

**CITY OF MANHATTAN BEACH  
DEPARTMENT OF COMMUNITY DEVELOPMENT**

**TO:** Parking and Public Improvements Commission

**FROM:** Erik Zandvliet, T.E., City Traffic Engineer

**DATE:** June 25, 2015

**SUBJECT:** Review Parking Restrictions and Enforcement on Ocean Drive

**RECOMMENDATION:**

Staff recommends that the Parking and Public Improvements Commission discuss the current parking restriction and enforcement practices along Ocean Drive and provide staff with direction.

**BACKGROUND:**

On February 28, 2015, Mr. Timothy A. Hogan spoke during public comments to request the Parking and Public Improvements Commission review inconsistencies in the City's parking enforcement practices along Ocean Drive (Exhibit 1). Mr. Hogan also followed up with emails to explain more fully his concerns (Exhibit 2). Mr. Hogan would like to have a consistent enforcement policy that prohibits all vehicles from parking entirely on private driveways or partly overhanging the public street along the west side of Ocean Drive, or revise the policy to allow exemptions for certain residents and/or motorcycles to park within the driveway apron area. He requests that the signs be made clear to define where parking is allowed or prohibited.

On August 6, 2013, the City Council discussed the current street parking policies in the beach areas (Exhibit 3). After reviewing the staff report, it was the consensus of the City Council to continue the existing policies as described, and to work towards clarifying the process for installing or removing public parking spaces.

**DISCUSSION:**

Public roadways are open for public use, and the needs of all users must be considered on an equal basis, including those wishing to utilize public parking spaces. Public on-street parking is very limited within the City, especially in the Coastal Zone. It is the City's policy, as well as the policy of the Local Coastal Program, to make every effort to retain existing public on-street parking spaces and protect access to private parking spaces.

**Types of Parking in Beach Area**

There are generally four types of parking available on public streets within the Sand Section of the City (Exhibit 4):

1. Public Parking - Public parking is a compact (15'-18' long) or standard (18' long) space located completely within the roadway and is available for any user. Full size public spaces are typically not marked with parking tees outside the downtown area.

2. Parking in Front or Opposite Garages or Driveways - This means that vehicles can park between garages on the posted side of the street as long as another garage is not directly opposite the street space. While parking opposite a garage is universally enforced, it is common to see a vehicle owned by the resident parked in front of their own garage encroaching partly into the street on the posted side, as long as it is not also parked opposite another garage or driveway. This is similar to the City's practice that allows residents to park on the street across their own driveways in other parts of the City.
3. Parking Off-Pavement - Parking is generally allowed outside the paved portion of the street, either in front of their own garage/driveway or on a parking pad. Those parking pads that are completely within the public right-of-way may be used by the public; however, any parking pad partly on private property can only be used by the resident.
4. Partial Public/Private Space - Vehicles owned by a resident may be parked partially in a driveway and hang out into the street, as long as parking is allowed on that side of the roadway. Such vehicles are not allowed to block a sidewalk, if any. This is common along Manhattan Avenue between 1st Street and 10th Street, and in North Manhattan Beach. This, however, can be problematic if the vehicle extends far into the street. This issue has been addressed with parking edge lines on 44th Street and a portion of Ocean Drive.

### **Current Parking Restrictions**

Ocean Drive (25' wide) is generally posted with "NO PARKING ANYTIME" restrictions on the west side and "NO PARKING IN FRONT OR OPPOSITE GARAGES OR DRIVEWAYS" on the east side. Signs are typically posted on each block at locations that provide reasonable notice of the restrictions. Longer blocks are often posted with multiple signs. In addition, there are red curbs or red stripes adjacent to some walk streets where restricted view at a crosswalk make it necessary to prohibit parking.

The current practice is to discourage the use of red curb or red stripes in locations where signs or the vehicle code clearly prohibit parking in certain areas. For example, parking in front of a driveway is prohibited by the vehicle code unless that vehicle is owned by the resident, so red curb is typically not placed next to a driveway to prevent vehicles from encroaching into the driveway. Similarly, red curb/stripes are not painted along streets posted for "NO PARKING THIS SIDE". Both examples are enforceable without red curbs/stripes. However, it is acknowledged that there are many red curbs/stripes that have been painted in the past that do not conform to the current practice.

Anyone parking on the same side as a "NO PARKING ANYTIME" restriction partly or wholly within the city street right-of-way is subject to a citation whether or not they are a resident. In this way, at least one travel lane is guaranteed on all streets. However, the street edge and/or property line is often hard to identify along the west side of Ocean Drive. In some locations, the practical roadway edge is defined by a concrete gutter or difference in pavement. A white painted edgeline has also been used in some areas to clarify the extent to which parking is allowed.

At corners, special consideration is made for vehicles exiting or entering a street segment. Typically, parking is restricted only to the extent that turns can be safely made into or out of the single travel lane. Also, sight distance on wider streets is important, so parking may be prohibited to improve driver sight distance before entering the cross-street. Of course, red curb is

painted throughout the beach area at locations where parking would pose a safety issue as determined by the City Traffic Engineer.

It should also be noted that parking is prohibited within the right-of-way of any walk street pursuant to Municipal Code Section 14.28.150: “No person shall ride, drive, propel, or cause to be propelled, or park, or cause to be parked or left standing any vehicle or animal across or upon any walk streets closed to vehicular traffic established by resolution of the Council as walk streets.”

### **Enforcement Practice**

Enforcement of parking restrictions and laws is proactively handled by parking enforcement officers on patrol during normal working hours. When parking enforcement officers are not working, enforcement is handled by patrol and traffic officers on a complaint basis subject to priority emergency calls. Enforcement officers are allowed to use their discretion in citing parked vehicles for any violations, whether or not they are residents, contractors, visitors, or others. Any calls related to vehicles blocking the street are handled immediately.

Any vehicle parked partially in front or opposite of garages or driveways is subject to citation. Also, any vehicle parked partially on the roadway on the side prohibiting any parking is subject to a citation, whether or not the vehicle is owned by an adjacent resident.

Sometimes, the enforcement of public parking spaces can be difficult, due to the physical variations of the street, unclear signs and markings, or inability to determine the width of the street right-of-way. This is particularly true along Ocean Drive and at parking pad locations. Where there is ambiguity in the location of property lines or where the parking does not impede traffic flow, officers use discretion in citing parked vehicles that encroach partially into the actual City right-of-way along the west side of Ocean Drive.

If it is determined by the Commission that stricter enforcement of vehicles parked partially in the City right-of-way needed, then the Traffic Engineer recommends that a road edgeline be clearly identified on the pavement to designate the public portion of the street and to aid in enforcement. The Police Department supports this measure for the complete length of Ocean Drive. In addition, parking signs can be revised to state “NO PARKING THIS SIDE – PRIVATE PARKING BEHIND WHITE LINE ONLY” to clarify that residents can park on private property on the same side where parking is not allowed within the public street.

### **CONCLUSION:**

The current practices used to enforce street parking provide flexibility to meet the safety and traffic flow needs of the neighborhood with the desire to maximize public and private parking. However, these practices can also lead to inequitable enforcement of both private and public parking areas. Stricter enforcement practices could have the unintended consequence of reducing local parking supply in certain areas. However, public and private parking areas should be more clearly identified to reduce parking violations and complaints.

In conclusion, Staff recommends that the City Council consider comments from the public and provide direction to Staff.

- Exhibits:
1. February 28, 2015 PPIC Minutes (Excerpt)
  2. Mr. Hogan Correspondence
  3. August 6, 2013 City Council Agenda Report and Minutes (Excerpts)
  4. Alley Parking Sketch
  5. Sample Parking Photos

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**EXHIBIT 1**  
**PARKING AND PUBLIC IMPROVEMENTS COMMISSION**  
**FINAL MINUTES OF A REGULAR MEETING**  
**February 26, 2015**  
**(Excerpt)**

**D. AUDIENCE PARTICIPATION**

Chair Lipps opened the Audience Participation (3-Minute Limit)

**Timothy Hogan, Manhattan Beach Resident**, explained that he had received a ticket and in his opinion it was not fair or valid and wanted it dismissed. He said he was issued a ticket for parking his scooter on Ocean Drive where other vehicles were parked in the same position and they didn't receive tickets.

Commissioner Fournier explained that the Parking and Public Improvements Commission has no authority to dismiss a Parking Ticket.

Traffic Engineer Zandvliet stated that he would evaluate the parking signs and enforcement policy and bring the information back to the Commission.

Chair Lipps closed the Audience Participation.

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**From:** Timothy Hogan <hogandaz605@yahoo.com>  
**Sent:** Wednesday, May 20, 2015 6:40 PM  
**To:** Erik Zandvliet  
**Subject:** Re: Parking on Ocean Drive citation

Erik, OK I will see what documentation the court sends me. He stated the unwritten rule of not citing residents parked in their driveways but citing 2 wheeled vehicles parked in same manner off the roadway was discriminatory against non-residents. He suggested a revision to be consistent .

My take,- 3 options: 1) disallow all vehicles, even residents, from parking along Ocean Drive, 2) add new Ocean Drive no parking ordinance to exempt certified residents if they obtain a parking pass to park on their property, then so post ; 3) Revise internal parking policy to include exemption for 2 wheel vehicles parked along west side of Ocean Dr. apron out of the roadway if not violating any other parking rule. No posting changes needed.

OK thanks, see you on June 25. Tim H.

> On May 20, 2015, at 5:41 PM, Erik Zandvliet <[ezandvliet@citymb.info](mailto:ezandvliet@citymb.info)> wrote:

>  
> Hello Tim,  
> I already have the item scheduled for the June 25 meeting. You will be receiving a mailed meeting invitation.  
> If you can provide me any documentation on the Judge's ruling, that would be especially helpful for my report.  
> Thanks,  
> Erik

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>  
>  
> Erik Zandvliet  
> Traffic Engineer  
> (310) 802-5522  
> [ezandvliet@citymb.info](mailto:ezandvliet@citymb.info)  
> City of Manhattan Beach, CA

>  
> -----Original Message-----  
> From: Timothy Hogan [<mailto:hogandaz605@yahoo.com>]  
> Sent: Wednesday, May 20, 2015 3:38 PM  
> To: Erik Zandvliet  
> Subject: Parking on Ocean Drive citation

>  
> Mr Zandvliet, if you remember my grievance re parking for scooters along Ocean Dr. had a court trial today. Judge Borenstein ruled City of MB policy allowing residents to ignore parking restriction but citing non residents was discriminatory and dismissed the citation. The policy should be modified with City Atty. counsel. I plan to address the Parking Comm on May 28th. Thank you, Tim Hogan

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**From:** Timothy Hogan <timothyhoganlaw@gmail.com>  
**Sent:** Saturday, February 28, 2015 4:14 PM  
**To:** List - PPIC  
**Subject:** Follow Up to Request for Review of Parking Practice along Ocean Drive

Dear Commissioners,

I requested during the public presentation session of the Parking and Public Improvements Commission (February 26) to review the inconsistencies in the enforcement of the "no parking" ordinance along the west side of Ocean Drive. The traffic engineer present promised he would look into this apparent uneven enforcement situation. There was also a comment from one Commissioner that the parking ticket I received was not the Commission's responsibility.

Afterwards, upon reflection, I respectfully disagree regarding the parking citation. According to court documents the Prosecuting Agency is the City of Manhattan Beach. If, after a review of the facts and discussion with the appropriate parking enforcement officials, it is determined there are arbitrary inconsistencies in the "tuck in" exception to the no parking along Ocean Drive and my citation was thus issued inappropriately, the resolution is simple. The Board can request City Attorney Quinn Barrow, who is familiar with the facts of this issue, to send to the Court a request to withdraw the parking citation and the Court will happily take the parking appeal off calendar-now set for May 20, 2015 in Department 44 of the Los Angeles Superior Court.

Otherwise, even if the parking enforcement practice is reviewed and subsequently amended, at the trial, the traffic officer will be questioned under oath on the witness stand why he issued citations to some vehicles and not to others who were parked in an identical manner in the same block on the same street. Following that, the Judge could likely declare on the record the City of Manhattan Beach is engaging and arbitrary and discriminatory conduct when it comes to parking enforcement. He could then grant the Appeal, dismiss the citation and the ruling would become precedent. This is not necessary given my hope your review will be a finding that parking laws should be enforced consistently for all vehicles.

Respectfully submitted,

Timothy A. Hogan



## Legislation Details (With Text)

**File #:** 13-0356      **Version:** 1  
**Type:** Gen. Bus. - Staff Report      **Status:** Agenda Ready  
**In control:** City Council  
**On agenda:** 8/6/2013      **Final action:**  
**Title:** Discussion of Beach Area Street Parking Policies.  
DISCUSS AND PROVIDE DIRECTION

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. May 21, 2013 City Council Staff Report for Administrative Process for On-Street Public Parking Spaces, 2. Beach Area Parking Types, 3. Example Photos of Beach Parking Types, 4. May 9, 2013 Letter and Attachments from Francey Marzicola, 5. May 9, 2013 Letter from Richard Lesser, 6. July 9, 2013 Letter and Attachments from Peter Goodwin & Mary Anderson, 7. July 15, 2013 Letter to Mary Anderson & Peter Goodwin from City Attorney, 8. Mailed Public Meeting Notice

Date	Ver.	Action By	Action	Result
8/6/2013	1	City Council	approved	Pass

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

**THROUGH:**  
David N. Carmany, City Manager

**FROM:**  
Richard Thompson, Director of Community Development  
Nhung Madrid, Management Analyst  
Erik Zandvliet, T.E., City Traffic Engineer

**SUBJECT:**  
Discussion of Beach Area Street Parking Policies.  
**DISCUSS AND PROVIDE DIRECTION**

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**RECOMMENDATION:**  
Staff recommends that the City Council consider comments from the public and provide direction to Staff.

**FISCAL IMPLICATIONS:**  
None.

**BACKGROUND:**  
On March 6, 2013, the City Council considered an appeal of a Parking and Public Improvements Commission decision to deny the request to remove a street parking space at 217 4<sup>th</sup> Place. The Commission based their decision on Staff's evaluation that the space met the guidelines as a valid parking space. After hearing public testimony and arguments from the appellants, the City Council



voted to remove the parking space. At the March 19, 2013 City Council meeting, the City Council directed staff to provide a report on the administrative process to request or remove public parking spaces.

On May 21, 2013, the City Council received a staff report that explained the administrative process used when citizens request the installation or removal of an on-street public parking space. See Attachment 1. Pursuant to the discussion on this item, the City Council directed staff to review and provide additional information regarding street parking practices in the beach areas.

Beach parking was considered by the Traffic Engineer at the time he evaluated the public parking space adjacent to 217 4<sup>th</sup> Place, and is always considered when evaluating public parking spaces.

### **DISCUSSION:**

Public roadways are open for public use and the needs of all users must be considered on an equal basis, including those wishing to utilize public parking spaces. Public on-street parking is very limited within the City, especially in the Coastal Zone. It is the City's policy as well as the Local Coastal Program policy that staff makes every effort to retain existing public on-street parking spaces.

### **Types of Parking in Beach Area**

There are generally four types of parking provided on public streets in the beach areas:

1. Public Parking - Public parking is a compact (15'-18' long) or standard (18' long) space located completely within the roadway and is available for any user. Full size public spaces are typically not marked with parking tees outside the downtown area.
2. Parking in Front or Opposite Garages or Driveways - This means that vehicles can park between garages as long as another garage is not directly opposite the street space. Also, vehicles owned by the property owner can park across or opposite their OWN garage only on the posted side of the street.
3. Parking Off-Pavement - Parking is generally allowed outside the paved portion of the street, either in front of their own garage/driveway or on a parking pad. Those parking pads that are completely within the public right-of-way may be used by the public; however, any parking pad partly on private property can only be used by the resident.
4. Partial Public/Private Space - Vehicles owned by a resident may be parked partially in a driveway and hang out into the street, as long as parking is allowed on that side of the roadway. Such vehicles are not allowed to block a sidewalk, if any. This is common along Manhattan Avenue between 1<sup>st</sup> Street and 10<sup>th</sup> Street, and in North Manhattan Beach. This can be problematic if the vehicle extends far into the street. This issue has been addressed with parking edge lines on 44<sup>th</sup> Street and a portion of Ocean Drive.

See Attachments 2 and 3

### **Current Practice**

The City's current practice is to follow these basic guidelines when establishing or removing street parking, subject to traffic safety considerations:

1. The number of public parking spaces should be maintained and increased wherever possible for the benefit of the general public.
2. Due to the unique traffic conditions of every street, street parking modifications shall be considered on a case-by-case basis.

3. Only current parking and traffic conditions should be considered in the evaluation of public parking spaces.
4. Streets in the Sand and Dune sections of the City should maintain a minimum 10' wide travel lane without obstructions.
5. A minimum 24' back-up distance should be provided at private driveways.
6. When parking restrictions are posted, they should be posted in a similar manner to maintain consistency with driver expectation, unless justified otherwise.
7. Parking may be prohibited to provide greater sight distance or necessary turning radius at intersections at the discretion of the Traffic Engineer.
8. Parking should not block access to a private walkway in areas where the street parking directly abuts the property line.
9. Parking restrictions may be considered if parking is a factor in a recurring collision history.
10. Illegal or improper parking activity shall not be a factor in considering parking restrictions.
11. Parking restrictions on one or both sides of a street block may be considered pursuant to a petition of the majority of residents along the affected street section.
12. General traffic safety shall not be compromised for parking convenience.

It should be noted that every request to change the existing parking is evaluated by the City's Traffic Engineer and is considered on a case-by-case basis. The Traffic Engineer bases his evaluation on his professional engineering judgment, current state/federal standards, and past experience along with the above City practices. Changes to adjacent land uses are often opportunities to increase or modify street parking conditions.

The current practice also discourages the use of red curb or red stripes in locations where signs or the vehicle code clearly prohibit parking in certain areas. For example, parking in front of a driveway is prohibited by the vehicle code unless that vehicle is owned by the resident, so red curb is typically not placed next to a driveway to prevent vehicles from encroaching into the driveway. Similarly, red curb/stripes are not painted along streets posted for "NO PARKING THIS SIDE". Both examples are enforceable without red curbs/stripes. However, it is acknowledged that there are many red curbs/stripes that have been painted in the past that do not conform to the current practice.

### **Existing Conditions**

Most but not all of the east-west streets between 1<sup>st</sup> Street and 45<sup>th</sup> Street wider than 18 feet have parking prohibitions on the south side and "NO PARKING IN FRONT OR OPPOSITE GARAGES OR DRIVEWAYS" restrictions on the north side. There are some segments where this condition is reversed to increase the parking supply. These parking restrictions are typically enforced on a complaint basis. Anyone parking on the same side as a "NO PARKING ANYTIME" restriction is subject to a citation. In this way, at least one travel lane is guaranteed on all streets.

Historically, the "NO PARKING IN FRONT OR OPPOSITE GARAGES OR DRIVEWAYS" restriction allows some residents the chance to park on the street where non-residents may not be allowed. This opportunity only exists for residents who can legally park a vehicle on the side with this restriction, not on the side with a "NO PARKING THIS SIDE" prohibition. It also means that residents can park partially across their own garage or driveway and partially in a public parking space if necessary.

Ocean Drive (25' wide) is posted with "NO PARKING ANYTIME" restrictions on the west side and "NO PARKING IN FRONT OR OPPOSITE GARAGES OR DRIVEWAYS" on the east side. In addition, there is red curb adjacent to some walk streets where restricted view at a crosswalk make it

necessary to prohibit parking.

Bayview Drive (14' wide), Crest Drive (14'-20' wide) and Vista Street (14' wide) are posted with "NO PARKING THIS STREET" restrictions. Parking on Manhattan Avenue between Rosecrans Avenue and Marine Avenue is allowed on the east side only, while the segment between 15<sup>th</sup> Street and Homer Street has parking on both sides. Parking on Highland Avenue is allowed on both sides. Few streets have curbs to help define public parking, except Highland Avenue and Manhattan Avenue. As a result, there is often some combination of public and private parking area being occupied by vehicles.

There are several spaces scattered throughout the beach area that are compact size (15' to 18') and are marked with "COMPACT" stencils and/or parking tees to designate the maximum allowable size. It is the City's practice to mark all compact spaces to define the parking limits.

At corners, special consideration is made for vehicles exiting or entering a street segment. Typically, parking is restricted only to the extent that turns can be safely made into or out of the single travel lane. Also, sight distance on wider streets is important, so parking may be prohibited to improve driver sight distance before entering the cross-street. Of course, red curb is painted throughout the beach area at locations where parking would pose a safety issue as determined by the City Traffic Engineer.

### **Enforcement**

Enforcement of parking restrictions and laws is handled by parking enforcement officers during normal working hours proactively on a random basis. When parking enforcement officers are not working, enforcement is handled by patrol and traffic officers on a complaint basis subject to priority emergency calls. In addition, parking restrictions that allow residents to park in front or opposite their garages is solely handled in response to resident calls. Any calls related to vehicles blocking the street are handled immediately.

Any non-resident vehicle parked partially in front of opposite of garages or driveways is subject to citation. Also, any vehicle parked partially on the roadway on the side prohibiting any parking is subject to a citation.

Sometimes, the enforcement of public parking spaces can be difficult, due to the physical variations of the street, unclear signs and markings, or inability to determine the width of the street right-of-way. This is particularly true along Ocean Drive and at parking pad locations.

### **CONCLUSION:**

The current practices used to maintain street parking provide flexibility to match the needs of the neighborhood with the desire to maximize public parking. There are few opportunities to add public parking due to the density of residential properties in the beach area. Changing current practices may have the unintended consequence of reducing local parking supply in certain areas, but more analysis would be required to determine the overall effect in the beach area.

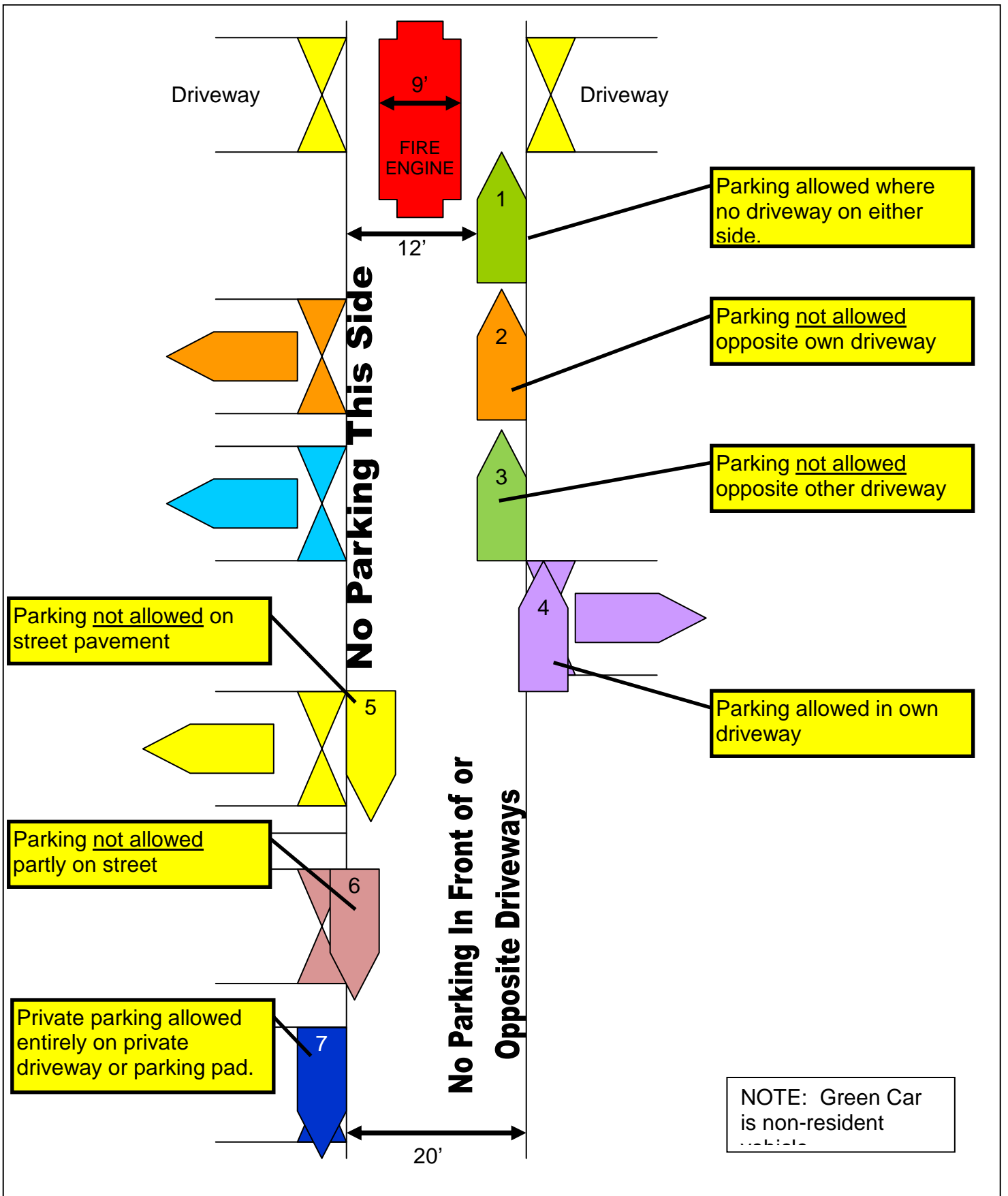
In conclusion, Staff recommends that the City Council consider comments from the public and provide direction to Staff.

### **Attachments:**

1. May 21, 2013 City Council Staff Report for Administrative Process for On-Street Public Parking

Spaces

2. Beach Area Parking Types
3. Example Photos of Beach Parking Types
4. May 9, 2013 Letter and Attachments from Francey Marzicola
5. May 9, 2013 Letter from Richard Lesser
6. July 9, 2013 Letter and Attachments from Peter Goodwin & Mary Anderson
7. July 15, 2013 Letter to Mary Anderson and Peter Goodwin from City Attorney
8. Mailed Public Meeting Notice



**EXHIBIT 5  
SAMPLE PARKING PHOTOS**



Ocean Drive South of 5<sup>th</sup> Street Looking North (Note Painted Edgeline)



Ocean Drive at 7<sup>th</sup> Street Looking North



Ocean Drive at 16<sup>th</sup> Street Looking South



Ocean Drive at 35<sup>th</sup> Street Looking South