

Eric Haaland

From: Nhung Madrid
Sent: Thursday, July 26, 2012 2:14 PM
To: 'Gary McAulay'; Richard Thompson
Cc: Laurie B. Jester; Eric Haaland
Subject: RE: 7/26/12-3 Encroachment for a Raised Yard in the Public Right-of-Way – 519 21st Street

Hi Mr. McAulay,

Your comments will be provided to the PPIC at the meeting tonight.

Thanks,
Nhung

From: Gary McAulay [<mailto:gary.mcaulay@gmail.com>]
Sent: Thursday, July 26, 2012 2:07 PM
To: Nhung Madrid; Richard Thompson
Subject: 7/26/12-3 Encroachment for a Raised Yard in the Public Right-of-Way – 519 21st Street

Hello Ms Madrid -

Can you please forward the attached comments re 519 21st St to the PPIC? Thanks!

Hello PPIC Commissioners –

I support Community Development's recommendation to deny an encroachment permit at 519 21st Street for a raised yard in the 21st Street public right of way.

It's time to stop giving away public land.

People buy their property with full knowledge of its size and property lines. The lots are not huge. Sometimes folks build their houses out to city-approved limits. In either event, when people suddenly decide they want to have a yard, they ask the City for an encroachment, and voila, free land!

This is not a matter of stretching the lawn out a bit or laying down some pretty pavers. A wall gets built, it's back-filled with dirt, in goes the landscaping, and up goes a fence. The public right of way, land belonging to the entire community, becomes the exclusive domain of a private property owner.

The encroachment area is described in the staff report as “unused public right of way,” a description that means that it is not improved by the city with concrete or asphalt as a sidewalk or road. However, the description mischaracterizes the area and it seems that this is frequently interpreted to mean that, therefore, it might as well be given to the adjacent land owner for personal, private use.

Commissioners, this must stop. Council has decided that walkability is a priority for our community. Additionally, parking is at a premium. Traffic flow continues to deteriorate as yards get pushed out and streets become narrower. On many streets, the only remaining place to walk is down the middle of the street. Where does one even step out of traffic when we’ve filled the “unused public right of way” with raised walls and fences for private yards? Walking in traffic and squeezing against walls is not “walkability.”

Enough. The staff report references another instance on 28th Street that was previously approved. In that instance, the property owner wanted some pretty landscaping. The result is that now the only way to walk down that block of 28th Street is in the middle of the street, in traffic. The property owner got his garden on City land; the public gets to walk in the traffic lane. These are unsafe conditions, and the encroachments are not justified merely so the property owner can have private landscaping on public land.

In the case tonight on 21st Street, the appellant wishes a “functional yard area” for “kids playing, dining, etc.” So the City must give him a yard? Is this truly reason to build walls and to fence off public property? May I point out that the address is only a few hundred feet from Live Oak Park?

I use that street. I drive on it, park on it (when able) and walk on it. The street does not belong to one property owner, or to a few. It is a City street to be maintained for the entire community. And unfortunately, every time an encroachment is granted (such as the one on 28th Street, nearly half a mile away) it becomes precedent for the next encroachment. Stop. Please. City land is not to be given away for private yards.

Please, affirm staff’s recommendation to DENY the encroachment.

Sincerely,

Gary D. McAulay

Nhung Madrid
Community Development Management Analyst

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Robert Benard <rbenard9@gmail.com>

Get-Together with Neighbors at Jamba

1 message

Robert Benard <rbenard9@gmail.com>

Fri, Jul 27, 2012 at 12:56 PM

To: wpowell@citymb.info

Cc: cm@citymb.info

Mayor Powell,

Although I wasn't at your get-together this morning, I do have something I'd like to bring to your attention after sitting through a PPI Commission meeting last night.

I was at the PPI meeting to lend support for the proposed study of a bike lane along Aviation, but prior to that item I sat through a hearing for an Encroachment Permit at 519 21st Street. I live on 23rd Street, and like 21st, 24th and even Marine, this area (the Gaslite Neighborhood) has generally small lots and narrow streets with limited parking and generally uneven front yard areas. The request was for a 2-foot retaining wall in the public right-of-way (unimproved and functionally part of the property's front yard) in order to "level the front yard for private enjoyment".

The Staff Report and staff presentation made it clear that there was no justification for granting the proposed encroachment and recommended denial. However, throughout the course of the Commission's discussion, with the exception of Commissioner Stabile (who was against granting the encroachment), there was a sense of "giving the owner the encroachment so that he could have a level front yard for his family to play, dine, and enjoy their yard." There was no discussion of making findings that showed how this lot was different or unique from other properties in the area. In fact, when Commissioner Stabile brought up the question of setting precedent for granting an encroachment without reasons other than because the owner asked for it, he was voted down.

After over 30 years as an Urban Planner in coastal southern California cities (and a combined 5 years as a Public Works and Planning Commissioner in Manhattan Beach), I was somewhat taken back by the cavalier approach taken by the PPI to the granting of this encroachment. A 2-foot retaining wall, 2 feet from the curb is a rather "hard" feature relatively adjacent to the actual right-of-way, in effect "armoring" the streetscape...especially where the actual roadway is so narrow and the front yards are so shallow. It also sets a bad precedent when there are no unique circumstances associated with this specific lot (most property in this neighborhood have slightly sloping front yards). And again, the PPI made no unique finding for granting this encroachment other than justifying it "because it would be nice for the owner."

While I know it's usually staff's role to pass on Commission recommendations to the Council and to make the Findings that the Commission failed to make, I would ask that you have Richard Thompson and Quinn Barrow look at this matter and see if the PPI overstepped their authority in recommending for this encroachment.

Sincerely,

Robert Benard
531 23rd Street