



Agenda Item #: \_\_\_\_\_

# Staff Report

## City of Manhattan Beach

**TO:** Honorable Mayor Tell and Members of the City Council

**THROUGH:** David N. Carmany, City Manager

**FROM:** Richard Gill, Director of Parks and Recreation  
Richard Thompson, Director of Community Development  
Eve Kelso, Recreation Services Manager  
Eric Haaland, Associate Planner

**DATE:** April 17, 2012

**SUBJECT:** Coastal Development Permit for a Permanent, Accessible Pedestrian Walkway on the Beach for People with Limited Mobility and Authorization for the City Manager to Negotiate and Execute the Necessary Agreements with the Los Angeles County Department of Beaches and Harbors for the Walkway, and Adopt Resolution No. 6357.

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**RECOMMENDATION:**

Staff recommends that the City Council conduct a public hearing to a) Adopt Resolution No. 6357 (Attachment A) to approve a Coastal Development Permit for a Permanent, Accessible Pedestrian Walkway on the Beach for People with Limited Mobility; and b) Authorize the City Manager to negotiate and execute the necessary agreements with the Los Angeles Department of Beaches and Harbors for the construction and placement of the walkway subject to review by the City Attorney.

**FISCAL IMPLICATION:**

If approved, Staff will return with plans and specifications and a request for an appropriation from the Capital Improvement (CIP) Fund. The County has indicated that the City would need to fully fund the project.

Other costs to consider with a concrete walkway are annual repair costs due to the possibility of damage from County trucks or erosion from high surf. Periodic sweeping may also be needed. These costs will be included in the appropriate operating budget.

**BACKGROUND:**

Several years ago, staff received a citizen request for the installation of a Mobi-Mat on the beach to allow people with limited mobility and families with strollers access to the shoreline. City Council directed staff to research all options for an accessible pedestrian walkway on the beach for people with limited mobility.

At the April 19, 2011 City Council meeting, the discussion of a walkway to the beach was presented by City staff and L.A. County Department of Beaches and Harbors. The positives and negatives of both a Mobi-Mat and a more permanent walkway were discussed. City Council directed staff to explore a more permanent walkway, similar to those in Santa Monica.

At the September 20, 2011 City Council meeting, an engineers' report and cost estimate were presented, as completed by the L.A. County Department of Beaches and Harbors (Attachment B) for a concrete walkway near the El Porto concession stand to extend approximately half way to the shoreline. At this meeting, staff recommended against the walkway, permanent or temporary, due to both the high maintenance costs and the inability to get close to the high tide line. During this meeting, City Council said they would work with staff and Los Angeles County Department of Beaches and Harbors to develop an appropriate plan to move forward and secure the appropriate permits and plans.

**DISCUSSION:**

A concrete, permanent walkway is proposed to be installed at 42<sup>nd</sup> Street and the beach because this would be adjacent to the ADA accessible ramp from the parking lot. This is the only accessible ramp from the parking lot to the beach. The length of the walkway would be approximately 70 feet, which would extend approximately 150 feet from the mean high tide line. The concrete walkway would measure 10 feet wide.

City staff researched similar walkways in Newport Beach, Huntington Beach, Bolsa Chica and Santa Monica. County staff researched the materials used in Santa Monica. Concrete walkways were observed to be the most durable and safe, with no dents, cracks or uneven surfaces. Also, it was noted that the concrete walkway was flush with sand areas on both sides. Research from other cities also suggested that the walkways were often used by able-bodied people, to more easily carry their beach necessities, and by people pushing children in strollers. The length of the walkways may be longer at other beaches; however, the distance from the high tide line is fairly consistent to what the City of Manhattan Beach is proposing. The following measurements have been provided by the City Engineer:

Location of Walkway	Material Used	Distance from High Tide Line to End of Walkway
Santa Monica	Concrete	205 feet
Santa Monica	Wooden	115 feet
Santa Monica	Concrete	130 feet
Newport Beach	Concrete	135 feet
Newport Beach	Asphalt	75 feet
Newport Beach	Asphalt	100 feet
Newport Beach	Concrete	213 feet
Newport Beach	Concrete	304 feet
Newport Beach	Concrete	350 feet
Newport Beach	Concrete	293 feet
Newport Beach	Asphalt	109 feet
Newport Beach	Asphalt	145 feet
Newport Beach	Asphalt	130 feet

Location of Walkway	Material Used	Distance from High Tide Line to End of Walkway
Huntington Beach	Asphalt	270 feet
Huntington Beach	Asphalt	276 feet
Huntington Beach	Asphalt	238 feet
Huntington Beach	Asphalt	258 feet
Huntington Beach	Asphalt	247 feet
Huntington Beach	Asphalt	212 feet
Bolsa Chica	Asphalt	120 feet
Bolsa Chica	Asphalt	115 feet

Last year in Newport Beach, one of their walkways which extended closer to the high tide line, was destroyed by a mild storm. Currently in Newport Beach, there are two asphalt walkways that extend 75 and 100 feet from the high tide line. Both have berms constructed in front of the walkways to protect them from erosion.

In Manhattan Beach, it should also be noted that a sand berm is built during the storm season near the proposed location for the walkway. The sand berm is located 70 feet from the concession stand's footprint in order to protect the concession stand and bike path from storm inundation resulting from major winter storms, high tides, large waves, and sand erosion. The berm area can be seen in Attachment C.

The County has approved the concept of the City installing a permanent, accessible pedestrian walkway on the beach for people with limited mobility. As indicated in Attachment B, the County of Los Angeles Department of Beaches and Harbors has indicated that the City must agree to indemnify, defend, and save harmless the County if the walkway is installed. Also, any claims the County may receive in association with the walkway will be required to be forwarded to the City for defense and settlement. If, at a later time, it is determined that the walkway should be removed for any reason, the County should have the right to remove the improvements or cause them to be removed at the City's expense.

If the City Council moves forward with this project, the County has indicated that the City would need to enter into an MOU with the County to implement the conditions discussed above. Also, the City Attorney has been in discussions with the County regarding the necessary legal document to grant authority to the City to place this walkway on County property. Generally this is done by conveying an easement to the City or a revocable license to the City (which does not create a property interest). The County Counsel's office, however, is still reviewing the matter. Accordingly, the City Attorney recommends that the City Council authorize the City Manager to negotiate and execute the necessary agreements required to implement the construction and placement of the walkway by the City on County property, subject to the documents being reviewed by the City Attorney.

### **COASTAL DEVELOPMENT PERMIT**

The beach area is located within the Open Space District (OSD) of the City's Zoning Code and is regulated by the provisions of the City's certified Local Coastal Program (LCP). The OSD allows "Park & Recreation Facilities," which includes beach operations, related structures, and related paving, as a permitted use.

The proposal to add a segment of concrete pathway on the beach has been determined to be a "development," and therefore requires City approval of a coastal development permit. This permit requires a public hearing and would be appealable to the State Coastal Commission since the project is located within the appealable portion of the Coastal Zone.

The required coastal permit notice was published in the *Beach Reporter* and mailed to properties within 100 feet of the tournament site. Notice of the City Council's action on the permit shall be provided to the California Coastal Commission. Staff's review of the coastal development permit finds the proposed installation to be consistent with the City's coastal program as follows:

1. The proposed pathway shall not obstruct access ways within the coastal zone, as it will enhance disabled access to the coastline and supplement existing access ways in a manner consistent with nearby pathways and similar disabled pathways in other California cities.
2. While the pathway will displace some beach sand surface, it will increase access to adjacent beach sand areas, particularly for disabled individuals.
3. There shall be no displacement of ocean views as a result of the project.
4. Installation of the pathway shall occur only in non-peak seasons avoiding disruption to summer beach use.

It should be pointed out that there was a typographical error in the notice, in that the date listed for which members of the public could provide written comments for inclusion in the staff report was listed as April 28, 2010 rather than April 8, 2012. This error, however, does not require that the item be re-noticed because: (1) the legal requirement is to provide a ten-day notice of the date of the public hearing which was listed correctly; and (2) there is no legal requirement to provide the public an opportunity to submit written comments for inclusion in the agenda report. Staff, however, does include this opportunity in all of its notices to increase public participation and inclusion in the public review process.

**CONCLUSION:**

Staff recommends that the City Council:

1. Conduct the required public hearing.
2. Adopt Resolution No. 6357 approving the related Coastal Development Permit.
3. Authorize the City Manager to negotiate and execute the necessary agreements with the Los Angeles County Department of Beaches and Harbors for the construction and placement of the walkway subject to the review by the City Attorney.
4. Approve the purchase and installation of a concrete walkway. THE AGENDA REPORT UNDER FISCAL STATES THAT YOU WILL RETURN WITH THE PLANS AND SPECS AND APPROPRIATION. SO WE SHOULD DELETE THIS ITEM 4 IF THAT NARRATIVE UNDER FISCAL IS CORRECT.

Attachments:

- A. Resolution No. 6357 (coastal permit)
- B. Letter from the L.A. County Department of Beaches and Harbors' Director, Santos H. Kreimann, dated August 16, 2011
- C. Map of El Porto Beach and proposed location of Accessible Walkway

RESOLUTION NO. 6357

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, APPROVING A COASTAL DEVELOPMENT PERMIT FOR A BEACH DISABLED ACCESS PATH ON THE PROPERTY LOCATED ON THE LOS ANGELES COUNTY BEACH NORTH OF 41ST STREET IN THE CITY OF MANHATTAN BEACH (City of Manhattan Beach)

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council of the City of Manhattan Beach hereby makes the following findings:

- A. The City Council conducted a public hearing on the proposed coastal development permit, and testimony was invited and received, on April 17, 2012.
- B. The applicant for the coastal development permit is the City of Manhattan Beach.
- C. The City Council, at its regular meeting of April 17, 2012, approved a design concept for a 10-foot wide concrete disabled access path on the Los Angeles County Beach in the El Porto area.
- D. A coastal development permit application (CA 12-06) was also submitted for the proposed development within the appealable portion of the coastal zone.
- F. The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Sections 15301 "Existing Facilities", 15304, "Minor Alterations to Land", 15311c, "Accessory Structures, and 15323, "Normal Operation of Facilities for Public Gatherings".
- G. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- H. The project, as conditioned herein, is in accordance with the objectives and policies of the Manhattan Beach Coastal Program, as follows:
  - a) The proposed pathway complies with the applicable standards of the Manhattan Beach Coastal Zone Zoning Code.
  - b) The pathway shall not obstruct accessways within the coastal zone, as it will enhance disabled access to the coastline and supplement existing access ways in a manner consistent with nearby pathways and similar disabled pathways in other California cities.
  - c) While the pathway will displace some beach sand surface, it will increase access to adjacent beach sand areas, particularly for disabled individuals.
  - d) There shall be no displacement of ocean views as a result of the project.
  - e) Installation of the pathway shall occur only in non-peak seasons avoiding disruption to summer beach use.
- I. This Resolution upon its effectiveness constitutes the Coastal Development Permit for the proposed beach disabled access path, that conforms to the description and conditions provided herein.

SECTION 2. The City Council of the City of Manhattan Beach hereby approves the proposed Coastal Development Permit for a beach disabled access path, subject to the following conditions:

1. The project shall be in substantial conformance with the plans submitted to, and approved by the City Council on April 17, 2012.
3. *Interpretation.* Any questions of intent or interpretation of any condition will be resolved by the City Council.
4. *Inspections.* The Community Development Department Staff shall be allowed to inspect the site and the development during construction subject to 24-hour advance notice.
5. *Effective Date.* This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030, and the City of Manhattan Beach Local Coastal Program - Implementation Program Section A.96.160 have expired; and, following the subsequent Coastal Commission appeal period (if applicable) which is 10 working days following notification of final local action.
6. The subject Coastal Development Permit will be implemented in conformance with all provisions and policies of the Certified Manhattan Beach Local Coastal Program (LCP) and all applicable development regulations of the LCP - Implementation Program.
7. Pursuant to Public Resources Code section 21089(b) and Fish and Game Code section 711.4(c), the project is not operative, vested or final until the required filing fees are paid.
8. A final plan for beach closures and bike path detours shall be submitted for approval by the Community Development Department prior to project construction. Bikepath detours to The Strand, or using stairways, shall be prohibited. Obstructions/detours from normal bikepath operation shall not be permitted on Saturdays or Sundays, or during the summer season between Memorial Day and Labor Day weekends. An exception from the Community Development Director may be granted for detours on a maximum of two weekends if they are consecutive, have substantial advance notice to the cycling community, and contribute to an overall shortened project work schedule.
10. Any spring season project construction shall begin prior to May 1<sup>st</sup>, in order to avoid beach and bike path obstructions during the summer season, or shall be delayed until after the following Labor Day holiday weekend.
11. All electrical, telephone, cable television system, and similar service wires and cables shall be installed in underground to the appropriate utility pole(s) in compliance with all applicable Building and Electrical Codes, safety regulations, and orders, rules of the Public Utilities Commission, the serving utility company, and specifications of the Public Works Department.
12. All defective or damaged curb, gutter, street paving, and sidewalk improvements shall be removed and replaced with standard improvements, subject to the approval of the Public Works Department.
13. A Traffic Management Plan shall be submitted to the Community Development Department, to be approved by the Police and Public Works Departments prior to construction. The plan shall provide for the management of all construction related traffic during all phases of construction, including delivery of materials and parking of construction related vehicles. Project vehicles and equipment shall be prohibited from using or crossing over The Strand walkway.
14. Pursuant to Public Resources Code section 21089(b) and Fish and Game Code section 711.4(c), the project is not operative, vested or final until the required filing fees are paid.

SECTION 3. Pursuant to Government Code Section 65907 and Code of Civil Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution. The City Clerk shall send a certified copy of this resolution to the applicant, and if any, the appellant at the address of said person set forth in the record of the proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

SECTION 4. This resolution shall take effect immediately. The City Clerk shall make this resolution readily available for public inspection within thirty (30) days of the date this resolution is adopted.

SECTION 5. The City Clerk shall certify to the adoption of this resolution and thenceforth and thereafter the same shall be in full force and effect.

PASSED, APPROVED and ADOPTED this 17th day of April, 2012.

Ayes:  
Noes:  
Absent:  
Abstain:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor, City of Manhattan Beach, California





*To enrich lives through effective and caring service*



August 16, 2011

Santos H. Kreimann  
Director  
Kerry Silverstrom  
Chief Deputy  
Gary Jones  
Deputy Director

David N. Carmany  
City Manager  
City of Manhattan Beach  
1400 Highland Avenue  
Manhattan Beach, CA 90266

AUG 18 2011

Dear Mr. Carmany:

**Re: MANHATTAN BEACH – PEDESTRIAN WALKWAY ON THE SAND**

My staff has completed an assessment and submitted a report regarding the feasibility of constructing a pedestrian walkway on Manhattan Beach. Below are the findings and recommendations.

Staff has conducted a site inspection of the various walkways on Santa Monica Beach in response to the request for an evaluation of the potential development for a pedestrian walkway, in Manhattan Beach, extending from the bicycle path toward the ocean, and the estimated cost thereof. They also met onsite with the City of Manhattan Beach's team (City Engineer, a Senior Civil Engineer, and the Recreation Services Manager) and the County's team (Southern Lifeguard Section Chief Terry Yamamoto, Department of Beaches and Harbors (DBH) maintenance Division Chief Wayne Schumaker, Ken Foreman and Rudy Montoya).

**BACKGROUND**

According to a City of Manhattan Beach staff report to the City Council, a city constituent recommended that a walkway be made available at an area south of 6<sup>th</sup> Street. Since there are no parking lots near this area and the sand elevation at this location has a greater slope, city staff recommended that this location not be considered and suggested two alternative locations for consideration: 1) the area just north of the Manhattan Beach Pier, off of the north lower parking lot; and, 2) at 42<sup>nd</sup> Street near the El Porto parking lot and concession facility. The latter currently provides an ADA accessible ramp from the parking lot to the beach.

**FINDINGS**

Our independent review confirms that the area south of 6<sup>th</sup> Street lacks amenities and infrastructure to make a walkway widely accessible to many beach goers and is not an

Mr. David N. Carmany  
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optimum location. The area just north of the Manhattan Beach pier, too, will require excessive modification at great expense to be accessible, and it is also an emergency access point for lifeguards and beach equipment when these units cannot drive under the pier because of high-tide and wave action. Therefore, the remaining possible location for development of a walkway is the area adjacent to the El Porto concession stand. This location has a large surface parking lot and has ADA-compliant access from the parking lot to the concession stand. Additionally, the beach wheelchair container maintained by the County can be relocated to this location to further enhance access to the shoreline.

Chief Yamamoto and Chief Schumaker agreed that to protect the concession stand and the bicycle path from storm inundation whenever we have major winter storms consisting of high-tides, large waves and sand erosion, it is necessary to erect a sand berm parallel to the wave, approximately 70 feet away from the concession stand's footprint. Therefore, the maximum dimension of any new walkway to be developed should not extend beyond 66 feet from the concession stand's footprint so that it will be landside of the sand berm demarcation line and protected by the sand berm whenever needed. However, during the summer season, a 66-foot walkway is only approximately half way to the shoreline and anyone wishing to reach the water would have to continue beyond the walkway and travel on the sand to get there.

During our field inspection of the walkways at the Santa Monica Beach, we have observed the following:

#### Wood lumber

The walkway made of wood lumber was observed to have uneven surface, uneven edges, broken planks, and splinters. The uneven surface and uneven edges are caused by weathering, and the difference in thickness between the old boards and the new boards that have been used to replace broken pieces. Also, the protective hydrocarbon additive once worn off, leads to separation of the wood fibers and creation of splinters that could cause injury to the beachgoers. Exhibit 1 includes several photographs illustrating the potential trip-and-fall hazard and maintenance problems posed by walkways made of lumber.

Based on discussions with Santa Monica city employees, the city is no longer in favor of constructing any additional wood lumber walkways. The city is concerned about the danger of splinters, costs of maintenance, as well as the material's impact to the environment. The hydrocarbon additive that the city used to treat its lumber and other additives such as creosote that are used to protect the integrity of lumber are not environmentally friendly. Moreover, the walkway cannot withstand the weight of beach cleaning tractors.

### Concrete

The concrete walkway was in very good condition and was well maintained. The surface was flushed with sand and is easy to clean. Exhibit 2 shows the condition of an existing concrete walkway at the Santa Monica Beach. Concrete construction can be engineered to support the weight of heavy beach cleaning equipment and withstand the corrosive saltwater environment.

Based on a construction cost formula provided by the Department of Public Works, the expense of constructing a 6-foot wide by 66-foot long walkway, with a round turnaround area at the terminus, including mobilization and project management expenses, is approximately \$50,000. This cost estimate does not include the expense of processing a Coastal Development Permit and the possible appeal thereof to the California Coastal Commission. It is assumed that the City of Manhattan Beach will review construction plans for issuance of a Building and Safety Permit, secure the necessary Right of Entry Permit or operating agreement from the County, and process the attendant Coastal Development Permit application as well as the potential appeal thereof.

### Composite decking product

The two composite walkways we inspected appeared to be in reasonably good repair, albeit they are not in as good condition as the concrete walk path. Both walkways' surfaces had signs of wear and tear and the panels appeared to start to warp. There were a few panels with missing nails and screws and/or lifting, which potentially could cause injuries. Also, the gaps in between the panels were filled with sand. As sand recedes due to wave action or wind forces, the sand-filled gaps become voids and could potentially be a problem for pointed shoe heels. Exhibit 3 shows the condition of the composite walkways.

The composite material used for these beach walkways is known as Trex, which is not structurally sound, and will not support DBH's heavy equipment that can weigh as much as 80,000 pounds. There are different ways to construct composite walkways, and the City of Santa Monica constructed its composite walkways on wood beams, supported by concrete underlayment. The city has historically used treated wood but is now moving towards composite decking due to its durability, sustainability (no hydrocarbons), and less liability risk. The city is planning to construct more composite walkways in conjunction with its restroom rehabilitation projects.

It should be noted, however, that the Santa Monica Beach is much wider than the beach at Manhattan Beach. Therefore, the city of Santa Monica's heavy beach maintenance equipment can avoid crossing over these composite walkways. Given the narrow beach width at Manhattan Beach, the fact that composite deck material is not structural, and the Department of Beaches and Harbors must maintain unobstructed access over

Mr. David N. Carmany  
August 16, 2011  
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the area behind the winter sand berm, staff from the City of Manhattan Beach and DBH agreed that a composite deck walkway on Manhattan Beach is not a viable option.

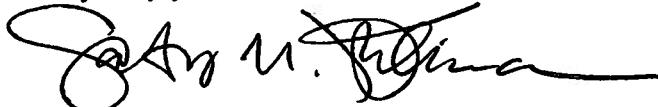
### CONCLUSION

This research has led to the conclusion that development of a permanent, fixed walkway at the location near the El Porto concession stand is the best option, if a pedestrian walkway is to be constructed on Manhattan Beach. The walkway should be 6-feet wide and not exceed 66 feet in length, and have a round turnaround area at its terminus. The construction cost is estimated to be approximately fifty thousand dollars (\$50,000), which the City would be responsible to fully fund.

A Memorandum of Agreement should also be executed whereby the City shall agree to indemnify, defend and save harmless the County. Any claims the County may receive in association with the walkway shall be forwarded to the City for defense and settlement. If, at a later time, it is determined that the walkway should be removed for any reason, the County should have the right to remove the improvements or cause them to be removed at the City's expense.

Mr. Carmany, we are pleased to provide you with this report and look forward to hearing from you.

Very truly yours,



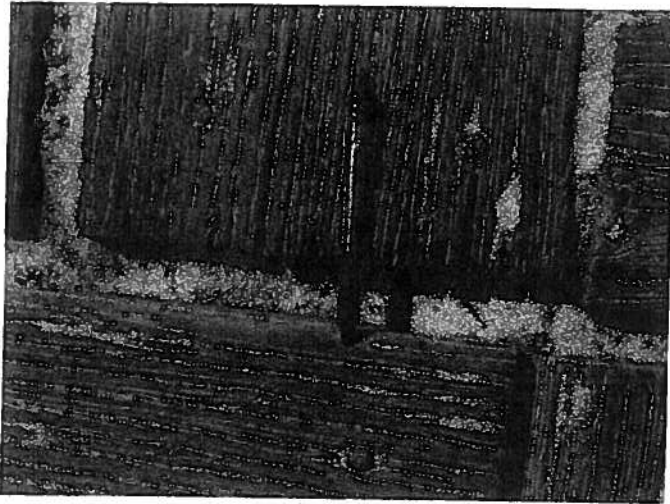
Santos H. Kreimann, Director

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Attachments (3)

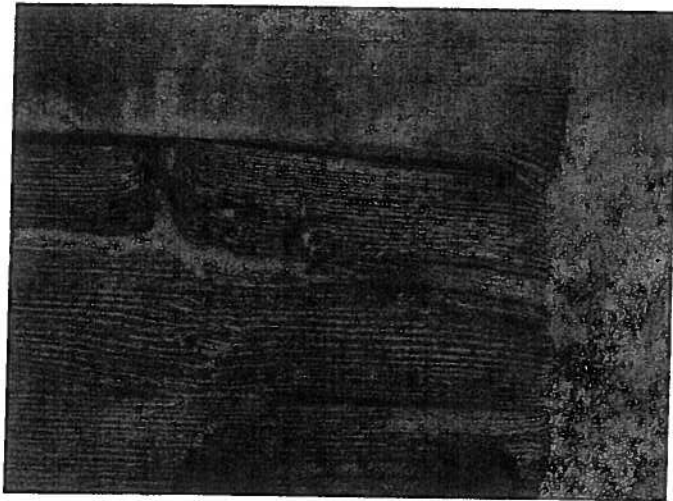
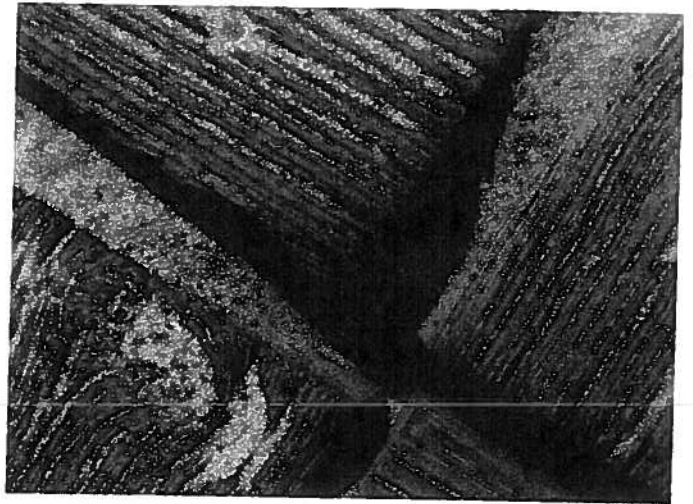
# Problems Observed at Wood Walkways

EXHIBIT 1



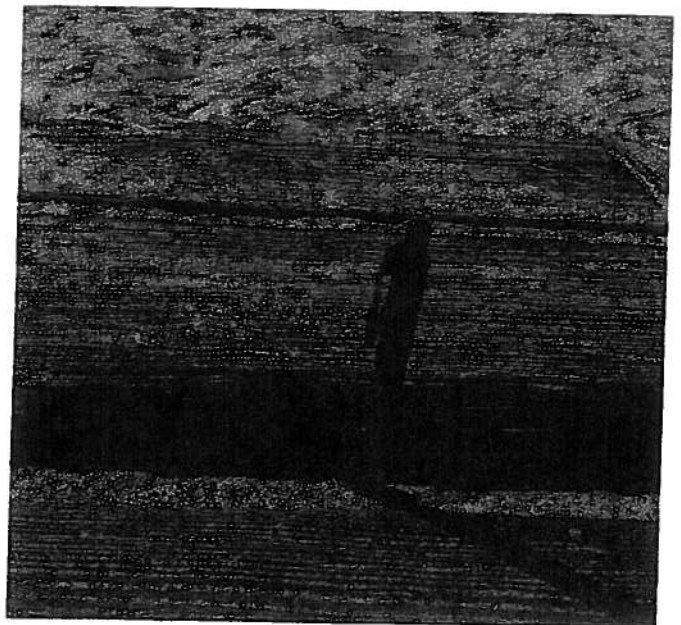
Wide Gaps Between  
Wood Planks

Gaps At Areas Where Four  
Planks Meet Can Be Wider

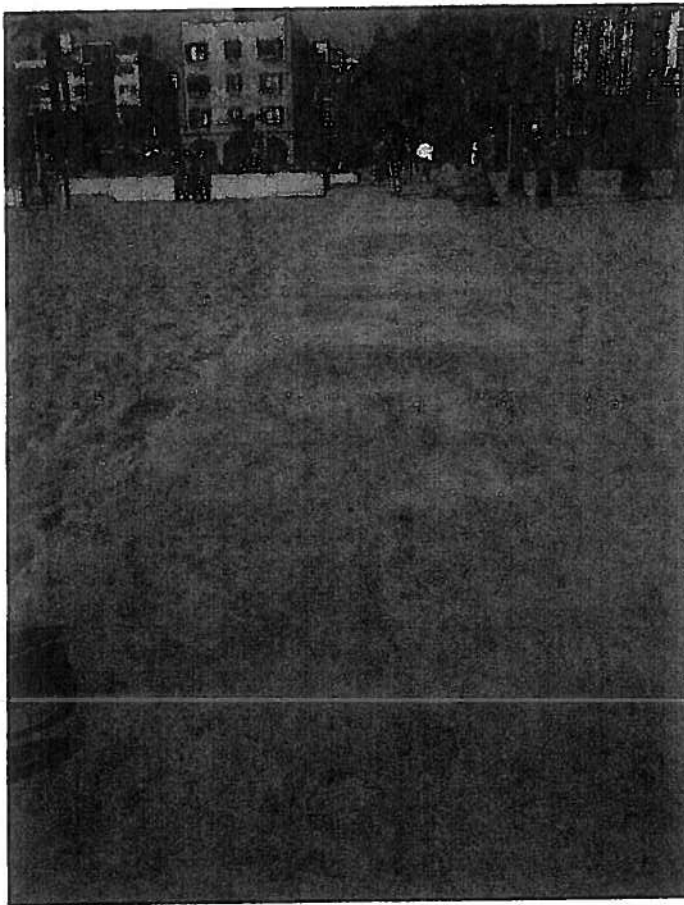


Broken Wood

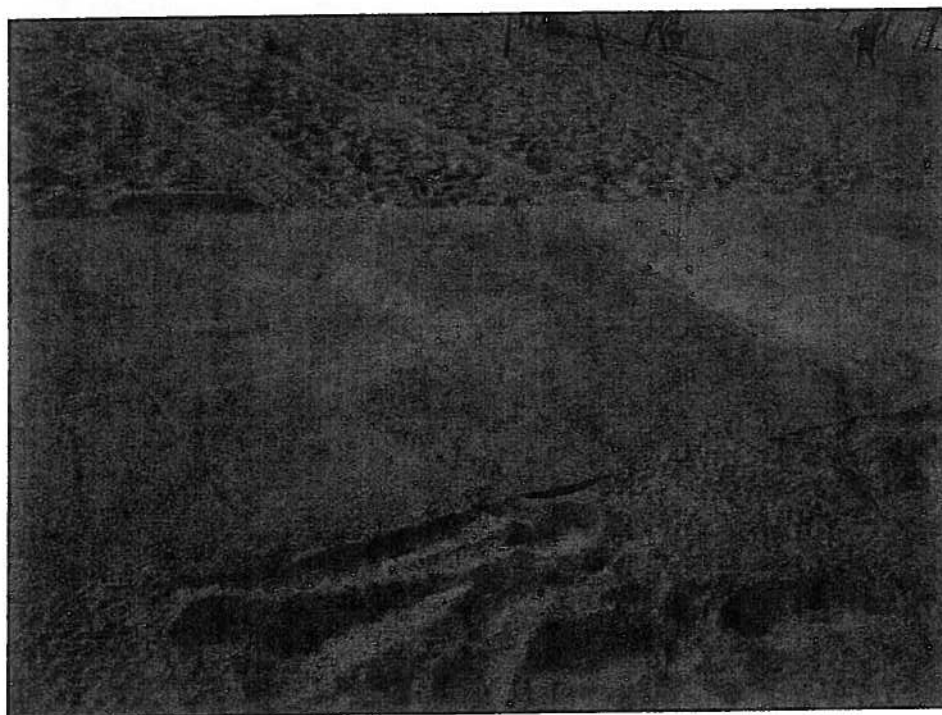
Uneven Surfaces Can Cause  
Trip-and-Fall Liability



# Observed Conditions Of Concrete Walkways

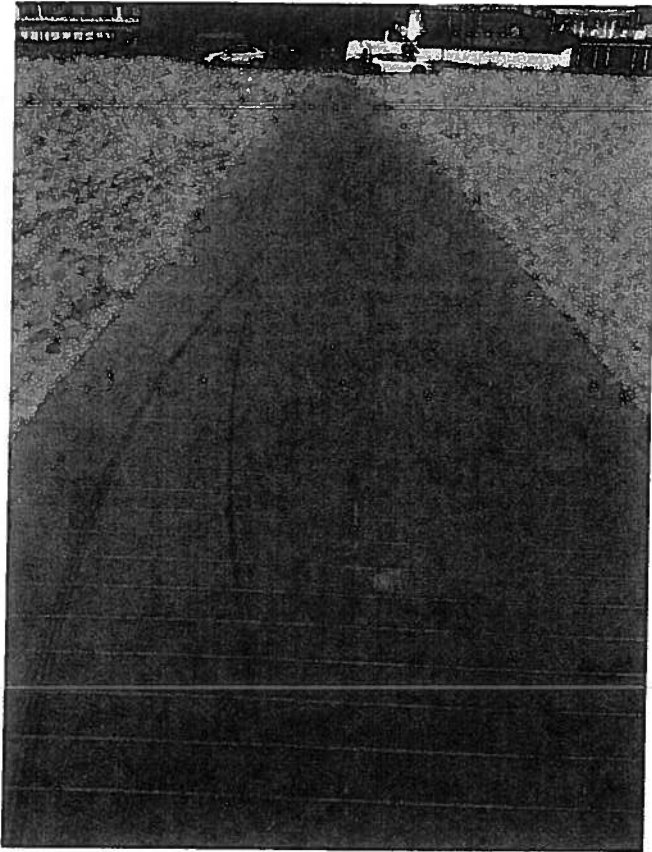


**Walkway Is In Good Condition;  
No Dents, Cracks Or Uneven  
Surfaces**



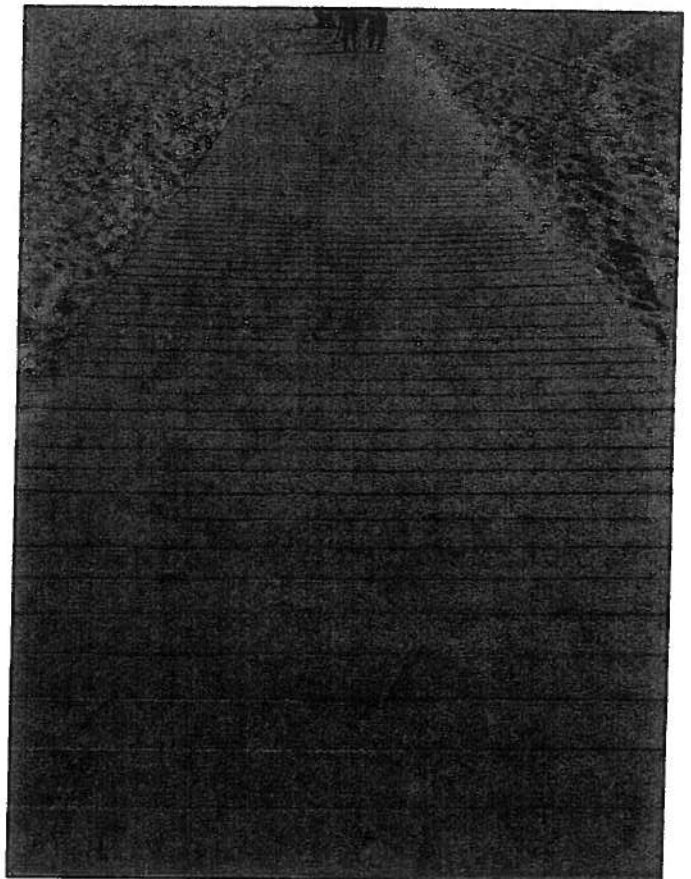
**Walkway Is Flush  
With Sand Areas  
On Both Sides**

# Observed Conditions Of Composite Walkways



**Markings On Composite Panels  
Are Not Easily Removed And  
Graffiti Or Damaged Panels Will  
Need To Be Completely Replaced**

**Voids Can Appear Between Panels  
As Sand Gets Blown Away Or  
Removed By The Tide, Creating  
Trip-and-Fall Hazards**



# City of Manhattan Beach

## Path to the Sea

