

Nhung Madrid

From: Mary Anderson <marykanderson1@verizon.net>
Sent: Thursday, January 24, 2013 1:45 PM
To: List - PPIC
Subject: 12/6/12 PPIC Appeal Hearing Follow-Up (Goodwin-Anderson)
Attachments: 2Goodwin-AndersonAppealComments.pdf; 1Goodwin-AndersonAppealComments.pdf

To the Commissioners of the PPIC,

We'd like to make you aware of our observations of, and perceptions regarding, the December 6, 2012 PPIC Appeal Hearing and the "excerpt" draft meeting minutes distributed to the City Council January 11, 2013.

Below is a related email, with a memo enclosure, sent to City Council Members January 13, 2013. And, enclosed herein are additional comments we have for you.

Considering the sentiment reflected in both memos, we'd like to ask you to carefully review the "full" draft minutes when they are available before your next meeting — which we hope will take place on February 28 — so the City Council can get a better read on what actually transpired at that hearing.

And, while we don't know the complete logistics, extent, or nature of your advisory role to the City Council — and we certainly don't want to prompt, or suggest, a Brown Act violation — we ask that you please advise them fairly and honestly.

As it turns out, we were voted off the January 15, 2013 City Council meeting agenda due to a failure by the City staff to execute the required public notice about the hearing. At this time, we understand our rebuttal will be heard March 6, 2013.

Thank you,

Mary Anderson and Peter Goodwin
217 4th Place
Manhattan Beach

Begin forwarded message:

From: Peter Goodwin <peterwgoodwin1@verizon.net>
Date: January 13, 2013 10:14:12 PM PST
To: wpowell@citymb.info, dlessner@citymb.info, ahoworth@citymb.info,
rmontgomery@citymb.info, ntell@citymb.info
Cc: Mary Anderson <marykanderson1@verizon.net>
Subject: Manhattan Beach City Council Meeting Agenda Item #13-0001 for January 15th, 2013

To the Members of the Manhattan Beach City Council:

At the City Council meeting on January 15th, Mary and I will present our rebuttal to the PPIC recommendation

regarding the parking space in front of our home at 217 4th Place.

Since first speaking to you at the September 4th, 2012 City Council meeting on this issue, we followed through on every step of the Citizen's Request process.

The attached document provides insight into the continued one-sided nature of our experience with the City and highlights a process that limits the ability of the PPIC to serve the citizens of Manhattan Beach.

We look forward to your attention to this issue on Tuesday evening.

Sincerely,

Peter and Mary

Peter W. Goodwin and Mary K. Anderson
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Manhattan Beach, CA 90266

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Date: January 13, 2013

To: Members, Manhattan Beach City Council

From: Peter Goodwin and Mary Anderson
Homeowners @ 217 4th Place, Manhattan Beach

Subject: Manhattan Beach City Council Meeting, January 15, 2013
Agenda Item #13-001: Recommendation from the Parking and
Public Improvement Commission to Maintain and Move One Public
On-Street Parking Space Adjacent to 217 4th Place

When Mary and I attended the Manhattan Beach City Council Meeting on September 4th, 2012, Mayor Powell opened the meeting talking about the importance of open, honest and transparent government.

At that meeting, I made a brief presentation regarding our experience with the Citizen's Request process. In essence, our Citizen's Request is to return the parking space directly in front of our home to its former no parking status, or to relocate the parking space to the south side of the street.

The specific issue cited was the Citizen's Request process, as it currently designed, has the same City Administration employee who opened, reviewed, evaluated and denied our request then be the person to liaise (which really meant "lead" as we would later learn) the \$500 Appeal process. And only later would we learn the Appeal process would culminate in a presentation to you while still guided and informed by the same City employee.

We also learned the PPIC would only serve in a consulting role and the City Administration can only, in truth, deny, not approve, requests such as ours.

During and after our presentation, several of you expressed dismay at the one-sided process for evaluation, rejection and appeal of our Citizen's Request — a process clearly **NOT** open, honest or transparent.

Mayor Powell requested City Manager, David Carmany meet with us. Mr. Carmany ultimately told us to consider the Appeal process because it would include a presentation to the PPIC, our peers from the community. We asked if it was "de novo" — literally a "new trial" — and Mr. Carmany stated it was. This was encouraging, so we continued.

Mr. Carmany then passed us on to Community Development Director, Richard Thompson. Mary met with Mr. Thompson at our home. Mary asked Mr. Thompson about the criteria, the judgment and the decision process to place a parking space in front of a brand new home immediately upon construction

completion. Mr. Thompson stated he did not know the history. It was disheartening to recently learn Mr. Thompson is the person who issued at least two of the Work Orders creating the parking space.

At some point early on in the Appeal process we'd started, we sensed it was not going to be de novo and we inquired with Mr. Thompson who, even when pressed, would not answer the question. Finally, just days before the December 6 PPIC presentation, Ms. Madrid revealed it was NOT de novo.

Many of the e-mails between Mary, Ms. Madrid and Mr. Thompson were requests for specific factual data regarding the parking space. Despite our repeated requests, NONE of this information was provided by the City in advance of, or at, the PPIC meeting on December 6, 2012. Rather some history was provided a few days after the meeting yet much more remains unanswered or unrevealed. We imagine that will continue to be the case on Tuesday.

At the December 6, 2012 PPIC meeting, Ms. Madrid, with support from the City Traffic Engineer, presented the City's findings and recommendations. During direct questioning from PPIC commissioners regarding facts material to this issue, Ms. Madrid's answers repeatedly included:

- "I don't know."
- "I don't have that information."
- "I can't find my notes."

Additionally:

- Ms. Madrid took it upon herself to edit out a number of photographs in our originally submitted Appeal Packet, preventing the PPIC from a full understanding of the issue.
- Ms. Madrid could not answer direct questions from PPIC commissioners regarding the history of the parking space in front of 217 4th Place.
- Ms. Madrid incorrectly answered questions regarding where the border between Manhattan Beach and Hermosa Beach was located, misleading the PPIC as to the alleged parking pattern in the City.
- Ms. Madrid could not provide the work orders created in 2004 that led to the City unilaterally installing the parking space without notification of homeowners in the area.
- The Traffic Engineer indicated that when people on the City staff leave or change jobs, records are often lost.

Page Three

Like you, we just received the excerpted notes from the December 6, 2012 PPIC meeting. After reviewing these notes this weekend, we wanted to go on record to say:

- The notes do NOT reflect the level of frustration expressed by several PPIC Commissioners about the lack of facts available from which to make an informed recommendation to the City Council.
- The notes reveal a PPIC process where the commissioners are at the mercy of the City to provide factual data to form their decision.
- The notes could not even manage to include the three (3) issues we talked about extensively regarding the parking space. Those are WALKWAY ENCROACHMENT (5 feet into 8 feet), LIMITING ACCESS TO HOME for routine maintenance and home improvement, and a history of PROPERTY DAMAGE.
- While the notes do mention the petition requested of us, they don't mention the fact we garnered MAJORITY Community Support, for either removal or relocation of the parking space, from the residents specifically outlined by Mr. Thompson.

In summary, we were not afforded a process or opportunity, to review and challenge the PPIC notes prior to their formal issue and broader distribution. Because the notes are not verbatim they do not accurately reflect the meeting as we experienced it. We'd like to leave you with some verbatim quotes from three of the Commissioners at the PPIC meeting:

- "It would be nice to have some facts here."
- "It looks like the City set you up to fail."
- "We can only make a decision based on the information in front of us."

We look forward to your time and attention at the City Council meeting on Tuesday.

Sincerely,

Peter Goodwin Mary Anderson

Date: January 24, 2013
To: Commissioners, Parking and Public Improvements Commission
From: Peter Goodwin and Mary Anderson
Homeowners @ 217 4th Place

Subject: **December 6, 2012 PPIC Appeal Hearing** of June 28, 2012 Citizen's Request and Subsequent October 19, 2012 Appeal Application to Remove or Relocate Public Parking Space Abutting Home Front @ 217 4th Place

We have additional comments to the January 13, 2013 memo sent to City Council members regarding the above-referenced PPIC Hearing. What prompted that note, were the "excerpt" draft meeting minutes posted to the City website pertaining to the January 15, 2013 City Council Meeting Agenda Item #13-0001 — our originally scheduled rebuttal.

Comments:

- The PPIC meeting, in our opinion, was surprisingly lacking in rigor.
- While at-issue parking space Work Orders were referenced, in general terms, none of you asked to see, nor did the City present, a single Work Order pertaining to the parking space.

We've since obtained two (2) Work Orders that reveal, clarify and raise key issues — namely, the pre-installation precedent of, and immediate post-installation problems caused by, the parking space. In our opinion you deserved this due diligence full disclosure from the City.

Richard Thompson generated those Work Orders. He was then, and still is, the Community Development Director. Mr. Thompson also co-authored the City's denial recommendation to you. Since he was not present at the hearing, he could not receive direct questioning about the history of the parking space so conspicuously lacking.

How can so much of the history be unknown, undocumented and unanswered given this connection? Also, where is neutrality in the same person handling the unilateral "doing" of — and the Citizen's Request to "undo" — the same parking space?

One Work Order unequivocally establishes the meeting-debated no parking zone precedent for the exact area in question. That Work Order states to "remove a 'No Parking Any Time' sign." Another Work Order establishes usage problems with space a mere 6 weeks after the space

was installed. The problem cited were vehicles not parking within stall markings causing walkway access restriction.

And the first Work Order suggests previous Work Orders — yet to surface. One missing Work Order would have likely established that a "No Parking 25 Feet from Sign" — a common sign at this same NE "Place" street corners — was taken down during construction and then replaced with "No Parking Any Time" post-construction.

- One of you asked if a Citizen requested this parking space be installed and the City replied — "I don't think so" — a misleading speculative answer. And, one Mr. Thompson likely would have been able to answer had he been present.
- The City failed to provide an accurate response to one of your questions if there is a carport on 4th Place. The City stated "I don't think so" when, in fact, we had just presented to you the fact that there is a negatively impacted carport a mere 3 feet from the space.

And, our PPIC Appeal Application dated October 19 establishes this fact. Also in that Appeal Application, we cited a possible Municipal Code violation this proximity presents. There's even a letter from the homeowner of this carport in that packet. She's speaking to visibility and access restrictions stemming from the parking space.

Finally, our presentation to you stated the existence of this carport and, it's evident in the pictures in handouts provided and overheads shown.

- Like the City Administration, you dismissed the three (3) Municipal Codes we indicated this parking space might violate even after we read them aloud to you — and after we pointed out the City's blanket dismissal of them. All three (3) were stated in our October 19 Appeal Application which you received days before the December 6 meeting.

Now it feels like several arms of City government want to ignore its own codes — perhaps because, and as we pointed out to you, they are written in such a convoluted manner leaving them open to interpretation.

- Then, upon your questioning, the City failed to provide accurate facts about a key street — Homer Place — the City stated it's only partially within City limits (North side) thereby dismissing a key point made by us that this street, along with many others, does not follow an alleged "pattern".

A few days after the hearing, we approached the City about this opportunistic misrepresentation and miraculously Homer Place was confirmed to be entirely within City limits.

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- The City stated there were exceptions to the pattern with "No Parking Any Time" and "No Parking This Side" on both sides yet they still stuck to the existence of a pattern and you seemingly placed a high value on maintaining a pattern. Don't exceptions defy the very existence of a pattern?

We even told you Mr. Thompson previously established the fact that no pattern exists. So even the co-authors of the recommendation to you — the City — does not agree with itself.

- So, in spite of these meeting transgressions, and with no forum granted us in the meeting to refute, or rebut, some of what we'd just heard — you voted.
- You voted to keep the space yet move it "westerly a small amount" per the City's recommendation. That "small amount" was never defined. How could you vote favorably on something so lacking in specificity?
- Like the Community Development Department and Mr. Thompson did in February 2004, and continues to do today, you ran in direct opposition of another commission — The Planning Commission — who approved the 8 foot walkway with a history of no parking in this area.

How could another arm of the government so suddenly and surreptitiously block access to what the other arm essentially just approved — blindsiding both the seller/builder/designer and the buyer who had yet to take occupancy because escrow was concurrently closing.

This does not feel like the actions of conscientious government or exceptional "community development."

We think it's our due-diligence to give you these observations and perspective.

Thank you.