




Agenda Item #: 07/1016.14

# Staff Report

## City of Manhattan Beach

**TO:** Honorable Mayor Aldinger and Members of the City Council

**THROUGH:** Geoff Dolan, City Manager

**FROM:** Richard Thompson, Director of Community Development  
Rosemary Lackow, Senior Planner 

**DATE:** October 16, 2007

**SUBJECT:** Uphold the Parking and Public Improvements Commission Recommendation to Deny an Encroachment Permit Appeal at 133 - 13<sup>th</sup> Street

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### RECOMMENDATION:

It is recommended that the City Council pass a motion to **UPHOLD** the Parking and Public Improvements Commission recommendation to **DENY** an Encroachment Permit Appeal at 133 - 13<sup>th</sup> Street.

### FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

### BACKGROUND:

Recently a complaint was received by the Department of Community Development requesting that the City investigate a wooden trellis recently built within the walk street right of way adjacent to 133 - 13<sup>th</sup> Street. Staff subsequently confirmed that a new trellis which does not conform to encroachment standards had been built without a permit by the property owner, Ms. Susanne Bailey.

Staff also determined that a small portion of the trellis adjacent to the home is built within the 5-foot front yard setback on private property, which is not permitted under zoning regulations. Ms. Bailey was informed that this portion of the work, regardless of the outcome of the encroachment appeal would need to be removed or approved under a separate zoning variance process.

Ms. Bailey, stating that she was unaware that she needed a permit to replace a trellis, subsequently filed an appeal seeking to maintain the new trellis within the right of way on the basis that it replaced a prior deteriorated trellis, is an attractive improvement, and does not impact any neighbor views. The Parking and Public Improvements Commission (PPIC) heard the appeal on September 27, 2007, and, in a 4-1 vote recommended that the City Council deny the appeal.

**DISCUSSION:**

Chapter 7.36 of the Manhattan Beach Municipal Code regulates private construction within the public right of way. The code allows private improvements within walk street right of ways, but limited to walls and fences generally no taller than 42-inches, and patios and decks built “on grade”. Landscaping is encouraged, but plantings are also limited to 42-inches in height. The subject trellis occupies an area approximately 7 feet by 13 feet (approximately 25% of the total encroachment area) and is 7 feet tall.

In its current condition the structure is very open – the six upright supporting posts are spaced about 6-feet apart and eleven horizontal overhead beams are spaced about one foot apart. Should vines be attached and allowed to grow freely on the wooden framework, the trellis could look more solid, however the applicant has stated she does not intend to add such plantings. Ms. Bailey also indicated that she would remove the portion of the trellis that is located within her lots’ front yard setback if her Encroachment Permit is approved.

***PPIC Review***

On September 27, 2007, the Parking and Public Improvements Commission reviewed the Staff Report and accepted testimony from the applicant including a petition, and several persons were present to voice support. There also was considerable discussion regarding the applicability of code regulations which address abatement and maintenance of nonconforming encroachments (MBMC 7.36.150 paragraphs 8 and 9 – refer to attached Staff Report). Paragraph 8 allows existing permitted nonconforming encroachments to remain provided they are not increased or expanded and requires abatement of the nonconformity either when significant improvement is done to the adjoining home on private property, or when within the encroachment area. Staff believes that this new work constitutes significant work within the encroachment right of way, and therefore abatement is required. Paragraph 9 allows repair if it is demonstrated that the encroachment is deteriorated and presents an unsafe condition.

Ms. Bailey provided two photographs to the Commission of the front of her home dating from 1985 and 2001 to depict prior conditions (Exhibit C attached). One of these photographs show a close view of front of the property near the walk street gate and some of the pre-existing wooden trellis elements are visible in the background. In the second photo, taken from across Manhattan Avenue, the former trellis supports are visible only south half of the encroachment area, towards the walk street sidewalk. The Commission was unable to conclude that the new construction replaces a pre-existing comparable deteriorated unsafe structure that should be allowed to remain or be replaced per the referenced code sections.

After hearing all testimony, the Commission agreed with staff and passed a motion 4-1, recommending denial of the appeal (Silverman against). The Commission’s recommendation was based on findings that the recent work does not comply with the code standards and there is no provision in the code that authorizes the granting of an exception to the established standards. The Commission also noted that approval of the appeal may set an undesirable precedent for future development in the public right of way.

Meeting notices were sent to all properties within 300 feet of the subject encroachment site for both the PPIC and City Council meetings. Staff has received one additional letter dated October

8, 2007 which supports the appeal. The PPIC Staff Report, draft minutes, as well as letters and photos received at or subsequent to the PPIC meeting are attached for reference

**ALTERNATIVES:**

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

**Attachments:**

- A. PPIC report dated 9/27/07, with attachments
- B. PPIC draft minutes 9/27/07
- C. Applicant's photographs
- D. Letters/petition in support
- E. Council meeting notice, 10/2/07

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

**TO:** Parking and Public Improvements Commission

**FROM:** Richard Thompson, Director of Community Development  
Rosemary Lackow, Senior Planner *RL* *[Signature]*

**DATE:** September 27, 2007

**SUBJECT:** Encroachment Permit Appeal – 133 13<sup>th</sup> Street

**RECOMMENDATION:**

Staff recommends that the Commission recommend denial of the request to maintain a covered trellis within the public right of way adjacent to 133 13<sup>th</sup> Street.

**BACKGROUND:**

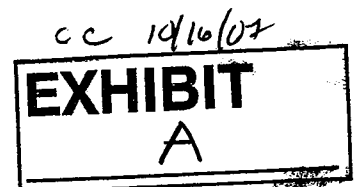
It was recently brought to the attention of the Community Development Department via a citizen complaint that a trellis structure was recently built within the public right of way adjacent to 133 13<sup>th</sup> Street. Investigation by the Staff indicated that the trellis structure was constructed without a required Encroachment Permit and does not comply with current standards for private improvements established by the City Council. The owner of the property, Susie Bailey, subsequently filed an Encroachment Permit Appeal, seeking approval to maintain as much as possible of the structure as built on the basis that it: is replacing a pre-existing 40-year old arbor that has deteriorated; is attractive; and does not interfere with ocean views (see attached applicant letter).

**DISCUSSION:**

The property at 133 13<sup>th</sup> Street is located at the <sup>north</sup> south west corner of 13<sup>th</sup> Street, at Manhattan Avenue. Adjacent to the front of this address on the walk street side is a 12.5 foot by 30 foot “encroachment area” which is part of the public right of way of the walk street.

The subject trellis structure occupies approximately 13 feet by 7 feet of the east side of the encroachment area and is approximately 8 feet in height. It is comprised of eleven overhead open wooden beams supported by 6 wooden posts anchored to a patio surface. A small portion also extends a short distance to the west and covers a gated entry off the walk street. It has been determined that the 2 most northerly posts have been placed within the front yard setback area on the owner’s property and therefore that portion is not part of this appeal application. That portion within the private front yard setback would require a variance if it were to remain. Other than the trellis the subject encroachment area is bordered by a solid grape-stake fence and the interior is improved with mostly low lying landscaping, a brick walkway and patio, all of which appear to have pre-existed for several years and generally comply with existing standards<sup>1</sup>.

<sup>1</sup> Cypress bush exceeds 42” and grapestake fence (solid design) exceeds 32-inches



The owner has submitted a site plan and photos of the subject trellis structure which are attached for reference.

### Encroachment Regulations

Encroachment Permit regulations are contained in Chapter 7.36 of the Manhattan Beach Municipal Code. The purpose of the Encroachment Permit provisions, as stated in MBMC 7.36.010 is “to allow private development of the public right of way with improvements that are functional for the adjoining property owner, attractive and non-obtrusive to the public, consistent with building safety standards and compatible with surrounding developments.”

Subject to the standards, adjoining property owners may apply for an encroachment permit to construct a variety of improvements, provided they provide evidence of liability coverage extended to the City of Manhattan Beach, and record an agreement. On the walk streets, patios, low fences and walls, decks and landscaping are permitted. In accordance with the intent of the code, the types and height of structures are limited. The tallest permitted structures are fences and walls, up to 42-inches, depending on their location within the encroachment area and whether they have an open or closed design.

The code recognizes that there are many non-permitted and noncompliant existing encroachment structures. Section 7.36.150 (paragraphs 8 and 9) of the encroachment regulations provides the conditions under which a nonconforming encroachment may be maintained or replaced. These provisions are as follows:

“8. 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. 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. 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.

9. 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.”

Staff cannot compare the new trellis to any pre-existing structure as there are no plans or photos on record nor have any been provided with the application. However, staff believes from the statements made in the application that the replacement trellis is of a different design and has a greater degree of projection than the pre-existing (e.g. use of upright independent posts versus prior attachment to fence and description of prior structure being “set more into the yard”).

Therefore staff concludes that the trellis is an expansion of nonconformity, which is not permitted.

#### Public Input

A notice of the PPIC review was mailed to all owners of record within 300 feet radius from the subject encroachment property (copy attached). Staff received one e-mail in opposition to the application (attached).

#### **CONCLUSION:**

The established encroachment policy is to encourage only low-profile structures within the walk streets. Staff does not believe that the subject trellis is consistent with this goal of the code, and constitutes an expansion of a pre-existing nonconformity. Further, staff believes that it will encourage similar construction within the walk street encroachment areas if allowed to remain; therefore staff cannot support this appeal.

#### Attachments:

- Applicant Letter
- Encroachment Plan
- Photos
- Public Notice
- Email Input (one)

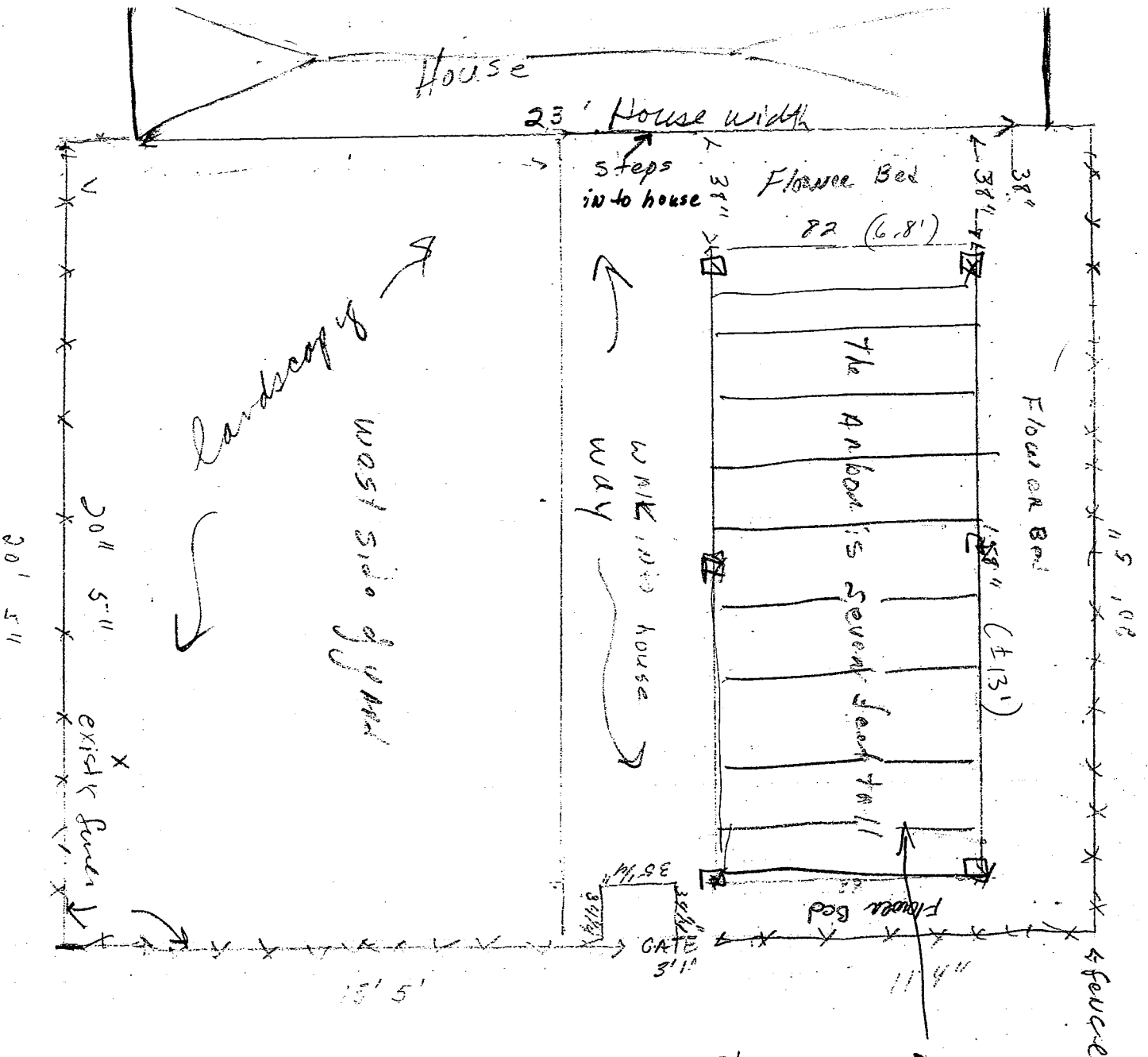
To: Manhattan Beach Planning Dept.

When I moved into 133 13<sup>th</sup> St. 40 years ago there was a trellis over the gate with a grape arbor and grape vine in the front part of the yard. After some years the grape vine died and I just left the arbor. About fifteen years ago we rebuilt the arbor and tried again with a new grape vine, again with no better success. A few years ago I took the arbor down because it looked so bad. The new trellis is in the same space and same size as the original trellis, just a different design that fits the house better. The original arbor used the fence posts as it's outside frame, starting at the south east corner and running along 13th St. to the gate and then into the yard about five feet and along Manhattan Ave. about half way up to the house and then into the yard. I've been wanting to rebuild it for several years now and I finally came up with a design that fits the house and adds to the esthetic beauty of our neighborhood and does not block either my neighbors or people walking by's view. The new arbor is set more into the yard. It starts approximately three and one half feet from the fence. It's approximately six and one half feet wide and thirteen feet deep. I did not get a permit because I didn't think I needed one. The trellis came down and went back up the same day. The arbor replaced the one that had been here when I came. I just brought it more into the yard and made it a little large then it was when I moved in 40 years ago. I would like to keep the trellis just as it is. I understand that the north part of the arbor presents a different problem and it might be better to remove part of that.

I would very much appreciate a variance to keep the trellis and as much of the arbor as possible.

Thank you,

Susanne M. Bailey



MANHATTAN AVE

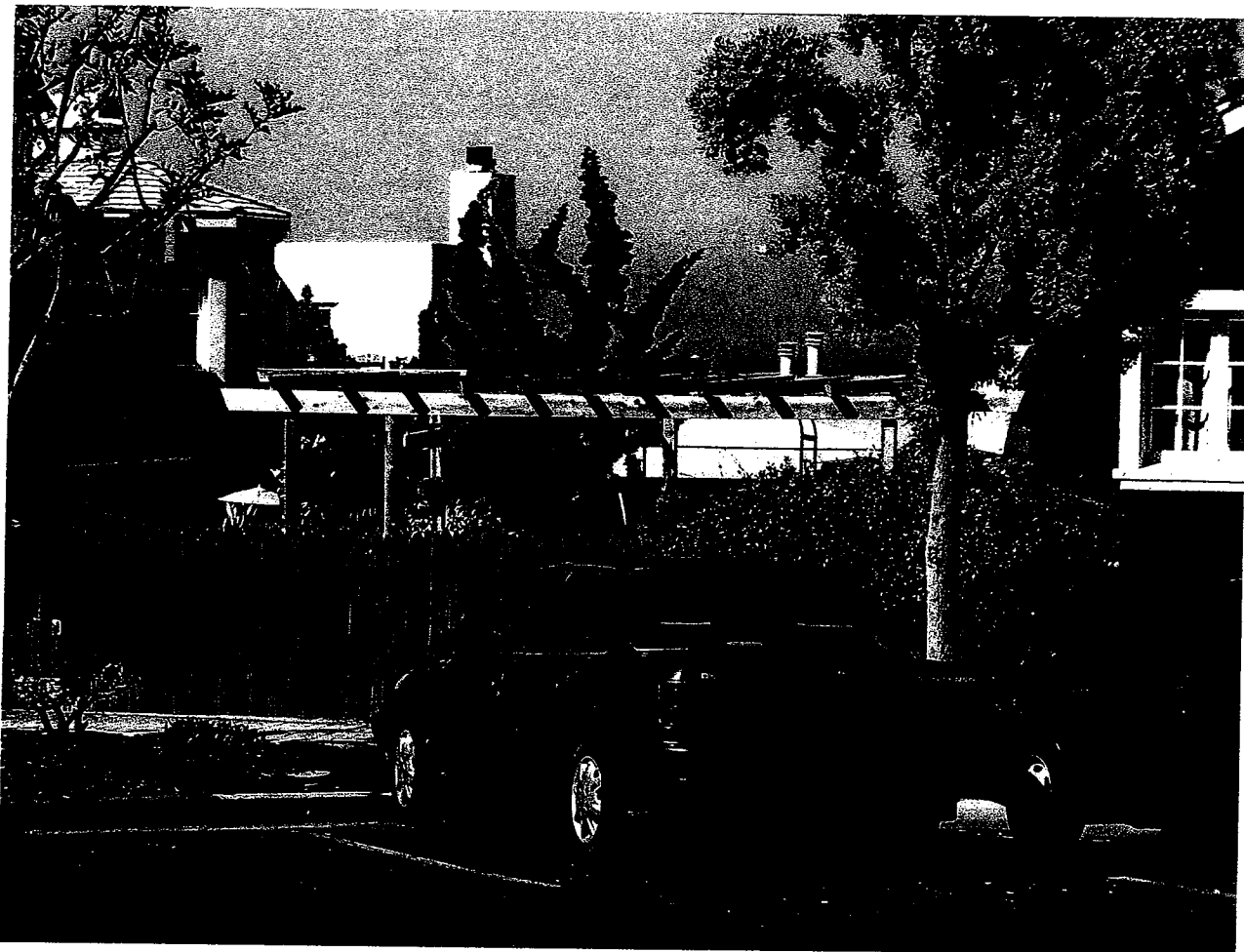
CROSS B.R.K.s on top of Arbor

133 13<sup>th</sup> St.  
 Manhattan Beach

151

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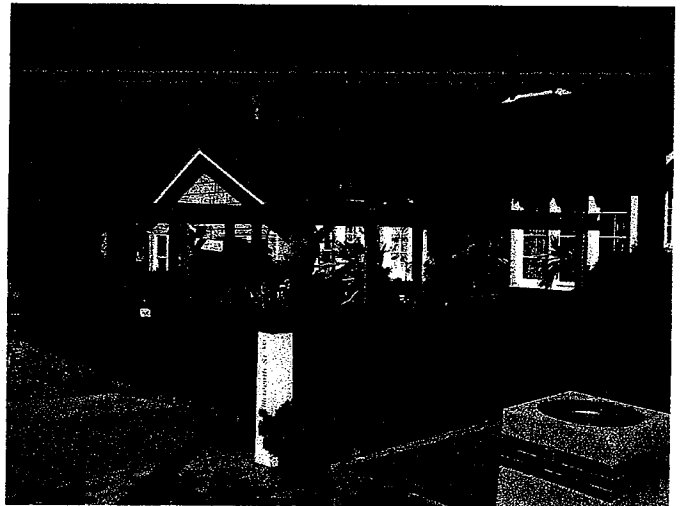




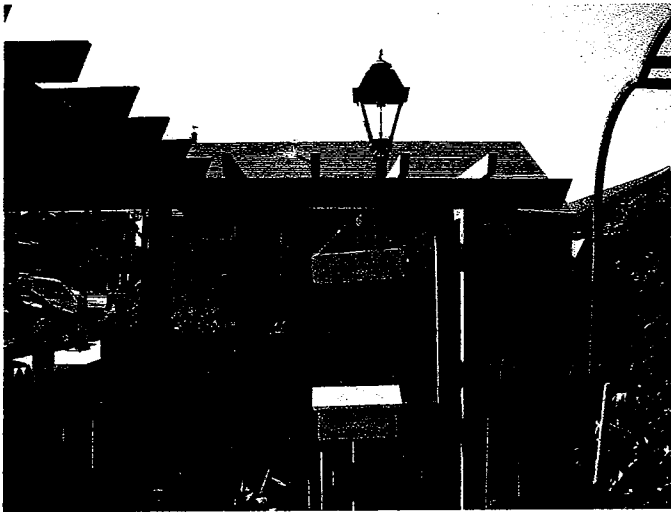
133 13<sup>th</sup> St.  
MANHATTAN BEACH



133 13<sup>th</sup> St.  
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133 13<sup>th</sup> St  
MANHATTAN BEACH



133 13<sup>th</sup> St.  
Manhattan Beach



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

September 17, 2007

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

Re: Trellis Encroachment Permit Appeal – 133 13<sup>th</sup> Street

Dear Resident/Property Owner:

The City has recently received an application for an Encroachment Permit submitted by the owner of the property at 133 13<sup>th</sup> Street. The owner is seeking to maintain a trellis structure within the City right-of-way between the walk street sidewalk and her property which was constructed without a required Encroachment Permit and which does not comply with established encroachment design standards.

The application has been administratively denied because the built structure is not consistent with the type and height of structures allowed in the right-of-way on walks streets pursuant to the Municipal Code Section 7.36). The owner/applicant has appealed this decision and therefore the matter has been referred to the PPIC (Parking and Public Improvements Commission) for review and a recommendation for action by the City Council. Your input is invited. The PPIC review will be held:

Thursday, September 27, 2007  
6:30 pm  
City Council Chambers, City Hall  
1400 Highland Avenue

Input regarding the subject Encroachment Permit appeal may be submitted to the PPIC in advance through the Community Development Department and/or in person at the review hearing. Comment submitted in advance should be mailed or emailed to:

Rosemary Lackow, Senior Planner, Community Development Department, City Hall  
(310) 802-5515, or by e-mail: [rlackow@citymb.info](mailto:rlackow@citymb.info)

Sincerely,

Rosemary Lackow, Senior Planner  
Department of Community Development

Fire Department Address: 400 15<sup>th</sup> Street, Manhattan Beach, CA 90266 FAX (310) 802-5201  
Police Department Address: 420 15<sup>th</sup> Street, Manhattan Beach, CA 90266 FAX (310) 802-5101  
Public Works Department Address: 3621 Bell Avenue, Manhattan Beach, CA 90266 FAX (310) 802-5301

## Rosie Lackow

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**From:** Carol Zee [carol90266@yahoo.com]  
**Sent:** Thursday, September 20, 2007 4:06 PM  
**To:** Rosie Lackow  
**Subject:** 133 13th

Rosemary,  
I got your letter today regarding the encroachment appeal for the trellis structure at 133 13th. I walk past the corner frequently and have noticed the trellis in question. I think that the size and location of the trellis is an eye sore, and I don't think it is compatible with the open space feel of the front yards on the walk streets. I am not in favor of granting the appeal, I think the trellis should be removed, or at least any portions that are on the city right-of-way.

Carol Zee  
1209 Bayview Dr

Commissioner Silverman confirmed with staff that periodic reviews are conducted on all disabled street parking spaces to ensure their validity and continued need.

**Action**

A motion was MADE and SECONDED (Gross/Stabile) to recommend approval of the request for a new public disabled designated parking space adjacent to 610 Rosecrans Avenue, as recommended by staff.

AYES: Donahue, Gross, Silverman, Stabile and Chair Paralusz  
NOES: None  
ABSENT: None  
ABSTAIN: None



**3. Consider Encroachment Permit Appeal at 133 13<sup>th</sup> Street**

Senior Planner Rosie Lackow presented a report and explained the recommendation to deny the request to maintain a covered trellis within the public right of way adjacent to 133 13<sup>th</sup> Street. Staff does not believe that the subject trellis is consistent with goals of the encroachment code and regulations and constitutes an expansion of a pre-existing nonconformity. Further, staff believes that it will encourage similar construction within the walk street encroachment areas if allowed to remain.

In response to questions from the Commission, Senior Planner Lackow confirmed that a permit request to build the current trellis would have been denied administratively, and that if the trellis is removed, the applicant can modify her Encroachment Permit application to get approval of a more compatible trellis that meets current standards and staff would review such a plan accordingly

**Audience Participation**

**Susanne Bailey, 100 Block of 13<sup>th</sup> Street, applicant,** provided background information on the trellis, stating that it replaced a pre-existing trellis, which was over 40 years old and deteriorated. She apologized for not obtaining the necessary permit, explaining she was not aware a permit was necessary. Ms. Bailey shared that most of her neighbors support the trellis, which she believes adds to the aesthetic beauty of the neighborhood and does not block ocean views. She then submitted additional letters of support to the Commission.

Sharing that she is Ms. Bailey's daughter, **Tracy Beck, Via Rivera, Ranchos Palos Verdes,** verified that the trellis was there when she was growing up in the home. She asked that the Commission consider her mother's appeal, as she believes it aesthetically pleasing to the neighborhood.

**Loretta Warabow, 100 Block of 14<sup>th</sup> Street,** voiced her support of the trellis, stating it is a wonderful addition to the walk street. She stated that Susanne Bailey is a good woman, has lived

PPIC 9/27/07  
cc 10/16/07  
EXHIBIT  
B

in her home for over 40 years and has beautifully maintained her property and the public right of way.

**Benita Haley, 200 Block of 29th Street**, expressed her support to Susanne Bailey, a woman she is proud to know. She shared that Ms. Bailey has taken wonderful care of her property and has beautified the area for many, many years. She also submitted a letter of support from Mr. and Mrs. Lewenthall who were unable to attend tonight's meeting.

**Nancy McKeever, no address provided**, indicated her support of the trellis, stating that she believes it is attractive, adds charm to the neighborhood, is unobtrusive and does not block views. She also submitted a letter of support from Mr. and Mrs. Roy Gonella, nearby owners, who were unable to attend tonight's meeting.

**Esther Besbris, no address provided, member of Manhattan Beach Residents Association**, stated that she has never met Susanne Bailey and has no vested interest in this issue. She voiced her support of the appeal, stating that Ms. Bailey is a 40 year resident and obviously takes pride in her home and property, which adds much greenery to the area. She believes making Ms. Bailey tear down the trellis only to submit a permit request to build another one makes no sense and puts process over principal.

**Jeff Ris, Manhattan Avenue**, supported the appeal to maintain the trellis. He commented that Ms. Bailey is a fine lady, keeps a beautiful home and he believes that the trellis is an asset to the neighborhood.

**Jackie May, no address provided**, indicated her support of the trellis, sharing that it is a welcome addition to all the hardscape in the area. Noting the impact Uncle Bill's, in downtown, has on the City's right of way, she questioned why the City couldn't grandfather in the trellis of a long time resident. Ms. May also pointed out that the number one objective on the City's General Plan is to maintain a small town atmosphere which is what Ms. Bailey's property represents.

### **Discussion**

Commissioner Donahue pointed out that even if the trellis is re-built post by post it still will not be in compliance of the Code. He also shared his concern in setting a precedent if the trellis is allowed to remain.

Commissioner Stabile shared that he is a long time resident and has walked by the property on many occasions. He expressed that he has sympathy for Ms. Bailey's position, believes she acted in good faith, and that the new trellis is a vast improvement to what was there prior. Commissioner Stabile indicated that the problem is that the trellis does not comply with the Code and he too is concerned with the precedent that will be set by allowing it to remain. For these reasons, he shared he has to recommend denial of the appeal.

Commissioner Gross remarked that the intent of the Code is good and necessary. He finds this issue difficult and questions if the Code as written precludes this trellis from remaining.



Commenting that he too is a long time resident and is familiar with the property, he shared that Ms. Bailey's property represents what many residents wish Manhattan Beach still was.

Commissioner Silverman agreed with Commissioner Gross's comments, adding that this issue represents far more than the trellis – it represents what is happening to Manhattan Beach. He stated that a decision to allow the trellis to remain could possibly set a precedent, but it would also show the spirit of a City that wants an amicable and just relationship with its citizens.

Chair Paralusz shared that she loves Ms. Bailey's house as it embodies what a beach cottage is, and is a wonderful addition to the neighborhood. She stated that she would love to save the trellis, however; the trellis is not in compliance; there is nothing in the Code that would create an exception; and that approval could set a precedent for others wanting the same entitlement. Chair Paralusz indicated that for those reasons she has to support staff's recommendation .

### **Action**

A motion was MADE and SECONDED (Stabile/Donahue) to approve staff's recommendation to deny the request to maintain a covered trellis within the public right of way adjacent to 133 13<sup>th</sup> Street.

Commissioner Silverman asked that the motion be amended to consider whether approval would in fact set a precedent.

As the maker of the motion, the amendment was not accepted by Commission Stabile and the original motion was voted on as follows:

AYES: Donahue, Gross, Stabile and Chair Paralusz  
NOES: Silverman  
ABSENT: None  
ABSTAIN: None

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#### **4. Consider Overnight Parking Restrictions on Artesia Boulevard adjacent to Mira Costa High School**

Traffic Engineer Zandvliet presented a report and recommendation to post "NO PARKING 2AM-7:30 AM" restrictions on all days along the north side of Artesia Boulevard between Meadows Avenue and Peck Avenue.

In response to Commissioner Silverman, Traffic Engineer explained that the practice of the public parking vehicles for sale along Artesia Boulevard has been going on for a number of years and that the observed increase of such vehicles recently is adversely impacting the high school and residential properties. Mr. Zandvliet also responded that if this parking restriction is implemented in this specific area, the problem may continue to the west, adjacent to the church and this may result in similar impacts.



cc 10/16/07

**EXHIBIT**  
C



rec'd @ PPIC  
Mealy ~~9/27~~ 9/27/07

September 27, 2007

City of Manhattan Beach  
C/o Code and Parking Enforcement  
Highland Avenue  
Manhattan Beach, CA 90266

Re: Encroachment Permit for 133 13<sup>th</sup> Street

To Whom it May Concern:

Due to prior obligations, we are unable to attend tonight's meeting regarding our neighbor's property and the City of MB's right-of-way.

We understand there are issues of encroachment but that Susie Bailey has retroactively applied for a permit for the structures. She requested input from many of us regarding the addition of the new wooden trellis.

Being familiar with Susie's famous green thumb, we have no doubt this trellis will be lush and beautiful as well as her most amazing garden! She has wanted this trellis as a companion piece for her arbor for many years and has worked many long hours contemplating the design. I think it will break her heart if she has to remove it.

We believe that, with your approval, it is up to those who live East of her to determine if there is a view obstruction or not, and hopefully the City will waive the code issues.

Due to the immense flow of traffic down 13<sup>th</sup> Street (Metlox has routed *more* foot traffic down our street), not to mention the next wave-to-come upon completion of the new Mixed-use development where Good Stuff once was, the residents on 13<sup>th</sup> Street will appreciate some semblance of privacy.

In light of the fact that we are southwest of the property in question, we of course do not have any concerns of view obstruction at all.

Thank you for your consideration in approval of this permit.

Sincerely,

  
Mr and Mrs. Leventhal  
128 Thirteenth Street

CC/10/16/07  
**EXHIBIT**  
D

Rec'd at hearing  
PPIC  
9/27/07  
Sept. 25, 2007

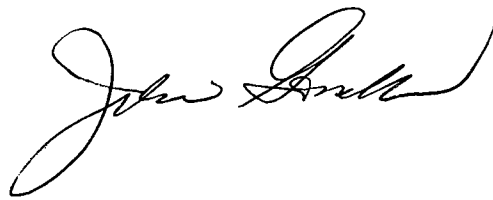
Concerning the front yard trellis at 133 13<sup>th</sup> Street, we would like to say that we think the trellis is attractive and unobtrusive, and we hope it will not be required to be removed. 133 has a lovely yard with lots of flowers and greenery, and the trellis adds to the charm of this yard. The trellis is well built and does not appear to block any views. As far as we are concerned, it should not be removed and we hope the city will heed our plea.

Sincerely,

Julie and Roy Gonella

120 13<sup>th</sup> Street, MB 90266

310 546-1354



**Rosie Lackow***late input*

**From:** Lucky, Noel [Noel.Lucky@golfdigest.com]  
**Sent:** Wednesday, September 26, 2007 11:50 AM  
**To:** Rosie Lackow  
**Cc:** Noel Lucky  
**Subject:** Trellis Encroachment Permit Appeal - 133 13th Street

I am writing you on behalf of Susie Bailey, property owner for home on 133 13th street and the city complaint about her trellis. My name is Noel Lucky and I am a property owner located 1300 Manhattan Avenue, #a.

My husband and I live directly across the street from Susie's home for the past 5 years.

This complaint is ridiculous use of your time, city money and our tax dollars. I am so disappointed in your value system of how you pursue Susie for doing NOTHING wrong. She merely REPLACED the existing trellis. She did nothing wrong. Who ever filed a complaint is an idiot and wasting our tax dollars.

Our neighborhood has been attacked by illegal works waiting early morning to go to building sites; we have contractors parking in fire zones thinking they own the place just because they have a PASS in their window and a constant noise attack from the builders. What is the city doing about all that? And to learn you are picking on Susie Bailey, a 40 year resident that is dedicated to the care and well being of her home, her neighbors....SHAME ON YOU!!! Shame on all of you to NOT RECOGNIZE how stupid this attack on Susie.....go after the contractors and their illegal workers who do NOT PAY TAXES.

Go after the kids who ride skateboards on the sidewalk threatening walkers with their speed; go after the dog owners who do not pick up after their dogs; go after the cab drivers that speed down Manhattan Avenue every single weekend; go after TOWNE...the restaurant that stays open well after legal hours and loaded with drunk people that spill out on the street causing noise and leaving trash.

THAT SHOULD BE YOUR JOB HERE, NOT PICKING ON A WONDERFUL WOMAN WHO MERELY REPLACED AN EXISTING STRUCTURE.

Do the right thing people, do right by our neighborhood and applaud Susie for taking care of her home by replacing an old trellis with the new wood.

Noel Lucky  
 Regional Sales Director  
 Golf Digest Publications  
 Phone: 310-536-2287  
 Fax: 310-536-0649

[www.golfdigest.com](http://www.golfdigest.com)

**GOLF DIGEST**

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09/26/2007

**Rosie Lackow**

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**From:** ATSLB@aol.com  
**Sent:** Thursday, September 27, 2007 10:37 AM  
**To:** Rosie Lackow  
**Subject:** Trellis Encroachment permit @ 133 13th Street

Dear Ms. Lackow:

Regarding the trellis at 133 13th street. I am a neighbor that lives at 1300 Manhattan Ave. which is directly in back of Suzy's house across the street.

The trellis in question has absolutely no impediments in sight or feature that in any way should be a problem. It bewilders me that someone would be so petty to even lodge a complaint about the trellis and waste valuable city manpower to address this problem.

I would think that city staff would have more important issues to address on taxpayers money.

Suzy does everything that a person on a fixed income could possibly do to beautify her home and the trellis is a very good exempla of this.

So, in summing up I would hope the city sees fit to allow the trellis to stay and to focus on, I hope, more important issues.

Sincerely,

Lee D. Bruck  
1300 Manhattan Ave B

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**Rosie Lackow**

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**From:** Martha Andreani [mandreani@scpie.com]  
**Sent:** Thursday, September 27, 2007 5:09 PM  
**To:** Richard Thompson; Rosie Lackow  
**Subject:** PPIC Tonight/Encroachment Permit Appeal 133-13th Street  
**Importance:** High

Hello Richard and Rosemary:

RE: Encroachment Permit Appeal -- 133 -- 13<sup>th</sup> Street  
Susie Bailey's trellis on the walkstreet encroachment

I had sincerely hoped to be able to attend this evening's PPIC meeting and support Susie Bailey's appeal for her trellis. However, I am unable to get away from work in time to speak to this agenda item. Please consider this email as support for Ms. Bailey.

It is an unfortunate oversight that Ms. Bailey did not obtain a permit to build the trellis in her front-yard at the northwest corner of 13<sup>th</sup> & Manhattan Avenue. However, she believed that since she was rebuilding a similar trellis that was previously constructed on the walkstreet encroachment in front of her home, she thought she did not need a permit. It is my understanding that she has now provided photographs to show that the structure previously existed, and she has paid appropriate fees.

Ms. Bailey lives in one of the nicest older homes in downtown Manhattan Beach. She cares for her home and her neighbors. She decorates the light poles several times a year. (They are particular nice at Halloween and Christmas.) Her home, including her front yard, have interest and "curb-appeal". I hope that you and the PPIC Commissioners will look at this project as supporting the city's goal of "encouraging remodels", albeit on a much smaller scale.

Again, I'm sorry I won't be able to attend the meeting in person and hope you will accept this email in support of the project.

Martha Andreani  
Resident  
Downtown Manhattan Beach

09/27/2007



**Rosie Lackow**

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**From:** ATSLB@aol.com  
**Sent:** Thursday, September 27, 2007 5:10 PM  
**To:** Rosie Lackow  
**Subject:** Trellis at 133 13th Street

To whom it may concern:

The trellis placed at 133 13th Street is of no hindrance to the neighborhood. It obstructs no views, is in excellent quality, style and condition. It is only an asset to the property and the surrounding neighbors.

Sincerely,

Ann Bruck  
1300B Manhattan Avenue  
Manhattan Beach, CA 90266

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See what's new at [AOL.com](http://AOL.com) and [Make AOL Your Homepage](#).

To: Richard Montgomery, Councilmember  
 Jim Aldinger, Mayor Pro Tem  
 From: Susie Bailey  
 Re: Petition to save "rebuilt Trellis" at 133 13<sup>th</sup> Street  
 Date: 7-31-2007

I/we are in complete agreement of the existence of the rebuilt trellis located in front of the home of Susie Bailey, 133 13<sup>th</sup> street. I/we strongly object to any consideration of the removal of the trellis.

NAME	SIGNATURE	ADDRESS	DATE
1) CHARLES BULINDA	<i>Charles Bulinda</i>	1309 MANHATTAN AVE	8-1-2007
2) Michael F. McNULTY	<i>Michael F. McNulty</i>	1404 Manhattan Ave	8/1/07
3) Marie Bald	<i>Marie Bald</i>	1213 Manhattan Ave	8/2/07
4) Sandra Cramer	<i>Sandra Cramer</i>	26200 Frempton Ave #49 Harbor City, CA 90710	08/02/07
5)			8/19/07
6) Michelle Varady		1700 2nd St MB, CA 90266	
7) BELINDA MITCHELL	<i>Belinda Mitchell</i>	3524 PINE MB 90266	8/23/07
8) Aretta Warshaw		132 14 <sup>th</sup> St MB 90266	8/23/07
9) <del>Richard</del>		2422 Graham Av. 3103744936	
10) JORGE ACOSM		22636 OCEAN AV #4 TOM. 90266	8/29/07

RE: Petition to save "rebuilt Trellis" at 133 13<sup>th</sup> Street

NAME                      SIGNATURE                      ADDRESS  
DATE

11) ~~\_\_\_\_\_~~ Jody Lewenthal      128 13<sup>th</sup> St., MB 91206

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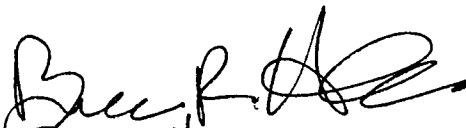
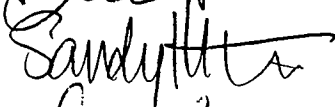
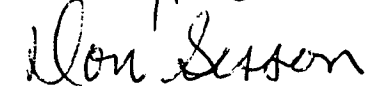

To: Richard Montgomery, Councilmember  
 Jim Aldinger, Mayor Pro Tem  
 From: Susie Bailey  
 Re: Petition to save "rebuilt Trellis" at 133 13<sup>th</sup> Street  
 Date: 7-31-2007

I/we are in complete agreement of the existence of the rebuilt trellis located in front of the home of Susie Bailey, 133 13<sup>th</sup> street. I/we strongly object to any consideration of the removal of the trellis.

NAME	SIGNATURE	ADDRESS	DATE
1) Noël Lucky	<i>Noël Lucky</i>	1300 Manhattan Ave # A	7-31-07
2) Jeff Reis	<i>Jeff Reis</i>	1300 Manhattan Ave	7-31-07
3) HARRY HOLZKE	<i>HARRY HOLZKE</i>	1308 MANHATTAN AVE	7/31/07
4) MIKE BARKER	<i>MIKE BARKER</i>	114 13 <sup>th</sup> ST	7/31/07
5) Roy Gowers	<i>Roy Gowers</i>	120 13 <sup>th</sup> St	7-31-07
6) John Smith	<i>John Smith</i>	120 13 <sup>th</sup>	7-31-07
7) Ann Bruck	<i>Ann Bruck</i>	1300B Manhattan	7/31/07
8) Lee Bruck	<i>Lee Bruck</i>	1300 Manhattan	7/31/07
9) JANE DENNIS	<i>JANE DENNIS</i>	901 Highview Ave	8-1-2007
10) Lori Jean Glass	<i>Lori Jean Glass</i>	20547 Palm Way Torrance CA 90503	8-1-2007

1) IS COMPLAINT & H Beach Resident?  
 2) THIS IS A REBUILD  
 over previous sign.

RE: Petition to save "rebuilt Trellis" at 133 13<sup>th</sup> Street

	<u>NAME</u>	<u>SIGNATURE</u>	<u>ADDRESS</u>	<u>DATE</u>
11)	Bruce Hilton		Bruce Hilton 129 13 <sup>th</sup> St <sup>8</sup>	
12)	Sandy Hilton		Sandy Hilton 129 13 <sup>th</sup> St 8 <sup>8</sup>	
13)	Don Sisson		DON SISSON 512 5 <sup>th</sup> St S/4	
14)	Holly Schwarz		1215 Manhattan Ave	8/21/0
15)				
16)				
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20)				
21)				
22)				
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24)				
25)				

October 8, 2007

To: City Council  
From: Nancy McKeever  
Subject: Susie Bailey's Appeal  
133 13<sup>th</sup> Street  
Manhattan Beach, CA 90266

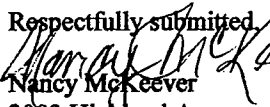
There is a possibility that I will be unable to personally attend the council meeting on Tuesday, October 16, 2007. Therefore, the following information is submitted to you for your consideration and for the record regarding Susie Bailey's appeal due to the denial of a trellis replacement on September 27, 2007.

Susie Bailey purchased her home, a California Bungalow, forty years ago and still lives there. The house has become a landmark in the Manhattan Beach community. It is located on the NW corner of 13<sup>th</sup> St. and Manhattan Ave. All you have to do is describe the residence and every body that has lived in our community for any length of time knows exactly the house in reference. At the time Bailey bought the property it included a trellis on the walk street portion of the lot. Through the years Bailey continued to repair the trellis until approximately two years ago, when it had become beyond repair.

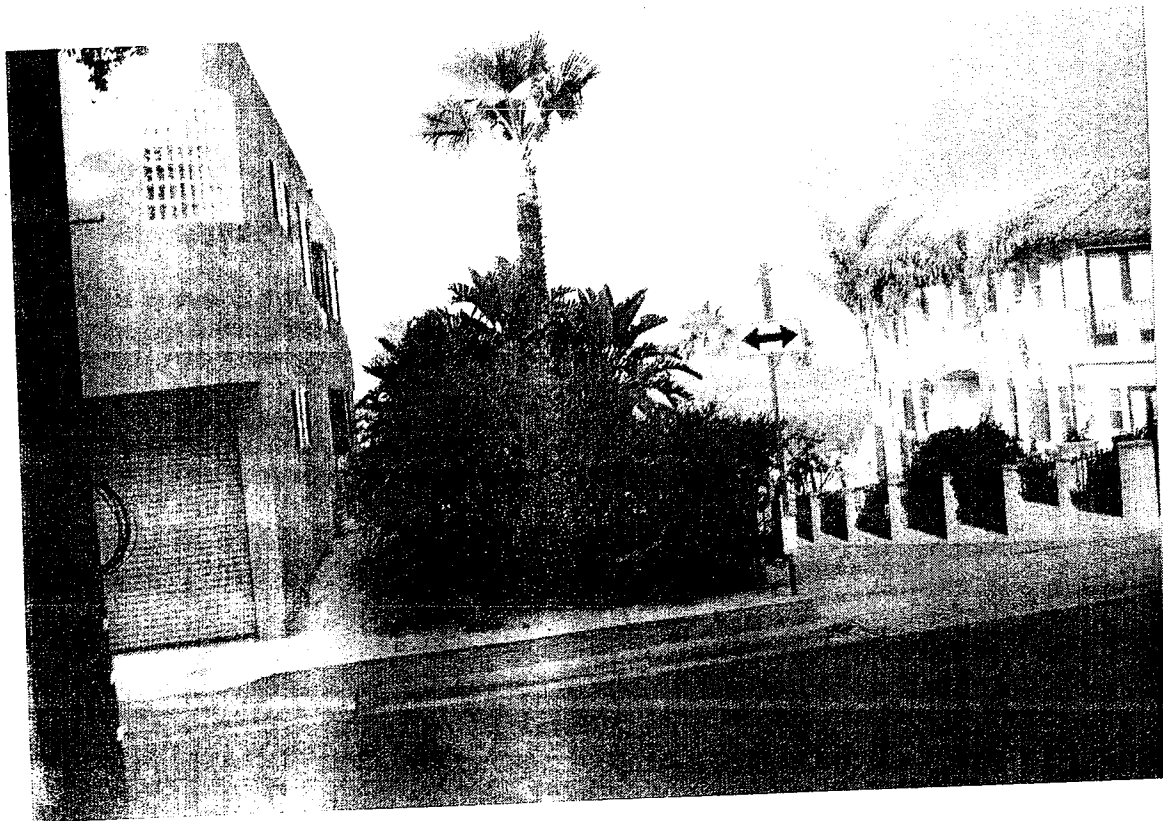
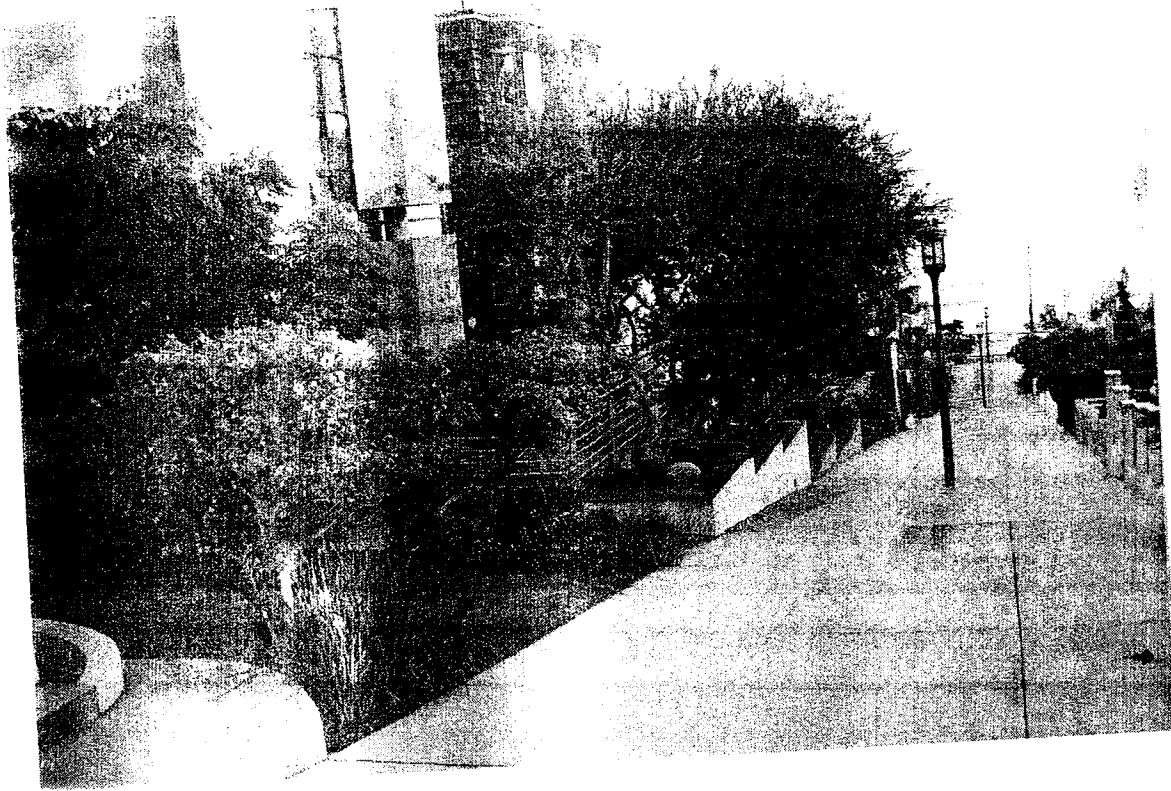
Recently, Bailey was able to replace what had been an existing structure. As we are all aware, over the years the complexion of the city of Manhattan Beach has changed dramatically, along with new rules and codes. As a result, some person has complained to the city regarding the replacement of the forty year plus trellis. They are comparing the height of this "open structure" to that of a fence and/or hedge which is limited to a height of 42 inches. Well if the trellis would comply with that same code, one would have to crawl on their hands and knees to get to the front door.

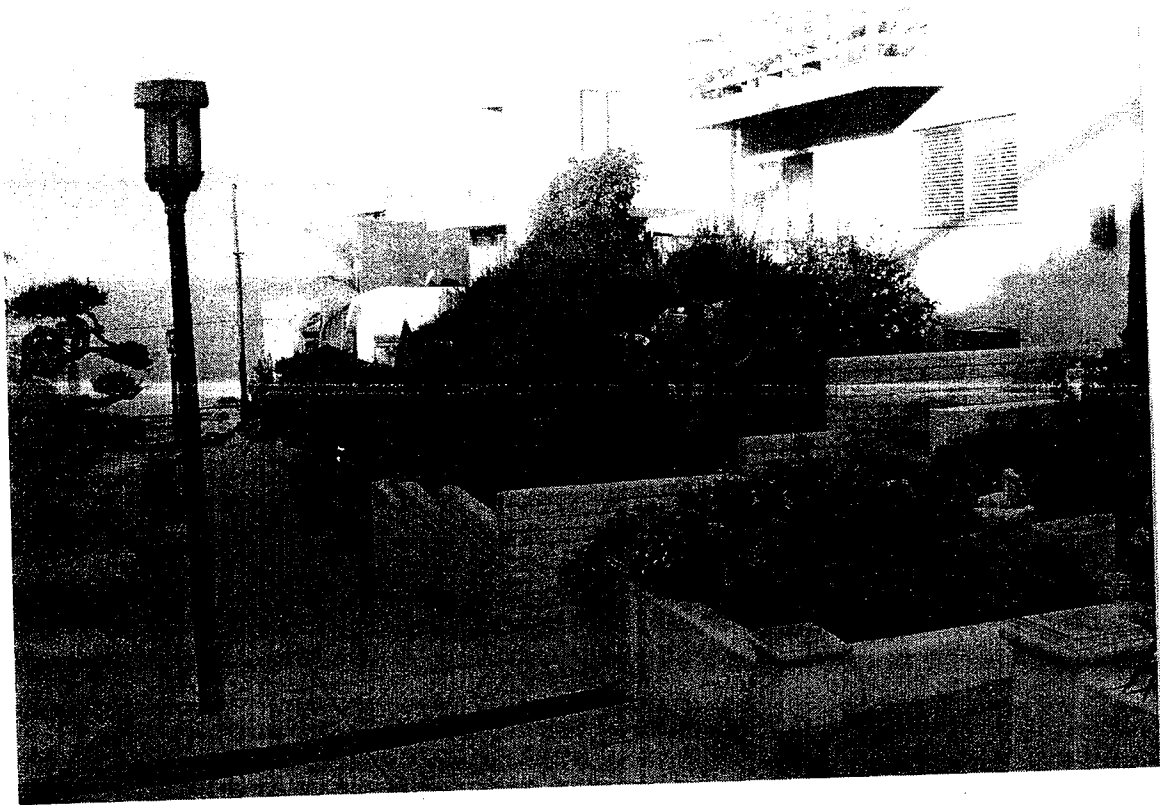
This issue came before the Commission on September 27, 2007 who denied Bailey's attempt to keep the replaced trellis. During the meeting one could hear, repeatedly, the expression "it will set a precedent". **The precedent has already been set.** I am submitting pictures of newer homes on a few of the walk streets. Even though the properties have complied with fence/wall heights these pictures clearly indicate the non-compliance of trees and other vegetation located on city property.

Unlike the East coast, the state of California is notorious for demolishing landmarks. Unfortunately, the city of Manhattan Beach has fallen into this same category. It is my understanding that Bailey's house is up for consideration to become a historical land mark in the community. As previously mention, the trellis was a part of the property for over forty years – all the more reason for the replacement trellis to be allowed to remain.

Respectfully submitted,  
  
Nancy McKeever  
2003 Highland Avenue  
Manhattan Beach 90266

Pictures to follow.









City Hall

1400 Highland Avenue

Manhattan Beach, CA 90266-4795

Telephone (310) 802-5000

FAX (310) 802-5001

October 2, 2007

### PUBLIC MEETING NOTICE

Re: Request for Encroachment Permit Appeal - 133 13<sup>th</sup> Street

Dear Ms. Bailey:

On September 27, 2007, the Parking and Public Improvements Commission reviewed your request to maintain a trellis structure recently built within the walk street right of way adjacent to 133 13<sup>th</sup> Street that does not conform to Encroachment Permit development standards. The Commission voted to recommend that this request be denied by the City Council.

The City Council will review this recommendation at a public meeting on Tuesday, October 16, 2007. 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. Should you wish to submit any additional information to be made a part of the staff report in advance, please submit to me no later than Monday October 8<sup>th</sup>.

This matter will be on the portion of the City Council 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 (to deny the appeal) 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 802-5515.

Sincerely,

Rosemary Lackow  
Senior Planner



Fire Department Address: 400 15<sup>th</sup> Street, Manhattan Beach, CA 90266 FAX (310) 802-5201

Police Department Address: 420 15<sup>th</sup> Street, Manhattan Beach, CA 90266 FAX (310) 802-5101

Public Works Department Address: 3621 Bell Avenue, Manhattan Beach, CA 90266 FAX (310) 802-5301

