



August 23, 2021

Mayor Suzanne Hadley
Members of City Council
City Manager Bruce Moe

Dear Mayor Hadley, City Council, and City Manager Moe,

The DBPA Board of Directors expresses their gratitude to Director Tai and City Staff for recommending to Council outdoor dining be continued through January 3, 2022. This provides our restaurants the certainty they will be able to operate through the Delta variant even if we should experience future indoor dining restrictions.

To minimize the parking constraints created by outdoor dining, our DBPA Board of Directors recommends if no indoor dining restrictions or distancing guidelines are in place as of November 1, 2021, all restaurants reduce their outdoor dining decks to a footprint no larger than the front of their own businesses. There will likely be practical considerations causing some decks to not be located directly in front of their business, such as handicapped ramps, but as much as possible, we encourage City Staff to begin the logistical exercise of reducing the overall size and impact of the dining decks. In addition, we ask that any dining decks not in use by September 1, 2021, be removed to open all available parking.

This is an important step forward to acknowledge and amend the sacrifices our retailers and service businesses have made over the last 18 months. Decreasing deck sizes will begin addressing our organization's concerns about blocking the visual sight line to a business from the street or sidewalk, and also provide some of the much needed parking to return in time for our busy holiday season.

We respectfully thank you for your consideration.

Mike Simms
President, DBPA

Jill Lamkin
Executive Director, DBPA

Martha Alvarez

From: Daryl Elsberg <daryl.elsberg@gmail.com>
Sent: Tuesday, August 24, 2021 5:11 PM
To: City Clerk
Subject: [EXTERNAL] Public Comment

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Hello,

I would like to express support for making outdoor dining permanent in Manhattan Beach.

I'm a resident here for 7 years and support outdoor dining and parklet access for local restaurants for the following reasons:

- virus is not getting better and outdoor dining is safer. We also don't know how many more variants we have coming. It also promotes better circulation and protection against flu and other illness
- weather here promotes comfortable ability to dine outside year around and is great for MB business and tourism
- most MB establishments are small and have tables on top of each other. This gives customers more options to space out while staying safe and still supporting local business
- businesses have had a tough run after being closed and restricted. Let's give them ability to shine
- extra dining capacity allows locals and tourists to dine without having to make reservations months in advance due to such limited capacity

Thanks for your consideration. Outdoor dining should be our new normal as it is in many other cities and states that promote health, safety, and well-being.

Daryl Elsberg
650-533-6897

Martha Alvarez

From: Carrie Tai, AICP
Sent: Tuesday, August 24, 2021 4:57 PM
To: Martha Alvarez; Liza Tamura
Subject: Fwd: [EXTERNAL] City Council Meeting august 24, 2021 - Agenda item 21-0246

Sent from my iPhone

Begin forwarded message:

From: "Suzanne Lerner @ Michael Stars" <slerner@michaelstars.com>
Date: August 24, 2021 at 4:47:41 PM PDT
To: Hildy Stern <hstern@manhattanbeach.gov>, Suzanne Hadley <shadley@manhattanbeach.gov>, Steve Napolitano <snapolitano@manhattanbeach.gov>, Jane Franklin <jfranklin@sempautilities.com>, Richard Montgomery <rmontgomery@manhattanbeach.gov>
Cc: Bruce Moe <bmo@manhattanbeach.gov>, "Carrie Tai, AICP" <ctai@manhattanbeach.gov>, Erik Zandvliet <ezandvliet@manhattanbeach.gov>
Subject: [EXTERNAL] City Council Meeting august 24, 2021 - Agenda item 21-0246

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Mayor Hadley, Mayor Pro Tem Stern, Councilmembers, Franklin, Montgomery and Napolitano:

Re: Outdoor Dining and Business Encroachment Uses in The Public Right of Way

Please do not continue to extend the downtown restaurants' encroachments onto our sidewalks and streets.

This is one of the most important issues in years that will ever be discussed at City Council.

It is beyond my understanding why today has been chosen to review this particular agenda item. Why could you not have waited until the regular city council meeting on September 9th, when more of our residents would have been made aware of this situation.

To have found out about this only last Thursday meant that most of our residents have no idea you are discussing this subject tonight.

My recommendation is that you table this agenda item until September 9th.

Plus why not share the Staff Report with the entire residential and business community so everyone can be made aware of what is being suggested?

The vision statement that was created for the Downtown Specific Plan (DSP) The vision for the future of Downtown Manhattan Beach is to maintain a safe, attractive pedestrian-friendly village with a small town atmosphere. The Downtown sustains uses, activities and family and cultural events, primarily oriented toward the local Manhattan Beach community.

The vision goals implemented the Specific Plan's vision statement. The goals are:

Goal 1: Preserve and enhance the project area's small town character

Goal 2: Enhance pedestrian and bicycle access to the project area

Goal 3: Improve access to parking and alternative transportation options

Goal 4: encourage, maintain and enhance economic vitality.

SMALL TOWN CHARACTER DEFINED:

- Relaxed, charming eclectic beach atmosphere

-Walkable pedestrian-oriented, clean and safe environment

-Strong sense of community with the Downtown as the heart

-Events that reinforce a shared sense of community and place

-Balance residential and commercial quality of life to maintain the community's integrity and soul.

Why is there this attempt to turn our town into a touristy restaurant row - with no thought or consideration to the ALL the residents and other small businesses?

In the report that has been submitted by the City staff, 90% of the pages are taken directly from the Gensler Report that was paid for by (i assume) the Downtown Business Association. The residents are barely mentioned - what is going on? It appears that we as residents are barely being considered.

Also, does this report have anything to do with you discussing continuing to support the temporary encroachments? Which is the sole object of this agenda item?

It appears to me that the City and the Council care primarily about the restaurants and is being pushed along by their strategies.....

Leaving 35,000 residents in the dark without any support from the Council whom they elected.

People are busy, they have busy lives, jobs, kids, COVID-related stress, both physical and mental.... And they i am sure are assuming that the City Council they elected would be protecting their interests....interests in their lives, the town and homes/properties they invested in, their property values, protection of their children from crime and changes that could come thru overdevelopment.

You have received letters from Martha Andreani, Carol Perrin and Don McPherson all with more details on why this "Plan" will not work for Manhattan Beach and should not be considered.

Thank you very much.

Best,

Suzanne

Suzanne Lerner

124 Tenth Street

Manhattan Beach, CA. 90266

C. 310-422-1661

Martha Alvarez

From: Carrie Tai, AICP
Sent: Monday, August 23, 2021 1:04 PM
To: Martha Alvarez; Liza Tamura
Subject: FW: [EXTERNAL] City Council Meeting of Aug 24, 2021 Agenda Item 21-0246

From: Carol Perrin <cplaw28@gmail.com>
Sent: Monday, August 23, 2021 1:02 PM
To: Suzanne Hadley <shadley@manhattanbeach.gov>; Hildy Stern <hstern@manhattanbeach.gov>; Richard Montgomery <rmontgomery@manhattanbeach.gov>; Steve Napolitano <snapolitano@manhattanbeach.gov>; Joe Franklin <jfranklin2@manhattanbeach.gov>
Cc: Bruce Moe <bmoe@manhattanbeach.gov>; Carrie Tai, AICP <ctai@manhattanbeach.gov>; Erik Zandvliet <ezandvliet@manhattanbeach.gov>
Subject: [EXTERNAL] City Council Meeting of Aug 24, 2021 Agenda Item 21-0246

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Mayor Hadley, Mayor Pro Tem Stern, Councilmembers Franklin, Montgomery, and Napolitano:

RE: Outdoor Dining & Business Encroachment Uses in the Public Right-of-Way

Please, do not extend the Downtown restaurants' encroachment into our public streets, their use of public parking spaces, and their use of our public sidewalks beyond September 7, 2021.

What is before the Council tonight is **the direction of Manhattan Beach. Small Town Downtown** or moving in the direction towards **Tourist Mecca Restaurant Row**? The agenda items and related discussions being presented to this Council tonight **require** consideration of the bigger picture and an overt, **honest discussion** with **notice** to, and input from the entire MB community, and not just input from a singular paid trade organization promoting the economic interests of its members (Downtown Manhattan Beach Business + Professional Association), before decisions are made.

As the City Council looks at the interests of all components making up the Manhattan Beach community, with residents being the single largest group and the group paying for most of the City's budget, **how does the continuation of outdoor dining impact the residents?** Is this question any any less important? For example, are the service businesses downtown that the residents utilize (shoe repair, picture framing, grocery, etc.) and which businesses help maintain our small town vibe and charm, negatively impacted? What about residents being able to get in and out of MB without dealing with the increased traffic congestion? **What about all the increased crime MB is experiencing due to the restaurants bringing more people to come here, consume alcohol here, and potentially determine to commit crimes here?** And then there is the day to day

of residents not being able to find a parking space and shop and stroll downtown like they used to be able to - an impossibility now!

And what about the use of the huge amount of additional funds Manhattan Beach is getting/or received from the government due to the Pandemic. Are these funds being used to provide facilities and services to benefit the residents such as undergrounding all utilities, upgrading and adding additional parks and recreation facilities, upgrading enforcement and crime prevention, paying for prosecuting crimes that LA County won't prosecute, etc.? Or are these funds going in part to yet again, directly or indirectly, offset the costs to the City of continuing this free outdoor dining to restaurants and loss of parking revenue, which benefit a very small group of restaurant owners?

We all want all our businesses to survive, but this seemingly unending **focus and benefit on and to one group only, the restaurants,** which are so crowded that reservations must be made well in advance, and at least two of which have been able to afford massive renovations within the last year (PPP money?), needs to get some balance. The restaurants scream losses - yet the restaurants have free rent, greater occupancy than pre-pandemic, the restaurants are packed and new ones are clamouring to come into MB. 2 +2 equals 4, but something doesn't add up here!

If the Council intends to modify the current mission statement for Manhattan Beach - which focuses on its charm and small town qualities and beauty, with a balance of services, retail and restaurants serving residents and available to visitors, that is what should be on the Agenda. That is the real issue before this Council and should be discussed and decided with the entire community before making decisions that irrevocably affect the answer to the questions of extending short term outdoor dining (and drinking) or considering permanent outdoor dining.

Since this letter is long enough and no need to be repetitious, I refer you to Martha Andriani's letter/email to you dated today, August 23, 2021 at 8:21 am, on this same subject, which I incorporate by reference into this email.

I am out of town and may not have service to Zoom into the meeting tomorrow night, so I thank you for reviewing and considering the items in this letter in the context of the meeting. As always, thank you for your service and thoughtful attention to this matter.

Sincerely,
Carol Perrin
Resident of Downtown, Representative Downtown Residents Group

Martha Alvarez

From: Tony Drockton <tony@hammitt.com>
Sent: Monday, August 23, 2021 2:11 PM
To: Kelly Stroman
Cc: List - City Council; City Clerk
Subject: [EXTERNAL] Re: A perspective from a new retailer

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Please let me know if I can help more. I'm a big supporter of ALL businesses in manhattan beach. And more outdoor dining during these uncertain times equates to more customers for everyone.

On Mon, Aug 23, 2021 at 1:45 PM Kelly Stroman <kelly@manhattanbeachchamber.com> wrote:
Hi Tony,

Thank you for sending your thoughts on outdoor dining and the possibility of extending the ROW permits until Jan. 2022.

Since you are located adjacent to Simmzy's on MB Blvd, your input carries a lot of weight.

Cheers!



KELLY STROMAN
President/CEO at Manhattan Beach
Chamber of Commerce
A 425 15th Street Manhattan Beach, CA
90266
P 310-545-5313 **M** 310-413-0836
E kelly@manhattanbeachchamber.com
W www.manhattanbeachchamber.com



From: Tony Drockton <tony@hammitt.com>
Sent: Monday, August 23, 2021 12:19 PM
To: Kelly Stroman <kelly@MANHATTANBEACHCHAMBER.COM>; cityclerk@citymb.info <cityclerk@citymb.info>
Subject: A perspective from a new retailer

Hammitt opened its retail doors next to Simzys in April 2021. The outdoor dining directly in front of our location has allowed locals and tourists to discover our brand. They pause, they eat, they notice us and then many times they come in and go home with both a full stomach and a full shopping bag.

Expanding the dining to outdoor has opened up our city to a true beach lifestyle while also allowing more people to come to the downtown area and eat, shop, repeat versus ordering Uber eats and Amazon.

Please extend this net positive to all extension and keep the energy and the dollars flowing into downtown and not into online competitors.

Tony Drockton
Founder of Hammitt

--

Tony Drockton
Chief Cheerleader
Hammitt

“Build great people not just companies, and they will build greatness in all they do”

--

Tony Drockton
Chief Cheerleader
Hammitt

“Build great people not just companies, and they will build greatness in all they do”

Martha Alvarez

From: Frank Chiella <frank.chiella@yahoo.com>
Sent: Monday, August 23, 2021 11:26 AM
To: City Clerk
Subject: [EXTERNAL] August 24th Council Meeting, Item #14 Temporary Fire Station 2 Alternatives

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Honorable Mayor and Members of Council,

I am representing the members of our City's Community Emergency Response Team (CERT) on this issue of considering the alternatives to constructing a temporary fire station as part of the Fire Station No. 2 Replacement Project. My background in public safety is quite extensive. I have worked in the fire service for 40 years, 35 of those years with the Manhattan Beach Fire Department and retired as a Battalion Chief. I have worked with Manhattan Beach CERT for the past seventeen years and for the past seven years I have been the Program Director and CERT Board President.

The concerns of our members, who are also Manhattan Beach residents, are that increased response times can make a lifesaving impact on the residents east of Sepulveda Blvd.. This impact could be emergency medical or fire related.

Many studies have been conducted on the correlation of response times and the outcome for both fires and emergency medical responses. They all conclude that a longer response time is likely to negatively impact the incident. No one including our own fire department will dispute that. I believe that many of the people who responded to the survey do not understand what an increased response time could mean to them. Our members are trained in first aid, CPR and fire suppression and they understand what the effects of a delayed response time could mean.

Our fire department has proposed a targeted presence east of Sepulveda Blvd. as way to mitigate this increased response time if Engine 22, from fire station no. 2, is relocated to fire station no.1. This is helpful but not a solution to increased response times. Our CERT members believe that your choice on construction alternatives should limit the increase in response time to as short a time as possible.

Our other concern is for housing one of our CERT emergency response vehicles which is located at fire station no. 2. Are vehicles are housed at various secured locations throughout the city so our members can walk to them and bring them to the areas of their neighborhood that need help in a disaster.

We all understand cost and time savings but we also value everyone's life in our community and ask that you take that into consideration when making your decision on the construction alternatives.

Thank you for your service to the community,

Frank Chiella

MBCERTA Board President

Martha Alvarez

From: Diane Daegele <dsdaegele@gmail.com>
Sent: Friday, August 20, 2021 12:13 PM
To: List - City Council; City Manager
Subject: [EXTERNAL] City Council

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I am in support of the installation of a Peace Pole in the Manhattan Beach civic center plaza.
Thank you for your consideration,
Diane Daegele
MB Resident since 1997

Martha Alvarez

From: Charlotte Marshall <squaremealcoat@gmail.com>
Sent: Friday, August 20, 2021 12:42 PM
To: List - City Council; City Manager
Subject: [EXTERNAL] City Council

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Dear City Council,
I love the idea of a Peace Poll.

Peace & love,
Charlotte Marshall

Martha Alvarez

From: Alexandra Smith <madpiggy@mac.com>
Sent: Sunday, August 22, 2021 12:12 PM
To: Suzanne Hadley; Hildy Stern; Steve Napolitano; Richard Montgomery; Jane Franklin; List - City Council; City Manager
Subject: [EXTERNAL] Encroachment into Public Right of Way Downtown

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council,

While I support the efforts to help our downtown community and restaurants during the pandemic, I want to make clear that I do not support the continued encroachment into the public right of way and the disappearance of parking spaces as it becomes safe to eat indoors again for the following reasons:

- The makeshift outdoor structures are an absolute eyesore in the downtown area and create added congestion for both pedestrians and drivers. It's already hard enough to navigate the downtown area by car, especially during crowded weekend summers, but having part of Ocean drive cut off due to the Shellback dining as well as not being able to see to turn left or right at the top of the street when leaving home creates added stress and potential for traffic accidents.
- It reduces parking not just for beach access but for downtown residences as well. For those of us particularly who have older houses with a lack of parking, the reduction of parking spaces means that it's more difficult to have service providers find parking and it's harder for friends to find parking to come visit. It also means that we have more people illegally parking in front of our garage making it difficult to get out.
- Noise pollution from diners and restaurants playing their music too loud.
- There was an agreement in place that with the exception of where it was grandfathered in (for places like Ocean Diner), that we would not turn walk streets into commercial enterprises to protect real estate values and the privacy and solitude of homeowners. Right now, Slay Italian Kitchen is in violation of that agreement by having tables at the top of 10th Street. I don't know if there are other restaurants in violation of that as well. Given that they have violated this continually throughout the pandemic, this indicates that the honor system does not work, and we should not be required to be the bogeymen to police them.

Thank you for your time and consideration.

Alexandra Smith

Martha Alvarez

From: Jessica Johnson <jj88glow@gmail.com>
Sent: Sunday, August 22, 2021 7:56 PM
To: List - City Council
Subject: [EXTERNAL] No vax passport for MB

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hi City Council,

I'm not sure whether it is being considered for our city or not, but I wanted to put my voice in and ask that you please NOT require proof of vaccination for people to enter retail or restaurants in the city of Manhattan Beach. Our small businesses have suffered so much in the last year and a half, and this only hurts them worse as they try to recover from the pandemic shutdowns. This type of mandate discriminates against people who cannot or choose not to be vaccinated, which is unfair to begin with. More importantly, it really hurts our businesses. Having to turn away customers is something that no one wants to do. If 80% of shoppers are fully vaccinated, then that means 20% of customers will not be able to enter stores or restaurants to shop and eat. No local MB business can afford to lose 20% of its business. Not only is it impractical to enforce, but businesses should be able to institute their own policies based on how they want to run their business. The vaccine passports are a major overstep in freedom and liberty, both for individuals and for business owners. Requiring a vaccination passport also inadvertently discriminates against black consumers, as their rates of vaccination are lower than other demographics. Let's continue to make MB the WELCOMING and OPEN city that it is.

Also, THANK YOU Manhattan Beach and Mayor Hadley for standing up for our rights and signing the letter to Janice Hahn in opposition to reinstating the indoor mask mandate. It means alot to have city leadership who supports its residents' views and fights for what is right.

Appreciate you all,
Jessica Johnson

Martha Alvarez

From: Kathy Clark <kathymb2005@mac.com>
Sent: Monday, August 23, 2021 9:21 AM
To: List - City Council
Subject: [EXTERNAL] Staff Vaccinations

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

City Councilmembers,

I am writing because requiring staff vaccinations is an agenda item. Currently our Police Department are at 50%, the Fire Department is at 99% and the Manhattan Beach residents are at 82%+. Children under 12 cannot be vaccinated so it is critical that as many adults as possible get vaccinated for the sake of the kids. Let's act as a community and get our Covid case count as close to zero as possible while enjoying our social beach lifestyle as safely as possible.

Kathy Clark

Martha Alvarez

From: Michael Monaghan <michaelcmonaghan@gmail.com>
Sent: Monday, August 23, 2021 11:00 AM
To: List - City Council
Cc: kelly@manhattanbeachchamber.com
Subject: [EXTERNAL] Support for Outdoor Dining Decks

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Mayor and City Council

I am writing to support outdoor dining decks.

The outdoor dining program has been *an overwhelming success and an incredible amenity to all residents of Manhattan Beach*. While the recent trial program has shown how the decks are a *great asset to our community under any circumstances*, with the onset of the very infectious Covid 19 DELTA variant, it is critical that we maintain outdoor dining for the safety and benefit of Manhattan Beach residents. Being outdoors is the number one most effective mitigation factor against ANY virus, including Covid 19.

Very Respectfully,

Michael

Martha Alvarez

From: Kelly Stroman <kelly@MANHATTANBEACHCHAMBER.COM>
Sent: Monday, August 23, 2021 11:10 AM
To: Michael Monaghan; List - City Council
Subject: [EXTERNAL] Re: Support for Outdoor Dining Decks

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Agreed. Thank you for sharing your thoughts and please encourage others to do the same and tune in tomorrow night.

Cheers!



KELLY STROMAN
President/CEO at Manhattan Beach
Chamber of Commerce

A 425 15th Street Manhattan Beach, CA
90266
P 310-545-5313 **M** 310-413-0836
E kelly@manhattanbeachchamber.com
W www.manhattanbeachchamber.com



From: Michael Monaghan <michaelmonaghan@gmail.com>
Sent: Monday, August 23, 2021 10:59 AM
To: CityCouncil@citymb.info <CityCouncil@citymb.info>
Cc: Kelly Stroman <kelly@MANHATTANBEACHCHAMBER.COM>
Subject: Support for Outdoor Dining Decks

Dear Mayor and City Council

I am writing to support outdoor dining decks.

The outdoor dining program has been *an overwhelming success and an incredible amenity to all residents of Manhattan Beach*. While the recent trial program has shown how the decks are a *great asset to our community under any circumstances*, with the onset of the very infectious Covid 19 DELTA variant, it is critical that we maintain outdoor dining for the safety and benefit of Manhattan Beach residents. Being outdoors is the number one most effective mitigation factor against ANY virus, including Covid 19.

Very Respectfully,

Michael

Martha Alvarez

From: Jim Burton <jburton@ecokai.com>
Sent: Monday, August 23, 2021 4:08 PM
To: List - City Council
Cc: Bruce Moe
Subject: [EXTERNAL] Extension of Outdoor Dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Honorable Mayor and Members of Council –

Why is staff recommending another extension to outdoor dining and including a professional consultant's paid opinion on the matter? Why are residents not being included in staff analysis and/or consideration of their interests? The outdoor dining has had a huge ADVERSE impact on downtown quality of life and there has been zero effort to engage local residents by the community development department. Having this item on the agenda (an off-cycle Council meeting) is once again putting downtown residents in an awkward position. While I support our restaurants, I don't support an extension.

All of us want our restaurants to be successful and appreciate the assistance of public dollars granted by the city – restaurants are packed, parking in scarce - success. However, let's not forget other stakeholders – downtown residents also want our dry cleaners, flower shops, banks, card shops, surf shops, real-estate offices, etc., to be successful. We want the look and feel of our downtown back with diagonal parking spaces on MBB, non-corridor looking streets on Manhattan Avenue, unobstructed pier views, and removal of the temporary wood structures lining the street. We want our sidewalks back. We want quality of life back for local downtown residents.

Let's help ALL other (non-restaurant) downtown stakeholders emerge into a post COVID reality by NOT extending the temporary dining decks into the winter season and into our holidays.

Respectfully,

Jim Burton
328 11th Street

Martha Alvarez

From: Gary McAulay <gary.mcaulay@gmail.com>
Sent: Monday, August 23, 2021 6:10 PM
To: List - City Council; City Manager
Subject: [EXTERNAL] sliding towards Santa Monica - encroachments for outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Members of the City Council -

In a temporary emergency measure to protect jobs and prevent businesses from failing, MB restaurants were allowed encroachments on public property for dining outdoors. As was so obviously predicted, the restaurants don't want to give up the spaces now. No; they want to keep this public space for their expanded private businesses.

Manhattan Beach is well on its way to becoming Santa Monica or the plaza in Hermosa, places I chose not to live because I liked MB better; places that the greater community has loudly said it does not want to become. A stroll in downtown MB has become little more than a walk through a big outdoor food court, literally walking *through* restaurants, dodging wait staff, greeters, and table bussers, as well as people waiting for a table. (Oh, and don't linger after your meal; other customers need the seats.)

We are giving away public, open space for private commercial enterprise. Traffic is made worse and parking is reduced. Parking is not simply reduced, but reduced while increasing the number of customers (and presumably workers) at each restaurant. Those diners and workers don't all just walk there. Meanwhile, our already narrow sidewalks, now hosting extra seating, hostess stations, etc., are mobbed. And in the name of "outdoor" dining, we are installing k-rails and handrails, putting up umbrellas and awnings against the sun, barriers against the wind, heaters against the chill, and lighting for the dark. Plus signage and landscaping trees and shrubbery. Open sky? Views? Nope.

Manhattan Beach does not have empty space available for new projects and construction. Anything that is added means something else must be reduced. Intensifying density and usage are the inelegant and unsatisfying attempts at a solution. Every space has a limit. More people, more traffic, less parking, more crowded sidewalks, reduced views, less sunlight and open sky, etc. This is how we become Santa Monica, a very urban, tourists-first city, and how we lose our local relaxed beach vibe.

We are filling up our *public space* with restaurants. Why take a walk downtown? To fight through the crowds, eat, and leave?

Many people, myself included, enjoy an outdoor table on occasion. That can be done without practically giving away City land that the public will *never* get back. Paul Hennessey rebuilt his restaurant to have a patio space on his property. The Kettle has outdoor tables around their restaurant, on their property. Then there are the roll-up fronts on places like Simzy's, Strand House, and Rock'n Fish.

Or, restaurant owners can do what my neighbor did when he wanted a yard: buy the adjacent lot and remove the structure. Actually, the restaurants all bought or leased sufficient space to run a successful business, and they aren't sitting empty.

But why pay for land when you can stake a claim on public property for a token fee?

To be very clear: as with virtually every other encroachment, if granted, that land is *gone*, never to return to the City or to public use. The COVID-19 pandemic was, hopefully, a once-in-a-lifetime emergency situation. The encroachments that were granted TEMPORARILY can still be reversed, and the land returned to the public as open space. I find it hard to believe that the minimal fees and the bump in taxes collected by the City can justify such a significant change to the character of our community, to benefit a handful of restaurant conglomerates.

The question is complex. A little while back, extensive community outreach and considerable research was done to create a downtown plan. A bad year and band-aid solutions do not suddenly resolve the many issues inherent in attempting to transform business districts.

Again, this was an emergency measure to protect jobs and assist hard-hit restaurant businesses. It needed to be done, but it's time to return the land to the public.

Respectfully,
Gary D. McAulay

Martha Alvarez

From: dmcphersonla@gmail.com
Sent: Monday, August 23, 2021 7:44 PM
To: Hildy Stern; Joe Franklin; List - City Council; Richard Montgomery; Steve Napolitano; Suzanne Hadley
Cc: Bruce Moe; Liza Tamura; Martha Alvarez; Carrie Tai, AICP; cposner@coastal.ca.gov
Subject: [EXTERNAL] Critique: Eat & Drink Encroachments in Public Right of Way
Attachments: 210823-Critique-StaffReport-Eat&DrinkEncroachments-Final.pdf

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Mayor Suzanne Hadley
City Council
City of Manhattan Beach

Via Email: citycouncil@citymb.info

Subject: Critique of Workplan for Eat & Drink Encroachments in Public Right of Way

Mayor Hadley and Councilmembers,

The attachment critiques Community Development's inadequate and uninformed workplan, to permanently implement over 8,000 square feet of eat and drink encroachments into the public right of way, which will violate the city parking ordinance, the Coastal Act and ABC regulations, as follows:

- The Downtown B&PA proposal creates a 197 parking-space shortfall that will adversely impact coastal access, the Coastal Commission's highest priority; and,
- The encroachments and off-street parking lots used by patrons lie within 100 feet of residences, which precludes alcohol service, per California Code of Regulations 4-CCR-61.4. Furthermore, the encroachments constitute a public nuisance, by denying use of parking spaces in the right of way and obstructing sidewalks, a violation of Penal Code PEN 370.

The staff report establishes that Community Development has no understanding of the legal issues regarding eat and drink encroachments in the public right of way.

To correct staff deficiencies, the city council should direct Community Development to first coordinate with Coastal and ABC staffs, for obtaining their guidance on the eat and drink encroachments, before proceeding with a workplan.

The city council should have opinions from Coastal and the ABC regarding the encroachments, before approving the superficial workplan proposed by Community Development.

Don McPherson
1014 1st St, Manhattan Beach CA 90266
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dmcphersonla@gmail.com

CRITIQUE OF STAFF LACK OF PLANNING FOR EAT & DRINK ENCROACHMENTS

SUMMARY OF EAT & DRINK ENCROACHMENT VIOLATIONS.

Encroachments into the public right of way for eating and drinking [“ENCROACHMENTS”] will violate the Local Coastal Program [“LCP”] and regulations of the Department of Alcoholic Beverage Control [“ABC”], as follows:

- The Downtown B&PA¹ proposal creates a 197 parking-space shortfall that will impact coastal access, the Coastal Commission’s highest priority; and,
- The ENCROACHMENTS and off-street parking lots used by their patrons lie within 100 feet of residences, which precludes alcohol service, per California Code of Regulations 4-CCR-61.4. Furthermore, the decks constitute a public nuisance, by obstructing use of parking spaces in the right of way and blocking sidewalks, a violation of the penal code, PEN 370, per Form ABC 510, Grounds 4 for license denial.

The staff report discloses an abysmal lack of understanding of these crucial legal issues. Community Development must first do their homework, by coordinating with Coastal and the ABC on the Downtown B&PA proposal. Otherwise, launching into an expensive and time-consuming preparation of an encroachment workplan will fail, if staff ignorant of the facts.

To avoid this certain failure, the city council should direct Community Development to coordinate with Coastal and the ABC, for obtaining their guidance on the ENCROACHMENTS.

SUBSTANTIAL EVIDENCE OF EAT & DRINK ENCROACHMENT VIOLATIONS.

The following provides the substantial evidence that supports the above cited two violations, regarding the Coastal Act and ABC regulations.

Eat & Drink Encroachments Will Create a 206 Parking-Space Shortfall.

The staff report and its attachments allege that ENCROACHMENTS will only reduce parking by 34 spaces. Not true.

Community Development has neglected the requirement that the encroachment decks require parking at the rate of one space per 50 square feet {“SF”}². Based on city-determined areas for the decks³, the proposed ENCROACHMENTS comprise 8,166 SF, which requires 163 spaces. [Exhibit 1]

The 163-space parking requirement plus the 34 parking spaces occupied by the decks result in a parking shortfall of 197 spaces. A search of city records failed to disclose a recent parking analysis for the Downtown, but anecdotal evidence establishes that parking availability nonexistent in summer, the prime beach season. The 900 Club increases this to 206 spaces.⁴

As result, it highly unlikely that the Coastal Commission will approve the ENCROACHMENTS, considering that coastal access their highest priority. In addition, all ENCROACHMENTS west of the Manhattan Ave centerline lie within the zone for public appeal to the Coastal Commission. Therefore, city-council approval of the ENCROACHMENTS will inevitably result in administrative review by the commission.

¹ Downtown B&PA [“BP&A”]: Downtown Manhattan Beach Business and Professional Association

² Manhattan Beach Municipal Code § 10.64.030.

³ *Outdoor Street Dining Business Use Permit Fees and Cost List (August 4 2021)*, City of Manhattan Beach.

⁴ The 900 Club conversion of their 437 SF parking area to alcohol service requires nine spaces, for a total deficiency of 206 parking spaces

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Perhaps city staff will invoke a condition that eat & drink establishments must comply with occupancies in their current use permits, as required by the state fire code. Such a condition unenforceable for the ENCROACHMENTS, because they lie outside building interiors and thus not subject to state-fire code regulations.

Furthermore, city code-enforcement works forty hours a week during weekdays and has no authority to conduct unannounced inspections, for counting numbers of patrons inside the premises and out on the street decks.

Eat & Drink Encroachments Violate ABC Regulations.

Exhibit 2 illustrates that the ENCROACHMENTS, the 900 Club outdoor patio and the off-street parking lots used by eat & drink patrons lie within 100 feet of residences.

Consequently, the ABC cannot approve alcohol license extensions for the 21 premises, unless each owner establishes *“that the operation of the business would not interfere with the quiet enjoyment of the property by residents.”* [California Code of Regulations 4-CCR-61.4]

The endemic nightclub environment in the Downtown precludes such determination.

A few premises do not lie within 100 feet of residences⁵, but because parking availability nonexistent at times, their patrons will use off-street parking wherever found, often within 100 feet of residences.

Because the ENCROACHMENTS and the 900 Club patio violate the parking ordinance, that constitutes grounds for the ABC to deny license, namely Grounds 8., *“Licensing the premises would be contrary to the provisions of a valid zoning ordinance of any city or county. (Bus. & Prof. Code § 23790.)”*⁶

Additionally, denying use of the 34 parking spaces in the public right of way and obstructing the sidewalk constitutes grounds for denial license, namely Grounds 4., *“Licensing the premises would create a public nuisance as defined in Penal Code Section 370.”* [Ibid.]

Approved 1882, Penal Code 370 prohibits an act that, *“unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway”*. It survived the 139-year test of time.

The ENCROACHMENTS and the 900 Club patio **unlawful**, by violating the zoning code.

CONCLUSION: ENCROACHMENTS WORKPLAN PREMATURE.

The staff report establishes that Community Development has no understanding of the legal issues regarding eat & drink ENCROACHMENTS in the public right of way.

To correct staff deficiencies, the city council should direct Community Development to coordinate with Coastal and the ABC, for obtaining their guidance on the eat and drink encroachments, before proceeding with a workplan.

The council must have opinions from Coastal and the ABC of the ENCROACHMENTS, before approving the superficial workplan proposed by staff.

⁵ For example, Hennesey’s, Esperanza, Love & Salt, Culture Brewing. Un Caffè, Dash Dashi and Sugar Fish.

⁶ ABC-510 (Rev. January 2016), Grounds 8, p. 2.

EXHIBIT 1. STAFF IGNORES 163 PARKING SPACES REQUIRED FOR EAT & DRINK ENCROACHMENTS

| # | BUSINESS NAME | ADDRESS | ENCROACHMENT AREA (* Bldg Permit Req'd) | 2020 SPACES | PROPOSED SPACES | AREA, SF | CODE SPACES |
|----|---------------------|-------------------------|--|----------------|--------------------|-------------|---------------------|
| 1 | Tacolicious | 1129 Manhattan Ave. | 17'x43.5', 2 spaces | 2 | 1 | 370 | 7.4 |
| 2 | Rock'N Fish | 120 Manhattan Bch Bl. | 17.5'x20', 2 spaces* | 2 | 1 | 175 | 3.5 |
| 3 | Brewco | 124 Manhattan Bch Bl. | 17.5'x24', 1 spaces | 1 | 1 | 420 | 8.4 |
| 4 | The Strand House | 117 Manhattan Bch Bl. | 16'x128', 4 spaces* | 4 | 2 | 1024 | 20.5 |
| 5 | Love & Salt | 317 Manhattan Bch Bl. | 16'x32', 5 spaces* | 5 | 2 | 205 | 4.1 |
| 6 | Arthur J's | 903 Manhattan Ave. | 12'x60', 3 spaces* | 3 | 4 | 960 | 19.2 |
| 7 | MB Post | 1142 Manhattan Ave. | 12'x68', 5 spaces 8'x66', 3 spaces | 8 | 3 | 490 | 9.8 |
| 8 | Simmzy's | 229 Manhattan Bch Bl. | 12.5'x50', 4 spaces* | 4 | 2 | 313 | 6.3 |
| 9 | Fishing W/ Dynamite | 1148 Manhattan Ave | See MB Post 8 spaces | 0 | 2 | 352 | 7.0 |
| 10 | Mangiamos | 128 Manhattan Bch Bl. | 17.5'x 64', 2 spaces* | 2 | 1 | 560 | 11.2 |
| 11 | MB Creamery | 1120 Manhattan Ave. | 8'x 28', 1 space | 1 | 1 | 224 | 4.5 |
| 12 | Rockerfeller | 1209 Highland Ave | 8'x39', 2 spaces | 2 | 2 | 312 | 6.2 |
| 13 | Hennessey's | 313 Manhattan Beach Bl. | 14.5'x32', 3 spaces* | 3 | 2 | 309 | 6.2 |
| 14 | Nando Milano | 1131 Manhattan Ave | 17'x33', 1 space | 1 | 1 | 561 | 11.2 |
| 15 | Sugarfish | 304 12th St | 8'x42', 2 spaces | 2 | 2 | 336 | 6.7 |
| 16 | Un Caffè | 1140 Highland Ave | 8'x46', 2 spaces | 2 | 1 | 184 | 3.7 |
| 17 | El Sombrero | 1005 Manhattan Ave | 18'x 27', 2 spaces | 2 | 1 | 243 | 4.9 |
| 18 | Culture Brewing | 327 Manhattan Beach Bl. | 16'x52', 5 spaces | 5 | 2 | 339 | 6.8 |
| 19 | Dash Dashi | 1142 Highland Ave. | - | - | 1 | 263 | 5.3 |
| 20 | Esperanza | 309 Manhattan Beach Bl | | | 2 | 526 | 10.5 |
| | | | TOTALS | 71 | 34 | 8166 | 163.3 spaces |

Note 1. Parking dimensional information obtained from city "*Outdoor Street Dining Business Use Permit Fees and Cost List (August 4 2021)*"

Note 2. Dash Dashi and Esperanza encroachment areas determined from average encroachment area per space

Note 3. Table does not include parking demand for sidewalk encroachments by Izaka-Ya, Shade Hotel, Slay Italian, & Slay Steak and Fish House.

Note 4. 900 Club use-permit violation not included, of converting onsite parking into outdoor service, increasing unfulfilled demand by 9 spaces.

EXHIBIT 2. EAT & DRINK ENCROACHMENTS AND OFF-STREET PARKING WITHIN 100 FEET OF RESIDENCES

Prohibited for Alcohol Licenses by ABC California Code of Regulations § 61.4



Key: 1) Tacolicious; 2) Rock'N Fish; 3) Brewco; 4) Strand House; 5) Love & Salt; 6) Arthur Js; 7) MB Post; 8) Simmzy's; 9) Fishing/Dynamite; 10) Mangiamos; 11) Creamery; 12) Rockerfeller; 13) Hennesey's; 14) Nando; 15) Sugarfish; 16) Un Caffe; 17) El Sombrero; 18) Culture Brewing; 19) Dash Dashi; 20) Esperanza

Martha Alvarez

From: Charles Southey <charlessouthey@aol.com>
Sent: Tuesday, August 24, 2021 11:47 AM
To: List - City Council
Subject: [EXTERNAL] Outdoor Dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council,

I understand the outdoor dining policy will be reviewed tonight by CC. I would like to go on record as fully supporting the continuation of outdoor dining for the following reasons:

1. It has changed our downtown atmosphere for the better. Our downtown is now vibrant and energetic and is a wonderful place to visit.
2. It is much safer to dine outside. Piles of research indicate that pushing people indoors increases risk of Delta variant exposure. By removing outdoor dining you are pushing socialization indoors publicly and privately. Having an outdoor social outlet is critical for social and emotional health.
3. We need our restaurants for the long haul. Most are barely hanging on. Please support our local businesses. If they are forced out, the VC backed chains will fill their space.
4. I know some have complained about the reduction in parking. MB is 4 square miles. With Ride-share, ebikes, two feet and met lox parking it should never be a problem getting in and out of town. I am also betting that our outdoor dining brings in many more customers to non-food service businesses than previously would have visited downtown in the off-season.

Thanks for your support and hard work!

Charles Southey
27th Street
(1 mile walk to the Kettle)

Martha Alvarez

From: Gary Osterhout <garyosterhout@verizon.net>
Sent: Tuesday, August 24, 2021 12:40 PM
To: List - City Council
Subject: [EXTERNAL] Agenda 15: Peace Pole
Attachments: Bare Pole.JPG

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Councilmembers:

I am not opposed to a Peace Pole, per se. For instance, I affiliate with a church that was one of the first onto the Peace Pole bandwagon, and I thought that was nice.

That said, on my Sunday morning run, I saw that the sidewalk on Valley at MBB still is not swept, and the sidewalk from the Mariposa par course to Ardmore still isn't swept. These conditions have been existing since I brought them to your attention July 7.

There seems to be a permanent placement of the orange lighted traffic sign at MBB/Valley, blocking vistas and pedestrians, yet there is no oversight or thought being given to this eyesore that has been there for almost 2 months. The message over the weekend was totally nonactionable by a motorist, with it just saying "Special Event, Expect Delays." What is a motorist supposed to do with that information? And since the street banner advertised "White Lights," I wonder how many figured the orange sign was referencing the night-time event.

This is all to say that I think you folks need to spend time on getting basic, essential city services right, before you spend time on vanity projects which are nice but do little to nothing for the community.

I usually shun "whataboutism" arguments and think most people can keep many different thoughts in their heads, but you folks really seem to be having trouble getting city staff to attend to the basics. So I see this attention to the optional to be detrimentally distracting.

What we certainly don't need is another cluttering sign on a pole that the City will eventually neglect in its upkeep.

And with the apology/acknowledgement issue in mind, I really don't want to read how you folks will try to come to agreement on height, number of sides, placement, and languages used (Pashtu/Dari, anyone?). And I would expect that if any group could make a culture war issue out of a peace pole, it would be you guys.

[And as far as location, I would prefer Polliwog or at a (renamed) Waterwise Garden. Or, if you want to save money, perhaps you might want to use the existing bare pole (see photo attached), that has been sitting as an eyesore outside Fishbar for the last 3+ years.

Thank you for your consideration,

Gary Osterhout



38th

200



Martha Alvarez

From: Kim Brant-Lucich <kbrant007@gmail.com>
Sent: Tuesday, August 24, 2021 2:19 PM
To: List - City Council
Subject: [EXTERNAL] Please Support Peace Pole

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Councilmembers,

I am writing today to express my Support for Agenda Item 15. 21-0266 *Consideration of Request by Mayor pro Tem Stern to Place a Peace Pole in the Public Right of Way in Recognition of the United Nations International Day of Peace.*

I think this is a beautiful sentiment and display of peace and unity in our community. I know that, when I walk through the Civic Center Plaza and see the quotes in the walkway or the Little Free Library or art installations, I am heartwarmed. I often walk through the area with out of town guests to show them our charming town, and I point it all out. A Peace Pole would display our community in a positive light. As a former United Nations employee, and a current member of the United Nations Association (UNA-USA), I also appreciate the support this demonstrates for the United Nations' designation of September 21st as International Day of Peace.

I thank you in advance for your consideration of this thoughtful and harmonious peace pole.

Regards,

Kim Brant-Lucich
kbrant007@gmail.com
818-371-4318

Martha Alvarez

From: Diana Skaar <dianaskaar@gmail.com>
Sent: Tuesday, August 24, 2021 2:47 PM
To: List - City Council
Subject: [EXTERNAL] Peace Pole

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I am supportive of a Peace Pole installation in the Civic Center plaza area in honor of the UN's World Peace Day on Sep 21. It seems like a non-partisan, non-divisive, low-cost way to unite our community and express a warm welcome to visitors.

--
Diana Skaar

Martha Alvarez

From: Taylor Gamble <taylormgamble@gmail.com>
Sent: Tuesday, August 24, 2021 3:02 PM
To: List - City Council
Subject: [EXTERNAL] Peace Pole

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Dear City Councilmembers,

I would like to express my support for the installation of a Peace Pole in the Civic Plaza area. As an internationally recognized symbol of peace, I can't think of a better (or less partisan) way to unite our community and welcome visitors.

--

All the best,

Taylor Gamble
Manhattan Beach Resident

Martha Alvarez

From: Gary McAulay <gary.mcaulay@gmail.com>
Sent: Tuesday, August 24, 2021 3:58 PM
To: List - City Council; City Manager
Subject: [EXTERNAL] street dining

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Dear Council Members -

I trust, whatever the email straw polls may be, that Council will approach street dining with awareness that it is a multifaceted issue with significant implications for the community. A broader study and considerably more deliberation of possible options is required before making any decision that cannot, in actuality, be reversed.

Thank you,
Gary D. McAulay