

Martha Alvarez

From: Bob Beverly <bob.beverly@ymail.com>
Sent: Tuesday, December 7, 2021 5:03 PM
To: List - City Council
Cc: City Manager
Subject: [EXTERNAL] Pier Lights

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I just watched a report on CNBC business news that they are finding the new strain of the virus is much less severe and less contagious than first thought. GREAT NEWS! I heard there will be a Pier lights discussion. Here are my thoughts. As for the Pier lights, I am as you can imagine, a traditionalist. I feel the Pier lighting should remain for the most part white. Just because we have the ability to make them change colors, there is really no need to do that on a regular basis. Sure on special events and on occasions maybe in support of our local teams in a championship run, why not. Pink for Breast Cancer Awareness, Red White and Blue for 4th of July etc. Maybe even Green for Saint Patrick's Day LOL. For the most part I believe the grand, iconic Pier should stand in its traditional glory for all to see with its long time white lighting. Once again, thank you for taking the time to listen to my positions. Bob Beverly

Martha Alvarez

From: Bruce Moe
Sent: Tuesday, December 7, 2021 12:14 PM
To: Martha Alvarez
Subject: FW: [EXTERNAL] DBPA Request Regarding Slurry/Dining Decks
Attachments: Letter to Council - Slurry_Outdoor Dining.docx; ATT00001.htm



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From: Jill Lamkin
Sent: Tuesday, December 7, 2021 11:20 AM
To: Hildy Stern ; Steve Napolitano ; Joe Franklin ; Richard Montgomery ; Suzanne Hadley
Cc: Erick Lee ; Bruce Moe ; Carrie Tai, AICP ; Mike Simms
Subject: [EXTERNAL] DBPA Request Regarding Slurry/Dining Decks

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

Looks like an exciting agenda tonight! Attached please find a letter from the DBPA in reference to Agenda Item 16 under General Business.

Thank you so much for your consideration—see you tonight!



December 6, 2021

Mayor Hildy Stern
Members of City Council
City Manager Bruce Moe

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

The DBPA respectfully requests the postponement of the slurry seal project in Downtown MB until January 2023. The most optimistic timeline recently received from Erick Lee indicates the earliest the project would begin is mid-February extending through the end of May. The dining decks would be removed or be unusable during that period due to the noise and smell of the project. The removal and reconstruction of the same decks would be very expensive and leave restaurants without outdoor dining during the winter and spring.

Accordingly, the DBPA also respectfully requests that Council approve extending the outdoor dining decks through January 3, 2023. Giving restaurants a year of certainty of operation allows them to plan staffing and proper maintenance of the decks. The extension will also continue what has become a cherished feature for the City's residents and a benefit to the business district overall. During this extension restaurants would be able to submit plans for a "phase two" deck design for post-slurry that can address public works, aesthetics and structural concerns. These decks could remain in place until the permanent City plan is ready for implementation. Should the City determine any decks need work to be structurally sound for this extended period, those corrections could also be made.

The Manhattan Beach Chamber of Commerce recently surveyed businesses on the impact and willingness to keep the dining decks in place. As of this morning, the survey shows 83% of respondents in favor of keeping the dining deck in place and 15% felt the decks had a negative impact on business.

The restaurants of Downtown MB have also collected resident feedback through a website, and although it has only been shared with friends and family at this point (no marketing), the resident feedback is overwhelmingly positive. <https://www.supportoutdoordiningmb.com>

We hope that you can use this information to allow the current dining decks to remain in place through January 3, 2023 and postpone the slurry project in Downtown MB until that time.

Thank you for your consideration and stewardship,

Mike Simms
President, DBPA

Jill Lamkin
Executive Director, DBPA

Martha Alvarez

From: coastaldefendermb@gmail.com
Sent: Tuesday, December 7, 2021 12:20 PM
To: Hildy Stern; Joe Franklin; List - City Council; Richard Montgomery; Steve Napolitano; Suzanne Hadley; List - City Council
Cc: Bruce Moe; Liza Tamura; Martha Alvarez; Carrie Tai, AICP
Subject: [EXTERNAL] Staff Report Critique, Eat & Drink Encroachments, Agenda Item L-16
Attachments: 211207-Critique-Encroachments-L16-AgendaItem-Final.pdf

Hildy Stern, Mayor
City of Manhattan Beach

Via Email: MB Council (citycouncil@citymb.info)

Subject: Critique Of Eat & Drink Encroachments Staff Report, Agenda Item L-16

Mayor Stern and Councilmembers,

On November 10, Governor Newsom signed Executive Order N-21-21, which extends the timeframes for the Covid state of emergency from December 31 to March 31. As result, the eat and drink encroachments will remain legal to that date but will become unlawful afterward.

For this agenda item, the city council should extend the encroachments to March 31, but no later, when they will become unlawful.

When the emergency order expires March 31, per below, any extension of the encroachments will violate the parking ordinance in the Local Coastal Program ["LCP"], over which the Coastal Commission has jurisdiction, not the city council.

Because of this violation, the encroachment extension will also violate Penal Code Section § 370, which states:

*"Anything which is injurious to health, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by any considerable number of persons, or **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, is a public nuisance.**" [Emphasis added]*

Consequently, if extending the encroachments past March 31, city officials and permittees will risk being penalized by fines and jail time for creating public nuisances.

The attachment substantiates the above statements.

Thanks for your consideration,

Donald McPherson. President
Coastal Defender

coastaldefendermb@gmail.com

EXTENDING ENCROACHMENTS PAST MARCH 31 VIOLATES COASTAL ACT AND PENAL CODE

1.0 EXECUTIVE SUMMARY.

On November 10, Governor Newsom signed Executive Order N-21-21, which extends the timeframes for the Covid state of emergency from December 31 to March 31. [Exhibit 1] As result, the eat and drink encroachments will remain legal to that date, but will become unlawful afterward.

The staff report fails to disclose this important fact.

For this agenda item, the city council should extend the encroachments to March 31, but no later, when they will become unlawful.

Additionally, the municipal code requires staff to inform permittees thirty days in advance to vacate and remove their encroachments prior to April 1. [MBMC § 7.36.060(B)(1)]

When the emergency order expires March 31, per below, any extension of the encroachments will violate the parking ordinance in the Local Coastal Program ["LCP"], over which the Coastal Commission has jurisdiction, not the city council.

Because of this violation, the encroachment extension will also violate Penal Code Section § 370, which states:

*"Anything which is injurious to health, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by any considerable number of persons, or **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, is a public nuisance.**"* [Emphasis added]

Consequently, if extending the encroachments past March 31, city officials and permittees will risk being penalized by fines and jail time for creating public nuisances.

1.1. Encroachment Permit Occupancy Violations.

The staff report for the 5 October 2021 hearing on encroachments states: *"All permits limit restaurants to 100% of their pre-COVID seating occupancy using combinations of indoor and outdoor seating areas."*¹

Section 2.1 below provides photographs of several eat & drink establishments with both interior and encroachment areas fully occupied, in violation of the above paragraph. Additionally, some establishments provide seating in the public right of way for patrons waiting to be seated. The parking demand created by outside and queued patrons greatly increases the deficiency of available spaces, in violation of the LCP.

1.2. CEQA Violations

Substantial evidence exists that the encroachments may have significant impacts, which requires a draft Environmental Impact Report ["EIR"]. [CEQA Guidelines ["CEQA CCR"] § 15064]

At the October 5th hearing, Councilmember Napolitano concurred that an EIR required, stating, *"And yeah, EIR will need to be done. Is the city going to pay for that EIR? Again, uh, this is the benefit of private business for public property. Why would the city pay for that EIR?"*²

¹ Staff Report, p. 2, ¶ 7; Agenda Item L-13; City Council Meeting, 5 October 2021.

² Exhibit 2, Transcript, p. 7, l. 41; Agenda Item L-14; City Council Meeting, 5 October 2021.

EXTENDING ENCROACHMENTS PAST MARCH 31 VIOLATES COASTAL ACT AND PENAL CODE

Substantial evidence exists for potential environmental impacts by three factors, namely: 1) Parking; 2) Traffic; and, 3) Noise. Because the encroachments violate the LCP parking ordinance, this factor does not qualify as an *'uniformly applied development policy or standard'*, so therefore, constitutes a valid CEQA factor per CEQA CCR § 15183(f).

The traffic impacts result from drivers orbiting the Downtown in search of open parking, as illustrated photographs below.

On Friday September 10 and Monday September 13, acoustic expert Steve Rogers conducted noise measurements near the intersections of Manhattan Ave with 12th St and 10th St., respectively. At both locations, the noise at nearby residences exceeded levels permitted by MBMC § 5.48.160, Exterior Noise Standards. [Exhibit 3]

The noise ordinance has no standards for the public right of way, presumably, because of 1st Amendment rights for free speech. Consequently, the city cannot prosecute noise disturbances that result from eat & drink encroachments.

Prior to considering amendments to the municipal code and Local Coastal Program, the city must prepare a draft environmental impact report. The temporary encroachments may not remain until the EIR and LCP amendments approved, the latter by the Coastal Commission.

2.0. SUBSTANTIAL EVIDENCE OF SIGNIFICANT ENVIRONMENTAL IMPACTS.

The city has failed to prepare a CEQA initial study to evaluate environmental impacts created by the encroachments. The city has no recent studies of Downtown parking, traffic, and noise. The last comprehensive parking study occurred in 2018.³ Furthermore, if the encroachments unlawfully extended beyond March 31, no means exists to establish the CEQA baseline, without removing the encroachments.

This report presents photographic evidence of impacts, obtained 13 November 2021.

2.1. Violations of Encroachment Permit Occupancy Condition.

The encroachment permits include a condition that limits occupancy to that in the premises use-permit.⁴ Theoretically, if this condition enforced, the parking demand would remain the same with or without the encroachments.

Exhibit 4 illustrates that Brewco, Rock'N Fish, Simmzy's and Rockefeller violate the occupancy condition in their encroachment permits. Inspection discloses that many establishments violate the condition, some over doubling their occupancy, such as Culture Brewing.⁵ Consequently, the parking demand created by the encroachments far exceeds that estimated by staff.⁶

Exhibit 4 also illustrates that many eat & drink establishments have frontage completely open to the public right of way. This constitutes the "balance" that the Coastal Commission will consider, when evaluating the required amendments to the LCP.

³ 2008 Downtown Parking Management Plan, City of Manhattan Beach.

⁴ Staff Report, p. 2, ¶ 7; Agenda Item L-13; City Council Meeting, 5 October 2021.

⁵ The City has failed to respond in ten days the Exhibit 5 public record request for encroachment permits.

⁶ Eat & Drink Encroachment Parking Deficiency, Agenda Item L-13, Donald McPherson Email, 5 October 2021.

EXTENDING ENCROACHMENTS PAST MARCH 31 VIOLATES COASTAL ACT AND PENAL CODE

2.2. Encroachment Patron-Demand Impacts Parking Availability.

Exhibit 6 illustrates that the encroachments saturate Downtown parking lots. Level 2 of Metlox underground parking represents the least-desired spaces. On November 13, two weeks before the Thanksgiving holiday week, Level 2 had no spaces available but many drivers searched for one.

As expected, the pier lots also saturated. [Exhibit 7]

Exhibit 8 provides photos of all Downtown parking lots and structures, illustrating that the zero-availability of spaces pervasive.

Exhibit 8 p. 35 shows traffic at Civic Center backed-up from Manhattan Beach Blvd., presumably from drivers searching for a parking space.

3.0. POST-MARCH 31 ENCROACHMENTS VIOLATE COASTAL ACT AND PENAL CODE.

Extension of eat & drink encroachments post-March 31 will violate: 1) The Coastal Act; 2) Local Coastal Program; 3) American Disabilities Act [“ADA”]; 4) CEQA; and, 5) Penal Code Section § 370, per the following conclusions:

- The 236 parking-space deficiency violates LCP § A10.64.030;
- Reduction of parking availability denies coastal access, the Coastal Act’s highest priority;
- The encroachment-permit occupancy-limit unenforceable, thus increasing parking demand;
 - Inspectors may not enter private property without prior notice, unless for public safety;
 - Dynamics of patron-pedestrian mix on public right of way preclude encroachment count;
- Penal Code § 370 prohibits unlawful use of public right of way, a criminal offense;
- Tables, chairs and waiting benches block sidewalks, an ADA violation;
- Existing encroachments preclude determination of the CEQA baseline for required EIR;
- Excess occupancies and increased parking unavailability create CEQA traffic impacts;
- CEQA noise disturbances from outdoors and indoors exceed standards at residences; and,
- EIR required by city not prepared for extending unlawful encroachments.

If the council extends encroachments post-March 31, at \$1 per sq-ft per month rent compared to the \$8 market rate⁷, the city will heavily subsidize the above violations of law.

⁷ Staff Report, p. 2, ¶4; File #21-0178; City of Manhattan Beach, 1 June 2021.

EXECUTIVE ORDER N-21-21

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS in response to the ongoing COVID-19 pandemic and increased spread of the Delta variant, on August 16, 2021, I issued Executive Order N-12-21 to ensure the State's health care facilities continue to have the staffing and resources needed to prevent potential strain on the State's health care delivery system; and

WHEREAS on October 4, 2021, I issued Executive Order N-17-21 to extend flexibilities allowing the State to increase health care capacity to support ongoing testing and vaccination efforts and minimize the threat of COVID-19 to Californians; and

WHEREAS California has stopped recording week-over-week declines in COVID-19 cases and hospitalizations, which demonstrates a plateau and the potential beginning of a new surge in COVID-19 cases; and

WHEREAS as flu season approaches, it is critical that California's health care facilities, already short-staffed and backlogged from the Delta variant and with high-levels of non-COVID-19 admissions, have the flexibilities that they need for additional capacity and to prevent staffing shortages; and

WHEREAS California continues to prioritize efforts to vaccinate all eligible individuals against COVID-19, including ensuring access to boosters and vaccines for newly eligible populations; and

WHEREAS supporting robust COVID-19 testing capacity remains critical in the efforts to protect public health and mitigate the impacts of the pandemic; and

WHEREAS continued flexibility in non-hospital settings remains necessary to support these ongoing testing and vaccination efforts and to minimize the threat of COVID-19 to vulnerable Californians; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes, regulations, and certain local ordinances specified or referenced herein would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. The timeframes set forth in Executive Order N-12-21, paragraphs 1 through 6, are hereby extended through March 31, 2022.
2. The timeframe set forth in Executive Order N-17-21, Paragraph 1, is hereby extended through March 31, 2022.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread **!publicity** and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 10th day of November 2021 .



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY WEBER, PH.D.
Secretary of State

EXHIBIT 2

This transcript was exported on Oct 12, 2021 - view latest version [here](#).

1 Speaker 1 ([00:06](#)):

2 We are live, madam Mayor.

3 Major Stern ([00:08](#)):

4 Okay, great. Well, welcome back. We are back from our short break and we are refreshed and we are
5 ready to move on to general business item 14, the discussion of a proposed work plan item for long
6 term outdoor business use in the public right of way and private property. So I'm going to turn this over
7 to Community Development Director Tai.

8 Carrie Tai ([00:34](#)):

9 Good evening, Mayor, members of the city council, I am happy to be back. Let me try to, uh, see if I can
10 figure out how to share my screen here. I think I can do this. Um, okay, I'm going to do, I think I'm going
11 to do this. And are you guys seeing my screen? Yeah? All right. Perfect. Thank you. Um, well, good
12 evening. I- [crosstalk 00:01:01]

13 Speaker 4 ([01:00](#)):

14 I'm sorry. I am always challenged being able to see the screen. Is there any way to make that bigger?

15 Carrie Tai ([01:10](#)):

16 Um, let me see. Does that improve it?

17 Speaker 4 ([01:15](#)):

18 [inaudible 00:01:15]

19 Carrie Tai ([01:17](#)):

20 Yes?

21 Speaker 4 ([01:19](#)):

22 I'm sorry. Yes. That's much better for me. Thank you.

23 Carrie Tai ([01:21](#)):

24 Okay, great. Uh, excellent, thank you. All right. Well, on August 24, the City Council directed that staff
25 initiate a work plan item, uh, to study long term outdoor business uses, yes, that includes dining. Um,
26 and this is both in the public right of way as well on- as on private property. Um, now, as I don't need to-
27 um, I don't need to reiterate too much, but, uh, the outdoor dining that's currently permitted is done
28 through the emergency order, uh, through the state of emergency. Um, that- that state of emergency is
29 still in effect, and our emergency orders currently allow this outdoor dining until January 3rd. And
30 obviously, the most visible part of this feature has been the dining in the right of way, in downtown and
31 also North Manhattan Beach.

32 Carrie Tai ([02:04](#)):

33 And so given the timing of the quarterly work plan update, which is the next agenda item on tonight's
34 meeting, I wanted to take- we wanted to take the opportunity to describe conceptually, the
35 components we've listed in the work plan and generally what they are. Um, and so you'll- you'll find that

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1 the, uh, attachment to this agenda item is actually the draft work plan. Um, and so, uh, if you want to,
2 it's- it's on there, but I'll also, uh, have the, um, sorry about that, I'll have the, uh, the different items for
3 you. All right. Okay. Um, it's all working now. Um, I'll notice- I'll- I'll note that the components I've listed
4 is- they're not necessarily linear, and they're not sequential, some will run concurrently. But there's five
5 components that I'll go over tonight.

6 Carrie Tai ([02:49](#)):

7 The first component is, w- we would have to define the work effort. And these are policy discussions
8 about, uh, both what permanent or long-term outdoor dining in the right of way and private property
9 would look like. Um, there are major issues to be identified. And some of them that already come to
10 mind, even before we've gone to st- out to the stakeholders and- and done anything, you know, they're
11 listed on the screen in front of you, but I'm going back to the basic. What are the eligible geographical
12 areas, types of eligible businesses, timing, parking, land use, you know, physically what it could look like,
13 um, design wise. Uh, and then obviously, the stuff that, uh, is regulatory permitting coastal zone
14 requirements and then down to the implementation level. You know, people always, I know, especially
15 our council here, very interested in looking in- in- in what things look like when the rubber hits the road.
16 And so, operational criteria, fee structures and that kind of thing. And so, we would have to formulate
17 the universe of what this work effort would look like, the issues, um, and then move forward from there.

18 Carrie Tai ([03:53](#)):

19 Which brings me to the second component, which is community engagement. Um, and unlike the COVID
20 emergency, uh, you know, one of the things we heard along the way during COVID was, uh, we were just
21 simply moving so fast, uh, and we did the best we could, uh, with outreach along with our community
22 partners along with Chamber of Commerce, and obviously downtown, um, and- and, uh, Felicia and
23 Peter up in the North End. But, uh, you know, there- there- there simply wasn't the opportunity, the
24 time or- or anything to- to conduct a broad and comprehensive community engagement effort. Um, the
25 reason for that is to actually determine the level of community support from a broad, uh, perspective.
26 Um, and one of the things that we- we will be, uh, working on during the work plan, um, is- is to
27 consider whether this necessitates a working group such as a task force or a steering committee, um,
28 considering the composition of the members of those committees, as well as, uh, community at large
29 who- who would be engaged, likely as part of public workshops and meetings. But also, you know, uh,
30 would they- kind of what- what the nature of their involve- involvement would be. And it's through the
31 community engagement process that ties back to defining the work efforts, so that we can identify, um,
32 all of the concerns and issues important to- to everybody in- in- from different perspectives and then
33 move forward from there.

34 Carrie Tai ([05:23](#)):

35 The third component is obviously staffing needs and fiscal resources. Um, o- and in defining the work
36 effort and defining the community engagement effort, that will inform us to the point where I think we
37 can identify needed staffing. Um, I- we're- we're definitely going to need an interdisciplinary city project
38 team, this involves private property and public property, also involves finance, potentially, uh, open
39 space, community outreach out of the city manager's office. So you've got, uh, definitely a diverse, uh,
40 project team that's going to be assembled internally. We also may need to secure outside expertise, uh,
41 depending on again, what the work effort, um, issues are. Um, some of those particular subject matters,
42 we may need outside expertise and include, uh, design assistance, if there are market studies, if their

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1 hospitality experts to inform the trend on, uh, where- where customers are wanting to be and how
2 those trends are looking.

3 Carrie Tai ([06:21](#)):

4 Um, and then lastly, uh, at every step of the way, uh, we intend for this to be a very transparent process
5 with regard to, uh, ident- identification of those resources. So we would be, um, presenting, um, to the
6 public and the city council prior to commitment of any budgetary resources, to ensure that we are all
7 on, uh, the same page with the- with the, uh, the commitment of, uh, of the city's resources to this
8 purpose.

9 Carrie Tai ([06:49](#)):

10 The next component is, uh, schedule and milestones. So now we're getting down to the more tangible
11 items here. So after defining that work effort, um, staff will be able to, I think, develop a more specific
12 project schedule and milestones. Um, based on this kind of, uh, kind of planning process, um, we're
13 currently approximating a 24 to 30 months schedule, um, that's very conceptual and very preliminary.
14 Um, I will note that does not include any potential capital improvements. For example, you know, in
15 studying outdoor dining, outdoor spaces, if there are constructions of plazas, widen sidewalks, street
16 improvements, that- that does not include, um, sort of that process because it simply hasn't been
17 identified as a need at this point. Um, and so that's our guestimation h- here. And it would include also
18 what I'm going to share in the fifth component and the next slide, um, so- so, uh, hang on to that
19 thought.

20 Carrie Tai ([07:46](#)):

21 And lastly, we've assigned a work plan priority of B, which is, uh, which is, uh, it's termed important. Um,
22 A is critical. Typically A, we- we have A to respond to daily needs and state mandates and deadlines and
23 things like that, that, um, the city, you know, has- really has no choice but to, uh, but to meet in order to
24 stay in compliance with laws. So we've assigned the next best thing which is B, um, signifying that this is
25 an important issue for the community. And then like I mentioned, the fifth component is some of the
26 more again, more tangible items. Uh, the- we are in the coastal zone, um, for the downtown and also
27 North Manhattan Beach. Uh- uh, that requires coastal development permits at a minimum, but more
28 likely will need, uh, local coastal program amendments. We'll need to review the general plan in terms
29 of land use and, uh, mobility plan, which is our- our street plan, our circulation plan, essentially. And
30 then certainly, updating a downtown parking management plan as any- any... This is a part of our local
31 coastal program and, uh, memorializes the supply and also characterizes the type of demand that the
32 downtown parking supply has, um, and anything that affects that would necessitate that we update
33 that.

34 Carrie Tai ([09:02](#)):

35 And last of all, bundling it all up, the California Environmental Quality Act would be required. Um, and
36 you know, until we define the scope and- and- and really identify definitely what- what we need to do,
37 you know, we really won't know the project description for that- that- that CEQA process. So, but I, you
38 know, again, because those have, uh, mandated timelines, those have been factored in generally to that
39 24 to 30 months, uh, preliminary timeline.

40 Carrie Tai ([09:31](#)):

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1 So here are the next steps, um, t- for tonight's meeting. We're asking that, uh, if you- if the council
2 would like too to conduct a discussion and provide any direction and input on what we should include or
3 build out in that work plan item. As I mentioned, that draft work plan item is attached. Uh, we will be
4 incorporating this in- we're proposing to incorporate this into the city council work plan, you'll see it as
5 part of, um, the attachment for the next agenda item that has the totality of the work plan items. We
6 will consider this work plan item during our budgeting process, and that's where we would, um, try to
7 identify some preliminary staffing and fiscal needs to even kick off the- the first two components you
8 saw, which was defined the work effort and- and, uh, define the scope of the community engagement.
9 And right now, uh, you know, we've assigned a target date of quarter 3, 2023, that's, uh- uh, 24 months
10 from now. So I've taken the- the lower end of the estimate and that we will adjust that if, uh, if and
11 when we have more specific information.

12 Carrie Tai ([10:30](#)):

13 Um, so that's my- that's my brief rundown. In terms of, um, details, this is about- this conceptual level is
14 about all that we have right now. Um, but hopefully that gives the council enough to envision what this
15 work plan item looks like and also captures the, uh, the- the- the complexity of- of what, uh, this would
16 take on. Uh, thank you for the opportunity, and I'm available for any questions.

17 Major Stern ([10:55](#)):

18 Thank you, Carrie. This [inaudible 00:10:57] a lot of steps, a lot of considerations, a broad- broad, um,
19 look at this. So I appreciate your, um, your summary. And do we have- uh, does anybody have any
20 questions for Carrie? I don't see any questions. So I will open this up to public comment. Do we have
21 anybody that has raised their hand to make comments for this item?

22 Speaker 1 ([11:27](#)):

23 Yes, madam Mayor, we have Don MacPherson.

24 Don McPherson ([11:37](#)):

25 Don McPherson. Um, this work plan addresses privatizing street parking places and sidewalks with eat
26 and drink encroachments. Pursuing this plan will enrich owners of roughly 30 eateries, will take years
27 and it will cost taxpayers millions. During years of city approval processes, Coastal Commission approval,
28 environmental impact report preparation and potential litigation. The city ignores fatal err- errors in the
29 project. The encroachments will create a parking space deficiency of well over 200 spaces in violation of
30 the city local coastal program, the LCP. That's much more than the total capacity of lots 2 and 3 in the
31 downtown. The Coastal Commission has jurisdiction over the LCP not the city council. Coastal access is
32 the commissioners highest priority, so drastically reducing beach parking availability is unlikely to get
33 their approval. The work plan, however, fails to consider this specific crucial problem. The project
34 mandates an environmental impact report, an EIR, which will cost over \$1 million and take much longer
35 than a year. Normally, development applicants pay for EIRs but the city remains mum on whether the
36 taxpayers will give the eatery owners a free ride. The work plan has a naive schedule of completing in
37 the third quarter 2023. Senate Bill 314 makes this giveaway possible, but it expires July 2024. The eat
38 and drink encroachment program to privatized the public right of ways will cost taxpayers millions, but
39 cannot meet the deadline to succeed. Thank you.

40 Major Stern ([13:44](#)):

41 Thank you, Dan for your comments.

EXHIBIT 2

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1 Speaker 1 ([13:47](#)):

2 Next we have Michael Zislis.

3 Michael Zislis ([13:55](#)):

4 I just want to give the counterpoint to that. I- I want to thank Carrie and the team for c- putting together
5 that whole plan. You know, it- it seems like it takes a long time but you know, great things take time to
6 build. Uh, I think you're going to see a lot of change, which we've already seen with Coastal Commission
7 in- in the- in the state on outdoor dining. All those things will kind of fold into this great plan. And I just
8 want the you know, the city to be thoughtful and have the foresight to, uh, work us down the way to get
9 this done, and how we can, uh, keep everything in motion until we get to that, uh, two to three year
10 mark from now. Thank you very much.

11 Major Stern ([14:35](#)):

12 Thank you, Michael. Next we have Jim Burton.

13 Jim Burton ([14:42](#)):

14 Good evening, madam Mayor, members of council. Uh, maybe I can jump somewhere in between Don
15 and Mike Zislis on that last one. Um, I think I would- I think Don brings up a good point regarding the
16 Coastal Commission, um, but I do think things have changed. But remember the downtown strategic
17 plan, we put a lot of effort and a lot of ideas in putting things together, and I thought it was great. The
18 community came together, came up with some ideas, but it ended up not going anywhere because of
19 the Coastal Commission. I liked the idea of us having some smaller scale outdoor dining in downtown, I
20 think we've always needed it, I think we could do it classy, I think we could do it right. I would just hope
21 that in this process of doing this work plan, at least somebody, uh, at staff would look into what the
22 Coastal Commission is now. And I think I would agree with Mike Zislis that- that the Coastal Commission
23 is different than what it was when we did the downtown specific plan. Um, but still, nonetheless, they
24 do have jurisdiction over this in our local coastal plan, and they are going to be the ones that can say yes
25 or no, on some of the things that we do, particularly, if it involves taking away parking.

26 Jim Burton ([15:48](#)):

27 I guess we'd hope that staff would take a look at what- what are the real obstacles that need to be
28 overcome? What- where is the position of coastal, so we don't spend a lot of money on a lot of
29 consultants and a lot of time to just get something handed back to us that we're not able to implement.
30 And that's all. Thank you.

31 Major Stern ([16:06](#)):

32 Thank you, Jim.

33 Speaker 1 ([16:10](#)):

34 Next, we have Mike [Sense 00:16:11].

35 Mike Sense ([16:15](#)):

36 Madam Mayor, City Council staff, thanks again, uh, for hearing my, uh, for hearing me. Um, I fully
37 support obviously this, uh, I'm all for the long term outdoor dining of- of downtown Manhattan Beach. I
38 think, uh, anybody that, um, has ever lived outside of Manhattan Beach, um, especially my wife and

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1 relatives in Chicago come here and they're shocked that you can't eat outside. So, um, I think it's an
2 exciting opportunity, I think it's one of the bright spots of COVID that came out of this, that we don't
3 want to squander. Um, I think we should, you know, obviously take our time and do it the way, um,
4 cities do it. Um, we'll address coastal, we're not going to be the only city going through this. So coastal
5 will have to deal with, um, you know, every city probably up and down the coastline. Uh, I just you
6 know, from one [inaudible 00:17:11]- I don't- I can't remember having it in front of me, but I- I did see
7 that this was a- a priority B, uh, on the- on the city's agenda. I would somehow- I- I don't think it'll ever
8 fall to, um- in my mind it'll always be an A.

9 Mike Sense ([17:25](#)):

10 Um, but, um, I- I- I do anticipate this being a- a topic of conversation for our community going forward.
11 And I support tonight's, uh, first step for that. So thank you very much.

12 Major Stern ([17:37](#)):

13 Thank you, Mike.

14 Speaker 1 ([17:43](#)):

15 There's no further requests of public comments at this time.

16 Major Stern ([17:51](#)):

17 Okay, thank you. So it's time for council discussion. Would anybody like to lead us off in this discussion?
18 Council member Montgomery.

19 Councilmember Montgomery ([18:00](#)):

20 Thank you, your honor. I appreciate that. Just for those people that believe in revisionist history, six
21 years ago, the fire council spent \$1 million behind a consultant from out of state to do a downtown plan
22 that was worthless the minute it was printed. It was never vetted by the Coastal Commission before or
23 during the report being made. I've said it before and I'll say it again. It was worthless the minute it was
24 printed. I'm not making that same mistake here. I trust our staff, not consultants, those people that
25 don't live in the state of work in the state [inaudible 00:18:36] 23 takes us 23. But they know our city
26 and our residents, and know our business, they know what's best for our city, not outsiders. Not going
27 to make that mistake. So, I've heard people use wild numbers, millions of dollars. Second time we
28 [inaudible 00:18:55] with inflated numbers from two different projects in the city. So [inaudible
29 00:18:59] vote, if not with the intention. I'm not going to make the same mistake. I trust our staff
30 making this important. I think a B is an appropriate rating for priority, unless everybody here wants to
31 hire twice the staff to get it done faster. So I'm all in favor of it. I appreciate the detail that [inaudible
32 00:19:17] worked on it. I'm good to go from there.

33 Major Stern ([19:22](#)):

34 Thank you. Mayor Pro Tem Napolitano.

35 Mayor Pro Tem Steve Napolitano ([19:26](#)):

36 Thank you, your honor. I would say, yeah. I think the problem here is that it does smell of the downtown
37 strategic plan. And you know, we've got some- some general observations or- or comments on the
38 [inaudible 00:19:40] there that said, Oh, outside expertise. Well, that's consultants. Okay. So there is

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1 going to be a cost at this, and frankly, I- I think I- I would- I would go to Ronald Reagan's observation that
2 the nine scariest words in the English language are I'm from the government and I'm here to help. Um, I
3 think this is outrageous in scope. I appreciate director Tai's effort here. This is a- a planner's dream, so I
4 get that. This is what, uh, you know, entire year long planning classes are for, that she probably has
5 taught before. But I think that the, uh, scope of this could be reduced greatly. And that would also
6 reduce costs and reduce, uh, the time it would take. Because I think we really need to start by asking
7 ourselves, who this really affects and would benefit. That's going to be a handful of people at the end of
8 the day. Because when we talk about charging it, at that point, we're going to have to be charging
9 market rent for any use of the public space, that's going to be three, four, five maybe more dollars per
10 square foot.

11 Mayor Pro Tem Steve Napolitano ([20:50](#)):

12 And when it comes to that, there's going to be a lot of balking at that from some of the businesses that
13 have those outdoor dining decks right now. So I think we need to be re- very realistic about this as to
14 how many restaurants are really going to take advantage of this. And then when we talk about that, and
15 I think it's going to be ultimately a- a fairly low number. Then we've got to talk about, you know, what
16 effort, how much time and money, uh, that staff needs to devote for this, on top of all the other
17 priorities that we read about in their work plan. Uh, all this stuff that they're doing, it's not even in the
18 work plan. We're burdening staff, and for something like this, I really think that we need to start smaller.
19 I think that, um, you know, the ci- the city carrying the burden of everything is wrong. I think that the
20 Downtown Business Association started with, uh, some proposals, I think they need to follow up on this
21 proposals, um, for- and- and keeping in mind who would actually do something like this and afford it,
22 and- and go for it. And that goes to questions of equity as well.

23 Mayor Pro Tem Steve Napolitano ([21:51](#)):

24 But at the end of the day, you know, is Manhattan Beach going to subsidize, uh, any restaurants
25 downtown to have decks? I- I think the answer in that respect, is wider sidewalks, is taking some couple
26 parking spaces here and there for public space, for general outside seating, that people can buy from
27 adjacent places and sit down there without table service. I think those are the capital improvements
28 that we need to look at, wider sidewalks and taking some parking spaces for little, uh, patio areas that
29 everyone can use, public spaces. But when strictly speaking of- of, um, you know, outdoor dining in
30 terms of, uh, the private use of the public property, I don't think that we need to go down this huge
31 road, because there's going to be narrowed at the end of the day, it's going to be only a handful folks
32 who are going to be able to afford this and do it.

33 Mayor Pro Tem Steve Napolitano ([22:46](#)):

34 And so, I- I- and I also think that things change. We've seen, uh, Roy's salon is now, uh, Culture Brewing
35 and- and so they're out there. But stuff comes and goes. I know another place that's, uh, being
36 considered, that's retailed and they want to turn it into a restaurant. So you know, things will shift as
37 well. So the nature of these outdoor areas are going to be still temporary in nature, because restaurants
38 may want to keep them, if they change hands, they might want to keep them in the future. So, the
39 permanency of this thing I question too. So I- I question that the idea that we need to make such a- a
40 huge lift here, um, this is really, when we're talking 30 months, tons of staff time, consultants, yes, and,
41 uh, the money that goes along with those. And yeah, EIR will need to be done. Is the city going to pay for
42 that EIR? Again, uh, this is the benefit of private business for public property. Why would the city pay for
43 that EIR?

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1 Mayor Pro Tem Steve Napolitano ([23:46](#)):

2 So there's- there's lots of, uh, things here I- I think that need to be addressed still. I think that, um, it is
3 much narrower, we should, you know, talk to the folks that are- are, uh, using [inaudible 00:23:58] see
4 who really what we're talking about the market price, who really is going to want this outdoor seating
5 and who will be able to afford it. Now what cost? The proposal that they brought for before or through
6 Gensler, it was \$75,000-\$100,000 per deck, uh, for- for what, uh, they were talking about. And so, that's
7 an expense that a lot of restaurants- that's [inaudible 00:24:20] a lot of restaurants [inaudible 00:24:21],
8 that's not even the- the monthly rent that we- we charge. So again, I- I don't know, unless we're talking
9 public space and wider sidewalks, I- I think the private use of public space is going to be narrowed by the
10 cost that it takes to do it. And so, while this is a- a great proposal and a great effort that staff is wanting
11 to take on, I don't think they need to take it on to this extent. Thank you, you honor.

12 Major Stern ([24:47](#)):

13 Thank you. Any other comments? Suzanne Jo, Suzanne?

14 Suzanna Jo ([24:56](#)):

15 Um, yeah. I just want to be mindful of what the public wants, as if you know, one of the biggest, uh, mail
16 generators from our residents was outdoor dining, when we were talking about, I don't remember how
17 many times we were going to cut it back, eliminate it, take it out. I don't- I don't remember what
18 months, it's all blurred together. Um, but our residents really like outdoor dining. So I like the ideas of,
19 um, starting smaller. I like the ideas of self selecting, you know, the businesses, um, you know, who
20 might be interested going forward. But I'm not sure- I- I think an investment of staff time in something
21 that our residents love is- is worth it. Um, maybe it doesn't have to be the whole enchilada, maybe, um,
22 kicking it back to DVPA and saying, Hey, let's get real. Get some costs on these things. Market rent plus
23 the cost of the structure and then Carrie and you know, they do a sample like a demo home in a- in Del
24 Boca Vista phase two or something, a model home (laughs). And then maybe that's the, um, the pricing
25 model that they go around and ask, um, you know, restaurants if they're interested.

26 Suzanna Jo ([26:25](#)):

27 Um, but somebody has to start first. Our residents do love outdoor dining. So, um, whether we add
28 wider sidewalks and some other public areas, I like that idea too. Um, I think Steve's right, it isn't going
29 to be every restaurant that wants to do it. But adding more of it, I think is something the public
30 supports. So the city could do the outreach with the residents DVPA can do the outreach on, Okay, come
31 on, guys. You are writing a check, you know, tomorrow, how many of you are in- in these ballpark
32 numbers? And then come back and bracket it from there. Um, but this isn't about just giving away public
33 land for private gain. Uh, if it improves the quality of life, I mean, what's our mission statement? You
34 know, improving the quality of life for- I can't even remember, enhance the quality of life for residents,
35 businesses and visitors. And our residents love to eat outside. So, um, there's a happy medium. Thank
36 you, you honor.

37 Major Stern ([27:34](#)):

38 Joe, did you want to make a comment?

39 Joe ([27:38](#)):

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1 Yes, thank you, uh, madam Mayor. Um, I remember when we were talking about, uh, designing the
2 downtown, uh, spaces and everything like that, a resident reached out to me and suggested that, uh, oh
3 I- I know it was my neighbor down the street, suggested to me that, um, we could go to the universities,
4 um, Manhattan Beach is the jewel of the South Bay and you know, we're a very high profile city. And for
5 any sort of, uh, you know, college or university that has an architecture program, uh, you know, urban
6 development and things like that, this could make it a heck of a- heck of a project for them. And it would
7 be, you know, essentially free, you know, to the city. And we give, uh, students and even faculty an
8 opportunity to work on something of consequence. And, uh, I would think that, um, that could be a
9 consideration. Um, have community development, you know, provide the guidelines, but then the
10 actual workload could be done by urban planners who are like, right at the forefront. I wouldn't pretend
11 to understand what, you know, what's needed. And we get a variety of ideas from you know, around the
12 world, um, and probably some fresh ideas that you know, maybe could not be generated, you know,
13 locally here.

14 Joe ([29:03](#)):

15 So, um, that would be something. Maybe we could go ahead and, uh, you know, put that on a parallel
16 track, um, in terms of, you know, getting the process started in a- in the parallel track is figuring out
17 you know, the public right of way and the charges. Because Steve is absolutely right, um, it's going to be
18 a market driven decision. And, uh, I mean, every time I walk by what used to be, uh, RobRoy's remember
19 getting my hair cut there, and now it's a great dynamic, you know, uh, Culture Brewery, uh, which is sort
20 of like, uh, the hometown fair beer garden every day. So, um, and- and- and- and the hard scape would
21 be tied, you know, to this kind of, you know, to this kind of dy- dyna- dynamic environment in- in
22 downtown, people coming in. I mean, it- it- I've been here 37 years, it just doesn't quite look like nor
23 should it. You know tastes change, things change, uh, and it brings in you know, a lot of vitality and
24 that's what we're talking about. That- that's the word used all the time working to save, you know, to
25 save the restaurants and to help them as much as we could. They're vital you know, they bring a lot of
26 vitality to downtown. I remember the weeks and months when they weren't open, and it was a ghost
27 town.

28 Joe ([30:26](#)):

29 So it's a very, very important thing and, uh, I think we can look to- to other sources to help us, um, and-
30 and to do it recently. And, um, I remember, um, I wasn't on council but, um, I came up with an idea
31 when we first talked about outdoor dining as taking one of the upper peer lots and, um, or- or even the
32 down you know- you know, the lower peer lot and just, uh, roping it off and putting up festival lights and
33 tables and things like that, and let people order takeout from the restaurants and go down there and eat
34 by the ocean and you know, unobstructed view from that parking lot. Um, you know, it can be
35 something even as simple as that. That- that would, uh, satisfy a lot of people and allow them to make a
36 choice of what restaurant they, you know, food they want to get. So lots of different things we can talk
37 about. Thank you.

38 Major Stern ([31:21](#)):

39 Steve did you want to make-

40 Steve ([31:22](#)):

41 Well, just you know, that really was- was where the, um, uh, the strategic planning for went off the rails,
42 is we got to group, ULI who was our planners, and this is what they do. But they tried to apply all the

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1 concepts that they teach in schools to here and it just didn't work because Manhattan Beach is different,
2 and the- the community likes that difference. And the problem was, other people from the outside were
3 telling us what to do. They said, Oh, we need five story buildings. Uh, we need to you know, spend
4 millions realigning the bike path and stuff like that, and end up not getting done because nobody here
5 really supported that. So the home grown I think is- is better. And you know, I pointed out that you
6 know, the- the idea of outdoor dining has been incorporated in a lot of restaurants so far and that's
7 really where the trend is going, is what we've seen, Culture Brewing, right? They have the doors that lift
8 up. Started with [inaudible 00:32:20] I know because I worked with them on that to get it through
9 county health, which didn't allow those things. And now you see it down at [inaudible 00:32:26] when
10 you see it at other places.

11 Steve (32:27):

12 And there's no- no- no one is stopping anybody from reconfiguring their- their current restaurant within
13 their own [inaudible 00:32:34] to have outside dining, which is another thing that we need to, uh, push
14 and incentivize. I'm fine with waiving fees or stuff like that, if that's going to make the difference here.
15 But, uh, I- you know, again, I- I think that- that the idea of bringing in too much and too many ideas are
16 where we just- you know, this- this to me is a- a narrow focused, um, those who people who can afford
17 it, uh, are- are going to do it. Otherwise, [inaudible 00:33:01] project for the city.

18 Joe (33:04):

19 Uh, yeah, I mean, I agree with that. But also, we've got local universities where a lot of the people at
20 those universities live in Manhattan Beach, or in the Beach area. So to be [crosstalk 00:33:14]

21 Steve (33:14):

22 I- I- I wish you luck. I'll- I'll- I'll wait for you to get a return call from them and see that they're going to
23 volunteer to do this.

24 Joe (33:21):

25 Right. Well, it's a thought. It'd be a marquee product or a marquee project for them.

26 Major Stern (33:28):

27 So, thank you for that. Carrie, I did want to ask you, and I apologize for not asking this early, but we- we
28 do keep hearing about the limitations because of the Coastal Commission and all of the- the limitations
29 that that causes. Has there been any discussion from them about looking forward and- and talking about
30 whether they will adjust some of their standards because of this recognition that, um, outdoor dining
31 was such a well received, um, project during COVID? Have they- have they been starting to have any of
32 those conversations about whether they would be changing some of their- their processes because of
33 that?

34 Carrie Tai (34:09):

35 Sure, Mayor [inaudible 00:34:10]. Um, yeah. That's a great question. And you know, I like many other,
36 um, city representatives up and down the coast have been trying to feel out kind of the position of the
37 Coastal Commission on this. Um, it's very difficult generally to pinpoint, um, where they stand, um,
38 where they tell- generally when they- when they express where they stand is when you- when you
39 actually do all the work and submit your you know, your actual amendment to them. Um, but I will say,

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1 uh, the- the feedback I've gotten is generally, it's all about balance. Um, and you know, they obviously
2 want to improve access to the coast and if there are amenities in the coastal zone, that's certainly
3 something that I've- I've- I've gotten, you know, a positive feedback on. The flip side of that is balancing
4 things like parking, um, because the more parking you take away, the more you limit, um, access to the
5 coast, you know, not just for the local residents, but, you know, the general public. Uh, those cities that
6 reside in the coastal zone have a- have a responsibility to keep, uh, public coastal access available.

7 Carrie Tai ([35:31](#)):

8 Um, and so, it's really about balance. Um, and so, those are kind of considerations on equal footing. But
9 I don't think there's a hard no out there to be honest, um, I just think we have to execute it the right
10 way.

11 Major Stern ([35:45](#)):

12 Okay, thank you. So- so I guess that means that there hasn't- because that's- that balancing and those-
13 the- the priority of making the coast assessable, that is kind of their current standard. Is that right or do
14 you think that they-

15 Carrie Tai ([36:00](#)):

16 Well, that's- that's the fundamental purpose of the Coastal Act.

17 Major Stern ([36:02](#)):

18 Right.

19 Carrie Tai ([36:03](#)):

20 Um, and that I think will be- that's been true since 1976, and I think it continues to be true. Uh, but
21 where I think some of the changes are are you know, the adoptions of alternative forms of
22 transportation, uh, more acceptance of different ways to get to the coast other than just using vehicles, I
23 think there is more flexibility there. Um, but ultimately, again, it's, um, yeah, I mean, they need to make
24 sure that we are not taking up, uh, amenities along the shoreline that are open to the public.

25 Major Stern ([36:37](#)):

26 Thank you for that. Anybody else have any comments? So- so we have a very comprehensive proposal
27 here with all of the different, uh, considerations. And, um, and you know, we know this general, we-
28 we've got all those comments from- from the general population, um, who say that they love outdoor
29 dining, right? So we, um, so this- this is really here because we wanted to figure out how we can learn
30 from COVID and learn from the- the changes that we saw, and how we can incorporate those into
31 everyday life in Manhattan Beach. And this is- this is very comprehensive and, um, and it is very
32 thorough- very thorough, this presentation is very thorough as to what we would need to do to get from
33 today to a place where we would want to think about implementing any of these programs.

34 Major Stern ([37:36](#)):

35 So I really appreciate the comments from, uh, Mayor Pro Tem Napolitano, that is there a- is there a
36 starting point that we can gather enough information to decide if we then want to go forward to the- to
37 the next step? And so, um, and it seems like the community engagement piece is- to me is that starting
38 point. Um, uh, because what- what we really need to understand is both who wouldn't, who would

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1 participate in this. But- but also what are we really looking at? Are we looking at the use of parking
2 spots, right, that we have currently, um, we have currently used or is there something else that satisfies
3 the outdoor dining, like increasing the depth of the sidewalk so that the- the dining can be a budding-
4 the, um-

5 Carrie Tai (38:39):

6 Right.

7 Major Stern (38:39):

8 ... right. So-

9 Carrie Tai (38:40):

10 Yeah.

11 Major Stern (38:40):

12 ... um, so I- I feel like we're- we have a step that is maybe less than this very comprehensive 24 to 30
13 months step, so that we can really get a better understanding of what we're looking at. Um, because
14 truly, you know, we- when we say, Oh, we love outdoor dining, it has that European feel, I don't think
15 anybody goes to Europe and says, I really like sitting outside in a parking spot. I think it's, you know, I
16 think the- that- that there's more to it, there's other ways of incorporating this. And I would- I think we
17 would benefit from a more preliminary understanding of what other options- what- and then how do
18 we bring those options to our community to get a sense of what they feel about those options. Because
19 that's really why we're doing this, right? We're doing this because we had this interest in continuing this.
20 Um, so I'm going to stop and let (laughs) Steve I'm going to let you jump in here, because you're waving
21 at me the minute I-

22 Steve (39:50):

23 No. I'm just putting it up so it's, you know, [inaudible 00:39:52] I'm- I'm sorry, I don't mean to do that to
24 rush you [inaudible 00:39:56]. Um, no, but I just s- I- I returned to, uh, one of my favorite lines from
25 council member [inaudible 00:40:03], right? You know, everybody wants a pony. But then you have to
26 feed the pony and clean the pony and clean up the pony's poop and everything else. The devils in the
27 details here. Yeah, everyone loves outdoor dining. They loved it because we allowed everyone to do it,
28 we allowed them to do it for free, and we put it out there, really without asking anybody. But now that
29 we're getting down to, well, we can't continue that on the way it was, we're going to have to start
30 charging for it. To me that- that continues to be the threshold question, is that, who is really... Don't roll
31 out to the public, outdoor dining isn't it great, if there are only a handful of people are going to do it or-
32 or wait until we know who's going to do it. Because you know, not everyone's going to do it for all the
33 reasons I just said, because it's going to cost more, because it's going to be a- a- a costly endeavor that
34 not everyone's can want to afford.

35 Steve (40:54):

36 And so, until we know how many people- and we're only talking about downtown, we get plenty of
37 other business areas in town. We're focused very much in downtown, we also need to think about North
38 End. But the reality is this is going to affect a handful of folks, as much as people want it for a certain
39 restaurants, that certain restaurant is going to make its own decision based on its fiscal feasibility as to

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1 whether it's right for them. So to me, that's still a threshold question. We need to know who is really in
2 on this, and we need to know what we're going to charge for it to understand who's really in for this.
3 That to me is where we start. What are we going to charge? Then who's going to be in for it? Then after
4 that, we can talk about the pretty pictures of what it looks like and where- where it will go.

5 Major Stern ([41:39](#)):

6 Well, and- and even before that, when we know who's in for it, we have to know what the options are.
7 Which is not just whether it would be dining decks. Will it be increasing the size of sidewalks? Would it
8 be just closing down streets for any period of time?

9 Steve ([41:56](#)):

10 Oh, boy. You said that. I went there before.

11 Major Stern ([42:01](#)):

12 (laughs) No, I understand. But- and I'm only using these as all the different considerations. We don't
13 know who is in if we don't know what all the considerations are. And Carrie, you're trying to jump in
14 [crosstalk 00:42:13]

15 Steve ([42:12](#)):

16 If you say we're going to close down the street-

17 Carrie Tai ([42:18](#)):

18 I- yeah. And one other- and I- I- I'm- I'm actually enjoying this discussion a lot, to be- because quite
19 honestly, when, you know, when we started looking at this work plan and thinking about what the
20 starting point was, we had the same discussions. Um, because- and- and one of the- the ultimate thing
21 is, so there's two prongs here, you have public right of way and you have private property. Private
22 property discussion is a whole different kind of a discussion, you know, because that's just about
23 balancing land use intensification and parking. But your real conversation and the city as the property
24 owner of the public right of way, you know, th- one of the reasons we really have to define that work
25 effort is, I don't know that we have agreement, or maybe- maybe you do, but I don't know that we have
26 agreement on- on what- on what we are looking for in terms of, have we ascertained that yes, the public
27 right of way- that we- we as the city as a whole, are willing to, um, dedicate the public right of way, and I
28 don't- I don't mean the word dedicated like officially dedicated, but use the public right away for a
29 private business enterprise. You know, that question on a staff level has not been determined.

30 Carrie Tai ([43:24](#)):

31 And so, part of this defining the work effort and also the community engagement portion, is to actually
32 vet out where that starting point is. Um, so I completely see where this discussion is. But, you know, if,
33 um, if- if we are starting from a standpoint of what we're charging, like what Mayor Pro Tem Napolitano
34 mentioned, you know, that predicates itself upon having answered the question that, Yes, it's okay to
35 use part of the public right of way for business, right? So I-

36 Steve ([43:57](#)):

37 You won't have- you won't have an honest answer to that until you take away all the dining decks for
38 six months, and then ask people.

EXHIBIT 2

This transcript was exported on Oct 12, 2021 - view latest version [here](#).

1 Carrie Tai ([44:06](#)):

2 That's okay. I- it doesn't mean that that might be a reality. I- you know, as- as of right now, the- the
3 decks out there stay until January 3rd. I mean, and- and so, but yeah. I mean, again, that's part of the
4 discussion and so that was- that's why I included the components in a way that is nonlinear because one
5 depends on the other, you really do need public input to inform kind of what the universe of your work
6 effort is.

7 Steve ([44:31](#)):

8 All right. I mean, I heard everyone say that everybody wants outdoor dining, so I thought we answered
9 the question.

10 Carrie Tai ([44:41](#)):

11 Yeah. So, um, and we can certainly with the input, um, you know, I can certainly- when we- when we
12 build out the work plan item, you know, I mean, I can- I can sort of understand where you want to start
13 from. You know, the 24 to 30 months schedule is a, like I mentioned, a very preliminary schedule, um,
14 those get refined. If the scope comes down, yeah, the schedule comes down. Yeah. Um, so it's the best
15 information I had, um, at- at the time.

16 Major Stern ([45:14](#)):

17 Okay. So, how do we go forward from here? Do we want- because the scope is large, right? Do we want
18 to have a subcommittee that can talk about scope and bring back a recommendation for this work plan
19 item? Um-

20 Carrie Tai ([45:34](#)):

21 So, uh, and- and Mayor, we will bring back- so this is just an overview, but we will bring back these
22 discussions so that the kind of the conversation you're having right now can- can actually happen on a-
23 on a specific item- on a specific topic.

24 Major Stern ([45:54](#)):

25 I'm not sure. Can you- can you run that again, I'm not sure I understood that.

26 Carrie Tai ([45:58](#)):

27 Yeah. So each component I described in this work plan item describes a future action. So for example,
28 on the community engagement item, we will be bringing back a discussion with options, um, and ideas
29 for the council to deliberate so that you can- you can decide kind of what the scope of that community
30 engagement looks like. Um, and so, this just describes conceptually what the work plan itself looks like,
31 so you feel comfortable including it in the city council work plan, um, item- in the work plan as a whole.

32 Major Stern ([46:29](#)):

33 Okay. Thank you. Um, Council member M- Montgomery, did you want to say something?

34 Councilmember Montgomery ([46:32](#)):

35 No. I was agreeing with a subcommittee idea.

EXHIBIT 2

This transcript was exported on Oct 12, 2021 - view latest version [here](#).

1 Steve ([46:32](#)):

2 I nominate Councillor Montgomery.

3 Councilmember Hadley ([46:44](#)):

4 Your honor?

5 Major Stern ([46:45](#)):

6 Yes. Council member Hadley

7 Councilmember Hadley ([46:47](#)):

8 Uh, yes. And thank you, Carrie. I- I think you've really hit the nail on the head. I- I think the- the work
9 plan item is big and scary, and 24 to 30 months sounds awful and gigantic. But as you said, it's really
10 comprised of discrete steps that we can cut off at any time. For instance, if we did the community
11 engagement and COVID is long over, you know, God willing, um, you know, in April or whatever, and-
12 and everybody's like, Okay, yeah, I'm just going to buy my to-go food and go sit on the strand, um, then
13 you know, we- we scale it back. So I think it's step at a time, I like how Carrie described it best, that I
14 blanched when I saw the work plan. I- 30 months sounds like an eternity to me. But we do have to start
15 somewhere, and I think being acute, I agree with Carrie that community engagement is an important
16 first step. And we won't know, um, we won't know what the community wants until we ask them. So I'd
17 like to start there. And as the mayor said, we can you know, stop there too, if it doesn't go anywhere.
18 Got to start somewhere.

19 Major Stern ([47:58](#)):

20 Okay. [crosstalk 00:48:00] I'm going to interrupt for just a second because I think we need a motion to
21 continue the meeting till 11:00.

22 Steve ([48:05](#)):

23 [inaudible 00:48:05]

24 Major Stern ([48:06](#)):

25 I want to- I also want to propose we have another big item that's got an hour and a half of a time frame
26 on it, um, item 15, which is the, uh, the whole work plan. [crosstalk 00:48:21]

27 Speaker 15 ([48:21](#)):

28 Continue to another eve meeting.

29 Steve ([48:27](#)):

30 Move to receiving the file. [inaudible 00:48:30]

31 Major Stern ([48:33](#)):

32 Okay. [crosstalk 00:48:34] Do we have a motion on- on the work plan item being continued to our next
33 meeting?

34 Councilmember Montgomery ([48:43](#)):

EXHIBIT 2

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- 1 So move, continue, Montgomery.
- 2 Major Stern ([48:45](#)):
- 3 Okay. Do we have a second? [crosstalk 00:48:48] So can I have a- can we have a vote on that which
4 might hinge on whether we need to vote on the meeting going beyond 11:00?
- 5 Speaker 1 ([48:58](#)):
- 6 Councillor Montgomery?
- 7 Councilmember Montgomery ([48:59](#)):
- 8 Yes.
- 9 Speaker 1 ([49:01](#)):
- 10 Council member Franklin?
- 11 Councilmember Franklin ([49:03](#)):
- 12 Yes.
- 13 Speaker 1 ([49:04](#)):
- 14 Council member Hadley?
- 15 Councilmember Hadley ([49:06](#)):
- 16 Yes.
- 17 Speaker 1 ([49:07](#)):
- 18 Mayor Pro Tem Napolitano?
- 19 Mayor Pro Tem Steve Napolitano ([49:09](#)):
- 20 Yes.
- 21 Speaker 1 ([49:10](#)):
- 22 Mayor Stern?
- 23 Major Stern ([49:12](#)):
- 24 Yes.
- 25 Speaker 1 ([49:13](#)):
- 26 Motion passes 5-0.
- 27 Major Stern ([49:15](#)):
- 28 Okay.
- 29 Councilmember Montgomery ([49:17](#)):

EXHIBIT 2

This transcript was exported on Oct 12, 2021 - view latest version [here](#).

1 You know, I was going to say that goes to the point though, of getting committee input that we- we
2 should do a statistically valid survey. As I've mentioned before, to get some input so that, you know, it's
3 easy to skew some things that we've had that before- happen before when, you know, there's always
4 going to be 400 or 500 people who want a Olympic size aquatic center in Manhattan Beach. There's
5 always going to be 400 or 500 people who adamantly want anything. But you know, we need to go
6 beyond those 400-500 people who absolutely want outdoor dining or absolutely do not, and try and get
7 something statistically valid so that we can gauge and- and have a very good survey, uh, gauge, uh, what
8 people really want out there.

9 Major Stern ([49:59](#)):

10 I agree. I'm sorry. Now I'm going to interrupt again to ask if we need to make a motion to extend the
11 meeting beyond 11:00.

12 Councilmember Montgomery ([50:05](#)):

13 Oh, I'm sorry, I'd done that earlier.

14 Councilmember Hadley ([50:07](#)):

15 No, no, we don't want to extend, we just moved item 15.

16 Councilmember Montgomery ([50:12](#)):

17 Well, even if we extended, we- we don't have to fill it.

18 Councilmember Hadley ([50:14](#)):

19 I know. But (laughs)

20 Speaker 17 ([50:17](#)):

21 It's a good forcing device (laughs).

22 Councilmember Montgomery ([50:19](#)):

23 Okay.

24 Councilmember Hadley ([50:20](#)):

25 Okay.

26 Councilmember Montgomery ([50:20](#)):

27 I withdraw. That's my only point. Thank you.

28 Major Stern ([50:30](#)):

29 All right. So and I, you know, I- I understand that, but I think that part of that is because it- it's also
30 considering the component which is, what are our options? Because it isn't, we can't really put out a
31 community engagement question- questionnaire, if we don't know what all the options are first. And so,
32 I think some of these things do kind of go hand in hand. Um, so, uh, I think it's- it's going to be when this
33 comes back after, um, you know, after this- this work plan is worked out, um, by the community
34 development, that we get back the, um, the components that have been worked on that could help us

EXHIBIT 2

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1 to move to the next stage or implement those suggested steps in the work plan. Am I understanding
2 that correctly, c- uh, Director Tai?

3 Carrie Tai ([51:31](#)):

4 Um, yeah, yeah. No, certainly the, yeah. Certainly the, you know, we're- we're going to have to take a
5 look. I mean, to be quite honest, as a starting point, our- I mean, our staff resources right now are- are,
6 we've extended to the max to deliver our daily services. So you know, if you saw, um, I think, on the next
7 step slide, one of the things we're going to have to do is consider this during budget- budgeting. Um, I
8 cannot get started on this tomorrow. I mean, it was all we could do to put this item to describe what the
9 work plan might look like, um on this agenda. I just wanted to hit the work plan update item, you know,
10 that- that you just continued. But I wanted to get that so you knew what was going in as part of the city
11 council work plan. But we can't start tomorrow on this. We're going to have to get through a couple of
12 major initiatives, um, and, uh, catch up on some missed deadlines, to be honest, before we can start on
13 this. But yeah, once we start on it, we certainly, you know, we can, um, we can come up with, uh, you
14 know, I had that slide that had all the major issues, for example, that in the regular course of these
15 things, we know they're going to come up.

16 Carrie Tai ([52:39](#)):

17 We can use that as a starting point, we can put out, um, a robust community, you know, engagement
18 effort, whether it be a survey, a poll, you know, whatever it may be, we'll come back and talk to the
19 council about what kind of community engagement you're looking for. If it's that subcommittee, maybe
20 we'll put that together and then match the subcommittee with the starting point issues that staff has
21 identified and kind of use that. You know, so I can kind of envision how to get started. My- my challenge,
22 quite frankly, right now is resources. But I hope I answered your question. I think you did, you obviously
23 had the answer right. I just wanted to really set expectations. So, thank you.

24 Major Stern ([53:16](#)):

25 Thank you. And- and this is currently noted as a priority B. So we know this is not going to be at the top
26 of the list.

27 Councilmember Hadley ([53:25](#)):

28 Yeah, good point.

29 Major Stern ([53:26](#)):

30 Is there anything-

31 Speaker 18 ([53:26](#)):

32 I would serve on the subcommittee?

33 Major Stern ([53:30](#)):

34 Okay. I'll keep that, put you on the top of the list.

35 Speaker 18 ([53:34](#)):

36 (laughs) It's a very shortlist, I probably.

EXHIBIT 2

This transcript was exported on Oct 12, 2021 - view latest version [here](#).

1 Major Stern ([53:37](#)):

2 (laughs) So do we need, Carrie, do you need anything else from us at this point?

3 Carrie Tai ([53:44](#)):

4 No. I think we're all good.

5 Major Stern ([53:46](#)):

6 Okay.

7 Carrie Tai ([53:47](#)):

8 Thank you. So, um, we accept the report from staff on item 14. We have just continued item 15 to our
9 next meeting...

10



September 29, 2021

Don McPherson, President
Coastal Defender
1014 1st Street
Manhattan Beach, CA 90266
dmcphersonla@gmail.com

Subject: **Manhattan Beach – Restaurant Outdoor Dining
Noise Level Measurements & Evaluation**

Dear Don:

We report here results of noise level measurements made in Manhattan Beach at locations close to outdoor dining areas serving restaurants on Manhattan Avenue that have been set up on the street as a temporary response to the ongoing COVID-19 pandemic. In addition, we provide an evaluation of the measured noise levels in the context of the City’s noise ordinance.

MANHATTAN BEACH NOISE ORDINANCE

- Noise control requirements for the City of Manhattan Beach are detailed in Chapter 5.48 of the Manhattan Beach Municipal Code (MBMC), also known as the City of Manhattan Beach Noise Ordinance. The Ordinance offers two options for evaluating noise impacts – the LNG method and the LEE method – either one of which may be utilized at the City’s discretion. According to the definitions in MBMC section 5.48.020:

"Equivalent noise level (LEE)" means the constant noise level that, in a given situation and time period, contains, the same acoustic energy as the actual time-varying A-weighted noise level.

"Noise level (LNG)" means that noise level expressed in decibels which exceeds the specified (LNG) value as a percentage of total time measured. For instance, an L25 noise level means that noise level which is exceeded twenty-five percent (25%) of the time measured.

- For continuous (i.e., occurring for more than 30-minutes in any hour) received in a residential zone, MBMC section 5.48.160 prescribes the following Exterior Noise Standards:

Designated Land Use or Zoning Classification	Time of Day	LNG (Table 1) L50	LEE (Table 6) Equivalent Noise Level
Residential	7:00 AM - 10:00 PM	50 dBA	55 dBA
	10:00 PM - 7:00 AM	45 dBA	50 dBA

- If the ambient L50 exceeds the LNG noise limit in Table 1 of MBMC 5.48.160, then the ambient L50 becomes the exterior noise standard. Similarly, if the ambient LEE exceeds the limiting value in Table 6 of MBMC 5.48.160, then the ambient L50 becomes the exterior noise standard.

NOISE MEASUREMENT METHODOLOGY

- Figure 1 shows the locations selected for noise measurements.
- Location 1 is at the northeast corner of 12th Street and Manhattan Avenue. This location is close to Fishing with Dynamite, MB Post, Slay, Nando, Tacolicious and Dash Dashi restaurants. Location 2 is at the southeast corner of 9th Street and Bayview Drive. This location is close to the 900 Club and the Arthur J. restaurant.



- Noise measurements were made between 10:00 and 11:30PM on the evenings of September 10 (Friday) and September 13 (Monday), 2021.
- These time periods were selected to represent busy times (such as Friday evenings) when the various restaurant outdoor dining areas are in use, as well as the ambient noise level at times (such as Monday evenings) when the restaurants are much less busy and the outdoor dining areas are either very sparsely populated or not in use at all.
- All noise measurements were made with a Bruel & Kjaer Type 2250 sound level meter, which satisfies the requirements for a Type 1 sound level meter (and exceeds the requirements for a Type 2 sound level meter) according to ANSI/ASA Standard S1.4.
- The calibration of the sound level meter was checked immediately before and after each use with a Bruel & Kjaer Type 4231 Acoustical Calibrator; on each occasion, no change was noted between the two calibration checks.

OBSERVATIONS & RESULTS

- At the time of our noise measurements, outdoor seating and tables had been set up on portions of Manhattan Avenue that are usually reserved for parking in front of: Fishing with Dynamite, MB Post, Slay, Nando, Tacolicious, Dash Dashi and the Arthur J.



- At the 900 Club, two four-person tables and two two-person tables with chairs had been set up on the sidewalk on Manhattan Avenue, immediately in front of the restaurant. In addition, outdoor seating and tables were set up in the rear of the restaurant at 9th Street and Bayview Drive; however, this rear seating area was not in use during either of the noise measurement periods selected for our measurements.
- Friday, 9/10/21, 10:00 – 10:30 PM
 - The restaurants at 12th Street and Manhattan Avenue were somewhat busy (but certainly not at capacity) with groups of patrons eating and drinking in both outdoors and indoors. In many cases, the restaurant doors were propped open – presumably to make it easier for staff to serve the outdoor areas. These open doors also allowed amplified music to permeate out onto the street; this was particularly true for Nando and Tacolicious, whose music was clearly audible at measurement location 1.
 - The Arthur J. at 9th Street and Manhattan Avenue was also somewhat busy, with several tables in the outdoor seating area occupied. Only one of the outdoor tables in front of the 900 Club was occupied. However, the downstairs bar was very busy – full of patrons standing and seated – with windows and doors open allowing significant noise (including amplified music) to spill out onto Manhattan Avenue and 9th Street.
 - The upstairs restaurant at 900 Club appeared to be much less busy than the downstairs bar; however, the back door to the restaurant was propped open allowing noise to radiate out towards the residential uses on 9th Street and Bayview Drive.
- Monday, 9/13/21, 10:00 – 10:30 PM
 - Business at the restaurants at 12th Street and Manhattan Avenue was much slower than it had been on the previous Friday; all were very sparsely populated. The only outdoor dining area in use was that in front of Nando/Tacolicious, which had patrons at one or two tables. No amplified music was audible at measurement location 1.
 - MB Post was closed.
 - It was a similarly quiet scene at 9th Street and Manhattan Avenue. No one was sitting outside at either the Arthur J. or 900 Club.
 - There were a handful of patrons inside the downstairs bar of the 900 Club, but the amplified music was at a much lower level than it had been on the previous Friday evening.
 - Doors and front windows to the downstairs bar were open, as was the back door to the upstairs restaurant. However, noise of 900 Club operations was not significant at measurement location 2, compared to noise contributions from ambient noise sources (street traffic, rooftop HVAC systems etc.).
- Results of our noise measurements are summarized in Table 1. Because the operational noises from the various restaurants are more-or-less continuous (particularly on a busy evening) we have focused on measured L50 and LEE noise levels only.



Table 1: Summary of Noise Measurement Results (all in dBA)				
Location	Date	Time	L50	LEE
1	9/10/21 (FRIDAY)	10:17 – 10:27 PM	54.2	56.4
	9/13/21 (MONDAY)	10:19 – 10:29 PM	53.3	54.5
2	9/10/21 (FRIDAY)	10:00 – 10:10 PM	51.8	53.8
	9/13/21 (MONDAY)	10:01 – 10:11 PM	49.4	50.1

EVALUATION

- According to MBMC 5.48.020, ambient noise is defined as follows:
"Ambient noise" means the composite of all noise from sources near and far, excluding the alleged intrusive noise source. The ambient noise constitutes the normal or existing level of environmental noise at a given location.
- The results of measurements on the evening of Monday 9/13/21 are our best measure of the noise levels that would exist at locations 1 and 2 in the absence of significant noise contributions from nearby restaurants and bars. These results can therefore be considered to represent ambient noise conditions.
- It follows that – according to MBMC 5.48.160 – the LNG exterior noise standards at locations 1 and 2 are the L50 ambient noise levels measured on Monday 9/13/21, because the measured L50s exceed 45 dBA in each case. Similarly, the LEE exterior noise standards at locations 1 and 2 are the LEE ambient noise levels measured on Monday 9/13/21, because the measured LEE values exceed 50 dBA in each case.
- And, because ambient noise levels measured on Monday 9/13/21 are the de facto exterior noise standards (according to MBMC), we can conclude that the noise contributions from restaurant operations on Friday 9/10/21 resulted in noise levels received at locations 1 and 2 that violate the City’s Noise Ordinance.
- We should stress that the apparent noise ordinance violations cannot necessarily be attributed to the outdoor dining areas. In fact, we believe that the elevated noise levels measured on Friday 9/10/21 – at both measurement locations – have more to do with the practice of propping restaurant/bar doors and windows open (thereby allowing patron noise and amplified music out onto the street) than they do with the use of the outdoor dining areas themselves.

Yours sincerely,

Steve Rogers Acoustics, LLC



Steve Rogers
Principal

EXHIBIT 4. BREWCO & ROCK'N FISH VIOLATE ENCROACHMENT-PERMIT OCCUPANCY LIMITS

Total occupancy limited to use-permit condition



Brewco Nearly Full Occupancy



Rock'N Fish Nearly Full Occupancy



Brewco and Rock'N Fish Eat & Drink Encroachments at Full Occupancy. Waiting Patrons Seated on Sidewalk Encroachments

EXHIBIT 4. SIMMZY'S VIOLATES ENCROACHMENT-PERMIT OCCUPANCY LIMIT

Total occupancy limited to use-permit condition



Interior Full



Deck Full

Patrons Waiting on Sidewalk

EXHIBIT 4. ROCKEFELLER VIOLATES ENCROACHMENT-PERMIT OCCUPANCY LIMIT

Total occupancy limited to use-permit condition



Interior

Sidewalk Encroachment



Deck Encroachment



**Long Frontage With Patrons Coming & Going
Makes Occupancy Head-Count Impossible**

EXHIBIT 5

From: [Public Records Act Request](#)
To: dmcphersonla@gmail.com
Subject: Public Records Act Request :: W013790-112221
Date: Monday, 22 November, 2021 15:42:41

Dear Requestor,

This is confirmation that your Records Request has been received by the Public Record Act System.

Your request was submitted to the City Clerk's Office on 11/22/2021.

Your request has been given the following Reference Number for tracking purposes: W013790-112221.

Record Requested: Subject: California Public Records Act Request: ●Temporary Eat & Drink Right of Way Encroachments; and, ● 1112 Manhattan Ave This letter shall serve as a California Public Records Act request for the two subject items, as follows: Temporary Eat and Drink Encroachments into the Public Right of Way. 1) All encroachment permits granted since 1 March 2020, for use by eating and drinking establishment in the public right of way; and, 2) All records related to calculations of area for each of the above permits; and, 1112 Manhattan Ave. 1) Master Use Permits BZA 76-54, BZA 81-23 and BZA 85-22; 2) All staff reports and other records associated with the above three use permits and with Master Use Permit PC 94-32; and, 3) Annual assessments for each business in the Downtown Manhattan Beach Business Investment District during the past ten years.

The City Clerk's Office will respond ten (10) days after receiving the request.

If you have any questions, please contact the City Clerk's Office via return email or by phone at (310) 802-5056.

Track the issue status and respond at:

https://manhattanbeachca.mycusthelp.com/webapp/_rs/RequestEdit.aspx?rid=13790

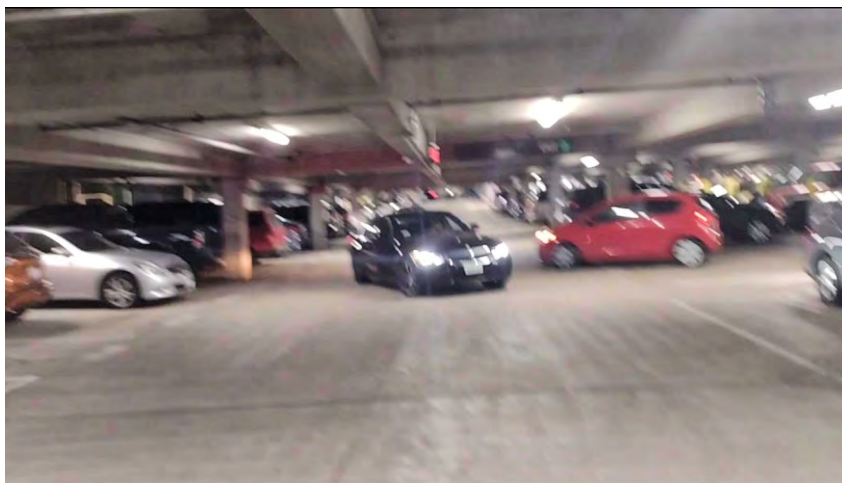
EXHIBIT 6. ZERO PARKING AVAILABILITY IN METLOX UNDERGROUND



- **Metlox East Alley Level 2. Vehicles Waiting to Park**



- **Metlox Middle Alley Level 2. Vehicle Orbiting**



- **Metlox West Alley Level 2. Vehicles Orbiting**

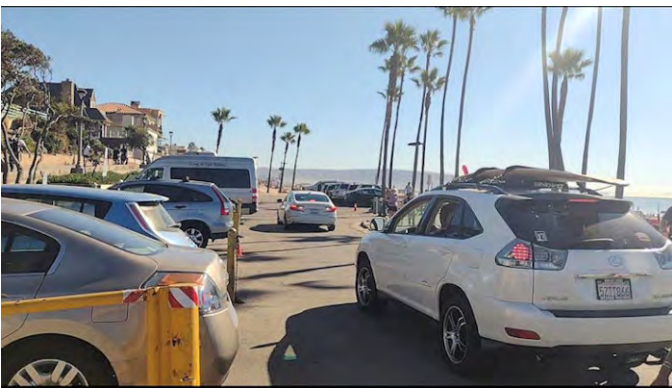
EXHIBIT 7. ZERO PARKING AVAILABILITY IN PIER LOTS



• Pier Lot South Up West. Vehicle Waiting.



• Pier Lot South Up East. Vehicle Waiting.



• Pier Lot South Low East. Vehicles



• Pier Lot North Up West



• Pier Lot-North Up East.-Vehicle Waiting



• Pier Lot-North Low East

EXHIBIT 8.

NOTE: Click on item to see photo.

PHOTO COVERAGE OF DOWNTOWN PARKING AVAILABILITY

BOA-Encroach	1
Lot1-Mid-Encroach.....	2
Lot1-North-Encroach.....	3
Lot1-SouthEast-Encroach.....	4
Lot1-SouthWestLow-Encroach.....	5
Lot2-LowEast	6
Lot2-LowWest	7
Lot2-LowWest-unlawfulPark.....	8
Lot2-NorthGrade.....	9
Lot2-UpNorth.....	10
Lot2-UpSouth.....	11
Lot3-Low-Mid-Encroach	12
Lot3-Low-MidTrtraffic-Encroach	13
Lot3-Low-North-Encroach	14
Lot3-Low-South-Encroach	15
Lot3-Mid-North-Encroach	16
Lot3-Mid-South-Encroach	17
Lot3-Up-Mid-Encroach	18
Lot3-UpNorthWait	19
Lot3-Up-North-Wait-Encroach.....	20
Lot3-Up-South-Encroach.....	21
Lot6-North-Encroach.....	22
Lot6-South-Encroach.....	23
MetloxLowEast4-Encroach.....	24
MetloxLowEast-Encroach.....	25
MetloxLowMid3-Encroach.....	26
MetloxLowWest-Encroach.....	27
PierLot-NorthLowEast-Encroach	28
PierLot-NorthUpEast-Encroach.....	29
PierLot-NorthUpWest-Encroach.....	30
PierLot-NorthUpWest-Encroach-Edit.....	31
PierLot-SouthLowEast-Traffic-Encroach.....	32

EXHIBIT 8.

PierSouthUpEast-Encroach	33
PierSouthUpWest-Encoach	34
Traffic-CivicCenterToMB.Bld.	35



EXHIBIT 8.



EXHIBIT 8.



NO
RIGHT
TURN

STOP

1 HOUR PARKING
NO OTHER VEHICLES
ALLOWED IN THIS
ZONE AT ANY
TIME

1 HOUR PARKING
NO OTHER VEHICLES
ALLOWED IN THIS
ZONE AT ANY
TIME

EXHIBIT 3



EXHIBIT 8.



PERMIT PARKING ONLY
8AM - 5PM
VEHICLES ARE SUBJECT TO REMOVAL AT OWNER'S EXPENSE.
CAL. TRAF. CODE, SEC. 21500-21504
M.A.S. TRAF. S.F.D. 800-544

2-HOUR PARKING METERS ENFORCED
5PM - 9PM
VEHICLES SHALL VACATE PARKING SPACE AT EXPIRATION OF 2-HOUR LIMIT.
PERMIT-HOLDERS EXEMPT





















































EXHIBIT 8.











Martha Alvarez

From: coastaldefendermb@gmail.com
Sent: Tuesday, December 7, 2021 2:57 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
Subject: [EXTERNAL] Testimony Re Eat & Drink Encroachments, Agenda Item L-16
Attachments: 211207-McP-CC-Testimony-ItemL16.pdf

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

My testimony for Agenda Item L-16 attached.

Donald McPherson, President
Coastal Defende
coastaldefendermb@gmail.com

From: coastaldefendermb@gmail.com
Sent: Tuesday, 7 December, 2021 13:42
To: Hildy Stern ; Joe Franklin ; MB Council ; Richard Montgomery ; Steve Napolitano ; Suzanne Hadley
Cc: bmoe@citymb.info; Liza Tamura ; Martha Alvarez ; Carrie Tai
Subject: Critique of Staff Report, Eat & Drink Encroachments, Agenda Item L-16

Note: Apparently, my email previously sent did not go through
Donald MPherson

Hildy Stern, Mayor
City of Manhattan Beach
Via Email: MB Council (citycouncil@citymb.info)
Subject: Critique Of Eat & Drink Encroachments Staff Report, Agenda Item L-16

Mayor Stern and Councilmembers,

On November 10, Governor Newsom signed Executive Order N-21-21, which extends the timeframes for the Covid state of emergency from December 31 to March 31. As result, the eat and drink encroachments will remain legal to that date but will become unlawful afterward.

For this agenda item, the city council should extend the encroachments to March 31, but no later, when they will become unlawful.

When the emergency order expires March 31, per below, any extension of the encroachments will violate the parking ordinance in the Local Coastal Program ["LCP"], over which the Coastal Commission has jurisdiction, not the city council.

Because of this violation, the encroachment extension will also violate Penal Code Section § 370, which states:
*"Anything which is injurious to health, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by any considerable number of persons, or **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, is a public nuisance. [Emphasis added]

Consequently, if extending the encroachments past March 31, city officials and permittees will risk being penalized by fines and jail time for creating public nuisances.

The attachment substantiates the above statements.

Thanks for your consideration,

Donald McPherson. President

Coastal Defender

coastaldefendermb@gmail.com

CITY COUNCIL TESTIMONY: EAT & DRINK ENCROACHMENTS, 07 DECEMBER 2021

Don McPherson representing Coastal Defender, 1014 1st St.

On November 10, Governor Newsom signed Executive Order NO-21-21, which extends the timeframes for the Covid state of emergency from December 31 to March 31. As result, the eat and drink encroachments will remain legal to that date but will become unlawful thereafter.

The council should extend the encroachments to March 31, but no later. If the encroachments extended past March 31, they would violate the following regulations:

- A 236 parking-space deficiency would violate the Local Coastal Program, under jurisdiction of the Coastal Commission;
- The parking reduction would impact coastal access, a Coastal Act violation;
- The encroachments would violate Penal Code No. 370, an 1872 law that prohibits blocking public right of ways;
- Blocking sidewalks would also violate the American Disabilities Act;
- The encroachment-permits limit occupancy to that in use permits, but many premises violate this condition, which the city cannot enforce;
- The encroachments would violate the California Environmental Quality Act, CEQA, regarding parking, traffic and noise;
- The city would violate CEQA by not conducting an environmental impact report, an EIR.

To avoid these violations of law, the council should limit the extension of the encroachments to March 31.

Martha Alvarez

From: Martha Alvarez on behalf of City Clerk
Sent: Tuesday, December 7, 2021 4:50 PM
To: Martha Alvarez
Subject: FW: [EXTERNAL] City Flower

From: Julie Gonella <juliegone2cbirds@aol.com>
Sent: Wednesday, November 3, 2021 12:35 PM
To: Hildy Stern
Cc: Charlotte Marshal
Subject: [EXTERNAL] City Flower

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

Hi Hildy,

We hope you're doing well. We're following up on the subject of last night's council meeting concerning the official City flower.

Gary McAulay of the MB Historical Society approached us at the Manhattan Beach Botanical Garden (MBBG) over 10 years ago with the idea of updating the flower from the camellia to the beach primrose. MBBG made the proposal to council with these points in mind:

1. It is native to Manhattan Beach and is mentioned in accounts as early as 1907 of the town
2. Like other native plants, it is drought tolerant and promotes native wildlife by providing food and shelter
3. It still grows wild on our dunes, and can be seen annually growing west of the bike path south of the pier
4. The plant has blue-green leaves, a lovely yellow flower, and an extremely long and profuse blooming period.
5. It roots and blooms on the sand dunes, as does our city of Manhattan Beach.

At the time, as we recall, no one could figure out where the origin of the camellia came from. Now of course, we know. Luckily council was wise back then in designating two official flowers, the camellia as the historical flower, and the beach primrose, not as a replacement, but as a modern flower to reflect and promote environmental concerns of our time.

We would like you to know that the board of MBBG continues to fully support two official city flowers. In looking back at the minutes of that council meeting, we can not find the duo designation in writing, but we remember it being said. Hopefully City staff can find it.

Thanks so much for looking into this matter.

Sincerely,
Julie Gonella and Charlotte Marshall, MBBG Board Members

Martha Alvarez

From: CityOfManhattanBeach@manhattanbeach.gov on behalf of City of Manhattan Beach <CityOfManhattanBeach@manhattanbeach.gov>
Sent: Tuesday, December 7, 2021 12:36 PM
To: City Clerk
Subject: Regarding the Bruce Beach property

Message submitted from the <City of Manhattan Beach> website.

Site Visitor Name: Bill Post
Site Visitor Email: bill@theposts.com

The Eminent Domain taking of Charles and Willa Bruce's property resulted in a payment to them of \$14,500 in 1925.

If the family had invested that amount in the US Stock Market (S&P500), it would be worth \$225 million today.

Will the family be required to repay this amount as part of the property being returned to them ? If not, they are being compensated twice for the same thing.

Thank you



CITY OF MANHATTAN BEACH

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CityofManhattanBeach@manhattanbeach.gov

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Martha Alvarez

From: Dario Vullo <dariovullo88@gmail.com>
Sent: Tuesday, December 7, 2021 4:32 PM
To: List - City Council
Subject: [EXTERNAL] Fwd: City Council Meeting Tonight

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

Dear city council members,

Unfortunately I can't be present for the meeting but If I have to vote we firmly vote to keep them. patios are vital for the downtown businesses and residents. pandemic is not over we need all support from city council to prevent any future issues.

Thank you

On Tue, Dec 7, 2021, 1:48 PM Jill Lamkin <jill@downtownmanhattanbeach.com> wrote:

There are a couple of issues of interest on tonight's agenda.

1. Extending the dining deck use permits past January 3, 2022 (a consideration for this is the slurry seal project scheduled to occur in Downtown MB between mid-February and late May of 2022. I am attaching a copy of the letter to City Council submitted by the DBPA Board of Directors along with survey results from the Chamber of Commerce survey (results as of yesterday).

2. Proposed schedule of 20+ days of monthly changing light colors for the pier (see attached doc). Many of you expressed a dislike for the changing colored lights on the pier and a preference for keeping them white year round. If this item is of importance to you either way, please send a short email to City Council with your preference.

[Link to the Agenda for tonight.](#)

E-mail City Council: citycouncil@manhattanbeach.gov

To join meeting via Zoom:

Direct URL: <https://citymb-info.zoom.us/j/93376200363>, Meeting ID: 933 7620 0363

During the meeting you will need to use the "raise hand" button through Zoom at the time the Agenda Item is being presented for City Council consideration.

Join Zoom Meeting via Phone Conference (Voice Only):

Phone Number: (669) 900-6833, Meeting ID: 933 7620 0363

Also attached: Updated Fireworks Closure map with more detail.



Jill Lamkin

Executive Director, Downtown Manhattan Beach Business + Professional Association

PHONE 310-379-9901 | CELL 310-261-5555 | jill@downtownmanhattanbeach.com

www.downtownmanhattanbeach.com



Martha Alvarez

From: Todd Morgan <latodd9@yahoo.com>
Sent: Tuesday, December 7, 2021 11:18 AM
To: Hildy Stern; Steve Napolitano; Richard Montgomery; Joe Franklin; Suzanne Hadley
Cc: List - City Council
Subject: [EXTERNAL] Fw: Please repeal MB Eviction Moratorium, Urgency Order No 20-0012-U

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

Dear Mayor Stern and Council Members,

As a friendly reminder, I am resending my original email request for the repeal of the MB Eviction Moratorium. I appreciate the 3 supporting votes it received at the Nov 16th meeting and I urge further support at your meeting tonight. It is time to move forward.

Thank you,

Todd Morgan
310-722-0489

----- Forwarded Message -----

From: Todd Morgan <latodd9@yahoo.com>
To: hstern@manhattanbeach.gov <hstern@manhattanbeach.gov>; snapolitano@manhattanbeach.gov <snapolitano@manhattanbeach.gov>; rmontgomery@manhattanbeach.gov <rmontgomery@manhattanbeach.gov>; jfranklin@manhattanbeach.gov <jfranklin@manhattanbeach.gov>; shadley@manhattanbeach.gov <shadley@manhattanbeach.gov>
Cc: CityCouncil@manhattanbeach.gov <citycouncil@manhattanbeach.gov>
Sent: Sunday, November 14, 2021, 05:19:25 PM PST
Subject: Please repeal MB Eviction Moratorium, Urgency Order No 20-0012-U

Dear Mayor Stern and Council Members,

I am pleased to learn that the MB Eviction Moratorium is returning to the Council's agenda on Nov 16th. In support of Council Members, Suzanne Hadley and Richard Montgomery, I urge additional Council members to vote to repeal the Eviction Moratorium, Urgency Order No 20-0012-U.

I am a Manhattan Beach homeowner (since 1994) and earlier this year I moved back to my MB home. Prior to my return, I cordially requested both tenants move out. One tenant respectfully moved out. The other tenant whose month-to-month agreement began on Sept 1st, 2020, refused to leave citing the MB Eviction Moratorium. The tenant continues to pay her rent but remains in my home. This is an unintended consequence of the Ordinance since her refusal to vacate is not COVID-related. My lawyer advised me that I can not move forward with eviction proceedings until the MB ordinance is repealed.

I urge repeal of the Ordinance so I can start the proceedings of taking full possession of my MB home for my personal use.

Thank you,

Todd Morgan
312 15th Place
310-722-0489

Martha Alvarez

From: Jim Burton <jburton@ecokai.com>
Sent: Tuesday, December 7, 2021 8:09 AM
To: List - City Council
Cc: Bruce Moe; Carrie Tai, AICP; Erik Zandvliet; Erick Lee; Chief Abell; Quinn Barrow
Subject: [EXTERNAL] RE: Agenda Item 16 - General Business -Dining Deck Encroachment Discussion -

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My apologies on the general business 2 min limit. Evidently it has been that way a couple years. Not sure why I thought it was new -

Jim

From: Jim Burton <jburton@ecokai.com>
Sent: Tuesday, December 7, 2021 9:56 AM
To: 'City Council - MB' <CityCouncil@citymb.info>
Cc: City Manager (Bruce Moe) <bmoe@citymb.info>; Director Carrie Tai <ctai@manhattanbeach.gov>; 'Erik Zandvliet' <ezandvliet@citymb.info>; Erick Lee <elee@manhattanbeach.gov>; Chief Abell <d.abell@citymb.info>; City Attorney Barrow <qbarrow@manhattanbeach.gov>
Subject: Agenda Item 16 - General Business -Dining Deck Encroachment Discussion -

Honorable Mayor and Members of Council –

Please find attached correspondence for consideration on your decision on when to permanently remove dining decks from the public right of way.

Also, I noticed that the public now only has 2 minutes vs 3 minutes to express their support (or lack of support) during the general meeting items. 3 minutes kept for public hearing – at least for now. I suspect that this reduction is likely an effort to reduce meeting length and hope that other steps are also taken if this is the goal – i.e., reduction of ceremonial calendar items, expeditious discussion on items of low contentions, better planning and understanding of items by some council members, availability of staff to respond as needed, efficient agenda item scheduling etc. Public input is essential and it is not always easy for folks to speak up. Limiting to 2 minutes is disappointing if this is the new normal.

Regardless - I sincerely appreciate all you do to keep our city moving.

Respectfully,

Jim Burton
328 11th Street

Martha Alvarez

From: Christa Lyons <christamlyons@gmail.com>
Sent: Tuesday, December 7, 2021 8:03 AM
To: List - City Council
Subject: [EXTERNAL] Agenda item # 19 Historical Designation

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

Dear City Council Members,

Regarding the power point presentation, I strongly feel that no property should be designated historical or designated as “eligible” to be historical without the property owner's and ONLY the property owner's consent. My area of concern is the “Historical Resource” portion of this ordinance as it seems this is where the city is over reaching.

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This is the grey area because this “inventory” needs to be by property owner’s consent only. The city should not decide a property is eligible nor should the city decide to “protect” properties without an owner’s consent. No project should be held up because of this and there should be no costs to the property owner associated with this. Again, this should be something ONLY a property owner initiates. If a property owner chooses to sell, remodel or demolish their property, they should be able to do it. Period. There should be no environmental impact report, no study by anyone other than someone or something a property owner initiates.

Any historical “designation” or defining properties as “historical resources” or adding a property to an inventory of historical resources should only be initiated if the property owner chooses to do so.

I think Alternative #2 is best, but, the “Historical Resource” issue needs to be addressed so it is not a..for lack of a better word..loop hole.. in the language of the ordinance that creates future issues for property owners.

CHRISTA LYONS
REALTOR® | CalDRE#01489213
D + 310.722.7115
<https://mattmorrisrealestategroup.com>

I have not and will not verify or investigate the information supplied by third parties.

Martha Alvarez

From: Jim Burton <jburton@ecokai.com>
Sent: Tuesday, December 7, 2021 7:56 AM
To: List - City Council
Cc: Bruce Moe; Carrie Tai, AICP; Erik Zandvliet; Erick Lee; Chief Abell; Quinn Barrow
Subject: [EXTERNAL] Agenda Item 16 - General Business -Dining Deck Encroachment Discussion
-
Attachments: 12.07.21_Letter_Outdoor Dining.pdf

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 –

Please find attached correspondence for consideration on your decision on when to permanently remove dining decks from the public right of way.

Also, I noticed that the public now only has 2 minutes vs 3 minutes to express their support (or lack of support) during the general meeting items. 3 minutes kept for public hearing – at least for now. I suspect that this reduction is likely an effort to reduce meeting length and hope that other steps are also taken if this is the goal – i.e., reduction of ceremonial calendar items, expeditious discussion on items of low contentions, better planning and understanding of items by some council members, availability of staff to respond as needed, efficient agenda item scheduling etc. Public input is essential and it is not always easy for folks to speak up. Limiting to 2 minutes is disappointing if this is the new normal.

Regardless - I sincerely appreciate all you do to keep our city moving.

Respectfully,

Jim Burton
328 11th Street

To: Honorable Mayor Stern and Members of City Council

CC: City Manager Moe, Director Tai, Mr. Zandvliet, Director Lee, Police Chief Abell, City Attorney Quinn Barrow

From: Jim Burton – Resident and Business Owner Commercial District Downtown MB

Subject: Discussion of January 3, 2022, Expiration Date for Temporary Encroachment Permits (Outdoor Dining) and Business Use) Issued Under COVID-19 Emergency Orders

As an almost 30-year resident of Manhattan Beach living in the commercial district of downtown town I wanted to offer some perspective on Council's upcoming decision to potentially extend the timeline for removing temporary dining decks in public right of way. Although outdoor dining has provided relief to some, it has and continues to adversely impact the quality of life to residents and non-restaurant businesses at a tremendous and undisclosed cost to the city and its taxpayers.

A few thoughts:

- 1) The original purpose of allowing the use of public right of way was to help restaurants and bars in a time when indoor dining was not allowed. As the encroachment program has continued and been extended multiple times the rationale has evolved into a "because people like it" let's continue – but is now impacting the daily goals and objectives of other stakeholders in our town. It's time we get back to making decisions based on the original purpose of the program.
- 2) Although there are many points of potential I am at a point in the process where my primary concern is now simply public safety. In order to accommodate dining decks, the decision was made to re-paint the street centerlines of MBB, Manhattan Avenue, and Highland Avenue and allow decks into the street by taking away safe pedestrian and bicycle access. When there were few vehicles, this was not a problem. With the increase in use and vehicle traffic I have personally witnessed dozens of near misses. For example, the morning following a tragic fatal accident on Marine and Sepulveda there was another accident that occurred across from the un-Café Altamura on Highland near the Kettle. The vehicle traveling south hit a parked car so hard it lost its front end (see image below) and sprayed car parts throughout the street including into the Un Café Altamura dining deck. The vehicle came to rest about 150 feet south past Manhattan Beach Blvd at Highland. Fortunately, the dining deck had not yet opened for breakfast and no one was injured or killed. The temporary decks have served their purpose and they need to be removed. If we want permanent dining, we need to take a step back and design something that is safe and away from the influence of vehicles. To my knowledge there has not been a completed traffic safety study and/or any reduction of speed limits in downtown due to the reduction of lane widths and removal of bicycle lanes.
- 3) The current decks are in need of repair and also blocking stormwater infrastructure maintenance access. In some areas the dining desks have impeded so much sediment that vegetation has grown in the curb and gutter. It is easy to pull the vegetation but only by removing the dining

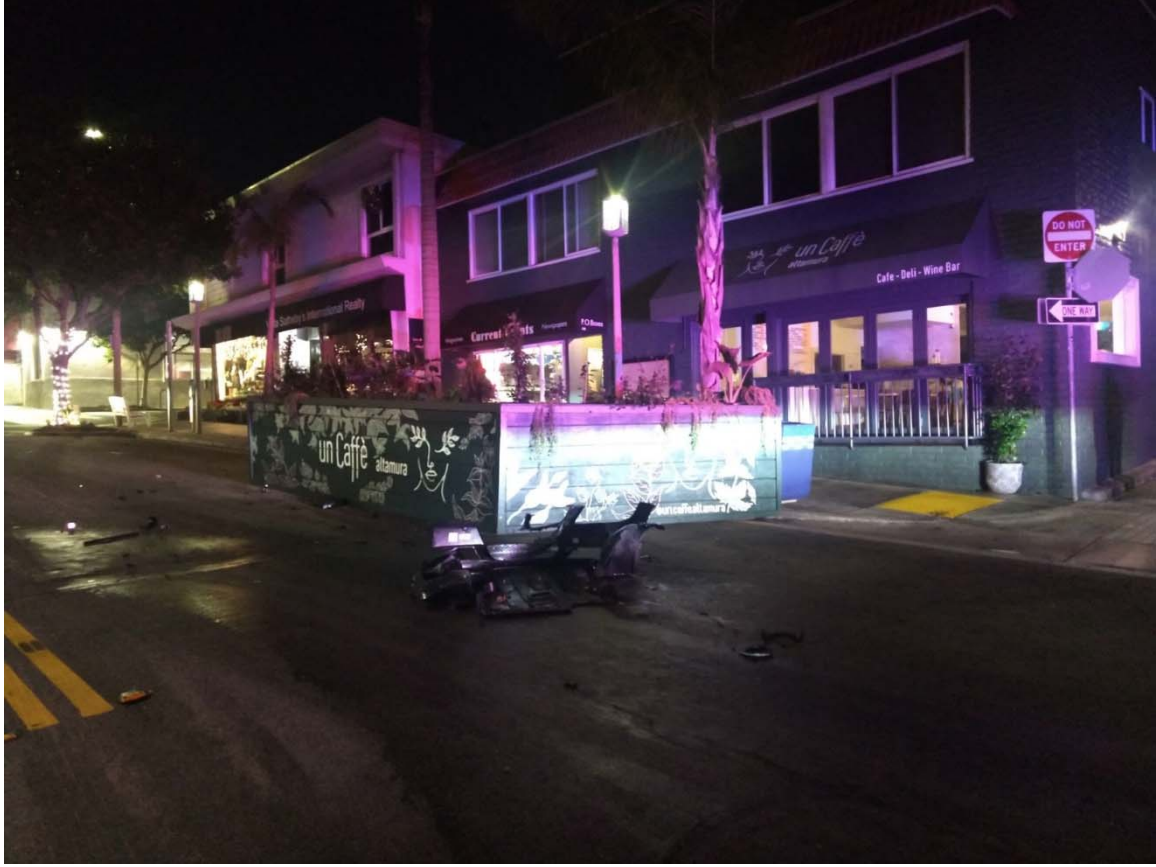
decks will the city restore the intended design and function of the tax payer funded stormdrain system.

- 4) The decks will block the upcoming street slurry projects intended to provide much needed maintenance in town. Simply because the slurry bids may be rejected should not be used as an excuse to keep the decks. Let's give control back to our department heads by allowing them to make scheduling decisions not based on constraints from temporary dining that financially benefits one stakeholder group.
- 5) The true cost to the city of this program is not being fully disclosed to the public. In an early Nov 2021 council meeting staff presented to the city that they had reached an agreement with the DPBA and restaurant owners along MBB that the dining decks would not need to be removed during the upcoming fireworks event on December 12. The decks would not be in use but they could remain – it was reported that it would simply cost too much to remove them for one night. Staff indicated that people who normally would set up with blankets on MBB would be directed to the sand or other parts of downtown. A few weeks later council and the public were then informed of the additional true COST of this decision: adequate Police and Fire support would be significant more at over \$50K for one event. This has been the modus operando of this entire program. Decide now – understand the cost impact later. Enough is Enough.
- 6) Finally, let's not be swayed by a business survey alone without looking at the actual basis of data. It's easy to show that there are many positive aspects of the dining program for a single stakeholder group in downtown. We all enjoy the opportunity to eat outdoors. However, what about including the other stakeholders: Police, Fire, residents, non-restaurant businesses, bicycle advocate groups, Coastal Commission, parking studies, etc.? Let's keep quality-of-life issues resulting from the specialty use of public right of way like reduction of parking, frequent blocking of streets during deliveries, noise from the decks at night, trash in the neighborhoods top of mind when considering the extension.

I hope we can stop kicking the proverbial can down the road and terminate the program on Jan 3, 2022 and begin a real focus on a permanent solution that will address all stakeholder concerns.

Respectfully,

Jim Burton
328 11th Street



Front end of vehicle shown in image above – car parts sprayed all over the street – including into the dining deck. Vehicle ended up 150 ft south at MBB.



Bike and Vehicle Accident -



Sediment accumulation and vegetation growth due to Deck – stormdrain maintenance needed



Typical morning deliveries blocking streets due reduction in available parking





Lower deck trim failure – typical in structures that are reaching end of life

Martha Alvarez

From: Bob Beverly <bob.beverly@ymail.com>
Sent: Tuesday, December 7, 2021 6:02 AM
To: List - City Council
Cc: City Manager; Carrie Tai, AICP; Erik Zandvliet; Derrick Abell
Subject: [EXTERNAL] Outdoor dining extension

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

Please do not extend the use of public space for outside dining and drinking. It has and is making drastic changes to the character of our downtown community. The changes are not for the better. Everyone is doing very well now. It is a shame that local families are being prevented from setting up their picnic blankets in the street for the Holiday Fireworks show because the decks still remain. When staff first mentioned the decks below Manhattan Ave needed to be removed for the fireworks, the Shellback immediately removed our patio in time for the Pumpkin races and did not put it back up. We in no way wanted to be a part of punishing residents by preventing fireworks seating, after after their generous allowance of public space during the pandemic.. No more extensions. Let's put an end to the overcrowding and lack of parking. Enough is enough. It is time to return the public space to the good citizens of Manhattan Beach. Bob Beverly Shellback Tavern

Martha Alvarez

From: City Clerk Admin
Sent: Tuesday, December 7, 2021 5:02 PM
To: Martha Alvarez
Subject: FW: [EXTERNAL] Outdoor Dining Decks in North Manhattan Beach

From: Peter
Sent: Sunday, December 5, 2021 11:27 PM
To: Steve Napolitano; Hildy Stern; Suzanne Hadley; Joe Franklin; Richard Montgomery
Cc: 'Felicia Villarreal'
Subject: [EXTERNAL] Outdoor Dining Decks in North Manhattan Beach

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

Dear Mayor Stern and Honorable Council Members,
Good Evening! I hope everyone had a wonderful weekend.
First of all, I want to thank all of you for your support of the Holiday Stroll this past Thursday. As Jill Lamkin mentioned in her email, we had a phenomenal turnout from the community. My guesstimate is that in excess of 1,000 people turned out for the North Manhattan Beach Holiday Stroll which was a record number. Again I want to thank Felicia as she was the driver of this event.
I know that on Tuesday, you will be considering on whether to extend the outdoor dining decks beyond the preset date of January 3rd. I wanted to give you my perspective both as a restaurant owner and chairperson of the North Manhattan Beach Business Improvement District. Currently we have three dining decks that are in North MB. They are as follows:
Café Wild occupying 2 parking spaces
Baja Sharkeez occupying 3 parking spaces
Fish Bar occupying 1 parking space because the other space is a round out.
I want to address the 5 parking spaces occupied by the Café Wild and Baja Sharkeez. As you know parking in North MB is of utmost concern and is a premium for both businesses and residents. (In fact, I'm currently working with Public Works and Code enforcement to take back public parking spaces from property owners who have placed private parking signs in public parking spaces.) These 5 spaces are having a tremendous fiscal impact on the adjacent retail businesses. The dry cleaners, the skin care spas, the shoe repair shop, the 3 hairstyle salons as well as the Two Guns coffee shop are losing or not able to service their regular customers due to the fact that there is no parking close to their business. As a restaurant owner, I benefit greatly having decks and outdoor dining, but as the Chair of the North MB BID, I feel I have a fiduciary responsibility to the other businesses to make sure that they thrive and survive. So I feel for the dry cleaner when she tells me that her business is down 50% because of the reduced parking on Highland due to the decks, her customers are going elsewhere.
This past week, while talking to businesses about the Holiday Stroll, I took a quick survey on the fiscal impact of the 5 spaces. I would estimate that on the low end each parking space generates approximately \$700 per day of revenue to the various businesses around these two decks. If we multiply \$700 times 5 spaces (the low end estimate), we're talking about \$3500 of revenue per day. If we expound on this for an entire year, we're talking about a fiscal impact of \$1.3 MILLION dollars in revenue.
Personally when I went through these numbers, I was quite surprised. By keeping these 2 decks, we are taking away quite a bit of revenue from the 15 surrounding businesses and I cannot consciously advocate keeping these decks.

Members of Council and Mayor Stern, I don't think it would be in the best interest of North Manhattan Beach and it's businesses to extend the dining decks beyond the January 3rd deadline. Downtown MB maybe different, but in North MB where 90% of the businesses are mom & pop shops, letting \$1.3 Million Dollars of revenue go away in order to benefit two businesses is not right.

I look forward to speaking Tuesday at the Council Meeting.

Sincerely,

Peter Kim

Sloopy's Beach Café

North Manhattan Beach BID Chair

Martha Alvarez

From: Gary Osterhout <garyosterhout@verizon.net>
Sent: Monday, December 6, 2021 1:35 PM
To: List - City Council
Subject: [EXTERNAL] Agenda Process/City Survey

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

Councilmembers:

I am really disturbed by your recent agenda and its lack of adherence to Brown Act principles and/or your own policies. I'm also opposed to the City Opinion Survey funding (particularly mid-year).

Specifically:

- 1) Item 8 on Consent, "Fiscal Year Budget Update, Including Staffing Adjustments and Appropriation of Funds."
- 2) Request to Discuss Ceremonial Presentations (item 23) and Request to Discuss Long-term Commercial Use of City Property"

Consent Item. As to the first item, this is a multi-topic item. The 'Staffing Adjustments' and "Appropriation of Funds" clearly do not meet the standard of a "routine and customary item" as both are departure from a previously approved budget. Also, there is no indication in the title that there is a request for approval of these changes. Like "Update," these topics otherwise sound like just a report to be received.

There is also nothing that supports the urgency of a supplemental appropriation mid-year, and that this couldn't wait until the next budget cycle to be responsibly evaluated against all other competing projects needing funding.

More importantly, on November 18, the City emailed out the first issue of "MB News." That release had this item:

"In an effort to develop a better understanding of residents' priorities, opinions, concerns, and interests, the City will be conducting a statistically valid Community Satisfaction Survey during the month of December. Approximately 400 residents will be selected at random to participate in the survey. The results will help guide the City Council and staff to make sound, strategic decisions, including prioritization, community outreach, policy making, and budgeting."

How did City Staff know that funds were available for this survey on November 18, when approval won't be given until December 7?

Should I conclude that a serial meeting is being conducted through the City Manager or other staff, or are you folks meeting in the hallways to approve this stuff?

Request to Discuss. Brown Act guidance is that an item should be agendized and detailed sufficiently for the public to decide whether to participate in the topic. These items do not have that feature. Contrast to "Request to Discuss Camellia as Second City Flower," where the topic is certainly known, and at least someone can weigh in with whether this should be discussed. "Ceremonial Presentations" and "Long-Term Commercial Use of City Property" could have myriad topics, and no one without knowing the purpose behind the request could cogently comment.

Citizen Satisfaction Survey

I find this a waste of money, which usually has questions so vague or the topic so general that it seems intended only for City Staff self-aggrandizement based merely on results that inure from being super-funded, or is framed to result in something City Staff wants justification to do. Or to provide advance polling on a tax increase or anticipated use of money

I would feel much more comfortable with such an approval if staff or council could point to how they have specifically used prior survey results to "make sound, strategic decisions." Do you really benefit by knowing residents find it an extremely serious problem that "pollution that flows through storm drains and empties into coastal waters"? (2015 Survey)

On the other hand, the 2018 survey resulted in over 50% of residents grading our fiscal management as "Fair to Poor." Was anything done with that information?

Do you really need a survey to tell you that police protection is important to our community? And that 90.1% of respondents strongly or somewhat favor quick responses to 9-1-1 emergencies?

Certainly \$26,850 isn't a bank-breaker (except perhaps to someone who wonders why our parkway jogging path is so shoddy), but it would be nice to know that council has reviewed and approved the questions to be used, why they are being used, and how the results are going to be interpreted.

Thank you for your consideration,
Gary Osterhout

Martha Alvarez

From: Charles Southey <charlessouthey@aol.com>
Sent: Monday, December 6, 2021 9:42 AM
To: List - City Council
Subject: [EXTERNAL] Say no to Pot shops

Importance: High

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

Honorable Council,

It is my understanding that the marijuana industry is making a heavy push to allow the sale of cannabis in Manhattan Beach. I have yet to see the petition but it leans heavily on access to accommodate the medically-ill and disruption of the black market. My thoughts on these rather weak arguments are:

1. There is no shortage of cannabis delivery companies in Los Angeles. If the medically ill need cannabis it is easier to procure than prescription medication. I understand delivery is not allowed in MB but Gascon will not prosecute and no one is enforcing. See attached.
2. I do not believe there is any black market for cannabis in Manhattan Beach. The legalization of cannabis has removed it from the equation.

Please vote no on the implamentation of any legislation allowing cannabis sales, production and distribution in Manhattan Beach.

Thank you for all your hard work.

Charles Southey
310-480-9835
743 27th Street, MB, CA 90266

Get cannabis delivered straight to your door.

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743 27th Street, Manhattan Beach, 90266	

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Fri-Sat: 10AM-9PM

Sun: 10AM-6PM

Martha Alvarez

From: Tom DeRogatis <66dero@gmail.com>
Sent: Monday, December 6, 2021 7:15 AM
To: List - City Council
Subject: [EXTERNAL] Pier Lighting

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

I am saddened to express the sense of embarrassment I felt when I learned that the above-mentioned subject will appear on this Tuesday's (12/7) meeting agenda.

While I appreciate that I am likely unaware of the many circumstances and considerations surrounding the issue, I can't help but conclude that there are more consequential matters on which City Council could spend it's time and the city's resources. This, in my mind, is especially true in light of all the challenges we are currently facing at the local, state, national, and global levels.

Thank you.

Respectfully,

Thomas DeRogatis

Martha Alvarez

From: Jacquelyne May <Jacquelynemay@aol.com>
Sent: Sunday, December 5, 2021 9:42 PM
To: List - City Council
Cc: Bruce Moe; Chuck Currier; Wendy Cheng
Subject: [EXTERNAL] Reinstatement of the Camellia as our City Flower
Attachments: image0.jpeg; image1.jpeg; image2.jpeg

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

I just found out that this Tuesday you will be discussing whether to agendize consideration of reinstating the Camellia as our official city flower.

I'm providing copies of the minutes from the February 15, 2011 meeting where "Councilmember Ward moved to adopt the Beach Primrose as the City's new official flower" [see attached]. Seconded by Mayor pro Tem Tell it passed 4 to 1, Montgomery was absent. This was approved in the final minutes on March 1, 2011. So, in fact, the Beach Primrose replaced the Camellia at that meeting.

As we know, many cities have 2 official city flowers, one typically an indigenous wildflower and one more traditional or formal one.

Given our history of Francis Uyematsu having imported the Camellia from Japan directly to Manhattan Beach, as well as the number of local residents who still grow and enjoy the Camellia, it would be a great sense of history and pride to reinstate it as our official city flower.

I've been in touch with Mr. Chuck Currier, the Mira Costa teacher who did extensive research on the Star Nursery property; Wendy Chang, Associate Professor and Chair of American Studies, Intercollegiate Department of Asian American Studies, Scripps College as well as Amy Uyematsu, Francis Uyematsu's granddaughter, who are all thrilled by the idea of the Camellia being our official flower and are willing to add words of encouragement.

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>


Jacquelyne May (External)

jacquelynemay@aol.com

City of Manhattan Beach, CA

Office Hours: M - Th 8:00 AM - 5:00 PM | Fridays 8:00 AM - 4:00 PM | Not Applicable to Public Safety

Here for you 24/7, use our click and fix it app www.manhattanbeach.gov/reachmanhattanbeach

The seal of the City of Manhattan Beach is a large circular emblem in the background. It features a central triangular shield with a sunburst at the top and a wave at the bottom. The shield is flanked by two stars. The words "CITY OF MANHATTAN BEACH" are written around the perimeter of the seal.

CITY OF MANHATTAN BEACH
REGULAR MEETING OF THE CITY COUNCIL

MARCH 1, 2011

5:30 P.M. Adjourned Regular Meeting
Council Chambers
1400 Highland Avenue

Closed Session for the Following Purposes

(SEE SEPARATE CLOSED SESSION AGENDA)

6:30 P.M. Regular Council Meeting
Council Chambers
1400 Highland Avenue



CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
ADJOURNED REGULAR MEETING
FEBRUARY 15, 2011

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 15th day of February, 2011, at the hour of 4:50 p.m., in the City Council Chambers Conference Room of City Hall, at 1400 Highland Avenue, in said City.

ROLL CALL

Present: Powell, Cohen, Ward and Mayor Pro Tem Tell.
 Absent: Mayor Montgomery
 Clerk: Wadden (Acting).

ANNOUNCEMENT IN OPEN SESSION OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 (one case).

CONFERENCE WITH LABOR NEGOTIATOR
 (Government Code Section 54957.6)

Agency Negotiator: David N. Carmany, City Manager
 Employee Groups: Manhattan Beach Firefighters' Association;
 Manhattan Beach Police Officers' Association;
 Management Confidential; and
 Teamsters

RECESS INTO CLOSED SESSION

The Council recessed into Closed Session at 4:50 p.m.

RECESS INTO OPEN SESSION

The Council reconvened into Open Session at 6:05 p.m.

ADJOURNMENT

The meeting was duly adjourned at 6:05 p.m.

Robert Wadden, Jr.
 Recording Secretary

Richard Montgomery
 Mayor

ATTEST:

Liza Tamura
 City Clerk

The following individual spoke on this item:

- Bill Victor, No Address Provided

City Engineer Steve Finton responded to Council questions.

MOTION: Councilmember Ward moved to ~~approve~~ the issuance of the subject progress payment in the net amount of \$42,447.34 to Western Fencing Supply for the Manhattan Heights and Live Oak Park Fence Reconstruction Project; and ~~approved~~ increasing the authority of the Director of Public Works to approve additional work from 10% to 25% of contract amount bringing the total change order authority to \$22,586.75 allowing the City to take advantage of favorable contract prices. The motion was seconded by Councilmember Powell and passed by the following roll call vote:

Ayes: Powell, Cohen, Ward and Mayor Pro Tem Tell.
Noes: None.
Abstain: None.
Absent: Mayor Montgomery.

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

02/15/11-18. Consideration of a Request from the Manhattan Beach Botanical Gardens to Consider Changing the Official City Flower to the Beach Primrose

Management Services Management Analyst Ariana Kennedy introduced the subject item and provided the staff presentation.

City Clerk Liza Tamura and Management Analyst Kennedy responded to Council questions.

The following individuals spoke on this item:

- Julie Gonella, President of the Manhattan Beach Botanical Garden
- Gary McCausly, Manhattan Beach Historical Society
- Viet Ngo, No Address Provided

MOTION: Councilmember Ward moved to adopt the Beach Primrose as the City's new Official Flower. The motion was seconded by Mayor Pro Tem Tell and passed by the following roll call vote:

Ayes: Powell, Cohen, Ward and Mayor Pro Tem Tell.
Noes: None.
Abstain: None.
Absent: Mayor Montgomery.

02/15/11-19. Councilmember Ward Re ICA Conference

Councilmember Ward reported that he attended the Independent Cities Association (ICA) Winter Conference in Santa Barbara last week.

Martha Alvarez

From: David Zislis <davidzislis@yahoo.com>
Sent: Monday, November 29, 2021 10:54 AM
To: List - City Council
Cc: Michael Zislis
Subject: [EXTERNAL] Fw: Decks and Outdoor Dining

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

Dear Mayor Hadley and Council Members:

I hope you all had an enjoyable Thanksgiving holiday.

I am writing about my concern regarding the new Covid variant named Omicron, which may turn out to be more transmissible and virulent than Delta (to be determined). It's my understanding that the City of MB is requiring restaurants to remove their outdoor decks by January 4, 2022. I'm requesting that the City Council reconsider this decision. First of all, it is absolutely clear that the pandemic is not over and people (residents and visitors) are concerned about Omicron. Sales at our restaurants dropped 20% this holiday weekend after the public announcement about the new variant rapidly spreading across the world. Many people, including myself, will not dine indoors at restaurants. People want options when they dine out, including safer outdoor seating. It truly is a public health issue.

The restaurants in MB already scaled down the size of their decks in November. There seems to be a happy equilibrium reached between restaurants and retailers. Other cities (Hermosa, Redondo, El Segundo, Torrance) will continue permitting outdoor decks. There is no real reason to rush the decision to eliminate the outdoor parklets in Manhattan Beach (especially during the cold and flu season). Residents and customers enjoy the outdoor seating and it's a safe option for the community.

I appreciate your reconsideration.

Sincerely,

David Zislis
Brewco/ RNF/ The Strand House