



Agenda Item # _____

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Wilson and Members of the City Council

THROUGH: Geoff Dolan, City Manager

FROM: Richard Thompson, Director of Community Development
Rob Osborne, Management Analyst

DATE: February 15, 2005

SUBJECT: Uphold the Parking and Public Improvements Commission Recommendation to Approve an Encroachment Permit Appeal for 500 2nd Street, Subject to Conditions

RECOMMENDATION:

It is recommended that the Council pass a motion to approve the Parking and Public Improvements Commission recommendation to approve an Encroachment Permit Appeal for 500 2nd Street, subject to the following conditions:

- The entry gate proposed along the northerly side of the existing block wall be deleted from the plan
- The entry gate along the southerly side of the wall be self-closing and self-locking
- The applicants provide a liability insurance endorsement in the amount of \$1,000,000

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

BACKGROUND:

The owners of 500 2nd Street are in the process of renovating the exterior of their home. As part of the renovation they have proposed the following modifications within the public right of way along the Ingleside Drive frontage of the property:

- Removal of two portions of an existing block wall and installation of self-closing gates
- Replacement of a section of tile-covered patio
- Replacement and relocation of existing pool equipment
- Installation of new landscaping

The existing block wall is approximately 72 inches high, which exceeds the maximum allowable height of 42 inches for walls on City property. The Encroachment Code stipulates the following regarding existing/non-conforming structures:

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 public right of way.

As the proposed modifications are considered to be significant, the application could not be approved administratively. The owners therefore filed an appeal, seeking approval from the City Council via the Parking and Public Improvements Commission. The appeal was reviewed by the PPIC at a public meeting on January 27, 2005.

DISCUSSION:

As described in the attached report, Staff generally supports the appeal. While the block wall significantly exceeds the maximum allowable height, it does not appear to present any adverse impacts. It was constructed in 1997 as a replacement for a wooden fence of the same height. Replacements of this type are permitted by the Encroachment Code. The wall provides a measure of safety by separating the public right of way from the applicants' swimming pool, which is located only a few feet onto private property. Providing gates, landscaping and a new patio surface will only serve as an aesthetic enhancement to the area.

Staff's only concern with the appeal is the continued placement of pool filtering and heating equipment in the public right of way. Maintenance equipment is generally required to be located on private property. The existing equipment has been located on public property for a number of years and does not appear to be the source of any problems. It is located behind the block wall and is not visible from Ingleside Drive. However, as the equipment is being replaced staff feels this is an appropriate opportunity to require that it be moved off of the public right of way. Staff recommended approval of the appeal, subject to the pool equipment being moved off of the public right of way.

The only public testimony received at the Commission meeting was provided by the applicant. While the PPIC generally supports the appeal, they have a concern about potential liability related to gates on City property providing access to an area with a swimming pool. They ultimately voted (3-1, Lesser against, Osterhout absent) to recommended approval of the appeal, subject to the following conditions:

- Elimination of the proposed gate on the north frontage of the block wall to limit access via public property
- The remaining gate be self-closing and self-locking
- An increased liability insurance be required, as determined appropriate by the Risk Manager

The Commission has no objection to the pool equipment remaining on City property.

The Risk Manager has reviewed the proposal and recommends that a \$1,000,000 million insurance endorsement be required. While he does not feel the proposal presents a substantial hazard, he feels a gate on City property providing access to a swimming pool area is somewhat unusual. Provided that the gate is self-closing and locking, he feels the proposal is acceptable

but that an increased insurance requirement is justified. The applicants have indicated that this increased requirement is acceptable to them.

Meeting notices were sent to all properties within 300 feet of the subject property.

ALTERNATIVES:

1. **APPROVE** the recommendation of the Parking and Public Improvements Commission.
2. **REMOVE** this item from the Consent Calendar and provide staff with direction.

- Attachments:
- A. Photos
 - B. Excerpt from PPIC minutes of 1/27/05
 - C. PPIC report dated 1/27/05, with attachments
 - D. Additional letters from neighbors (not available electronically)
 - E. Meeting notice, 2/1/05
 - F. Site plan



Existing Pool Equipment



1. Encroachment Permit Appeal - 500 2nd Street

Management Analyst Rob Osborne presented the staff report explaining that the owners of 500 2nd Street are in the process of renovating the exterior of their home and have proposed the following modifications within the public right of way along the Ingleside Drive frontage of the property: removal of two portions of an existing block wall and installation of self-closing gates; replacement of a section of tiled patio; replacement and relocation of existing pool equipment; and installation of new landscaping.

He reviewed staff's analysis of the request indicating that staff generally supports the appeal. He stated that the existing block wall exceeds the maximum allowable height, but does not appear to present any adverse impacts and was constructed in 1997 as a replacement for a wooden fence of the same height. Mr. Osborne stated that while the wall's close proximity to the curb line does not allow for a standard-width sidewalk, staff did not consider it significant because Ingleside Drive does not have consistent sidewalks, and that the wall provides a measure of safety by separating the public right of way from the applicants swimming pool, which is located only a few feet onto private property. He added that the proposed gates, landscaping and a new patio surface will only serve as an aesthetic enhancement to the area.

Management Analyst Osborne relayed that staff's only concern with the appeal is the continued placement of pool filtering and heating equipment in the public right-of-way, as maintenance equipment is generally required to be located on private property. He shared that the existing equipment has been located on public property for a number of years, does not appear to be the source of any problems and is not visible from Ingleside Drive, however, as the equipment is being replaced staff believes it is an appropriate opportunity to review the equipment's location.

Audience Participation

Steve Johnson, applicant, stated that he is the property owner for the subject appeal and is available to address any questions or concerns of the Commission. He stated that the pool equipment has been in its current location for a number of years and to move it would be difficult and costly. In response to questions from the Commission, Mr. Johnson clarified that no new wall is being proposed, that finding a location to relocate the equipment would prove extremely difficult and that he trims the wall landscaping monthly.

Tim Garret, 2nd Street, stated that he is a neighbor to the property and supports the proposal.

Discussion

Commissioner Ackland voiced her concern with the proposed gates, which are located on the public right of way and provide access to a pool area. Management Analyst Osborne clarified that the City's standard liability requirement is \$300,000 and has been increased several times in the past. Commissioner Ackland stated that she strongly believes this project warrants an increase to the City's insurance requirement.

Mr. Johnson confirmed that he would not have any problem with an increased insurance requirement.

Commissioner Lesser stated that he is concerned with the narrow width of the sidewalk and asked that the property owner and City staff keep a continual “eye” on the landscaping to ensure it is trimmed regularly and the passage is clear.

Commissioner Lang commented that his concern focuses on the creation of gates on the public right-of-way, stating that even if the City increases the insurance requirement, he is still very concerned with the safety issue as the gates provide access to a swimming pool. He also noted that approval of this proposal could set a precedent for future requests.

Noting that the proposed gates are self closing, Chairman Saunders commented on the possibility of requiring a self-locking mechanism to ensure that the gates remain secure. Upon further discussion with Mr. Johnson on the difficulty and cost factor of relocating the pool equipment, Chairman Saunders stated that he would support the appeal with the understanding that the gates will contain self-locking mechanisms and the City will review the liability requirements on the project.

Pointing out that one gate is currently on the public-right-way and that the proposed second gate is for aesthetic purposes, Commissioner Lang stated his opposition to the creation of a second gate. He agreed with fellow commissioners on the locking mechanism requirement and an increased liability requirement.

Commissioner Lesser stated that he would be more inclined to go with staff’s recommended approval of the project along with additional requirement of self locking mechanisms on the gates.

Commissioner Ackland stated that she is not happy with the entire project, but this it is not entirely Mr. Johnson’s burden as he inherited a number of the issues involved. She stated that she doesn’t have a problem with allowing a second gate as long as they are self closing, self locking and open outward. Commissioner Ackland also stressed the importance of the City reviewing the insurance requirement on the project.

Action

A motion was MADE and SECONDED (Lang/Ackland) to approve the Encroachment Permit Appeal for 500 2nd Street with the following conditions: that a second gate not be allowed; that the remaining gate contain self closing/self-locking mechanisms; that the existing pool equipment remain as proposed; and that City’s Risk Manager review the insurance requirements for the project.

AYES: Ackland, Lang, Chairman Saunders
NOES: Lesser
ABSENT: Osterhout
ABSTAIN: None

CITY OF MANHATTAN BEACH

DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Parking and Public Improvements Commission

FROM: Richard Thompson, Director of Community Development
Rob Osborne, Management Analyst

DATE: January 27, 2005

SUBJECT: Encroachment Permit Appeal – 500 2nd Street

RECOMMENDATION

Staff recommends that the Commission recommend approval of the Encroachment Permit Appeal for 500 2nd Street, subject to all swimming pool equipment being located on private property.

BACKGROUND

The owners of 500 2nd Street are in the process of renovating the exterior of their home. As part of the renovation they have proposed the following modifications within the public right of way along the Ingleside Drive frontage of the property:

- Removal of two portions of an existing block wall and installation of self-closing gates
- Replacement of a section of tiled patio
- Replacement and relocation of existing pool equipment
- Installation of new landscaping

The existing block wall is approximately 72 inches high, which exceeds the maximum allowable height of 42 inches for walls on City property. The Encroachment Code stipulates the following regarding existing/non-conforming structures:

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 public right of way. The intent is to cause nonconforming encroachments to be brought into conformity concurrent with major alterations or entirely new structures constructed on adjoining private property.

As the proposed modifications are considered to be significant, the application could not be approved administratively. The owners therefore filed an appeal, seeking approval from the City Council via the PPIC. A site plan, current survey, photos of the existing encroachment, a letter from the applicant, and a petition from area residents are attached.

DISCUSSION

Staff generally supports the appeal. While the existing block wall significantly exceeds the maximum allowable height, it does not appear to present any adverse impacts. It was constructed in 1997 as a replacement for a wooden fence of the same height. Replacements of this type are permitted by the Encroachment Code. While the wall's close proximity to the curb line does not allow for a standard-width sidewalk, this is not considered significant because Ingleside Drive does not have consistent sidewalks. The wall provides a measure of safety by separating the public right of way from the applicants' swimming pool, which is located only a few feet onto private property. Providing gates, landscaping and a new patio surface will only serve as an aesthetic enhancement to the area.

The applicants have submitted a petition in support of their proposal. It is signed by the owners of four neighboring properties, including the property located directly opposite the project area on Ingleside Drive.

Staff's only concern with the appeal is the continued placement of pool filtering and heating equipment in the public right of way. Maintenance equipment is generally required to be located on private property. The existing equipment has been located on public property for a number of years and does not appear to be the source of any problems. It is located behind the block wall and is not visible from Ingleside Drive. However, as the equipment is being replaced staff feels this is an appropriate opportunity to require that it be moved off of the public right of way.

Meeting notices were sent to all properties within 300 feet of the subject property.

Attachments

- Site plan
- Survey
- Photos
- Applicant's submittal
- Meeting notice, 1/18/05



City Hall 1400 Highland Avenue Manhattan Beach, CA 90266-4795
Telephone (310) 802-5000 FAX (310) 802-5001

February 1, 2005

***** PUBLIC MEETING NOTICE *****

Re: Encroachment Permit Appeal – 500 2nd Street

Dear Resident/Property Owner:

On January 27, 2005, the Parking and Public Improvements Commission reviewed an Encroachment Permit Appeal for the property at 500 2nd Street. The property owners are proposing several modifications to the public right of way, including modification of an existing block wall that exceeds the maximum allowable height for structures on public property. The Commission recommended approval of the appeal, subject to the following conditions:

- Elimination of a proposed gate on the north face of the existing block wall
- A liability insurance endorsement be provided in an amount determined by the City's Risk Manager

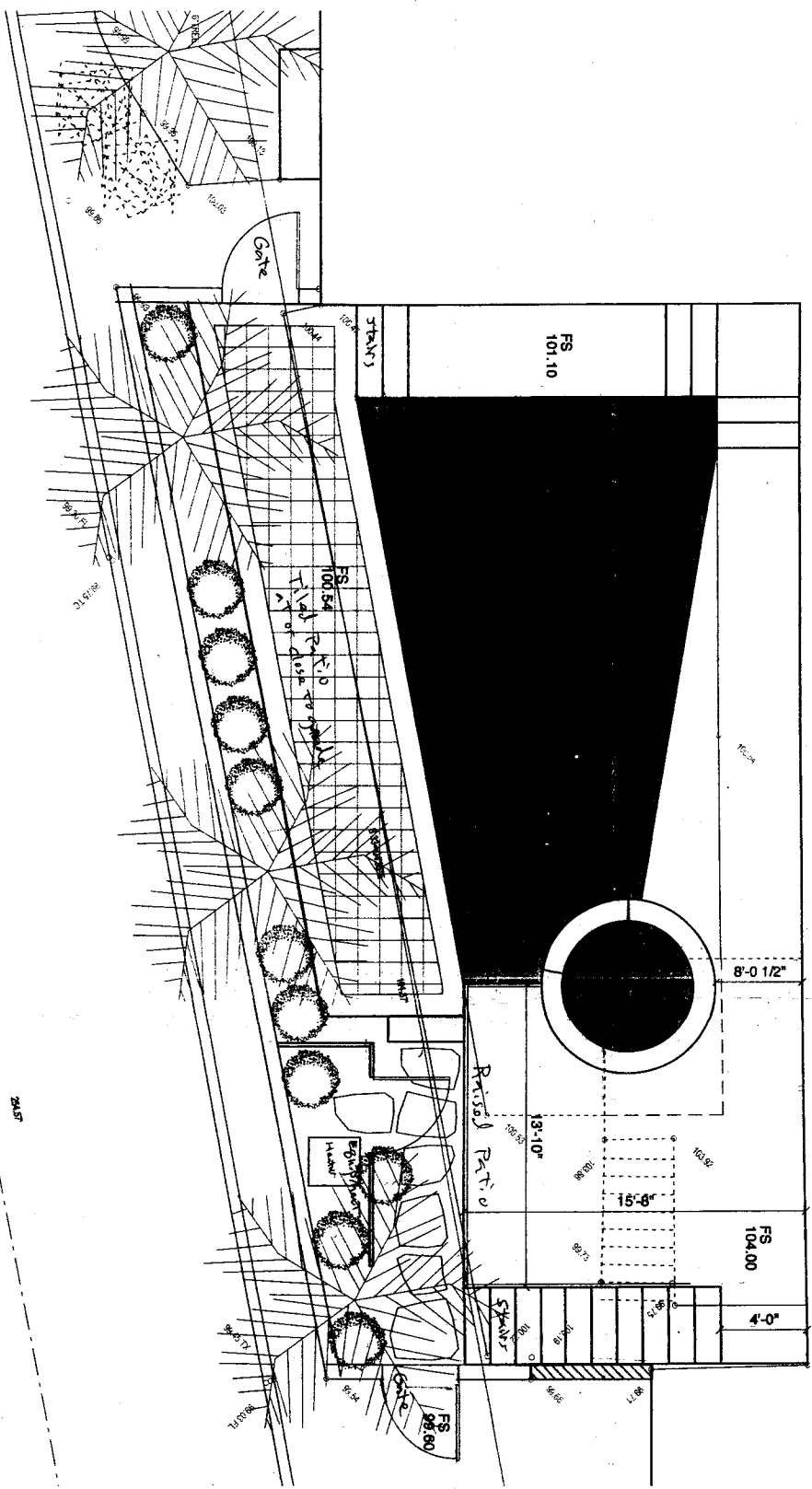
The City Council will review this recommendation at a public meeting on Tuesday, February 15, 2005. The meeting will be held in the City Council Chamber, 1400 Highland Avenue, and will begin at 6:30 p.m. Any comments you might like to make at the meeting would be welcomed.

The issue will be on the portion of the agenda known as the "Consent Calendar", meaning that it will not automatically be discussed. If it is not requested to be discussed by either a member of the audience, a City staff person or a Councilmember, the recommended action will be approved without discussion. At a point at the beginning of the meeting the Mayor will ask the audience if they would like any items to be removed from the Consent Calendar. If you do not agree with the recommended action for this item, be sure to request that it be removed at that time. It will then be discussed during the portion of the agenda entitled "Items Removed from the Consent Calendar", toward the end of the meeting.

If you have any questions or would like any additional information, please call me at 802-5540.

Sincerely,

Rob Osborne
Management Analyst
Community Development Department



INGLESIDE DRIVE

SITE PLAN

SCALE: 1/4" = 1'-0"

