

# Construction and Landscaping on Public Property



**City of Manhattan Beach  
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[www.citymb.info](http://www.citymb.info)  
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## Construction and Landscaping on Public Property

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.

## **G**eneral 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.

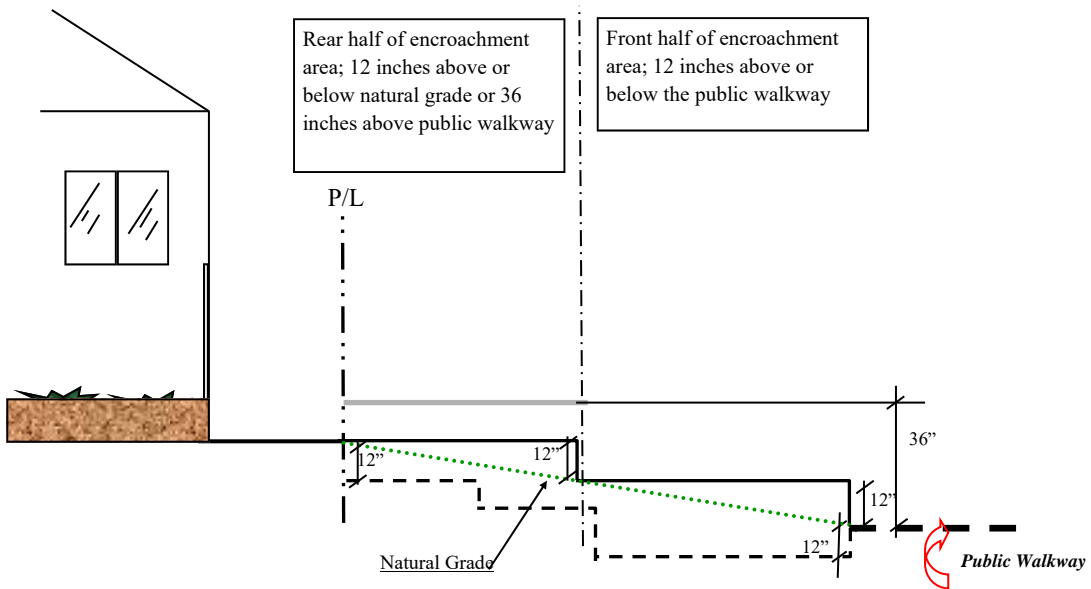
# Walk Street Standards

## USABLE SURFACES

Usable Surfaces are generally defined as any relatively level surface (hardscape or landscape) upon which a person can stand, excluding a walkway not exceeding 44 inches in width that provides access from the public property to private property.

Within the front half of the encroachment area (adjacent to the public walkway), usable surfaces are limited to a maximum height of 12 inches above or below the adjacent public walkway. Within the rear half of the encroachment area (next to the private property), usable surfaces are limited to a maximum height of either: 36 inches above or below the adjacent public walkway, or 12 inches above or below the natural grade. "Natural Grade" is defined as a straight line from the improved public walkway grade to the existing front property line grade.

## FENCES AND WALLS

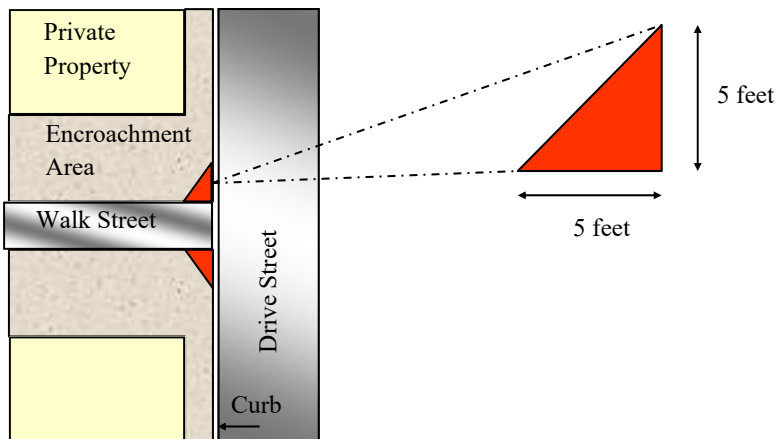


**Encroachment Standards**

Fences and railings, including required safety handrails and guardrails, are permitted provided an open design is utilized. The maximum allowable height is 42 inches above the adjacent public walkway.



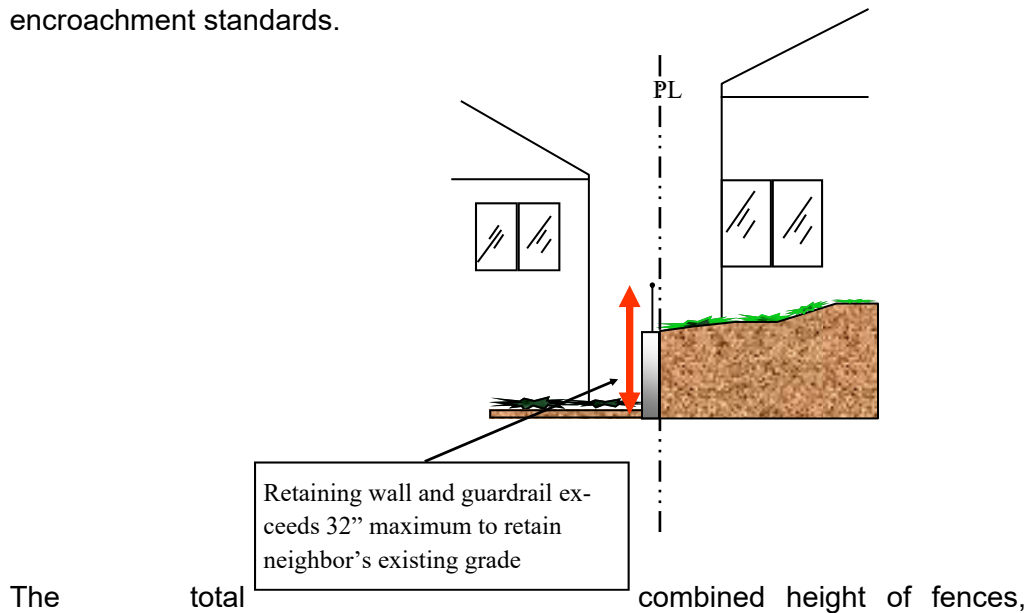
To help ensure pedestrians are visible to motorists, a 36 inches maximum height limit (measured from the adjacent curb level) is required within distance of 5 feet from the street corner.



Retaining walls (not including walkway risers), free-standing walls and closed design fences are permitted at a maximum height of 32 inches above the adjacent public walkway. Conditions requiring guardrails that exceed the 32 inch height limit are prohibited.



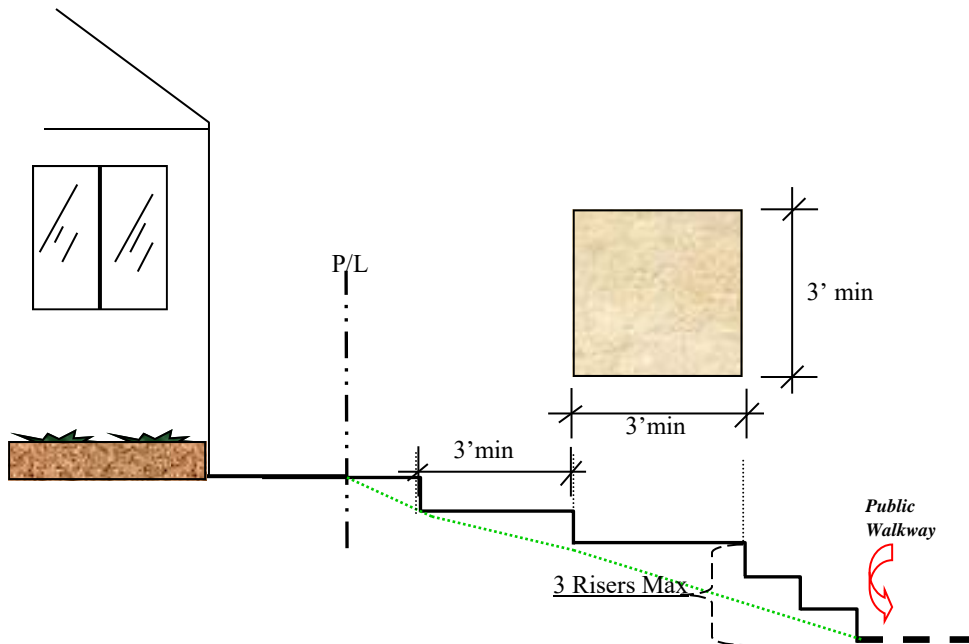
Exception: Retaining walls and related required safety railing that exceed the 32 inch limit may be constructed at the side boundaries of an encroachment area if necessary to retain a neighbor's existing grade, provided all other encroachment improvements comply with applicable encroachment standards.



railings, retaining walls (including walkway risers) shall not exceed a height of 42 inches as measured from lowest adjacent finished grade.

STEPS AND STAIRS

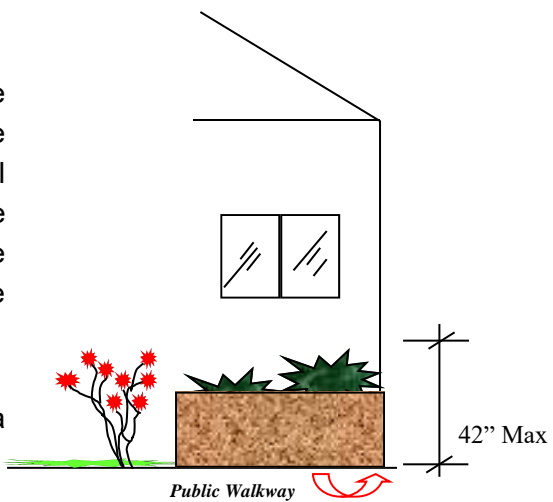
Steps and stairs are generally prohibited on public property, unless they are spaced a minimum of 3 feet apart, essentially creating a landing. One set of steps comprised of 3 consecutive risers is permitted provided a condition is not created that requires the installation of a guardrail or handrail.



LANDSCAPING

A minimum of one-third of the encroachment area shall be landscaped. Landscaping shall not project over or onto the public walkway and shall be limited to 42 inches above the adjacent public walkway.

If it is determined that a residential view is impaired,





the Director of Community Development shall direct the owner of the property adjacent to the encroachment landscaping to trim the over-height landscaping to 42 inches maximum. Should the property owner fail to act, the Director of Community Development may cause the landscaping to be trimmed, with the expense borne by the property owner.

#### 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

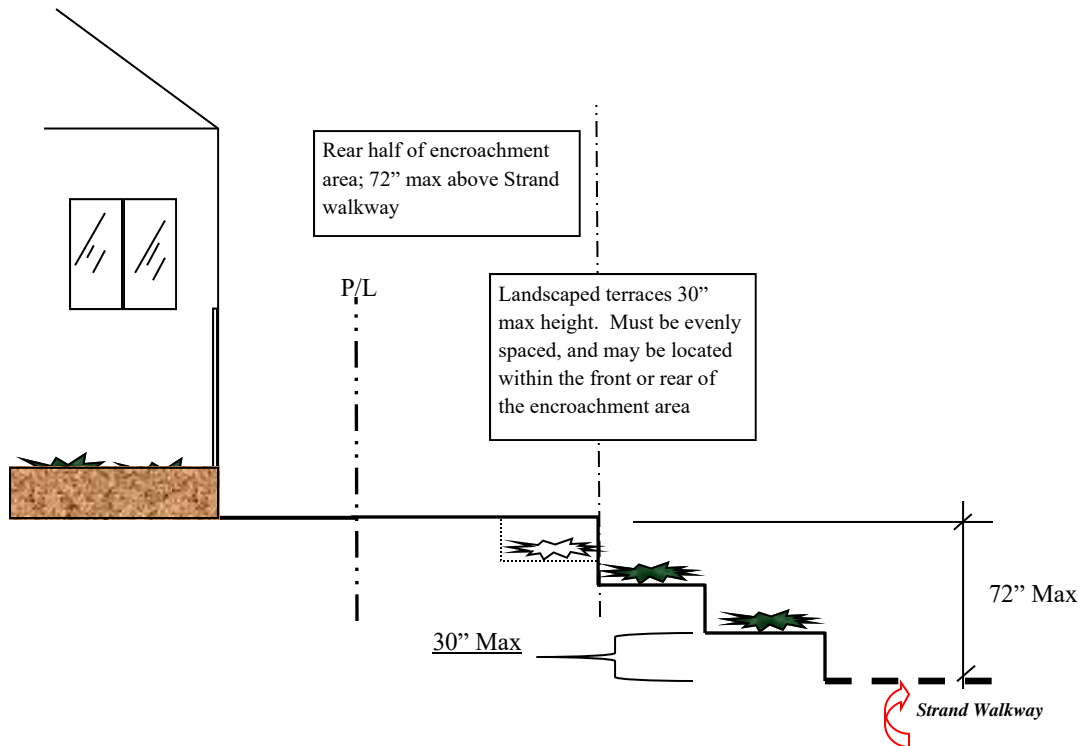
A minimum of 30 inches of clearance is required on each side of all water and sewer mains for free-standing and retaining walls with a continuous footing, unless otherwise approved by the Director of Public Works.

# E I 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.



FENCES AND WALLS

Fences and walls are permitted to be a maximum height of 42 inches above the adjacent Strand walkway except that terraced landscaped planter walls, as allowed in the Usable Surfaces section on the previous page may have a maximum combined height of 72 inches.

Corner properties bordering a parking lot entrance or exit are allowed to have walls and fences on the vehicular street side to a maximum height of 6 feet above the adjacent curb level except that a maximum height of 3 feet shall be permitted adjacent to driveway/roadway intersections.

## **V**ehicular Street Standards (Private Improvements)

Where public property exists adjacent to private property that has not been improved for public use, the unimproved areas may be developed according to the following standards. These areas are labeled as "Encroachment Area" on the following two diagrams (pages 14 and 15).

### FENCES AND WALLS

Fences and walls are limited to a maximum height of 42 inches, measured from the existing adjacent public property grade at the fence or wall location. Open-design fences or guard rails required by the Building Official to exceed the 42 inch maximum height are allowed on top of retaining walls if necessary to retain a neighbor's grade at a side property line.

A minimum setback of 2 feet is required behind existing or required street improvements (labeled as "Landscape" on the following diagrams). These areas may be improved with low-lying landscape, such as ground-cover or grass.

### VISIBILITY AND ACCESS

To ensure visibility and access at street corners, limitations may be required for corner properties. Additional limitations may be imposed on fences and walls near driveways to ensure traffic visibility. As these situations need to be evaluated on a case-by-case basis, please contact the City Public Works Department for more information (310) 802-5300.

### MATERIALS

Ground cover such as pavement (including brick or other decorative surfaces) and landscaping are permitted on the existing grade in the encroachment area. Decks or similar structures placed on or elevated above the existing public property are prohibited.

The following diagrams illustrate improvements which may be required within the Tree Section.

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.

## **V**ehicular 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.

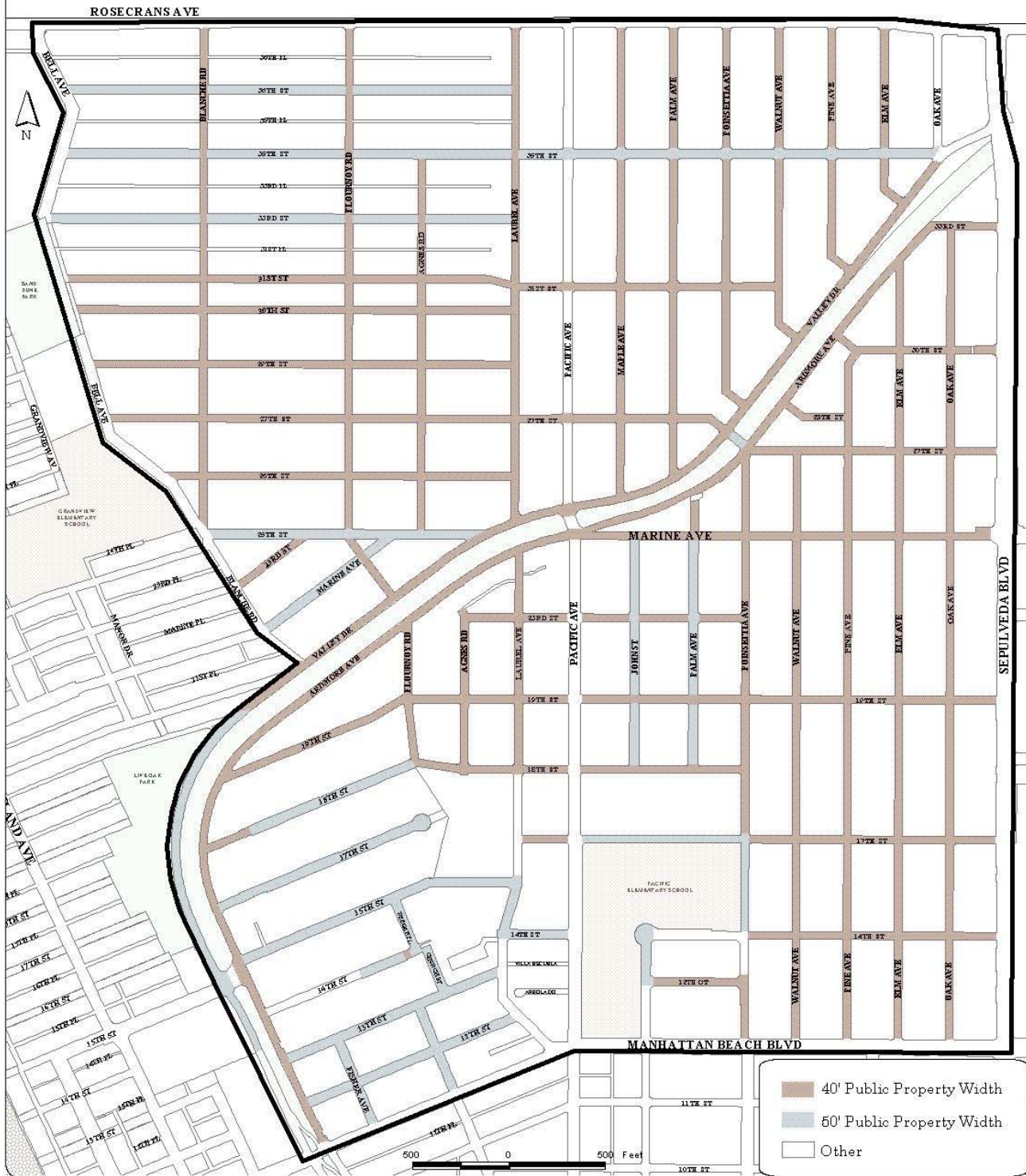
Street improvements will be required as a condition of a building permit on any property abutting public property which would result in the alteration or addition of more than fifty percent (50%) of the value of the existing structure located on private property.

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.

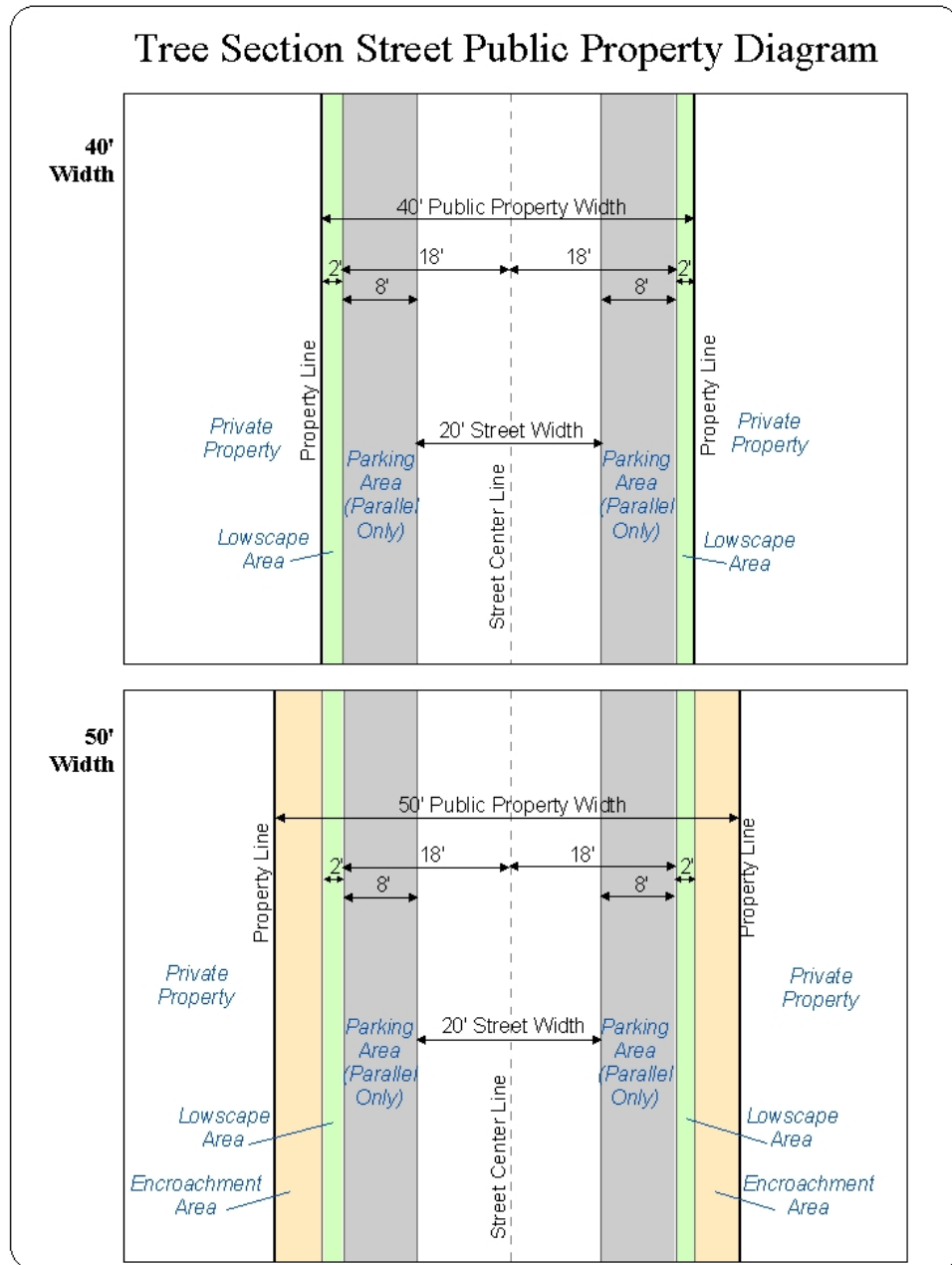
### TREE SECTION

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).

# Tree Section Public Property Width



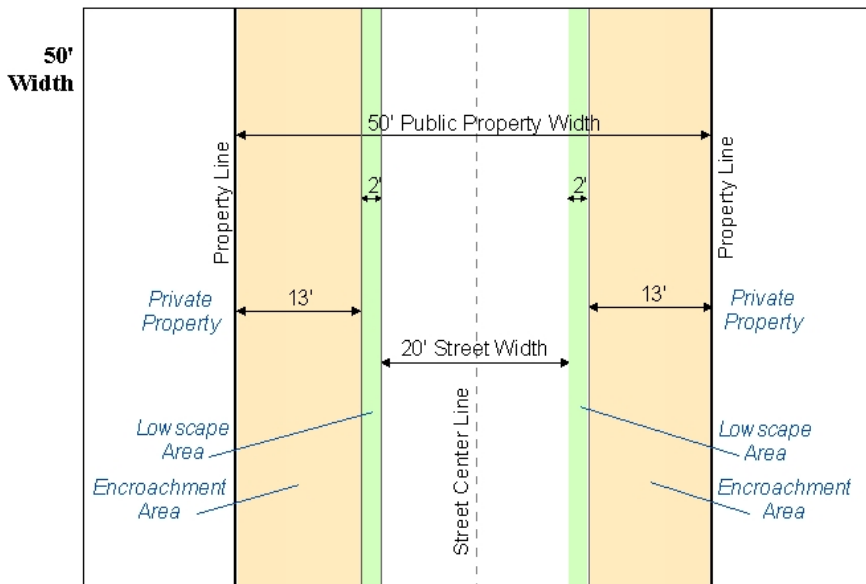
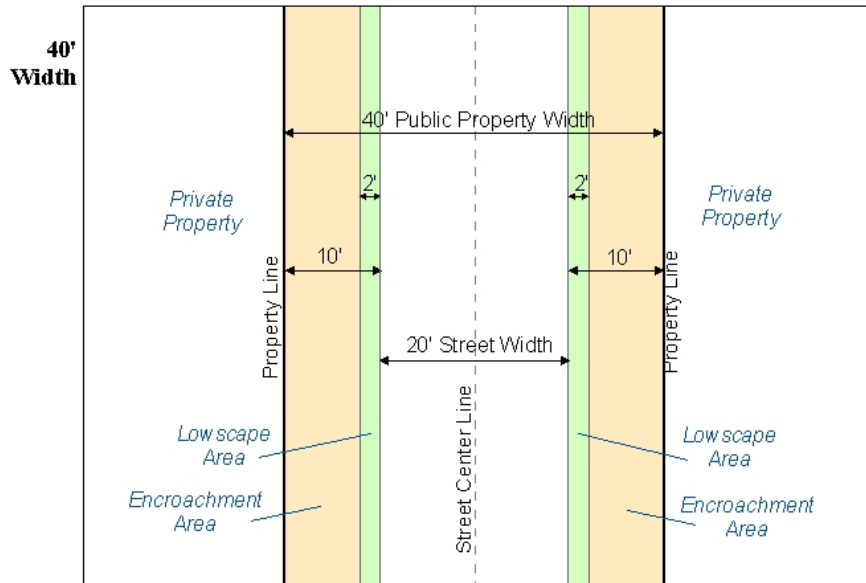
This diagram illustrates improvements on non-standard streets (ie. no improved curb, gutter and sidewalk). These areas are generally not





located within the Tree Section, with some exceptions.

### Non-Standard Street Public Property Diagram



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## ubmittal and Process Requirements

### SUBMITTAL

The following items may be required for an Encroachment Permit for private development on the public property. The encroachment plan shall be included in the blueprint drawings submitted for development on private property if the Encroachment Permit is proposed in conjunction with a Building Permit Application. If no other building construction is being proposed, other than the construction in the encroachment area, drawings shall be submitted independently. An Encroachment Permit Application must also be completed and submitted along with the required plans. Plans that do not conform to the standards explained in this document can only be approved by the City Council after review by the City Parking and Public Improvements Commission (PPIC). It is recommended that conceptual plans be reviewed with a planner and the Public Works Department prior to the preparation of final plans.

The following list consists of the general requirements for permit submittal. More or less information may be required depending on the complexity of the project.

1. FOUR (4) COPIES OF ARCHITECTURAL PLANS, with the following items:

**Site Plan, Elevation Drawings** from the front and both sides, and **Cross Section Views** showing, dimensioning, and labeling the following:

- North arrow;
- Appropriate scale for legibility;
- Encroachment area boundaries, adjacent property lines, adjacent public right-of-way improvements (such as sidewalk, street, walk street, etc.), and adjacent street and walk street centerlines;
- Elevation points of public walkway (edge of walkway, top of curb, etc.), neighboring private property grades, and finished surfaces

(decks, patios, landings, etc);

- Elevation points of all structures (top of wall, top of fence, etc.), finished surface, existing grade, and finished grade;
- Location and elevation (finished floor, finished grade) of adjoining building on private property;
- Existing and proposed structures, fences, planters, and retaining walls;
- Proposed materials for all new construction;
- Existing and proposed steps, landings, decks, patios, handrails, and guardrails;
- Existing and proposed utilities within the public property including: water mains, house water meter boxes, sewer main lines, manholes and clean-outs, street lighting, and electrical power lines;
- Existing and proposed lighting;
- Existing and proposed landscaped areas; and
- Elevation points of landscaped areas (finished grade).

**Landscape Plan** of proposed and existing-to-remain landscaping showing:

- All irrigation (sprinkler heads, backflow device, etc.);
- Types of landscaping (ground cover, shrub, tree, etc.), common and botanical names, size, and quantities of plants; and
- Percentage of proposed public property landscaping.

**Drainage Plan** showing:

- Proposed drainage pattern; and
- That all site drainage will terminate at an approved public way location via a non-erosive device.

2. **TOPOGRAPHIC/BOUNDARY SURVEY** may also be required depending upon scope of project.

FINAL APPROVAL

An on-site inspection is required for development on public property and will be conducted by either the Building Division, Planning Division, or Public Works Department depending on the nature of the improvements. Prior to final inspection of encroachment improvements, the property owner will be required to provide the following:

- Insurance endorsement and certificate of insurance naming the City as additional insured; and
- A notarized Encroachment Permit Agreement that contains the terms and conditions of the permit approval.

REVOCATION

Permits may be modified or revoked by the City Council if the applicant fails to comply with any of the encroachment requirements.

FURTHER INFORMATION

For questions or further information regarding private construction on public property, please visit the City's website at [www.citymb.info](http://www.citymb.info), contact the Planning Division at (310) 802-5520, or visit the Community Development Counter Monday through Thursday, 7:30 AM to 5:30 PM, or on Fridays, 7:30 AM to 4:30AM.