



Agenda Item #: _____

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Fahey and Members of the City Council

THROUGH: Geoff Dolan, City Manager

FROM: Richard Thompson, Director of Community Development
Eric Haaland, Associate Planner

DATE: November 15, 2005

SUBJECT: Consideration of Planning Commission Approval of a Coastal Development Permit to Allow Construction of a Storm Drain Low Flow Diversion Project Under the Public Beach between 27th Street and 28th Street (Los Angeles County Public Works)

RECOMMENDATION:

Staff recommends that the City Council receive and file the decision of the Planning Commission.

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

DISCUSSION:

The Planning Commission, at its regular meeting of October 26, 2005, **APPROVED** (5-0) a Coastal Development Permit for Los Angeles County to install approximately 250 linear feet of concrete pipe underground alongside the county beach bikepath, with related manholes, vaults, and an aboveground metal control panel cabinet. The county proposes to connect an existing underground storm drainpipe, extending from 28th Street toward the ocean, to existing underground county sewer facilities just south of 27th street. The purpose of the project is to divert small quantities of water runoff that occur in relatively dry periods away from the ocean, and into the county sewer system for treatment.

The project was found to be in conformance with the City's Local Coastal Program in its intended improvement of ocean water quality, while having minimal visible effects and no permanent obstructions to coastal access. The Planning Commission acknowledged that project construction would temporarily affect beach access, with specific concern for the beach bike path. Adequate pedestrian access to the coastline will be provided around both ends of the construction area at 27th and 28th Streets, however, there was substantial discussion regarding temporary detours of the bike path.

The Commission determined that bike path traffic should not be detoured onto Ocean Drive where automobiles and other construction activities may conflict with safe bicycle travel. County

project representatives described other detour options west of the bike path that had been considered, which were preferred by the Planning Commission. The project was ultimately conditioned to avoid summer construction, direct any bike path detours toward the west, and have final construction traffic and access plans reviewed and approved by city staff.

The Planning Commission's proceeding was a noticed public hearing, but no public testimony was received. Staff reports and draft minutes excerpts are attached to this report for reference.

ALTERNATIVES:

The alternatives to the staff recommendation include:

1. **REMOVE** this item from the Consent Calendar, **APPEAL** the decision of the Planning Commission, and direct that a public hearing be scheduled.

Attachments:

Resolution No. PC 05-16
P.C. Minutes excerpts, dated 10/26/05
P.C. Staff Reports, dated 10/26/05
Plans (separate/NAE)

(NAE) – not available electronically

c: Los Angeles County Public Works Department, Applicant
Neil Miller, Director of Public Works
Dana Greenwood, City Engineer

RESOLUTION NO PC 05-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A COASTAL DEVELOPMENT PERMIT TO ALLOW CONSTRUCTION OF A STORM DRAIN LOW FLOW DIVERSION PROJECT UNDER THE PUBLIC BEACH BETWEEN 27TH STREET AND 28TH STREET
(Los Angeles County Public Works)

THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DOES HEREBY RESOLVE AS FOLLOWS:

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

- A. The Planning Commission of the City of Manhattan Beach conducted a public hearing pursuant to applicable law on October 26, 2005, to consider an application for a coastal development permit for a storm drain low flow diversion project under the public beach between 27th Street and 28th Street in the City of Manhattan Beach.
- B. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- C. The applicant for the Coastal Development Permit is the Los Angeles County Public Works Department, The property/beach is owned by Los Angeles County.
- D. The applicant proposes to install approximately 250 linear feet of concrete pipe underground alongside the county beach bikepath, with related manholes, vaults, and an above ground metal control panel cabinet.
- E. The property is located within Area District III and is zoned OS Open Space. The surrounding land uses consist of single and multiple family residences, a lifeguard headquarters facility, a public park, and public beach.
- F. The General Plan designation for the property is Open Space, and the Local Coastal Program/Land Use Plan designation is also Open Space.
- G. The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301 based on staff's determination that the project is a minor alteration of an existing storm drain facility, and will not have a significant impact on the environment.
- H. 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.
- I. The project is in accordance with the objectives and policies of the Manhattan Beach Coastal Program, as follows:
 1. The proposed facility is consistent with the surrounding coastal zone area and complies with the applicable standards of the Manhattan Beach Coastal Zone Zoning Code.
 2. The facility shall not obstruct accessways within the coastal zone. While construction will temporarily occupy some space on the beach, access from the Strand, bike path, and surrounding streets to the coastline and surrounding beach area shall remain available.
 3. Any displacement of normal views or use of the space shall be temporary for the period of construction.

4. Installation of the facility shall be subject to the restrictions (temporary access, vehicle traffic etc.) of the this Coastal Development Permit.

- K. The project is consistent with the public access and recreation policies of Chapter 3 of the California Coastal Act of 1976, as follows;

Section 30212 (a) (2): The proposed facility does not impact public access to the shoreline, and adequate public access is provided and shall be maintained along The Strand, 27th Street, and 28th Street .

Section 30221: The project goal of improved ocean water quality will enhance coastal recreation opportunities.

- L. This Resolution upon its effectiveness constitutes the Coastal Development Permit for the subject project.

SECTION 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Coastal Development Permit subject to the following conditions:

Standard Conditions

1. *Compliance.* All development must occur in strict compliance with the proposal as set forth in the application for said permit, subject to any special conditions set forth below. Any substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
2. *Expiration.* The Coastal Development Permit shall be approved for a period of two years after the date of approval, with the option for future extensions, in accordance with the Manhattan Beach Municipal Code (MBMC) Section 10.84.090.
3. *Interpretation.* Any questions of intent or interpretation of any condition will be resolved by the Planning Commission.
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. *Assignment.* The permit may be assigned to any qualified persons subject to submittal of the following information to the Director of Community Development:
 - a. a completed application and application fee as established by the City's Fee Resolution;
 - b. an affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit;
 - c. evidence of the assignee's legal interest in the property involved and legal capacity to undertake the development as approved and to satisfy the conditions required in the permit;
 - d. the original permittee's request to assign all rights to undertake the development to the assignee; and,
 - e. a copy of the original permit showing that it has not expired.
6. *Terms and Conditions are Perpetual.* These terms and conditions shall be perpetual, and it is the intention of the Director of Community Development and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

7. *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.

Special Conditions

8. 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.
9. The final construction plans shall be in substantial conformance with the plans submitted to the Planning Commission on October 26, 2005. The control panel cabinet shall be relocated or revised to minimize its visibility and interruption of the beach surface subject to the review of the Community Development Department.
10. A plan for maintaining temporary pedestrian access to the beach at the 28th Street entry point and 27th Street stairway, and temporary bicycle access for the bikepath shall be submitted for approval by the Community Development Department prior to project construction. Bikepath detours east of the existing bikepath location shall be prohibited. Obstructions/detours from normal bikepath operation shall not be permitted during the summer season between Memorial Day and Labor Day weekends.
11. Project construction shall begin by March 1st, in order to avoid bikepath obstructions during the summer season, or shall be delayed until after the Labor Day holiday weekend. The applicant shall take all appropriate actions to ensure that the project is completed within the estimated 10 week construction period.
12. 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.
13. 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.
14. 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; except that concrete hoses shall be permitted to cross the Strand, if necessary and not obstructing pedestrian access, subject to the review of the City Engineer.
15. 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.
16. The applicant agrees, as a condition of approval of this project, to pay for all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal actions associated with the approval of this project brought against the City. In the event such a legal action is filed against the project, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

SECTION 3. Pursuant to Government Code Section 65009 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.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of October 26, 2005 and that said Resolution was adopted by the following vote:

AYES: **Bohner, Lesser, Schlager,
Simon, Chairman Savikas**
NOES:None
ABSTAIN: **None**
ABSENT: **None**

RICHARD THOMPSON,
Secretary to the Planning Commission

Sarah Boeschen
Recording Secretary

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1 Commissioner Bohner said that staff has made it clear that the proposal meets all zoning and
2 other requirements, and he feels the residential units will fit in well with the area. He said that
3 he is impressed that the applicant is agreeable to the requirements of staff and was willing to
4 consider a mixed use with an office space. He said that he would support the proposal.

5
6 Commissioner Lesser said that he agrees with the comments of Commissioner Bohner. He said
7 that the project is consistent with the requirements of staff and appropriate for the area. He
8 indicated that he is also pleased that the applicant has worked responsibly with staff.

9
10 Commissioner Simon commented that he also agrees with the comments of the other
11 Commissioners, and he is pleased that the density of the site would be reduced. He said that he
12 has no problems making the necessary findings and supports the proposal.

13
14 Commissioner Schlager stated that he also agrees with the comments of the other
15 Commissioners.

16
17 Chairperson Savikas said that she also supports the proposal.

18
19 A motion was MADE and SECONDED (Schlager/Bohner) to **APPROVE** Use Permit and
20 Vesting Tentative Parcel Map 063242 to allow construction of four residential condominium
21 units at 623 Aviation Way with the conditions as outlined by staff

- 22
23 AYES: Bohner, Lesser, Schlager, Simon, Chairperson Savikas
24 NOES: None
25 ABSENT: None
26 ABSTAIN: None

27
28 Director Thompson explained the 15-day appeal period and stated that the item will be placed on
29 the City Council’s Consent Calendar for their review on November 15, 2005.

30
31 **5/1026.2 Coastal Development Permit to Allow Construction of a Storm Drain Low**
32 **Flow Diversion Under the Public Beach Between 27th Street and 28th Street**
33 **(Los Angeles County Public Works Dept.)**

34
35 Associate Planner Haaland summarized the staff report. He said that the proposal is to install
36 250 feet of concrete pipe underneath the sand on the beach west of the existing bike path. He
37 stated that the purpose is to connect the existing storm drain facility at 28th Street to the sewer
38 system located south of 27th Street to improve water quality for storm water entering the ocean.
39 He commented that the items that would be visible to the public after construction include
40 manhole and vault covers with concrete slabs next to the bike path and a 6 foot tall metal control
41 panel cabinet. He said that the current location proposed for the cabinet is in an open beach area,

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1 but a condition is included in the Resolution for a revised location for the cabinet possibly on the
2 east side of the bike path next to the slope where it would be less visible. He said that the most
3 noticeable part of the project would be the construction, which would involve substantial
4 excavation into the beach and a 50 by 300 foot construction area that would impact the bike path.
5 He stated that the construction fencing would approach the 27th Street stairway access from The
6 Strand to the beach. He said that a condition is included to require that access to the beach area
7 be maintained. He stated that 28th Street would not be obstructed by the proposed construction,
8 and it would be the easiest point to preserve coastal access. He commented that the bike path is
9 proposed to be obstructed, and probably detoured along Ocean Drive around the construction
10 area. He said that there is a condition that the bike path be back in normal service prior to
11 Memorial Day weekend. He said that vehicle access to the construction would primarily be from
12 Marine Avenue.

13
14 Associate Planner Haaland commented that the county would prefer that concrete trucks be
15 driven on the bike path from the Marine Avenue driveway. If that were not feasible, it may be
16 necessary to place concrete hoses over The Strand to pump concrete to the project for limited
17 periods of time. Public Works had indicated this would be acceptable with placement of a
18 temporary bridge over the hoses in order to not interrupt pedestrian access along The Strand. He
19 commented that currently the condition restricts vehicles or equipment from crossing The Strand
20 at any time. He said that if concrete hoses needed to be placed over the path, it would be
21 necessary to revise the condition to allow this subject to Public Works approval of the final
22 details. He indicated that a Coastal Development Permit is required and it is in the appealable
23 area of the Coastal Zone. He stated that notice was provided to the neighbors as is required
24 within 100 feet of the construction area and published in the Beach Reporter. He indicated that
25 the project conforms with the City's Local Coastal Program; does not involve any significant
26 structures; and conforms with public access and recreational requirements. He commented that
27 the purpose of the project is to enhance the recreational opportunities of the beach area by
28 improving ocean water quality.

29
30 In response to a question from Commissioner Schlager, Associate Planner Haaland stated that
31 the City Engineer has not expressed any concerns with coordinating the project with the ongoing
32 undergrounding and strand improvement projects currently taking place. He said that the Strand
33 will remain open, but the bike path may be detoured along Ocean Drive for some length of time
34 during the construction of the project. He stated that the relevant condition needs to be modified
35 to state that no construction equipment be placed across The Strand unless determined necessary
36 and appropriate by the City Engineer.

37
38 In response to a question by Commissioner Schlager, Director Thompson commented that there
39 are several projects taking place in the area, and City staff does their best to coordinate all of the
40 construction. He indicated that the City Engineer would be involved with the proposed project
41 in making sure there is minimal impact. He said that the major concern of staff is impact of

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1 construction to the beach area during the very busy summer months.

2
3 Commissioner Schlager commented that the project is very much needed; however, he has a
4 concern with it possibly overlapping and conflicting with other construction projects in the area
5 and creating additional congestion.

6
7 In response to a question from Commissioner Bohner, Associate Planner Haaland indicated that
8 the project is planned to be completed early in May, and the bike path could be detoured for
9 more than a month. He indicated that staff received no response from the adjacent residents who
10 were provided notice. He said that the bike path could be diverted along Ocean Boulevard from
11 Marine Avenue driveway up 23rd Street and back to The Strand at the driveway at 36th Street.
12 He indicated that the homeowners on Ocean Boulevard from 24th Street to 36th Street were not
13 provided notice.

14
15 Commissioner Schlager indicated that there are a large number of bicyclists who use the
16 bikepath that would be diverted to Ocean Boulevard. He said that cars pulling out of garages
17 along Ocean Boulevard would create a hazard. He pointed out that it is very important for the
18 property owners along that portion of Ocean Boulevard be given notice of the additional bicycle
19 traffic that would result from the detour and to be aware when backing out of their garage.

20
21 Associate Planner Haaland said that it would be standard procedure for the Public Works
22 Department to impose any requirements and provide necessary notification and make certain that
23 the conditions are appropriate in regulating the detour of bicycles.

24
25 Commissioner Bohner commented that there is a large amount of bicycle traffic on weekend
26 days with nice weather, and there must be some means of monitoring the bicycle traffic and
27 making it as safe as possible.

28
29 Associate Planner Haaland commented that the City's Traffic Engineer, the Public Works
30 Department, and the county would be involved in devising a detour plan with appropriate
31 signage and restrictions.

32
33 Commissioner Simon commented that he runs along The Strand, and there currently is a detour
34 onto Ocean Boulevard. He said that he does not see how a detour for bicycle traffic can be
35 provided along Ocean Boulevard in a safe manner.

36
37 **Brittany Speck**, project manager for L.A. County Department of Public Works, said that the
38 proposal is to install a storm drain to divert water to be pumped into the South Bay Cities pump
39 plant to lower the total maximum daily load levels per the Santa Monica Bay requirements. She
40 stated that they are proposing to move the 6 foot by 6 foot control panel to the east side of the
41 bike path and incorporate it in the natural slope of the hill. She commented that the use of native

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1 vegetation on the slope and painting of the panel to blend in with the vegetation would help to
2 make it less visible. She stated that there is a projected time line for the project to be completed
3 by May 15, 2006. She stated that there will be a construction staging area, and construction
4 vehicles will not affect parking space availability. She indicated that they are proposing that a
5 cement truck be backed down 28th Street, which the City Engineer indicated would be allowable
6 for a temporary amount of time. She indicated that a 10 inch diameter hose from the concrete
7 truck that would be placed over The Strand, and a small bridge would be placed over the hose to
8 allow access for pedestrians. She said that a concrete pad would be poured at 28th Street early on
9 during construction, and another pad would be poured at 27th Street later during the construction
10 process. She indicated that the cement truck would only be at the construction site for a few
11 hours. She commented that three parking spaces on 28th Street, West of Ocean Avenue may be
12 restricted for a minimal amount of hours to allow access for the cement truck.

13
14 **Ms. Speck** indicated that they agree that it may not be the best option to divert bicycle traffic
15 onto Ocean Boulevard during construction. She said that another option for diverting bicycle
16 traffic is to place a geotechnical fabric on the beach and pour asphalt on top to provide a
17 temporary detour around the construction area. She indicated that another option would be to
18 require riders to walk bicycles around the construction area along the beach. She commented
19 that the temporary asphalt should not have a significant impact on the beach if it is poured over
20 the geothermal fabric. She said that the hours of construction would be limited from 7:00 a.m. to
21 3:30 p.m. Monday through Friday for approximately 50 working days from March until May 15,
22 and the cement truck would be backed down 28th Street to allow access to the site. She indicated
23 that the construction vehicles such as bulldozers would access the site from Marine Avenue.

24
25 **Ms. Speck** stated that she spoke with the project engineer for the current construction project
26 along The Strand who indicated that sewer lines and conduits are currently being installed
27 between 36th and 31st Street, and the next phase will occur between 31st Street and 27th Street in
28 December of 2005. She indicated that the project engineer indicated that the proposed
29 construction could be coordinated with his project along The Strand in order to minimize impact.
30 She indicated that the current construction should be completed up to 27th Street by February,
31 and the proposed project would begin construction at 28th Street in March. She said that they
32 will be in contact with the engineer to make sure that the current project is on schedule. She
33 indicated that they do not anticipate that there would be any conflicts with the current
34 construction.

35
36 In response to a question from Chairperson Savikas, Director Thompson indicated that the City
37 has jurisdiction over the granting of the permit.

38
39 In response to a question from Chairperson Savikas, Associate Planner Haaland commented that
40 if the project is approved, there would be a period where it would be appealable to the Coastal
41 Commission. He indicated that if the item is not appealed, it would be automatically approved

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1 by the Coastal Commission.

2

3 Commissioner Lesser commented that he generally supports the project and is pleased that the
4 City is partnering with the county to prepare the diversion of storm water from the ocean through
5 the sewer plant. He stated, however, that he shares the concern with interference with the public
6 use of The Strand. He said that construction projects in the City have a history of falling behind
7 and asked regarding any assurances that the proposed construction would be done as scheduled.

8

9 **Ms. Speck** indicated that they intend to be finished by May 15. She commented that in the event
10 that issues do arise during construction, they have an additional two week period to comply with
11 the City's deadline of being completed by Memorial Day. She indicated that issues can arise
12 during construction, but the project should be completed by the deadline with the City working
13 along with the county.

14

15 **Elaine Kunitake**, representing the Los Angeles County Department of Public Works, stated that
16 she has been the project manager for other similar storm water diversion projects, and they are
17 able to anticipate problems that may arise. She commented that setting up the electrical panel
18 can be the most complex; however, the construction of the structures that would result in
19 disruption to The Strand can be done within the required time frame. She said that the only
20 disruption to construction that it is difficult to anticipate when storms that may occur. She
21 indicated that work on the electrical panel can be done to the side of the bike path without
22 impacting The Strand. She commented that a penalty clause could be added to put the contractor
23 on notice that the work must be done by May 15th or earlier. She indicated that they can also
24 explore other alternatives for rerouting the bike path that may have less of an impact than
25 creating a temporary asphalt path over fabric.

26

27 Commissioner Schlager commented that the distance the public must remain away from the
28 construction area should be determined in order to know whether it would be possible to allow
29 bicyclists to walk their bikes on the path around the construction.

30

31 Commissioner Simon indicated that construction projects most often do finish later than
32 originally anticipated, and it seems to him more than likely that the current construction along
33 The Strand will interfere with the schedule of the proposed construction. He asked about the
34 possibility of adding a condition that the project must be delayed for a year if it is not begun by
35 the scheduled date. He indicated that he would not want for the project to be started late and not
36 be completed before the summer.

37

38 **Ms. Kunitake** indicated that their goal is to complete the storm water diversion before the
39 deadline of July, 2006 to be in compliance with the Regional Water Quality Control Board
40 requirements for bacteria levels in the Santa Monica Bay area. She indicated that there are no
41 specified penalties for non-compliance; however compliance is in the best interest of the

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1 community.

2

3 Chairperson Savikas closed the public hearing.

4

5 Commissioner Simon stated that he is pleased with responsiveness of the county to the issues
6 and the work that has been done with the project so far. He commented that he is not certain that
7 hiding the electrical panel with vegetation is the best option because it could block an addition
8 portion of the ocean view. He said that he would be supportive of adding to Special Condition
9 10 to read: “A plan for maintaining pedestrian access to the beach at the 28th Street entry point
10 and 27th Street stairway, and bicycle access for the bike path to the west of the bike path and/or
11 bicycle access via walking bicycles in the bike path shall be submitted for approval by the
12 Community Development Department. prior to project construction.” He commented that he
13 does not feel bicycles along Ocean Boulevard would be feasible. He said that he would like a
14 requirement for a start date so that the project is not delayed into the summer season.

15

16 Commissioner Bohner said that he would suggest beginning before March 1 if possible in order
17 to have a greater comfort level that it would be completed by the summer season. He
18 commented that it would not be feasible to stop the project partially completed if it extends into
19 the summer season because there could be portions of the project that are uncompleted that could
20 pose a safety concern.

21

22 Commissioner Simon commented that he is certain any safety concerns would be required to be
23 addressed if the project was left half completed during the summer season, and the issue is more
24 of creating an eyesore. He indicated that he does not have the background or expertise to know
25 whether the time estimate of the county is realistic and would assume that is correct based on the
26 review of the City Engineer.

27

28 Commissioner Bohner indicated that there would be no assurance that construction would begin
29 again at a certain time unless such a requirement is included.

30

31 Commissioner Schlager said that although he has raised concerns, he is in favor of the project
32 and feels that it has basically been well thought out. He commented that delaying approval is not
33 in the best interest of the community or anyone who swims in the ocean. He stated that he would
34 support the project moving forward with conditions that the bike path be moved west of The
35 Strand or people being required to walk bikes on the bike path assuming safety conditions are
36 met. He commented that a condition should be included that construction start by March 1 or
37 earlier.

38

39 In response to a question by Commissioner Lesser, Director Thompson commented that he is not
40 certain whether it is the role of the City to impose penalty clauses in construction contracts. He
41 said that he is encouraged by the response of the county that they realize completion of

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1 construction is an important issue to the City and they are willing to include such a clause in
2 their contract. He said that penalty clauses are also not always effective.

3
4 Commissioner Lesser commented that he is concerned regarding the project being delayed if it is
5 appealed before the Coastal Commission, particularly with a proposal for a temporary bypass for
6 bicycle traffic. He said that in order to move forward, one of the several options should be
7 agreed upon for diverting bicycle traffic during construction.

8
9 Director Thompson said that there is a possibility that the construction equipment can be staged
10 west of the bike path so that it does not create as much of an impact as was first thought. He also
11 said that staff can consider possible options for addressing bicycle traffic during construction
12 such as having people walk their bicycles along the bike path.

13
14 Commissioner Bohner said that he supports the project. He indicated that placing the control
15 box in the sloped area is probably the best option. He said that he is not concerned about the
16 cement truck pumping cement over The Strand because would only occur for a matter of hours.
17 He said that he has questions about the bike path and does not feel the issue has been completely
18 thought through. He indicated that he does not feel a detour on Ocean Avenue would not be a
19 viable alternative because of safety concerns. He commented that he would need more
20 information regarding any impacts with a temporary path of asphalt over fabric before he would
21 be comfortable supporting such an option. He indicated that he would not want bicycles to be
22 diverted to The Strand itself because they would conflict with pedestrians. He said that he would
23 feel more comfortable with more certain alternatives.

24
25 Chairperson Savikas asked whether the concrete of the bike path would be able to support a
26 cement truck. She said that the proposal is too ambiguous and she would like a more specific
27 plan for rerouting the bicycles around the construction safely. She indicated that the safety
28 issues of people walking their bicycles past construction sites and the distance that the
29 construction equipment needs to be west or east of the bike path should be determined. She
30 commented that she would like more information regarding the material that would be proposed
31 for the laying of a temporary bicycle path west of the construction area. She said that she would
32 like to include a requirement for a start date before March 1.

33
34 Director Thompson suggested that the Commissioners may wish to approve the project with a
35 change to Special Condition 10 that the finalized plan for diverting bicycle access for the bike
36 path come back to the Commission for their review rather than be subject to approval by the
37 Community Development Department. He indicated that conditions can be added that
38 construction must begin by March 1 and be completed by Labor Day.

39
40 Commissioner Schlager commented that he has less of a concern with the subject project being
41 completed on time than he does with the current construction along The Strand being completed

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1 by February 15 in order for the proposed construction to begin. He said that the required starting
2 date of the subject project should be March 1 to allow more time for the current construction to
3 be completed.

4
5 Commissioner Simon commented that he would be comfortable with allowing the Community
6 Development Department to make the final decision regarding the diversion of the bike path
7 according to the guidelines of the Commissioners that the bicycle detour should either be west of
8 the bike path or appropriate provisions be made to use the bike path during construction.

9
10 Chairperson Savikas said that she would also be comfortable with allowing the Community
11 Development Department to approve the details of the bike path.

12
13 Commissioner Lesser suggested including a condition of approval that a penalty clause be
14 included. He indicated that he feels imposing a penalty on any contract between the county and
15 the contractor would be the best method of motivating the contractor to finish construction by
16 May 15 or otherwise a financial penalty would be imposed subject to industry standards.

17
18 Director Thompson said that staff would feel more comfortable with the Commission
19 encouraging rather than requiring a penalty clause. He said that he is not certain about adding
20 penalty conditions which affect the entitlement. He said that the permit would become void if it
21 does not work by the rules and regulations of the County.

22
23 Commissioner Lesser said that he would change his suggestion to encourage the addition of a
24 penalty clause.

25
26 Commissioner Bohner said that he does not think the City can impose a penalty clause as a
27 requirement, and such a condition could jeopardize the project. He indicated that he would want
28 to clarify in the motion that alternatives beyond detouring bicyclists onto Ocean Avenue be
29 considered and that such options not be limited to walking bicycles along the bike path or
30 creating a temporary asphalt path over fabric.

31
32 In response to a comment by Associate Planner Haaland, the Commissioners agreed that the
33 motion for approval would allow for the concrete hose access across The Strand subject to
34 review by the City Engineer.

35
36 Director Thompson pointed out that the concern for construction is mainly for the time period
37 between Memorial Day and Labor Day. He said that it would not be necessary to restrict
38 construction between Labor Day and the following March.

39
40 A motion was MADE and SECONDED (Schlager/Simon) to **APPROVE** Coastal Development
41 Permit to allow construction of a storm drain low flow diversion under the public beach between

PLANNING COMMISSION MINUTES

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1 27th Street and 28th Street with the conditions that the Community Development Department
2 address alternatives regarding access for bicycles west of the bike path or on the bike path
3 meeting all safety conditions; that the date be started on or before March 1, 2006, or deferred
4 until after Labor Day; and that the placement of the pipe over The Strand be regulated subject to
5 the review of the Public Works Department.

6
7 AYES: Bohner, Lesser, Schlager, Simon, Chairperson Savikas

8 NOES: None

9 ABSENT: None

10 ABSTAIN: None

11
12 At 8:40, a 15 minute recess was taken.

13
14 **05/1026.3 City Council Work Plan Item: Zoning Code Amendment to the Tree**
15 **Preservation Regulations, Section 10.52.120 of the Zoning Code (City of**
16 **Manhattan Beach**

17
18 Director Thompson indicated that changes to the Tree Ordinance were discussed by the Planning
19 Commission and then by the City Council. He stated that the Council was generally in support
20 of many of the proposed changes; however, they asked that the Commission consider the issue
21 further. He said that the Council also asked for a better outreach to members of the public who
22 might be interested in the changes to the Ordinance, and staff has made an attempt to advertise
23 the hearing more extensively in contacting many people personally. He said that staff is
24 requesting that the Commissioners provide a discussion regarding possible further changes to the
25 Ordinance.

26
27 Senior Planner Jester summarized the staff report and stated that the Council asked that staff
28 focus on reevaluating the protected and replacement tree size. She indicated that notice of the
29 hearing has been sent to people who have expressed interest. She commented that the trend in
30 the City is changing from small homes with big trees to new larger homes with small trees,
31 which is impacting the character of neighborhoods. She indicated that different trees have
32 different growth habits and different characteristics, and it is difficult to arrive at a simple
33 formula that covers all trees. She indicated that this is just a discussion item, and we are looking
34 for public input and Planning Commission direction, but no final action will take place tonight.

35
36 Senior Planner Jester commented that the regulations of the Bel Air Crest section of Bel Air
37 encourages the retention of mature trees by requiring that existing trees be maintained or that
38 new mature trees be planted. She indicated that one mature tree is required per 400 square feet
39 in front yards in Bel Air Crest, and a 48-inch box tree is the minimum size of a replacement tree.
40 She indicated that approval of a project will not be granted until the Homeowners' Association is
41 satisfied that the intention of the regulation is met. She indicated that the regulations of the City

**CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

TO: Planning Commission
FROM: Richard Thompson, Director of Community Development
BY: Eric Haaland AICP, Associate Planner
DATE: October 26, 2005
SUBJECT: Coastal Development Permit to Allow Construction of a Storm Drain Low Flow Diversion Project Under the Public Beach between 27th Street and 28th Street (Los Angeles County Public Works)

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT THE PUBLIC HEARING, DISCUSS** the proposal, and **APPROVE** the request.

APPLICANT/OWNER

Los Angeles County Department of Public Works
900 S. Fremont Ave. 11th Floor
Alhambra, CA 91803

L O C A T I O N

<u>Location</u>	L.A. County Beach west of bike path between 27 th St. & 28 th St. (See Site Location Map).
<u>Area District</u>	III

L A N D U S E

<u>General Plan</u>	Open Space	
<u>Zoning</u>	OS, Open Space	
<u>Land Use</u>	<u>Existing</u>	<u>Proposed</u>
	Public Beach	Public Storm Drain Facility under Beach
<u>Neighboring Zoning/Land Uses</u>	North	OS/Beach
	South	OS/Beach
	East	RH/Residential
	West	OS/Public Beach & Ocean

P R O J E C T D E T A I L S

	<u>Proposed</u>	<u>Requirement (Staff Rec)</u>
Site Size:	15,000 sq. ft.	N/A
Building Floor Area:	None	N/A.
Height	6 ft. (control panel)	N/A
Parking:	None	N/A
Vehicle Access	None	N/A (Marine Ave)

BACKGROUND

The subject site is the portion of sandy beach just west of the bike path running the length of the block between 27th and 28th Streets. The purpose of the project is to divert small quantities of water runoff that occur in relatively dry periods away from the ocean, and into the county sewer system for treatment. The City of Manhattan Beach is a partner in the project supporting the County's goal of improved ocean water quality. This project will also assist the City of Manhattan Beach in meeting its State mandated Total Maximum Daily Load (TMDL) requirements to reduce bacteria from reaching receiving waters. Construction occurring at a beach location such as this requires Planning Commission approval of a Coastal Development Permit, which is appealable to the State Coastal Commission.

DISCUSSION

The applicant/county proposes to install approximately 250 linear feet of concrete pipe underground alongside the county beach bikepath, with related manholes, vaults, and an above ground metal control panel cabinet. The county proposes to connect an existing underground storm drain pipe, extending from 28th Street toward the ocean, to existing underground county sewer facilities just south of 27th street. A low berm installed across the storm drain pipe would intercept low flows of runoff water and direct them to the proposed facility containing various pipes, pumps, and controls managing the water into the existing sewer system.

Most of the project will be constructed underground, alongside existing sewer pipes, invisible to the public after construction. Items that will be permanently visible are surface level steel manhole/vault covers, some with concrete slabs surrounding them; and a 6 foot tall metal control panel cabinet. Example photos of similar items are attached to this report. The control panel cabinet is the only item that would be any kind of obstruction to pedestrian passage or visibility. The shown cabinet location is not in or near any prominent pedestrian routes or view corridors, but would be somewhat conspicuous in an otherwise open sand area. The applicant has indicated that the cabinet could be changed, for example, to a location recessed in the slope on the east side of the bikepath. A condition is included in the draft resolution requiring such a revision to this item.

The most disruptive aspect of the project will probably be its construction. Construction is expected to begin in spring 2006 and last approximately 3 months. This will involve substantial excavation, shoring, and truck traffic. The construction area is shown to be a 50' x 300' fenced space along the east (inland) edge of the beach that includes the bike path. The bike path will be at least partially obstructed as described in the county's attached summary. The beach area near the coastline is

shown to be unobstructed west of the project. The adjacent beach access point from 28th Street is also shown to remain clear. The southerly end of the construction area is shown to extend in front of the stair access point nearest to 27th Street, but leaves space for pedestrians to proceed south approximately 20 feet to get around the obstructed area. Staff has included conditions in the attached resolution requiring appropriate access to be maintained for these prominent locations.

Vehicle access to the proposed construction area is limited and could be the most potentially disruptive aspect of the project. Staff assumes that project construction vehicles will access the beach at Marine Avenue (5 blocks south), which is the nearest location designed for vehicle access. Discretionary projects are typically restricted as to their construction traffic and staff has included such a condition that requires a construction traffic management plan and prohibits project vehicles and equipment from crossing over The Strand walkway for access.

Public Input:

A public notice for the project was mailed to property owners and residents within 100 feet of the site and published in the Beach Reporter newspaper. Staff has received no comments from project neighbors or other members of the community

Required Findings:

Section A.96.150 of the Local Coastal Program establishes that certain findings be made by the Planning Commission in granting coastal development permit approval. Staff believes that those findings can be made as follows:

- A. The project conforms with the certified Manhattan Beach Local Coastal Program in that it is a public works project benefiting ocean water quality and does not involve any significant above ground structures or use of land.
- B. The project is in conformity with the public access and recreation policies of the California Coastal Act since improved ocean water quality will enhance coastal recreation opportunities, permanent coastal access will not be affected, and temporary access limitations due to construction will be restricted to appropriate levels as conditioned by the attached resolution.

ENVIRONMENTAL REVIEW

The Project is Categorical Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301, based on staff's determination that the project is a minor alteration of an existing storm drain facility, and will not have a significant impact on the environment.

CONCLUSION

Staff supports the request finding that the project would improve coastal water quality and would conform to the City's Local Coastal Program

A draft Resolution of approval is attached, which would act as the actual Coastal Development Permit, if the project is approved by the Commission with no further appeal. Several standard conditions typically included in a separate coastal permit document have been placed in the resolution as well as the discussed special conditions.

Attachments:

- Draft Resolution No. PC 05-
- Location Map
- Applicant description
- Example photos
- Plans (separate - NAE)

(NAE = not available electronically)

c: LA County Public Works Dept., Applicant
Neil Miller, Public Works Director
Dana Greenwood, City Engineer

RESOLUTION NO PC 05-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A COASTAL DEVELOPMENT PERMIT TO ALLOW CONSTRUCTION OF A STORM DRAIN LOW FLOW DIVERSION PROJECT UNDER THE PUBLIC BEACH BETWEEN 27TH STREET AND 28TH STREET
(Los Angeles County Public Works)

THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DOES HEREBY RESOLVE AS FOLLOWS:

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

- A. The Planning Commission of the City of Manhattan Beach conducted a public hearing pursuant to applicable law on October 26, 2005, to consider an application for a coastal development permit for a storm drain low flow diversion project under the public beach between 27th Street and 28th Street in the City of Manhattan Beach.
- B. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- C. The applicant for the Coastal Development Permit is the Los Angeles County Public Works Department, The property/beach is owned by Los Angeles County.
- D. The applicant proposes to install approximately 250 linear feet of concrete pipe underground alongside the county beach bikepath, with related manholes, vaults, and an above ground metal control panel cabinet.
- E. The property is located within Area District III and is zoned OS Open Space. The surrounding land uses consist of single and multiple family residences, a lifeguard headquarters facility, a public park, and public beach.
- F. The General Plan designation for the property is Open Space, and the Local Coastal Program/Land Use Plan designation is also Open Space.
- G. The Project is Categorical Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301 based on staff's determination that the project is a minor alteration of an existing storm drain facility, and will not have a significant impact on the environment.
- H. 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.
- I. The project is in accordance with the objectives and policies of the Manhattan Beach Coastal Program, as follows:
 1. The proposed facility is consistent with the surrounding coastal zone area and complies with the applicable standards of the Manhattan Beach Coastal Zone Zoning Code.
 2. The facility shall not obstruct accessways within the coastal zone. While construction will temporarily occupy some space on the beach, access from the Strand, bike path, and surrounding streets to the coastline and surrounding beach area shall remain available.
 3. Any displacement of normal views or use of the space shall be temporary for the period of construction.

4. Installation of the facility shall be subject to the restrictions (temporary access, vehicle traffic etc.) of the this Coastal Development Permit.

- K. The project is consistent with the public access and recreation policies of Chapter 3 of the California Coastal Act of 1976, as follows;

Section 30212 (a) (2): The proposed facility does not impact public access to the shoreline, and adequate public access is provided and shall be maintained along The Strand, 27th Street, and 28th Street .

Section 30221: The project goal of improved ocean water quality will enhance coastal recreation opportunities.

- L. This Resolution upon its effectiveness constitutes the Coastal Development Permit for the subject project.

SECTION 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Coastal Development Permit subject to the following conditions:

Standard Conditions

1. *Compliance.* All development must occur in strict compliance with the proposal as set forth in the application for said permit, subject to any special conditions set forth below. Any substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
2. *Expiration.* The Coastal Development Permit shall be approved for a period of two years after the date of approval, with the option for future extensions, in accordance with the Manhattan Beach Municipal Code (MBMC) Section 10.84.090.
3. *Interpretation.* Any questions of intent or interpretation of any condition will be resolved by the Planning Commission.
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. *Assignment.* The permit may be assigned to any qualified persons subject to submittal of the following information to the Director of Community Development:
 - a. a completed application and application fee as established by the City's Fee Resolution;
 - b. an affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit;
 - c. evidence of the assignee's legal interest in the property involved and legal capacity to undertake the development as approved and to satisfy the conditions required in the permit;
 - d. the original permittee's request to assign all rights to undertake the development to the assignee; and,
 - e. a copy of the original permit showing that it has not expired.
6. *Terms and Conditions are Perpetual.* These terms and conditions shall be perpetual, and it is the intention of the Director of Community Development and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

7. *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.

Special Conditions

8. 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.
9. The final construction plans shall be in substantial conformance with the plans submitted to the Planning Commission on October 26, 2005. The control panel cabinet shall be relocated or revised to minimize its visibility and interruption of the beach surface subject to the review of the Community Development Department.
10. A plan for maintaining pedestrian access to the beach at the 28th Street entry point and 27th Street stairway, and bicycle access for the bikepath shall be submitted for approval by the Community Development Department prior to project construction. Obstructions/detours from normal bikepath operation shall not be permitted during the summer season between Memorial Day and Labor Day weekends.
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.
15. The applicant agrees, as a condition of approval of this project, to pay for all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal actions associated with the approval of this project brought against the City. In the event such a legal action is filed against the project, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

SECTION 3. Pursuant to Government Code Section 65009 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.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of October 26, 2005 and that said Resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

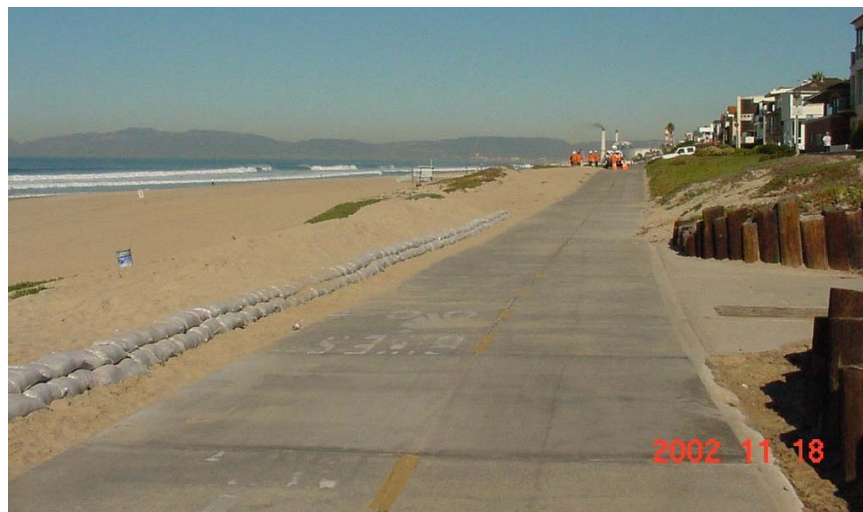
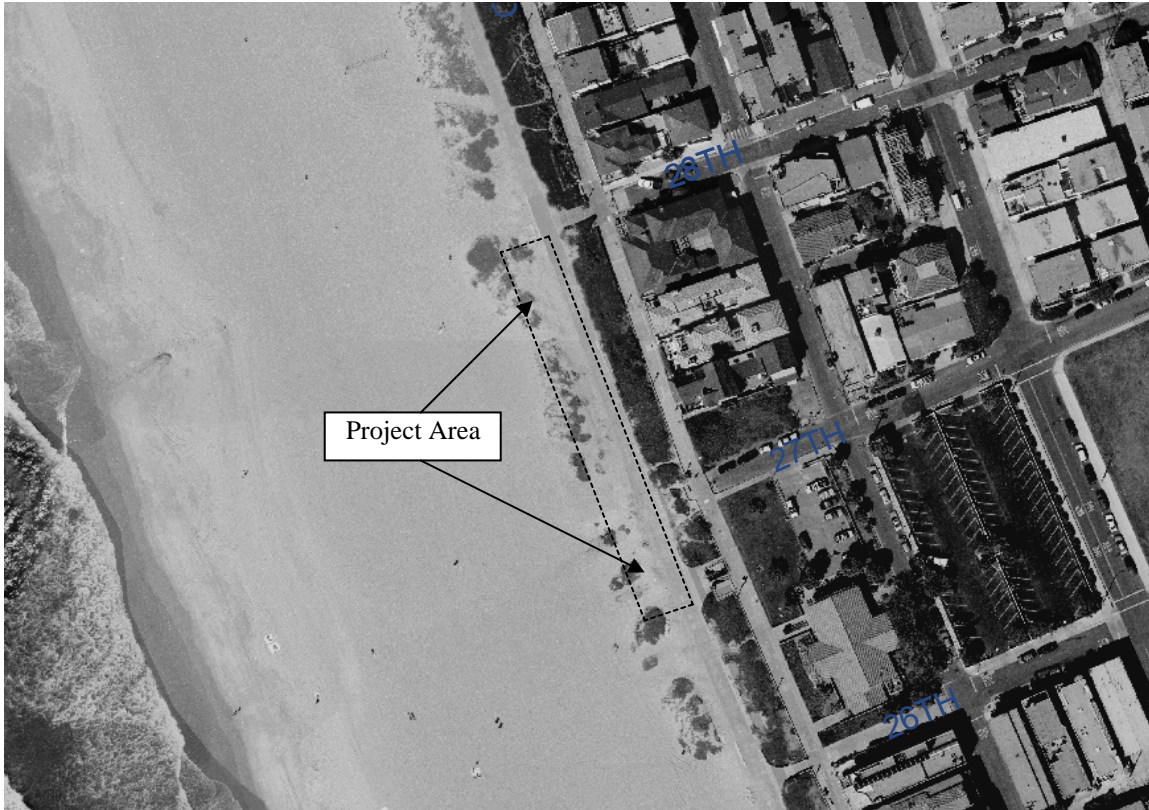
ABSENT:

RICHARD THOMPSON,
Secretary to the Planning Commission

Sarah Boeschen
Recording Secretary

Vicinity Map

Beach Underground Storm Drain Project



View of Project Area from the South

PROJECT NARRATIVE

TITLE: MANHATTAN BEACH (28TH STREET) DRAIN - LOW FLOW DIVERSION

DESCRIPTION:

This project will divert low flows from an existing storm drain to an existing sanitary sewer system, for treatment at a sewage treatment facility.

SCOPE:

- Construct 8" berm inside existing 4' H x 6' W storm drain.
- Construct 16' of 18" Reinforced Concrete Pipe (RCP).
- Construct 2-72" manholes, one at 28th Street just west of the existing bike path and one at 27th Street just west of the existing bike path.
- Construct 214' of 84" RCP between the two 72" manholes.
- Construct a manhole at the midpoint of the 84" RCP.
- Construct a valve vault, sewer manhole, and polyethylene piping to connect to an existing sanitary sewer system.
- Install a pump within one of the manholes and a pump control panel adjacent to the existing bike path.

ADDITIONAL INFORMATION:

The only visible portions for the subject project will be the 2-72" manhole covers, valve vault cover, control panel, sewer manhole cover, and the manhole cover at the midpoint of the 84" RCP.

Shoring Requirements: LA County Public Works has performed a subsurface investigation at the project site resulting in a log of boring and shoring parameters. Typically, LA County Public Works will have the contractor submit their shoring plans for approval before any excavation occurs.

The LA County Bikeways Coordinator indicated that if we can maintain 8 feet of clear bikepath, bikers would be allowed to walk their bikes past the construction site. We would be required to post signs a minimum of 100 feet prior to the construction site, and security fencing needs to be set up such that the bikepath narrowing is gradual, rather than at a right angle to the bikepath.

90% design plans have been completed and can be obtained upon request.

Example Photos of Project Vault Covers and Control Panel Cabinet

