

**CITY OF MANHATTAN BEACH
PARKING AND PUBLIC IMPROVEMENTS COMMISSION
MINUTES OF REGULAR MEETING
July 22, 2010**

A. CALL TO ORDER

The regular meeting of the Parking and Public Improvements Commission of the City of Manhattan Beach, California, was held on the 22nd day of July, 2010, at the hour of 6:41 p.m., in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

B. ROLL CALL

Present: Vigon, Stabile, Gross and Chair Silverman.
Absent: Adami.
Staff Present: Management Analyst Madrid, Traffic Engineer Zandvliet, Lt. Harrod, and Sgt. Mason.
Clerk: Schilling.

C. APPROVAL OF MINUTES – June 24, 2010

A motion was MADE and SECONDED (Gross/Stabile) to approve the minutes of June 24, 2010 with the following amendment:

- Change 33rd Place to 33rd Street on page 3, paragraph 6, third line from bottom of paragraph.

D. AUDIENCE PARTICIPATION

Evelyn Frey, Sand Section, announced that the L.A. County Beaches and Harbors have approved the installation of the Mobi-mat, pathway to the sea for disabled and elderly.

She also stated that as a member of the Manhattan Beach Residents Association she will be taking an active interest in the parking situation in Manhattan Beach.

E. GENERAL BUSINESS

Oversized Vehicle Parking Ordinance and Parking Permit Program

Management Analyst Madrid introduced the item.

Lieutenant Harrod presented a PowerPoint presentation regarding the issues involving oversized vehicles throughout the City and a sample ordinance to address

these issues. Lieutenant Harrod provided background information on the item for those who were not in attendance at the April 22, 2010 Parking and Public Improvements Commission (PPIC) meeting when the item was first discussed.

Lieutenant Harrod explained that at the March 2, 2010 City Council meeting, the City Council had directed staff to work with the PPIC to develop the details of an oversized vehicle ordinance and permit parking program and to return to the City Council with final recommendations. Staff presented the item and related issues to the PPIC on April 22nd and at that time was directed by the Commission to return with sample draft ordinances for non-motorized vehicles and oversized vehicles and to provide more information regarding the possible parameters of a permit parking program.

Lieutenant Harrod stated that residents were notified of tonight's meeting through inserts in their most recent water bill along with announcements made by staff at the Planning Commission meeting and City Council meeting.

Lieutenant Harrod explained that what brought this issue to a head was the fact that there were a number of oversized vehicles parking around the schools and this had caused safety concerns for children and their parents. It was also brought to their attention because owners of these oversized vehicles had become adept at skirting around the current 72 hour parking code and were taking up much needed parking spaces in a City where parking is limited. Lieutenant Harrod demonstrated his point with several photographs taken of oversized vehicles, showing the number of times the vehicles had been marked by police and moved by their owners, showing multiple vehicles parked around schools and fields and showing vehicles parked on streets near curves or intersections, all posing possible safety hazards.

The goal as stated by Lieutenant Harrod is to prevent long term storage of oversized vehicles on City streets and provide a process to enforce the ordinance without becoming overly burdensome to staff or incur a financial burden to the City. In addition, staff wants to minimize any inconvenience to the owners of the oversized vehicles who wish to pack and unpack, clean or repair their vehicle when taking a trip.

Lieutenant Harrod noted that the sample ordinance presented to the PPIC tonight was based on those ordinances already in effect in neighboring cities such as Torrance, Lakewood, Signal Hill, and Rancho Palos Verdes just to name a few of the 40 cities they researched. He reiterated several times that the ordinance provided was just a sample to serve as a starting point for the commission to discuss and form an ordinance that met the unique and specific needs of the City. In the sample ordinance, an oversized vehicle is defined as one that is at least 20 feet long, or seven feet wide, or eight feet high. He suggested that the City charge a one-time registration fee of \$25 with a \$1 fee for overnight parking passes, limiting these passes to 96 per year, with a limit of using the one day passes a maximum of three consecutive days. This ordinance would include limitations on guest oversized vehicles with a 14 day limit and no more than 30 days per year. He stated that the proposed ordinance allowed for an oversized

vehicle who was cited to pay the same fee as any other vehicle, which is \$45. The vehicle would be towed as a last resort.

Lieutenant Harrod declared that he had surveyed several storage facilities nearby Manhattan Beach and that the storage cost for a 26 foot oversized vehicle is approximately \$130 per month.

Lieutenant Harrod indicated that enforcement of the ordinance would be complaint driven, on a case by case basis.

Lieutenant Harrod summarized the presentation by sharing the approximate initial cost to the City would be \$5000 for signage. And that his hope would be to recoup the cost of the stickers and/or passes by the fees passed on to the oversized vehicle owners. Lieutenant Harrod asked that the PPIC provide further direction on this sample ordinance.

A discussion took place among the Commissioners and Lieutenant Harrod regarding the sample ordinance presented.

Commissioner Gross asked how long the 72 hour policy has been in effect. Lieutenant Harrod responded approximately 40 years. To which Commissioner Gross commented that residents shouldn't be surprised that the City doesn't allow the storage of large vehicles on City streets and City Council is looking for a way to enforce this. The current law makes it very challenging for the police department to enforce.

Commissioner Stabile asked for clarification on how the police plan to enforce the new ordinance, if approved. Lieutenant Harrod explained that officers on patrol would look to see if the sticker/permit is visible on the oversized vehicle and they would rely on resident's complaints. Commissioner Stabile expressed concerns about complaint driven enforcement; that this type of enforcement was inconsistent, and that it could cause conflicts with neighbors.

Lieutenant Harrod reiterated staffs concerns regarding a solution that would be equitable to all without over burdening staff or owners of oversized vehicles.

Commissioner Vigon agreed that he felt complaint driven enforcement is not equitable. He also asked how many oversized vehicles were registered in the City of Manhattan Beach to which Lieutenant Harrod answered 166. Commissioner Vigon also expressed some additional concerns; will this ordinance force residents to store their vehicles on their front lawns, how will police monitor visitors. Lieutenant Harrod responded to his concerns by stating that the City has an ordinance in place that prohibits the parking of any type vehicle on a resident's lawn, and secondly, police could input the license plate of the vehicle into their computer and can verify the place of registration of any oversized vehicle.

Commissioner Stabile stated that the streets are very narrow in the sand section and though there are some parking pads along side of the street for parking an oversized vehicle, which could pose a safety hazard.

Chair Silverman inquired if there was anything in the ordinance that considered the safety issues of children who can't see around these oversized vehicles and the motorists who can't see the children coming out from in front of and behind these oversized vehicles.

Lieutenant Harrod reaffirmed the fact that they are always cognizant of potential safety issues and to date, there has been no such accident reported in Manhattan Beach. He also stated that the City requires a 15 foot clearance on all streets to allow the passage of fire and rescue trucks.

Commissioner Gross asked about the fee structure, and if the cost would be included in the ordinance. Lieutenant Harrod assured the Commission that fees would be addressed but that staff needs to obtain more information before setting any fees, but the priority would be to make certain that the City could recoup all costs.

Audience Participation

Chair Silverman determined that due to the large number of people who wished to speak on this item that each speaker would be limited to three minutes. Chair Silverman then opened the item to public comment at 7:28 p.m. The following persons spoke on this item:

Steve De Baets, 1350 18th Street, RV owner stated that he parks his oversized vehicle on his property. He is the representative for the Manhattan Beach RV Owners Club and expressed his opinion that 90% of the RV owners in the City abide by the rules. He asked that the commission be conservative in the measures they adopt citing that there have been no incidents in the City regarding children and RV's and didn't want to see a cost burden placed on those owners of RV's who abide by the rules.

Commissioner Stabile asked what his group's opinion was regarding the storage of RV's on City streets. Mr. De Baets responded that the group was divided on the issue.

James Gee, 2600 Bell Avenue, is not an RV owner but feels that the owners of such vehicles come into the area and abuse the parking available on Bell Avenue for storage of their oversized vehicles. He produced a couple photos for the commissioners showing the street lined with several oversized vehicles and considers it to be a safety issue for the school children near by as well as an issue of aesthetics.

Stephanie Monash, Manhattan Beach, RV owner is concerned that the PPIC will take a sledge hammer to a fly swatter situation. She suggested that the Commission prohibit parking near schools and parks. Ms. Monash currently parks her vehicle in front

of her home with no objections from her neighbors. She and her husband could not afford the cost of storing their vehicle.

John Whitaker, Manhattan Beach, owns a 19 foot boat that he parks at his home. He parks his boat on his property and uses it a lot, with no complaints from his neighbors. His understanding is that the 72 hour rule is for abandoned vehicles of any sort.

Kay Sheth, 2603 Palm, does not own an RV but as the President of the Pacific School PTA, she and the parents of the school are concerned about the three or four oversized vehicles that continue to park on John Street at Pacific School. She feels that they pose a safety concern for the children and take up precious parking for parents.

Douglas Lock, 1531 11th Street, owns a trailer that is stored, expressed his feelings regarding the challenge of enforcing the 72 hour law. He is opposed to any ordinance that would increase costs to oversized vehicle owners.

Ellen Chao, Manhattan Beach, does not own an oversized vehicle but is concerned with the oversized vehicles that park around Pacific School and how easily these owners abuse the 72 hour law. She is opposed to oversized vehicles being parked around schools, parks, fields because of children and safety issues. Ms. Chao doesn't have a problem with residents parking their oversized vehicles in front of their homes.

Commissioners Stabile and Silverman asked about Ms. Chao's feelings of residents who live across the street from the school and park their vehicles in front of their home.

In response Ms. Chao stated that she has no objection. She added that there is currently a large area of curb on John Street that is painted white, previously used for loading and unloading. However that entrance to the school is no longer used and she feels the area could be open to more parking for parents.

Timothy Jones, 115 Morningside Drive, owns a trailer which he stores the majority of the year. It is parked outside his home more often during the spring and summer months. Mr. Jones shared the fees that oversized vehicle owners pay as part of the state requirements and questioned if the City would follow the same guidelines for an oversized vehicle as for a detached trailer or vehicle.

David Flirsch, Manhattan Beach, an RV owner who shared his concerns about the challenges of parking an RV in certain areas of the City. He expressed the fact that the streets are very narrow in some areas, and often times there is no parking available at all and he ends up double parking in front of his home or a neighbor's home to load and unload his oversized vehicle.

Steve Robins, Manhattan Beach, an RV owner who parks his vehicle in front of his home and moves it on street cleaning days. He would request that the City do what is fair for both the oversized vehicle owner and the City. He also questioned what the Council hopes to gain by this ordinance and how will it improve the City of Manhattan Beach.

William Mc Cleigh, Manhattan Beach, owner of a 26 foot RV that he keeps in storage. He asked the Commission specific questions as to what they want to solve with an ordinance. Mr. Mc Cleigh felt that the Commission was looking for a draconian response to the problem being addressed. He also stated that he was opposed to another bureaucratic program such as permits/fees.

David Wachfogel, Manhattan Beach, asked how the Commission planned to address oversized vehicles that are parked in the dedicated right-of-way.

Judy Kerner, Manhattan Beach, suggested that the proposed ordinance invites abuse. She is an RV owner and hasn't found any place to store her vehicle for less than \$200 per month. She is in favor of the 72 hour rule for loading and unloading and would like the permit program but opposes any fees.

Joana Gallo Marsteller, 758 26th Street, she is not an RV owner but does have a neighbor who parks their oversized vehicle in front of her home. She asked the neighbor to move the vehicle as it makes for a safety hazard in entering and leaving her driveway. The neighbor wasn't willing to move the RV, until recently. Ms. Gallo Marsteller is frustrated with the fact that there is no recourse in resolving this issue and she is stuck with safety issues as well as the possible loss of a 20 year old tree in their yard which is dying due to lack of sunlight, all caused by the oversized vehicle parked in front of her home.

She expressed no objection to residents parking their RVs in front of their own homes.

Ron Symmes, 1320 8th Street, is the owner of an RV which he has parked in front of his home for five years. He feels that it's unfair for the City to adopt an ordinance that penalizes the large percentage of RV owners in the City who abide by the law. He would ask that the Commission seek a more incremental approach; no parking signage around the schools to start, etc. before banning oversized vehicles from the City.

Monica Turney, Manhattan Beach, requested that the Commission show some expediency in addressing this issue. The parking of oversized vehicles on Bell Avenue poses a real safety issue.

Kristi Hutchinson, 1513 Manzanita Lane, RV owner confirmed that she had shared an email exchange with City Council regarding the issue of oversized vehicle parking and wasn't necessarily pleased with the response.

Christina Tate, Manhattan Beach, RV owner who stores her vehicle on her property posed the question to the commission as to how a RV owner could park their vehicle in front of their home if someone else was parked there.

Will Arviso, No Address Provided, oversized vehicle owner who presented several questions to the commission regarding the lack of parking in front of some owner's homes, the lack of enforceability of the 72 hour rule, and if the issue seems to be parking around the schools why not just restrict parking in that area.

John Whitaker, Manhattan Beach, spoke briefly once more addressing the two issues he felt were the problem; parking around schools and people abusing the 72 hour rule.

Chair Silverman closed public comments at 8:34 p.m.

Chair Silverman asked Lieutenant Harrod if it were discriminatory to have restricted parking around the schools. In response Lieutenant Harrod said he didn't know and would have to consult the City Attorney.

Commissioner Gross and Lieutenant Harrod concurred that depending on the time of year there are approximately 30 oversized vehicles that are a problem throughout the City.

Chairman Silverman announced a five minute recess at 8:37 p.m.

The meeting was reconvened at 8:46 p.m.

Discussion

There was a lengthy discussion among the Commissioners regarding the sample ordinance presented by staff and the comments made by the residents who spoke.

Commissioner Stabile announced that he was prepared to adopt a motion on non-motorized vehicles as described in Exhibit A in the sample ordinance. Chair Silverman read aloud Exhibit A.

Commissioner Gross asked Lieutenant Harrod for clarification on a vehicle safely positioned on blocks. Traffic Engineer Zandvliet explained that in this situation it fell under the jurisdiction of Public Works and would be considered material/equipment which requires an encroachment permit.

Commissioner Vigon expressed his interest in the greater good of the community. The City has a population of nearly 40,000 residents, 166 of which own oversized vehicles. He noted that a number of other cities have passed ordinances similar to the one proposed here this evening that have seemed to work. Commissioner Vigon is

inclined to adopt the ordinance as presented by staff in the best interest of the overall community.

Commissioner Gross acknowledged that he is the owner of an oversized vehicle and has stored it for nearly 40 years. He expressed sympathy for the owners of oversized vehicles but has more sympathy for those residents who don't own these type vehicles but are impacted by them. Commissioner Gross emphasized that staff had received a number of emails from residents, and several were from people who were not able to attend the meeting tonight regarding this item; he stated that 34 of the emails supported that the City adopt an ordinance and only nine were opposed.

He stressed the need to put an ordinance in place that would be easily enforceable and was reluctant to direct staff to seek other alternatives when they've surveyed more than 30 cities already.

Chair Silverman emphasized that he sympathizes with both sides, but supports the statements expressed by commissioners Gross and Vigon.

Commissioner Stabile reiterated the fact that the streets are owned by the City and no one has individual rights to the parking area in front of their homes. He stated that the commission has been tasked by Council to address the problem and find a solution. Commissioner Stabile felt that a permit program wasn't the only solution to this group of problems and though he is opposed to the proposed permit program and the complaint driven enforcement process, a permit system may be the only recourse. He restated that he is not able to support the oversized vehicle ordinance as presented here tonight.

Commissioner Vigon expressed an interest in compartmentalizing the issues as follows:

- Oversized vehicle parking in general
- Oversized vehicle parking around schools
- Uniqueness of the layout of our City poses safety issues for fire department

Commissioners Gross and Stabile added that there are a number of safety issues, not just schools, parking on narrow streets but also parking such large vehicles near corners where the view is obstructed as well as the fact that there are many streets in the Sand Section of town that don't have any parking at all.

Commissioner Stabile suggested that oversized vehicles be prohibited in the City of Manhattan Beach and that a permit program be initiated for the loading and unloading of such vehicles only.

Traffic Engineer Zandvliet and the Commissioners engaged in a discussion regarding the 72 hour law, residents parking their oversized vehicles in front of their homes, permits and registration, time limits for visitors and residents with oversized vehicles, and the general policy of the City against the storing of vehicles on the street.

Action

A motion was MADE and SECONDED (Stabile/Gross) to adopt Exhibit A; Proposed Ordinance – Detached Trailer Parking as presented by Staff.

AYES: Gross, Silverman, Vigon, and Stabile.
NOES: None.
ABSENT: Adami.
ABSTAIN: None.

The Commissioners agreed to move forward to discuss Exhibit B; Proposed Ordinance – Oversized Parking.

A lengthy discussion was engaged in between Lieutenant Harrod, Traffic Engineer Zandvliet and the Commissioners.

Commissioner Gross addressed the issue of enforcement without a permit. Lieutenant Harrod explained that it could be possible, but more difficult.

Traffic Engineer Zandvliet suggested that the easiest way to handle this would be by a numbered sticker that would allow the police department to track all pertinent information attached to each vehicle.

Commissioner Gross shared his opinion that it would be fair to all residents and oversized vehicle owners to prohibit parking in the City, freeing up much needed parking and foregoing street storage completely. This would not impose any additional costs on the City.

Commissioner Stabile asserted that he would like to see more stringent fines imposed on violators to act as a real deterrent.

Commissioner Gross questioned if the City would exempt “handicap” from this ordinance and if the City would ban these vehicles in time of a major emergency.

Traffic Engineer Zandvliet consolidated the items discussed by the Commissioners and summarized them as direction to give back to staff for study and presentation.

- A permit program would be implemented, and taking into consideration the possibility of a paper permit system option or a paperless permit system.
- All oversized vehicles must be registered with the City.
- A maximum of 72 one day permits a year per residential address.
- Permits would be issued in increments of 24 hours (1 day).
- Two one day permits may be used consecutively, but not to exceed 48 hours at any given time.
- A 24 hour period (where vehicle was off the street) would be necessary in between each 48 hour increment.

- No oversized vehicle parking allowed in the City limits except under the permit program.
- Oversized vehicles without a permit will be cited every 24 hours until moved or towed.
- Definition of an oversized vehicle as stated in sample ordinance (Exhibit B).
- Parking would not be permitted around schools and signs could be posted to note this restriction (this may be done immediately depending on whether it is an administrative action or ordinance).

Commissioner Stabile suggested that the City repeal the 72 hour law for all vehicles. He said the vehicle either has the permit or it doesn't.

Lieutenant Harrod agreed that the 72 hour law does allow vehicles to move from one side of the street to the other in order to avoid a citation.

Commissioner Gross agreed with the idea proposed by Commissioner Stabile.

Commissioner Vigon asserted that the amount of the citation needs to be increased.

Traffic Engineer Zandvliet recommended a tiered citation program.

Lieutenant Harrod asked if large commercial vehicles such as box trucks that business owners may bring home would be included.

It was unanimous among the Commissioners that they would be.

Lieutenant Harrod recommended that once an ordinance is passed it would be important to take steps to educate residents and have a period of leniency before enforcing the new laws.

Commissioner Stabile directed staff to define areas throughout the City where oversized vehicles would be prohibited.

In addition to schools, as recommended by the Commission, Lieutenant Harrod suggested prohibiting parking of oversized vehicles around parks and also community centers, and that this prohibition may be implemented immediately depending on whether it can be done through an administrative action or required an ordinance.

Action

A motion was MADE and SECONDED (Stabile/Vigon) to direct staff to redraft the ordinance on an Oversized Vehicle Parking and Permit Program in accordance with the consensus of the commission.

AYES: Gross, Silverman, Vigon, and Stabile.
 NOES: None.
 ABSENT: Adami.

ABSTAIN: None.

F. COMMISSION ITEMS

1. Commissioner Vigon relayed his observation of delivery services abusing the 20 minute parking limit for unloading and picking up goods. He has seen them park and go into a restaurant to eat lunch.

Chair Silverman would like him to be certain of those facts as the merchants each depend on these deliveries.

2. Commissioner Stabile asked Staff what action was taken by City Council regarding the north end valet.

Management Analyst Madrid stated that City Council was opposed to the program utilizing residential streets for returning vehicles. The owner of Upper Manhattan, Mr. Mike Quagletti wasn't interested in bringing forth another proposal to the North End BID and is no longer pursuing a valet program.

Traffic Engineer Zandvliet added that the business owners in the north end would like to see a valet program in place, and if they wish to pursue it they have a good idea of the parameters that would be acceptable to City Council.

G. STAFF ITEMS

1. Monthly Revenue and Expenditure Report: Receive and file.

H. ADJOURNMENT

The Meeting was adjourned at 10:33 p.m. to the Regular PPIC Meeting on Thursday, August 26, 2010, at 6:30 p.m. in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.