

**CITY OF MANHATTAN BEACH  
PARKING AND PUBLIC IMPROVEMENTS COMMISSION  
MINUTES OF REGULAR MEETING  
JULY 26, 2012**

**A. CALL TO ORDER**

The regular meeting of the Parking and Public Improvements Commission of the City of Manhattan Beach, California, was held on the 26<sup>th</sup> day of July, 2012, at the hour of 6:30 p.m., in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

**B. ROLL CALL**

Present:	Stabile, Nicholson, Fournier, Silverman, and Chair Adami.
Absent:	None.
Staff Present:	Madrid, Rydell, and Haaland.
Clerk:	Kennedy.

**C. APPROVAL OF MINUTES**

**7/26/12-1 - Minutes: March 27, 2012**

1. A motion was MADE and SECONDED (Fournier/Silverman) to approve the minutes of March 27, 2012 regular meeting with the following amendment:

Chair Adami wanted to clarify that on page 4, paragraph 6, the Hyperion Treatment Plant is one of the most successful and effective plants in the *United States*, not the *world*.

**D. AUDIENCE PARTICIPATION**

None.

**E. GENERAL BUSINESS**

**7/26/12-2 - Recognition of Outgoing Chair Gary Stabile and Rotation of New Chair and Vice Chair**

Chair Adami commended and thanked outgoing Chair Stabile for his hard work, service, dignity, and commitment to the Parking and Public Improvements Commission.

**7/26/12-3 - Consideration of an Encroachment Appeal to Approve a Raised Yard in the Public Right-of-Way – 519 21<sup>st</sup> Street**

Chair Adami introduced the consideration of an encroachment appeal to approve a raised yard in the public right-of-way located at 519 21<sup>st</sup> Street.

Management Analyst Madrid introduced Associate Planner Eric Haaland.

Associate Planner Haaland presented a PowerPoint presentation and summarized the staff report.

Associate Planner Haaland shared that in addition to the one public comment that was attached to the staff report, that he received two additional emails which were provided to the Commissioners before the meeting.

Associate Planner Haaland asked that the PPIC accept public testimony, review the appeal request and recommend that the City Council deny the request. Staff did not support the request for the raised right-of-way grade and retaining wall because it is not consistent with the encroachment standards.

Associate Planner Haaland also stated that should the PPIC recommend approval of the raised grade, that conditions be imposed requiring restoration of the original grade, and removal of the retaining wall, whenever the existing building is demolished in the future, and that any City costs (future street work) that may result from the retaining wall and raised grade be paid by the property owner, as stated in the staff report.

Commissioner Stabile questioned the applicant's intended use of the encroachment area.

Mr. Haaland responded that the applicant is not required to provide that information in detail, but Staff expected the use to be outdoor play or dining area. Mr. Haaland explained that staff is not able to approve an exception like this; that only the PPIC and City Council are able to approve these exceptions.

Commissioner Fournier raised concerns about a loss in parking.

Mr. Haaland explained that granting the encroachment appeal would not impact parking since there are no parking pads in this street segment because there is a roadway curb.

Commissioner Fournier verified that this is a grading issue, not a fence issue and the fence would not go over three feet.

Mr. Haaland affirmed Commissioner Fournier's assertion; raising the grade is what is in conflict with the code and the fence, including the grade, would not be taller than three feet.

Commissioner Nicholson asked about the additional requirements for a fence.

Mr. Haaland explained that the fence must be identified in the encroachment permit application, but staff is able to approve fencing, up to 42 inches.

Commissioner Nicholson asked if there were any utilities in the right-of-way. He pointed out the manhole cover in the applicant's neighbor's driveway.

Mr. Haaland explained issues with utilities in the right-of-way are usually found in walk street situations, he was unsure of any utilities in this particular case. Mr. Haaland stated that staff does not usually review drive streets in the same manner that walk streets are reviewed.

Commissioner Nicholson asked if there was a need to go into the sewer and it was under an encroachment area, if it would be at the owner's expense.

Mr. Haaland stated that if such a condition were approved, the additional cost would be borne by the property owner.

Chair Adami asked who assumes liability if the encroachment area is permitted?

Mr. Haaland explained that with any encroachment permit, the property owner must provide the City with insurance liability coverage.

Commissioner Fournier asked what the objection is to raising the grade; why is that written into the code.

Mr. Haaland explained he believes the concerns for raising the grade are perceived as privatization of the public right-of-way, and conflicts with future City street projects.

Commissioner Stabile asked if the City foresees street work in the near future.

Mr. Haaland explained he was unaware of any future planned projects in the area.

Commissioner Nicholson explained he thinks the rationale for not raising the grade is that we would like people to be able to walk in the right-of-way. The code allows the space to be usable for everyone; its purpose is meant to be a sidewalk or parking place.

Chair Adami asked how a "significant alteration of the right-of-way" (A – attachment b 7.36.150 – section D) should be interpreted.

Mr. Haaland stated a six inch curb height could be done by staff approval.

Chair Adami opened the item for audience participation.

Management Analyst Madrid suggested the applicant have a chance to speak before the issue was opened for audience participation.

Mr. David Watson, the architect for the applicant, thanked Mr. Haaland for his presentation. He further explained that the grade change is to make a user friendly space for the applicant and their children to play in the front yard and possibly share a meal. He stated the modest grade increase would allow for additional steps down to the lower yard.

Commissioner Stabile asked if the encroachment area would be user friendly for the public.

Mr. Watson explained that the owners are within their rights to put a fence in the same retaining wall location.

Commissioner Stabile asked if the applicants intend to do so.

Mr. Watson stated that the applicants do intend to put a fence on the retaining wall.

Commissioner Stabile clarified that the applicants plan to raise the grade, incorporate it into their private yard, and then fence it off.

Mr. Watson stated that with a fence installed, that the public would not be able to access the encroachment area without stepping over it.

Commissioner Nicholson asked if the fence needed to be two feet back from the curb.

Mr. Watson stated he believes they are back two feet from the curb.

Chair Adami asked to see the drawing/plan that was submitted as part of the application.

Mr. Haaland brought up the site plan from the presentation and pointed out the top view sight plan; he explained the wall would be two foot in from the curb which is different from many of the existing fences in the neighborhood.

Chair Adami inquired about the height of the wall.

Mr. Watson explained the wall would be one foot high on the right side and two foot high on the left side.

Commissioner Stabile asked from what point?

Mr. Haaland explained it is measured from the top of curb.

Chair Adami suggested that at two feet high, the fence/wall could pose a danger to children.

Mr. Watson explained there would be a fence on top of the wall – a total of 42 inches high. Ultimately, there could be a low wall with a low fence or just a taller fence.

Chair Adami thanked Mr. Watson and opened the audience participation portion.

There was no audience participation.

Chair Adami opened the discussion for the Commissioners.

Commissioner Fournier asked what the actual size of the encroachment would be.

Mr. Haaland confirmed that the encroachment area is seven and a half feet from property line to the wall and an additional two feet from the wall to the curb, making it a total of nine and a half feet.

Chair Adami explained that would make the raised area approximately 300 square feet.

Commissioner Nicholson explained that the two foot setback is from the curb and the modest wall and fence is a total of 42 inches in height. He has visited the street several times and believes having a two foot setback is good because it creates room for a pedestrian when a car is driving down the street.

Mr. Haaland agreed and stated any fence or wall needs to be set back two feet from the curb.

Commissioner Nicholson noticed that in the surrounding neighborhood if the homeowner has taken possession of the encroachment area it is not usually usable as a walkway.

Commissioner Stabile asked if thorny bushes that render an encroachment area unusable are allowed.

Mr. Haaland explained that rose bushes and similar plants are common in encroachment areas.

Commissioner Stabile mentioned it is clear to him the applicants are interested in the encroachment area in order to create a space for the kids to play. He further mentioned he does not see it as an adversarial area.

Chair Adami explained he drives and walks that area, there are many families in the area and he understands the want to add more area for the kids to play.

Commissioner Stabile explained his concern: the PPIC granted an encroachment at 301 28th street; he voted against the encroachment because he felt the PPIC would be setting a bad precedent. The owner wants to incorporate right-of-way into his personal property; an exception to the code is not met, therefore, he does not think it is

appropriate. He believes the PPIC should adhere to the requirement. He explained his inclination to support staff's recommendation to deny the encroachment appeal.

Commissioner Silverman also explained the PPIC recently recommended approval of a right-of-way grade raising request at 301 28<sup>th</sup> Street, which was ultimately approved by the City Council. The purpose in that case was to create level decorative planter terraces on a long steep side-street slope, rather than a useable front yard area in this case. These are two different stories. Commissioner Silverman shared his reluctance to set a precedent, but supports the appeal in the one individual case. He decided he was more inclined to go with what staff recommended in second part; should PPIC recommend approval of the raised grade, staff suggests conditions be imposed requiring restoration of the original grade, and removal of the retaining wall, whenever the existing building is demolished in the future, and that any City costs (future street work) that may result from the retaining wall be paid by the property owner.

Commissioner Fournier asked if Commissioner Silverman was in favor or not.

Commissioner Silverman answered he would support the encroachment with those conditions.

Commissioner Nicholson asked to include the phrase "change in grade" so that the City would be indemnified in dealing with the property owners. He also explained he has a similar situation at this home; there are utilities running through the right-of-way. He recommended approval with staff's language.

Commissioner Stabile clarified the property owners would be financially responsible.

Commissioner Fournier asked if the PPIC had the capacity, as a Commission, to make that recommendation as suggested by Commissioner Stabile.

Chair Adami, Commissioner Stabile, and Management Analyst Madrid all answered in the affirmative; that the Commission can make the recommendation.

Mr. Haaland explained the encroachment permit would place the burden of any costs upon the applicant.

Commissioner Fournier asked what happens when there is a change of ownership.

Mr. Haaland said the related encroachment agreement is recorded with the title of property; therefore, it stays with the property.

A motion was MADE and SECONDED (Silverman/Nicholson) to recommend approval of the raised grade, including the conditions suggested by staff including requiring restoration of the original grade, and removal of the retaining wall, whenever the existing building is demolished in the future, and that any City costs (future street work)

that may result from the retaining wall be paid by the property owner. The motion passed with a 4-1 vote, with Commissioner Stabile dissenting.

#### **7/26/12-4 – Aviation Boulevard Bicycle Lane Preliminary Engineering Study – Final Report**

Management Analyst Madrid introduced the item, stated that this is a follow-up report and public hearing to discuss the Aviation Boulevard Bicycle Lane Preliminary Engineering Report-Final Study. Ms. Katie McClure is here to present the Study and City Traffic Engineer Jack Rydell is available to answer any questions. The Commission is to hold a public hearing and receive comments from the public.

Commissioner Fournier asked Management Analyst Madrid to clarify the responsibility of the Commission.

Management Analyst Madrid explained that the Commission is not approving the Engineering Study but merely holding a public hearing and accepting public comment. Depending upon the public comments that are received, the study may go before the City Council.

Ms. McClure explained the City of Manhattan Beach City Council was recently recognized for their efforts to promote a more livable, walkable, bikable community. Ms. McClure highlighted the following accomplishments:

- City staff attended a Living Streets Workshop to embrace principles to build road networks that are safer, more livable, and welcoming to everyone;
- The City adopted a Bicycle Master Plan and the implementation process has begun on Redondo and Pacific Avenues;
- The City has been actively seeking funding to create a Pedestrian and Bicycle Enhancement Program and is currently developing a Mobility Plan to include improvements that are consistent with Complete Streets;
- The City has policies that promote outdoor dining creating activity and drawing people into the space in a social atmosphere;
- The City has policies that restrict mobile vending of unhealthy foods near schools and public playgrounds through a Food Truck Ordinance;
- The City has implemented strategies to enhance personal safety in areas where people can be physically active, such as the crosswalk on Manhattan Avenue at 9<sup>th</sup> street;
- The City has adopted a Tree Ordinance that supports Urban Greening which creates more green space thus relieving stress and improving well-being;
- And, the City Council encourages City employees to move naturally, eat wisely, find their purpose, and find healthy social opportunities.