

The Manhattan Beach Observer

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A Publication of
MANHATTAN BEACH RESIDENTS ASSOCIATION
An All-Volunteer Organization
P.O.Box 1149 Manhattan Beach, CA 90266
(310) 379-3277

July 2015

Volume 15 No. 3

Call to Action!

by Tess Rikard-Ruiz

Several months ago another Watch Group was formed in Manhattan Beach. The goal of Manhattan Beach Neighbors is to keep up with the status of Paragon Development's new project between 6th and 8th Streets on the west side of Sepulveda. Their proposal includes a 27,500 sf Gelson's Supermarket, mezzanine area of 1,812 sf, two more retail spaces of over 7,000 sf, and a parking area of only 158 spaces. Gelson's will employ over 50 people at each shift and they have requested parking variances on our neighborhood streets for the overflow (there are 15 spaces currently slotted for employee parking). This number does not include the employees for the remaining retail spaces. The impact to our quiet Hill Section streets and the lovely neighborhood areas east of Sepulveda will be tremendous.

Another huge concern is the traffic problems this development will create on Sepulveda which is a main artery for commuters. There is no turn lane on Sepulveda for this huge development. The effect will not only create a traffic nightmare, but it will also create a major safety issue. There have been five deaths in five years at the intersection of Sepulveda and 6th Street. We are still waiting for the report from the Manhattan Beach Police Department for 8th and Sepulveda. A member of our group, Mark Shoemaker puts it best, *"The more I look at the traffic flow, the more I can't see how existing streets can handle limited entries and exits. Northbound Sepulveda having to turn left at 8th. Southbound Sepulveda turning right at*

Major Meeting Scheduled

The Manhattan Beach Residents Association, once again, will hold a community-based Informational meeting; it is MBRA's continuing effort to increase awareness and understanding of community issues. The Manhattan Beach Unified School District's master plan for its school facilities has prompted increasing concerns and questions about the costs, needs and priorities of what has been proposed. The meeting, scheduled for Tuesday, July 28 from 7:00-8:30 pm and held in the library's Meeting Room, will address these troubling issues.

Julie Profet, chair of the Friends of Polliwog Park and a still to be determined and named school district spokesperson are planned guest speakers. Following their presentations, the meeting will be open for questions from the residents. One need not live adjacent to Polliwog Park or have a family member enrolled in one of the Manhattan Beach schools, to recognize the impact current plans will have upon the Park and our quality of life.

Polliwog Park is Manhattan Beach's one major park. The loss of green space would be drastically damaging; important wildlife habitat and the destruction of major trees; a huge tax bond and turning Polliwog Park into a regional sports and entertainment complex are all components of a proposed plan which must be openly and transparently discussed by the entire Manhattan Beach community. A brief overview of the expansion plans is listed on page 2 of this issue.

Residents, their families and friends, are invited to attend. The date: Tuesday, July 28, 7:00-8:30 pm. The place: Manhattan Beach's new library's Meeting Room.

Save the date!



School Board Lesson of the Day: O is for Overreach!

by Joseph Ungoco

In order for representative government to function properly, a city has to have the processes in place for residents to comment on issues and topics being considered by their elected officials. In November 2014, Mayor Powell made a point of mentioning increased transparency of local government and that made a deep – and lasting – impression on me as a relatively new resident who is civic minded and has always played an active role in my local government. At recent meetings, the members of the City Council have put greater emphasis on going above and beyond the minimum notification requirements, essentially soliciting more active participation on the part of city residents in public hearings on important topics.

At a previous City Council meeting, Mayor Pro Tem Burton spoke eloquently in defense of transparency during the discussion of appeals – henceforth to be known as Council Reviews – of Planning Commission Resolutions. I firmly believe that Manhattan Beach residents can actively participate in their representative government by interacting with both the City Council we elected and the Commissioners whom they appoint. We do however have a rogue element in our city government, the Manhattan Beach Unified School District AKA the School Board.

My issue with the School Board is not one of transparency, but rather of purview. The School Board's current plans for the Middle School expansion into the existing park land of Polliwog Park, which it owns, include an Olympic size swimming pool and a new auditorium. Even the School Board's own architect acknowledges that middle schools are not usually built with a pool – of any size. The Middle School currently has an auditorium and the newly proposed one seems to have dimensions similar to the Redondo Beach Performing Arts Center which is less than a mile up the road. As an aside, I saw the Middle School Choir perform at the last City Council meeting and the chamber seemed more than adequate – as the current auditorium does – to fit their needs. I fail to see how building a full scale regional performing arts center would

Polliwog Park Alert !!

by Julie Profet

The draft Master Facilities Plan for Manhattan Beach Middle School, which an outside consultant firm proposed to the School Board earlier this month, calls for a commercial-sized expansion that would drastically damage Polliwog Park and wreak unending havoc in the surrounding community.

The proposed Master Plan expansion would:

- * Turn Polliwog Park into a regional sports and entertainment complex, adding an Olympic pool and stadium, a 750-seat performing arts theater, and commercial kitchens larger than the UCLA commissary that serves 20,000 meals a day
- * Destroy dozens of mature trees in the urban forest that currently supports 153 species of birds and important wildlife habitat for other wildlife

- * Significantly reduce the critical Polliwog storm water retention basin, increasing the severity of flooding in the surrounding neighborhood

- * Greatly diminish the quality of life for residents living near the Middle School, adding noise, traffic, air pollution and hundreds of cars parking day and night in front of neighborhood homes for non-school events

- * Remove the city's historic Premier little league field from its site

- * Require a huge tax bond to build the facilities to draw venue-goers from outside the city into our already crowded neighborhood

The School Board should reject the current proposal and right-size any future plan to meet the demonstrated, proven needs of future MBMS students.

For more information go to mbfopp.org





Editor's Column

The transfer of the Manhattan Beach Mayor's gavel is part of a seamless process which takes place every nine and a half months. There is no elected Manhattan Beach mayor. Each of the five councilmembers serves in that role during an established rotation procedure which moves them, in ordered fashion, during their 4-year elected term, to occupy the mayor's seat.

There is a need to clarify an often prevailing concept which is that one must "come through the ranks" (serve in various commissions), in order to qualify for a council run.

We have often stated here—a sentiment echoed by others—that the standard for integrity, competence, intelligence and quality was set some years ago by Dan Stern.

He had served in no previous commissions before gracing us with his sterling council presence.

Notable in this July 7th seating re-arrangement is that Wayne Powell, more than any other council person, did, indeed, "come through the ranks" or 'paid his dues and served in the field,' as some have suggested. An added component to his final mayor role, and now mid-way through his second term in office, upon completion Powell will leave with the indelible reputation for those who follow that he expanded his experience and skills during his committed participation in all those commissions and venues as community volunteer, in which he served with much dedication.

Incoming designate mayor

City Council Report Card

For Report Card	Burton	D'Errico	Howorth	Lesser	Powell
Ban short term rentals					
Appr. Limited alcoholic beverage use on public property (placed on Consent Calendar)					
Vote: YES		Vote: NO			

pro tem Mark Burton proved our contention that a candidate can also be elected to Council when his years of public service, his expertise in public safety issues and his skills and professional experience, resonated with residents seeking strong leadership. They wanted someone with the experience and assurance that he is not beholden to any special interest group. These were contributing factors to his successful council election. Burton did not serve in any extended previous commission.

The passing of the mayor's gavel on July 7th demonstrates that both avenues leading to the council seat are possible...but only when proven experience and promise are indisputable. We have seen too many candidates elected to council who have traveled either route but failed to deliver the needed quality.

In a recent Observer discussion with then mayor pro tem Burton he spoke about his initiatives as the next Manhattan Beach mayor, stating that:

- 1) He wants to make this the safest beach city in California
- 2) He wants to make this a sustainable city financially and 30 years from now
- 3) He wants to make this the #1 customer service city in California (explaining this as how residents are being helped when walking into city hall with some issue, or, when phoning, there is no prolonged

phone ring before a responsible response)

Burton emphasized there may be some additions or revisions to this but that he "wants to hit the ground running".

This is something he has been doing since he first joined city council. Burton's motivation to represent the public interest can be illustrated in an anecdote he related:

When serving as Los Angeles asst. city attorney, he was faced with making a decision which, -if he did not make the popular choice—could have cost him his job. Nevertheless, he made the risk-involved decision. Asked why he did not select the 'safe' road, Burton replied: "Because it was the right thing to do".

E.B.

Come celebrate the launch of mbconservancy.com.

The MB/CHC cordially invites all interested parties to join us in the main reading room at the new Manhattan Beach Library on Saturday, July 11 from 1PM to 4pm. Lily Ariss will give us all a demonstration of our newly completed website for the organization. There will also be a couple of laptops so you can have a hands-on experience of the site yourselves.

Light refreshments will be provided. Please feel free to bring a friend or neighbor. All are welcome. RSVPs are requested but not required. Call 310-545-5627.

In Defining Property Rights...

The ubiquitous 'Property Rights' surfaced repeatedly during Council's Short Term Rental hearing and the Planning Commission's prolonged discussion about possibly designated historical landmarks. Articles on both issues appear in this month's Observer. For many, property rights are defined by the law-making process for the benefit of all the city's residents. Just as free speech, which doesn't include the right to yell "Fire!" in a crowded theater, personal property rights also must be limited by the balancing of the good of the community with the legitimate interests of the property owner. Property Rights was the subject of an article by Bob Douglass in March, 1994. Excerpts from his stated views are printed below.

Property Rights.....

by Bob Douglass

Yell "property rights" and you've hit a nerve close to the heart. Whether it is commercial or residential property, owners' perceptions will differ. Some will hear it in the context of living in a democracy, while for others it triggers an alarm, warning of rights threatened and entrepreneurial options being "taken away".

To understand these reactions is to recognize two basic classes of property owners. The first, and by far the largest, consists of homeowners who have settled in, and are committed to Manhattan Beach for the long haul. They buy their homes, pay taxes, send the kids to local schools, get into Little League or church functions, or whatever. They are, in a word, **residents**. What happens to Manhattan Beach happens to them because this is their Home Town, their community.

For these people, property rights are rarely an issue. Those who decide to add the fence or build the barbecue, do run into the bureaucratic process, but in the overwhelming majority of cases, the outcome is satisfactory. They like being on good terms with their neighbors, so mediation and compromise are frequent in dealing with questions of exercise of "property rights". This kind of attitude arises from residents' sense of community and commitment. For them a reasonable appreciation of their property over the long term is anticipated, not the prize of quick profit that motivates speculators.

Speculative investment is elemental to the second group: real estate investors. "Investors" see Manhattan Beach less as neighborhood and more as marketplace. Protection of "property rights" is more related to protection of profit. The archetype of this group is the speculative developer, who actually owns property for only as long as it takes to develop and sell it. Frequently he is syndicated, with partners, even corporate backing. And while they certainly are entitled to free enterprise, residents must realize that in pursuing their goals (profit), conflict with the goals of residents (preservation of neighborhood atmosphere) is likely, even probable.

In general, "property rights" for investors has nothing to do

Slow but steady progress on the MB Historical Preservation Ordinance.

by Jane Guthrie

On Wednesday, June 10, the Manhattan Beach Planning Commission held their second public hearing on the proposed HP Ordinance, a 35-40 page document that is fairly complicated and written in "preservation-legalize" language. The revisions they had requested were reviewed in detail with City staff.

The first issue from the public was brought up by us, the Manhattan Beach Cultural Heritage Conservancy asking that the Honorary Landmark program be removed from the Ordinance. And that it be established as a separate entity, because the program is not actually a preservation program. It is a recognition program and deserves to be a separate and free-standing program; on its own and run by the Conservancy. Planning concurred.

Additionally, a letter from the South Bay Association of Realtors was read. And the commission spent a long and laborious time discussing the in's and out's of the Ordinance including the survey, moratoriums, and districts.

Oddly enough, there are still people who expressed the belief that there are no more historically significant buildings left in MB. But when Jan Dennis

with building planters, trimming trees, or TV antennas. For this group, "property rights" is a code word for "development rights". They recognize a need to follow closely and influence when possible, the activities of city government which pertain to property development. Finding a sympathetic ear to turn a variance request or building code ambiguity to one's favor makes a lot of dollars (and sense).

Statistically, the "residents" group greatly outnumbers the "investors" group..... (but in the election process)... we need to vote for candidates who serve the residents best, those who can make "property rights" also stand for "residents' rights".



City Hall Update

In response to residents who have asked about the status of the Manhattan Village Mall Expansion Project, and the related lawsuits filed some months ago, current word is that the case against the Mall expansion has not yet been set for trial. On July 8th the lawyer and judge will meet to discuss whether they are ready to set a trial date. If set, it will probably be scheduled for some date later this year or early the following year.

.....
After more than 25 years' MBRA efforts to bring to the attention of the residents that they had been paying an undisclosed waste billing charge they mistakenly believed reflected only the full cost of direct refuse service, staff acknowledged the true charges. Previously and variously known as Administrative Fee, in Lieu Fees and Taxes and/or Contingency Fee, its new title, City Recovery Cost, would now be noted in our combined Refuse/Water bill and acknowledged as (additional) refuse costs.

The costs in 2011 would now be \$643,909 a year with an 18.2% rate...an issue which, residents felt, needed research and discussion. Staff was ordered to conduct an efficiency audit to determine a cost cutting process. Two councilmembers spoke about sharpening the pencil and looking for ways to cut back on the cost cited for the following year; they wanted to see an audit that would benefit the residents.

MBRA had long asked for an accounting of these charges and that these be noted on the refuse statement. This was part of the effort to bring to the attention of Manhattan Beach residents that what they thought as the direct refuse cost was a separate item and could be viewed as an added tax. This was the city's most expensive long term contract and we asked that the efficiency audit be agendized for public hearing; clarification of overlooked issues and disclosure of line items needed to be reviewed.

The efficiency audit suggested in 2011 was not completed. Today this history of our waste billing is one of many detours, promises not kept, some evasions and unresolved questions. During the 3-minute audience participation segment of a recent council meeting, we requested the issue be revived for a subsequent council agenda.

During the council meeting break, Finance Director Bruce Moe approached us with word that there would be a reduction in the User Fee—a decrease which resulted from a new study; the lower rate would be reflected in September's billing.

We asked why this was not part of an agendized council discussion so that residents could know what cost reductions were involved; this was an issue long requested. He suggested we meet so that he could review these specifics. However, we felt this would be information available only in this limited meeting and should, instead, be heard during a planned council hearing. This would assure the openness and disclosure long sought throughout these many years.

The wait continues...



Slow but Steady...cont' d p. 4

presented each member of the Commission with a copy of her first book on the history of Manhattan Beach, all seemed eager to read it.

Ultimately, the Commission requested some additional changes and will hold another hearing in the near future at which point the HPO will come up again before the City Council for their take on the additions and changes.



Ed. Note: Observer articles reflect the views of the writer and do not speak for those members with differing opinions. The Observer provides a voice to those who wish to express personal comments on local Manhattan Beach issues.

City Hall Drought

By Gary Osterhout

This is not an article about water conservation. The backdrop is the merely new water conservation ordinance. It is instead an illustration of the current City Hall culture in dealing residents, and the associated issues of transparency, accountability, responsiveness and, yes, respect to those wanting to participate in city process.

The Backstory. My story starts many years ago when the city's water conservation ordinance was first passed. The ordinance reflected self-imposed water use restrictions on Manhattan Beach residents automatically triggered by implementation of various water allocations by the Metropolitan Water District of Southern California to its member districts. At the time I was bugged that the City ordinance referred to the triggering MWD's plan levels as "Stages," where the MWD referenced such plans as "Levels," and I thought for clarity it would be helpful to use consistent terms.

But of course the City continued with the incorrect references, which of course seems benign, but became important to interpret the effective date of when new City restrictions were triggered by the MWD's recent drought allocations. But let's set aside for the moment any difference between "Level" and "Stage," and continue on to the more confusing.

In an April 21, 2015 memo and presentation, Public Works Director Tony Olmos informed the City Council that "MWD has declared a Stage 3 Drought that has immediately prompted for the City of Manhattan Beach to also implement Stage 3 water use restrictions identified in the City Ordinance. " At the council meeting, Director Olmos stated that "MWD . . . did declare a Stage 3 drought and the City's Water Conservation Ordinance has a provision in there that says that the City would implement different stages of restrictions based on the MWD drought declaration. What that means is that the City now is that the City would go into a Stage 3 drought. . . The effective date for Stage 3 is immediately."

This statement is also reflected on the City's website (still reflected on the website as of 6/27/15, even though this section refers to old, superseded law): "On April 14th 2015, the Metropolitan Water District Board approved and implemented its Stage 3 Water Shortage Allocation Plan. Accordingly, the City's Water System is immediately set at the Stage 3 Water Shortage restrictions, which requires the implementation of Permanent Water Conservation measures as well as measures for Stages 1-3 listed in the Water Conservation Ordinance." See: <http://www.citymb.info/city-services/going-green/how-can-you-go-green-/water-conservation>.

That the new water restrictions were interpreted as being "immediately" in effect concerned me, as I did not believe based on my reading of the ordinance, that mere drought declaration was sufficient to "immediately" trigger the Manhattan Beach restrictions. Generally governments write rules that give their constituents time to react to a condition before a rule is imposed.

Behind Closed Doors

Edward C. Caprielian, Ph.D.

As the U.S. Supreme Court raises the bar to maximize our liberties and freedoms, it is disheartening as the Manhattan Beach City Council sets the bar to minimize open government and transparency. For example, it limited the public's right to know on the closed door Separation Agreement with at-will Director of Human Resources Cathy Hansen providing her a severance of approximately \$116,000 of our taxpayer dollars. The council based its secretive decision on a technical legality that lacks common sense. This type of repressive reasoning is a precursor to further limits the council will put on the freedoms of residents in our community.

In contrast, other communities have raised the bar to maximize public input and access to public information. The City of Encinitas requires its city clerk to take written minutes of closed sessions. San Francisco, Oakland, and Riverside require audio-recordings of closed sessions – not in Manhattan Beach.

San Francisco and Milpitas discloses draft settlement agreements related to litigation 10 days prior to approval, in Vallejo, three days – not in Manhattan Beach. In Encinitas and Milpitas, city council appointment and phone records are available to the public upon request – not in Manhattan Beach. Most cities provide the closed session agenda along with the council meeting agenda – not in Manhattan Beach. Further, a growing number of cities require minimization of technical terms and acronyms to maximize public understanding – not in Manhattan Beach.

No wonder there is sparse attendance at council meetings and shamefully low voter turnout in municipal elections averaging less than 20%.

Short Term Rental: A Question of Zoning

by Joseph Ungoco

The recent second reading of the ordinance amending the municipal code with regard to short term rentals was remarkable for a number of reasons. Regular attendees of the City Council meeting often arrive to a packed chamber, with overflow into the lobby, but we are accustomed to it emptying out almost immediately after the ceremonial portion of the agenda, when the actual business of the Council begins. This was not the case on June 16th, when many proponents of short term rentals arrived to plead their case.

The large pro-short term rental contingent was impressively well organized, sporting large - legible on TV - stickers that read "Protect Home Sharing". They were being rallied by an organizer - purportedly from Airbnb - who distributed stickers, placing them so that they would be in camera frame when they spoke at the podium. She also distributed and collected the yellow cards that the City Clerk uses to identify speakers in the subsequent minutes of the meeting.

The organizer would have done well to brief the group on procedure as well as protocol. Some residents were clearly under the mistaken impression that pulling an item from the consent calendar would kill the ordinance. City Hall regulars know that this actually moves the discussion on the item further back in the agenda, making for a longer night. Furthermore, pulling routine business items, like the approval of past meeting minutes, only serves to disrupt the normal flow of Council business and does not endear the indiscriminate activist - and possibly his or her cause - to the members of the Council.

The organizer should also have briefed the group on how to behave in the Chamber, if only to increase the effectiveness of their message and mirror the respectfulness which the Council extends to members of the public providing comment. The first bout of "rowdiness" - loud side conversations, booing, yelling at the council from the audience - came when the debate began among council members regarding the time limit for public comment. This came after an informal poll by Mayor Powell revealed that nearly everyone in the chamber and some in the lobby intended to speak on the subject. I felt for a moment that I was at a particularly boisterous Kings game rather than City Council.

I must say, that once the Council decided on a 1.5 minute time limit and gave the public some guidelines on keeping each argument unique, those who chose to speak did an admirable job of presenting all the varying arguments in favor on short term rentals. Again, it's a shame that this did not happen earlier at the Public Hearing. In a heart wrenching variant of the "widows and orphans" appeal, seniors and small children stood up to speak passionately about supplementing fixed incomes and international

Undergrounding Rising Again

By Michelle Murphy

After being put on the far back burner and ignored for over 5 years, the issue of utility undergrounding is back on Manhattan Beach's radar. Districts 12 and 14 which were formed many years ago are now slated to come up before City Council perhaps as early as this fall. District 15 may follow close behind. A vote by residents could follow relatively quickly. Districts 12 and 14 are in El Porto (or according to Council--North Manhattan) from 45th Street to Rosecrans and from Highland to The Strand. District 14 just barely approved going forward with the undergrounding process many years ago and District 12 rejected the process. By rules set by Council, District 14 should have been dissolved but Council changed the rules and risked 100's of thousands of city dollars to go forward with the process in violation of their own guidelines.

Briefly for those who don't know the undergrounding saga— undergrounding is digging up the street and placing all utility (electricity, phone and cable) wires underground and removing the poles that currently hold the wires. It's done by petition and then utilities figuring out the costs then a vote by residents and approval by Council. Back in the early 2000's many residents living near the beach created districts and 5 were undergrounded.

8th or into a Sepulveda driveway. Cars heading east or turning on 8th will be battling cars trying to enter on 8th. and cars exiting the driveway on Sepulveda battling fast flowing southbound Sepulveda traffic. Unless there are plans for more lanes, this will not work"

Fortunately, we have made contact with CalTrans and they have alerted the city of Manhattan Beach that the project will have oversight. We believe that this is a huge step forward in our quest to make sure this project is one that will not go un-noticed by our citizens and the boards and commissions that will have to approve it. I received this email from CalTrans on June 10th, and presented it to the Parking and Public Improvements Committee on June 11th. The city engineer was present at the meeting and confirmed that he had received a call that day from CalTrans. The email reads:

"We did contact the City and learned that this project is in the very early stages. The City and/or developer will be reaching out to us soon to discuss what our requirements would be relative to a traffic study.

Generally development projects like this have to conform to the California Environmental Quality Act (CEQA). The law requires the Lead Agency who I believe is the City of MB in this case to evaluate impacts of the development on transportation facilities. You can look up the law for more specifics. Caltrans is generally designated as a Responsible Agency, which means we would review and comment on the environmental document, which would include the traffic study. Ultimately, the City as the lead agency would approve the environmental document. The law requires them to circulate the document and solicit public input, so you and your neighbors will have the opportunity to voice your concerns and comment on the document.

Any questions or comments should be directed to the City as the lead agency. I am including links to the Caltrans website that covers our role in reviewing local development projects as well as a link to the CEQA guidelines."

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The ordinance, as the relevant section read at the time, stated: "Stage 3 Water Shortage. When the Metropolitan Water District implements its Stage 3 Shortage allocation reduction the following restrictions on the use of water from the Manhattan Beach Water System shall be in effect.. [.] Water Conservation Ordinance No. 2122 7.44.040(c). So, the triggering event would seem to be the MWD's implementation of a "Stage 3" allocation.

I went to the April 14, 2015 MWD Board Meeting reports. The MWD Board stated that had declared a "Condition 3 – Water Supply Allocation," but the triggering Water Supply Allocation Plan set at Regional Shortage Level 3" was to "be implemented, effective July 1, 2015[.]"

Thus, although being charitable that the City's "Stage 3" and MWD's "Level 3" are the same, it appeared obvious to me that Director Olmos was confused in interpreting the triggering event to be the Drought Condition and not the implementation of the shortage reduction.

To affirm my conclusions and get the mistake rectified (or at least for someone to connect the dots for me), I took this issue to a councilman I expected had considerable experience reading ordinances and interpreting the law, figuring that the Public Works Director's proficiencies are probably more directed to engineering and not ordinance interpretation).

The following message string resulted:

Councilman: "let me take a look at our ordinance, MWD orders, etc. and talk to staff prior to the Town Hall meeting. If the ordinance and/or references need to be corrected, now is the time to do it."

Me: (two weeks later after no reply): "Is the ordinance clear that one-day-a-week watering applies "immediately?" If so, I'd be interested how that works through the construct."

Councilmember: "The City is in the process of drafting a new ordinance. It should be coming to city council soon."

As I need a bit more than this nonresponsive reply, I posed a more specific question:

Me: "Let's try something simple: under the ordinance, am I allowed to water more than one time per week, as of today?" Because one-day-per-week watering would only apply

Manhattan Beach Neighbors is not against development in our city; however we are against the impact of such a development as broad as the Paragon (Gelson's) project. Gelson's was once viewed as a small, independent, family-owned market; however, this is no longer true. The Gelson's franchise was acquired by TPG, the global private investment firm, in an all-cash transaction valued at \$394 million. It is a SUPER-Market, **not a specialty store as the zoning requires.** Again, there are many issues about this major project that need to be addressed, and we are grateful for the hard work, financial investment, and passion that our members are willing to invest in order to make sure this property is developed in accordance to the rules and the key points remain: "Property rights are also resident's rights."

Please join us in getting the word out and supporting our cause at https://www.facebook.com/pages/Manhattan-Beach-Neighbors/446288268864439?ref=aymt_homepage_panel. We look forward to meeting with the Manhattan Beach Residents Association so we can join forces and make our voice heard.

To MBRA Members:

There are frequent Agenda items and other notices which, when previously emailed to members, were returned as undeliverable. Those email addresses probably have been changed. To assure prompt notice of informational items, and with the firm assurance that the email address will be used ONLY to provide an update of pending issues, please help us update our email mailing list. Write: P.O. Box 1149, Manhattan Beach, CA 90266 \ or email: YourMBRA@gmail.com or phone: (310) 379-3277

better meet their educational needs.

I fully understand that regional draws like world class swimming facilities and performing arts centers can be major money makers, but I firmly believe that these decisions should be made by the City Council in concert with the Community Development Director, the Planning Commission, and, of course, the public. Regardless of whether you think building these projects is sound economic policy or just "keeping up with the (civic) Joneses", you have to agree that the decision should lie with the people we elected to make these types of decisions – the City Council and NOT the School Board.

I was not a resident when this current School Board was elected, but my understanding is that a school board is elected to oversee the local Superintendent of schools and the school themselves, not the city overall. I recently reviewed the MB Unified School District's Vision, Mission, and 2014-2015 Goals and I am hard pressed to find where any of them include dictating broader economic policy for the city at large. I would think that the business of "pursuing excellence" in education should be more than enough to occupy the School Board's time without straying into broader issues not germane to its stated Mission.

Furthermore, the School Board seems to be wasting its time and resources developing drafts of plans in a vacuum. The official second draft of the School Board's Middle School expansion plan included building a new Olympic size pool in the northwestern corner of Polliwog Park, where the soccer field currently stands, as well as relocating the soccer field further south, thus eliminating the dog park, Begg Pool and a group of mature pine trees. At a recent City Council budget study group, the Public Works Department, in reviewing its proposed budget for the upcoming fiscal year, noted that funds in excess of \$1 million have already been allocated to re-turf the soccer field (where it currently stands) and the Director mentioned initiating plans to renovate Begg Pool as a priority for the upcoming fiscal year. How is it that the School Board is apparently completely unaware of these plans? At best, this signifies an ignorance of the activities of the relevant city Departments; at worst, it represents a blatant disregard for the established process of civic government.

The newest draft of the Middle School expansion plan, ostensibly based on community input, relocates the dog park, replaces Begg pool with an Olympic size one, and removes the current pool parking lot entirely. As a dog owner and regular user of the dog park, I am glad to see it in the latest plans, but my question is why would anyone just remove it in the first place? Arbitrarily removing, then replacing and moving the dog park does not instill much confidence in me that I will even see a dog park in the final plans. Additionally, the proposed auditorium has been relocated from its first draft location in the northeast corner of the grounds to just south of the school, eliminating the existing outdoor workout facility in the park. Is the Parks and Recreation Department,

which maintains the facility, aware of the School Board's plans?

If a commercial developer were proposing plans to build a regional draw facility, the process would necessarily involve parking and traffic studies, environmental impact reports, and properly noticed Public Hearings with the Parking & Public Improvements Commission and the Planning Commission. Ultimately, the City Council – the body we elected to deal with such matters - would have the final say in the matter. Because the School Board is – in my opinion – overreaching its stated Mission, its proposed projects which impact the entire city could move from ideation to bond issue and, ultimately, to fruition with little to no input from the public.

Small groups of concerned citizens have always been able to effect change and here in Manhattan Beach and we already have the processes in place for us – the residents – to participate as actively as we deem necessary in the decisions of local government that will affect our lives. That is, as long as our elected Council and its appointed Commissions continue to stay within their respective wheelhouses. The group we have to watch is the School Board. The MB Unified School District is elected directly by voters to oversee our schools, not govern our city. The School Board should just focus on the serious business of maintaining the standards of academic excellence they – and their predecessors – have fought so hard to establish.

*Our loss is Berkeley's gain.
Accompanying Mira Costa
High School graduate Jacob
Hands as he prepares for this
next academic phase, are our
very best wishes and thanks for
the excellence of his Observer
articles throughout the past year.*

under immediate enforcement of the "Stage 3" restrictions."

Councilmember: "Per staff, it's once a week only on Wednesday after 6 p.m., limited to 15 minutes."

Me: "I didn't ask staff, I asked you."

Councilmember: [Sends me a media release from the California Association of Water Companies referencing the MWD's announcement of the Level 3 water allocation plan]: "Is this is what you were looking for?"

Me: "I found the actual resolution from the MWD (not the CAMWC) which is better support and tracks closer to the ordinance wording. Notwithstanding, the article does draw from that resolution in that it states "The cutbacks will begin on July 1 with the adjusted water allocation plan establishing a surcharge for excess water use."

Councilmember: "It should be evident that this was not intended to be the best research, just support for the Level 3. I imagine the Governor, the State Water Board, MWD and the City will be grappling with water issues for quite some time."

Me (exasperated): "And you again miss the entire point. There is a timing issue between calling Level 3 and the implementation dates that trigger the one-day-a-week watering schedule."

Councilmember: [No further response .]

Subsequently, on May 11 the City repeated a Community Meeting reminder for May 12 about "Drought and Water Conservation in Manhattan Beach." To my surprise the announcement stated that "Remember: Stage 3 Water Shortage Restrictions are in place. That means the watering period will be once a week for 15 minutes . . . on Wednesday evening—Thursday morning for even numbered addresses, and Friday evening through Saturday morning for odd numbered addresses."

The odd/even requirements were not even in the ordinance. The ordinance reflected watering on Wednesday's only—for everyone. Now whether the drought restrictions were immediately in effect became almost secondary to what seemed to be a law change without a formal change in the law. I figured I had to go to the meeting to find out what the story was.

I followed all the City's demands for participation before and during the meeting:

I made sure I followed all the City's rules for

participation:

- RSVP'd for the meeting at the library (even though there should be no reason why someone should have to RSVP for a city meeting).
- Submitted my question early in the meeting in writing about what ordinance empowered the City to require immediate restrictions, and odd/even numbering (even though there is no reason why someone should be even asked to submit a question in writing).

At the meeting, there were vague references that the City Council would be reviewing a possible new ordinance given that there was "confusion" over effective dates. There was no distribution of the proposed wording of this ordinance or powerpoint slide to contrast between the old and new ordinances—even though there were other extensive handouts and powerpoints on other topics throughout the meeting. Nor was there an explicit explanation that the presentation would be based on restrictions under a proposed ordinance, and not the one that was on the books, and which restrictions were already in place and which were still subject to debate and change.

When it came time to read the written audience questions, City Staff totally revised and obscured my question (as well as others) such that the paraphrased question answered did not reach the concerns I wanted addressed. So I waited another hour until questions were taken directly from the audience. However, when I asked for clarity by reference to actual written law, I was pretty much shouted down by Director Olmos, who said that this had already been discussed (it had not).

On May 21, the Council passed a new water restriction ordinance, which added the new language about odd/even address watering, and removed any linkage to MWD triggering events. Notwithstanding, the new law states that "the City Council may impose the following restrictions [Stage 1 through 5] after a public hearing, notice of which shall be published not less than 10 days before the hearing in a newspaper of general circulation within the City."

My research suggests that the City Council has not yet held such a triggering hearing (and I have asked for the City Clerk to confirm, yet no response as of the time this is going to print). The

cultural exchange. However, the ordinance as passed does not eliminate the opportunity for either of these, it simply restricts these types of rentals to a longer time period.

Mayor Pro Tem Burton spoke quite forcefully in defense of the residential "character and quality" of our city. He went on to explain quite clearly - and succinctly - that our current zoning supports maintaining the "small town feel that preserves our neighborhoods" referenced in the city's General Plan. He closed by saying that "our laws do not allow this activity in residential neighborhoods." He did however, leave the door open to future discussions about changing our city, if the residents decided to entertain the idea of "resort" zoning which would allow for short term rentals.

Councilmember Howorth voted in support of the amended ordinance, touching on the impact on the long term rental market as one of her reasons for voting that way. As a long term renter myself, I reached out to her later to ask her to expound on that argument. She expressed concern over "the economics of short term rentals vs. long term rentals". "A landlord can make a lot more money renting out condos or apartments or houses on a week to week basis than on a monthly or yearly rate", explained Howorth. "This creates a shortage of supply of traditional rental units, which changes the ability of many young families and individuals to enter into residency in Manhattan Beach."

Councilmember Lesser stood out as the lone dissenting vote, in a reversal of his previous position on the issue. "My vote against an outright ban of short-term rentals was based on my concern that it was too broad a remedy to address the underlying problem and there were less severe alternatives", he said when I later asked him to explain. "In short, I felt there were ways to address the problems which residents were experiencing with short-term rentals without imposing an outright ban", he continued. "With a ban now adopted, my hope is there will be an opportunity to review its impact in the coming months."

only events that have occurred in respect to the new law (which superseded the old ordinance) is that the ordinance as a whole was adopted as an emergency resolution. There appears to be no public hearing to set any "Stage" level. The old (inactive) ordinance automatically triggered Stage 3 restrictions without need for any Council action, but that ordinance cannot substitute for the current ordinance.

The Takeaway. Regardless of effective dates, residents should take note how difficult City Hall makes it for a resident to participate in the civic process, even just to get clarity on something in writing. It is difficult enough to challenge City Hall when the subject matter is subjective, but when the issue involves specific language, dates and actions, one should not expect City Hall's information exchange to be so obscure.

These actions again suggest the City acts like either they think are the smartest person in the room without responsibilities for accurate and clear communication to their constituents, or they are terrified of resident challenge or admission of error.

I don't want to conflate the situation, but if a resident cannot get a clear answer to a simple objective question, then there is no reason to hope that participation at any civic level will be worth the time. When the City is not being forthcoming on issues I know a good deal about, I can only conclude that they are likely being obfuscatory and manipulative when they ask for my trust on issues I know little about.

Consider all that occurred here:

- This started as a simple query. The old marketing adage is to get a customer complaint satisfied immediately less the customer begins to find new problems. Our City Hall does not get that.
- The City misinterpreted the old ordinance, and has apparently not gone through the proper steps to declare the current drought conditions under the new ordinance (and if they have, that event is not clear)
- The City website (see Drought topic link) has not been updated and is referencing old law. This is unacceptable especially for such an important issue.
- A city councilman could not, or cared not, to get the right answer to a concerned

For now, the ban on short term rentals stands. If the residents and non-resident property owners who oppose the ban decide to revive the issue, they should galvanize around the tactic of changing the zoning in their neighborhoods and take their fight to the Planning Commission.



Underground Rising...cont' d p. 7

One district had already been undergrounded as a pilot project. The first district was not very expensive but the utility companies, who must live with their cost estimates, didn't realize that digging in sand would be so difficult so the price rose for later districts. Opposition rose too. People with a pole in the middle of their ocean view desperately wanted the poles removed while those whose views were not so encumbered (or whose pockets were perhaps not so deep) opposed paying up to \$54,000 for someone else's view enhancement. It has been a divisive issue.

In 2008 or so the collapse of the economy led to council dissolving districts and others failing to garner the votes needed to go forward. Historically 6 Districts have been undergrounded and 6 have dissolved. Somehow districts 12 and 14 (and 15) were allowed to continue into the cost estimate phase and even more bewilderingly they took many years longer in that phase than any other district ever had. A conspiracy nut might decide that someone who was pro undergrounding was waiting for the older residents who opposed the process to die so the pro side could win.

And new districts (always near the beach in ocean view areas) are in the process of being formed. Only one, near Grandview School, has progressed to the petition stage but others are being talked up by proponents. The Grandview District stretches from 26th St. to 21st Place and from Highland to Grandview Street.

MBRA has consistently opposed undergrounding. City wide votes in the past have shown that the vast majority of the city does not approve the

constituent, when all that was required was a side-by-side comparison of the wording of an ordinance to an MWD resolution well within the councilman's talents. This same councilman brags that the council has an open door policy where they will respond to emails within 24-hrs and will meet within 48-hrs. But when one cannot get a good answer to a fair question, or the answer comes outside of a public venue, such "responsiveness" applies only to time, not content. From my years engaged with the City, I generally find it easy to get a quick response, but it is often impossible to get a useful response (and second inquiries are often ignored).

- The city required an unnecessary RSVP to a city meeting that is open to all, which chills participation. Further, there was no prepared agenda for that meeting or other material provided in advance to know what will occur. The meeting itself was billed as "find out how the drought conditions will impact Manhattan Beach," where many appeared to be there to hear about the ordinance. But most of the meeting was presentations on drought tolerant plants, the West Basin Water District, and a 10 minute reading by an 8th grader on the future of water conservation (someone seating next to me left after ½ an hour, remarking about an appreciable lack of respect for our time). Few unretired people have time for such meetings, which might be why a seat-mate turned to me at the start of the meeting to say "it looks like we're the youngest people here" (I am 59).

- City Staff required advance submission of written questions without indicating that later questions would be taken directly from the audience. Staff then perverted the phrasing of the question (nor was there any assurance all questions were answered). When I asked my question, Staff's preference was to shut down the question than answer it—like it was their meeting, not ours.

- City Staff spoke at the meeting about water restrictions in a way that suggested those provisions were already law, but turned out to be only in a draft proposed City Ordinance. There was no designation in written materials, slides or meeting announcement that many of the discussed restrictions were not yet law--nor differentiated from restrictions that were old law.

Of more concern, why would Staff introduce at a public meeting restrictions that are not yet enacted unless they have been given assurance that these restrictions will be enacted at the next Council meeting. And that, my friends, suggests a Brown Act violation in itself, or at least suggests there is way more backroom decision-making going on in City Hall than should be occurring. The foregoing is not isolated. It is the norm. And it seem to be getting worse.



Underground Rising...cont' d p. 12

very expensive process. Claims have been made by both sides about safety benefits but everyone agrees that the real reason for undergrounding is views. Strangely the process does not allow for assessments to be based on view enhancement. No court has considered this specific issue but courts have said that the cost of assessments should be related to the benefit conferred.

Look for The Observer to be covering this issue in depth in future issues. Beautification is a fine thing but not for the benefit of the richer at the expense of the poorer. People shouldn't be allowed to take money from their neighbors in order to make their house worth more.

The Manhattan Beach City Engineer who is the point person on this issue is Joe Parco at: jparco.citymb.info



To: All Manhattan Beach Residents: If you support MBRA's efforts on behalf of your individual neighborhood and/or city-wide concerns, as well as the Observer's information, please respond by submitting the membership form printed on the backpage of this issue.

Too Important to Ignore

ed. note: During the past year or more, in their deliberations, council members may have referenced the General Plan in specific or general terms. We may have missed any related comments and if so charged, do deeply apologize as we seek enlightenment. With so much construction and plans for expanded projects, it seemed appropriate to dust off some of the important elements of a Plan which, as stated in court cases, "is atop the hierarchy of local government law regulating land-use". The Courts of California said that the General Plan is "a constitution for all future development within the City".

The question of whether the General Plan is reviewed on a regular and consistent basis arose during a social group discussion when one resident suggested that the Plan is a document familiar to everyone. Not so, she was told, citing the instance when a council candidate---not recent and unsuccessful----admitted to having no knowledge of its existence. The General Plan has not been a topic which more recent arrivals to Manhattan Beach have had occasion or the need to explore or define or question. And to our knowledge, has not been frequently referred to during the Council meeting process.

Early previous Observer issues contained many articles speaking about this most important land use document. One written by Gil Archuletta titled "Too Important to Ignore" seems in part, as relevant today as it did in 1991. Some of the statements have been updated to later vintage, but the basic concept remains. It is excerpted here for those few who have yet to be introduced to the General Plan.

The General Plan of the City of Manhattan Beach is the prevailing and guiding document for all land use decisions in the city. In fact, state law requires that all zoning, variances, and public works projects be consistent with the General Plan.

The General Plan, pursuant to State Law, is a comprehensive, long term plan for the physical development of the City.

Under State Law, the Plan includes several required elements (there may have been some changes here) which must be consistent with each other. All projects submitted to the City for approval must be consistent with the General Plan. In fact, many project requests which involve variances or use permits must have specific findings made to determine their consistency with the General Plan. Any City approvals which are not consistent with the General Plan are subject to legal challenge.

Restated: The General Plan is THE most important land use document in the City. Consequently, the General Plan needs to be reviewed on a regular and consistent basis.

We live in a society where circumstances, both socially and financially, change on a daily basis. Our city government must recognize these changes and act accordingly. City government must especially be aware of changes in our city where land use decisions are invaluable and which may have substantial impact on our city and our life styles for years to come.

The changes that have taken place in our city and surrounding communities require a thorough review of the city's General Plan. Increased traffic, larger buildings, increased commercial development, all call for an immediate review of the General Plan, as called for by the Plan itself.

The questions remain: Is the Plan outmoded? Is it inappropriate for our city today? What goals need to be revised? The General Plan, as the constitution for all future development in the City, is too important to ignore.



“Manhattan Beach Is A First-Class City. It Deserves First-Class Meeting Management”

Edward C. Caprielian, Ph.D.

On July 11, 2013, the Daily Breeze published its editorial, “MB needs to better manage its meetings.” Two years later, the meeting management problems cited remain, “Too often, important topics are discussed late at night in Manhattan Beach City Council meetings, which can last six hours or longer. Packed agendas have forced the carrying over of items from one meeting to the next...The fact that a meeting had to be canceled recently because it was improperly noticed has only made matters worse.”

To address these issues, the council, in its first attempt at improving meeting management, rather than examine its faults, focused the blame on public comment and placed restrictions limiting a resident’s right, as stated in the First Amendment to the United States Constitution, “to petition the government for a redress of grievances.”

Suggested solutions by the Daily Breeze either totally ignored or poorly implemented by the council included an additional council meeting each month and avoiding overloaded agendas. Further, the council should first review and implement the principles of Public Policymaking 101: clear statement of the problem or issue at hand with supporting facts; examination of policy alternatives; criteria for selection among the alternatives; projecting the outcomes; confronting the trade-offs; and decide.

Additionally, strongly contentious issues requiring extensive public input should be resolved through town hall forums; and, the council should more heavily empower and rely on recommendations of its boards and commissions.

As the editorial concluded, “Manhattan Beach is a first-class city. It deserves first-class meeting management.”



SAVE POLLIWOG



City Hall Calendar

- | | | |
|---------------------|--------------------------|---|
| July 7 | City Council | Council seating re-arrangement:
incoming Mayor Burton |
| July 28, 7pm | Community Meeting | MBRA holds special community meeting.
Library Meeting Room |

To Assure Observer Delivery

There have been numerous inquiries from residents who have received one or more copies of the Observer and who called to ask why they are not getting the paper regularly.

To explain: Only Manhattan Beach Residents Association members are on our mailing list. When a mailing goes out, everyone on the list receives a copy of the Observer. If, as sometimes happens, we have a large run or extra copies, these are mailed somewhat randomly to residents of the city.

An annual \$30.000 membership, which is applied to printing and mailing costs, will place you on the mailing list for the year commencing with the month you applied. More significantly, you join the many on behalf of whom MBRA works to achieve their goals, including the research, support, and effort required to assist each member with any issue of concern.

MBRA appreciates the interest shown and looks forward to having you fill out and return the form on the back page of this issue.

Welcome new members!

The Manhattan Beach Residents Association welcomes its new members. We take pride in our work and accomplishments over the past 25 years, and would like to take this opportunity to thank you for joining other residents throughout the city who are working toward preserving the qualities of life that make our city special. Residents working on behalf of residents is a major reason for our success!

Manhattan Beach Residents Association
P.O.Box 1149
Manhattan Beach, CA 90267-1149
(310) 379-3277 Email: yourmbra@gmail.com

Enclosed is \$30.00 annual (2015-2016) Membership Fee.

Yes, I (we) would like to assist.

- | | |
|--|--|
| <input type="checkbox"/> City Hall Watch | <input type="checkbox"/> Computer Assistance |
| <input type="checkbox"/> Fund Raising | <input type="checkbox"/> Membership |
| <input type="checkbox"/> Communications | <input type="checkbox"/> Telephoning |

Name(s) _____

Address _____ (Zip) _____

City _____ Phone(H) _____ B) _____

E-mail _____ Fax _____