

The Manhattan Beach Observer

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A Mobility Plan with Legs

By Gary Osterhout

I have frequently written in The Observer of the “3 T’s” that make communities desirable, and how I believe Manhattan Beach lacks real focus, commitment and attention to some items which could really make a difference. Those 3T’s being Trees, Trails, and Transit (I also include in our needs a non-alliterative swimming pool).

I am pleased to note that the current Manhattan Beach Draft Mobility Plan identifies and captures a number of improvements and areas of focus that have long advocated. I must disclose, though, that work requirements prevented me from participating in the development of this plan.

The Mobility Plan is one of the required elements of the City’s General Plan. The City’s General Plan identifies the community’s vision for its collective future and establishes the fundamental framework to guide decision making about development, resource management, public safety, public services, and general community well-being. The Mobility Plan update provides goals and policies in respect to moving people.

More information is available on the City’s Website at <http://www.citymb.info/city-services/general-plan-mobility-plan-update>. The Council just heard the draft, and will be formally acting on it this fall.

Manhattan Village Mall Update June 2014

Ed. note: An unsubstantiated consideration is that the Manhattan Village Mall construction issue will be on the July City Council agenda for discussion and possible final vote. If this is confirmed, what follows becomes extremely relevant for all residents to review and seek answers to questions still remaining, concerns not addressed, promises made and checked for resolution. A careful reading of the following comments, made by several residents who state their approval of Mall renovation but question complete acceptance of the current plans, reflects the reservation still held by many others. Included in this article will also be some excerpts from comments made by council members during the May 20 special Mall meeting, and which add significantly to their observations about the Mall proposal.

COUNCIL REVISED MOTION

At the May 20, 2014 City Council Meeting regarding the Manhattan Village Shopping Center Project, a motion was approved directing Staff to prepare **revised Resolutions approving the project with Revisions as follows:**

1. Approve Phases 1, 2 and 3
2. Reduce the North Parking Structure in Phase 1 to a G + 1
3. Add a Stairway and Elevator to the West Side of the North Parking Structure
4. Provide the City with a copy of the Agreement between RREEF and Macy’s within 10 days of Execution
5. RREEF and Hacienda must negotiate in

Intended Decision Making Structure Described

When Councilman Burton, at the initial stage of the May 20 City Council Manhattan Village Mall discussion, introduced an information sheet referred to as 'Quasi-Judicial Hearings', Mayor Howorth suggested the timing was out of order and that it could be presented later during the discussion period. Burton agreed to the delay, even while knowing the relevancy of the Quasi-Judicial function and its significant application to the Mall and how the discussion would benefit immeasurably from an understanding of the California Courts concern for "Rational and Open land Use Decisions".

Burton's concern was for clarity and the duties and responsibilities in decision making, a process emphasized in Topanga Association for a Scenic Community v. County of Los Angeles California Supreme Court. Listed in the hearing were:

- . Decision making that is "Careful, reasoned and equitable
- . Council to identify the reasons supporting a decision prior to taking action
- . Follow an orderly path of logic before arriving at decisions
- . The political reality must accommodate rational and dispassionate deliberation in the decision making process

-----Burton emphasized that "We have not had a deliberative process"; clarity is essential. The most crucial part of decision making, he stated, is deliberating...looking at all the evidence before you decide; to understand the deliberative process to be used (as in Topanga).

Issues to Remember

Michelle Murphy

Though for a time one civic topic may seem to dwarf all others, we at MBRA know there are lots of shared concerns that we need to keep thinking about in order to help make our town better. Here is my list of things to keep in mind.

- **Noise** Shade and other commercial establishments can and do bug their neighbors with unwanted noise at disturbing times, but motorcycles, loud parties, drunken revelers after 2 am and barking dogs can also interfere with our quiet enjoyment of our community.

I was told by a police officer that he believed the only noise monitor the Police Department owned was broken. If moderating objectionable noises were a priority in our town we would have many portable monitors and officers trained in how to use them and when to ticket noise offenders. Without the ability to measure and to cite violators our noise ordinance might as well not exist.

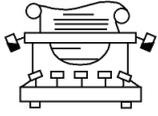
- **Traffic** I was told by a former council member that once the traffic was funneled to our main arteries he didn't care if there was complete gridlock. It's as if once we get in a car we become the other—the enemy-- and actual movement along our streets, especially along MB Blvd, Highland, Rosecrans and Sepulveda, is of no concern to our planners.

I remember my husband telling me when we moved back to his hometown 25 years ago that Manhattan Beach was smarter than Redondo and other beach cities because we had less parking and therefore a quieter and better town. Since then we have built more parking and our town is busier and in my opinion less livable because we did. The proposed Mall expansion includes more parking and the hired gun traffic experts tell us that traffic around the Mall will not get worse. This conclusion is not credible.

- **Bicycles** Many of us would like our town to be more bike friendly. If we could wave a wand and become Amsterdam (in bike usage at least) we'd all be healthier and happier. But the transition from suburban car saturated MB to healthy outdoorsy bike commuting MB is a fraught process.

Part of the problem lies in the phrase: "Share the Road." Our streets are narrow and chock-a-block with cars. Bicyclists tend to want their rights but not be willing to follow the road rules that theoretically apply to both vehicle types. Change is hard and solutions will require all of us to figure out what works and then compromise.

- **Lastly and perhaps most importantly who runs our town?** Our permanent city staff, who work hard and make our trains run on time mostly, are paid to think about our city 40 hours or more a week. We're very lucky to have these dedicated civil servants. Those of us who merely live here have other concerns. Even MBRA members who care more than most about local issues don't devote 40 hours a week to city concerns. It's important that city staff, even



Editor's Column

Perhaps because the issue of residents and Shade Hotel has gone on for more than six years that some errors of facts or sequence or questionable decisions have become part of its still ongoing history. So while we now cite references to this saga, we are all mindful of other times when we knew there were questions and decisions which qualify for more information, more clarification, more justification.

We believe that Manhattan Beach staff members are hard working, committed, resourceful. Some are outstanding. We know, too, that often the work load is consuming and heavy and inadvertent errors are understandable and forgivable. And sometimes what is said or done must be brought to light, must be corrected, must prevent even minor omissions and inaccurate facts from being overlooked or ignored.

We have all been pleased with Council's frequent reference to the significance of the terms which exemplify their roles and what we, as a community can expect: Openness and Transparency.

It is with those terms in mind that two Shade Hotel-related issues have resonated more than uncomfortably with a number of Manhattan Beach residents. It is not the intent here to speculate about the details; it is enough that we become aware, remain alert

City Council Report Card					
	Burton	D'Errico	Howorth	Lesser	Powell
Approve Smoking Ordinance					
App. Sep. Bridge Widening					



and care enough to question. It also illustrates what we have earlier referred to as questionable facts, whether error or more...

It was Jerry O'Connor's diligence and concern about openness and transparency which prompted him to take immediate action, (even while those of us who were also watching the May 28 Planning Commission meeting heard what he did, but went no further). The email Jerry sent to councilmembers also explains what precipitated the action.

Sent May 28, 2014, at 7:15 pm. in the early part of the Planning Commission hearing with Shade Hotel and the residents, the following is excerpted from the email:

..I am watching the Planning Commission meeting and cannot believe what I am seeing/hearing—that Staff is proposing the Commission adopt a lengthy and complex resolution that was revised and provided to the Commission in red-line form "at" the meeting.

No such red line version was posted on line with the agenda (or anywhere else that I can

find).

The subject matter is immaterial; this brazen and uncaring approach by staff not only violates the minimum public noticing requirements of the Brown Act, it decidedly goes against everything you as a council have repeatedly claimed to stand for in the areas of openness and transparency.

(But just as a further measure of the egregious nature of this blatant violation, the subject matter happens to be the never-ending saga of the Shade Hotel and the noise, alcohol service and other problematic operational issues associated with their Master Use Permit).

..... My expectations are that you as a council will take further corrective action to directly address, from a staff managing perspective, the staff shortcomings that led up to this unacceptable approach as well

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**A special welcome to
City Manager
Mark Dana and family.**

Mills Act Enacted

Mills Act legislation, sponsored by California Senator James Mills, was passed in mid 1970's; its purpose was to foster a preservation program for Historical Properties. In 2006 a local Manhattan Beach force, composed of volunteer community members, was formed; headed by historian Jan Dennis, it became known as the Manhattan Beach Cultural Heritage Conservancy.

In the ensuing years, the group actively researched potential historical properties throughout Manhattan Beach; to date, 18 properties have been designated Cultural Significant Landmarks. During the years' public hearings, Mills Act costs and benefits were discussed. State law provides for voluntary restrictions on historically significant properties in exchange for reduced property tax.

Applicants must meet certain eligibility requirements, which include a "10-year Renewable" contract with the city. Currently, over 20 jurisdictions throughout Los Angeles County offer the Mills Act program. However, Manhattan Beach differs from most other jurisdictions with an historic preservation program, in that currently it has no authority to protect historic landmarks. Despite the Landmark designation, properties can still be demolished or inappropriately altered. In adopting the Mills Act, the program will have a strong preservation ordinance in place.

The MBCHC urged adoption of the Mills Act, stating that the longer Manhattan Beach goes without the ability to protect our historic resources, the more our community character will erode.

At the June 17, 2014 City Council meeting, following testimony from a number of cultural preservation proponents, council's 5-0 vote adopted the Mills Act, plus an amended ordinance.



City Hall Update

Limiting Term Limits

In 1996 then city council placed two initiatives on the ballot: Measure J which established term limits after two consecutive four-year terms, but had the provision that council members could run again after sitting out two years; and Measure K which did not have the provision for council members to come back. Measure J got more votes than did Measure K. Confusion in the wording did not help the initiatives.

In 2005 the city council initiative to repeal the term limits was turned down by 86% of the residents' vote. Now a ballot measure scheduled for next Council election will establish firm term limits: If approved, city council members and city treasurer would be limited to serving a maximum of two four-year terms. However, the measure must apply prospectively; by law current and former council members and city treasurer could still seek additional terms and come back after two years. The prospective clause does not apply to council members or treasurers who serve after the new Initiative passes.

A careful reading of the Ordinance is recommended. The majority 3-1 vote (Lesser was opposed to what he termed a 'distraction' and Howorth was not present) also reflected some of the comments made by residents who favored firm term limits. "I don't think it's a lifetime job," Councilman Burton stated. Residents who would prefer that, after serving the two full terms if re-elected, council members, past, current or future, not run again after a two year hiatus, will have to do some research into changing a state law.

After a protracted discussion to approve pedestrian enhancements at the intersection of Ardmore Ave. and Flournoy Rd, City Council referred the issue back to the Parks and Public Improvements Commission for continued discussion and an opportunity to engage residents in further testimony. The subject was initiated by a local resident who requested a crosswalk and stop signs in all directions at the intersection of Ardmore and Flournoy, citing a need to control traffic speed and for cars to stop for pedestrians.

Some of the residents who spoke emphasized enforcement. Figures citing stop signs as a means to solve the traffic problem indicated that at speeds of 40mph there is an 85% possible kill rate; 20mph reduces that to a 5% fatality rate. Various pedestrian enhancements were recommended by the Traffic Engineer. Residents stated their dissatisfaction with the recent raising of speed limits on Ardmore from 30 to 35 mph, despite their statements that speeding was a rampant problem.

The issue of speed will not be speedily resolved.

The Mobility Plan did not move forward as scheduled on the June 17 City Council agenda. Recognizing the late hour and the extended discussion time required, a decision was made to hold a separate, stand-alone meeting at a date to be announced.



though they are hugely competent, don't run the city. Our government, local and national and all other levels, needs to be run by and for the people.

We need to find ways to make it possible for the people of Manhattan Beach to share their wisdom with the city staff. Ideally our elected City Council will reflect the concerns of the majority of citizens and will direct the staff to execute our wishes. In fact this ideal is hard to implement. The collective wisdom of all the people who live in our town could make our city an even greater place to live if we knew how to tap into that wisdom.



Editors Column....cont' d p. 3

as the Commission shortcomings that allowed a public hearing to proceed despite such an obvious and egregious public noticing violation.

.....

Resident Wayne Partridge addressed the commissioners initially and clearly, advising them of the public notice violation. The meeting continued.

This same meeting was the source of further confusion or misinterpretation of facts and attempts to clarify for accuracy. When acting City Manager Bruce Moe stated that resident Nate Hubbard had agreed with the Shade Hotel resolution approved by the Planning Commission during that May 28 meeting, a series of emails followed, the contents of which are briefly printed as follows:

On June 4 Don McPherson wrote to Moe, stating :”I wish to correct a

Stringent Smoking Ordinance Passed

Anyone joining in a spirited sing-along of the classic Puff, the Magic Dragon, whether in a Manhattan Beach bar, strolling along the Pier, or even anywhere on Honalee, should know that the recently passed Ordinance No. 14-008 prohibits smoking in all Manhattan Beach public places.

In an effort to establish a comprehensive city-wide ban on smoking, City Council's 5-0 vote expanded the City's existing smoking regulations to include a "Tobacco-Free Policy for all public places". Smoking near beaches, in parks, along the Strand and other places of public employment was already prohibited by the current State law and Municipal code. However, the City's existing inadequately comprehensive smoking regulations earned an "F" Grade in the American Lung Association annual statistics report. Council's direction to address additional areas of a smoke-free outdoor air category is required in order to obtain higher marks in the report. This led to Council's recommended regulations which added smoke-free outdoors areas.

Included in the regulation is prohibition of electronic smoking devices. The expanded smoking prohibitions would reduce the litter and pollution associated with cigarettes, and, significantly, would serve to decrease second-hand smoke exposure. Recent statistics issued by the United States Environment Protection Agency indicates an alarming risk to public health due to secondhand smoke; it has been classified as a group A carcinogen, the most dangerous class of carcinogen. Council's recognition of a recent World Health Organization estimation that by 2030, tobacco will be the greatest cause of death worldwide, supported their stated intent to provide for the public health, safety and welfare of the community.

Resident and business support for this Ordinance was favorably viewed by most of those who testified at the June 3 City Council meeting. Unlike current regulations, this Ordinance will now prohibit smoking on restaurant patios. The exceptions to the restrictions include smoking permitted on private residential property, up to 20% of motel or hotel guest rooms, and within moving vehicles. (Stopping at stop signs does not count.)

Implementation of this more extensive smoking regulation will be part of an awareness and outreach program initiated by the city. Businesses will self-regulate with window decals and flyers. Overall, smoke-free community ordinances are designed to be self-enforcing. Police officers will not be assigned to ticket smoking offenders; it is hoped that voluntary compliance and the public's increased awareness of the smoking regulations, as well as a \$20,000. appropriation for an outreach platform, will make Manhattan Beach a "Smoke-Free City".



Evelyn Fry AKA: Indomitable

It was in a February, 2008 Observer article that Evelyn Fry first told us about her Medi Mat quest, prompted by the realization that walking the deep beach sand which led to the ocean, was no longer physically possible for her. In typical fashion, refusing to accept the limitation, she embarked on her exhaustive search to find materials which might be practical for a “walkway” .

By July, 2008, the Observer printed an article which stated: “Persistence Provides Pedestrian Pathway”—Evelyn had located a supplier for a pedestrian pathway termed the Medi Mat, to the ocean. She arranged for a demonstration which was eventually approved by various departments leading up to and including City Council. Acceptance by the County Department of Beaches and Harbors was the next major step.

The June, 2009 Observer reported that the Pathway now led to a blocked entry: the County, which owns the city’s beach, refused the installation of the mat, citing ‘inconvenient’ as one of the reasons. Despite this setback, Evelyn Fry continued with a telephone and writing campaign to Supervisor Don Knabe’s office.

Meanwhile, in May, 2010 the Observer reported on her nomination by the City of Manhattan Beach to be honored at the 45th Annual Older Americans Recognition Day Awards Program. The tenacious Fry realized she would be the guest of the Los Angeles County Board of Supervisors. During the recent June, 2014 ceremony recognizing the completion of the Walkway, Fry’s son recalled that during the 2010 Older Americans Recognition Day, his mother used the opportunity to remind Supervisor Knabe of the stalled Mobi Mat installation. Feisty, fearless, formidable Fry saw a political moment and acted. “I was quick to make my pitch” she said.

The Medi-Mat proposal went through some changes and this June, 2014, a walkway, 10 feet wide by 70 feet long and 150 feet from the water line, is located at the beach at 42nd St. Asked how she felt during the morning’s festivities, Fry said “I was exhilarated; I had my family and my friends.”

Fry suggested that consideration to having a city liaison person who would be available to follow through with suggestions such as Evelyn first presented with the pathway. She said that she had been a committee of one with no previous experience with politics; “I don’t think I knew where city hall was.” She feels a need for someone who ‘could take a new thought and present it in a way to council where it will remain until they make an opinion.” This would prevent items of importance to many in the community from being dropped and not pursued. When it was pointed out to Evelyn Fry that no one could have been as effective, with her drive and willingness to pursue a cause, she responded that “I don’t think a person like myself presenting it should be the one who gets up all the time.”

Except that Evelyn Fry’s perhaps 60 inches scaled heights of 10 feet in her relentless reach for improved beach access.

EB



A Little Short of Marvelous.....

Jan Dennis

“Those who made history yesterday and those who keep history alive today help bring a knowledgeable link to Manhattan Beach’s uniqueness”.

Manhattan Beach once was under the jurisdiction of the City of Los Angeles. However, the forefathers of the community had the foresight and courage to seek independence and a way to create an individual life style. Soon the little city-by-the-sea, with its unique characteristics, found itself identified and promoted as one of the finest places to live.

The quality of life offered an atmosphere of relaxation, light traffic, rail transportation, neighbors who know and help each other and most of all, cherished the wonderful blending of past and present. Today, like many other communities, we are fighting the “Paving of Paradise”, as well as losing our historical land marks.

Now, it is fast becoming a place of expensive, lot-covering extravagance, with a Community Development Department that seems to find it easier to give approval to demolish historic landmarks than to find a way to help keep the character of the town.

Many of the Beach cottages along the Strand and landmarks in other parts of the town were looked upon with respect, where the architecture retained the images of the town’s heritage. Historical preservation is a very important element in the retention of the character and soul of a community, not only for those residents who are presently living in the community, but also for future generations..

It is for this reason in 2006 that the Manhattan Beach Cultural Heritage Conservancy was formed. The Conservancy is a volunteer, non-profit organization, formed to identify and preserve the city’s cultural, historic, social, economic, architectural and scenic heritage. By doing so, we will preserve the city’s character and beauty, enjoy and learn about local history. It is all up to the residents of this community.

If you are interested in additional information or participation in the group, please contact MBCHC— (310) 372-8520



Councilman D'Errico stated that this process requires the council to identify the reasons for supporting a decision prior to any action. "We have not done that", he added. "I want to hear from other council members their reasons for supporting their decisions". This one page (Topanga) makes clear what our obligations are, he continued. And Councilman Burton concluded with "We do not want a process that subverts the Intended decision making."

Shade Hotel Saga Continues

To the beleaguered residents living close to the Shade Hotel, the most recent Planning Commission meeting once again left them asking "What! Again~"

To those residents who have persevered for five years in their determined efforts to effect crucial mitigation measures, the Planning Commission's adoption of this most recent proposed Resolution, left them only the option: To Appeal

To the many Manhattan Beach residents who have been spared the specific area's noise and distraction but have long followed the saga of the Shade Hotel, there remain the questions of fairness and transparency.

The current Resolution will now be known as the 2014 Conditional Use Permit; this evolved from the earlier 2005, then to the 2010, and now to the 2014. While the change gave the residents some minor noise mitigation, it leaves the south entrance to the Terrace open, thereby totally destroying any other noise mitigation.

The principal reason for the residents' need to open the issue for further definitive consideration is the assertion that City Staff misrepresented material facts that the entrance to the Shade Hotel Terrace must remain open. Staff justifies their assertion that the Terrace entrance must remain open by citing a clause in the State code.

However, as it turns out, as of January 1, 2014, the provision in the state building code no longer applies to hotels. The Terrace is the most problematic noise source. Mr. Behrens, the acoustic expert, has stated in a earlier report that the only way to get effective noise mitigation is to have the south entrance door closed. Then, subsequently, after the April 23 hearing, Staff emphasized the entrance had to be left open---all puzzling changes in what is being presented.---

In addition, the change in the Resolution initially posted the Friday night prior to the May 28 Commission meeting proved confusing to those who did not have access to the recent Use Permit changes. The propriety of a public hearing presented in this dubious way was voiced by resident Wayne Partridge, but the meeting continued and a CUP was confirmed.

In this significant April 28 meeting, the definition of closing was discussed---all drinks and accessories have to be picked up and everyone has to be out of the area. Community Development Director Thompson stated that the use Permit will have this definition of closing and that serving stops about 15 minutes before 'close'.

The occupancy limits also changed: The 2005 CUP permitted 77 people in the Zinc Lounge; now it has doubled to 159; The Skydeck has increased from the earlier 45 now to 92. The numbers might have been explored more fully by commissioners, but when Planning

MBRA extends deeply felt condolences to Mrs. Wachtfogel and family at the loss of David Wachtfogel. His frequent appearances at council meetings and his observations and comments were appreciated and respected by countless residents. We are all saddened by his passing.

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

Walking Tours

Strolling on the Manhattan Beach Strand can be an historical and educational adventure. The Manhattan Beach Cultural Heritage Conservancy welcomes you to five self-guided "Walking Tours". There are many wonderful residential landmarks in the area; however, only 18 have been chosen for each of the tours.

Residents and visitors alike may pick up a copy of the FREE "Walking Tours: at the City Hall or at Pages Books Store, located at 904 Manhattan Avenue. There is a well defined map for each tour, showing the locations of the homes, a photo and a short architectural description of each structure.

Historical preservation is an important element in the retention of the basic character and soul of a community. We hope to rekindle a view of the by-gone days when life had a slower tempo.

As you enjoy your stroll, we ask participants please to respect the privacy of the residents. For more information about the conservancy or the tours, please call Jan Dennis (310)379-3277



Attention Must be Paid

Perhaps a newly devised Residents Bill of Rights might provide answers to frustrated residents' appeal to know: Who is in charge around here?. Who looks out for the residents? For some, a pretense of 'not caring' to the reality of the construction, might lessen the painful disappointment felt when they see their neighborhood's loss of the 'small beach ambience'.

The problems of trucks and noise and pounding and dirt have been ongoing for the residents of Alma Ave. and surrounding streets. Recently, it was the constant thumping which prompted Dr. MacKenzie to email council. A response from Mayor Pro Tem Powell stated he had asked acting city manager Bruce Moe and Comm. Dev. Director Thompson for follow up on this serious construction matter and to respond with a reply as to actions taken.

Subsequently, Dr. MacKenzie spoke directly with the builder and set up a contract which would serve to mitigate the noise on the days Dr. MacKenzie worked at home. That respite lasted about two weeks and the thumping began again in early June. MacKenzie added that he did get a response from Roy Murphy who visited the site and a phone call from Sal Kaddorah—but nothing from Moe or Thompson. Now, Mackenzie stated, "We have just been told there will be another new teardown and buildup in the back lane, (23rd place.) That makes five in our immediate two block area." This, he exclaimed, is out of hand. "Where is our leadership."

In a more recent communication with city staff he wrote that the "intolerable thumping continued for now over three weeks, despite complaints to and promises from city hall and agreements with the builder" He stated that the "banging and buzzing from three major construction sites and soon to be a fourth...in a one block area....asks too much of the patience and tolerance of local residents."

The need to address the pressing issue of limiting the number of houses under construction within a one or two block area is immediate and pressing. It is a long standing issue and reflects numerous resident requests. Council is urged to agendize the matter as quickly as possible. Even sooner. It would be a more favorable response to the residents' urgent plea Who is in charge around here? Who looks out for the residents?

Where is our leadership!



Residents Opposed to Skatepark in Polliwog

By Julie Profet

Polliwog Park, which our own Manhattan Beach city's website deems "perhaps the loveliest park in the South Bay," is currently under siege. A vociferous group of skatepark proponents is heavily lobbying the city to rip out up to 20,000 square feet of grassland to create a concrete skatepark of regional dimensions.

Not that the city or its citizens are unsympathetic to the desires of skateboarders for a safe place to engage in their sport. Indeed, last month the city's Ad-Hoc Skatepark Committee offered to allocate 11,000 square feet of land behind Marine Avenue Park for a city skateboard park. In doing so, the Committee endorsed the findings of several previous committees that had concluded the Marine Avenue Park area to be the only reasonable site for a skatepark in our built-out city.

However, the proponents rejected the offer because they want much more land—enough for a facility large enough to draw skateboarders from all over our region. Ignoring the fact that Hermosa Beach and El Segundo serve their communities with skateboard parks of 8,000 and 6,000 square feet respectively, the proponents called the 11,000 square foot Marine area useless for their grandiose plan. In a stunning move to indulge them, the AD-Hoc Skatepark Committee and Parks and Recreation Commission decided to consider giving Polliwog Park to the proponents, and developers have talked of designs up to 20,000 square feet of concrete bowls, streetscapes and viewing areas.

This decision is a shocking dismissal of the value of Polliwog to our city. Planting a skateboard facility in Polliwog would severely degrade the environment for other users of the park. Even beyond the loss of space for current park activities, the replacement of green space with hard concrete would cause visual blight. Worst would be the unceasing noise pollution, as wheels and boards slap the pavement in high decibel bursts.

The decision also shows a shocking disregard for the rights of families in the Polliwog area to enjoy their homes and neighborhood in something of the peace that is enjoyed by residents in other parts of the city. For more than a decade the Polliwog area has endured steadily increasing stress. Relocation of the Middle School to the park parcel not only removed a third of the previous open area but also brought extensive traffic. Concerts in the Park, the new high-capacity children's play structures, the new adult exercise equipment, and dog park draw more users than ever from near and far throughout the year, who have nowhere to park but on the narrow streets of the neighborhood residential area. A skatepark would bring even more traffic, and the constant hammering sound of skateboards hitting cement would assault residents' senses all day every day, creating an intolerable noise burden. Building the proposed facility would destroy the eastside's last treasured bit of tranquility.

Please support efforts to save "perhaps the loveliest park in the South Bay" by attending the City Council meeting at City Hall on Tuesday, July 15 @ 6:00pm (meeting agenda subject to change, please confirm.) Julie Profet – Friends of Polliwog Park Association – Mbfopp.org



As typical for such documents produced without by consultants without average readers in mind, the narrative Draft Plan is overwritten and daunting, with so many generalities and techno-speak that it is anyone's guess about the likely result or ultimate orientation. Any adoption of this document could pretty much give room to any council to do anything they want and still remain within the plan.

I would instead direct anyone interested in these proposals to the March 2014 Powerpoint under the link above, which contains a lot of succinct, direct and practical ideas to improve Manhattan Beach mobility, and thus better enhance our enjoyment of our city.

Bicycles

The plan highlights a bicycle plan for families. The South Bay Bicycle Coalition has done a good job identifying that bikes are an important aspect of mobility. But the Coalition presented a regional master plan that to my opinion was only beneficial to very proficient bikers. We need a more community, family-based plan for the rest of us as a supplement to their master plan.

Such a "family plan" needs to address the city terrain. There are certainly challenges getting from Point A to Point B. But as a dad who road all over the Tree and Sand Section with his young son, if the right routes are selected there can be a great riding experience—and to just ride around. All it would take is a few people to chart out the secret ways. A casual biker isn't concerned with going a block or two out of the way if the ride is better or safer.

East/West Connection. Getting across Sepulveda is the linchpin of any good community plan. It goes along with another recommendation to connect routes to key

good faith

6. Perform any necessary CEQA work

The project will be brought back to the City Council at a later date for review and action.

SUMMARY COMMENTS on COUNCIL MOTION

Firstly, it is encouraging to see the City Council formally recognize the importance of the Macy's consolidation (Phase 2) and remain firm on seeing the Macy's agreement before the project is approved. Secondly, insisting that RREEF completes Phase 3 by returning the Fry's corner development back into the project is a HUGE benefit to the residents and City of Manhattan Beach. City Staff unilaterally removed Phase 3 back in January under the guise of reducing density, all while ignoring analysis by Planning Commission, Council, the Economic Development Consultant and members of the public that Phase 3 is key to the success of the project. RREEF, the mall owner, has stated that Phase 3 would be very expensive for them to complete.

Now it is up to the residents to insist that City Staff follow through with all Council Revisions. **It is important to remember that on many issues over the years, Council has directed City Staff to respond to specific questions and actions only to have Staff ignore Council's request or misstate the answers by answering different questions.**

DETAILED COMMENTS on RESOLUTION REVISIONS

Revision 1 - Approve Phases 1, 2 and 3

The Mall Expansion Plan has 3 construction phases. Planning Commission not only deemed Phase 3-- the Fry's corner at Sepulveda & Rosecrans--necessary to the success of the project, but also FORMALLY REJECTED any

activity centers (Polliwog/secondary schools), as well as to connect Valley/Ardmore to Rosecrans. In respect to the latter connection, hopefully the new Mall construction will require not only assistance in connecting Valley/Ardmore to Rosecrans, but to Parkview on the far side of the Mall, as well as to Marine (and thus to Polliwog). This of course ties in with two other recommendations: to close the gap between Rosecrans and Marine through the Northrup property, and developing a better bike route along Veterans Parkway.

I also agree with the report that there needs to be improved connectivity with Hermosa and El Segundo, but that the bike/car conflict on Highland Avenue needs addressed. I reside near Blanche Road, which carries a large volume of master and amateur bikers. Why Highland and not Blanche is currently the bike route of choice is beyond me.

All of the above needs an orientation toward what people want to do recreationally.

Walking Around

The draft plan notes that we do not have sidewalks everywhere. From my perspective near Blanche, that road gets a lot of pedestrian traffic because there is a sidewalk. Why many resist a sidewalk in front of their residence is beyond me. Perhaps it is because the city requires the resident to pay for all sidewalk costs. If so, perhaps we need to re-think that policy.

The draft plan also notes that to encourage pedestrian traffic the city needs to address overgrown bushes over sidewalks and other sidewalk encroachments. Take any walk down any residential sidewalk area in town and it is easily determined that the City is not being proactive in making sure the sidewalk is clear. Further, these are not spaces where a passerby is likely to complain to the City to rectify the

option that did NOT include Phase 3. **Thus, it was a good catch on Council's part to return Phase 3 to the project.** How the phasing occurs after that is equally important.

Revision 2 - Reduce the North Parking Structure to a G + 1

The addition of this Revision appears to be a clear response to the residential and small business community who have objected from the beginning to 3-story parking structures in front of the mall for many reasons including aesthetic, traffic, safety, increased parking difficulty, and a legal agreements. It is unclear whether this Revision also pertains to the south 3-story parking structure in front of the Macy's Men's store. It also does not address the reduction of surface parking for the Tin Roof Bistro or the unacceptably low "Core Parking Ratios" –as stated by both the Mall and 3500 property owners. 3500 Owners proposed that Council require adding an adjacent surface parking lot to help solve that issue. RREEF could also reduce the added retail to solve its ratio problem.

Revision 3 - Add Stairway & Elevator to West Side of the North Parking Structure

This simple and straightforward Revision reflects the Council's awareness that RREEF's large parking structures plopped in front of the 3500 building lacked even basic access to the West side adjacent to 3500 tenants and their customers. Adding a stair and elevator on the West side of the structure now allows garage parkers to exit near their destination.

Revision 4 - Provide the City with a copy of the Macy's Agreement

After months of City Council's probing questions and testimony from the City's Economic Consultant, it became evident that **Macy's consolidation known as Phase 2 is actually THE MOST critical component to a successful mall development.** The Council's requirement

situation under the City’s “complaint only” code enforcement policy. The City needs to do their job—proactively—to keep sidewalks clear.

Similar to clear sidewalks is for the City to proactively enforce the rules when parked cars are blocking sidewalks, or are parked in a manner where they stretch out into the non-parking portion of the roadway (the latter helps both those that have to walk in the street absent sidewalks, or those wanting to bike in that area). If the City would put even a tenth of the effort toward educating residents on code requirements that the City spends on advertising its recreational programs, self-compliance would likely follow with little need for enforcement. And, frankly, this is the City’s job to enforce these safety-related aspects, and they are not currently doing their job.

Vehicular Access

For cars (and also for walkers and bikers), the draft plan proposes long-needed reconfigurations of 1st/2nd Street at Valley/Ardmore, and at 15th and Valley/Ardmore. I would prefer roundabouts—despite the objections of my friend Gary McAulay, with whom I have pointed out that such constructions are often safer than what they replaced and are generally favored once people get used to them. But if roundabouts can’t get over the perception hurdle, the ideas presented to “clean up” these intersections seem that they would make a difference.

Transit

Finally, dear to my heart, the draft plan identifies a need for a convenient and frequent transit service to the beach and downtown, with the possibility of a summertime circulator throughout the town. I have written at length on this in the past. I believe we also need to address transit to the middle school and high school (due to the volume of materials trucked back and forth each day to school, I do

that RREEF provide formal proof that Macy’s consolidation will happen, is the City’s and the residents’ insurance that the mall will remain viable. **Of course the simplest way to ensure that the critical Macy’s Consolidation happens is to require it be performed first.**

While RREEF likes to blame the City and others for delaying the project for 8 years, Macy’s has only consented to RREEF’s expansion within the last year or so. RREEF states again and again that “an agreement is close”, but until the City Council has concrete evidence of the terms of consolidation (e.g. timing, conditions, tenant restrictions, put-options, release clauses etc.) critical Phase 2 is not guaranteed.

As one Council member stated, “ *We all agree that Macy’s consolidation is necessary. I think it would be a unanimous vote if we were only voting on the Phase 2 consolidation.*”

Revision 5 - RREEF and Hacienda must negotiate in good faith

In 2008 the City required RREEF’s neighboring mall property, referenced here as Hacienda to enter into a compromise mall expansion agreement known as the Settlement Agreement. Among other things, this agreement specifically limited RREEF’s parking garage structures to G+1. This appears to be an attempt to require these two parties to honor the agreement they made in 2008.

Revision 6 - Perform any necessary CEQA work

The City of Manhattan Beach, its Staff and Council are required by law to strictly abide by the California Environmental Quality Act (CEQA) throughout the project approval process. In past Council meetings, statements identifying the City’s violations of CEQA were submitted.

ED NOTE: THE FOLLOWING WAS INTRODUCED BY COUNCILMAN BURTON DURING THE SPECIAL MAY 28 COUNCIL MALL HEARING. POSSIBLY BECAUSE OF THE TIMING, THE ISSUE WAS NOT FULLY DISCUSSED AT THAT TIME AND RESIDENTS HAVE SHOWN INTEREST IN FURTHER EXPLORATION OF THE CONCEPT AND ITS APPLICATION TO COUNCIL HEARINGS. THE ONE-SHEET INFORMATION SHOWN AT THE TIME IS REPRINTED HERE:

QUASI-JUDICIAL HEARINGS: STATE OFFICE OF PLANNING AND RESEARCH

In public hearings, the city council exercises its quasi-judicial function. In other words, the council will act as a “Judge” determining whether a particular land use entitlement, such as a variance or a conditional use permit, is appropriate for a particular piece of property.

California Courts have demonstrated their concern for “rational and open land use decisions”

In Topanga Association for a scenic community v. County of Los Angeles, 11 Cal. 3rd506 (1974), the California Supreme Court described the “intended decision making structure”

- **Decision making that is “careful, reasoned and equitable”**
- **A decision making structure that “should enhance the integrity of the (hearing) process, help make analysis orderly, and reduce the likelihood that the (Council) will randomly leap from evidence to conclusions””This requires the (Council) to identify the reasons supporting a decision prior to taking action”**
- **The now familiar language of the Supreme Court in Topanga requiring cities to “bridge the analytical gap between raw data and the ultimate decision” leaves no doubt that “Council” is to “follow an orderly path of logic before arriving at decisions”**
- **While the political reality of making land use decisions involves compromises at times, “The political reality must accommodate rational and dispassionate deliberation in the decision making process”**



**Best Wishes For a
Most Enjoyable and Safe
Fourth!**



not find bikes that viable for a school commute).

Concerns

What we do not need that is in the report are the more "New Age" ideas like removing downtown parking spaces to provide outside eating areas. There are other ways to address that situation, and we have plenty of other things to do before that. See all of the above.



Shades Hotelcont' d p.7

Manager Lackow pointed out that an occupancy increase would require a modification of the Metlox Coastal Permit and a parking plan, the Commissioners decided further discussion was not needed. No one was interested in pursuing an amendment to the Local Coastal Permit and an EIR.

The fact that the occupancy increase will definitely increase the noise level was not a major consideration in the deliberations...Add this to city staff's misrepresentation regarding the required open Terrace door; that the Fire Dept. did not mandate the door's opening, and that the intensification since the 2005 Conditional Use Permit is immense----And the sad fact is that Nothing Has Changed.

misunderstanding regarding the Shade Hotel. Last night at the council meeting (of June 3) you stated that Nate Hubbard, the neighborhood representative, had signed on to the resolution approved by the Planning Commission on May 28.--- He did not, nor did he say anything that possibly could be construed that he agreed to the resolution. Whoever gave you the information that Nate agreed with the resolution failed to present the true facts of the matter."

A subsequent response from Comm. Director Thompson stated that he was at the meeting, and that after hours of deliberation the Commission chairman asked Zislis and Hubbard if they agreed with the resolution as amended and they responded in agreement.

McPherson replied that the video of the evening would show otherwise.

A subsequent email from Hubbard to Moe asked that he set the record straight in the forthcoming June 17 council meeting. "A misunderstanding exists in the city regarding my position on Resolution#PC14-07 approving the Shade Hotel on May 28 by the Planning Commission. I would appreciate clarification of the matter at the June 17th council meeting...However, according to the video of the meeting, chairman Gross did not ask me whether I agreed with the resolution's amendment nor did he ask me any questions during my two brief times testifying.....At the beginning of the public comment I stated that we did not have the final resolution...therefore I could not comment on it. Four hours later, around midnight, I resolved an impasse that the Commissioners had, by accepting a 30-minute extension of the Skydeck closing time.--- (but) at no time did I agree with the resolution.

How decisions are made (fortunately infrequently) and responses determined are illustrated in the exchange which tells of the Planning Commission Chairman noting a smile and a wave...and interpreting that as Hubbard indicating approval of the resolution.

.---The preceding details have been included to give some clarity to how facts get obscured, how what is purported to be said, in reality is not, and that unless immediate correction is made and understanding clarified, words like Openness and Transparency 'get Lost in Translation'.





1981 - The Manhattan Village Mall

**Shopping Center, developed by Haagen Land & Development
included an enclosed mall. From "Manhattan Beach CA"**

by Jan Dennis

Manhattan Village Updatecont' d p. 12

Some of the comments made by Council members during the Mall special meeting are excerpted below:

Councilman Burton: Phase 1 is all we are going to see; this will become Macy's Mall, with Macy's parking garages. A majority of residents want expansion of the Mall but not the parking structures. ...There has been much misinformation...that the Mall will fail, etc. Not true. If we need more time, let's go back; let's get it right....

Councilman D'Errico: (referring to agreement with Macy's): I will not agree to a condition I cannot see; it is fiscally irresponsible; .. I want to hear from other council person their reasons for supporting their decisions..that this is the best Mall for us or the best compromise...

Mayor Howorth: The city has absolutely no leverage with Macy's; I am in no position to decide what stores go in; Making the Mall bigger is a reality; WE have no financial risk in this; We are not going to see any increase in taxes without doing this..

Councilman Lesser: If I owned the property or the city owned it, I would design it differently.. This is privately owned property...feel RREEF is doing the best it can; developer has made several changes; I'm not crazy about the parking structures, (but) I think they have enhanced them as best they can..

Mayor Pro Tem Powell: parking has been reduced and this will mean less intense use.....want to see a definitive agreement with Macy's....the portion that reflects consolidation...Wants a Memorandum of Understanding with Macy's that they are staying because without that and consolidating to the north, none of this makes sense....



City Hall Calendar

July 1	City Council 6:00 pm	Taxicab stand adoption
	City Council 6:00 pm	Ballot Measure resolution scheduled for March election
Aug. 1st	City Council 6:00 pm	900 Club Appeal
Aug. 1st	City Council 6:00 pm	Closed: Rescheduled
Aug. 12	City Council 6:00 pm	Rescheduled from August 1st
Aug. 15	City Council 6:00 pm	Regular Council meeting

MBRA BOARD MEMBERS

President	Michelle Murphy
Treasurers	Karol Wahlburg
Membership	Evelyn Fry
Publicity/Research	Jackie May
Liaison/Seniors	Madonna Newburg
City Watch	Gary Osterhout
Observer Ed	Esther Besbris
Members-at-large	John Scott Diane Wallace

MBRA Members:

Membership runs 12 months from the date of joining. This is to remind those for whom it is time for renewal. Your continued support is instrumental in maintaining this all-volunteer organization, its goals and efforts to preserve those qualities special to Manhattan Beach.

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 (2014-2015) 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 _____