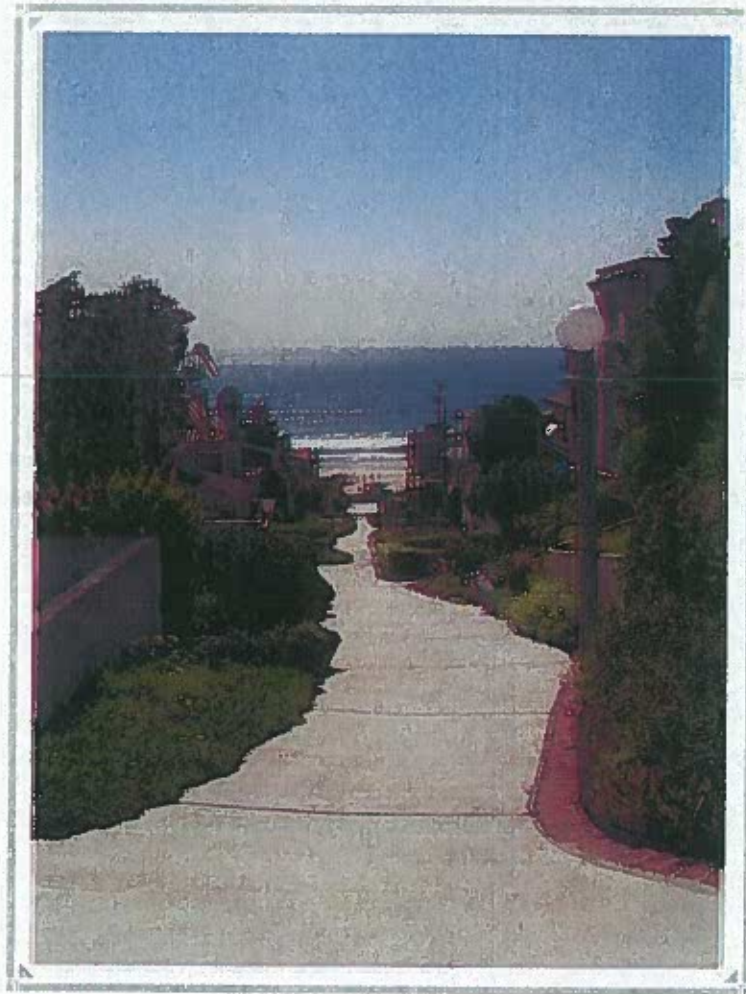


Construction and Landscaping on Public Property



**City of Manhattan Beach
Community Development Department
1400 Highland Avenue
310-802-5504
www.citymb.info
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The purpose of this document is to facilitate understanding of the ordinances and standards that regulate private construction on public property next to both walk streets and vehicular streets. Copies of these ordinances may be obtained through the Community Development Department. This manual is divided into five sections: General Standards, Walk Street Standards, El Porto Strand Standards, Vehicular Street Standards, and Submittal Requirements.

Encroachment Permits are required to allow small improvements on the public property that is used by the adjoining property owner. Improvements must be attractive and non-obtrusive to the public, consistent with building safety standards, and compatible with surrounding developments. In order to ensure that private construction on public property meets the goals of the community, the City Council adopted Ordinances 2039 and 2042 on February 18, 2003. These ordinances codified encroachment and street construction policies, guidelines and standards. Ordinance 2039 covers encroachments for private use (MBMC 7.36) and Ordinance 2042 covers street improvements for public use (MBMC 9.72.015).

Subject to certain standards and conditions, adjoining property owners may apply for an encroachment permit to construct a variety of improvements within the encroachment area (generally defined as the portion of public property located between the property line and the edge of the roadway, curb, or sidewalk).

The intent of these standards is to encourage low profile construction on public property and maintain vistas of the ocean and a sense of openness along these pedestrian corridors. Encroachment standards for walk streets generally allow for walkways, patios and decks, low fences, walls and landscaping.

Other than walk streets, the majority of the City's streets are constructed in a traditional fashion with a well defined edge of pavement and drainage systems. There are however, areas that have been developed without such well defined boundaries. In these cases, the public property may extend well beyond the edge of the paved roadway. In these areas the adjoining property owner may initiate the construction of allowed improvements. The City may also require the adjoining property owner to make improvements on public property when private improvements are proposed within either the encroachment area, or adjoining private property. In general, private improvements on public property adjacent to vehicular streets include low fences and walls, landscaping, pavement and various improvements such as walkways, curbs and parking pads.

General Standards

- Improvements not specifically addressed in the following document are not permitted on public property.
- Landscaping is permitted without an encroachment permit in accordance with a submitted and approved landscape plan. Artificial landscape materials are prohibited.
- All encroachments must be in conformance with Title 5, Chapter 5.84 of the Municipal Code pertaining to storm water pollution control.
- Obstructions to neighboring scenic views must be avoided.
- Existing improvements which do not conform to current standards must be removed or brought into conformance if the related structure on the adjoining property is significantly remodeled or reconstructed or if any new significant construction is proposed in the encroachment area. Existing permitted improvements that have been made non-conforming by changes to these standards may otherwise remain provided any nonconforming element is not increased or expanded.
- Routine maintenance and repair may be performed on a nonconforming encroachment structure or improvement and replacement with a comparable improvement is permitted upon demonstration that the encroachment is deteriorated and creating an unsafe condition.
- Commercial use of the public property is prohibited, with the exception of sidewalk dining permits, building projections, roof access, and utility elements as determined appropriate by the Director of Community Development.

E | Porto Strand Standards

In addition to the encroachments permitted in the Walk Street Standards, the following encroachments are permitted within the Strand public property north of Rosecrans Avenue due to unusual slope and underground utility location.

USABLE SURFACES

Usable surfaces are permitted within the rear half of the encroachment area (next to the private property) at a maximum height of 72 inches measured from the adjacent Strand walkway, provided they are accompanied by terraced landscape planters with evenly spaced retaining walls with a maximum height of 30 inches each.

V ehicular Street Standards (Private Improvements)

Loose gravel and similar material as determined by the Public Works Department are not permitted.

GRADING

Significant alteration of the existing public property grade is prohibited, unless determined to be necessary to accommodate a required public street improvement.

DRAINAGE

Drainage from a private collection system that discharges a concentrated flow shall be directed to a public vehicular alley or street via a non-erosive device pursuant to Public Works Department construction standards except as permitted by the Director of Public Works. Drainage is not allowed to be discharged in a concentrated flow over a public walkway.

UTILITIES

A minimum of 30 inches of clearance is required on each side of all water and sewer mains for free-standing and retaining walls with a continuous footing, unless otherwise approved by the Director of Public Works.

Vehicular Street Standards (Required Improvements for Public Uses)

Pursuant to Ordinance 2042, street improvements, including sidewalks, curbs, gutters, parking pads and paving may be required by the Public Works Department for the purpose of maintaining or improving conditions related to drainage, visibility, access, maneuverability or public parking, and, if required, shall be constructed in compliance with City standards.

Street improvements will be required as a condition of a building permit on any property abutting public property which would result in the alteration or addition of more than fifty percent (50%) of the value of the existing structure located on private property.

The following diagrams are intended to help the private property owner determine the appropriate locations for both "private" and "required" public property improvements throughout different areas of the City.

TREE SECTION

The Tree Section of Manhattan Beach is bounded by Rosecrans Avenue on the North, Sepulveda Boulevard on the East, Manhattan Beach Boulevard to the South; and a West boundary beginning with Manhattan Beach Boulevard and progressing north on Valley and again north along Blanche and Bell (as seen on the following map).