

Martha Alvarez

From: Laura Kiely <laurakiely@verizon.net>
Sent: Tuesday, January 18, 2022 5:32 PM
To: City Clerk
Subject: [EXTERNAL] Public comment regarding Council Member Suzanne Hadley's remarks to the MBUSD School Board

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Dear City Council Members,

I have been a Manhattan Beach resident since 1994. My husband and I have 2 children who attend Costa. I want to express my disappointment with Council Member Hadley's lack of civility, poor judgment, and breach of decorum at last week's MBUSD School Board meeting. I'm especially disheartened that she, an elected official, attempted to pressure the School Board to ban a book from the ALA list of recommended and Alex Award winning books for Young Adult readers. Mira Costa families have every right to access these books. I'm appreciative of teachers who provide outside reading lists recommended by the ALA. I'm also happy that list includes coming of age literature for LGBTQ+ High School students.

Best,
Laura Kiely

Sent from my iPhone

Martha Alvarez

From: Gary McAulay <gary.mcaulay@gmail.com>
Sent: Tuesday, January 18, 2022 4:24 PM
To: List - City Council; City Manager
Subject: [EXTERNAL] 22-0057 street dining

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Council –

When street dining was approved, it was an emergency measure to keep people employed, businesses open, and a viable option to eat at a restaurant in the midst of a pandemic. While omicron has caused renewed concerns, it is absolutely a temporary condition, and the emergency ordinances were not intended (I was assured) to be the wedge for permanent changes downtown.

It was so transparent and predictable. Restaurants don't want to give up their expanded restaurants occupying public space for a nominal fee. The City sees another income stream through sales tax. Everybody makes more money and all we have to do is give away more public space for commercial development. And spend significant City funds on studies, consultants, staff time, etc., to make it happen.

Downtown MB has turned into an oversized food court. Walking down the sidewalk is literally a walk *through* one restaurant after another. One cannot even see the other side of the street because of platforms, tables, diners, umbrellas, and heaters. The crowds become insufferable and walking space shrinks. Parking is made more scarce, lanes are narrowed. Although it is still, marginally, a downtown, one cannot always conduct business on foot or on e-bike. Any necessary driving is impacted by the increased usage density.

Outdoor dining is lovely, but it is not the end goal of a downtown district. Creating street dining by taking precious public space to enlarge restaurants should not be forced on the community via a public health emergency. If a business owner thinks that a patio would enhance their restaurant, there are options – yes, that would require investment beyond the gift of public space for their business. But it isn't an entitlement; the restaurants were thriving just fine within the limits of their property.

We are on our way to becoming Santa Monica or the Hermosa pier promenade. Our downtown is small and there are some businesses besides the restaurants. When the restaurants take over the streets and sidewalks, there is no more reason to go downtown except to dine out, and maybe not even for that.

Gary D. McAulay

Martha Alvarez

From: angelina sberna <angelinasberna@gmail.com>
Sent: Tuesday, January 18, 2022 4:17 PM
To: List - City Council
Subject: [EXTERNAL] Public Comment for 1/19 MTG

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

I am writing in support of our city councilwoman Suzanne Hadley. Suzanne Hadley actively engages in dialogue with our community to find out what our concerns are on all topics. It is becoming increasingly difficult for locals to have their voices heard, and as someone born in Manhattan Beach, my parents and grandparents lived in this area, I see the city I love slipping into some bizarre reality show where wanna be activists throw enormous tantrums whenever Mrs Hadley says something they don't like. Here's the bottom line, this is still America, Mrs Hadley was voted into a city council position because frankly MANY of us just adore her strength and integrity. Folks certainly have a right to their personal opinions but all the name calling and selective outrage coming from the small minority denouncing her because she spoke out at a school board meeting is ridiculous. Agree or disagree but let's all take a breath and remember, we are neighbors- start acting like it!

Thank you for submitting my comments to the public record.

Warm regards,
A. Sberna

Martha Alvarez

From: coastaldefendermb@gmail.com
Sent: Tuesday, January 18, 2022 3:42 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; Erik Zandvliet
Subject: [EXTERNAL] RE: Sidewalk Eat & Drink Encroachments
Attachments: 220118-McP-CC-Testimony-SidewalkEncroachments-PublicCommrnt.docx; 220118-McP-CC-Testimony-EncroachmentPriority.docx

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My testimony for Public Comment and Agenda Item L-23 attached.

Don McPherson
1014 1st St, Manhattan Beach CA 90266
Cell 310 487 0383
dmcphersonla@gmail.com

From: coastaldefendermb@gmail.com
Sent: Monday, 17 January, 2022 17:16
To: Hildy Stern ; Joe Franklin ; MB Council ; Richard Montgomery ; Steve Napolitano ; Suzanne Hadley
Cc: Bruce Moe ; Liza Tamura ; Martha Alvarez ; Carrie Tai ; Erik Zandvliet
Subject: Sidewalk Eat & Drink Encroachments

17 January 2022

Hildy Stern, Mayor
City of Manhattan Beach
Via Email: citycouncil@citymb.info
Subject: Eat & Drink Encroachment Violations

Mayor Stern and Councilmembers.

On December 7, the city council decided not to extend past January 3, the temporary encroachment permits for eating and drinking use. On December 21, however, the council reversed course and extended the encroachment permits, until the state of emergency lifted.

At the end of the December 7 hearing, staff made two staggering statements:

- 1) *"in existence now, we have 26 restaurants that are using sidewalk dining, and they'll continue to be able to use that."*; and,
- 2) *"most restaurants still have the ability and capability to ask for and obtain sidewalk dining permits."*

Atch-1 completely discredits the above statements by Community Development. No valid permits exist for temporary encroachments by eat and drink use on the sidewalks. Furthermore, as Councilmember Franklin observed at the December 7 hearing, the sidewalks far too narrow to accommodate the five-foot wide encroachments required by the American Disabilities Act.

Additionally, no sidewalk encroachments for eat and drink use permitted on Manhattan Beach Blvd, because of its steep grade, per the California Building Code.

At the January 18 meeting, the City Manager should repudiate the above erroneous polices by Community Development, regarding sidewalk encroachments for eat and drink use.

Coastal Defender Testimony.

At the January 18 hearing, during public comment, I will testify on the above arguments. This topic not included in the council consideration of elevating the encroachments from Category B to Category A. I will testify on that agenda item as well.

At the December 21 meeting, per Attch-2, I registered to testify on two separate items; one on sidewalk encroachments during public comment and the other on the agenda item that extended the encroachments from January 3 to when the emergency ends. I also had my hand raised to testify on the encroachment agenda item, as did one other person not permitted to testify.

The city denied me from testifying on the second item. For the record, the city action elevated my undelivered two-minute testimony from the mundane to a violation of the Brown Act. At the January 18 meeting, I suggest that the city not repeat their Brown Act violation.

Thanks for your consideration,

Don McPherson, President

Coastal Defender

1014 1st St, Manhattan Beach CA 90266

Cell: 310 487 0383

coastaldefendermb@gmail.com

CITY COUNCIL TESTIMONY: EAT & DRINK ENCROACHMENTS, 19 JANUARY 2022

Don McPherson, 1014 1st St.

The Downtown Business Association campaigns to have their unlawful eat and drink encroachments in the streets and on the sidewalks upgraded to a Priority A item in the council workplan.

The city has only one Priority A workplan item, namely, revising the Housing Element in the General Plan to conform with state regulations on affordable housing. MB has not increased its affordable housing in decades. Based on my experience with the City of Encinitas, neither have they. Presumably, the problem endemic for California local governments.

As result of affordable housing being stalled, the state has approved draconian measures that target single-family zoning. The city needs to focus its resources on this critical problem to forestall Sacramento from taking over our zoning code.

To equate the DBA campaign for eat & drink encroachments as equal priority with affordable housing is both ludicrous and childish.

In the workplan, the council should downgrade eat and drink encroachments to Category C.

CITY COUNCIL TESTIMONY: EAT & DRINK ENCROACHMENTS, 18 JANUARY 2022

Don McPherson, representing Coastal Defender, 1014 1st St.

At the December 7 council meeting, staff made two unbelievably erroneous statements about eat & drink encroachments on sidewalks.

First, they testified, *“we have 26 restaurants that are using sidewalk dining and they'll continue.”* Not true. None of the temporary encroachment permits allow eat and drink use on sidewalks.

Eight eateries do encroach on the sidewalks, however, in violation of their permits or without a permit: Rockefeller, Uncle Bill's, MB Creamery, Izuka-Ya, 900 Club, Hennessy's, Uncorked and Fishing with Dynamite.

Secondly, Community Development offers new sidewalk encroachments to whomever wants one. Staff does this without evaluating whether the encroachments comply with law, which they do not.

At the December 7 meeting, Councilmember Franklin observed that the Downtown sidewalks too narrow for eat & drink use.

He's right. The American Disabilities Act requires a five-foot width for the encroachments and four feet for the sidewalks. No way to cram those nine feet into 11 feet that also must hold parking meters, signs, fire hydrants, streetlights and people exiting from their vehicles.

The ADA also requires the encroachments to have less than a 2% grade. Not possible on Manhattan Beach Boulevard or at premises such as Un Caffe and Izuka Ya.

A great deal of misinformation exists regarding the eat & drink encroachments. Tonight, the city manager should clarify that the sidewalks are off limits for eat & drink use.

Martha Alvarez

From: Laura Kiely <laurakiely@verizon.net>
Sent: Tuesday, January 18, 2022 3:42 PM
To: City Clerk
Subject: [EXTERNAL] Public comment regarding Council Member Suzanne Hadley's remarks to the MBUSD School Board

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

Dear City Council Members,

I have been a Manhattan Beach resident since 1994. My husband and I have 2 children who attend Costa. I want to express my disappointment with Council Member Hadley's lack of civility, poor judgment, and breach of decorum at last week's MBUSD School Board meeting. I'm especially disheartened that she, an elected official, attempted to pressure the School Board to ban a book from the ALA list of recommended and Alex Award winning books for Young Adult readers. Mira Costa families have every right to access these books. I'm appreciative of teachers who provide outside reading lists recommended by the ALA. I'm also happy that list includes coming of age literature for LGBTQ+ High School students.

Best,
Laura Kiely

Sent from my iPhone

Martha Alvarez

From: Kate Arrigoni <katearrigoni@me.com>
Sent: Monday, January 17, 2022 10:30 PM
To: City Clerk
Subject: [EXTERNAL] Please take these steps.

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LA has become a joke, with a ultra liberal DA. Any way we can get away from that mess is best for the city. Please consider:

- 1) formally require LA County DA consent to access to a city prosecutor as this is the necessary step which has been stalled and
- 2) execute a contract of services for the Homeless Court of Redondo Beach.

Thank you,
Kate Arrigoni 47 year resident.
Sent from my iPhone

Martha Alvarez

From: Laura Santos <laura.santos@earthlink.net>
Sent: Monday, January 17, 2022 9:08 PM
To: List - City Council
Subject: [EXTERNAL] Homeless court

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Dear Council,

The residents of Manhattan Beach work very hard to make our city a wonderful place to live. I believe homeless people should be treated with respect and I believe they need to respect the residents and what we have built. It is not fair for them to take without contributing. Since the Redondo Beach Homeless Court seems to be the only place we can go for resolution.

Please vote to:

1) formally require LA County DA consent to access to a city prosecutor as this is the necessary step which has been stalled and

2) execute a contract of services for the Homeless Court of Redondo Beach.

Should LA County come up with a better opportunity than RB we can readdress things at that time.

Martha Alvarez

From: Juliana Edwards <julianaedwardsla@aol.com>
Sent: Monday, January 17, 2022 6:18 PM
To: City Clerk
Subject: [EXTERNAL] City council meeting 1/19

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

MB city council,

I am writing that you vote in favor of a) requiring LA County DA consent to access to a city prosecutor b) executing a contract of services for the Homeless Court of Redondo Beach.

Julana Edwards

Martha Alvarez

From: coastaldefendermb@gmail.com
Sent: Monday, January 17, 2022 5:16 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; Erik Zandvliet
Subject: [EXTERNAL] Sidewalk Eat & Drink Encroachments
Attachments: 220117-McP-CC-SidewalkEncroachments-Final.pdf; 211221-SpeakerRegistration-Encroach.pdf

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

17 January 2022

Hildy Stern, Mayor
City of Manhattan Beach

Via Email: citycouncil@citymb.info

Subject: Eat & Drink Encroachment Violations

Mayor Stern and Councilmembers.

On December 7, the city council decided not to extend past January 3, the temporary encroachment permits for eating and drinking use. On December 21, however, the council reversed course and extended the encroachment permits, until the state of emergency lifted.

At the end of the December 7 hearing, staff made two staggering statements:

- 1) *"in existence now, we have 26 restaurants that are using sidewalk dining, and they'll continue to be able to use that."*; and,
- 2) *"most restaurants still have the ability and capability to ask for and obtain sidewalk dining permits."*

Attch-1 completely discredits the above statements by Community Development. No valid permits exist for temporary encroachments by eat and drink use on the sidewalks. Furthermore, as Councilmember Franklin observed at the December 7 hearing, the sidewalks far too narrow to accommodate the five-foot wide encroachments required by the American Disabilities Act.

Additionally, no sidewalk encroachments for eat and drink use permitted on Manhattan Beach Blvd, because of its steep grade, per the California Building Code.

At the January 18 meeting, the City Manager should repudiate the above erroneous polices by Community Development, regarding sidewalk encroachments for eat and drink use.

Coastal Defender Testimony.

At the January 18 hearing, during public comment, I will testify on the above arguments. This topic not included in the council consideration of elevating the encroachments from Category B to Category A. I will testify on that agenda item as well.

At the December 21 meeting, per Attch-2, I registered to testify on two separate items; one on sidewalk encroachments during public comment and the other on the agenda item that extended the encroachments from January 3 to when the emergency ends. I also had my hand raised to testify on the encroachment agenda item, as did one other person not permitted to testify.

The city denied me from testifying on the second item. For the record, the city action elevated my undelivered two-minute testimony from the mundane to a violation of the Brown Act. At the January 18 meeting, I suggest that the city not repeat their Brown Act violation.

Thanks for your consideration,

Don McPherson, President

Coastal Defender

1014 1st St, Manhattan Beach CA 90266

Cell: 310 487 0383

coastaldefendermb@gmail.com



CITY OF MANHATTAN BEACH CITY HALL

1400 Highland Avenue, Manhattan Beach, CA 90266

WEBSITE: www.citymb.info • **PHONE:** (310) 802-5000

REQUEST TO ADDRESS THE CITY COUNCIL

MEETING DATE: December 21, 2021 _____ **PHONE:** 3104870383 _____

NAME: Donald McPherson _____

E-MAIL: dmcphersonla@gmail.com _____

CITY OF RESIDENCE: Manhattan Beach _____

SPEAK DURING PUBLIC COMMENTS (3 MINUTES)

TOPIC: Rebuttal of Director Tai's approval of 26 sidewalk and walkstreet permanent _____

TOPIC: _____

TOPIC: _____

SPEAK DURING PUBLIC HEARING (3 MINUTES PER ITEM)

TOPIC: _____

TOPIC: _____

TOPIC: _____

SPEAK DURING GENERAL BUSINESS (2 MINUTES PER ITEM)

TOPIC: Agenda Item H COVID 19, encroachment extention _____

TOPIC: _____

TOPIC: _____

COMMUNITY DEVELOPMENT ERRONEOUS SIDEWALK ENCROACHMENT POLICIES

SUMMARY.

On December 7, the city council decided not to extend past January 3, the temporary encroachment permits for eating and drinking use. On December 21, however, the council reversed course and extended the encroachment permits, until the state of emergency ends.

At the end of the December 7 hearing, staff made two staggering statements:

- 1) *“in existence now, we have 26 restaurants that are using sidewalk dining, and they'll continue to be able to use that.”*; and,
- 2) *“most restaurants still have the ability and capability to ask for and obtain sidewalk dining permits.”* [Exhibit 1. 07 December 2021 Council Meeting; Transcript p. 21, ll. 23-27]

First, per the 417-page database of temporary permits obtained with a records act request¹, only one record addresses a sidewalk encroachment, not 26 as claimed by Community Development. Specifically, a plan illustrates two tables for Fishing with Dynamite on Manhattan Ave. [Exhibit 2, Fish w Dynamite page]

Exhibit 3 lists all temporary encroachment permits on file with the city, showing that only Fishing with Dynamite has a record that addresses sidewalk eat & drink use. The premises, however, lack a temporary encroachment permit, having only the undated drawing showing two tables on the Manhattan Ave sidewalk.

Rockefeller, Uncle Bill's, Hennessy's, MB Creamery, Izuka-Ya and 900 Club also have sidewalk encroachments, although in violation of their permits. Neither 900 Club nor Izuka-Ya have permits, thereby violating the encroachment ordinance. Nor does Uncorked at 1000 Manhattan Ave, which violates its ABC wine-tasting license by serving full bottles.

Secondly, staff has failed to analyze whether sidewalk encroachments can comply with city and state law. When the state of emergency ends, the encroachments must comply with all regulations, except for having licenses to serve alcohol on public right-of-ways per Senate Bill 314. Therefore, Community Development may not offer sidewalk encroachments to eat & drink owners until verifying compliance with law, which not the case per below.

For example, per the American Disability Act as embodied in the California Building Code, the sidewalk grade may not exceed a 2%. This prohibits encroachments for **all premises on Manhattan Beach Blvd.**, as well as on Highland Ave for Un Caffé with its 5% grade and for Izuka-Ya by inspection. [Exhibits 6 & 7]

For many establishments, such as Simmzy's, the encroachment permit states, *“When outdoor dining is prohibited by LA County Health Department or the city, the licensed area may be used for public seating...”* [Exhibit 4]

Thereby, Community Development has granted premises owners the right to keep their encroachments in place after the temporary permits lapse. This violates the encroachment ordinance, over which in the Downtown and North End, the Coastal Commission has jurisdiction, not the city council.

At the January 18 meeting, the City Manager should repudiate these erroneous polices by Community Development, regarding sidewalk encroachments for eat and drink use.

¹ Link to temporary encroachment permits in Dropbox: <https://www.dropbox.com/s/ni2pg9mace7lscr/211221-EncroachmentPermits-Comments.pdf?dl=0>

COMMUNITY DEVELOPMENT ERRONEOUS SIDEWALK ENCROACHMENT POLICIES

SIDEWALK ENCROACHMENTS WILL VIOLATE CITY, CALIFORNIA AND FEDERAL LAW.

The following summarizes evidence that sidewalk encroachments will violate regulations in the American Disabilities Act, California and city building codes, California Environmental Quality Act [“CEQA”], the Coastal Act and the Penal Code.

Community Development has not analyzed whether sidewalk encroachments can comply with the American Disabilities Act [“ADA”], as embodied in the California Building Code [“CBC”], which the city building code incorporates by reference.

It possible, however, for a layperson to discern from the codes that sidewalk encroachments may not comply, specifically regarding maximum permitted slopes and minimum permitted widths, as follows:

- 1) In wheelchair turning spaces, such as in the encroachments, the slope may not exceed one-foot rise in 48-foot run, or a 2.08% grade. [CDC § 1138A.1.3.2] For convenience, the city traffic engineer employs a slightly more restrictive standard of 2%;
- 2) Additionally in the encroachments, wheelchairs require a circular clear space of five feet diameter, which establishes the minimum width. [CDC § 1138A.1.3]; and,
- 3) Sidewalks require a minimum four-foot width. [CDC § 1113A.1.1] At turning places on sidewalks, however, wheelchairs require a five-foot width. Therefore, each encroachment requires expert analysis to determine whether the four-foot or five-foot width applies to the sidewalk that adjoins the encroachment.

Many Premises Violate the 2% Maximum Permitted Grade for Sidewalk Encroachments.

Exhibit 5 illustrates that all premises on Manhattan Beach Blvd, from Morningside to Ocean Drive, violate the maximum permitted 2% grade. Consequently, in the Downtown, only premises on Manhattan Ave, Highland Ave and 12th St may qualify for sidewalk encroachments.

To determine whether these establishments do qualify, it necessary to survey the slope for each premises. Per Exhibits 6 and 7, on Highland Ave, Un Caffé with its 5% grade and Izuka-Ya by inspection do not qualify for sidewalk encroachments.

No Premises Appear to Comply with Width Standards for Sidewalk Encroachments.

At the December 7 meeting, Councilmember Franklin observed regarding width of Chicago sidewalks, *“they have a row of tables and then they have a little iron rail, and then there's enough sidewalk for people to walk by. We don't have eight-foot sidewalks here.”*

Exhibit 8 confirms Mr. Franklin’s observations. No premises appear to have adjoining sidewalks that can accommodate a five-foot wide encroachment area separated by a railing from a four-foot or five-foot wide sidewalk that the building codes require. The ABC will mandate a physical barrier between the alcohol-service area and the public right of way.

When Emergency Lifted, Sidewalk Encroachments Will Violate Penal Code.

At the council December 21 hearing on eat & drink encroachments, Coastal Defender summarized the violations of Penal Code § 370 that sidewalk encroachments will incur, cited herein by reference.² This report also includes violations of CEQA and the Coastal Act.

² *Eat & Drink Encroachments Violate American Disabilities Act*, Coastal Defender, 21 December 2021.

COMMUNITY DEVELOPMENT ERRONEOUS SIDEWALK ENCROACHMENT POLICIES

Violation of Penal Code § 370 additionally constitutes grounds for the ABC to deny alcohol service in the encroachment areas. [Form ABC-510 p. 2, Item 4; January 2016]

CONCLUSIONS: CITY POLICIES ON SIDEWALK ENCROACHMENTS INVALID.

- Staff claims 26 premises have sidewalk eat & drink permits, whereas none do;
- No sidewalk encroachments for eat & drink permitted on MB Blvd because of grade;
- Sidewalks for Un Caffé and Izuka-Ya on Highland Ave too steep for encroachments. Community Development has not evaluated grades for Manhattan and Highland Avenues;
- No Downtown premises qualify for eat & drink sidewalk encroachments, without infringing on the five-foot tile walkways that depict access required by the American Disabilities Act.
- When the emergency lifted, the city vulnerable to prosecution under Penal Code § 370 for blocking public right of ways.

EXHIBIT 1. STAFF RE SIDEWALK ENCROACHMENTS

This transcript was exported on Dec 18, 2021 - view latest version [here](#).

See p. 21 for Community Development erroneous policies on sidewalk encroachments for eat & drink use.

1 Mayor Hildy Stern (00:00):

2 Correct?

3 Speaker 2 (00:02):

4 Yes.

5 Mayor Hildy Stern (00:02):

6 Okay. Okay, so that was item 14. We have completed the consent calendar. We are now moving on to
7 general business, and item 16 is a discussion of the January 3rd, 2022 expiration date for temporary
8 encroachment permits issued under the COVID19 emergency orders. And I believe we have community
9 development director Tai to give us that report.

10 Director Tai (00:35):

11 Yes. Good evening, Mayor Stern and members of the city council. Um, tonight's staff report will be given
12 by Erik Zandvliet, and so I think Erik will be hopping on in a moment. Thank you.

13 Erik Zandvliet (00:45):

14 Thank you very much, uh, Director Tai. Good evening, Mayor and m- members of the city council. Uh, w-
15 , this will be a discussion to consider the January 3rd, 2022 extension, or expiration date, uh, for these,
16 uh, dining decks in our, in our city. Uh, a lotta things to consider, but the, I have very few slides.

17 Erik Zandvliet (01:16):

18 Um, let me give you a current status of where we are. Our current program is now, uh, limited to
19 January 3rd of 2022. We have 26 outdoor dining encroachment areas on the street, 62 public parking
20 spaces are being used for that. Uh, also, um, if you wanna look at it from a standpoint of, uh, area, uh,
21 we have about 10,700 square feet of public right of way area being used by those dining deck, by the
22 dining decks. Um, we do allow up to 100% of the seating, both indoors and outdoors combined. So, um,
23 no, w-, th- the seating indoors and outdoors cannot exceed 100% of their pre-COVID, uh, dining
24 occupancy for their restaurant.

25 Joe Franklin (02:04):

26 Not supposed to.

27 Erik Zandvliet (02:05):

28 Not supposed to. Thank you. A lotta things to consider with regard to whether or not to extend the
29 expiration date beyond January 3rd. Firstly, uh, we're, take a look at the temporary nature of our
30 construction. The construction of the dining decks themselves were generally, uh, made with, uh, um,
31 wood platforms, and then on the sloped streets they are essentially staging decks, or stages, uh, that are
32 on raised, um, uh, legs and then held in place with, uh, water barriers and concrete to keep them from
33 sliding down the, the street. Uh, they do require, and they are going to be requiring more ongoing
34 maintenance the longer they si-, that they stay in the street. Uh, we do see some, um, maintenance
35 issues arising now, uh, with regard to just the general, uh, upkeep of the, uh, the decks themselves, as
36 well as accumulations of dirt and gr-, and things that are underneath the decks themselves.

37 Erik Zandvliet (03:10):

1 Also, we need to take a look at the public health requirements at this time. Um, right now the county
2 does not require vaccinations for outdoor seating; they highly recommend vaccinations, uh, for indoor
3 seating, but th-, it's not a requirement [inaudible 00:03:27]. Uh, it is recommended that they've masked
4 all, everyone that's in th-, inside, whether they're employees or customers or diners, they be masked,
5 and vaccinations are highly recommended, and that they reserve the indoor spaces as much as possible
6 for those that are vaccinated.

7 Erik Zandvliet ([03:46](#)):

8 We n-, also need to take a look at the ongoing impact to, uh, the public welfare. Generally, in the city
9 downtown, um, as I mentioned, we do have a reduced public parking supply that does impact both
10 residents and businesses. Uh, we did get some relief on November 1st, when the city council directed us
11 to reduce the number of outdoor dining decks, uh, in downtown, uh, that were in front of retail spaces
12 or, or service, uh, providers. So, uh, that, uh, gained us about 15 extra parking spaces, uh, by doing that.
13 Though our parking structures are not completely full at this time, there still is a reduced parking
14 demand, generally speaking, but that's not to, uh, say that it won't be increasing as the summer comes
15 up next, uh, as spring and summer comes up next year. The extra activity from the outdoor dining decks
16 does create extra ambient noise, because the, uh, the diners are outside. Uh, th-, it does, uh, attract
17 additional traffic, either for people trying to find a parking spar-, space nearby, or just be, um, the, the
18 general traffic circulation flow. And also, there's additional pedestrian activity in the, all, all on the
19 sidewalks, and then also into the neighborhoods where people are, you know, parking for, for business,
20 as well.

21 Erik Zandvliet ([05:09](#)):

22 And then fourth, um, we do have some upcoming construction projects that we do need to be aware of
23 and will be, uh, affected by the dining decks if they were to be extended beyond January 3rd. Um, we
24 have a slurry seal project that's coming up, and that will be slurring many of the downtown streets. Uh,
25 they're in need of, uh, uh, of a protective coat of slurry so that we can preserve and protect our asphalt
26 and extend the life, lifetime of those, of that. Uh, it's a very cost-efficient way, rather than letting those
27 streets deteriorate. That project will be going on between February and May of next year, and, um, it
28 will take about two weeks for each street to be, from start to, start to finish.

29 Erik Zandvliet ([05:55](#)):

30 Um, what happens is that the striping has to be scraped off or ground off so that it doesn't bleed
31 through the, the slurry seal, um, the surface gets prepared and cracks sealed and, and, uh, extra work is
32 done on the side of the road in case there was any maintenance that was required. Then the slurry seal
33 comes through. It needs to dry for seven days before you can put striping back on it again, and then the
34 new striping gets laid out, uh, and, and re-striped. Uh, the new striping is in thermal plastic, so it does
35 last longer. Uh, it doesn't have to be replaced as often as, as painted stripes.

36 Erik Zandvliet ([06:31](#)):

37 And then lastly, um, parking lot three, which is our three level parking structure, uh, along 12th Street
38 and Morningside, uh, is scheduled for refurbishment. There was some emergency repairs that were
39 done late last year, um, but then, um, uh, more extensive repairs are needed and are scheduled
40 between January and April of next year, as well. Um, that will impact somewhere between 20 and 30
41 parking spaces at any one given time while they work on certain levels of the parking structure, or above

1 or below, um, certain parking areas. Uh, that will put a- additional, um, demand, or addi- additional
2 impact on our street parking and in our other parking structures.

3 Erik Zandvliet ([07:20](#)):

4 Uh, we did take a look at some of the special events that are scheduled for this, the springtime, um,
5 whether it's the, uh, Ridgedale and Peer to Peer, uh, or the, you know, baseball little league, uh, parade,
6 those aren't a- anticipated to impact our, uh, uh, the, the dining deck areas or, or the use of those, uh,
7 for those particular events. So, um, at, at this time. Now next summer, that's a different story. Um, of
8 course we will have our major summertime events, and that will, again, uh, impact, uh, our streets and
9 the, the, the ability to provide sa-, a safe, uh, event if we continue to have the, the dining decks in place.
10 Um, I will draw your attention to some of the pieces of correspondence that you received this evening,
11 or today, uh, from, uh, residents and from the businesse-, uh, associations, and from the businesses
12 themselves. Um, a mixed set of, uh, of those that are in favor of and opposed to extending the, the
13 dates.

14 Erik Zandvliet ([08:31](#)):

15 So I'd be happy to answer any questions that you might have at this time, um, and then we'll go forward
16 with the discussion.

17 Mayor Hildy Stern ([08:38](#)):

18 Thank you, um, Erik. Do we have anyone, d-, would anybody like to ask a question of Erik? Uh, Council
19 Member Hadley?

20 Hadley ([08:51](#)):

21 Yes, thank you. Thank you for [inaudible 00:08:53]. I believe on page three, I'm not trying to be a
22 grammar maven, but for the official record, um, for the archives of the city, perhaps you wanna change
23 the slurry seal project to be February to May of 2022, correct? These are future projects, not past
24 projects.

25 Erik Zandvliet ([09:11](#)):

26 Yes, I'm still stuck in 2021.

27 Hadley ([09:13](#)):

28 And parking lot three, uh, 2022 as well. So I hope the public knows that these are upcoming projects
29 that will affect our ability to get to the streets, not old projects that we were able to work out. Um, I
30 know you're words said that, but people that only read PowerPoint, might be good to update it. Thank
31 you.

32 Erik Zandvliet ([09:34](#)):

33 Thank you. It is correct in the staff report.

34 Mayor Hildy Stern ([09:37](#)):

35 Okay. Council Member Franklin, did you have a question?

36 Joe Franklin ([09:39](#)):

1 Yes. Uh, thank you. And, and thank you, Erik. Appreciate it. Uh, c- can you, um, just update, uh, I
2 remember... I can't remember if it was the last council meeting or the one before, we did talk about a sl-
3 , the slurry project, but it was gonna be happening sooner, and I believe, uh, there has been a, um, delay
4 of that, uh, because of, uh, contract issues. Can you just review that? A- and, and d- [crosstalk 00:10:06],
5 and do the dates you give, does that reflect that? Assuming that we go out to bid again.

6 Erik Zandvliet ([10:10](#)):

7 Thank you very much, uh, Council Member Franklin. Uh, with regard to the schedule for the slurry seal,
8 it will still fit in that timeframe of, uh, February through May, and, uh, there was a slight delay for the
9 project, uh, negotiations. Um, but the, um, s-, the con- construction schedule will still fit in wi- within
10 that schedule. There is some flexibility with regard to when the slurry seals for the downtown streets
11 will occur. They could either occur early or late in that, within that, within that schedule.

12 Joe Franklin ([10:49](#)):

13 Great. Thank you.

14 Mayor Hildy Stern ([10:51](#)):

15 Any other questions? Okay, so I will op- this in, open this to public comment. Do we have anybody that
16 would like to make a public comment at this time?

17 Speaker 14 ([11:02](#)):

18 Yes, we first have Don McPherson.

19 Don McPherson ([11:09](#)):

20 Good evening, um, good evening council. Don McPherson, representing Coastal Defender, 1014 1st
21 Street. On November 10th, Governor Newsom signed executive order number 2121, which extends the
22 timeframe for the COVID state of emergency from December 31 to March 31. As a result, the eat and
23 drink, uh, encroachments will remain legal to that date, but will become, uh, unlawful thereafter. The
24 council may extend the encroachments to March 31st, but no later. If the encroachments extended past
25 March 31st, they would be, they would violate the following regulations: a 236 parking space deficiency
26 would violate the local encroachment program under the jurisdiction of the Coastal Commission. The
27 parking reduction would impact Coastal access, a Coastal Act violation. The encroachments would
28 violate penal c- code number 370, an 1872 law that prohibits blocking public right of ways. Blocking
29 sidewalks would also violate the American Disa- Disability Act. The encroachment, um, permit, permits
30 limit occupancy to that in used permits, but many premises violate this condition, which the city cannot
31 enforce. The encroachments would violate the California Environmental Quality Act, CEQA, regarding
32 parking, traffic and noise. The city would violate CEQA by not conducting an environmental im-, uh,
33 impact, uh, report, an EIR, which is required.

34 Don McPherson ([12:47](#)):

35 To avoid these violations of law, the council should limit the extension of the encroachments to March
36 31st. I'm good with ending the encroachments, um, on January the 3rd. Thank you.

37 Mayor Hildy Stern ([13:01](#)):

38 Thank you, Don, for your public comments. Next public comment.

1 Speaker 14 ([13:06](#)):

2 Next is Suzanne Learner.

3 Suzanne Learner ([13:17](#)):

4 Hi. Sorry, uh, you can't see me, as th- that'd be nice. Uh, hi everybody, um, happy holidays. Uh, dear
5 Mayor Stern, Mayor Pro Tem Napolitano and council members Hadley, Franklin, Montgomery, and the
6 city staff who've worked so hard in this project. Um, hope everyone is well. So I'm gonna just, I've lived
7 in Manhattan Beach since 1987, in downtown, right on 10th Street. It's been wonderful, and I'm really
8 very lucky to live in this slice of heaven. I think you will all agree th-, with me that the quality of life we
9 all have here has been special, and should be preserved. The reason why our property values have
10 soared and so many people are moving here attests to that fact.

11 Suzanne Learner ([13:53](#)):

12 However, since the temporary outdoor dining's been instituted, the town has changed detrimentally. Of
13 course we've all supported whatever we could do to help out the restaurants during COVID. I mean, I
14 ate more out than I ever had in my life. Um, but today is a different day; today we can eat inside
15 comfortably. Most restaurants require vaccination. I've been all over West LA and Santa Monica, and
16 every one of them asked me for a vaccination card. Um, which leads us now to the fact that these
17 restaurants now have minimum double capacity, indoors plus outdoors, if not even more. I think some
18 people have tripled the space. The city has specifically said in their latest staff report, and thank you,
19 Erik, for repeating it, but quote, "Each business obtained a temporary encroachment permit to construct
20 their dining area in the PRO- PROW. All of the encroachment permits state that restaurants are limited
21 to 100% of their pre-pandemic seating occupancy, using combinations of indoor and outdoor seating
22 areas." This has created a nightmare for our downtown, including but not limited to density, people,
23 unbearable traffic, overload of cars, consistently utter lack of parking, um, let alone accidents from bikes
24 that can't, that are not being seen.

25 Suzanne Learner ([14:58](#)):

26 We also have a ADA issue: we are blocking sidewalks. It is against the law; we will be sued. And I think
27 this liability that's gonna be happening to us when there's an accident, like that happened in, outside
28 Altamura two weeks ago, where there were car parks on Altamura's patio, and if somebody had been
29 there we woulda been sued, and somebody coulda been killed. So, um, I think everybody else addressed
30 it, but I think it's just time to take them down, so thank you so much.

31 Mayor Hildy Stern ([15:25](#)):

32 Thank you, Suzanne, for your comments. Next comment.

33 Speaker 14 ([15:28](#)):

34 Next is Michael Zisless.

35 Michael Zisless ([15:33](#)):

36 Mayor Stern, city council, this is Michael Zisless, downtown resident, downtown business owner. I just
37 wanna remind everybody that, you know, again, thanks, council, staff, for all they've done to help the
38 businesses down here survive. Just for, wanna remind everybody, we're still in the middle of a
39 pandemic. I know, um, somebody mentioned it was now March 31st or whatever, but that date keeps

1 slipping because the pandemic doesn't get under control, and now we have another variant. So, um I
2 just wanna remind everybody, also, that the, the decks have been downsized through a mutually agreed
3 upon, between the downtown retailers and the restaurants, and it was downsized in November. And
4 we've seen it working very well over the last, uh, you know, 45 days, so very happy there.

5 Michael Zisless ([16:18](#)):

6 As far as mandates go, I do own restaurants where we're mandated for vaccinations inside dining, and
7 non-vaccinated outdoor dining, and I think that's coming. If this, this, uh, variant does what, you know,
8 the news is saying, we're gonna be in that situation here in LA, in all of LA County in the next few weeks.
9 I just think it's the wrong time to, uh, take things away. And we do deal a little b-, you know, the
10 restaurants just need a little bit of certainty, and that's why, you know, I mean, I, I heard Erik say that,
11 that the decks need some paint and some repair, but if you're taking them down in three weeks, you're
12 not gonna paint or repair. So once we get some certainty, I'm sure we can br-, you know, everybody will
13 bring the decks up to look perfect and act perfectly.

14 Michael Zisless ([16:59](#)):

15 Um, the slurry project bid is a, I, from what I've heard, came in high, they didn't like the contract, and
16 then the contractor couldn't guarantee to finish it by, you know, t- til the end of May, which would be
17 the wrong time of year to do this. I think we should rebid it. Like, you know, if you're doing any capital
18 improvements right now in your business, you're not gonna do it during the pandemic, when there's no
19 labor. So I think it's just the wrong time to do that. And, uh, we need some certainty, and I just propose
20 you keep it as is and postpone it, and I thank you for your consideration tonight.

21 Mayor Hildy Stern ([17:29](#)):

22 Thank you, Michael, for your comments. Next public comment.

23 Speaker 14 ([17:33](#)):

24 Next is Martha Andreanni.

25 Martha Andreanni ([17:39](#)):

26 Thank you. Good evening. Can you hear me?

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

28 Yes, we can hear you.

29 Martha Andreanni ([17:44](#)):

30 Hello? Thank you. Um, as we all recall, the encroachment of the dining decks was permitted in the early
31 days of the pandemic, as an effort to keep our restaurant businesses flourishing while they were
32 prohibited or vastly scaled back from the serving indoors. It was hope that the restaurants would help
33 keep our downtown flourishing, as well as the other re-, uh, businesses there. As restaurants have been
34 able to open, and with the dining decks remaining in place, we have created additional problems.
35 Occupancy levels of restaurants have exceeded their allowable maximums, more patrons have viewer,
36 fewer parking options, sidewalk and street encroachment dining have created congestion, our sidewalks
37 and streets. We aren't pedestrian friendly, as we should be.

1 Martha Andreanni ([18:34](#)):

2 There are health and safety issues we didn't have prior to the dining decks. Clutter and trash on
3 sidewalks, reduced traffic lanes in an already narrow downtown streets, traffic accidents are on the rise.
4 The dining decks have prevented, prevented adequate street cleaning. Trash has accumulated in trash
5 receptacles and on downtown, uh, alleyways. With, there has been and continues to be additional
6 spending for security, as we've seen for the upcoming fireworks show, an additional \$50,000 to be spent
7 for security. Since we all would be forcing more people to the beach, most of the dining decks are used
8 during the evening hours, yet they prevent public parking during the day, as well. All classed impacts are
9 real for all of us. Please use your power and, (laughs) and, uh, benefit to the city to enforce the
10 expiration date of January 3rd, 2022. Thank you for your service, and happy holidays to all.

11 Mayor Hildy Stern ([19:41](#)):

12 Thank you, Martha, for your comments. Next comment.

13 Speaker 14 ([19:44](#)):

14 Next is Mike Simms.

15 Mike Simms ([19:51](#)):

16 Hello, and... Hello, everyone. Thank you, Mayor Stern, council members and staff. Uh, Erik, once again,
17 thank you for your presentation and dedication to this. Uh, we can... Well, I don't think you're, uh, we
18 can never thank you enough. So, um, I, I do own a residence, uh, in North Manhattan Beach, uh, west of
19 Highlands. Um, I do also own restaurants in downtown Manhattan Beach, uh, so I, I do, I am supportive
20 of obviously keeping the downtown decks. Uh, we've had two events in the last, um, few months: uh,
21 the car show, um, as well as the holiday open house that, um, did actually close down a, a, a lot of the
22 streets. And magically, um, thousands of people showed up without the, with all that loss of parking. So
23 the lesson is learned is that you create demand and you create something that's special that people
24 wanna come to, and they'll just figure out how to get here.

25 Mike Simms ([20:46](#)):

26 Um, parking is, is obviously always gonna be an issue, uh, but as we can tell, uh, the more magical you
27 make downtown Manhattan Beach, the more likely people are gonna come to it. Uh, we've, we've
28 started a, um, just, you know, in talking to our neighbors, they all ask, "How can we help? What can we
29 do? We wanna make sure this stays." So we cor-, we created a, a support downtown Manhattan Beach,
30 uh, or the s- support downtown... I, it's too long. [Outdoordiningmanhattanbeach.com](#) or something.
31 Um, and it, without even advertising it, we have over, you know, like, 400 supporters. It's, this is a vast...
32 I mean, I'm shocked that... I'm looking at it, we have 63 people on this call, and there's hundreds that I
33 know that support this. Um, I mean, I, you also have neighbors in downtown Manhattan Beach, I, I think
34 some of them that spoke, that actually take advantage of, of public space. They have easements that,
35 uh, they use to, uh, to, to modify their, their space and outdoor patios into public space.

36 Mike Simms ([21:44](#)):

37 Um, the California Coastal Commission is, is, was commissioned to protect the coast for present and
38 future generations. Um, you know, by these two events creating outdoor spaces that people wanna
39 come to, that's doing it. So thank you.

- 1 Mayor Hildy Stern ([21:58](#)):
2 Thank you, Mike, for your public comments. Next comment.
- 3 Speaker 14 ([22:02](#)):
4 Next is Jim Burton.
- 5 Jim Burton ([22:06](#)):
6 Mayor and Mayor Pro Tem Napolitano and members of council, Jim Burton. Um, I don't, I don't know
7 that I disagree with any of the previous speakers. I mean, I think there's truth in, in everything-
- 8 Steve Napolitano ([22:19](#)):
9 Hard to hear you, Joe.
- 10 Jim Burton ([22:20](#)):
11 Oh, can-
- 12 Steve Napolitano ([22:22](#)):
13 You sound like you're on speaker phone, or far away.
- 14 Jim Burton ([22:25](#)):
15 Uh, let me try to fix my audio, yeah.
- 16 Steve Napolitano ([22:46](#)):
17 Jim. (laughs)
- 18 Steve Napolitano ([22:46](#)):
19 I just thought maybe you could (laughs) sit closer to the, the microphone. I didn't mean for you to sign
20 off. (laughs)
- 21 Mayor Hildy Stern ([22:51](#)):
22 Do we wanna take the next public comment and let Jim dial-
- 23 Joe Franklin ([22:54](#)):
24 Hey, hey Jim, just, just walk on down here.
- 25 Mayor Hildy Stern ([22:57](#)):
26 You just-
- 27 Jim Burton ([22:58](#)):
28 Yeah, you know what? I wish I could. I, I'm outta state. Can you hear me better right now?
- 29 Steve Napolitano ([23:02](#)):
30 Yeah.

1 Mayor Hildy Stern ([23:02](#)):

2 You can go ahead.

3 Steve Napolitano ([23:02](#)):

4 It's a little be-

5 Hadley ([23:02](#)):

6 Yes.

7 Jim Burton ([23:07](#)):

8 Um, well, I'll ju-, I'll just make this quick. I, you know, you all received my letter. Um, I don't know that I
9 disagree with anybody that's been, spoken, but enough is enough downtown. I mean, I get the parking
10 issue has been a tremendous impact to those of us that live downtown. Many people don't have any
11 parking at all, and, um, the relief that we got in November, I think that was fantastic, it provided a little
12 bit. But essentially, the number, the number of things that the city is doing to jump through hoops to try
13 to get, to keep these decks, in my mind, is costing us too much, and for, for a benefit that, in reality, if
14 we want dining decks, we need to look at a longterm solution on what we need to do.

15 Jim Burton ([23:49](#)):

16 Um, I witnessed, I didn't see it happen, but I was out walking along the beach when a vehicle hit a
17 parked sheriff vehicle in front of The Kettle, across from Altamura Café. And it literally took the front
18 end of the vehicle, left it at the café, sprayed car parts everywhere, and the vehicle went all the way
19 down past Manhattan Beach Boulevard. And my first thought when that happened was, "What if
20 somebody was in that deck?" And I think a little bit would put, it's, uh, we knew... The decks need to
21 come out, we need to look at a longterm so- solution for dining. I apologize for the audio, but I'm gonna
22 end it there. You have my letter, you know my thoughts. Thank you.

23 Mayor Hildy Stern ([24:28](#)):

24 Thank you, Jim, for your comments. Next public comment.

25 Speaker 14 ([24:33](#)):

26 There's no additional public comments requests via Zoom, but we do have, uh, Jackie May in c- city
27 council chambers.

28 Jackie May ([24:49](#)):

29 Good evening. Um, er-, uh, everyone... We had a meeting last night and there, they had so many great
30 points. And I'm having trouble hearing, so I, I hope that they were touched on. I know that, that they
31 wrote letters. Um, I just wanted to mention that we have a, a residents' group just downtown, just the
32 small area around the businesses of, of 50 people, and they're all opposed to th-, it c-, it continuing, the,
33 um, taking up all of our parking spots. Uh, as Mr. Simms said, yes, we do have encroachments, but we
34 don't have a parking spot to have a visitor visit, so we don't use our encroachments very much. Just, you
35 know, we, we, uh, it's just really sad. Um, I, I, I know there's, there's hundreds of residents who live in
36 that small area. There's several apartment buildings, so n- nobody's very happy about... I mean, a- also, I
37 wanted to mention that quite a few of the renters don't have access to garages, so, uh, their, their, uh,

1 landlords don't give them garages. I know three of my neighbors next door, two of them don't have a
2 garage access, and, and I know of others, but I can't give you a number.

3 Jackie May ([26:09](#)):

4 Um, now also, since, uh, COVID has I-, uh, let up a little bit, the Neptunian Club is now renting out their
5 hall weekly, and they take up seven spots. They take up the entire 10th Street every time they have a
6 meeting from 10:00 AM to 10:00 PM. They just got through taking up for three days from 10:00 AM to
7 10:00 PM, so that's even more spaces that we don't have. Uh, uh, someone brought up, I, I don't
8 remem-, I, I'm sorry I couldn't hear, but I don't know if they mentioned that when they removed the
9 decks the last time, there were a lotta rats and weeds and, you know, choking the, uh, storm drains. So I
10 think that, yeah, that's a consideration, too. Th- thank you very much.

11 Joe Franklin ([26:55](#)):

12 Um, um, m-

13 Mayor Hildy Stern ([26:56](#)):

14 Thank you, Jackie, for your comments.

15 Joe Franklin ([26:58](#)):

16 Madame Mayor, I have a question for Jackie-

17 Mayor Hildy Stern ([27:00](#)):

18 Sure-

19 Joe Franklin ([27:00](#)):

20 ... if I may.

21 Mayor Hildy Stern ([27:00](#)):

22 ... Council Member Franklin.

23 Joe Franklin ([27:02](#)):

24 Uh, yeah. Hi, Jackie.

25 Jackie May ([27:02](#)):

26 Hi.

27 Joe Franklin ([27:03](#)):

28 Hi. I, I, I just didn't catch... W- w- what happens on 10th Street from 10:00 AM to 10:00 PM?

29 Jackie May ([27:07](#)):

30 The Neptunian Club has meetings, and they don't have a, they don't have a parking lot of their own. So
31 they're allowed to block off the entire street of public parking for themselves every time they have a
32 meeting, and that's at least once a week.

- 1 Joe Franklin ([27:21](#)):
2 So, so that's from Highland down to Manhattan Avenue? That, that segment of 10th Stree-
- 3 Jackie May ([27:24](#)):
4 Highland to, uh, Crest-
- 5 Joe Franklin ([27:26](#)):
6 Uh-huh.
- 7 Jackie May ([27:26](#)):
8 ... and, and spots on Highland, itself. And they do that, uh, every time they rent out their hall, and they
9 just got through doing it for three straight days. It's from 10:00 AM to 10:00 PM-
- 10 Joe Franklin ([27:37](#)):
11 All right.
- 12 Jackie May ([27:38](#)):
13 ... so typically, no one will park there the whole time. Oh, and you know, there was actually... Uh, if I can
14 just mention one more thing, those decks sit empty all the time. On my drive over here, there were two
15 people sitting on the decks. They, they take up 24/7-
- 16 Joe Franklin ([27:54](#)):
17 Right.
- 18 Jackie May ([27:55](#)):
19 ... and yet they're closed.
- 20 Joe Franklin ([27:56](#)):
21 Mm-hmm (affirmative).
- 22 Mayor Hildy Stern ([27:56](#)):
23 Thank you, Jackie.
- 24 Joe Franklin ([27:57](#)):
25 Okay, thank you.
- 26 Mayor Hildy Stern ([27:58](#)):
27 Thank you very much-
- 28 Joe Franklin ([27:58](#)):
29 Appreciate it.
- 30 Mayor Hildy Stern ([28:06](#)):

1 ... for your comments. Okay. We have no more requests for public comments, so now, council
2 colleagues, do you have any comments to make about, uh, the January 3rd expiration date for the
3 temporary encroachments? Anybody wanna start us off?

4 Joe Franklin ([28:28](#)):

5 S- s- s-

6 Mayor Hildy Stern ([28:28](#)):

7 Oh, Council Member Montgomery, is that a hand raised? What is that little-

8 Montgomery ([28:34](#)):

9 Not me.

10 Joe Franklin ([28:35](#)):

11 No, that's just a cursor.

12 Mayor Hildy Stern ([28:36](#)):

13 Oh, that's a cursor. Okay.

14 Joe Franklin ([28:37](#)):

15 If I may, Ma- Madame Mayor, c- can I just ask a question?

16 Mayor Hildy Stern ([28:40](#)):

17 Yes, Council Member Franklin.

18 Joe Franklin ([28:42](#)):

19 Um, are, are restaurants by, uh, the COVID orders, emergency orders, are they, uh, open to capacity? Is
20 there any restrictions inside?

21 Mayor Hildy Stern ([28:50](#)):

22 Who is that question directed to?

23 Joe Franklin ([28:52](#)):

24 Hmm?

25 Mayor Hildy Stern ([28:52](#)):

26 Who are you asking that question of?

27 Joe Franklin ([28:53](#)):

28 I don't know. (laughs) [crosstalk 00:28:55]

29 Speaker 2 ([28:55](#)):

30 Carrie, Carrie can answer that.

1 Mayor Hildy Stern ([28:57](#)):

2 Uh, Director Tai?

3 Director Tai ([28:58](#)):

4 Uh, sure, Council Member, yeah, Council Member Franklin. Thank you for your question. Uh, no.

5 Currently, restaurants do not have any indoor operating capacity, or limitations.

6 Joe Franklin ([29:08](#)):

7 Okay. Got it. Thank you.

8 Mayor Hildy Stern ([29:10](#)):

9 Mayor Pro Tem Napolitano?

10 Steve Napolitano ([29:13](#)):

11 Sure, I'll jump in. I think that I, um, you know, I, I was on the subcommittee that, that jumped on this,
12 and, and, um, we got ahead of a lot of other cities in setting aside spaces for outdoor dining when the
13 pandemic first started, came up with the loophole, some people would call it, for, uh, keeping our, our
14 outdoor dining open. Um, when everyone else was, uh, shut down. Uh, we did shut down, I mean, Joe
15 and me, I, we went out on a limb and I got beat up for it for, uh, closing down part of an av- avenue. Uh,
16 Mr. Simms talks about, you know, whatever we could do to make it special, well, if we close down
17 streets, that would make it special, but not enough people supported that as, uh, as, as special.

18 Steve Napolitano ([30:00](#)):

19 But a- at this point, you know, we made a number of commitments. And I, I don't wanna toss those
20 aside as if they're nothing. And tha-, and we've done that a few times, right? We've extended the
21 outdoor dining, uh, several times now to address the concerns of the pandemic and the operations of
22 the restaurants, uh, during the pandemic. Um, you know, yes, we have this new variant, but no, there
23 doesn't seem to be any movement afoot to do anything, uh, different about it at the moment. Uh, could
24 that change? Yes, but so far the information we're getting doesn't show that the county's going to be
25 ordering new shutdowns or anything like that. Um, uh, I think, too, the point's well taken on the need to
26 make some improvements downtown: the slurry seal of the streets, the construction. It wasn't delayed
27 because of some issue with, you know, it was the, the low bidder, uh, made a mistake, and so we had to
28 drop the bid and we re- re-scoped it, um, and we're, that's already happening, and it would be within
29 the timeframe.

30 Steve Napolitano ([31:11](#)):

31 And I think that it, that's needed down there. We need a refresh in a number of different ways. And the,
32 um, the loss of parking that we're gonna have, uh, lot three is, is on top of that. And, but we did make a
33 commitment that this was gonna be temporary, and a- as, as Mr. Zisless pointed out, yeah, no- no one's
34 investing in them right now because they, they are known to be temporary. Um, but I think that we
35 should keep, at this point, the January 3rd, uh, deadline to, uh, say enough, uh, with the temporary as it
36 is, and really get going.

37 Steve Napolitano ([31:43](#)):

1 And this is what I tried to impress upon last time, um, and really, during the, the fall, is when are we
2 gonna get going on this discussion of permanent outdoor dining? If we're gonna consider that, we can
3 get started sooner or later. We, with all, uh, due respect to our, our community develop director,
4 Director Tai, uh, well, I see you smiling, uh, you know, we kinda rejected the, the long, drawn out
5 consultant group and, um, planned to, to look at this. And I think we, we know what we want or don't
6 want. Uh, I'd like to get to that discussion, and this would provide a, you know, ma-, taking away the
7 temporary right now would, would, uh, uh, kickstart the, I think, put a, an impetus, an urgency to it to
8 really get those discussions going and, and make them fruitful.

9 Steve Napolitano ([32:31](#)):

10 Um, but, you know, to take the suggestion from the Downtown Association that we should extend the
11 temporary to, uh, 2023, defer the, the maintenance of our streets down there til 2023, would take what
12 was temporary and make it defacto permanent, because the, the suggestion was also that we just tag on
13 the permanent. We talk about the permanent at the same time that we have the temporary, and then
14 just continue on, uh, basically turning the temporary into permanent without any gap in between. And
15 that wasn't what the commitment was that we made to, uh, the folks downtown, um, who will be part,
16 you know, should be part of the discussion of any permanent outdoor dining. Not saying it's a, a slam
17 dunk or a guaranteed thing, but we all said we wanna get to that discussion. And in the meantime, I
18 think we need time out from the, the outdoor dining as it is now. Uh, it's already shrunk; I think that was
19 a bit unfair to some folks. I, I didn't hide my feelings about that at the time, uh, it, you know, uh, I think
20 everyone who wanted it before, I didn't think we, we should be picking who gets it and who doesn't by
21 endorsing certain plan by veto Downtown Association that pushed on their members to get rid of them.

22 Steve Napolitano ([33:46](#)):

23 But as far as I'm concerned, I think we need time out on them. Uh, keep the, the, uh, expiration date of
24 January 3rd, and let's set some real discussions about permanent, uh, outdoor dining so we can get
25 going on that. Uh, otherwise, there's really no, no reason to, to do that. So that's, that's, uh, where I am
26 on that. Thank you.

27 Mayor Hildy Stern ([34:06](#)):

28 Thank you. Any other comments?

29 Joe Franklin ([34:12](#)):

30 Yes, your, your honor?

31 Mayor Hildy Stern ([34:13](#)):

32 Yes, Council Member Franklin?

33 Joe Franklin ([34:15](#)):

34 Yes, thank you. And, uh, y- you know, we, we owe a debt of gratitude to our restaurants and businesses.
35 Um, I remember those dark days early on of the shutdown, and literally, downtown was a ghost town,
36 and other parts of town were a ghost town. And we really, um, you know, worked hard, uh, d-, I, I m-,
37 this is before I was on council, and then, you know, while I've been on council, but worked hard to, to
38 help them. And, and actually, that was to help the city and to save the vitality of the city. It brings a, a,
39 you know, a life and an enjoyment, uh, to our streets. Uh, and, and, and the restaurants and businesses

1 are true entrepreneurs. They, they, uh, it, it takes a lot to open a restaurant and to run a small business,
2 uh, and doubly so during, uh, the kinda pandemic. Uh, so we ne-, i- i-, so, so I applaud them, and I think
3 a lotta people are, are happy with them about what they did.

4 Joe Franklin ([35:16](#)):

5 Um, the, um, the things that we have to pay attention to is, is just the, the physical realities of our
6 downtown. We're a small beach town. Um, you know, throughout the whole, uh, you know, discussions
7 about extending, we said, you know, um, people mention in Europe, they got these wonderful plazas
8 that they can, uh, that they bring out the tables at night and they have dinner, and it's just so enjoyable
9 and family friendly and convivial, and, um, just so much, uh, joy that it brings to people's lives. We, y-
10 you know, we're, by nature, social animals, and we wanna, you know, and we wanna see each other and
11 be outside, and especially here, because we're blessed with such weather. But the things we're not
12 blessed with are a plaza like we see down in Hermosa Beach. Um, we're also not blessed with streets
13 that lend themselves easily to closing down to, uh, uh, to accommodate dining like we see in Richmond
14 Street in, uh, in El Segundo and in parts of, uh, Redondo Beach. You know, they just lend themselves,
15 you can get around those areas easily.

16 Joe Franklin ([36:25](#)):

17 Um, I, um, I, I, I applaud my fellow council members, uh, Napolitano and Montgomery, uh, for being on
18 the subcommittee and actually, you know, sticking their necks out for the closure of Manhattan Avenue.
19 Uh, it, uh, you know, you know, w- w- we found out it didn't work, and that's fine. I mean, we, we were
20 trying all sorts of different things. So those are the things that, um, that, that we're not blessed with. Uh,
21 also, wide sidewalks. I mean, I was recently in Chicago, and, uh, (laughs) m-, I, I must annoy my wife so
22 much, 'cause we're walking along and I, uh, and I'm measuring this, the width of the sidewalks, 'cause it,
23 you know, they have a row of tables and then they have a little iron rail, and then there's enough
24 sidewalk for people to walk by. We don't have eight foot sidewalks here; it just doesn't exist.

25 Joe Franklin ([37:16](#)):

26 So we did all these things in an emergency, um, everybody cooperated, um, tha-, i- i- i-, we, we owe a
27 debt of gratitude to the residents of downtown Manhattan Beach, and also to the retailers that were
28 impacted. I mean, they believed in this. The- the- they, they went forward and they, and, you know, with
29 faith, you know, into, in- into what was really an unknown, and they provided their, you know, their
30 support of what we did. But I think the time has come, uh, to where, that's why I asked the question
31 about the, you know, 100% of the, uh, restaurants, if th-, you know, availability indoors. Um, that's, pre-
32 COVID, what they were basing their business plan on, (laughs) was the inside dining. I think, what,
33 before that time, we only had one little outside deck, you know, above the Strand House. And I
34 remember that c- created quite a, you know, uh, you know, ups-, you know, on the second floor, and
35 that created, you know, a, a, a, a bit of discussion.

36 Joe Franklin ([38:16](#)):

37 So for what w-, s- so for what we've done, I hope that the restaurants are, uh, you know, and they're still
38 faced with challenges of staffing shortages and the like, but I hope they've done well. Uh, we know that
39 there was federal assistance th- that, that everybody was able to apply for. So, um, I would, uh, I, I
40 would also say, I- let's stick with the July 3rd... Uh, my only comment, and, and, and question to my
41 fellow council members is, I was just looking at the calendar, assuming that they have, you know, a New

1 Year's, uh, dinner and parties or whatever, if June, you know, th- that Monday is just a little bit too soon
2 to have it all done. So, uh-

3 Steve Napolitano ([38:57](#)):

4 (laughs) Council Mem-

5 Joe Franklin ([38:58](#)):

6 Yeah?

7 Steve Napolitano ([38:58](#)):

8 ... Franklin, you've said June and July right now. Are you talking January?

9 Joe Franklin ([39:01](#)):

10 Oh! I'm sorry. Ja- January. Sorry.

11 Director Tai ([39:03](#)):

12 (laughs)

13 Joe Franklin ([39:04](#)):

14 I'm talking about January. (laughs)

15 Steve Napolitano ([39:04](#)):

16 Just to be clear.

17 Joe Franklin ([39:05](#)):

18 Yeah, yeah. Thank you s-

19 Hadley ([39:07](#)):

20 For the public record.

21 Joe Franklin ([39:08](#)):

22 Thank you so much. Let's clarify that. I'll speak slowly for the closed captioning. January (laughs) 3rd, is
23 just maybe give them an, uh, you know, a- another couple of days, 'cause it's quite extensive work to
24 take those down, so thank you.

25 Mayor Hildy Stern ([39:21](#)):

26 Thank you, Council Member Franklin. Any other comments? Council Member Montgomery?

27 Montgomery ([39:29](#)):

28 Thank you, your honor. Um, as all of you know, I had the, the, uh, good fortune or misfortune to be
29 mayor when COVID started, when this all started, and what we did and what all of us, the team, staff,
30 residents all did to help downtown, the North End, the East End, forget, we don't, we have an East End,
31 here, people, too. Roads crammed, [inaudible 00:39:54], everyone survived we thought would be a

1 short term COVID experience. We didn't realize there'd be 21 months, and now tailing off, hopefully. Uh,
2 I heard Mike Zisless talk earlier, I heard Mike Simms. Much respect to those two and what they did and
3 what they went through, where they are today. Also the little guys: Bobby Eskowitz, Manhattan Pizzeria.
4 We've all been to Manhattan Pizzeria at least twice in our lives. Um, Peter Kamitz, Loopy's. We've all
5 been there.

6 Montgomery ([40:24](#)):

7 But I, I think you're hearing the right thing here. W- when, when the comments came out earlier about,
8 "Why aren't decks being repaired," that certainty issue. We've done, probably, a disservice to everyone
9 by moving the goalposts every few months, whether it was 'cause we thought COVID was still there in
10 full speed, or the county required different paperwork or different this or different that, part of it's
11 them, part of it's us. W- we're here. So I, I think we did the right thing. And, and as Mayor Pro Tem
12 Napolitano talked about, keep our word, January 3rd, then have an honest to God discussion about
13 permanent decks at a, at a future date, and have everybody look at it and see who would go for it, who
14 wouldn't. But as far as this goes, keep January 3rd expiration date going, come back from there and
15 thank everybody with their patience, let us get through all this, and hopefully get through it all
16 completely, by this time next year, no issue. Uh, but keep the date January 3rd and we'll go from there.
17 Thank you, your honor.

18 Mayor Hildy Stern ([41:24](#)):

19 Thank you, Council Member Montgomery. Council Member Hadley?

20 Hadley ([41:29](#)):

21 Yes, thank you, colleagues. I think some excellent, um, points have been made. And I, I hope that our
22 restaurants feel and know how, um, this council really has scrambled to help our restaurants, and
23 thereby, our retailers, as we have, um, really proven that virtuous circle of bringing people into our
24 community to eat and then shop, or shop and then eat, and it's really symbiotic. And I think that our
25 retailers, up until, uh, recently, have really appreciated that, as well. So I'm proud of how we pivoted,
26 I'm proud of com dev, I'm proud of, um, city council, um, traffic manager Erik Zandvliet has been terrific
27 about pivoting. I'm really just super impressed with what the city has done in these last couple years,
28 um, during COVID in order to have this high class problem that we have now, which is when to, um, uh,
29 close off the experiment.

30 Hadley ([42:33](#)):

31 I do agree with one of my colleagues, that it, it was considered, um, a short term, uh, solution. I've told
32 every resident, if you live downtown, I know you've heard from me, if you've reached out to me, I hope
33 that you've heard back from me. Every single one I said, uh, the temporary dining decks was one track
34 and permanent was a second track. I was not, I was committed from day one to not bleed one into the
35 other, and I am gonna fulfill that commitment tonight. I did make a commitment to pull up the
36 temporary decks until we, um, take on the longterm discussion, which will involve the entire city. I thank
37 my, uh, Mayor Pro Tem Steve Napolitano for bringing up com dev. I, you know, I urge community
38 development to speed up the down-, the permanent discussion faster than 2023. I, you know, I sucked
39 in my, my breath when I saw that in the last staff report. So I think the community does support outdoor
40 dining. Our, our shoppers know it, our, our, uh, retailers know it, our downtown residents, our
41 restaurants know it. So this is the future in some form, I believe. Um, so let's go boldly toward that, and,
42 and quickly.

1 Hadley ([43:49](#)):

2 I agree with one of the restaurateurs, if that they need clarity over agreement, um, so I do think if, you
3 know, it, it sounds like we, we have the votes to end the temporary outdoor dining, um, probably
4 tonight, and I think that that won't be welcome news, but at, at least it will be some clarity. Um, I do
5 think Joe's right, um, I thank my colleague, Joe Franklin for saying that our restaurants, um, proved
6 incredibly nimble, incredibly responsive, incredibly creative, um, especially the restaurants on the
7 inclines to, you know, engineer these, um, you know, massive outdoor structures that were safe,
8 unbelievably attractive, and I have to poke a little fun at Mayor Pro Tem Napolitano, because when we
9 approved temporary outdoor dining, the first thing Steve said was, "These things are usually really ugly."
10 And I hadn't really thought about that, the whole water barriers and everything.

11 Hadley ([44:49](#)):

12 And then gosh darn it, in Manhattan Beach, if our amazing restaurants didn't beautify those temporary
13 decks, um, in unique and positive ways. It just never... I love to walk through downtown and just see the
14 different personalities popping out on each of the decks, including in the downtown holiday open house
15 where we voted, you know, and now their decorated for the holidays and they're spectacular. So I'm
16 super proud of the temporary decks, I'm super proud of what we pulled off as a city. I'm sad, um, as a
17 patron that they will be coming to an end, but I do owe a commitment to the downtown residents that
18 I'm determined to follow through on. Um, I hope we'll keep the pedal, um, on the gas, uh, foot on the
19 gas in order to begin to discuss permanent, and I know [inaudible 00:45:39] PA is chomping at the bit.

20 Hadley ([45:41](#)):

21 Um, but I, I would like to take a minute to applaud team CMB, um, you know, downtown residents,
22 retailers, restaurants and council and staff, uh, for working together to, to, created something so special
23 that I am sad to see it close down. I look forward to the next reincarnation. I know this will make it sad
24 for some of the, uh, the restaurants to get bad news, um, but we are in an endemic now, we are no
25 longer in a pandemic, and I think these signs of returning to normal will signal to residents, um, safety in
26 eating inside. And I know my husband and I try to eat inside whenever we can, in order to signal that,
27 um, you know, that it's safe to do so. So thank you. Uh, those are my views, and kudos to everyone for
28 this wonderful, um, you know, what, perhaps the only silver lining to COVID I heard over and over from
29 residents, and I agree. It's been a blessing, it's been fun, and now we move forward with things.

30 Mayor Hildy Stern ([46:40](#)):

31 Thank you, Council Member Hadley. So I'll just complete, um, this discussion with my comments. And I,
32 and, and I echo that it's, it is almost sad, right? We know that the residents, by and large, in Manhattan
33 Beach have really enjoyed the outdoor dining, um, and we've heard that over and over again. Um, and,
34 and we appreciate that, as, as we all do, um, enjoy to sit outside. And when I was having these
35 discussions and I was asking people how they would feel if the outdoor dining, we no longer had the
36 outdoor dining, while they were very sorry to hear that, um, what I was reminded of is that this decision
37 comes so difficult, in such a difficult way because all of these other factors that we've heard from, um,
38 from, both from the residents in the areas or people that have, um, that are patronizing our business
39 districts, congestion, ADA access, trash, maintenance, inequities, cost, parking, safety, noise, clutter,
40 reduced driving lanes, street drainage, cleanliness, um, conflicts with events, uh, the costs, um, uh,
41 impacts to pedestrians, uh, you know, it goes on and on. And those are important considerations that,
42 that aren't obvious when you're sitting enjoying outdoor dining on a beautiful deck on a beautiful night
43 and looking out over the ocean.

1 Mayor Hildy Stern ([48:10](#)):

2 So I just want to underscore that this consideration comes with, i- it comes with many factors, and as
3 the, the decision makers in the city, we can't just say, "Well, we really like it, so we want, so we'll keep
4 it." What we can say, however, is, "We do have a vision that we w-, we want to continue to look at this
5 as a longterm solution." Um, this isn't the end of this discussion. This is just a pause to recognize, as has
6 been said over and over again, the temporary nature of the decks, so that we now can take all this
7 information that we've learned, we can learn from so much that we have had in these last couple years
8 to m-, to do this in a way that's much more, um, that m-, uh, that encompasses all of the, all of what we
9 have learned in these last years.

10 Mayor Hildy Stern ([49:05](#)):

11 So yes, let's, um, let's continue to look at this as a way to support our community and support our
12 businesses. It's been an amazing community effort, both from our city staff, and I, you know, w- we
13 couldn't even imagine, and we hear, but I can't imagine, um, the amount of time and effort that our
14 community development, um, staff has spent, uh, working on this, how much time our city management
15 has spent working on this, even public works and all of our departments. Um, but also, it's been a
16 wonderfully collaborative e-, um, community, uh, e- effort with the Downtown Business and
17 Professional Association, with the North End, um, bid, with the Residents' Associations, with so many,
18 um, that, so many people that have come together, and our chamber of commerce, to really work
19 toward solutions. So we know that we have that in our pocket, and that we will continue to do that.

20 Mayor Hildy Stern ([50:11](#)):

21 And I just wanna assure, um, our community that we are committed to continuing to look at a solution.
22 Um, but right now is the right time. I think I've heard from all of our council members that right now is
23 the right time we, to, to have the certainty that we gave our restaurants, that January 3rd was the, um,
24 the expiration of the temporary outdoor dining. Um, and so, to that, I think we all have the consensus,
25 um, to, uh, to honor that date, um, and to honor the expiration on January 3rd.

26 Mayor Hildy Stern ([50:53](#)):

27 Um, and I'm going to see if there isn't, there isn't really direction that we need to give at this time. Uh,
28 City Manager Moe, I think that we already have the expiration date in effect. Is there anything that you
29 need more to hear from us on this?

30 Moe ([51:15](#)):

31 No. I believe we're just gonna continue with that original directive, unless there are other additional
32 directions you wanna give us, but, uh, January 3rd is the date.

33 Steve Napolitano ([51:24](#)):

34 [crosstalk 00:51:24] Yeah, your Honor, i- i-, just to Council Member Franklin's point, January 3rd is the
35 end date that they must stop using them; the breakdown starts after that.

36 Joe Franklin ([51:36](#)):

37 Okay, great.

38 Steve Napolitano ([51:38](#)):

1 I see Director Tai shaking her head in agreement. I must have said something right-

2 Director Tai ([51:44](#)):

3 Yeah. Thank you. And-

4 Steve Napolitano ([51:44](#)):

5 ... for a change.

6 Director Tai ([51:46](#)):

7 (laughs) I, yes, and, and thank you, Mayor Pro Tem Napolitano. And just to clarify for the council, uh,
8 yes, what we will do is, uh, send out a notice to the, uh, restaurants that the, the last day of operation is
9 January 3rd, and we usually provide, uh, three business days or so prior, uh, yeah, definitely prior to the
10 next weekend for removal. Um, and then in, in the case of where individual restaurants have particular
11 challenges, if they have trouble lining up contractors, and we, we will work with people individually, as
12 well. But there is a grace period for the breakdown and removal. Uh, there is a certain amount of
13 logistics for street closures and coordination of traffic that has to happen. And so we do, we are involved
14 in the removal process, as well. So thank you.

15 Mayor Hildy Stern ([52:29](#)):

16 And as, as you, as you do, Community Director Tai, you are extending yourself and offering to help in
17 any way that you can, and I, um, ongoingly appreciate how willing you are to, um, to make this a smooth
18 transition. So thank you for that. Um, so I think at this time, we can move on t-

19 Joe Franklin ([52:51](#)):

20 Um-

21 Mayor Hildy Stern ([52:52](#)):

22 Yes, Council Member Franklin?

23 Joe Franklin ([52:53](#)):

24 Yeah, may, may I make a quick comment, please?

25 Mayor Hildy Stern ([52:56](#)):

26 Yes.

27 Joe Franklin ([52:57](#)):

28 Um, y- you know, we, we do appreciate that a lot of the residents love eating outdoors. Uh, that's the,
29 as I mentioned, that is the one thing we're blessed with, is good weather. Um, I remember during the
30 beginning, uh, that, uh, o- of the pandemic there was a discussion of maybe using one of the pier
31 parking lots, uh, to sort of, um, you know, put out tables there, maybe put up some festival lights and,
32 uh, um, you know, uh, residents could bring their, you know, c- could bring their take-out order and go
33 down there and enjoy, you know, eating it, uh, and enjoying the outdoors. And I just wanted to see if
34 there might be some way of exploring that. I, I know it's gonna be difficult, not to take up, uh, the
35 parking lot completely, but maybe, like, one, one weekend a month or something, uh, where we could

1 do that? Um, I, I, I was reminded, or heard on the news that this weekend was the Ciclavia or something
2 event in, uh-

3 Mayor Hildy Stern ([53:51](#)):

4 Downtown.

5 Joe Franklin ([53:51](#)):

6 ... in downtown Los Angeles, where they close off the roads, and pedestrians and bicycles and
7 skateboarders were allowed to use the streets, is, uh, something similar to that. I know it's not owned
8 by the city, it's owned, um, [Erik](#), if you could help me, I always can't remember. Is it, is it the state or the
9 county?

10 [Erik](#) Zandvliet ([54:09](#)):

11 The state.

12 Joe Franklin ([54:09](#)):

13 The, the upper ones?

14 [Erik](#) Zandvliet ([54:11](#)):

15 The county owns the I-, the land, uh, to the upper parking lots.

16 Steve Napolitano ([54:16](#)):

17 If I, if I could, I would only say too soon, and, and, uh, future agenda item.

18 Joe Franklin ([54:21](#)):

19 Oh, oh, oh yeah, yeah. I, I, I mean, I c-, I just wanted to sorta give the residents, you know, something to
20 think about, and for us to think about, as well.

21 Mayor Hildy Stern ([54:28](#)):

22 Okay. [crosstalk 00:54:29]

23 [Erik](#) Zandvliet ([54:28](#)):

24 Yeah, something that could be brought up in the future. I just wanted to, to let you know that most
25 restaurants still have the ability and capability to ask for and obtain sidewalk dining permits. Um, and so
26 some of the ones that are ex-, in existence now, we have 26 restaurants that are using sidewalk dining,
27 and they'll continue to be able to use that. [And](#) so that supplements their indoor/outdoor flexibility.

28 Mayor Hildy Stern ([54:53](#)):

29 Okay.

30 Mayor Hildy Stern([54:54](#)):

31 Thank you.

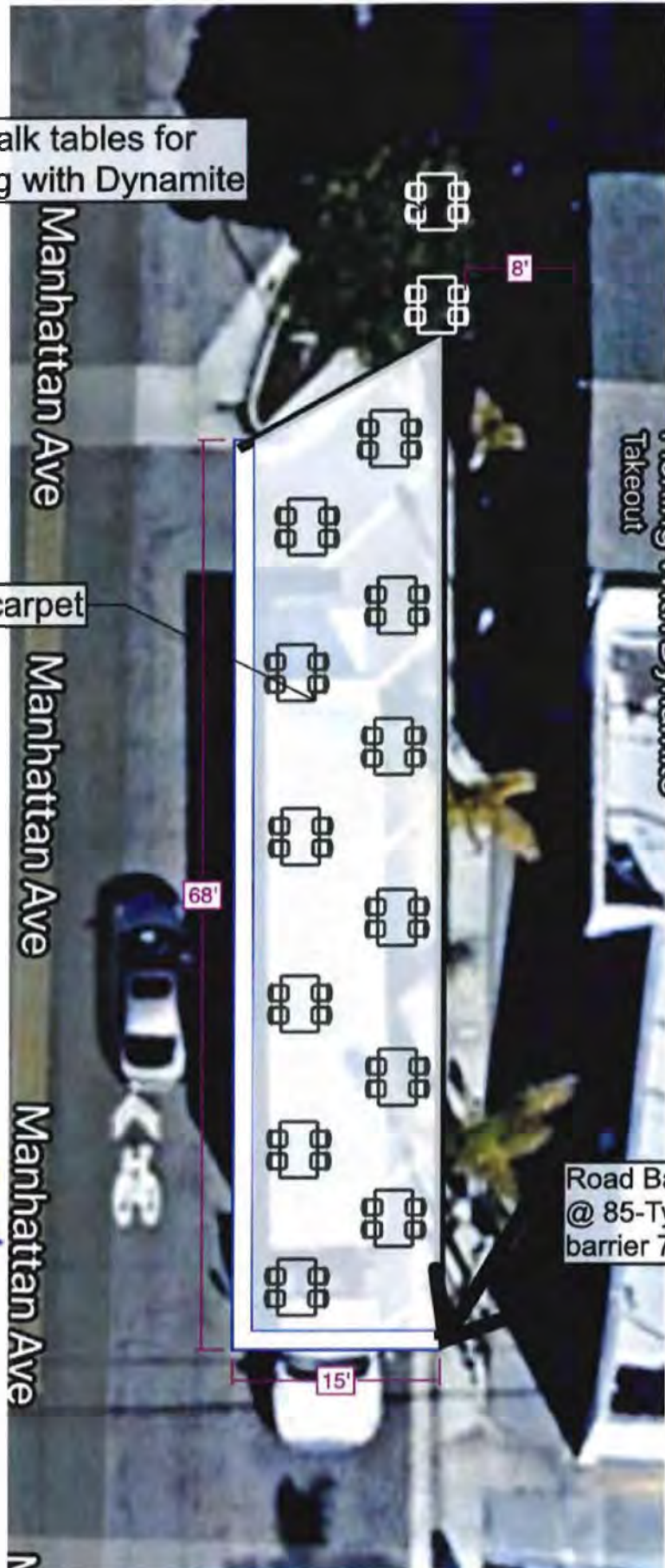
32 Mayor Hildy Stern ([54:54](#)):

This transcript was exported on Dec 18, 2021 - view latest version [here](#).

1 Thank you.

2

EXHIBIT 2. ONLY RECORD IN PERMITS FOR SIDEWALK ENCROACHMENT



Sidewalk tables for Fishing with Dynamite

Manhattan Ave

Manhattan Ave

Manhattan Ave

Takeout

Tables on outdoor carpet

Road Barrier Type: QTY 13 @ 85-Type Water filled barrier 72"L x 18"W x 36"H

MB POST FWD
1142 Manhattan Av.

$$15 \times 68 = 1020 \text{ } \square$$

$$(15 \times 15) / 2 = \frac{112}{201} \text{ } \square$$

EXHIBIT 3. SIDEWALK ENCROACHMENTS NOT PERMITTED, EXCEPT FOR ONE CASE

CALIFORNIA PUBLIC RECORDS ACT REQUEST 21 DECEMBER 2021

PDF Pg	Name	Sidewalk Permitted	Expiration	ApplyDate	Address	Post-Covid	Conditions	Plans	Principals
196	Encroach Table		1-Dec-21		1400 Highland Ave				Community Development
	900 Club	Violation	No Permit		900 Manhattan Ave				No permit on file
260	Arthur J's	No	3-Jan-22	4-Jun-20	903 Manhattan Ave	Yes	No	No	Thomas Simms, Craig Hanson
197	Arthur J's	No	Undated		903 Manhattan Ave			Yes	Arthur J plan
106	Baja Sharkeez	No	3-Jan-22	18-Mar-21	3600 Highland Ave	No	No	No	Rose Martinez
198	Baja Sharkeez	No	Undated		3600 Highland Ave			Yes	Baja Sharkees plan
120	Café Wild	No	3-Jan-22	8-May-21	3505 Highland Ave	No	No	No	Philip Shipley
200	Café Wild	No	Undated		3505 Highland Ave			Yes	Café Wild plan
288	Costa MB	No	30-Sep-20	20-Jun-20	1017 Manhattan Ave	No	Yes	Yes	Nancy Reynolds
6	Costa MB	No	15-Jan-21	20-Jun-20	1017 Manhattan Ave	No	No	No	Nancy Reynolds
246	Culture Brewing	No	14-Jun-21	28-Oct-20	327 MB Blvd	No	No	No	Steven Ragan
247	Culture Brewing	No	6-Oct-21	28-Oct-20	327 MB Blvd	No	Yes	Yes	Steven Ragan
119	Culture Brewing	No	3-Jan-22	28-Oct-20	327 MB Blvd	No	No	No	Steven Ragan
201	Culture Brewing	No	Undated		327 MB Blvd			Yes	Culture Brewing plan
202	Cultural Brewing	No	Undated		327 MB Blvd			Yes	Cultural Brewing plan
326	El Sombrero	No	6-Sep-21	24-Nov-29	1005 Manhattan Ave	No	Yes	Yes	Jose Lamas
93	El Sombrero	No	3-Jan-22	24-Nov-20	1005 Manhattan Ave	No	No	No	Josa Lamas
147	Ercoles	No	6-Sep-21	30-Jul-20	1101 Manhattan Ave	Yes	Yes	Yes	Donna Piazza, Staci Clark
55	Ercoles	No	3-Jan-22	30-Jul-20	1101 Manhattan Ave	Yes	No	No	Donna Piazza, Stad Clark
205	Ercoles	No	Undated		1101 Manhattan Ave			Yes	Ercoles plan
77	Fishbar	No	6-Sep-21	23-Jul-20	3801 Highland Ave	Yes	Yes	Yes	Harold Rothman, Sophie Sun
262	Fishbar	No	6-Sep-21	3-Jul-20	3801 Highland Ave	Yes	Yes	Yes	Harold Rothman, Sophia Sun
15	Fishbar	No	3-Jan-22	23-Jul-20	3801 Highland Ave	Yes	No	No	Sophia Sun, Harold Rothman
43	Fishbar	No	3-Jan-22	3-Jul-20	3801 Highland Ave	Yes	No	No	Harold Rothman, Sophia Sun
207	Fishbar	No	Undated		3713 Highland Ave			Yes	Fishbar plan
	Fish w Dynamite		No Permit		1149 Manhattan Ave				No permit on file
211	Fish w Dynamite	Yes	Undated		1148 Manhattan Ave			Yes	Fishing with Dynamite plan
31	Hennessy's	No	30-Sep-20	11-Jun-20	313 MB Blvd	No	Yes	Yes	Paul Henessey.
11	Hennessy's	Violation	3-Jan-22	11-Jun-20	313 MB Blvd	No	No	No	Paul Hennessey; Sidewalkviolation
	Izaka-ya	Violation	No Permit		1133 Highland Ave				No permit on file

SIDEWALK ENCROACHMENTS NOT PERMITTED, EXCEPT FOR ONE CASE

CALIFORNIA PUBLIC RECORDS ACT REQUEST 21 DECEMBER 2021

PDF Pg	Name	Sidewalk Permitted	Expiration	ApplyDate	Address	Post-Covid	Conditions	Plans	Principals
107	Love & Salt	No	6-Sep-21	11-Jun-02	317 MB Blvd	Yes	Yes	Yes	Sylvie Gabriele
354	Love & Salt	No	6-Sep-21	14-Aug-20	317 MB Blvd	Yes	Yes	Yes	Sylvie Gabriele
10	Love & Salt	No	3-Jan-22	11-Jun-20	317 MB Blvd	Yes	No	No	Sylvie Gabriele
75	Love & Salt	No	3-Jan-22	14-Aug-20	317 MB Blvd	Yes	No	No	Sylvie Gabriele
172	Mangiamao's	No	6-Sep-21	4-Jun-20	128 MB Blvd	No	Yes	Yes	Lisa Guidone
259	Mangiamao's	No	3-Jan-22	4-Jan-20	128 MB Blvd	No	No	No	Lisa Guidone
94	MB Pizzeria	No	6-Sep-21	11-Jun-20	133 MB Blvd	Yes	Yes	Yes	Robert Escowitz
7	MB Pizzeria	No	1-Jan-22	11-Jun-20	133 MB Blvd	Yes	No	No	Robert Eskowitz
209	MB Pizzeria	No	Undated		133 MB Blvd			Yes	Manhattan Pizzeria plan
45	MB Creamery	No	6-Sep-21	11-Jun-20	1120 Manhattan Ave	No	Yes	Yes	Sophia Sun
4	MB Creamery	No	3-Jan-22	9-Jun-20	1120 Manhattan Ave	No	No	No	Sophia Sun
210	MB Creamery	No	Undated		1120 Manhattan Ave			Yes	MB Creamery plan
406	MB Post	No	6-Sep-21	4-Jun-20	1142 Manhattan Ave	Yes	Yes	Yes	Thomas Simms, Craig Hanson
275	MB Post	No	3-Jan-22	4-Jun-20	1142 Manhattan Ave	Yes	No	No	Thomas Simms, Craig Hanson
121	Nando	No	6-Sep-21	19-Nov-21	1131 Manhattan Ave	Yes	Yes	Yes	Dario Vullo
133	Nando	No	3-Jan-22	19-Nov-20	1131 Manhattan Ave	Yes	No	No	Dario Vullo
212	Nando	No	Undated		1131 Manhattan Ave			Yes	Nando Milano plan
19	Rockefeller	Violation	6-Sep-21	10-Jun-20	1209 Highland Ave	Yes	Yes	Yes	Allan Sanford
184	Rockefeller	Violation	6-Sep-21	6-Aug-20	1209 Highland Ave	Yes	Yes	Yes	Allen Sanford
9	Rockefeller	No	3-Jan-22	10-Jun-20	1209 Highland Ave	Yes	No	No	Allan Sanford
59	Rockefeller	No	3-Jan-22	6-Aug-20	1201 Highland Ave	Yes	No	No	Allen Sanford
213	Rockefeller	Violation	Undated		1209 Highland Ave			Yes	Rockefeller plan
379	Rock'N Fish	No	30-Jun-21	24-Mar-20	120 MB Blvd	No	Yes	Yes	Michael Zislis
160	Rock'n , Brewco	No	6-Sep-21	9-Jun-20	120 MB Blvd	Yes	Yes	Yes	Nam Family Trust, Michael Zislis
3	Rock'N Fish	No	3-Jan-22	9-Jun-20	120 MB Blvd	Yes	No	No	Nam Family Trust, Michael Zislis
215	Rock'N Fish	No	Undated		120 MB Blvd			Yes	Rock'n Fish and Strand plans
14	Shellback	No	15-Jan-21	6-Jul-20	116 MB Blvd	No	No	No	Bob Beverly
13	Shellback	No	3-Jan-22	6-Jul-20	2708 Ocean Drive	No	No	No	Bob Beverly
216	Shellback	No	Undated		116 MB Blvd			Yes	Shellback, Ocean Drive plan
391	Simmzy's	No	6-Sep-21	4-Jun-20	229 MB Blvd	Yes	Yes	Yes	Thomas Simms

SIDEWALK ENCROACHMENTS NOT PERMITTED, EXCEPT FOR ONE CASE

CALIFORNIA PUBLIC RECORDS ACT REQUEST 21 DECEMBER 2021

PDF Pg	Name	Sidewalk Permitted	Expiration	ApplyDate	Address	Post-Covid	Conditions	Plans	Principals
261	Simmzy's	No	3-Jan-22	4-Jun-20	229 MB Blvd	Yes	No	No	Thomas Simms
218	Simmzy's	No	Undated		229 MB Blvd			Yes	Simmzy's plan
338	Slay Italian	No	6-Sep-21	3-Aug-20	1001 Manhattan Ave	Yes	Yes	Yes	Helen Ristani, David Slay
57	Slay Italian	No	3-Jan-22	3-Aug-20	1001 Manhattan Ave	Yes	No	No	Helen Ristani, David Slay
229	Slay Steak & Fish	No	6-Sep-21	23-Jun-20	1141 Manhattan Ave	Yes	Yes	Yes	David Poiry, David Slay
12	Slay Steak & Fish	No	3-Jan-22	23-Jun-20	1141 Manhattan Ave	Yes	No	No	David Poiry, David Slay
219	Slay Steak & Fish	No	Undated		1141 Manhattan Ave			Yes	Slay Steak and Fish House plan
276	Strand House	No	30-Sep-20	7-Jul-20	117 MB Blvd	No	Yes	Yes	Michael Zislis
17	Strand House	No	15-Jan-21	7-Jul-20	117 MB Blvd	No	No	No	Michael Zislis
312	Strand House	No	30-Jun-21	24-Mar-21	117 MB Blvd	No	Yes	Yes	Michael Zislis
135	Strand House	No	6-Sep-21	9-Jun-20	117 MB Blvd	Yes	Yes	Yes	Manhattan Pier BRE, Michael Zislis
5	Strand House	No	3-Jan-22	9-Jun-20	117 MB Blvd	Yes	No	No	Manhattan Pier BRE, Michael Zislis
222	Strand House	No	Undated		117 MB Blvd			Yes	The Strand House plan
199	Strand House	No	Undated		117 MB Blvd			Yes	MB Blvd, Ocean Dr to Man Ave pla
61	Sugarfish	No	3-Jan-22	9-Aug-20	304 12th St	No	Yes	No	Humberto Martinez, Sugarfish
221	Sugarfish	No	Undated		304 12th St			Yes	Sugarfish plan
350	Tacolicious	Removed	30-Sep-20	15-Jul-20	1129 Manhattan Ave	No	Yes	Yes	Mike Barrow; Sidewalk removed
18	Tacolicious	No	30-Jun-21	15-Jul-20	1129 Manhattan Ave	Yes	No	No	Mike Barrow
366	Tacolicious	No	6-Sep-21	9-Jun-20	1129 Manhattan Ave	Yes	Yes	Yes	Mike Barrow
1	Tacolicious	No	3-Jan-22	9-Jun-20	1129 Manhattan Ave	Yes	No	No	Mike Barrow
225	Tacolicious	No	Undated		1129 Manhattan Ave			Yes	Tacolicious plan
91	Un Caffé	No	3-Jan-22	25-Aug-20	1140 Highland Ave	Yes	No	No	Ronald Koch, Kelley Haley
241	Un Caffé	Yes	30-Jun-21	30-Jun-20	1140 Manhattan Ave	No	No	Yes	Alexa Altamura
226	Un Caffé	No	Undated		1140 Highland Ave			Yes	Un Caffé (Homie MB) plan
300	Uncle Bill's	Violation	6-Sep-21	19-Jun-20	1305 Highland Ave	Yes	Yes	Yes	Van Ambaugh Family Trust,
73	Uncle Bill's	No	3-Jan-22	19-Jun-20	1305 Highland Ave	Yes	No	No	Van Amburgh Family Trust
228	Uncle Bill's	Violation	Undated		3421 Highland Ave			Yes	Uncle Bill's plan
	Uncorked	No	No permit		1000 Manhattan Ave				No permit on file

EXHIBIT 4. SIMMZY'S PERMIT

City of Manhattan Beach
 1400 Highland Avenue
 Manhattan Beach, CA 90266

PLAN CASE APPROVAL

Plan NO.: ENCROACH-21UJ0024

Plan Type: Encroachment Permit

Work classification: Minor

Plan Status: Issued

Apply Date: 06/04/2020

Expiration: 01/03/2022

Location Address

Parcel Number

229 MANHATTAN BEACH BLVD, MANHATTAN BEACH, CA

4179021017

Contacts

Thomas Simms 108 Arena Street, El Segundo, CA 90266 (310)487-0222	Applicant mike@simmsrestaurants.com
---	--

Description: REVISED 8-7-2021- OUTDOOR DINING OPERATION SHALL CEASE ON OR BEFORE JANUARY 3, 2022, AND ALL ENCROACHMENTS MUST BE REMOVED FROM PUBLIC RIGHT-OF-WAY BY JANUARY 7, 2022 OR EARLIER PER THE TERMS OF THE AGREEMENT. ENCROACHMENT AREA MAY BE SUBJECT TO TEMPORARY REMOVAL OR MODIFICATION WITHIN THREE CALENDAR DAYS OF RECEIPT OF WRITTEN NOTICE PER SECTION IO(C) OF THE AGREEMENT.

 WHEN OUTDOOR DINING IS PROHIBITED BY LA COUNTY HEALTH DEPARTMENT OR THE CITY THE LICENSED AREA MAY BE USED FOR PUBLIC SEATING PURSUANT TO SECTION IO(C) OF THE TEMPORARY ENCROACHMENT AGREEMENT. DURING THIS TIME, THE FOLLOWING ADDITIONAL REQUIREMENTS SHALL APPLY:

THE PERMITTEE SHALL POST PUBLIC PARKLET SIGNS AS REQUIRED BY CITY.
 SEATING AND TABLES SHALL COMPLY WITH THE LATEST HEALTH DEPARTMENT SPACING REQUIREMENTS.
 THE PERMITTEE SHALL REMAIN RESPONSIBLE FOR MAINTENANCE AND CLEANING OF THE LICENSED AREA AND APPURTENANCES AT ALL TIMES.
 NO FOOD OR BEVERAGE SERVICE SHALL BE CONDUCTED IN THE PUBLIC RIGHT-OF-WAY. TAKE-OUT AND DELIVERY SHALL BE CONDUCTED ON PRIVATE PROPERTY.
 ALCOHOL CONSUMPTION SHALL NOT BE PERMITTED IN THE LICENSED AREA.
 LICENSED AREA SHALL BE AVAILABLE FOR ALL PERSONS TO USE - RESERVED SEATING IS NOT PERMITTED.
 ALL OTHER ENCROACHMENT PERMIT CONDITIONS THAT DO NOT CONFLICT WITH THE ABOVE REQUIREMENTS OR OTHER HEALTH ORDERS SHALL REMAIN IN EFFECT.

 Temporary Encroachment Permit authorizing Simmzy's Restaurant at 229 Manhattan Beach Bl. to operate outdoor dining in the public right-of-way on the north side of Manhattan Beach Boulevard adjacent to restaurant in 4 parking spaces. See attached Site Plan, Outdoor Dining Guidelines and Encroachment Agreement for permit requirements.
 Certificate of Insurance Policy naming the City as additionally insured required.
 OVERALL DINING OCCUPANCY SHALL NOT EXCEED 100% OF THE MAXIMUM APPROVED SEATING OCCUPANCY.

Fees	Amount
4502-Encroachment	\$283.00
Permit-Transfer/Revision/Minor	
Total:	\$283.00

Payments	Amt Paid
Total Fees	\$283.00
Generic Payment	\$283.00
Amount Due:	\$0.00

Condition Name	Description	Comments
	Erik Zandvliet	
	Issued By:	Date
	Signature of Owner/Contractor (if required)	Date
	Signature of CMB (if required)	Date

**EXHIBIT 5.
MB BLVD SLOPE EXCEEDS ADA MAXIMUM 1-FOOT RISE PER 48 FEET RUN;
SIDEWALK ENCROACHMENTS NOT PERMITTED**

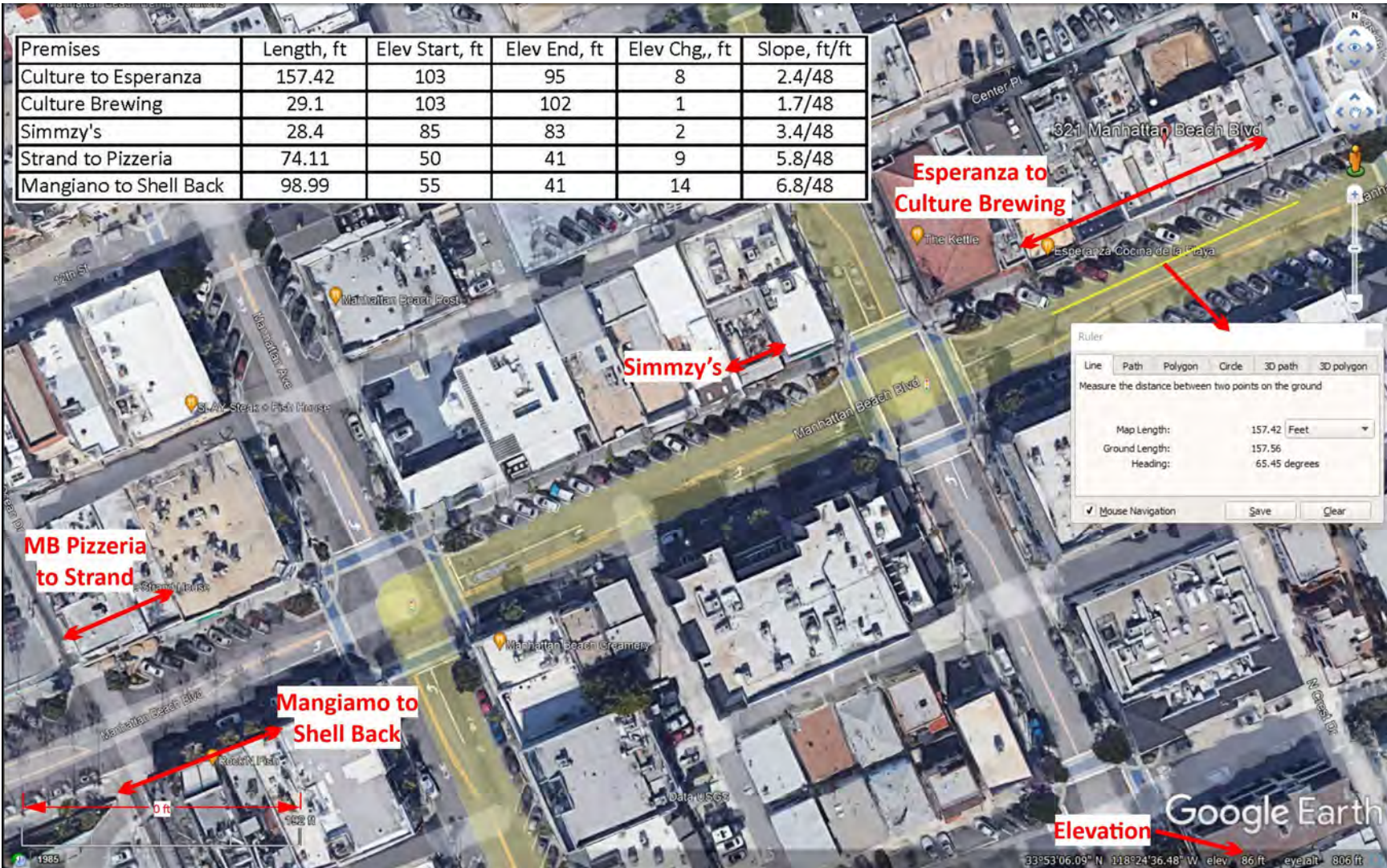
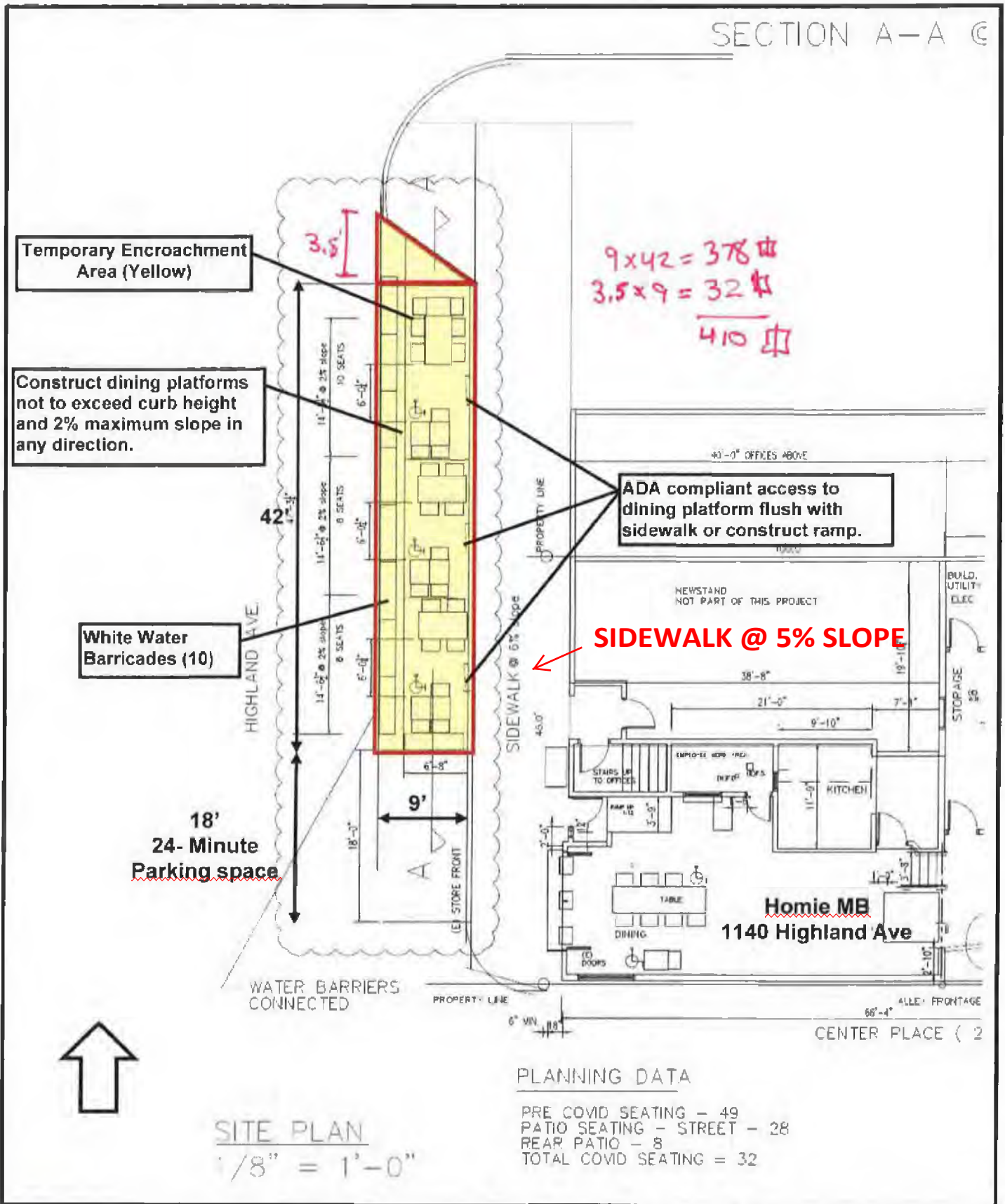


EXHIBIT 6. UN CAFFE HAS 5% SIDEWALK GRADE

SECTION A-A ©



City of Manhattan Beach
Community Development
Traffic Engineering Division

DINING AND BUSINESS USE OF THE RIGHT-OF-WAY
PARKLET DECK AND SIDEWALK DINING
1140 HIGHLAND AVENUE #A

un case - removed

**EXHIBIT 7. IZAKA-YA SIDEWALK GRADE EXCEEDS
2% MAXIMUM GRADE FOR EAT & DRINK ENCROACHMENTS**



EXHIBIT 8. ADJOINING SIDEWALKS TOO NARROW FOR ENCROACHMENTS

Premises	Address	Grade, ft/ft	2% Standard?	Width to Meters	4-Ft Sidewalk	5-Ft Sidewalk
Sugar Fish	12th St, 304			It's complicated	????	????
Izuka-Ya	Highland Ave, 1133	>1/48	No	90"	No	No
Un Caffè	Highland Ave, 1140			81", 87", tree 96"	No	No
Uncle Bill's	Highland, 1306	????		????	????	????
Uncorked	Manhattan Ave, 1000	2.4/48	No	103"	No	No
Slay Italian Kitchen	Manhattan Ave, 1001			82"	No	No
El Sombrero	Manhattan Ave, 1005			78"	No	No
Ercoles	Manhattan Ave, 1101			102"	No	No
MB Cremery	Manhattan Ave, 1120			82"	No	No
Dash Dash	Manhattan Ave, 1127			84"	No	No
Tacolicious	Manhattan Ave, 1129			84"	No	No
Nando Milano	Manhattan Ave, 1131			86"	No	No
Slay, Steak and Fish	Manhattan Ave, 1141			80"	No	No
MB Post	Manhattan Ave, 1142			81", 11' for ≈15', 84"	No	No
Fishing with Dynamite	Manhattan Ave, 1148			80"	No	No
Rockefeller	Manhattan Ave, 1209			84", 851"	No	No
900 Club	Manhattan Ave, 900			109"	Yes	No
Arthur J's	Manhattan Ave, 903			85", 83"	No	No
Shell Back	MB Blvd, 116	5.8/48	No	79"	No	No
Strand House	MB Blvd, 117	5.8/48	No	80", 81"	No	No
Rock'N Fish	MB Blvd, 120	5.8/48	No	75"	No	No
Brewco	MB Blvd, 124	5.8/48	No	86"	No	No
Mangiano	MB Blvd, 128	6.8/48	No	91"	No	No
Manhattan Pizzeria	MB Blvd, 133	5.8/48	No	80"	No	No
Simmy's	MB Blvd, 229	3.4/48	No	80"	No	No
Esperanza	MB Blvd, 309	2.4/48	No	80", 82"	No	No
Hennessey's	MB Blvd, 313	2.4/48	No	86", 90"	No	No
Love & Salt	MB Blvd, 317	2.4/48	No	90", 89"	No	No
Blue Stone	MB Blvd, 321	2.4/48	No	81"	No	No
Culture Brewing	MB Blvd, 327	1.7/48	No	96"	No	No

Martha Alvarez

From: Heidi A Swan <heidiaswan@anightinjail.com>
Sent: Monday, January 17, 2022 1:19 PM
To: City Clerk
Subject: [EXTERNAL] Contract of Services for the Homeless Court of Redondo Beach

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

Dear Mayor Stern, City Councilmembers Napolitano, Montgomery, Franklin and Hadley,

Thank you all for your support of helping those living with homelessness.

Many of you know that my own brother was homeless for a decade. He was in and out of jail eighteen times. He needed mental health care. He needed to be off drugs. Thankfully, he is sober and treated today—and living in a house with a sober roommate. This is a miracle for our family!

Looking back, he says that going to jail was just like going to juvenile boot camp. I'd like to note it was expensive boot camp.

If these poor souls are to have any real change in their lives, they will need proper help. Please execute a contract of services for the Homeless Court of Redondo Beach.

Best,

Heidi A. Swan
Author, Speaker, Consultant,
Producer, Advocate
<http://www.ANightInJail.com>

(213) 595-6581 C



Board Member Advisory Council

Martha Alvarez

From: Scott Elaine Case <scase@jrwatkins.com>
Sent: Monday, January 17, 2022 1:02 PM
To: City Clerk
Subject: [EXTERNAL] Walk Overhead Street Lights

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

I own a home on the 300-400 Block of 4th Street. We have an extremely well organized process for our overhead street lights

1. They are all the same brand, size and shape
2. They are attached to our homes
3. We use our own electricity
4. We monitor the time on and off

They bring incredible joy to all of us. During these tough few years, pure happiness is generated by walking past them and even more by walking under them. The sense of community it provides to those who live on 4th street is invaluable. I am so lucky to be a part of this tradition and it adds real – human “value” to our lives. Please send my gratitude and respect to all those who organize and extend this tradition.

I assume you all feel the same way, I can't imagine anyone would want to limit or complicate one of the real gifts of Manhattan Beach

Scott Elaine Case

Vice Chairman

J.R. Watkins

415 385 5579

scase@jrwatkins.com



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Martha Alvarez

From: jburtonmb@gmail.com
Sent: Monday, January 17, 2022 7:14 AM
To: List - City Council
Cc: Bruce Moe; Carrie Tai, AICP; Erik Zandvliet
Subject: [EXTERNAL] Agenda Item 23 - Work Plan Priority for Long Term Private use of PUBLIC Space
Attachments: Item 23 - Work Plan Priority - 01.18.22.pdf

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

Mayor Stern and Members of Council –

The idea to accelerate the 2022 Work Plan priority from category B to category A is a slap in the face, again, from our restaurant specialty interests and DBPA leadership. But please hear my concern - I am NOT saying we need an excessively extensive multi-year costly study – I am simply saying we need enough time to do this right as the future of downtown Manhattan Beach will be forever changed. During the last two years there been little opportunity to dialog, ask questions, and/ or work face to face with city staff on many issues. Now is not the time to acquiesce to restaurant pressure by accelerating their agenda. Instead, let's give all stakeholders the opportunity to thoughtfully consider the implementation of any potential change by allowing a reasonable amount of time for staff to understand potential impacts to non-restaurant stakeholders and then set the direction. The current limitations of city resources and lack of opportunity for public engagement due to COVID should prohibit accelerating the schedule of this important item. Furthermore, it is absolutely foolish to think that bringing in an outside consultant or new city staff to work on this issue simply to rush it though will be helpful. The highest priority should be to do this right – not do it fast.

Please see attached PDF for further comments -

Respectfully,

Jim Burton
328 11th Street

Mayor Stern and Members of Council:

My initial feeling after reviewing the Jan 18, 2022 Council agenda regarding long term outdoor dining (Item 23) was **complete exasperation.** The idea to accelerate the 2022 Work Plan priority from category B to category A is a slap in the face, again, from our restaurant specialty interests and DBPA leadership. But please hear my concern - I am NOT saying we need an excessively extensive multi-year costly study – I am simply saying we need enough time to do this right as the future of downtown Manhattan Beach will be forever changed. During the last two years there been little opportunity to dialog, ask questions, and/ or work face to face with city staff on many issues. Now is not the time to acquiesce to restaurant pressure by accelerating their agenda. Instead, let's give all stakeholders the opportunity to thoughtfully consider the implementation of any potential change by allowing a reasonable amount of time for staff to understand potential impacts to non-restaurant stakeholders and then set the direction. The current limitations of city resources and lack of opportunity for public engagement due to COVID should prohibit accelerating the schedule of this important item. Furthermore, it is absolutely foolish to think that bringing in an outside consultant or new city staff to work on this issue simply to rush it though will be helpful. The highest priority should be to do this right – not do it fast.

A bit of further elucidation – COVID has pushed the limits of all city resources and has been especially difficult for staff who are trying their best to respond to all city-wide issues in order of highest priority. It has also frustrated residents as the lack of real opportunity for public engagement and lack of opportunity to provide meaningful input to city staff on issues directly affecting downtown quality of life is real. Downtown residential input has largely been through zoom and limited to only 2-3 three minutes of public comment. This item could result in a major change to downtown and WE need regularly scheduled public input meetings with staff, DBPA restaurant leadership, non-restaurant stakeholders, and residents if we are to work through any long-term changes. Many of us simply need time to provide thoughtful input both in support and suggested changes for mitigation of potential impacts.

Remember, these restaurant special interests and some members of the DBPA leadership showed their true colors prior to the last council meeting (12/21/21) with a complete misinformation campaign that highlighted ZERO concern for other stakeholders. They are a very well-funded special interest group of individuals with the strategic ability to manipulate the masses.

There is absolutely NO reason to accelerate their agenda by increasing the priority in the 2022 Work Plan or spend tax payer money to hire additional support for this special interest request.

Martha Alvarez

From: Mark Nelson (Home Gmail) <menelson@gmail.com>
Sent: Sunday, January 16, 2022 7:58 PM
To: Communications
Cc: Al.Muratsuchi@asm.ca.gov; HollyJMitchell@bos.lacounty.gov; Ben.Allen@sen.ca.gov; Paul Novak; Eleanor Manzano; citycouncil@hermosabeach.gov; CityClerk; City Clerk
Subject: [EXTERNAL] Written Public Comment Regarding BCHD False Assertions

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

Public Record Comment to All Addressee Electeds and Agencies:

Beach Cities Health District (Redondo Beach) Board member Bholat asserted during the BCHD Board approval meeting of its 100+ foot tall, 800,000 sqft project (Staples Center sized) that despite the roughly 400% increase in daytime and 24/7 residents, emergency vehicles DO NOT use sirens in residential neighborhoods. Dr. Bholat asserted that as an MD, she knew that with certainty.

The link below is one of many examples of sirens approaching or departing BCHD, with vehicles clearly passing through residential neighborhoods under full lights and siren. BCHD sits in the center of three R-1 neighborhoods, with one side bordered by multifamily.

BCHD has consistently misrepresented its project and impacts on the surrounding neighborhoods and this is yet another example for future use at the City of Redondo Beach hearings and litigation as needed.

Mark Nelson
Redondo Beach
3+ Year BCHD Volunteer
https://www.youtube.com/watch?v=I7A0_OM2f_M