



## Legislation Text

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**File #:** 20-0298, **Version:** 1

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

Stephanie Katsouleas, Public Works Director

Prem Kumar, City Engineer

Michael A. Guerrero, Principal Civil Engineer

**SUBJECT:**

Consider Introducing Ordinances Amending Manhattan Beach Municipal Code Chapter 7.16 - Excavations - Street, Alleys, Sidewalks and Public Places; Chapter 7.40 - Construction Site Temporary Encroachment Permit; and Chapter 9.72 - Street Improvements (Public Works Director Katsouleas).

**INTRODUCE ORDINANCE NOS. 20-0020, 20-0021 AND 20-0022**

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**RECOMMENDATION:**

Staff recommends that City Council introduce Ordinance Nos. 20-0020, 20-0021 and 20-0022 amending Manhattan Beach Municipal Code (MBMC) Chapter 7.16 (Excavations- Streets, Alleys, Sidewalks and Public Places), Chapter 7.40 (Construction Site Temporary Encroachment Permit), and Chapter 9.72 (Street Improvements), respectively.

**FISCAL IMPLICATIONS:**

There are no fiscal implications associated with the recommended action.

**BACKGROUND:**

The Public Works Department is responsible for conducting reviews and inspections of various improvements within the public right of way (ROW). Among others, Title 7 - Public Works and Title 9 - Building Regulations, of the Manhattan Beach Municipal Code (Code) include the various processes, conditions and requirements associated with public right-of-way use and improvements, and the duties of staff and the community to comply with their terms. Over time, as right-of-way standards are modified or as current processes change, the Public Works Department reviews whether Code modifications and updates are necessary to ensure consistency with current standards and proposes appropriate language revisions accordingly. The proposed modifications to the Code included in the attached draft ordinances and legislative digest help achieve these goals.

As discussed below, staff proposes updating two chapters under Title 7 and one chapter under Title 9, including:

- Chapter 7.16 - Excavations - Streets, Alleys, Sidewalks and Public Places;
- Chapter 7.40 - Construction Site Temporary Encroachment Permit; and
- Chapter 9.72 - Street Improvements.

## **DISCUSSION:**

### **Chapter 7.16 - Excavations - Streets, Alleys, Sidewalks and Public Places**

Chapter 7.16 - Street Excavation Regulations - of the Code generally provides the framework for all construction work in the public ROW. The proposed modifications to Manhattan Beach Municipal Code Chapter 7.16 provide the Public Works Department with greater flexibility regarding requirements for surety bonds and special deposits related to work in the public ROW associated with private development. The current Code requires all applicants to provide a surety bond or special deposit related to ROW work, which in turn requires a large amount of staff time to process and track special deposits and refunds once the work is completed. Oftentimes, the time between the submittal of the special deposit and the completion of the work may be months or even years, and a considerable amount of staff time can be spent trying to locate to whom to refund the special deposit. Because a majority of work in the public ROW is associated with larger development projects, the current Municipal Code already includes other avenues to ensure compliance for this work, including general liability insurance and withholding certificates of occupancy.

Final approval of a development project is contingent upon satisfactory completion of all permit conditions, including associated work in the ROW. For smaller stand-alone projects, the proposed Code changes still provide the flexibility to require surety bonds or cash deposits. For larger projects, the proposed Code changes will allow the City to waive deposits when they are able to utilize other existing avenues to ensure compliance.

In addition to minor grammatical edits, other proposed changes to this Chapter include updates to site illumination, public accessibility, excavation shoring, and street resurfacing that bring the Code to current standards.

### **Chapter 7.40 - Construction Site Temporary Encroachment Permit**

Chapter 7.40 - Construction Site Temporary Encroachment Permit - of the Code identifies the standard protocols required for a temporary encroachment within the public ROW. In addition to outlining the application process, permit conditions, storage of materials, safety measures, etc., the Code also identifies specific fees associated with receiving a temporary encroachment permit. Rather than include specific fees in this section of the Code, the proposed modifications reference the schedule of fees periodically modified by City Council through approval of a separate resolution or ordinance. These modifications to the Code will allow fees and other costs to be updated over time without having to change Chapter 7.40 each time fees are adjusted.

### **Chapter 9.72 - Street Improvements**

Chapter 9.72 - Street Improvements - of the Code generally provides the framework for public ROW improvements associated with adjacent private property development and redevelopment, including driveways, driveway aprons, sidewalks, curbs, gutters and street paving. However, Chapter 9.72 limits the City's ability to require ROW improvements for sidewalk construction when a property is developed or significantly redeveloped. Currently, the Code states that installation of a sidewalk adjacent to a development or redevelopment project can only be required when more than 50% of

the total front footage of the block already contains such improvements. Thus, if less than 50% of the block has sidewalks, then the City cannot require installation of a sidewalk adjacent to the property, even when that improvement would be beneficial to the community and link discontinuous sidewalk segments. The end result is a patch work of discontinuous pedestrian pathways, where pedestrians are forced alternate between walking in the street in front of some homes, but not others.

Notably, the attached 2018 City of Manhattan Beach Mobility Plan excerpts, which replaced the Circulation Element of the City's General Plan, specifically calls for the City to "address the issue of discontinuous sidewalks for pedestrians." The Mobility Plan seeks to provide for a balanced, multi-modal transportation system that meets the needs of all users, including motorists, pedestrians, bicyclists, children, persons with disabilities, seniors, movers of commercial goods, and users of public transportation.

This updated plan reflects the City's greater emphasis on non-motorized modes of transportation. However, as the Mobility Plan points out, the City's goal is not to universally add sidewalks everywhere, but rather to evaluate each street on a case by case basis, taking into account the character of the neighborhood. Such improvements should be required where typical street improvements currently exist, such as curbs and gutters, where there is sufficient public ROW area to construct the improvements, and where no physical obstructions prevent the construction of the improvements.

Amending Code section 9.72 would provide the Public Works Department with the flexibility to require improvements in the public ROW associated with private development, in conformance with the Goals and Policies of the City's approved Mobility Plan and the Americans with Disabilities Act (ADA) guidelines.

The attached redline modifications to the Manhattan Beach Municipal Code 9.72 generally include:

- Construction of curb ramps to the list of improvements in the public ROW in order to provide safe and convenient pedestrian crossings.
- Deleting current sections of the Municipal Code that may limit the ability of the Public Works Department to condition public ROW improvements, such as sidewalks, associated with private development/redevelopment.
- A statement that improvements in the public ROW require a permit consistent with other sections of the existing Municipal Code.
- A statement that required improvements in the public ROW are to be constructed to current City codes and standards, which may be updated over time.
- Revisions to the bond amount for required improvements to be determined by the cost estimate of the improvements, if applicable.

Therefore, staff recommends that City Council introduce Ordinance No. 20-0020 amending Chapter 7.16, Ordinance 20-0021 amending Chapter 7.40 and Ordinance No. 20-0022 amending Chapter 9.72 of the Manhattan Beach Municipal Code.

#### **PUBLIC OUTREACH:**

A comprehensive public outreach program was undertaken during the Mobility Plan update that included a public workshop, stakeholder meetings, and various public meetings, including Commission meetings and council meetings related to the proposed changes to Chapter 9.72 - Street Improvements. No public outreach has been conducted regarding the proposed amendments to Chapter 7.16 - Excavation - Streets, Alleys, Sidewalks and Public Places, and

Chapter 7.40 - Construction Site Temporary Encroachment Permit.

**ENVIRONMENTAL REVIEW:**

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a “Project” as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

**LEGAL REVIEW:**

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

**ATTACHMENTS:**

1. Draft Ordinance No. 20-0020
2. Draft Ordinance No. 20-0021
3. Draft Ordinance No. 20-0022
4. Legislative Digest - MBMC Chapter 7.16, 7.40 and 9.72
5. Relevant Excerpts (2018 Manhattan Beach Mobility Plan)