



Agenda Item #: _____



Staff Report

City of Manhattan Beach

TO: Honorable Mayor Montgomery and Members of the City Council

THROUGH: Geoff Dolan, City Manager

FROM: Jim Arndt, Director of Public Works
Dana Greenwood, City Engineer
Gilbert Gamboa, Associate Engineer

DATE: May 20, 2008

SUBJECT: Uphold the Parking and Public Improvements Commission Recommendation to Approve a Request to Relocate an Existing Utility Pole at 1750 Nelson Avenue

RECOMMENDATION:

Staff recommends that the City Council pass a motion to uphold the Parking and Public Improvement Commission (PPIC) recommendation to approve the request to relocate an existing utility pole at 1750 Nelson Avenue 30 feet to the west.

FISCAL IMPLICATION:

Approval of this item will have no impact on the City's budget. The entire expense of relocating the existing utility pole will be the responsibility of the property owner and not the City.

DISCUSSION:

At the City Council's March 7, 2000 Council meeting, Resolution Number 5538 was approved, establishing a policy regarding utility pole relocation in connection with development of private property. This policy restricts the relocation of utility poles for view or aesthetic reasons. If there is a substantial engineering justification to relocate the pole, then the pole in question may be moved the minimum distance to resolve the issue. Any exceptions to this policy that are based on an engineering justification require a public hearing before the Parking and Public Improvements Commission and subsequent ratification by the City Council.

Development plans for the residential property at 1750 Nelson Avenue have been reviewed and approved by the Planning Division of the Community Development Department and the property is currently in the construction phase for a new single family dwelling with an attached 3-car (tandem) garage. The approved plans called for the existing utility pole to remain adjacent to the existing driveway approach. The existing location of the utility pole does not interfere with any driveway or walkway access to the approved development; however, as stated in the applicant's request, the property owner believed that the existing pole location posed a hardship and limited the property owner's potential driveway improvement. The property owner proposed to widen the driveway in the near future, pending the results of this request.

Prior to disclosure of the City's policy, the property owner discussed the relocation request with the local Southern California Edison (SCE) residential planner. SCE's planner proceeded with the relocation of the utility pole without notifying City staff.

When the resident's architect proposed widening the existing driveway (and before the property owner subsequently submitted a request for the pole to be relocated 30' to the west), City staff advised the architect that as a condition of approval prior authorization through the City Parking and Public Improvements Commission would be required to relocate the utility pole. The applicant's architect failed to inform the property owner or SCE, in a timely manner, of the City's requirement. Once the property owner was advised, he attempted to inform SCE of the City's process in an effort to halt the relocation effort; however, SCE had already installed a new utility pole.

The new (bare) utility pole was erected approximately 30 feet to the west of the existing utility pole's current location. Utility service wires have not yet been transferred over to the new pole. The property owner has paid \$14,362.25 for the relocation and is now requesting approval of the new utility pole location.

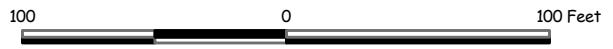
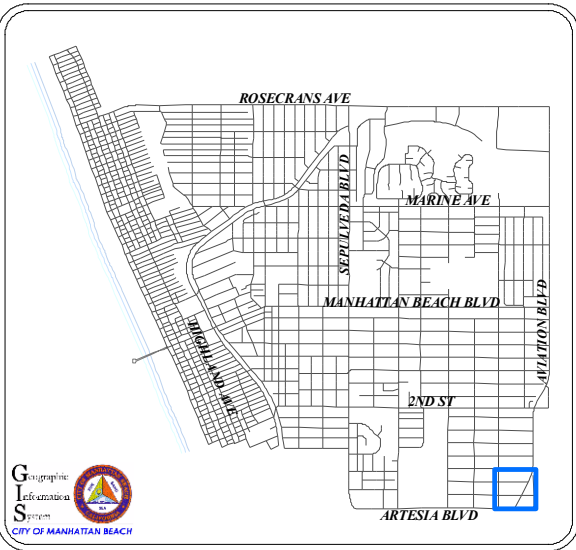
This item was reviewed by the PPIC at their April 24, 2008 meeting. Prior to that meeting, 80 notices were mailed out to residents within a five hundred foot radius of the development. Staff received two (2) responses regarding the meeting and only the applicant appeared at the PPIC meeting. The adjacent neighbor (1746 Nelson Ave) most impacted by the utility pole relocation submitted a letter in favor of the relocation the day of the PPIC meeting. The Commission concurred that the requesting property owner did not intentionally attempt to circumvent the City's process. The applicant's request to move the pole was approved by the Commission on a 3-1 vote (Commissioner Donahue absent).

CONCLUSION:

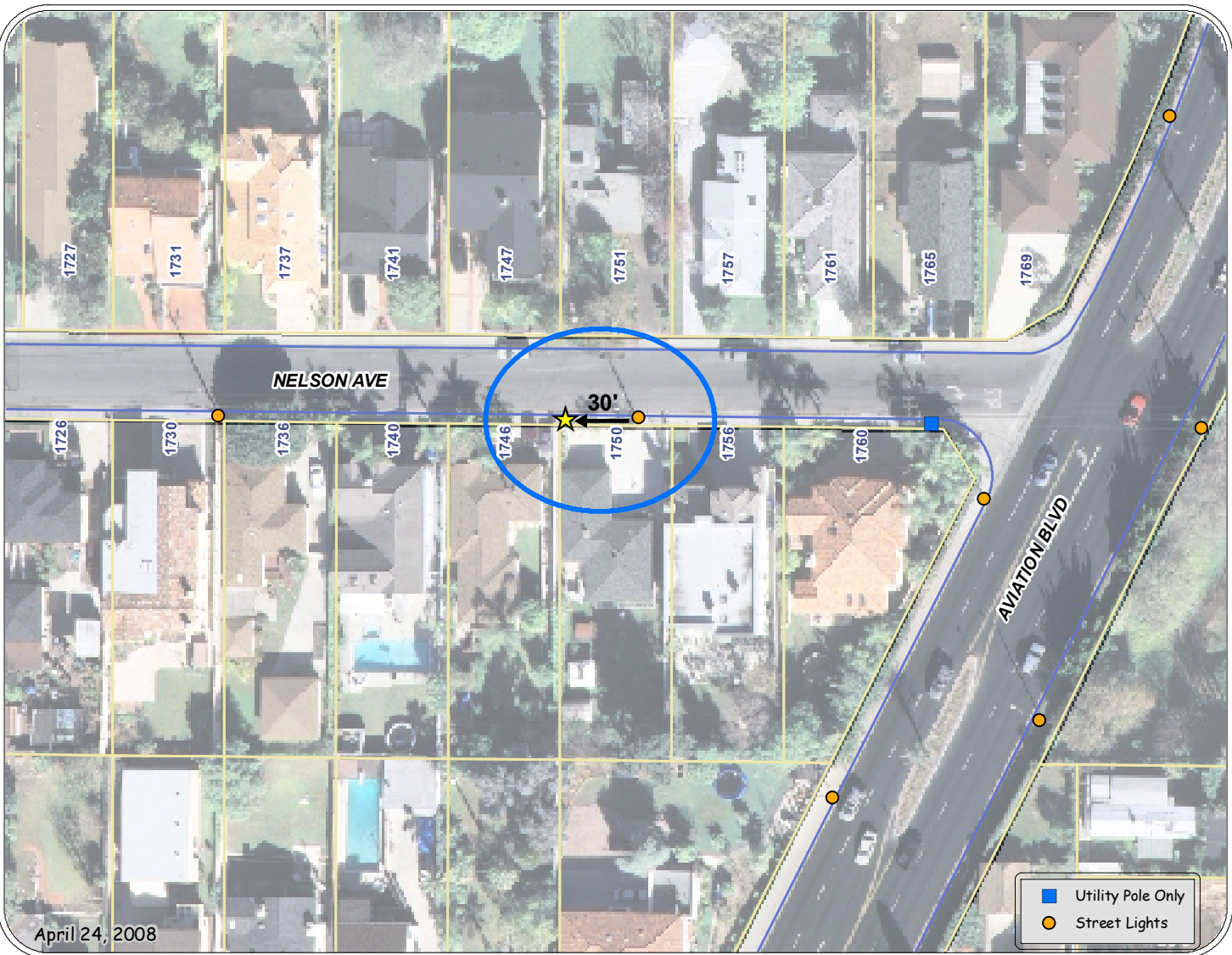
Staff is recommending that City Council uphold the Commission's recommendation to approve the request to relocate the existing utility pole 30 feet to the west.

Attachments: Location Map
Applicant's Letter of Request
Site Photos
PPIC Minutes from 4/24/08 Meeting
Resolution No. 5538
Applicant's Correspondence Letters
Site Plan (not to scale)
SCE Relocation Plan (not to scale)
Adjacent Neighbor's Letter of Approval

Utility Pole Relocation 1750 Nelson Ave Manhattan Beach



- Existing Location
- ★ New Location



3-4-2008

To,

Dana Greenwood
City Engineer, City of Manhattan Beach
1400 Highland Ave.
Manhattan Beach, CA. 90266

RE: Property 1750 Nelson Ave, Manhattan Beach CA. 90266, RELOCATION OF POWER POLE (SCE) to accommodate drive way for new construction.

Dear Mr. Greenwood,

We are in the process of a new Single Family Residence construction on the above property for personal use.

The front property line has a significant downhill grade as per the survey. Front West corner = 61.92, front East corner = 54.40 Delta = 7'-6". Given the above, the driveway and access to the property is planned through the front East corner which is the downhill portion.

The utility pole (Southern California Edison) is at about 13'9" from the front East corner of the property. As per the building plans for the new structure the existing location of the Power Pole is in the centre of the garage opening. For the new construction by code we have been required to provide for a 3 car parking which is planned as a tandem.

I am therefore requesting an approval from PPIC to relocate this Power Pole, in order to improve our access to the property.

I had already contacted Mr. CHAD MINTON from SCE who is the planner for SCE for Manhattan Beach. I have included his proposal for the pole relocation showing the current position and proposed relocation of the Pole. Please note that the utility pole relocation is proposed by SCE within the property lines to the west end.

I understand from Mr. Edward Koan that I will have to bear the cost charged by SCE for this relocation, if approved. I also understand that there are some charges payable to the city for staff time. As per the information received from Mr. Koan I have also attached supporting documents as listed in enclosure.

I have been working as a Medical Oncologist in South Bay being on call for the emergency room of our area hospitals (Torrance Memorial Medical Center, Little Company of Mary Hospital-Torrance). I have 4 children, 3 of whom are school going. In the current situation as explained above I foresee hardship with access to the property and the garage. I worry more about if a car was to stall in the drive way than our access to and exit from the property could be completely blocked for vehicular traffic.

I look forward to your kind consideration in this matter. Please do not hesitate to call me if there are any questions or any other information that is needed.

Sincerely,

A handwritten signature in black ink, appearing to be 'Syed Jilani', written in a cursive style.

Syed Jilani, MD.

Mailing Address:

Home:4344 Glencoe Ave, #3, Marina Del Rey CA. 90292
Office:514 N. Prospect Ave, 4th floor, Redondo Beach CA. 90277
Phone: (310)918-8032
Fax: (310)818-5512

Encl: 2 COPIES EACH OF

- 1-Copy of property survey
- 2-New building plan showing driveway and garage
- 3-Proposal by SCE (Mr. Chad Minton) for relocation of Power Pole.



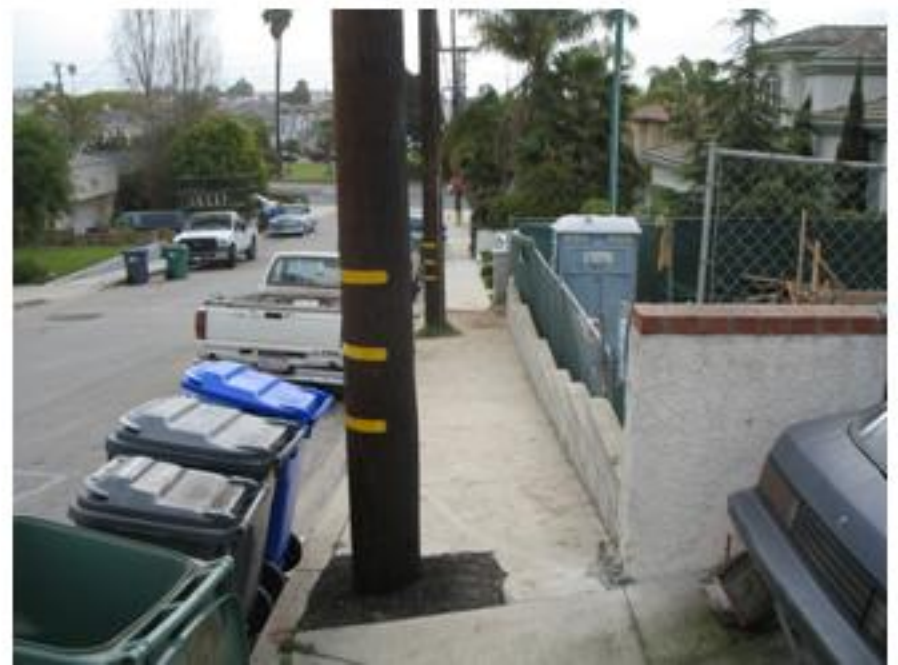
ABOVE: Looking *eastbound* on Nelson Ave

BELOW: 1750 Nelson Ave, Existing Driveway



ABOVE: Looking *westbound* on Nelson Ave

BELOW: New utility pole location



**CITY OF MANHATTAN BEACH
PARKING AND PUBLIC IMPROVEMENTS COMMISSION
MINUTES OF REGULAR MEETING
April 24, 2008**

The Regular Meeting of the Parking and Public Improvements Commission of the City of Manhattan Beach, California, was held on the 24th day of April, 2008, at the hour of 6:35 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

A. ROLL CALL

Present: Gross, Silverman, Stabile and Chair Paralusz.
Absent: Donahue.
Staff Present: Stevenson.
Clerk: Pompano.

B. AGENDA CHANGES

None.

C. APPROVAL OF MINUTES – February 28, 2008

A motion was MADE and SECONDED (Gross/Stabile) to approve the minutes of February 28, 2008.

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

D. CITY COUNCIL AGENDA

Management Analysts Stevenson reported that the City Council upheld the Commission's recommendations pertaining to Ingleside Drive South of 5th Street and the Alley between 542 and 544 Marine Avenue.

E. AUDIENCE PARTICIPATION

None.

F. GENERAL

1. Request for Relocation of Utility Pole at 1750 Nelson Avenue

Associate Engineer Gilbert Gamboa presented staff's report and recommendations that the relocation distance be limited to 12 feet to the west.

Audience Participation

Syed Jilani M.D., the applicant, thanked the Commission for their thorough discussion on this matter, and explained that the purpose of his request to relocate the utility pole is to improve access to the property. He then provided background information on what transpired with the local Southern California Edison (SCE) residential planner and City staff, and the utility pole being relocated prematurely. Dr. Jilani assured the Commission that as a City homeowner he wants to fully comply with the City's rules and regulations, and in no way attempted to circumvent the process.

Discussion

Commissioner Silverman talked of Dr. Jilani's attempts to contact SCE to inform them that the utility pole should not be relocated until the City formally approves such relocation, and stated that he believed this was an honest mistake. Commissioner Silverman remarked that in the spirit of the City's resolution he will approve the request.

Commissioner Stabile shared that after hearing Dr. Jilani's comments, he does not believe he intentionally tried to circumvent the process. However, Commissioner Stabile opined that Dr. Jilani's architect should have known and informed his client of the City's policy. He believed the mistakes of the architect and SCE should not afford a resident a special opportunity, and that the City's resolution should be followed. Commissioner Stabile indicated that he would not be in favor of the request as it now stands. However, he would support a relocation of the utility pole limited to 12 feet or denial of the current request pending a newly submitted application.

Commissioner Gross relayed his support for allowing the utility pole to remain at its current location, and asked that staff look into the legislation history and intent of the City's resolution that governs utility pole relocation.

Chair Paralusz voiced her support for the request, stating that Dr. Jilani took the proper steps to follow the City's policy, that no one has objected to the relocation, and that approval of the relocation is not prohibited under the City's resolution.

Action

A motion was MADE and SECONDED (Gross/Silverman) to approve the applicant's request to relocate the utility pole 30 feet to the west.

AYES: Gross, Silverman and Chair Paralusz.

NOES: Stable.
ABSENT: Donahue
ABSTAIN: None.

2. Review of Proposed 2008-2009 Capital Improvement Program

City Engineer Dana Greenwood reviewed the proposed 2008/2009 Capital Improvement Program. Director of Public Works Jim Arndt provided additional information on the studies being proposed, stating that they will provide a snap shot of the current conditions and aid in determining the appropriate course of action.

The Commission discussed the proposed studies as well as the PPIC's role in ensuring adequate infrastructure is maintained in the City.

Commissioner Gross confirmed with City Engineer Greenwood that the PPIC is their only advocate for infrastructure. He stated that the Commission needs to take this role seriously and suggested that the results of these studies be brought back to the Commission for review and recommendations on implementation and budget.

Chair Paralusz acknowledged the 75 year infrastructure and shared that she is pleased to see proactive steps being taken.

Commissioner Silverman suggested a study session be scheduled with staff to further educate the Commission on the City's infrastructure.

Commissioner Stabile voiced his concern with the list of unfunded projects, and the spending of considerable money on temporary measures that will intercept with the Facilities Master Plan.

Public Works Director Arndt responded that the proposed allocations on the unfunded list are meant to act as "place holders." The City Council will ultimately determine the proper course of action based on the implementation of the Facilities Master Plan.

Gary Osterhout stated that he is pleased to see the Commission addressing this issue with such vigor. He added that funding is not in place to maintain the City's infrastructure and opined that the City Council needs to adjust service rates accordingly. Mr. Osterhout also commented on the proposed studies and the importance of ensuring that accountability is built into the budget

G. COMMISSION BUSINESS

Chair Paralusz stated that the red curb on Manhattan Beach Boulevard between Peck Avenue

and Rowell Avenue appears to be a great improvement.

A discussion was held regarding a letter received from Kyle Shimizu regarding Lot 65C. Manhattan Beach Police Lieutenant Andy Harrod stated that he reviewed the issues which led to the locking of this lot in the evening and addressed the areas of concern. The Commission agreed to have staff edit the letter, drafted by Commissioner Gross, for their approval.

Lieutenant Harrod further advised that he will periodically attend PPIC meetings to keep himself apprised of issues the Commission is dealing with and that he is available to the Commission if needed.

H. ADJOURNMENT

The meeting was adjourned at 8:45 p.m.

KARA POMPANO
Recording Secretary

KATHLEEN PARALUSZ
Chair

ATTEST:

ANA STEVENSON
Management Analyst

RESOLUTION NO. 5538

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ADOPTING A POLICY PROHIBITING THE RELOCATION OF UTILITY POLES ON PUBLIC RIGHT-OF-WAY IN CONNECTION WITH DEVELOPMENT OF PRIVATE PROPERTY FOR AESTHETIC REASONS, AND ESTABLISHES PROCEDURES FOR REQUESTS TO RELOCATE UTILITY POLES FOR SUBSTANTIAL ENGINEERING OR ACCESS REASONS

WHEREAS, the City Council has determined that from time to time developers of private property request utility poles located in the public right-of-way be relocated to accommodate such development of private property; and

WHEREAS, it is a finding of the City Council that the movement of utility poles may adversely affect the environment of nearby residents; and

WHEREAS, the City Council finds that it is in the best interest of the City to restrict the movement of utility poles in connection with development of private property; and

WHEREAS, the City Council finds that there may be circumstances that a utility pole needs to be moved a minimal distance to allow access to the property being developed or other substantial engineering reasons; and

WHEREAS, the City Council finds that even when there are access or substantial engineering reasons to move a utility pole, that property owners and residents located within at least five hundred feet of the utility pole or poles be notified of a public hearing before the Parking and Public Improvements Commission; and

WHEREAS, the City Council has determined that the decision of the Parking and Public Improvement Commission regarding the utility pole(s) relocation be ratified by the City Council.

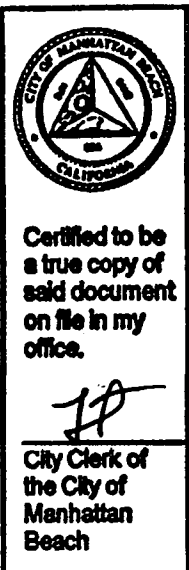
NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES HEREBY DECLARE, FIND, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the following policy be approved:

Requests by developers of private property to move utility poles located on public right-of-way, shall not be allowed for view or aesthetic reasons, but may be approved if substantial engineering or access reasons exist to enable development of the property. In those cases where substantial engineering or access reasons exist, the request to relocate pole(s) in question must be approved, after a public hearing, by the Parking and Public Improvements Commission, and ratified by the City Council.

SECTION 2. The City Clerk shall make this Resolution reasonably available for public inspection within thirty (30) days of the date this Resolution is adopted.

SECTION 3. The City Clerk shall certify to the adoption of this Resolution and thenceforth and thereafter the same shall be in full force and effect.



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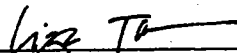
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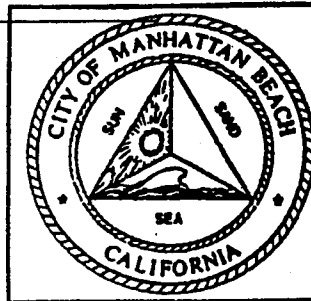
PASSED, APPROVED and ADOPTED this 7th day of March, 2000.

Ayes: Napolitano, Dougher, Fahey and Mayor Wilson.
Noes: Lilligren.
Absent: None.
Abstain: None.

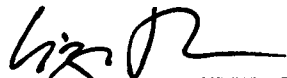

Mayor, City of Manhattan Beach, California

ATTEST:


City Clerk



Certified to be a true copy
of the original of said
document on file in my
office.


City Clerk of the City of
Manhattan Beach, California

3-14-2008

To,

Mr. Gilbert Gamboa,

Engineer, City of Manhattan Beach.

Re: 1750 Nelson Ave, Relocation of Utility pole.

Dear Mr. Gamboa,

Thanks for following up on my application on the above matter.

As per my discussion with you I am enclosing the letter faxed to Mr. Chad Minton on 1/4/2008. I had sent the copy of my letter to my Architect Mr. Cardenes as well to make him aware of this situation.

To again summarize my discussion with you for the relocation of the pole we had initially contacted SCE (Southern Ca. Edison) around september of 2007. Mr. Chad Minton had been in contact with us and he had explicitly told us that the pole is responsibility of SCE and he will make an assessment for need of relocation and make a plan and that we will have to pay for the work. Based on his explanation as the planner for SCE we proceeded to make the payment to SCE.

It was not until 1/4/2008 that I became aware of the need for approval from PPIC and City council for relocation of the pole. The information was given to me by my Architect Mr. Cardenes in my meeting with him the morning of 1/4/2008. On learning this I immediately contacted Mr. Minton and after not getting any response from his office I faxed him a letter same day which is attached. I followed up with him the following week and after several messages spoke with him and clearly explained to him the situation and as in the enclosed letter told him explicitly that the pole should not be relocated until the city procedure has been complied with. He gave me the assurance that work will be postponed. He also stated that he has "never come across this situation before" in which he needed the permission from the city. I further explained to him that I have a written commitment with the city as this is part of the approved plan for the new construction. He told me that he is going to discuss with the City of Manhattan Beach. I did not hear anything back from him for several weeks despite leaving multiple messages for him.

To add to this situation we noticed that within the last 3-4 weeks at some point SCE had indeed erected another pole, though no connections were made. I again left several messages for Mr. Minton finally a response stating that he has not had the time to follow through.



As a homeowner in the city, I want to fully comply with the city rules and regulations, for I sincerely believe this is important for the common good of everyone living here. I will not knowingly try to bypass any city procedure. As explained above in this matter I relied on what I was told by Mr. Minton as a responsible SCE official.

I look forward to working with you and the city officials. Please do not hesitate to call me for any questions.

Sincerely,



Syed Jilani
1750 Nelson Ave
Manhattan Beach, CA. 90266

Letter faxed to Mr. Chad Minton dated 1/4/2008

Mailing Address:
4344 Glencoe Ave, #3
Marina Del Rey, CA. 90292

Phone: 310.918.8032
Fax: 310.818.5512

Jan 4th, 2008

Chad Minton

Service Planner

Southern California Edison

RE: 1750 Nelson Ave. Manhattan Beach, Ca. 90266, Relocating Edison Electric Pole. Invoice #13403, Service Request # 1068135.

Dear Mr. Minton,

As Regards to above, As per your plan and invoice we have made the payment of \$14,362.25-

Today I was told by my Architect Mr. Andres Cardenes that as per notification from Mr. Clarence Van Corbach, Public works Utilities Manager, for the city of Manhattan Beach, the following has to be added to the 'NOTES' in the building plans before city approval will be issued. The notification reads as follows.

"Before the utility pole located 12' west of the east property line on Nelson Avenue can be relocated, approval from PPIC and City Council and a building permit must be obtained"

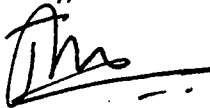
This is contrary to my discussion with you in the past, when I was told that the pole in question is "not under the jurisdiction of city of Manhattan beach" and there are no permits or approval required from the city. That is why we had continued to work with SCE and made the payment for relocating the pole.

We are otherwise ready to start construction and just waiting for the city approval of plans. This is at this time subject to the above notification.

The above issue needs to be clarified urgently. Until than the pole should not be relocated. I can be reached at 310.918.8032.

With Best Regards,

Sincerely,



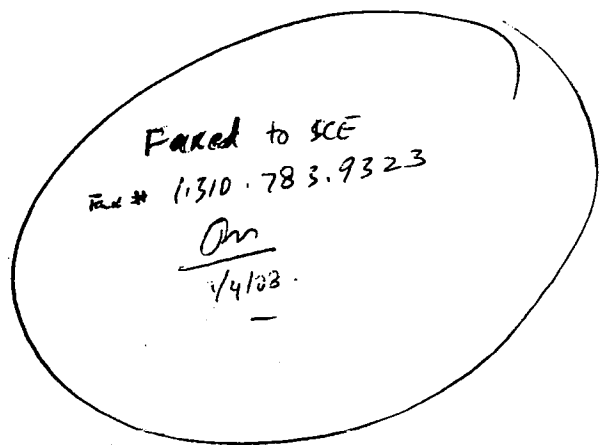
Syed Jilani.

4344 Glencoe Ave,

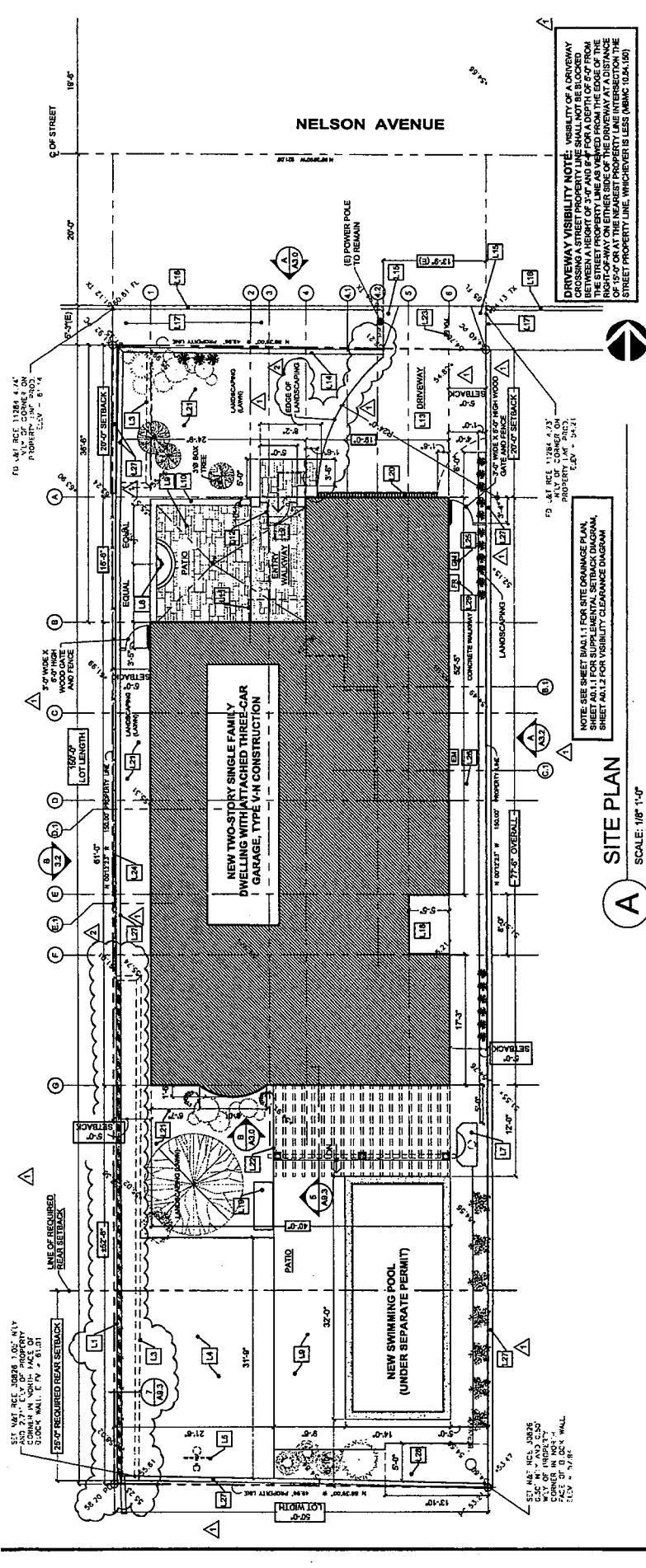
Marina Del Rey, CA. 90292

Phone:310.918.8032

Fax:310.818.5512



Faxed to SCE
Fax # 1-310-783-9323
On
1/4/08



NELSON AVENUE

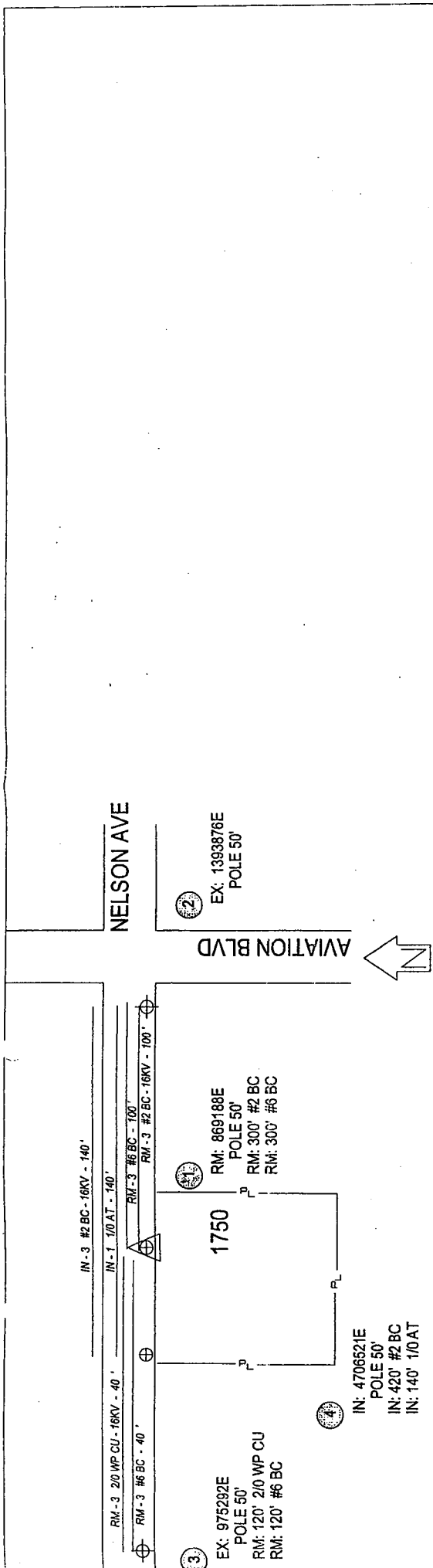
DRIVEWAY VISIBILITY NOTE: VISIBILITY OF A DRIVEWAY CROSSING A STREET PROPERTY LINE SHALL NOT BE BLOCKED BY ANY OBSTACLE. THE DRIVEWAY SHALL BE OPEN TO THE STREET PROPERTY LINE AS VIEWED FROM THE EDGE OF THE RIGHT-OF-WAY ON EITHER SIDE OF THE DRIVEWAY AT A DISTANCE OF 100 FEET OR MORE FROM THE DRIVEWAY PROPERTY LINE. THE STREET PROPERTY LINE, WHEN CHANGED IS LESS THAN 100 FEET FROM THE DRIVEWAY PROPERTY LINE, THE DRIVEWAY SHALL BE OPEN TO THE STREET PROPERTY LINE, WHEN CHANGED IS LESS THAN 100 FEET FROM THE DRIVEWAY PROPERTY LINE.

NOTE: SEE SHEET B9A1.1 FOR SITE DRAINAGE PLAN, SHEET A9.1.1 FOR SUPPLEMENTAL SETBACK DIAGRAM, SHEET A9.1.2 FOR VISIBILITY CLEARANCE DIAGRAM

A SITE PLAN
SCALE: 1/8" = 1'-0"

SET BACK REL. JOBS 1.02' N.Y. W/ 1/2" OF UNDEVELOPED CORNER IN SOUTH FACE OF STOCK WALL, E. P.V. = 61.31

SET BACK REL. JOBS 1.02' N.Y. W/ 1/2" OF UNDEVELOPED CORNER IN NORTH FACE OF STOCK WALL, E. P.V. = 61.31



NOTE: EXISTING POLE BLOCKING FUTURE DRIVEWAY FOR 1750 NELSON AVE, REPLACING STRUCTURE 869188E WITH STRUCTURE 4706521E, LOCATED 40' WEST OF CURRENT LOCATION.

PLANNER: C Minton	PROJECT NAME: Relocate Pole	GRID NO.: 005	DISTRICT: 44 - SOUTH BAY
JPA NO.: E 6044 - 0339	PROJECT LOCATION: 1750 NELSON AVE, MANHATTAN BEACH CA 90266	THOMAS MAP: LACT32.J7	CIRCUIT: PISTON
DWC: 6044 - 60778	CUSTOMER: SCE	PRINTED SCALE: NOT TO SCALE	SUBSTATION: DITMAR
AI NUMBER: 60719	CUSTOMER ADDRESS: 505 MAPLE AVE TORRANCE CA 90503		INVENTORY MAPS: 42 64 A
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			VOLTAGE DROP:

April 24, 2008

Re: Request for relocation of utility pole at 1750 Nelson Avenue

To whom it may concern:

My name is Earl Chapin, I own and live at 1746 Nelson Av., Manhattan Beach, I am the adjacent property to the west of 1750 Nelson Av. The Edison company has relocated the pole approximately between our property lines and I have no objections to where it is presently been moved too. My reason is since Nelson is a incline and I am above 1750 Nelson Av when I walk out my front door the existing wires (where pole currently is) are in my view that is level with my eyesight. By moving the pole closer the existing wires will now hopefully be above my view shed.

Thank you,

Earl Chapin