up locations have ranged from two to three locations over the years, with a maximum of 16 metered street spaces displaced during valet operations. According to the City, the Downtown Business & Professional Association (DBPA) and valet operator currently use only two of the approved (existing) locations:

1. East side of Manhattan Avenue between Center Place and 12<sup>th</sup> street (5 spaces), and
2. West side of Manhattan Avenue between 10<sup>th</sup> Place and 11<sup>th</sup> Street (5 spaces)

Moreover, the City-approved valet parking fees have ranged from \$2.50 for the first hour/\$1.00 for each additional twenty minutes/\$12.50 maximum in 1999 to the current flat rate of \$9.00. The operational hours have generally remained unchanged.

Previously, the valet program has made use of the following vehicle storage locations, providing up to 250 spaces:

Third level of City Lot No. 3 located on the corner of Morningside Dr. & 12<sup>th</sup> St.;  
Private parking lot owned by Union Bank (400 Manhattan Beach Blvd.)  
Private parking lot owned by Chase Bank (201 Manhattan Beach Blvd.)  
Three-level private parking lot owned by Skechers (228 Manhattan Beach Blvd.)

Currently, however, the valet program only makes use of the Skechers Office Building (approximately 110 spaces) and the Chase Bank lot (20 spaces) for a total of approximately 130 off-street valet parking spaces.

At present, the applicant is requesting to expand the existing Downtown Valet Parking Program further by establishing two new valet parking stations and implementing increases in operational hours and valet rates from a flat rate of \$9 to \$11 at all existing and proposed valet locations. This request is the subject proposal of this appeal.

#### **IV. APPEAL PROCEDURES**

After certification of Local Coastal Programs, 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 the mapped appealable areas, such as those located 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. Furthermore, developments approved by counties may be appealed if they are not designated "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county [Coastal Act Section 30603(a)].

Under Section 30603(a)(1) of the Coastal Act, the proposed project site is located in an appealable area by its location within three hundred feet of the inland extent of the beach.

Section 30603(a)(1) 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 greatest distance.*

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

If Commission staff recommends a finding of substantial issue, and there is no motion from the Commission to find no substantial issue, the substantial issue question will be considered moot, and the Commission will proceed to the de novo public hearing on the merits of the project. The de novo hearing will be scheduled at the same hearing or at a subsequent Commission hearing. A de novo public hearing on the merits of the project 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 any approved project is consistent with the public access and recreation policies of the Coastal Act. Sections 13110-13120 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 applicants, 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 no substantial issue is raised by the local approval of the subject project.

## **V. FINDINGS AND DECLARATIONS**

### **A. PROJECT DESCRIPTION AND BACKGROUND**

The applicant proposes to expand the existing valet parking program of the Downtown Manhattan Beach area. The applicant is requesting two new valet parking stations to be located in the appealable area of the Coastal Zone on 1) the north side of Manhattan Beach Boulevard between Ocean Drive and Manhattan Avenue and 2) the west side of Manhattan Avenue between 9<sup>th</sup> Street and 9<sup>th</sup> Place (**Exhibit 1**). The latter of the two newly proposed valet station will be located within the public right-of-way entrance to the Manhattan Beach Pier. In addition, the proposed modification to the existing valet program will increase operational hours and increase valet rates from a flat rate of \$9 to \$11 at all existing and proposed valet locations.

Resolution 15-0045 for Local Coastal Development Permit No. CA 15-20 approves:

“...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 9<sup>th</sup> Street and 10<sup>th</sup> 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 a.m. and 10 p.m. at all existing and proposed valet locations within Downtown Manhattan Beach”. (See **Exhibit 5**)

As mentioned above, the proposed project includes modifications to the existing valet locations within the appealable and non-appealable area of the Manhattan Beach Coastal Zone. Consequently, the applicant is proposing to modify the original intent of the Coastal Commission-approved-with-conditions Coastal Development Permit (CDP No. A-5-MNB-99-453), which was a De Novo approval to expand the Downtown valet parking program that established the valet station currently located on the west side of Manhattan Avenue between 10<sup>th</sup> Street and 11<sup>th</sup> Street (**Exhibit 1, page 2**).

This De Novo CDP No. A-5-MNB-99-453 was the approval following a 1999 appeal of the Local CDP No. CA 99-41 that would expand the previously City-approved downtown valet parking program closer to the coast and into the appealable area of the Manhattan Beach Coastal Zone as previously mentioned in Section III of this staff report.

### **Current Conditions**

There is a joint agreement between the City of Manhattan Beach, Downtown Manhattan Beach Business and Professional Association (DBPA) and Crimson Parking, Inc. (“valet operator”) to set the terms and conditions to operate a valet program on City Streets (**Exhibit 6**). The DBPA contracts with the Operator to provide the valet parking services; and in turn, the valet operator contracts with the private parking lot owners for the use of private parking lots. As previously mentioned in Section III, the existing Downtown Valet Parking Program operates using up to four (4) drop-off/pick-up locations in the City pursuant to the previous City-approved Coastal Development Permits (CDP) Nos. CA 99-17, CA 99-41A, CA 01-48 and the Coastal Commission-approved CDP No. A-5-MNB-99-453 (CDP No. CA 99-41).

Up to six valet drop-off/pick-up stations have been approved as part of the existing Downtown Valet Parking Program prior to the current proposed expansion. At least two of the approved valet stations are alternative locations for the primary locations. The City has indicated that the number of valet drop-off/pick-up locations have ranged from two to three locations over the years, with a maximum of 16 metered street spaces displaced during valet operations. According to the City, the DBPA and valet operator currently use only two of the City- and Coastal Commission-approved, existing locations and hours:

| <b>Existing</b>  |          |                     |                |
|--|----------|---------------------|----------------|
| Location   | # Spaces | Days                | Hours          |
| East side of Manhattan Avenue<br>between Center Place and 12 <sup>th</sup> | 5        | Wednesday -Saturday | 6pm – Midnight |

|   |   |                    |                |
|---|---|--------------------|----------------|
| Street (1142 Manhattan Avenue)  |   |                    |                |
| West Side of Manhattan Avenue<br>between 10 <sup>th</sup> Street and 11 <sup>th</sup> Street<br>(1017 Manhattan Avenue) | 5 | Wednesday-Saturday | 6pm – Midnight |

The City-approved valet parking fees have ranged from \$2.50 for the first hour/\$1.00 for each additional twenty minutes/\$12.50 maximum in 1999 to the current flat rate of \$9.00. The operational hours have generally remained unchanged.

Previously, the valet program has made use of the following vehicle storage locations, providing up to 250 spaces. At present, however, the valet program only makes use of the Skechers Office Building (approximately 110 spaces) and the Chase Bank lot (20 spaces) for a total of approximately 130 off-street valet parking spaces. The same vehicle storage areas are used for all of the City-approved vehicle drop-off/pick-up stations.

### Proposed Changes

As previously mentioned, the applicant proposes the addition of two new valet drop-off/pick-up stations. Furthermore, the applicant proposes an increase in operational hours and an increase in the flat fee rate.

Pursuant to Resolution No. 15-0045, the Valet stations are proposed to be operated at the following locations and hours:

| <b>Proposed</b>   |          |               |                 |
|---|----------|---------------|-----------------|
| Location  | # Spaces | Days          | Hours           |
| East side of Manhattan Avenue<br>between Center Place and 12 <sup>th</sup><br>Street <b>(Existing)</b>            | 5        | Monday-Friday | 6pm – Midnight  |
|   |          | Saturday      | Noon – Midnight |
|   |          | Sunday        | 11am – 10 pm    |
| West Side of Manhattan Avenue<br>between 10 <sup>th</sup> Street and 11 <sup>th</sup> Street<br><b>(Existing)</b> | 5        | Monday-Friday | 6pm – Midnight  |
|   |          | Saturday      | Noon – Midnight |
|   |          | Sunday        | 11am – 10 pm    |
| North Side of Manhattan Beach<br>Boulevard between Ocean Drive<br>and Manhattan Avenue<br><b>(Proposed)</b>       | 4        | Monday-Friday | 6pm – Midnight  |
|   |          | Saturday      | Noon – Midnight |
|   |          | Sunday        | 11am – 10 pm    |
| West Side of Manhattan Avenue<br>between 9 <sup>th</sup> Street and 9 <sup>th</sup> Place<br><b>(Proposed)</b>    | 4        | Monday-Friday | 6pm – Midnight  |
|   |          | Saturday      | Noon – Midnight |
|   |          | Sunday        | 11am – 10 pm    |

The existing drop-off/pick-up stations each occupy five on-street metered parking spaces. The two proposed drop-off/pick-up stations will each occupy four on-street metered parking spaces. Consequently, a total of 18 on-street metered parking spaces will be occupied during Valet hours of operation. The valet stations are available to the public during non-operational hours.

The valet parking program will be open to the general public with the City-approved valet parking flat rate fee of \$11 per the Valet Parking Agreement between the City, DBPA, and the valet operator made on July 7, 2015 (**Exhibit 6**)

The City-approved valet parking program does not include any type of discounted parking rates that may be obtained pursuant to a parking validation system. The same parking rates apply to all patrons of the valet parking program.



The City-approved valet parking program does not permit the valets to use any on-street public parking other than the parking spaces that are occupied by the valet drop-off/pick-up stations.

## **B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS**

Section 30625 of the Coastal Act states that the Commission shall hear an appeal of a local government action unless it finds that no substantial issue exists with respect to the grounds on which the appeal has been filed. The grounds for an appeal identified in Public Resources Code section 30603 are limited to whether the development conforms to the standards in the certified LCP and to the public access policies of the Coastal Act.

The term “*substantial issue*” is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission’s regulations simply indicates that the Commission will hear an appeal unless it “finds that the appellant raises no significant questions”. In previous decisions on appeals, the Commission has been guided by the following factors.

1. The degree of factual and legal support for the local government’s decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government’s decision for future interpretations of its LCP; and,
5. Whether the appeal raises local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government’s coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

Staff is recommending that the Commission find that a **substantial issue** does exist for the reasons set forth below.

## **C. SUBSTANTIAL ISSUE ANALYSIS**

As stated in Section IV 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.

In this case, the appellant alleges that the approval of the proposed project is inconsistent with the certified LCP and will negatively impact public access to the coast (**Exhibits 2 & 3**).

The appellant's appeal raises the following issues:

1. The Expansion of the City-approved Downtown Valet Parking Program, including an increase in drop-off/pick-up locations and operational hours, will cumulatively displace a significant number of public parking spaces that are necessary to support public access to the beach.
2. With the increase in Valet parking fees, the City-approved Downtown Valet Parking Program is cost prohibitive for beach goers.
3. The operation of the City-approved Downtown Valet Parking Program is unsafe due to double- and triple- parking and blocking of alleys by the valets.
4. The City Council's resolution fails to explain that the approval of the permit and the contract with the vendor is limited to one year.
5. The City of Manhattan Beach is the applicant and should have been set forth as the applicant on the City's Resolution No. 15-0045.
6. Residents and Residential property owners did not receive notice of the City Council's meeting as required under the LCP notice provisions.

The City Council, in approving Local Coastal Development Permit No. CA 15-20, found that the valet parking program is consistent with the following policies of the certified LCP:

- 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 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).*

The following policies of the certified LCP are also relevant to the proposed project:

- Policy I.B.7:      *The City shall provide adequate signing and directional aids so that beach goers can be directed toward available parking.*
- Policy I.C.2:      *The City shall maximize the opportunities for using available parking for weekend beach use.*

- 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 beach parking...*
- 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.*
- Policy II.A.3: *Encourage the maintenance of commercial area orientation to the pedestrian.*
- Policy II.A.6: *Encourage the 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.*

The following public access policies of the Coastal Act are relevant.

Section 30210 of the Coastal Act states, in part:

*...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 resources areas from overuse.*

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:

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

### **Public Access**

As previously stated, the City found that the valet parking program is consistent with specific policies of the certified LCP (Policies I.A.2, I.C.1, I.C.3, and I.C.10) that encourage safe traffic flows, increased parking supplies, and shared parking opportunities (**Exhibits 4 & 5**).

The City’s analysis, however, does not support how the expansion of the program closer to the Manhattan Beach Pier and to the beach will continue to encourage increased parking supplies for beach-users.

The appellant states that the operation of the existing City of Manhattan Beach valet parking program discourages public coastal access by making it more difficult for beach goers to find affordable parking spaces in Downtown Manhattan Beach near the coast. Therefore, the appellant asserts that the City-approved expansion of the program will further negatively impact public coastal access by displacing additional affordable public parking spaces necessary to support public coastal access.

The local approval clearly approves for the additional displacement of affordable on-street metered parking for the establishment of two (2) new valet parking drop-off/pick-up stations within the appealable area of the coastal zone<sup>2</sup>. The displacement of public parking within the appealable area is significant because of the area’s closer proximity to coastal resources. For instance, one of the newly proposed drop-off/pick-up stations will be located on the north Side of Manhattan Beach Boulevard between Ocean Drive and Manhattan Avenue, which is within the entrance to the Manhattan Beach Pier and is near The Strand, or the boardwalk (**Exhibit 1**). This station is also between the first public road and the sea and currently provides on-site metered street parking to the public. Because of its proximity to the pier, the beach, and the Lower Pier Parking lot (Lot #10), these on-street metered parking spaces are some of the most sought out affordable public parking spaces in the downtown area, especially in the summer and during the weekend. Therefore, occupying these on-street parking spaces currently available to the public could adversely impact public access to coastal resources.

The on-street metered parking in Downtown Manhattan Beach is used by both beach-goers and the customers of the thriving downtown businesses, although the City limits use of the on-street parking spaces to a five hour maximum in order to ensure turnover of the parking supply on which many of the beach-goers and local businesses are dependent. The City states that the modified valet parking program will continue to provide supplementary public parking opportunities in downtown Manhattan Beach by efficiently moving vehicles off of the streets and into parking reservoirs that are not usually accessible to the general public; therefore, by coordinating shared parking on private property, parking reservoirs would be maximized.

Presently, the valet operation occupies 10 on-street metered parking spaces that are not usable by the public during the program’s hours of operation at two of the existing drop-off/pick-up locations. In conjunction with the two (2) addition proposed drop-off/pick-up locations, a total of 18 on-street parking spaces will be occupied by the valet service during operational hours. The valet program currently makes use of the Skechers Office Building (approximately 110 spaces) located at 228 Manhattan Beach Boulevard and the Chase Bank lot (20 spaces) located at 201 Manhattan Beach Boulevard. These two private buildings provide a total of approximately 130 off-street valet parking spaces to store vehicles using the valet service. The parking ratio benefit of using the same 130 private parking spaces for the

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<sup>2</sup> The inland boundary of the appealable area of the City’s coastal zone, located 300 feet from the inland extent of the beach, has been mapped within the Manhattan Avenue right-of-way.

modified valet program will decrease because the private spaces will remain the same but the valet drop-off/pick-up stations will increase. The City's findings do not support how the expansion of the program will continue to encourage increased parking supplies by proposing an increased number of drop-off/pick-up stations even though there are fewer off-street parking reservoirs currently available.

Moreover, the appellant argues that the proposed increase in the City's valet parking program cost rate is cost-prohibitive for beach goers. The current flat rate for the valet service is \$9; the proposed project will increase the flat rate to \$11. Therefore, the charge is only increasing by \$2 and is not a drastic change from the current rate. Compared to the meter rates, however, which currently only charge \$1.25 for every hour, the increase to \$11 is substantial for short-term beach-goers. The question is whether or not the demand exists for short-term beach use, and if the increased flat rate will discourage these short-term beach users. The City's analysis does not provide information to support how the valet rate will not have an adverse impact to short-term beach-users, which could result in negatively impacting coastal access consistent with the LCP and the public access policies of the Coastal Act. Therefore, the appeal does raise a substantial issue with respect to the grounds of the appeal.

The appellant has also raised the issue of whether the valet parking drop-off/pick-up stations are safe and efficient for traffic flows. The City's local coastal development permit approval does not address this issue, nor does the local approval include any mitigation measures that address the safety issues raised by the appellant. For instance, the appellant asserts that valets are currently double- and triple- parking on the main thoroughfares of the City (**Exhibits 2 & 3**). The appellant has also provided photographs showing vehicles being double-parked at the valet service stations (**Exhibit 3**). He stresses that consequent to the double- or triple-parked cars, sightlines necessary for safe traffic circulation are being obscured.

It is noted on the Downtown Manhattan Beach Valet Operation Plan (2015), referenced in the Valet Parking Agreement between the City, DBPA, and Crimson Parking Inc. (valet operator) made on July 7, 2015, that the "vehicle drop-off/pick-up operation shall be parallel to the curb, and may occupy two rows" (**Exhibit 6**). Therefore, the operation plan seems to allow for double-parking. The City has not provided an analysis to support that safe and maximum traffic flow will be maintained during the operation of the valet program as currently proposed.

The expansion of the valet parking program will not only displace the on-street public parking spaces during extended hours of operation, but could also allow for double-parking. Double-parking has the potential to adversely impact safety and efficient traffic flow. Maintaining safe and efficient traffic flow is particularly important for areas in close proximity to the Manhattan Beach Pier because of the potential for high pedestrian and vehicle volume. Consequently, a substantial issue exists because further review is necessary to determine the proposed project's conformance to the Policy I.A.2 of the certified LCP for all proposed valet locations to ensure that safe and efficient traffic flow is maintained to permit sufficient beach and parking access.

The proposed expansion of the Downtown Valet Parking Program will also increase the days and hours of operation. The current hours of operation are Wednesday-Saturday from 6pm to Midnight. The applicant is now requesting the valet service to operate every weeknight and offer daytime hours of operation on both Saturday and Sunday. The proposed project will 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 a.m. and 10 p.m. at all the existing and proposed valet stations. The suggested increase in hours of operation, in addition to establishing two new stations closer to the coast, may have a negative impact to public beach access especially in the summer and during the weekend. Therefore, a comprehensive review is necessary to evaluate how the proposed project subject to the City's approval of Local Coastal Development Permit No. CA 15-20 will continue to protect affordable public access as required by the Manhattan Beach certified LCP and the public access policies of the Coastal Act. Therefore, the appeal does raise a substantial issue with respect to the grounds of the appeal.

It is important to note that Special Condition 1 of the Coastal Commission-approved De Novo Coastal Development Permit (CDP) No. A-5-MNB-99-453 states:

**Vehicle Drop-off/Pick-up Station**

One vehicle drop-off/pick-up station, utilizing a maximum of five (5) public on-street parking spaces, is permitted on the west side of Manhattan Avenue between 10<sup>th</sup> Street and 11<sup>th</sup> Street in Manhattan Beach during the following times: from 6pm until 12am (midnight) on Tuesdays, Wednesdays, Thursdays and Fridays; and from 11am until 12am (midnight) on Saturdays and Sundays. At all other times, and at all times when the vehicle drop-off/pick-up station is not in operation, all public on-street parking spaces located on the west side of Manhattan Avenue between 10<sup>th</sup> Street and 11<sup>th</sup> Street shall be available for use by the general public on a first-come, first-serve basis consistent with all applicable City parking regulations. Any proposed change in the location of the vehicle drop-off/pick-up station, or change in the times of operation, shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

Pursuant to Special Condition 1 of the Coastal Commission-approved De Novo Coastal Development Permit (CDP) No. A-5-MNB-99-453, an Amendment to CDP A-5-MNB-99-453 is required to modify the times of operation for the valet station located on the west side of Manhattan Avenue between 10<sup>th</sup> Place and 11<sup>th</sup> Street. This valet location is included in the proposed project, which involves an increase in days and hours of operation, and is subject to this appeal.

The appellant alleges that the City Council's Resolution No. 15-0045 fails to explain that the approval of the permit and the contract is limited to one year. The City Council meeting minutes contained in the City record indicates that the resolution was amended by the Council at the hearing on July 7, 2015 to limit the duration of the contract between the City, the Downtown Business and Professional Association (DBPA), and the valet operator to one year. This amendment is only recorded in the minutes from the City Council's hearing and not a part of the final signed Resolution, nor does it include a condition to ensure the limit is implemented. Therefore, the extent and scope of the development remains unclear.

**Other Allegations**

In regards to the appellant's allegation relating to the applicant, the City representative has indicated that the primary applicant is the DBPA, and that the City is in essence the co-applicant because the City signed the Owner's Affidavit for the application. In the City records submitted to the Commission's South Coast District Office, however, it is not explicit whether or not the City of Manhattan Beach is a co-applicant with the DBPA. The Resolution No. 15-0045 indicates that the

only applicant is the DBPA. The Notice of Final Action submitted to the Commission Staff, however, states the applicant is the City. In addition, the Owner's affidavit in the submitted City records is incomplete and is not signed.

The appellant argues that the public was not properly noticed of the hearing as required under the LCP provisions. The City, however, made a finding in their staff report that proper public notification, consistent with Section A.96.110 (B) of the LCP, was made in preparation for the City Council consideration including the public notice of standard public locations (**Exhibit 4**). It is also noted in the staff report that the City staff invited participation from stakeholders through the following methods: hand-delivered notices to adjacent property owners, businesses and residents; email notification sent by DBPA, special meeting notices posted in approved locations; and city website announcement. In addition, the City's record contains the Proof of Publication dated June 25, 2015, which demonstrates that the Notice of Public Hearing for Local Coastal Development Permit CA No. 15-20 was published by The Beach Reporter. Additionally, proponents and opponents (including the appellant) testified at the City Council hearing on July 7, 2015, which suggests that proper noticing of the public hearing was provided.

The appellant asserts that the City also failed to notice the public of a Parking and Public Improvement Commission (PPIC) hearing on the proposed project. The LCP provisions only require the noticing for hearings on the Coastal Development Permit application. The PPIC meeting was prior to the submittal of the CDP application. Therefore, the noticing of the PPIC hearing is not a significant issue in regards to this appeal. Therefore, the contentions on noticing do not raise a substantial issue regarding the project's conformity with the LCP notice provisions.

### **Conclusion**

The City's Notice of Final Local Action for Local Coastal Development Permit No. CA 15-20 (Resolution No. 15-0045) and accompanying staff reports and file records state that the City referenced the policies of the certified Manhattan Beach Local Coastal Program (LCP) and concluded that the development, as proposed and conditioned by the City, would be consistent with LCP for the Manhattan Beach Coastal Zone.

A substantial issue exists with respect to the project's conformance with certified LCP and the public access Chapter 3 policies of the Coastal Act, and with the approval of the local coastal development permit, because the City-approved project may adversely impact public access to the coast.

Only with careful review of the City-approved project can the Commission ensure that coastal access is protected. If it finds that a substantial issue exists, the Commission will have the opportunity to review and act on the project at the subsequent de novo hearing. Therefore, the Commission Staff recommends that the Commission find that a substantial issue exists with respect to the project's conformance with the LCP and the public access policies of the Coastal Act, and with the approval of Local Coastal Development Permit No. CA 15-20.

Applying the five factors listed in the prior section clarifies that the appeal raises a “substantial issue” with respect to Chapter 3 of the Coastal Act, and therefore, does meet the substantiality standard of Section 30265(b)(2).

The first factor is the degree of factual and legal support for the local government’s decision that the development is consistent or inconsistent with the relevant provisions of the certified LCP and the public access policies of the Coastal Act. The City referenced four project-related policies of the LCP but provided no rational to the finding that the project is consistent with the referenced policies. In addition, the City did not reference the public access policies of the Coastal Act. Therefore, the City did not substantially support the project’s consistency with the LCP and the public access policies of the Coastal Act.

The second factor is the extent and scope of the development as approved or denied by the local government. The City-approved development is the expansion of an existing valet parking program, which would involve increasing the number of valet stations, increased days and hours of operation, and increased valet rates. The extent of the proposed project is not explicitly defined in the adopted Resolution No. 15-0045 for the approval of Local CDP No. 15-20, which according to the City’s Records was amended by the City Council the hearing to limit the duration of the contract agreement between the City, DBPA, and the valet operator to one year. This amendment is only recorded in the minutes from the City Council’s hearing and not a part of the final signed Resolution. Therefore, the extent and scope of the development remains unclear.

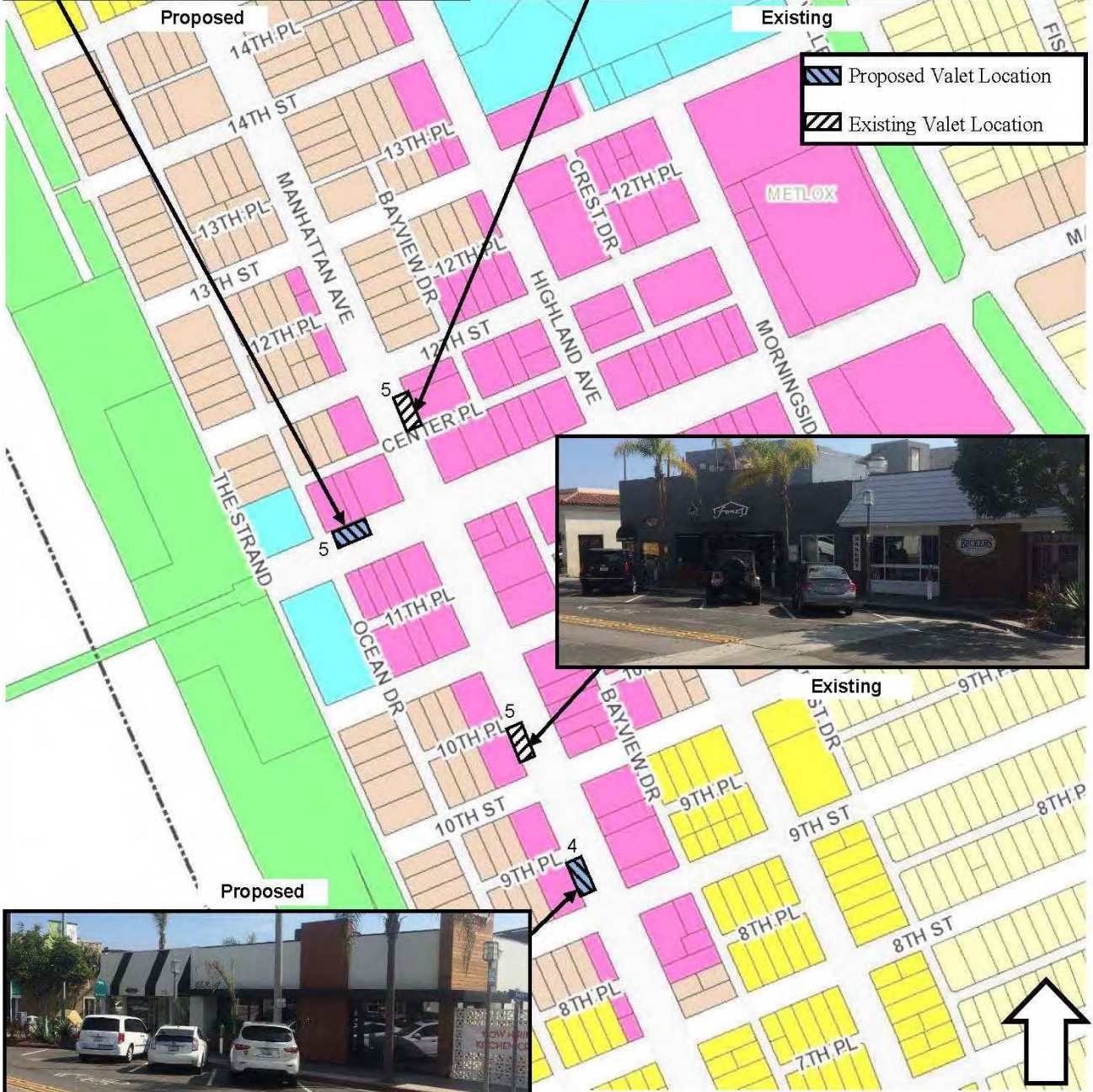
The third factor is the significance of the coastal resources affected by the decision. The project may negatively impact the public coastal access and may not be consistent with the certified LCP and the public access policies of the Coastal Act. Therefore, the development could significantly and adversely affect coastal resources.

The fourth factor is the precedential value of the local government’s decision for future interpretations of its LCP. The project, as approved and conditioned, raises a substantial issue with regard to the project’s conformity with the public access policies of the Coastal Act and the certified Manhattan Beach LCP and would have the potential to set a negative precedent for future development.

The final factor is whether the appeal raises local issues, or those of regional or statewide significance. Impacts to coastal resources are important statewide issues. Downtown Manhattan Beach is a very popular visitor destination for its beach, particularly in the summer, and its plethora of business and commercial facilities, making the protection of its coastal access in this beach town a statewide issue. Therefore, the City’s approval does raise issues of statewide significance with regards to public coastal access in the Manhattan Beach coastal zone area.

In conclusion, the issues for this appeal relate primarily to the potential impact to public coastal access of Manhattan Beach. In this case with regards to public coastal access, the proposed project is not in conformity with the certified LCP and the Chapter 3 policies of the Coastal Act. Therefore, Commission staff recommends that the Commission find that the appeal raises a substantial issue as to conformity with the City of Manhattan Beach LCP and the Chapter 3 public access policies of the Coastal Act.

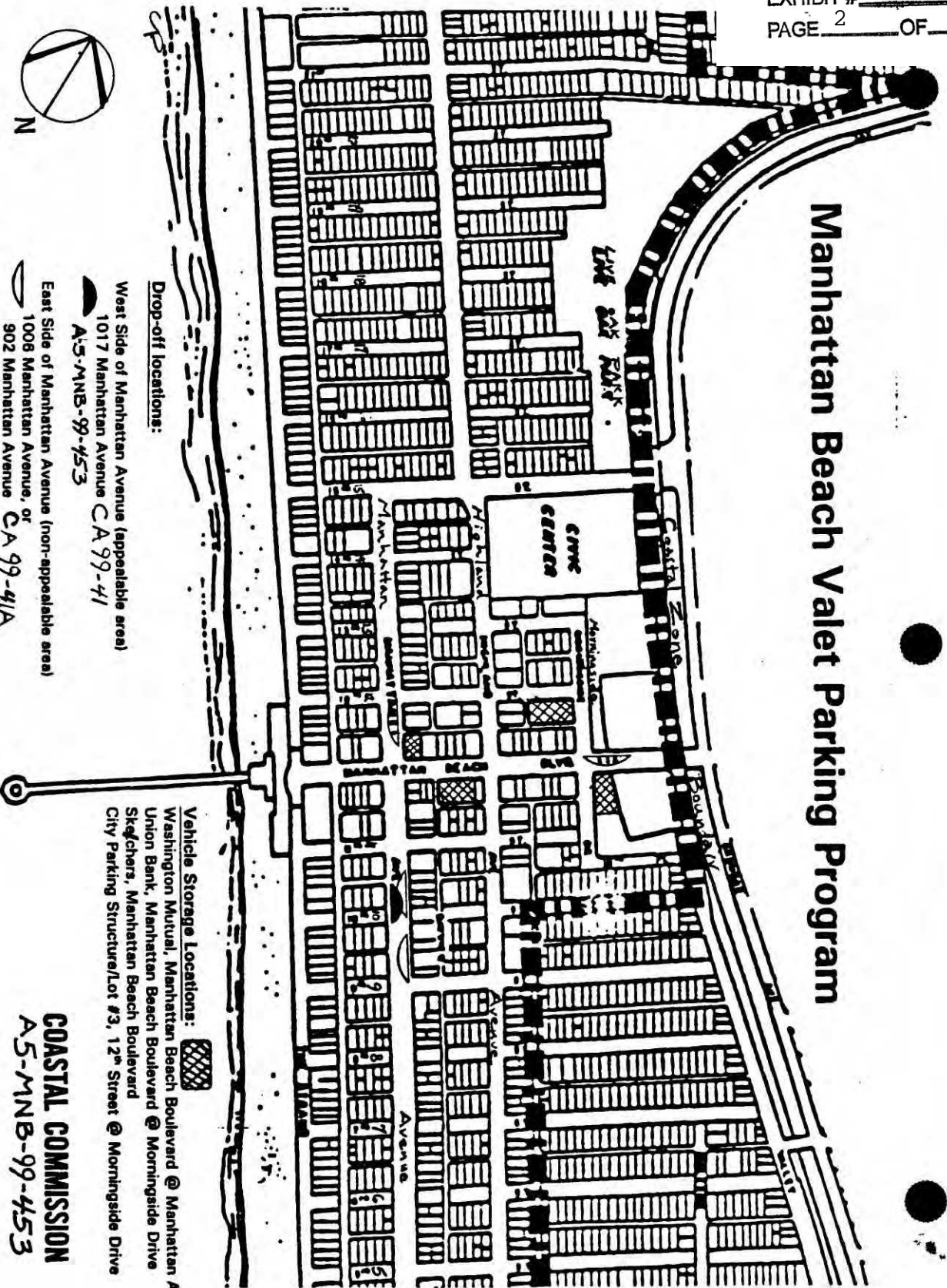




City of Manhattan Beach  
Community Development  
Traffic Engineering Division

Existing and Proposed Valet Locations  
Downtown Manhattan Beach

# Manhattan Beach Valet Parking Program



**Drop-off locations:**

West Side of Manhattan Avenue (appealable area)

1017 Manhattan Avenue CA 99-41

A-5-MNB-99-453

East Side of Manhattan Avenue (non-appealable area)

1006 Manhattan Avenue, or

902 Manhattan Avenue CA 99-41A

Original Locations (non-appealable area) CA 99-14

1190 Manhattan Avenue (@ 12th Street), and

401 Manhattan Beach Boulevard (@ Morningside Drive)

**Vehicle Storage Locations:**

Washington Mutual, Manhattan Beach Boulevard @ Manhattan Avenue

Union Bank, Manhattan Beach Boulevard @ Morningside Drive

Sketchers, Manhattan Beach Boulevard

City Parking Structure/Lot #3, 12th Street @ Morningside Drive

**COASTAL COMMISSION**  
A-5-MNB-99-453

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South Coast RegionEXHIBIT # 2  
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STATE OF CALIFORNIA - THE RESOURCES AGENCY

JUL 31 2015

## 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) 590-5084CALIFORNIA  
COASTAL COMMISSION

## APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

## SECTION I. WILLIAM VICTOR

Name: WILLIAM VICTOR A LAW CORPORATION  
Mailing Address: POB 241072  
City: LOS ANGELES, CA 90024Delivered By Hand.  
7/31/15  
Phone: 562-670-2590SECTION II. Decision Being Appealed

1. Name of local/port government:  
CITY OF MANHATTAN BEACH
2. Brief description of development being appealed:  
EXPANSION OF HOURS AND LOCATIONS AND PRICE OF VALET PARKING PROGRAM TO \$11.00  
THROUGHOUT DOWN TOWN MANHATTAN BEACH INCLUDING MANHATTAN AVE AND MANHATTAN  
BEACH BLVD. WITHOUT PROPER NOTICE TO RESIDENTS AND OTHERS
3. Development's location (street address, assessor's parcel no., cross street, etc.):

PLEASE SEE ANSWER TO 2 ABOVE

4. Description of decision being appealed (check one.):

- ☒ Approval; no special conditions  
☐ Approval with special conditions:  
☐ 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-15-0049

DATE FILED:

7/31/15

DISTRICT:

South Coast

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)**

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator  
☒ City Council/Board of Supervisors  
☐ Planning Commission  
☐ Other

6. Date of local government's decision:

7/7/15

7. Local government's file number (if any):

CA 15-20

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant: **CITY OF MANHATTAN BEACH**

**1400 HIGHLAND AVENUE**

**MANHATTAN BEACH, CA 90266**

**ATT: CITY MANAGER**

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) **MARTHA ANDREANI**

**117 TENTH STREET**

**MANHATTAN BEACH, CA 90266**

(2) **WILLIAM VICTOR**

**WILLIAM VICTOR A LAW CORPORATION**

(3) **POB 241072**

**LOS ANGELES, CA 90024**

(4) **JACKIE MAY 233 TENTH STREET**

**MANHATTAN BEACH, CA 90266**

**COASTAL COMMISSION**

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PAGE 2 OF 7

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)**

**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.

PLEASE SEE ATTACHED THREE PAGES

*Basic Access limitations Excessive  
and Dangerous*

**COASTAL COMMISSION**

EXHIBIT # 2  
PAGE 3 OF 7

## SECTION IV

### Abbreviated Summary of Reasons Supporting this Appeal

'1. A number of persons including the undersigned who testified against the permit noted that they never received notice of the Parking and Public Improvements Commission which the Resolution

15-004 mentions. Never received any notice of the hearing and the minutes of that meeting have not been made available despite a Request under the Public Records Act. responded that they are not available. This failure to make them available was also confirmed orally by the Director of Community Development with no special reason that the undersigned is able to recall.

2. The resolution fails to explain that the approval of the permit and the contract with the vendor was limited to one year ending July 7, 2016.

3. There is opposition to the increased charge for Valet parking to an \$ 11.00 fee. a brief survey by the undersigned indicates that many persons who came to use the beach for recreation were not willing to pay that amount and the spaces taken by the valet service already in place one block north of the one the undersigned is concerned with takes a significant number of parking spaces from the available pool despite the unsubstantiated statements of ratios from the Staff at the July 7 Council meeting.

4. The hours of the valet service in the coastal area have been increased to weekday valet service every day of the week till midnite and Saturday during the day from 11AM to 12 midnite and Sunday 11AM to 10PM making a drastic shocking change and elimination of parking for the recreation users especially *Access* during summer and weekend.

5. The valet service representative testified at the City Council hearing that one of the reasons that it double and triple parks the cars is to attract valet parking business and that they do not have adequate alternate parking for the tall SUV vehicles with the result that it is difficult to park SUV and other tall vehicles. I will attach a picture I just recently hurriedly took this week on a weekday showing double parking which according to a number of persons who testified <sup>dangerously</sup> blocks the views when driving or walking out of 8<sup>th</sup> Place or 9<sup>th</sup> Place, for example onto Manhattan Avenue.

6. This permit by the Applicant City was partially or completely to placate one steak Restaurant that opened and is only one block south of the one Valet Service in front of Fonz Restaurant at 10<sup>th</sup> St. the picture which I will attach and others I have not developed due to the rush to submit this appeal within the ten day period which ends today, July 31, 2015. I reserve the right to supplement this brief summary. The Valet Service that is now at Fonz was originally planned for the one now proposed herein where the steak restaurant is currently and it was decided for safety reasons that it be moved north to the location where it operates now all too often endangering pedestrians at a crossing and cars passing and entering Manhattan Avenue when travelling in an easterly direction. *9<sup>th</sup> Street*

*No a stop sign on Manhattan Ave which can be blocked by the proposal*  
7. Some including the undersigned who testified that they received no notice of the PPIC meeting and who attended the City Council meeting on July 7, testified that due to the fact that there is a downtown

**COASTAL COMMISSION**

EXHIBIT # 2  
PAGE 4 OF 7

parking plan which has not been completed and consultants are drafting and special suggestions by a consultant group (ULI) who generated a report covering inter alia parking in the downtown, and some residents who testified at the City Council hearing asked that this parking in this permit application be delayed until those plans are developed hopefully not in the distant future.

8. The undersigned along with a number of residents testified against this plan and although I have not seen any minutes I was able to purchase a DVD of the hearing which the Coastal Commission should probably obtain from the City which spells out the concern of residents who live in the downtown and believe this will interfere with their access, their own offstreet parking especially when they have to pay \$11.00 when they could before walk from, for example 10<sup>th</sup> Street where one resident testified she lived to 2<sup>nd</sup> street before but now the distance is likely to be greater with space at even greater distance may not be available. The witness/resident testified she has fibromialgia and often pain walking so far. The LCP policies cited in the inaccurate incomplete resolution cites Policy I.C.10 which only references "evening/weekend beach parking uses" and does not appear to anticipate this type of excessive valet service taking up many more spaces from the street and on weekdays.

9. The concerns on July 7 which seem to be ultimately ignored by the City Council (except to limit it to a one year from a three year proposal) include (a) The \$11.00 charge to beach going families or residents (b) the added hours (c) taking more spaces from the normal users seeking access to the beach and surf and residents (d) the noise of late evening all day stirred by additional cars traveling to the joint use spaces (e) the double and triple parking which the vendor admits can be inevitable and also testified that: "double parking is to attract business!!!" (It is on the DVD) and the suggestion of calling the police to correct the situation who we all know in fact are usually busy during these same hours with crimes etc or who wink at the violations of local businesses (f) The alternate additional spaces behind Chase bank and Bank of America really have limited additional space and is a reason for the triple and double parking often blocking additional spaces which were to be left available to the residents and visitors (g) absence of criteria to determine the success of this program (h) The total \$11.00 plus gratuities are retained by the vendor and its employees (H) absence of any showing of a survey of the costs of other beach cities which the undersigned will undertake if necessary (i) again the failure of notice and failure to include input by the residents and residential property owners many of whom did not even know of the City Council meeting and who should have received notice of that under the LCP notice provisions too numerous to recite here but perhaps in the supplemental submissions;

The City of Manhattan Beach Department of Community Development which is involved here regularly does not recognize the need for notice required by the LCP and almost as frequently its own municipal code and the Director of Parks and Recreation has testified That if he gives notice "after a meeting" he should have given notice about it is sufficient. Sometimes the two Departments will each will meet in closed meeting with select "stakeholders" and it appears intentionally not give notice to residents or persons they feel may not agree with the handling of a proposal. Given the inadequate notice to the meeting of the PPIC there was significant opposition by persons who attended the July 7 meeting.

10. The Resolution 15-0045 names the applicant as "The Downtown Business and Professional Association" in Section 1 but the cover letter to the Commission Office dated July 14, 2015 and received by regular mail thereafter sets forth at the bottom "Erik Zandvliet /City of MB (applicant)" and

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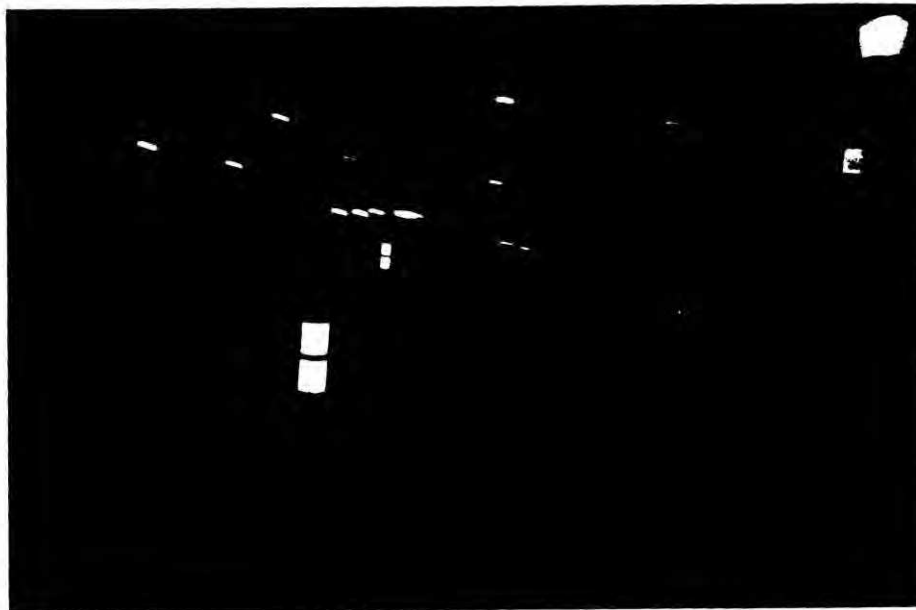
throughout the resolution it has clauses such as "Applicant may appeal determinations to the CityCouncil" and ... "Applicant shall defend, indemnify, and hold the City, its elected officials, officers, employees ....harmless". Mr. Zandvliet happens to be an employee of the City of Manhattan Beach.

As a result I shall place the City of Manhattan Beach in Section 1 and III a. of this Appeal Form.

I reserve the right to supplement this Appeal Form which will <sup>also</sup> be submitted and delivered by hand.



illegal  
Drunk  
Parking  
by Valet  
Causing  
Safety  
Problems  
for other  
drivers



Room Photo as Valet in Room of Fong Manhattan Ave 7/2015

COASTAL COMMISSION

EXHIBIT # 2  
PAGE 6 OF 7



**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)**

**SECTION V. Certification**

The information and facts stated above are correct to the best of my/our knowledge.

William Victor  
Signature of Appellant(s) or Authorized Agent

Date: 7/31/15

**Note:** If signed by agent, appellant(s) must also sign below.

**Section VI. Agent Authorization**

I/We hereby  
authorize

William Victor  
to act as my/our representative and to bind me/us in all matters concerning this appeal.

William Victor  
Signature of Appellant(s)

Date: 7/31/15

**COASTAL COMMISSION**

EXHIBIT # 2  
PAGE 7 OF 7

RECEIVED  
South Coast Region

AUG 20 2015

WILLIAM VICTOR A LAW CORPORATION  
BOX 241072  
LOS ANGELES, CA. 90024

AUGUST 19, 2015

CALIFORNIA  
COASTAL COMMISSION

TO: CALIFORNIA COASTAL COMMISSION  
SOUTH COAST DISTRICT OFFICE  
200 OCEAN GATE, LONG BEACH, CA 90802-4416 BY HAND

ATT: CHARLES POSNER

SUPPLEMENT TO APPEAL NO. A-5-MNB -15 -0049

Please note the following which has been received today by the appellants although requested on July 16, 2015 from the City of Manhattan Beach:

1. Although the attached email dated June 1, 2015 <sup>acknowledges</sup> the nature of the application as being a "big expansion" of the valet program and that a noticed hearing of the Planning Commission was required, there is no indication that this hearing took place.
2. It confirmed that the PPIC meeting was scheduled to take place but there was no public notice for that meeting and the City has failed to supply any minutes although they have been requested in accordance with the California Public Records Act since July 8, 2015 and 11 times since that date and as of this day they have still not been made available despite additional requests from the Director of Community Development and more than one City Council Member.
3. I also attach a copy of a letter from the owner of 23<sup>rd</sup> Jewelers Mb, Inc. <sup>where it is clear that</sup> she wants to discourage access to the "beach goer" when she requests. <sup>Please consider a</sup> \$10.00 fee, this will negate the beachgoer, and encourage the higher end local client who can and I believe will pay the fee.
4. I will attach the draft minutes of the PPIC if I get them tomorrow morning when they were promised;
5. I have a recording of the City Council meeting dated July 7 and can purchase another for the Coastal Commission if the City is unwilling to supply it.

6. I have also attached pictures <sup>taken</sup> during the first week of August 2015 which although not as clear as I intended show double and triple parking in the new location in front of the new steak house and the existing location in front of Fonzi Restaurant on Manhattan Avenue. The middle picture on the last page shows how the Stop sign is made difficult to see and comply with. Also today August 20 there are No Parking signs in front of Fonzi which results in no cars being parked there for beach goers and these signs were up since early morning if not before that.

7. I have received pictures at a meeting of the downtown residents assembled to discuss but only advise another committee which we understand has one resident and 12 commercial property owners. That committee has been writing and sending pictures which suggest that this double parking and triple parking interferes with the maintenance of cleaning the litter and garbage. I have witnessed large cock roaches roaming in front of the restaurants at 10<sup>th</sup> Street and it has been suggested that this crowding of double parking has contributed to that health hazard.

I am limited to this number of pages to be able to let the Coastal Commission and its staff have some knowledge about what is happening at this time and have this supplement included in the Staff Report for which I thank the Long Beach staff repeatedly.

8. I am available to supplement this further and answer any questions. Cell: 516-670-2590

Email: [Vic.law1@gmail.com](mailto:Vic.law1@gmail.com)

William Victor

A Law Corporation

By *William Victor*

William Victor

COASTAL COMMISSION

EXHIBIT # 3  
PAGE 1 OF 5

**From:** Erik Zandvliet  
**Sent:** Monday, June 01, 2015 9:09 PM  
**To:** 'Kelly Stroman'; Steve S. Charelian; Marisa Lundstedt  
**Cc:** 'Mike Simms'; 'Mike Zislis'; 'Mary Ann Varni'; 'Kris Mackerer D'Errico'; Mark Danaj; Eric Haaland; Nhung Madrid  
**Subject:** RE: DTMB-Valet expansion

Kelly,

You are right, this is a big expansion of the valet program. We've been discussing your May 4 request for the expansion of the valet service with several departments. Since the request includes two new

1

locations, double the number of public street spaces used, and significantly expanded hours, it will have a potential impact to public parking and beach access. Therefore, we are not able to administratively approve an amendment to the existing valet agreement (The agreement does not provide any language for revisions either). A new agreement will need to be executed, which is subject to public noticing required by Coastal Permit requirements, a review by the PPIC to determine appropriate use of the public parking spaces to be reserved for valet purposes, and approval by the Planning Commission for a Coastal Permit, as was done for prior agreements. Ultimately, the Planning Commission decision will likely need to be approved by the City Council as well, since prior valet approvals were only short term pilot projects.

I have been able to schedule a special meeting of the Parking and Public Improvements Commission to jump-start the approval process. The meeting will be held on Thursday, June 11 at 6:30pm. In order to meet that date, I need a little more information, including the valet routes to/from the private parking lot(s), the number of private parking spaces available (by time of day if it varies), and any additional private parking to be provided for the new valet stations. I need this information by Wednesday noon, otherwise, the item can be rescheduled to the regular PPIC meeting on June 25. It will be imperative that the DBPA and valet operator be present at the meeting and give convincing presentations in support of the valet expansion.

I'm thinking of questions the Commissioners will ask, and it would go a long way if it can be shown that more private parking spaces are available for the valet in conjunction with the expanded hours and doubling the number of valet stations. Can the BPA and/or the operator provide a letter to describe how the expanded valet operation will increase parking efficiency in Downtown, especially the use of private parking spaces? The existing 15 to 1 parking ratio benefit would fall to 7.8 to 1 when 19 public spaces are used to fill the same 150 private spaces.

Laurie has scheduled the proposal for the next Planning Commission meeting on June 24. This also requires public notice and newspaper publication with a deadline this Friday.

Meanwhile, we are circulating the Valet proposal to various departments for their comments and recommended conditions.

*Note - No  
parents or ardena Henry  
left WH*

Please review the Valet Program Proposed Changes Comparison Table and provide the missing information and let me know if there are changes.

We will try our best to keep this moving quickly, and several divisions have already rearranged work schedules and priorities to expedite this approval.

Erik Zandvliet, T.E.  
City Traffic Engineer  
P: (310) 802-5522  
E: [ezandvliet@citymb.info](mailto:ezandvliet@citymb.info)

**COASTAL COMMISSION**

"A"

EXHIBIT # 3  
PAGE 2 OF 5

From: Mary <j23kelley@aol.com>  
Subject: \*\*VL-JUNK\*\* 23rd Street Jewelers  
Date: June 3, 2015 at 9:30:53 AM PDT  
To: Kelly Stroman <kelly@downtownmanhattanbeach.com>, 23rd Street Jewelers  
Manhattan Beach <mb@23rdstreetjewelers.com>, Diane Allen <dallen1984@aol.com>

Dear Kelly,

I am Mary Kelley of 23rd Street Jewelers Inc. We were established in 1981 in Santa Monica, and in 2003 we opened our second store on Manhattan Ave, in downtown Manhattan Beach. As a business owner at 1009 Manhattan Ave, I have seen the issue of parking change dramatically in the past 12 years.

I am very much in favor of additional valet parking, servicing all clients in this area. We are open from 11:00-6:00 Tues thru Saturday. We have extended hours during the holidays, when we will stay open till 8-9 Pm.

My clients are not the tourists who visit Manhattan Beach to walk the Strand, the Pier, and visit our restaurants, and occasionally buy a T Shirt. My client is our local community! We have experienced a decrease in sales annually during the summer months for years. I can also note on any sunny day, my local clients, if they don't have a parking spot, will not come in. The parking problem is my number 1 issue having a business located in downtown.

Clients are very upset when they have an appointment to look at diamonds, or have a custom design request, and they cannot come in. As we are as well. Huge costs involved for us to convert diamond requests into sales! But, we are missing the impulse buyer too.

Additional daytime valet would be helpful, although I am concerned about the congestion at the Alley between Fonzs restaurant and my store. Please consider a \$10.00 fee, this will negate the beach goer, and encourage the higher end local client who can and I believe will pay the fee.

I can be reached at 310 374-9923 if needed.

Thank you,  
Best,  
Mary Kelley  
23rd Street Jewelers Mb Inc.

Thank you for the opportunity to discuss additional valet parking in the downtown Manhattan Beach area.

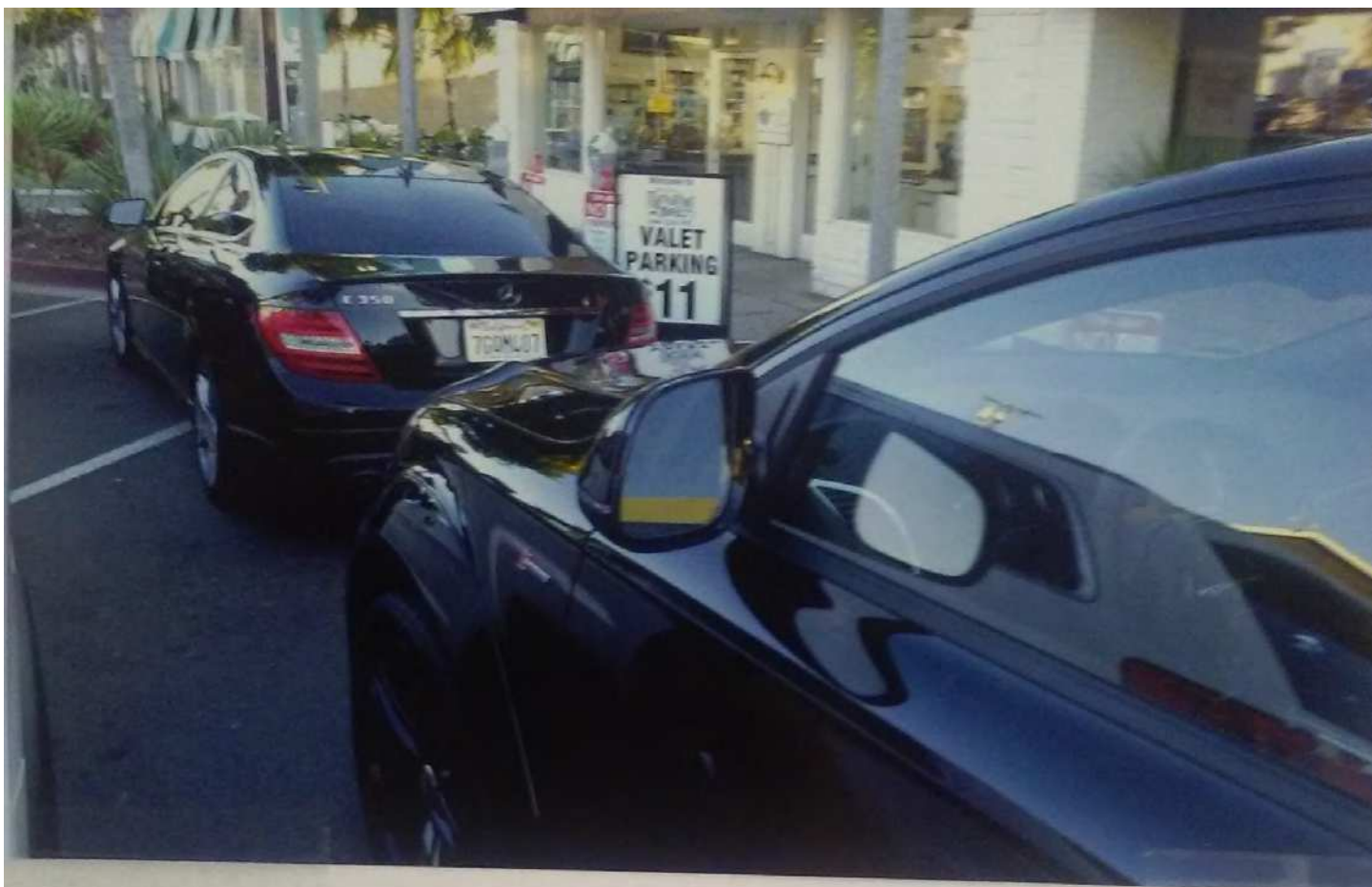
**COASTAL COMMISSION**

EXHIBIT # 3  
PAGE 3 OF 5

*Handwritten initials*

*negate the beach goer?!*





**COASTAL COMMISSION**

EXHIBIT # 3  
PAGE 4 OF 5



**COASTAL COMMISSION**

EXHIBIT # 3  
PAGE 5 OF 5



Draft

**TO:**  
Honorable Mayor and Members of the City Council

**THROUGH:**  
Mark Danaj, City Manager

**FROM:**  
Marisa Lundstedt, Community Development Director  
Erik Zandvliet, T.E. City Traffic Engineer

**SUBJECT:**  
Public Hearing and Adoption of Resolution No. 15-0045 for a Coastal Development Permit to Allow a Modification to the Existing Downtown Valet Parking Program (Community Development Director Lundstedt)  
**ADOPT RESOLUTION**

---

**RECOMMENDATION:**  
The Parking and Public Improvements Commission recommends that the City Council adopt Resolution No. 15-0045 for a Coastal Development Permit to allow a modification to the existing Downtown Valet Parking Program.

**FISCAL IMPLICATIONS:**  
None. The valet operator will reimburse the City for meter charges during those times in which the street parking spaces are occupied by the valet service.

**BACKGROUND:**  
The Downtown Valet Parking Program was initiated in 1999 in collaboration with the Downtown Business Improvement District. Various modifications have been made to the Program over 15 years through a series of Coastal Development Permits and agreement terms.

The 2008 Downtown Parking Management Plan supported the continued use of a valet to maximize the utilization of private parking spaces. The Plan recommended all-day valet service for restaurants, subject to private parking availability.

In Spring 2015, the Urban Land Institute's (ULI) Advisory Services assembled a professional panel to conduct an comprehensive assessment of Downtown to help the City formulate a strategic vision for the next 20 years. One of the ULI Report's recommendations is to expand the valet hours and days, as well as to add valet drop-off locations, particularly near restaurants of a certain size, to benefit all residents, visitors and customers.

On June 1, 2015, the DBPA requested approval of two additional valet drop-off locations and expansion of the valet operating hours. On June 11, 2015, the Parking

**COASTAL COMMISSION**

EXHIBIT # 4  
PAGE 1 OF 5

and Public Improvements Commission (PPIC) discussed the DBPA's request, heard testimony from several businesses, and voted to recommend that the proposed expansion plan be approved by City Council (Attachment 1). The PPIC also recommended that local short-term parking be accommodated for retailers at the valet location on the west side of Manhattan Avenue between 9<sup>th</sup> Street and 9<sup>th</sup> Place during their business hours. These changes require the approval of a Coastal Development Permit per the attached application (Attachment 2)

#### **DISCUSSION:**

The Downtown Valet Parking Program has been in operation for approximately 15 years. There is a joint agreement between the City, DBPA and the valet operator which establishes the terms, conditions and responsibilities to operate a valet operation on City streets (Attachment 1, Exhibit 1). The DBPA contracts with Crimson Parking, Inc., separately to provide the valet parking services. The valet company, in turn, contracts with the private parking lot owner, for the use of the parking lots. The Downtown Valet Parking Program operates in compliance with Local Coastal Plan pursuant to Coastal Development Permits (# CA99-17, CA99-41, CA99-41A, and CA01-48) for up to 4 locations in the City.

Over the years, the number of valet drop-off locations has ranged from two to three locations, with a maximum of 16 metered street spaces displaced during valet operations (Attachment 1, Exhibit 2). The DBPA and valet operator currently use only two of the approved locations:

1. East side of Manhattan Avenue between Center Place and 12<sup>th</sup> Street (5 spaces), and
2. West side of Manhattan Avenue between 10<sup>th</sup> Place and 11<sup>th</sup> Street (5 spaces)

The valet charge has ranged from \$2.50 for the first hour/\$1.00 per hour thereafter/\$12.50 maximum in 1999 to the current flat rate of \$9.00. The hours of operation have generally remained unchanged, with the exception that Sunday valet operation is not allowed in the current agreement. The current valet operator is Crimson Parking, Inc.

Various off-street valet parking sites have been used during the last 15 years, including Union Bank (400 Manhattan Beach Boulevard), Chase Bank (201 Manhattan Beach Boulevard), Sketchers Office Building (228 Manhattan Beach Boulevard, and Level 3 of Parking Lot #3 (12<sup>th</sup> Street/Morningside), providing up to 250 parking spaces. The current valet operation uses the Sketchers Office Building (approximately 110 spaces) and the Chase Bank lot (20 spaces), for a total of approximately 130 parking spaces.

It should be noted that a second valet service operates in the Metlox Parking Structure under contract with the Shade Hotel. The valet parking area is on the lower level and is primarily used by hotel patrons.

#### **Proposed Changes**

**COASTAL COMMISSION**

EXHIBIT # 4  
PAGE 2 OF 5



On June 1, 2015 the DBPA submitted a request to expand the Downtown Valet Parking Program (Attachment 1, Exhibit 3). It is requesting the addition of two new valet drop-off locations:

1. North side of Manhattan Beach Boulevard between Ocean Drive and Manhattan Avenue (4 spaces)
2. West side of Manhattan Avenue between 9<sup>th</sup> Street and 9<sup>th</sup> Place (4 spaces)

Both locations are within the appealable area of the Coastal Zone. If recommended, the City Council would need to pass a resolution approving a Coastal Development Permit for the additional valet drop-off locations.

The DPBA is also requesting additional changes to general valet operation, as detailed in the Draft Valet Parking Agreement (Attachment 3). The changes include daytime hours on Saturday and Sundays, valet service on all days at three locations and an increase in valet rates to \$11 per vehicle. They are also requesting clarification in the agreement to waive the required parking meter reimbursement fee for those holidays and special events during which the valet does NOT operate.

The City Traffic Engineer is generally supportive of the proposed changes, since the valet service leverages underutilized private parking spaces for use by the general public. It will provide some relief for the public parking lots and street spaces by increasing the overall parking supply available to the public. The private parking lots are typically not used during the proposed valet hours, so parking would not be displaced. The current policy to prohibit preferential use of the valet by certain businesses or patrons should be maintained in order to provide equal access by the public in the Coastal Zone.

The valet service currently occupies 10 metered street spaces at the drop-off locations that are not usable by the public during valet times. If both proposed drop-off locations are approved, the number of unusable metered spaces would increase from 10 to 18 spaces. Based on 130 private parking spaces currently available to the valet service, the existing 13 to 1 parking ratio benefit would fall to 7.2 to 1 when 18 public spaces are used to fill the same 130 private spaces. This also means that the valet service may have to close down sooner when all private spaces become fully occupied. Therefore, the City Traffic Engineer suggested the valet operator find additional private parking locations as demand increases, such as the Union Bank and Bank of America, so the valet does not have to turn away customers.

In preparation for the PPIC public meeting, Staff has invited participation from a variety of stakeholders through various methods, including:

- Hand-delivered notices to adjacent property owners, businesses and residents;
- Notices sent to Downtown Business and Professional Association (DBPA);
- Special Meeting Notices posted in approved locations; and
- City Website Announcement.

**COASTAL COMMISSION**

EXHIBIT # 4  
PAGE 3 OF 5

## **Coastal Development Permit**

Pursuant to Code Section A.96.040 of the certified Local Coastal Program (LCP) a Coastal Development Permit is required for:

.....any development, including gates, parking controls, new locations for parking meter areas, changes in fee structure, expansion of times and hours in which monthly permits may be offered, or other devices in the coastal zone that change the availability of long and short term public parking, including but not limited to, changes in the operation of the parking management program established by Section A.64.230.

The existing valet parking operation was issued a Coastal Development Permit and the proposed locations and expansion of operating hours also requires such approval. The permit is appealable to the Coastal Commission since both new locations are within the appealable area of the coastal zone.

Since the relocated valet station requires approval by the City Council, Section A.96.090 (A.1) of the LCP requires that action on the Coastal Development Permit be held concurrently. Public notification, consistent with Section A.96.110 (B) of the LCP, has been made in preparation for the City Council consideration.

## **Coastal Development Permit Findings**

The findings required for issuance of the Coastal Development Permit are contained in Section A.96.150 (A & B) of the LCP. These findings are:

1. That the project, as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified Manhattan Beach Local Coastal Program; and,
2. If the project is located within the first public road and the sea, that the project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976.

Staff recommends approval of the Coastal Development Permit based upon project consistency with the following LCP 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.
- 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 weekend beach parking uses).

**COASTAL COMMISSION**

EXHIBIT # 4  
PAGE 4 OF 5

Based upon the project's consistency with these LCP policies, and the fact that the project will not negatively impact public access and recreation, staff recommends approval of the attached Coastal Development Permit.

#### **Environmental Review**

Based upon staff's analysis the proposed program is categorically exempt from the provisions of the California Environmental Quality Act (CEQA). Specifically, the project is exempt per 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.

#### **CONCLUSION:**

Based on the overall benefit of utilizing unused private parking for the general public and net increase in public parking availability, it is recommended that the City Council adopt a resolution approving a Coastal Development Permit for the proposed expansion of the Valet Parking Program (Attachment 3) as identified in the draft Valet Parking Agreement between the City, DBPA and the valet operator (Attachment 4).

**COASTAL COMMISSION**

EXHIBIT # 4  
PAGE 5 OF 5

S.mnb.15.0666



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

JUL 17 2015

CALIFORNIA  
COASTAL COMMISSION

July 14, 2015

California Coastal Commission  
South Coast District  
200 Oceangate, 10<sup>th</sup> Floor  
Long Beach, CA. 90802-4302

**RE: Coastal Development Permit for the Expansion of the City Valet Parking Program in  
Downtown Manhattan Beach (CA 15-20, Manhattan Avenue & Manhattan Beach Blvd)**

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 (July 7, 2015) on the above referenced project located in the appealable portion of the Manhattan Beach Coastal Zone. At this hearing the Council voted 5-0 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. 15-0045 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 me at (310) 802-5511.

Sincerely,

Eric Haaland, Associate Planner  
Department of Community Development

xc: Erik Zandvliet/City of MB (*Applicant*)  
1400 Highland Ave,  
Manhattan Beach, CA 90266

Att: Reso. 15-0045

Fire Department Address: 400 15<sup>th</sup> Street, Manhattan Beach, CA 90266  
Police Department Address: 420 15<sup>th</sup> Street, Manhattan Beach, CA 90266  
Public Works Department Address: 3621 Bell Avenue, Manhattan Beach, CA 90266  
City of Manhattan Beach Web Site: <http://www.ci.manhattanbeach.ca.us>

**COASTAL COMMISSION**

EXHIBIT # 5  
PAGE 1 OF 5

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 9<sup>th</sup> Street and 10<sup>th</sup> 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.

**COASTAL COMMISSION**

EXHIBIT # 5  
PAGE 2 OF 5



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

**COASTAL COMMISSION**

EXHIBIT # 5  
PAGE 3 OF 5

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.

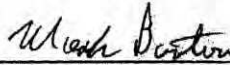
**SECTION 5.** Pursuant to Government Code Section 65907 and Code of Civil Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine 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: Lesser, Howorth, Powell, D'Errico and Mayor Burton.  
Noes: None.  
Absent: None.  
Abstain: None.

  
\_\_\_\_\_  
MARK BURTON  
Mayor, City of Manhattan Beach

ATTEST:

  
\_\_\_\_\_  
City Clerk

**COASTAL COMMISSION**


EXHIBIT # 5  
PAGE 4 OF 5

STATE OF CALIFORNIA       )  
                                  )  
COUNTY OF LOS ANGELES    ) SS.  
                                  )  
CITY OF MANHATTAN BEACH    )

I, Liza Tamura, City Clerk of the City of Manhattan Beach, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing resolution, being Resolution No. 15-0045 duly and regularly introduced before and adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 7<sup>th</sup> day of July 2015 and that the same was so passed and adopted by the following vote, to wit:

Ayes:       Lesser, Howorth, Powell, D'Errico and Mayor Burton  
Noes:       None.  
Absent:     None  
Abstain:    None.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 14<sup>th</sup> day of July 2015

  
\_\_\_\_\_  
City Clerk of the City of  
Manhattan Beach, California

(SEAL)

**COASTAL COMMISSION**

EXHIBIT #           5            
PAGE           5           OF           5



## VALET PARKING AGREEMENT

Draft

THIS AGREEMENT is made this 7<sup>th</sup> day of July, 2015 between the CITY OF MANHATTAN BEACH, a municipal corporation, ("City"), the DOWNTOWN MANHATTAN BEACH BUSINESS & PROFESSIONAL ASSOCIATION, ("Association"), and CRIMSON PARKING, INC. ("Operator"), the private valet service operator.

### RECITALS

- A. City is a public entity and the owner of certain right of way property in the downtown district of Manhattan Beach;
- B. Association seeks to obtain a valet parking service that would use the public right of way for pick-up, drop-off and movement of the vehicles to be parked;
- C. Operator is engaged in the business of providing valet parking services.
- D. The parties mutually desire to enter into an agreement by which, for adequate consideration payable to City and Association, the Operator is given a revocable license to use the public right of way to operate its valet parking business;

NOW, THEREFORE, City, Association and Operator agree as follows:

#### 1. License Granted

For the consideration provided for herein City hereby grants to Operator a revocable, non-exclusive, license as follows:

(a) to use the public right of way to conduct a valet parking business which entails moving cars to and from pick-up/drop-off points and parking spaces;

(b) to establish valet stations to be operated in accordance with the Valet Parking Operation Plan, at the following locations;

- (i) East side of Manhattan Avenue between Center Place and 12<sup>th</sup> Street (approximately 5 spaces)
- (ii) West Side of Manhattan Avenue between 10<sup>th</sup> Place and 10<sup>th</sup> Street (approximately 5 spaces)
- (iii) North side of Manhattan Beach Boulevard between Ocean Drive and Manhattan Avenue (approximately 4 spaces)
- (iv) West Side of Manhattan Avenue between 9<sup>th</sup> Street and 9<sup>th</sup> Place (approximately 4 spaces)

**COASTAL COMMISSION**

EXHIBIT # 6  
PAGE 1 OF 10

(c) Valet stations shall be operated in accordance with the Valet Parking Operation Plan, with the understanding that during hours of operation, the valet station will occupy metered parking;

(d) Operator shall be permitted to charge for valet services provided in accordance with the rate schedule mutually agreed upon by Association and Operator. The initial rate will be a flat fee of \$11.00 per vehicle. Any changes to the rate shall be approved by the City in writing.

## **2. Valet Operator's Obligations**

(a) Operator will provide valet parking services at the Valet Stations set forth in Exhibit A, attached hereto and incorporated by this reference.

(b) Operator will comply with all terms and conditions set forth in Exhibit A "Valet Parking Operation Plan".

(c) The Association hereby acknowledges that Operator has or will enter into agreements with SKECHERS USA for the use of certain private parking facilities in connection with the Downtown Manhattan Beach Valet Parking Program (hereafter, the "Private Parking Agreements"). As a condition of this Agreement, Operator agrees to provide the Association true and correct copies of the Private Parking Agreements. This provision shall apply to any subsequent Private Parking Agreement into which Operator enters with a party other than specified above.

(d) Operator, at its own cost and expense, will employ, train, and supervise all persons reasonably necessary to carry out all obligations, responsibilities and duties assumed by it pursuant to this Agreement. Operator further agrees that for all personnel who perform the services as a valet pursuant to this Agreement, such persons will be uniformed in a manner satisfactory to the Association and shall refrain from smoking while on duty.

(e) Operator will maintain in good condition all drop off Stations identified in Exhibit A and keep such Stations free of debris.

(f) Operator will obtain all necessary City, State, and Governmental licenses and approvals of any kind or character required for it to provide the services provided by this Agreement, and further agrees to provide copies of such licenses and approvals to the Association within ten (10) days of the Association's request for the same.

(g) Operator agrees to abide by any rules subsequently imposed by City as to the manner in which the Downtown Manhattan Beach Valet Parking Program is to be operated of which Operator has received written notice from the Association. It is hereby agreed by Operator that any such rules that are subsequently imposed by the City as to the operation of the Downtown Manhattan Beach Valet Parking Program shall become part of this Agreement and subject to all other terms and conditions provided herein.

(h) Operator agrees to maintain the following types of insurance coverage and limits provided below:

**COASTAL COMMISSION**

EXHIBIT # 6  
PAGE 2 OF 10

(1) **Commercial General Liability Insurance:** A policy for occurrence coverage, including all coverage's provided by and to the extent afforded by insurance services office form CG0001 ed. 11/88 or 11/85, with no special limitations affecting the Association. The limit for all coverage's under this policy shall be no less than \$2,000,000 per occurrence. The Association and the City of Manhattan Beach, their employees, officials and agents, shall be added as additional insureds by endorsement to the policy. The insurer shall agree to provide the Association with 30 days prior written notice of any cancellation, non-renewal or material change in coverage. The policy shall contain no provision that would make this policy excess over, contributory with, or invalidated by the existence of any insurance, self-insurance or other risk-financing program maintained by the Association. In the event the policy contains such an "other insurance" clause, the policy shall be modified by endorsement to show that it is primary for any claim arising out of the work performed by the Operator under this Agreement. Operator further agrees to submit to the City of Manhattan Beach an endorsement form executed by the applicable insurance underwriters and in a form approved by the City's Risk Manager.

(2) **Commercial Auto Liability Insurance:** A policy including all coverage's provided by and to the extent afforded by Insurance Services Office Form CA0001, ed. 12/93, including Symbol 1 (any auto) no special limitations affecting the Association. The limit for bodily injury and property damage liability shall be no less than One Million Dollars (\$1,000,000) per accident. The Association and the City of Manhattan Beach, their employees, officials and agents, shall be added as additional insured's by endorsement to the policy. The insurer shall agree to provide the Association with 30 days prior written notice of any cancellation, non-renewal or material change in coverage. The policy shall contain no provision that would make this policy excess over, contributory with, or invalidated by the existence of any insurance, self-insurance or other risk-financing program maintained by the Association. In the event the policy contains such an "other insurance" clause, the policy shall be modified by endorsement to show that it is primary for any claim arising out of the work performed by the Operator under this Agreement. Operator further agrees to submit to the City of Manhattan Beach an endorsement form executed by the applicable insurance underwriters and in a form approved by the City's Risk Manager.

(3) **Workers Compensation:** A policy, which meets all statutory benefit requirements of the Labor Code, or other applicable law of the State of California. The minimum coverage limits for said insurance shall be no less than One Million Dollars (\$1,000,000) per claim. The policy shall contain, or be endorsed to include, a waiver of subrogation in favor of the Association and the waiver of Manhattan Beach.

(4) **Garage Liability:** A policy with a limit not less than \$1,000,000 per incident insuring against loss from fire, theft, explosion or collision. This policy shall include Garage keeper's coverage.

(5) **Other:** The procuring of such required policies of insurance by Operator shall not be construed to limit Operator's liability hereunder, nor to fulfill the indemnification provisions and requirements of this Agreement. There shall be no recourse against the Association or the City of Manhattan Beach for payments of premiums or other amounts with respect thereto. Operator shall notify the Association in writing of changes in the insurance requirements. If Operator does not deposit copies of acceptable insurance policies

**COASTAL COMMISSION**

EXHIBIT # 6  
PAGE 3 OF 10

with the Association incorporating such changes within 30 days of receipt of such notice, Operator shall be deemed in default of this Agreement. Any deductibles or self-insured retentions must be declared to and approved by the Association and City. Any deductible exceeding any amount acceptable to the Association shall be subject to the following changes:

- (i) Either the insurer shall eliminate or reduce such deductibles or self-insured retentions with respect to the Association and the City of Manhattan Beach, their employees, officials and agents (with additional premium, if any, to be paid by Operator); or
  - (ii) Operator shall provide satisfactory financial guaranty for payment of losses and relative investigations, claim administration, and defense expenses to the Association.
- (i) Operator agrees to not engage in any act(s), which may result in a cancellation of the insurance coverage's provided above.
- (j) Operator will place directional and informational valet parking signage at each of the Stations identified in Exhibit A and will properly maintain such signage. All signage must first be pre-approved by the Association before placement at the Stations.
- (k) Operator shall maintain all books and records in accordance with generally accepted accounting practices. The Association and the City shall have the right to inspect all books and records maintained by Operator as to the revenue it receives from the services it provides under this Agreement.

### **3. Compensation**

In consideration for the rights granted to it under this Agreement, Operator agrees to pay the City the equivalent of the current metered charge for each public parking space occupied by valet operation at such times as the public would otherwise be charged for the same parking space. Operator agrees to pay the total equivalent metered charge amount of all occupied spaces at all valet stations on a monthly basis as calculated by the City, based on actual parking meter rates and/or enforcement times. Operator shall maintain a minimum of three months advance deposit in equivalent metered charges from which the City may deduct payment for overdue invoices or damage to City property. A ten percent (10%) penalty per month penalty will be charged for all invoices greater than 30 days past due.

### **4. Ownership**

This Agreement conveys no ownership interest to Association or Operator. City shall retain ownership of the licensed property. City is free to license, assign, sell or otherwise dispose of its rights in said property.

### **5. Association's Obligations**

The Association shall serve as a liaison between the Operator and the City to ensure Operator's compliance with the Valet Parking Operations Plan contained in Exhibit A to this Agreement.

**COASTAL COMMISSION**

EXHIBIT # 6  
PAGE 4 OF 10

## **6. Term and Termination**

This Agreement shall be for a term of three years beginning on July 7, 2015 and ending at 12:00 midnight on July 6, 2018, unless sooner terminated by City or Association.

(a) Operator's failure to comply with any of the terms and conditions of this Agreement shall be cause for the City or Association to immediately terminate this Agreement. Upon the occurrence of such default by Operator, the Association may, at its option, grant to Operator a 10 day period within which to cure such default. Should this option to cure be granted to Operator by the Association or City, whether the default has been cured shall be left to the sole determination and discretion of the Association.

(b) The parties may terminate this Agreement for any cause upon providing the other parties with 30 days' written notice of the same.

## **7. Independent Contractor**

Operator agrees that it is an independent contractor and that it is solely responsible for any and all City, State and Federal tax withholdings for any and all monies it receives in its performance of its obligations under this Agreement and agrees to fully indemnify and hold harmless the City and Association as to any claims made by any Municipal, State and Federal agencies concerning tax withholdings. It is further understood by Operator that this Agreement does not create a joint venture, partnership or similar relationship between it and the City or Association.

## **8. Notice**

A notice, demand, request, consent, approval or communication that any party is required to give the other or to any other person or entity pursuant to this Agreement shall be in writing, and either served personally or sent by registered or certified U.S. Mail, Return Receipt Requested at the following addresses:

(a) As to the Association, the notice shall be addressed to:

The Downtown Manhattan Beach Business & Professional Association  
Attn: Kelly Stroman, Executive Director  
P.O. Box 3298  
Manhattan Beach, CA 90266

(b) As to Operator, the notice shall be addressed to:

Crimson Parking, Inc.  
5663 Balboa Avenue, #456  
San Diego, CA 92111

(c) As to City, the notice shall be addressed to:

City of Manhattan Beach  
1400 Highland Avenue

**COASTAL COMMISSION**

EXHIBIT # 6  
PAGE 5 OF 10



Manhattan Beach, CA 90266  
Attn: City Manager

(With a copy to): City Attorney  
City of Manhattan Beach  
1400 Highland Avenue  
Manhattan Beach, CA 90266

(d) Should the mailing address of one of the parties change, such party must notify the others of the same in writing within 10 days of the date of the address change.

(e) All required notices issued pursuant to this Agreement shall be presumed communicated within 48 hours from the date of deposit in the U.S. Mail, except for those occurrences where notices have been personally served with a verified proof of service form evidencing such service.

#### **9. Authorization to Execute**

The persons executing this Agreement on behalf of the parties warrant that they are duly authorized to execute this Agreement.

#### **10. Indemnification**

Operator agrees to indemnify, defend and hold harmless the City and Association and their elective or appointed boards, officers, agents, attorneys and employees from any and all claims, liabilities, expenses or damages of any nature, including, but not limited to, attorneys' fees arising out of, or in any way connected with Operator's, or its agents', officers', employees', subcontractors' or independent contractors' performance of this Agreement, except for such claim, liability or financial loss or damage arising from the sole negligence or willful misconduct of the City or Association, as determined by final arbitration or court decision or by the agreement of the Parties. Operator shall defend City, with counsel of City's choice, at Contractor's own cost, expense, and risk, and shall pay and satisfy any judgment, award, or decree that may be rendered against City. Operator shall reimburse City for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. This indemnity shall apply to all claims and liability regardless of whether any insurance policies are applicable. The policy limits of any such insurance do not act as a limitation upon the amount of indemnification to be provided by Operator. All duties of Operator under this Section shall survive termination of this Agreement.

#### **11. Assignment**

This Agreement is personal to Operator and may not be assigned to any other person or party without the City and Association's express written consent, which may be withheld for any reason.

#### **12. California Law**

**COASTAL COMMISSION**

EXHIBIT # 6  
PAGE 6 OF 10

This Agreement shall be construed in accordance with the laws of the State of California. Any action commenced about this Agreement shall be filed in the appropriate branch of the Los Angeles County Superior Court.

### 13. Miscellaneous

(a) Entire Agreement; Amendment. This Agreement constitutes the entire agreement and understanding between the parties hereto and supersedes any prior understanding or written or oral agreement(s) between the parties relating to the subject matter hereof. This Agreement may not be modified or any provision waived except by a written instrument signed by a duly authorized officer or representative of each of the parties hereto. No oral explanation or oral information by either of the parties hereto will alter the meaning or interpretation of this Agreement.

(b) City Not Obligated to Third Parties. City shall not be obligated or liable under this Agreement to any party other than Contractor.

(c) No Waiver; Severability. Failure of either party to enforce at any time during the term of this Agreement any provision hereof shall in no way be construed to be a waiver of such provision nor in any way effect the validity of this Agreement. In the event that any provision of this Agreement shall be deemed to be unenforceable by any arbitrator or court of competent jurisdiction, the remaining provisions of this Agreement will remain in full force and effect.

(d) Exhibits. All documents referenced as exhibits in this Agreement are hereby incorporated in this Agreement. In the event of any discrepancy between the express provisions of this Agreement and the provisions of any document incorporated herein by reference, the provisions of this Agreement shall prevail.

(e) Attorneys' Fees. If a party commences any legal, administrative, or other action against the other party arising out of or in connection with this Agreement, the prevailing party in such action shall be entitled to have and recover from the losing party all of its attorneys' fees and other costs incurred in connection therewith, in addition to such other relief as may be sought and awarded.

(f) Headings. Headings to paragraphs of this Agreement are for convenience of reference only, and shall not be construed to alter or affect the meaning of any provision of this Agreement.

**Signatures on next page.**

**COASTAL COMMISSION**

EXHIBIT # 6  
PAGE 7 OF 10

**IN WITNESS THEREOF, parties hereto have executed this Agreement on the day and year first shown above.**

**"CITY"**

City of Manhattan Beach

\_\_\_\_\_  
**MARK DANAJ**

City Manager

**"ASSOCIATION"**

Downtown Manhattan Beach

Business & Professional Association

\_\_\_\_\_  
**"OPERATOR"**

Crimson Parking, Inc.

ATTEST:

\_\_\_\_\_  
**LIZA TAMURA**

City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
**QUINN M. BARROW**

City Attorney

**COASTAL COMMISSION**

EXHIBIT # 6  
PAGE 8 OF 10



**EXHIBIT A**  
**DOWNTOWN MANHATTAN BEACH**  
**VALET PARKING OPERATIONS PLAN**

*Draft*

Valet service in Downtown Manhattan Beach shall be operated in accordance with the following terms and conditions:

**Valet Operator**

1. The valet operator shall obtain and maintain all necessary City, State and Governmental licenses and permits in conjunction with the services provided by this Agreement. Copies of such licenses and permits shall be provided to the Downtown Business and Professionals Association or City within three (3) days of request for the same.
2. Valet operator, at its own cost and expense, will employ, train, and supervise all persons reasonably necessary to carry out all obligations, responsibilities and duties assumed by it pursuant to this Agreement.
3. All valet attendants shall be uniformed in a manner satisfactory to the Downtown Business and Professionals Association and shall be prohibited from smoking within the City limits.
4. Valet operator shall maintain all insurance coverage and limits as specified in the Valet Parking Agreement.

**Valet Stations**

5. Valet stations are permitted at the following locations and hours:

| LOCATION  | # SPACES | DAYS          | HOURS           |
|---|----------|---------------|-----------------|
| East side of Manhattan Avenue between Center Place and 12th Street          | 5        | Monday-Friday | 6pm – Midnight  |
|   |          | Saturday      | Noon – Midnight |
|   |          | Sunday        | 11am – 10pm     |
| West Side of Manhattan Avenue between 10th Place and 11th Street            | 5        | Monday-Friday | 6pm – Midnight  |
|   |          | Saturday      | Noon – Midnight |
|   |          | Sunday        | None            |
| North side of Manhattan Beach Bl. between Ocean Drive and Manhattan Avenue. | 4        | Monday-Friday | 6pm – Midnight  |
|   |          | Saturday      | Noon – Midnight |
|   |          | Sunday        | 11am – 10pm     |
| West Side of Manhattan Avenue between 9th Street and 9th Place              | 4        | Monday-Friday | 6pm – Midnight  |
|   |          | Saturday      | 6pm – Midnight  |
|   |          | Sunday        | 6pm – 10pm      |

6. Vehicle drop-off operation shall be parallel to the curb, and may occupy two rows.
7. Passenger loading and unloading shall not occur in travel lanes.
8. Valet operator shall post City-approved signs at least one hour prior to beginning of valet service at each valet station to inform vehicle owners of pending valet parking restrictions.
9. City shall install parking signs and/or electronic notification on parking meters at valet locations for enforcement of valet parking restrictions.
10. Valet service is permitted to operate all year during the approved days and times, except when prohibited by City in writing.
11. Valet stations shall be maintained in good condition and free of debris or trash during valet operation.

**COASTAL COMMISSION**

#### Valet Parking

12. The valet operator shall maintain private parking agreements with owners of all private parking facilities used by the valet service. Copies of said agreements shall be provided to the Downtown Business and Professionals Association.
13. Vehicles shall be parked in private parking facilities serving businesses that are not open during the valet operating hours including, but not limited to Sketchers Office Building, located at 0000 Manhattan Beach Boulevard, and Chase Bank, located at 0000 Manhattan Avenue.
14. A minimum of 120 private parking spaces shall be available during valet service hours. The City may require valet operator to acquire additional private parking spaces if parking capacity is exceeded on a recurring basis.
15. Vehicles must be taken to one of the vehicle storage locations immediately after drop-off.
16. Valeted cars shall not be parked in any public parking spaces, or in the valet stations.
17. Vehicles cannot be parked, cued or stopped where prohibited by law.
18. Any 24-Minute parking space in a valet station must remain available to the general public during valet operations during business hours of the adjacent business.
19. Valet attendants shall not make U-turns on City streets when transporting vehicles.
20. When private parking facilities are full, "Lot Full" signs shall be used, and customers directed to public parking facilities.
21. Valeted vehicles remaining at private parking facilities after midnight shall be moved to Public Parking Lot 3 (Top Level), with keys being left at The Kettle (1138 Highland Ave) for pickup.

#### Valet Service Charge and Parking Meter Reimbursement

22. The valet service charge shall be a flat fee of \$11 per vehicle. Any changes to the rate shall be approved by the City and Downtown Business and Professionals Association in writing.
23. Operator shall pay the City the equivalent of the current metered charge for each public parking space occupied by the valet stations at such times as the public would otherwise be charged for the same parking space.
24. Operator shall pay the total equivalent metered charge amount of all parking spaces occupied by all valet stations on a monthly basis as calculated by the City, based on actual parking meter rates and enforcement times.
25. Operator shall maintain a minimum of three months advance deposit in equivalent metered charges from which the City may deduct payment for overdue invoices or damage to City property. A ten percent (10%) penalty per month penalty will be charged for all invoices greater than 30 days past due.
26. Reimbursement of meter charges shall not be applicable on those days that the City prohibits valet operation, including special events in which the streets adjacent to a valet station are closed.
27. Reimbursement of meter charges shall not be applicable when meters are covered (free parking) during the holiday season.

#### Additional Terms and Conditions

28. Operator agrees to abide by any subsequent rules imposed by City or Downtown Business and Professionals Association in writing. Said rules shall become part of this Agreement and subject to all other terms and conditions provided herein.
29. The Manhattan Beach Police Department and Parking Enforcement Officers reserve the right to suspend the valet parking service at any time for public safety and traffic congestion. Re-opening of a station will be at the sole discretion of the officer.
30. Any request for valet service on days or times not specified above shall be made in writing at least two (2) working days prior to the proposed valet service to the City. Failure to obtain approval may result in immediate termination of the valet service during those times and other penalties as deemed appropriate by the City.

**CALIFORNIA COASTAL COMMISSION**

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

**W27a****ADDENDUM**

September 3, 2015

Click here to goto  
original staff report

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO APPEAL NO. A-5-MNB-15-0049 (CITY OF MANHATTAN BEACH) FOR THE COMMISSION MEETING OF WEDNESDAY, SEPTEMBER 9, 2015.**

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**1. CHANGES TO STAFF REPORT**

Commission staff recommends clarifications to the staff report dated 8/21/15 in the following section of the staff report: Section III (Local Government Actions) and Section IV (Findings and Declarations). Section Language to be added to the findings and conditions is shown in underlined text, and language to be deleted is identified by ~~strike-out~~.

**A. Section III. Local Government Actions, Page 6, second paragraph, after the sixth sentence, add the following:**

...However, the appellant affirms that he spoke at the hearing in opposition to the project, and that the minutes were incorrectly recorded. On August 25, 2015, Commission Staff received confirmation from the City and a corrected copy of the City Council hearing minutes certifying that the appellant spoke at the local hearing. On July 7, 2015, the City Council adopted Resolution 15-0045 and approved Local Coastal Development Permit No. CA 15-20 for...

**B. Section IV. Finding and Declarations, Sub Section C. Substantial Issue, Page 16, second to last paragraph, first sentence, remove and add the following:**

The on-street metered parking in Downtown Manhattan Beach is used by both beach-goers and the customers of the thriving downtown businesses, although the City limits use of the on-street parking spaces to a ~~five~~ two hour maximum...

**2. CORRESPONDENCE RECEIVED**

- A.** Supplemental letter to Appeal No. A-MNB-15-0049 from William Victor, the appellant. Letter attached.

- B.** Letter from Marisa Lundstedt, the City of Manhattan Beach's Community Development Director, in support of the proposed project as approved by the City of Manhattan Beach and in response to Appeal No. A-5-MNB-15-0049. Letter attached.
- C.** Letter from Kelly Stroman, the Executive Director of the Downtown Manhattan Beach Business & Partners Association, in support of the proposed project as approved by the City of Manhattan Beach and in response to Appeal No. A-5-MNB-15-0049. Letter attached.
- D.** Letter from Martha Andreani, a Manhattan Beach resident, in opposition to the proposed project as approved by the City of Manhattan Beach. Letter attached.

WILLIAM VICTOR A LAW CORPORATION  
BOX 241072  
Los Angeles, CA 90024

9/3/2015

SUPPLEMENT TO APPEAL NO. A-MNB-15-0049

The attached photo exhibits the matter in which the double parking squeezes out the bike path on Manhattan Avenue with the existing permitting valet parking station. With the proposed valet station two blocks down and with the extended hours for this station, the proposal will deter public access significantly day and night. The photo also shows an extension beyond the five (5) approved parking spaces for this valet station.

Email: [Vic.law1@gmail.com](mailto:Vic.law1@gmail.com)

By

A handwritten signature in cursive script that reads "William Victor". The signature is written in dark ink and is positioned to the right of the word "By".

William Victor







# City of Manhattan Beach

## Community Development – Traffic Engineering

Phone: (310) 802-5522

FAX: (310) 802-5501

TDD: (310) 546-3501

September 2, 2015

Ms. Marlene Alvarado, South Coast Office  
California Coastal Commission  
200 OceanGate, 10<sup>th</sup> Floor  
Long Beach, CA 90802-4416

Agenda No: W27a  
Permit No: A-5-MNB-15-0049  
Name: City of Manhattan Beach  
Position: Support

**SUBJECT: Commission Appeal No. A-5-MNB-15-0049**  
**Manhattan Beach Coastal Development Permit No. CA 15-20**

Commissioners:

This letter is in response to Appeal No. A-5-MNB-15-0049, filed on July 31, 2015 with the California Coastal Commission. The City has previously submitted relevant documents and materials used in the City of Manhattan Beach's consideration of the subject Coastal Development Permit No. CA 15-20.

As co-applicants with the Downtown Business and Professional Association (DBPA), the City wishes to respond to the following points raised in the appeal:

### **Consistency with Local Coastal Plan (LCP):**

The Manhattan Beach City Council found that the proposed valet parking program is consistent with the LCP, as further detailed in the following paragraphs.

### **Public Access:**

Contrary to the appellant's claim of displaced public parking spaces, the City Council discussed and found that converting two-hour limited time parking spaces into valet loading during certain times would increase the overall number of parking spaces available to support public access to the beach. 18 valet loading spaces would be used to park 120 or more additional vehicles, which represents over six (6) new public parking spaces for every single parking space used by the valet. These 120 private spaces would not be available to the public without the valet service.

The use of eighteen (18) metered spaces proposed for the valet operation represents only five percent (5%) of the 333 on-street metered street spaces in Downtown, and only one percent (1%) of all 1,459 public spaces in both on-street and off-street locations.

Additionally, the proposed valet location on Manhattan Beach Boulevard near the pier would enhance parking access and convenience by allowing the public to drive close to the beach and leave their vehicle with the valet, instead of searching for public parking much farther away. The public would have more opportunities to park near the beach. Rather than the spaces filled by one car each, a valet loading zone can provide parking for dozens of vehicles per space during the same time frame.

The new terms of the valet agreement reserve the right of the City to require the operator to acquire additional private parking spaces if it is found that 120 spaces is insufficient to serve peak valet demand (See Agreement Exhibit A #14). As demand for valet service increases, the amount of parking available to the public will rise commensurately.

The valet loading zone would occupy eight (8) spaces in the appealable zone, which are currently limited to two hours (not 5 hours as stated in the staff report). Persons using the valet would be able to park until midnight, which represents six to 12 hours of parking without the need to relocate their vehicle. Therefore, this increases the accessibility to the coast by offering a longer parking duration close to the beach.

It should be noted that every car parked by the valet in a private lot will generate an additional public space available to the public. Therefore, the result is a net increase in the number of public spaces available during valet times, up to 120 or more spaces.

#### **Valet Hours:**

The expanded hours offer a greater public parking supply than the existing condition. 120 or more additional spaces would become available to the public during more hours of the day, which would not otherwise be open to the public.

#### **Public Valet Service:**

There is an erroneous statement on page 16 of the staff report that states "the valet operation that occupies 10 on-street metered parking spaces that are not usable by the public during the program's hours of operation..." The previous and current Valet Parking Agreements do not grant the valet operator permission to limit its services to any particular user. Therefore, the general public has full access and rights to use the valet service. Valet parking is available on a first-come, first-serve basis at all locations.

#### **Vehicle Storage:**

A minimum of 120 private parking spaces are required in the Valet Parking Agreement for parking valeted vehicles. Contrary to the staff report identifying 250 spaces in earlier valet operations, only 204 spaces were ever available for valet operations, and 56 of those spaces were on the third level of Parking Lot #3, which were not exclusively reserved for valet use, resulting in a maximum practical storage capacity of about 150 spaces.

#### **Valet Pricing:**

Contrary to the appellant's claim, the proposed \$11 charge represents the market rate for parking or valet services in the South Bay area, and is not cost prohibitive. Valet parking fees throughout the South Bay are similarly priced. The valet is prohibited from discounting or validating parking fees for any particular users (Agreement Exhibit A, Condition # 22). For those that do not want to pay the fee, the valet generates greater opportunity to find metered public parking because the valeted cars are not occupying public spaces.

The valet fee has ranged from \$2.50 for the first hour/\$1.00 each additional 20 minutes/\$12.50 maximum in 1999 to the current \$9 flat fee. The valet fee has always been more expensive than metered parking. In exchange for the higher fee, valet patrons are granted the ability to drop off their car conveniently close to their destination (including the beach), and the vehicle is parked in a secured lot, often covered from the elements.

The proposed valet parking fee is commiserate with parking fees at local beaches in the Southern California area: Huntington Beach (\$15/day), Bolsa Chica (\$15), Dockweiler (up to \$12.50), Santa Monica Beach/Pier (\$12-\$15), and Venice Beach (\$15) Parking fees for private beachside parking lots are often much higher.

**Traffic Safety:**

Contrary to the appellant's claim, the Valet Parking Agreement Exhibit A requires the valet to drop-off parallel to the curb or to use a parking stall (Term #6). Either of these operations are common traffic movements on Downtown streets and do not represent an unsafe condition. Double and triple parking, blocking of alleys or any other illegal parking is prohibited in the Agreement (Condition # 17).

**One-Year Term:**

The City Council directed staff to limit the new Valet Parking Agreement to one year in order to review the status of the proposed operation provide an opportunity to make changes to the agreement if deemed necessary. Condition 1 of Resolution No. 15-0045 states that the proposed valet service "shall be in substantial conformance with the information submitted to, and approved by the City Council on July 7, 2015", which is subsequently reflected in the Valet Parking Agreement as a one-year term.

**Applicant(s):**

The City has informed the Coastal Commission staff that the City and DBPA are co-applicants of this project, as evidenced by the joint Coastal Development Permit application and Valet Parking Agreement. Any incomplete documents will be completed and signed accordingly.

**Resident and Property Owner Noticing:**

The staff report accurately explains that the public hearing for Coastal Development Permit CA 15-20 was adequately noticed as required.

**Coastal Development Permit No. A-5-MNB-99-453:**

Pursuant to De Novo Coastal Development Permit No. A-5-MNB-99-453 (CA 99-41), the City recognizes that an amendment to this Permit may be required due to the changes in the times of operation for the location on the west side of Manhattan Avenue between 10<sup>th</sup> Street and 11<sup>th</sup> Street, and asks that the Executive Director execute this amendment in conjunction with or separate from Appeal No. A-5-MNB-15-0049.

Unfortunately, limited budgets make personal testimony infeasible at the September 9, 2015, meeting. Please accept this letter on behalf of the City in lieu of our presence. If you have any questions, please do not hesitate to call Mr. Erik Zandvliet, City Traffic Engineer, at (310) 802-5522 or email at [ezandvliet@citymb.info](mailto:ezandvliet@citymb.info).

Sincerely,



Marisa Lundstedt  
Community Development Director



September 2, 2015

To: California Coastal Commission  
All Commissioners  
South Coast Rep- Roberto Uranga  
Executive Director- Dr. Charles Lester

Cc: Mayor, Mark Burton  
City Manager, Mark Danaj  
Community Development Director, Marisa Lundstedt  
Traffic Engineer, Erik Zandvliet

Dear California Coastal Commission,

On behalf of the Downtown Manhattan Beach Business & Professionals Association (aka. DBPA) I am writing to you regarding Coastal Permit number A-5-MNB-15-0049, Applicant City of Manhattan Beach and/or DBPA, and the subsequent appeal by Mr. Bill Victor to be considered as ITEM NO: W 27a at the meeting of the California Coastal Commission on Wednesday, September 9, 2015. We appreciate your attention to detail and mindfully respect all efforts to ensure and uphold the integrity of our beautiful California Coastal areas. I would like to draw your attention to a few key points to consider and strongly urge you to find NO negligible impact to public access and that substantial issue does NOT exist as the appellant raises NO significant questions. We respectfully request you vote YES and approve and uphold permit A-5-MNB-15-0049.

Since the origin of the Downtown Manhattan Beach Valet program in 1999 many changes to the landscape, mix of business use, thriving business district, popularity as a destination, density of employment and residential living and demographics have occurred, thus resulting in an exponentially increasing demand for parking in Downtown Manhattan Beach. It is the intent of the DBPA to expand the valet program and thus offer increased access to the coastal area by creating a minimum of 130 parking spaces in a private area that are NOT accessible by the public, other than through the use of the valet program offered.

It is important to note that Mr. Victor's appeal was filed on Friday, July 31, 2015 (not Monday, July 31 as stated in the report) ONE day BEFORE the commencement of the expanded valet program, on August 1, 2015, that was approved by the City Council, acting as stewards for the CA Coastal Commission in such matter. In other words, the new locations and hours had not commenced, thus giving no merit to Mr. Victor's claims. It is also important to note a correction to the Staff Report is in

order. Regarding Public Access on pg. 16, para.5; public parking at street or pier lot meters in the surrounding area is allowed for TWO HOURS ONLY, not 5 hours as stated. This is relevant, and the two-hour limitation is one of the key reasons why we have encouraged expanded valet options. The public valet increases the access for those wishing to access the area and allows them to enjoy the area for a longer period of time as ALL DAY Valet parking is offered on both Saturday and Sunday starting at 12pm and 11am respectively... this clearly increases access from 2 hours to all day and provides a viable cost effective solution. The \$11 cost is nominal when compared to a \$53 parking ticket for an expired meter.

The Upper and Lower, North and South Beach/Pier lots contain a combined 118 parking spaces. These are completely accessible, not encumbered by the valet program, and are metered spots that require a car to vacate the spot after two hours. The spaces that the valet require to operate safely and effectively pale in comparison to the pier spaces mentioned above and to the 130 spots that are created by the valet program permitted under the matter at hand. The \$11 flat valet fee is also significantly lower than the \$12.50 maximum fee that was approved in the original valet agreement in 1999. Many things have changed in 15 years including the cost of doing business, liability insurance, minimum wage and the like, yet the current \$11 flat fee set forth is less than the max proposed 15 years ago in 1999. The \$11 fee is responsible, fair, and does not prevent access to the coastal area.

It is the intent of the DBPA to provide a safe, cost effective, beneficial parking option to the public. The valet program is a public program and is available to everyone. Whether enjoying the coastal area, the business district, or using the valet to park during a visit to a residence within the area it clearly increases access. **In the first 3 days of the expanded valet program, over 440 cars were parked.** There is a demand and we have provided a solution, not a problem. The valet provides a safe alternative, increases access and actually keeps cars off the residential streets and from circling repeatedly on the streets and alleys of the coastal area. Please vote YES and allow the valet program to continue as set forth as it behooves all of us to increase access to our beautiful beach town. Thank you for your consideration.

Respectfully,

Kelly Stroman  
Executive Director  
Downtown Manhattan Beach  
Business & Partners Association

September 3, 2015

California Coastal Commission  
South Coast Area Office  
200 Oceangate Ave., 10<sup>th</sup> Floor  
Long Beach, CA 90802-4302

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South Coast Region

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CALIFORNIA  
COASTAL COMMISSION

RE: Permit Number: **A-5-MNB-15-0049**  
Hearing Date: September 9, 2015 ITEM No :W 27a

Description: Appeal of City of Manhattan Beach Local Coastal Development Permit (CDP No CA 15-20) for the modification to the existing valet parking program of the Downtown Manhattan Beach area which drop-off/pick-up stations, and expansion of the valet operating hours at all existing and proposed valet locations

Dear Commissioners:

As I am unable to attend the public hearing on the matter indicated above, I respectfully ask that you deny the City's and/or Downtown Business & Professional Association (DBPA)'s request to expand valet parking services in downtown Manhattan Beach, for the reasons indicated below:

Expansion of locations, days of the week, hours of operation, and fees represents an undo hardship on visitors to the beach because it removes a significant number of public parking spaces;

Expansion of locations, days of the week, hours of operation, and fees represents an undo hardship on small retail operations because it removes a significant number of public parking spaces;

Expansion of valet services presents a hardship to visitors because valet services take away public parking spaces that can be utilized for shorter periods of time at a lesser parking fee;

*continued ...*



Consultants (ULI) to the City of Manhattan Beach recently completed a "Downtown Visioning" survey and report which has resulted in City Council hiring another consulting group (MBI) that is tasked to recommend a "Specific Plan" for the downtown. Additionally, local business, commercial property owner, and downtown resident groups have been formed to help develop that "specific plan". Such a broad expansion to valet services (locations, days of the week, hours of operation, and fees) *prior to completion of the plan – or at least a draft of the plan* – for what improvements are recommended and sought in our downtown is premature to an effective planning and implementation process;

Last but not least, the valet program is disruptive to traffic flow and mobility. Often, cars are double-parked and triple-parked at the drop-off and pick-up locations. An expanded valet service worsens the impact to pedestrian and traffic flow.

I appreciate Mr. William Victor's appeal, the Coastal Commission's concerned review of the matter, and hope that valet services will not be expanded at this time.

Sincerely,



Martha Andreani  
117 – 10<sup>th</sup> Street  
Manhattan Beach, CA 90266