



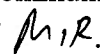


Staff Report

City of Manhattan Beach

TO: Honorable Mayor Ward and Members of the City Council

THROUGH: Richard Thompson, Interim City Manager 

FROM: Laurie B. Jester, Acting Director of Community Development 
Michael P. Rocque, Assistant Planner 

DATE: May 4, 2010

SUBJECT: Consideration of an Appeal of the Parking and Public Improvements Commission Recommendation to Deny an Encroachment Permit to Retain and Expand an Existing Overheight Retaining Wall within the Public Right of Way along Ingleside Drive adjacent to 441 2nd Street.

RECOMMENDATION:

Staff recommends that the City Council **APPROVE** a modification to the Encroachment Permit appeal to retain, lower, and not expand an existing 38" inch retaining wall, restore the grade accordingly, retain the existing trees and relocate a fence.

FISCAL IMPLICATION:

There are no direct fiscal implications associated with the recommended action.

BACKGROUND:

The property owners, Bartlett and Maria Mel, recently applied for a building permit to demolish the existing Single Family Residence (SFR) and construct a new SFR with the existing private encroachments in the public right of way along Ingleside Drive to remain and be expanded. The encroachments include a 38 inch retaining wall with 36 inch wood picket fence on top, three (3) Ash trees and an on-grade concrete patio. With the new building all areas of the property, including the encroachment area, must be in compliance with current Zoning and Municipal Code standards.

Research by Staff found that the existing 38 inch high retaining wall was permitted and constructed in 1997; however the existing 36 inch high wood picket fence on top of the wall was not part of the previous approval and was constructed without a required Encroachment Permit (Attachment A). Both the retaining wall and wood fence do not comply with current standards for private improvements within the public right-of-way established by Section 7.36.150D of the MBMC.

As staff does not have the ability to approve grading, walls, and fences that do not comply with the Encroachment Permit standards, the property owners subsequently filed an Encroachment Permit Appeal in January 2010. The original appeal sought approval to maintain the existing retaining

wall and wood fence and to construct a new retaining wall and fence that extends an additional twelve (12) feet to the north along Ingleside Drive. The owners also requested to maintain the three (3) existing Ash trees. Encroachment Permit appeals are heard by the Parking and Public Improvements Commission (PPIC).

DISCUSSION:

At the PPIC meeting on January 28, 2010, the Commission expressed several concerns regarding the subject encroachment. One of the major concerns from the Commissioners was that the removal of the existing retaining wall could ultimately result in the loss or removal of the mature trees and they felt the trees, walls and fences beautified the area. It was suggested by several of the Commissioners that the property owners perhaps design raised planters around the existing trees in order to save the trees and construct a new wall or fence along the perimeter of Ingleside Drive that complies with the current standards and does not act as a retaining wall. They were concerned that if the existing retaining wall were to be kept it could set a precedent for future encroachments. Several Commissioners felt that having information from an arborist on how removal of the wall may impact the trees could be helpful in making a decision.

The Commission discussed options to modifying the existing wall but ultimately the majority of the PPIC wanted the walls removed and replaced with smaller raised planters around each individual tree. The Parking and Public Improvement Commission then voted to deny (3-2) the subject appeal.

Since the January PPIC meeting, the owners and architect met with Staff to discuss several options and the owners submit an Arborist Report to determine if removing the retaining wall, removing the fill and restoring the original grade would impact the three (3) existing Ash trees. The applicants arborist report determined (Exhibit B) that the best solution would be to restore the grade by lowering it by approximately 4-9 inches and removing the top portion of the existing retaining wall to make it lower and re-finish the top with a cap. If the wall were to be demolished in its entirety, it would likely cause more damage in the critical root zone and hinder the trees health. The new proposed design is attached (Exhibit C) and shows that the new proposed wall height would be at approximately 30 inches in total height, 8 inches lower than existing, and that the grade would be lowered accordingly. It was also recommended that the property owners reduce the overall height of the tree canopies to control the size of the trees and reduce the physical stress at the tree base and roots.

The City Arborist felt that the grade could be lowered even further potentially. The trees were planted about 25 years ago on a slope and the soil was filled on top of the tree roots (12 years later) to create a level yard. Therefore, he feels the majority of the roots will be below the level of the fill. He suggested removing soil down to the root level, leaving a few inches of cover over the roots and lowering the wall height as needed to retain the new grade. The encroachment area would likely end up being sloped, similar to the original grade, and not level as it is now. Due to the confined growing space, age and species of the trees, the City Arborist felt that the existing trees may live another 10 years or so. When the trees need to be removed due to health or safety issues, staff would suggest that it would be appropriate to remove the retaining wall and have all improvements in the encroachment area conform to the Encroachment Permit Standards.

The property owners have agreed to not expand the existing retaining wall and wood picket fence 12 feet to the north as first proposed. They are requesting that they be allowed to replace the existing wood picket fence on top of the retaining wall which was denied by the PPIC. They have also proposed to convert an 18 inch strip between the curb and retaining wall to a permeable walking surface so pedestrians have safer access along Ingleside Drive.

The staff report and minute excerpts from the Parking and Public Improvement Commission's proceedings are attached to this report for reference (Exhibit D).

Public Input

Meeting notices for the both the PPIC meeting and City Council meeting were sent to all properties within 300 feet of the subject property. Staff has received two (2) e-mail comments, since the mailing of notice and both are in favor of retaining the existing encroachment area private improvements (Exhibit E).

CONCLUSION:

The encroachment standards for drive streets allow only non-retaining fences and walls limited to a maximum height of 42 inches, constructed on-grade. The subject retaining wall and fence are not consistent with the code, and constitutes a continuation and expansion of an existing nonconformity. However, due to the nature of this project and existing conditions within the encroachment area, staff supports the retention and lowering of the existing 38 inch retaining wall down to the level of the tree roots, restoring the existing grade accordingly, and keeping the existing trees. Staff also supports moving the fence 1-2 feet in back of the retaining wall and providing a landscape buffer in this area. In the future when it is necessary to remove the trees due to health reasons, the wall should be removed and all improvements modified to conform to the Encroachment Permit Standards.

ALTERNATIVES:

The alternatives to the staff recommendation include:

1. **DENY** the appeal and have the property owners restore the encroachment area to its original grade and remove the retaining wall, fence and trees, and **UPHOLD** the decision of the Parking and Public Improvements Commission (PPIC).
2. **UPHOLD** the appeal allowing the existing retaining wall to remain and be lowered down to the level of the tree roots, no expansion of the retaining wall, allow the existing wood picket fence to be replaced on top of the retaining wall and retain the existing mature trees.

Attachments:

A: Original Encroachment Plan approval-1997

B: Applicants Arborist Report and City Arborist Response

C: New Encroachment Design submitted 04/22/10

D: Public and Parking Improvement Commission Staff Report and excerpt minutes, dated 1/28/10 (duplicated deleted)

E: City Council Public Notice and e-mail comments



ENCROACHMENT PERMIT APPLICATION

Applicant Bartlett Mel Date 2/5/97
 Mailing Address 441 2nd St. Phone No. 379-0660
 Project Address _____
 Name of Legal Owners (as shown on title) Same
 Proposed Encroachment See attached

Applicant certifies he/she has read the standard Encroachment Permit Guidelines and shall comply with said guidelines; and shall not commence the construction of any private improvements in the public right of way without proper approval by the Community Development Department, and submittal of the required Insurance Endorsement form to the Community Development Department:

Signature Bartlett Mel

CASHIER \$ 155⁰⁰ amount receipt # 114622 Date 2/5/97 Initials JJ

Fee Schedule	Permit Application	\$155.00	Account No. 01-6146
	Permit Transfer	\$155.00	
	Permit Appeal	\$405.00	

Legal Description LOT 13, BLOCK A, LEVELDUNE TRACT
 Map Book 14 Page 17 APN 4180-12-13

Comments/Notes _____

EXHIBIT A
 CC # 5/4/2010

Approved [Signature] Date 2/10/97
 Community Development Department

2/4/97

Rob,

Upon remeasuring the heights of our existing garden walls (with very inexact methods), it seems as if our new retaining wall could need to rise to a height of approximately 40" (off the curb) at the extreme southern end where Ingleside dips to its lowest. I had stated a figure of 38" max height in my letter, so I wanted to call attention to this modification in our proposal. Since the "official" limit is 42", I don't expect this to be a problem, but just wanted to make explicit our intention.

Sincerely,

Ben Platt ML

Bartlett W. Mel
441 2nd Street
Manhattan Beach, CA 90266
(310)379-0660, 379-8070 fax

January 26, 1997

Mr. Robert Osborne
City of Manhattan Beach
Right-of-Way Division

Dear Mr. Osborne:

In the summer of 1995, we submitted a proposal to your department to develop part of the 10' right-of-way strip running along the east side of our house. At that time, you told us that you and your associates were uncertain as to whether our proposal fell fully within your encroachment permit guidelines, and that given your uncertainty in the interpretation of the guidelines, you would waive the normal fee (then \$400) so that we could take our proposal directly to the city council. While we appreciated your granting us the fee waiver, for a variety of mundane reasons we opted not to pursue that course.

With the intervening year and a half to reflect on the possibilities, we have decided to submit a substantially scaled-back plan for this strip of land which complies fully with the letter of the encroachment permit guidelines. Please refer to the enclosed drawings.

The new construction is to consist of only a single retaining wall running along the east side of the house on Ingleside. The top of the wall is to be 38" off the curb at its maximum point, and will stop 18' short of 2nd Place on the north end and 28' short of 2nd St. on the south end of our property. The wall will be an 8"-wide stucco wall capped with tiles to match the house and the other walls in our garden. The existing 4'-high stucco patio wall on our property line will be removed. The area inside the new retaining wall will be leveled with earth, and covered with loose-fitting flagstones with grass interstices. The borders both inside and outside the new wall will be filled with plants.

One of the main aims of this development is to open up our small, walled-in patio to integrate the very nice trees and which grow just outside. We believe that the elimination of the existing patio wall, which rises to a height well over 6' off the curb, and the inclusion of the existing trees within a landscaped, flagstone patio, will significantly improve the look of the land from all directions.

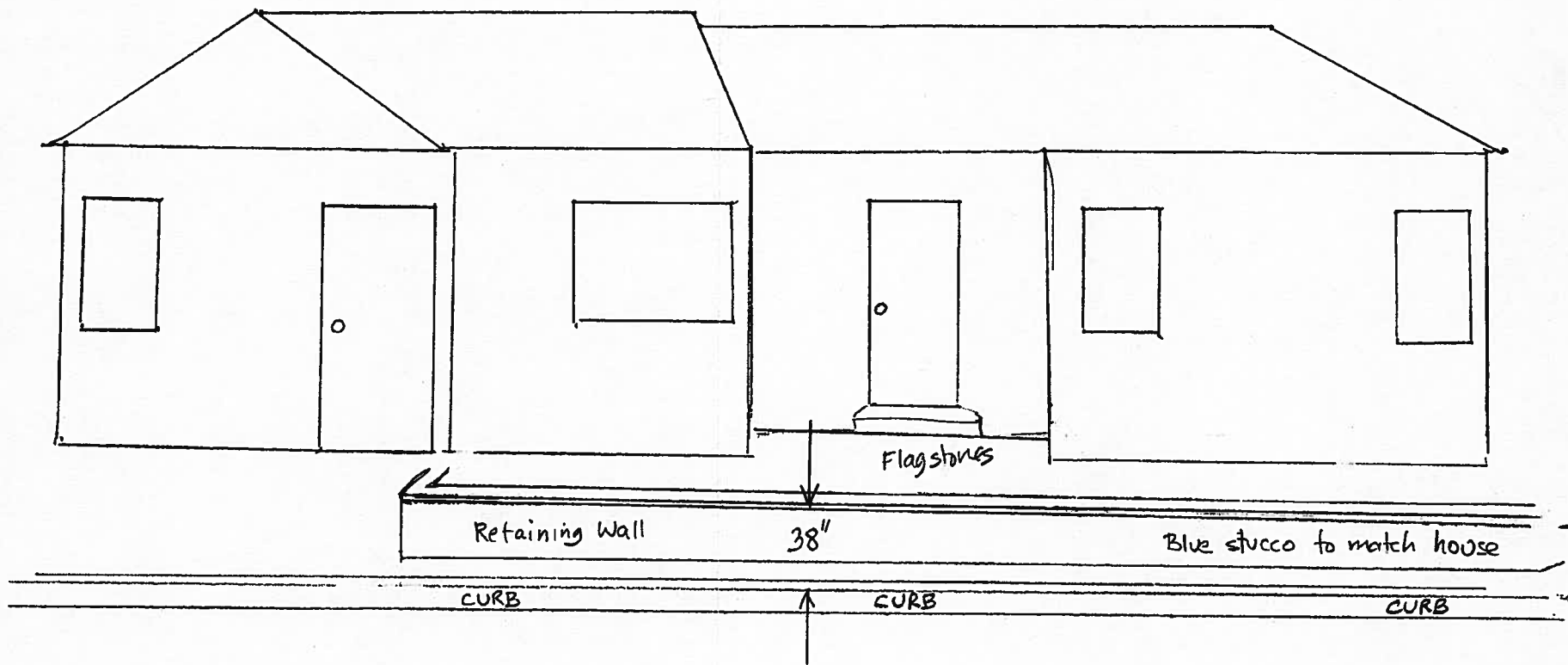
The two enclosed drawings illustrate our plan.

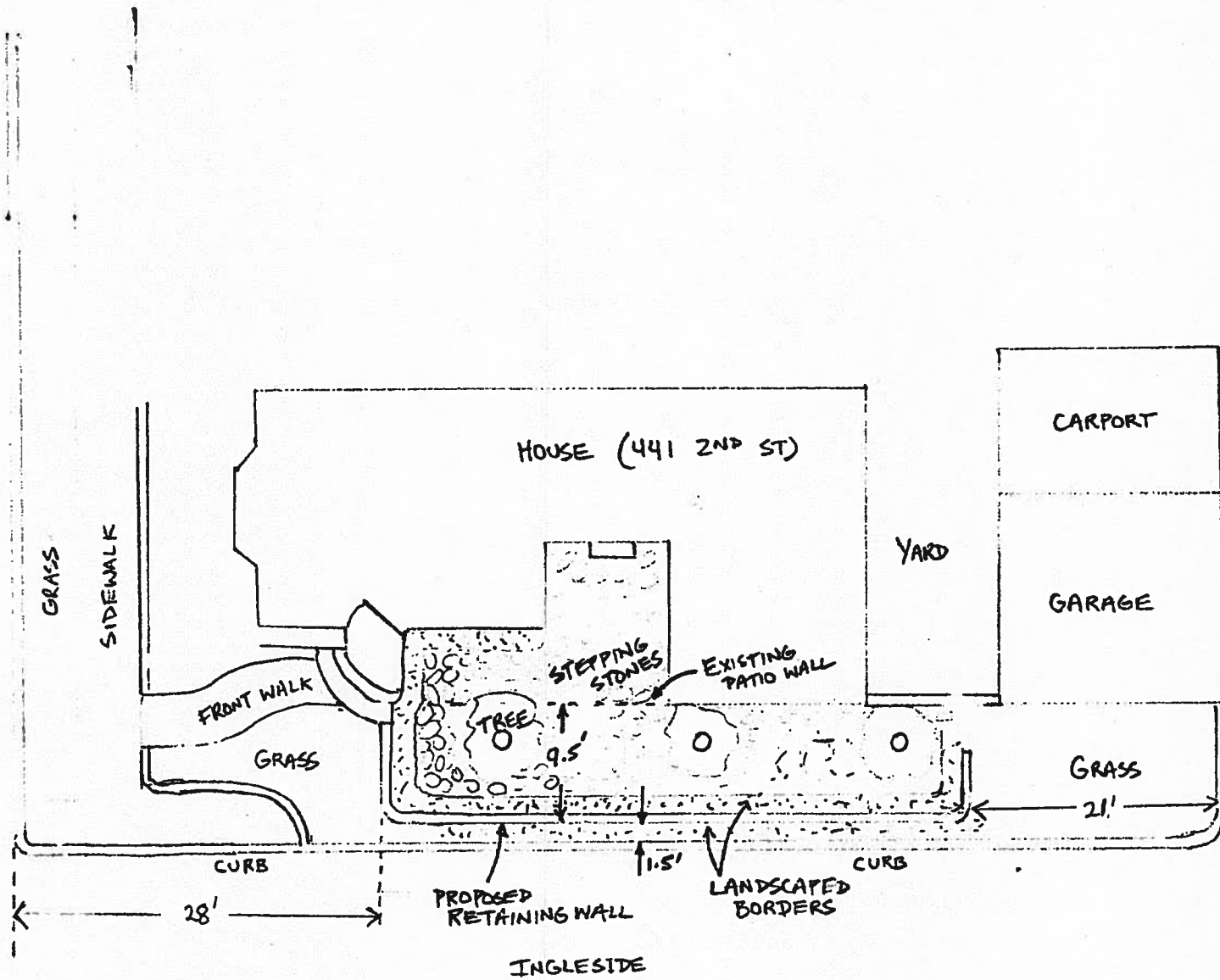
We look forward to your reply. Please also feel free to contact me for any points of clarification (daytime phone: 213/740-0334).

Sincerely,

A handwritten signature in black ink, appearing to read "Bartlett Mel". The signature is written in a cursive, somewhat stylized font.

Bartlett Mel





Bartlett W. Mel
441 2nd Street
Manhattan Beach, CA 90266
(310)379-0660, 379-8070 fax

August 2, 1995

Mr. Robert Osborne
City of Manhattan Beach
Right-of-Way Division

Dear Rob:

Thank you for your suggestions on our preliminary encroachment plan. Upon reflection, we tend to agree that our original plan, which proposed a 42" retaining wall just inside the curb plus a 3 ft. fence may have risen too vertically too quickly relative to the landscape, from the point of view of pedestrians walking on Ingleside.

As we remain keenly interested in developing this strip of land in the most attractive possible way, consistent with the various outdoor uses we envision for it, we would like to submit a new proposal that I believe will address this and the other secondary concerns you raised.

Our new design is "terraced", as is illustrated on the rough yellow scratchpad figure. We plan the first retaining wall to be set back 2 ft. from the curb, and significantly shorter than before—only 30" off the grade. So beginning at the curb we will have an 18" landscaped strip, then the retaining wall with tiles on top, then a second landscaped strip 12" wide, and finally the white picket fence. Behind the fence will sit a tree-covered tiled area that ajoins our existing patio. The 4 ft. rise of the land will now be broken up into steps interspersed with greenery. We were inspired to this particular terraced design by walking the neighborhood in recent days to see what looks best. Passers by, depending on height, will see through about the middle of the fence to the patio and our house. Our present patio is obscured from view by a solid wall.

As a minor point, the terracing allows us to deal in a natural way with your concern about opening car doors hitting retaining walls, as infrequent an event as this is since Ingleside is one-way, with no parking or sidewalk on our side.

Regarding the issue of height, as you noted, the guidelines state that height measurements are "generally" made from the sidewalk level. Our lot is unusual in that it sits nearly 4 feet off the street level at its southeastern end. It therefore seems a reasonable assumption that our situation qualifies as an exception to this generality, and is therefore not in conflict with the guidelines. If the general case were forced to apply to the case of our lot, we would be faced with the rather odd notion that a single row of bricks lying on the ground near the inside of the right-of-

way strip would be prohibited because it was too tall! We think you would agree that the important guiding principle at work here is attractiveness and visual interest in the landscape, rather than to bring the tops of all garden walls in Manhattan Beach to the same altitude.

Regarding the issue of tiling the newly leveled area behind the fence, the encroachment guidelines for vehicular streets specifically allow for "ground cover, such as pavement or brick". While tiles are not specifically mentioned, they clearly fall into the category of groundcover with bricks and pavement—only we think they're nicer!

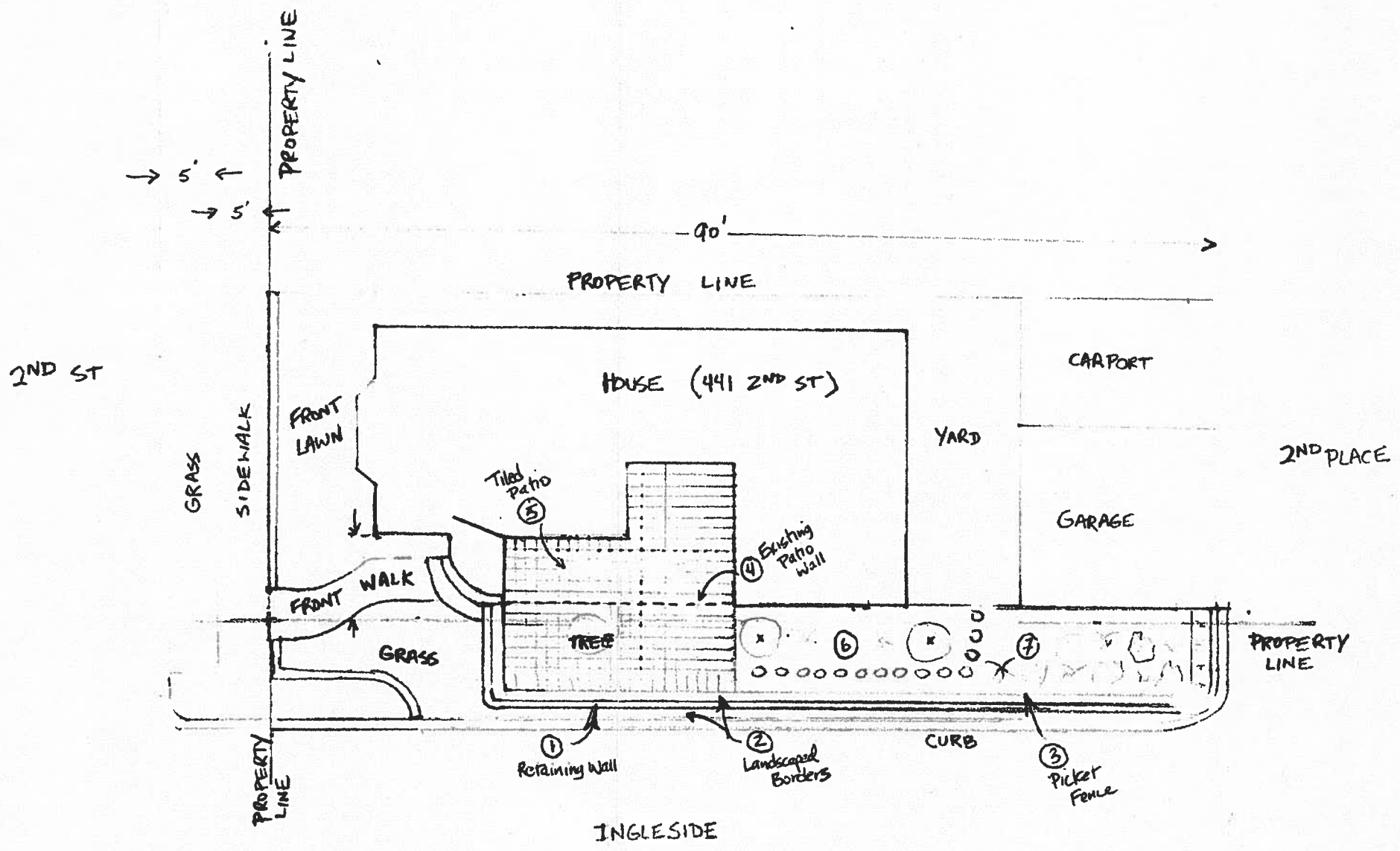
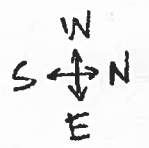
To summarize, we feel our proposal in its present form (1) is within the encroachment permit guidelines, (2) is consistent with the common uses of the public right-of-way by our neighbors in Manhattan Beach on both walkstreets and vehicular streets, and (3) will represent a significant enhancement to the appearance of the Ingleside length of our house.

Thank you again for taking the time to consider our proposal. If you feel it would be helpful to discuss the proposal in person with you and your associates, please let me know in order that we may set up an appointment.

Sincerely,

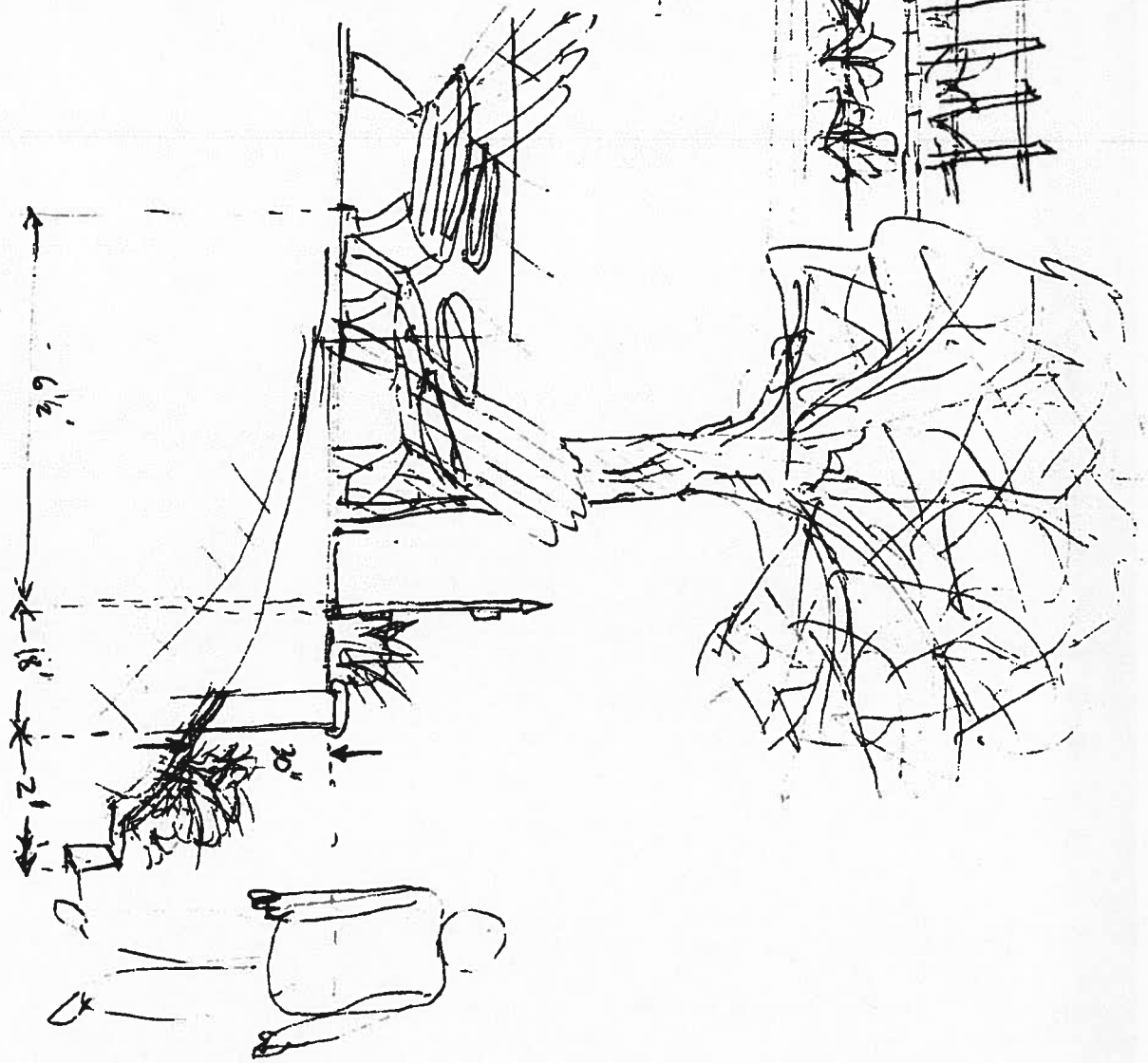
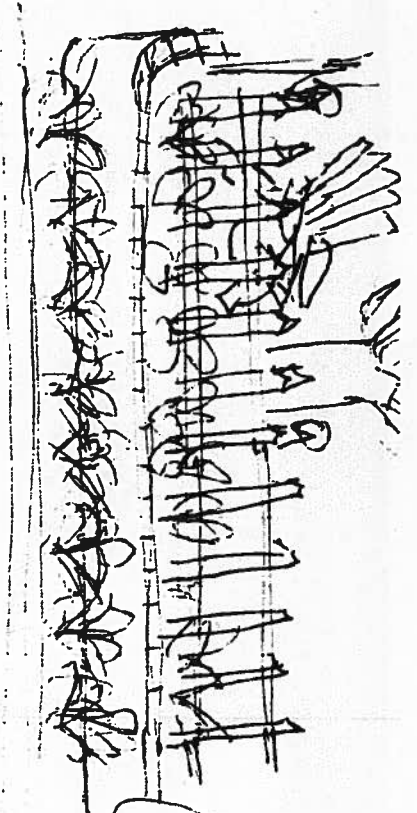
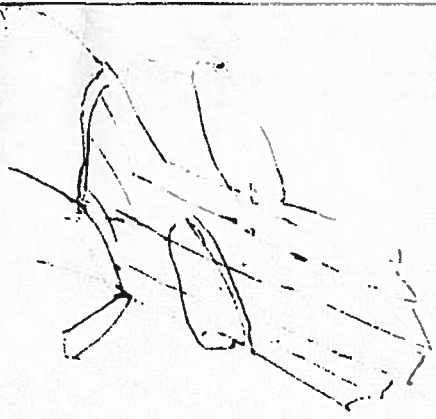
A handwritten signature in cursive script, appearing to read "Bartlett Mel".

Bartlett Mel



(213) 740-0334

MR. MEL WILL
CONSIDER GOING
THROUGH APPEAL
PROCESS. FEES
WOULD BE WAIVED
PER BYRON.



Certified Urban Forester #108
Certified Arborist #WE - 0407AM
Pest Control Advisor #02483

**WALTER WARRINER
CONSULTING ARBORIST**

820 Opal Street
Redondo Beach, CA
90277

PH: 310-378-1764
EM: WWCA621@aol.com

MEMBER

American Society of Consulting Arborists
International Society of Arboriculture
California Urban Forests Council
Society of Municipal Arborists
Street Tree Seminar, Inc.

CLIENT: Bartlett Mel & Maria Carreira
441 2nd Street
Manhattan Beach, CA 90266

PROJECT SITE: 441 2nd Street
Manhattan Beach, CA 90266

REPORT SUBJECT: Ash tree evaluations

DATE OF SITE VISIT: March 5, 2010 & March 12, 2010

REPORT DATE: March 26, 2010

DEFINITION OF ASSIGNMENT:

Determine if the grade on the side yard can remain as is or if the retaining wall should be removed and the grade restored to its original condition.

NOTE:

For the purposes of reference in this report, the subject trees are tagged and numbered in the order as shown in the photo at right.

Tree #2201

Tree #2202

Tree #2203



SITE OBSERVATIONS

- The subject trees are 3 established Ash trees (*Fraxinus spp*).
- The trunk diameters measured at standard height are as follows:
 - Tree # 2201 = 9"
 - Tree # 2201 = 24"
 - Tree # 2203 = 9"
- The trunk bases of the trees are located approximately 5 feet from the leeward side of the house.
- All three trees lean slightly away from the house, toward the street.
- Approximately 40 – 50% of the canopies reach above the roof line of the house.
- The house is currently under construction.
- The base of Tree #2201 is being used as a collection point for all of the construction debris and trash.
- The open trench for the foundation of the house indicates that leeward side of the new house was constructed in the same approximate footprint of the old house.
- Two roots that measured over 3½" in diameter that were found to be located 22" below existing grade had been cut at the edge of the open trench.
- Numerous smaller roots have been cut when the trench was dug for the foundation.
- There are masses of fleshy-like roots along the edge of the trench that are actually from another plant.
- The trees have had approximately 40 – 50% of their root mass covered with new soil as a result of a grade change and construction of a retaining wall that took place prior to construction.
- The grade appears to have been raised at least 9" above the trunk flares of trees 2201 & 2203.
- The grade appears to have been raised at least 4" above the trunk flare of tree #2202.
- A retaining wall has been constructed within the root zone of the subject trees.
- None of the trunk flares displayed any signs of decay below grade.
- Several limbs have been stubbed off to accommodate the scaffolding
- At the time of the site visit, the trees displayed no outward signs of stress as a result of the grade change.

TYPICAL GROWTH HABIT OF ASH TREES

Ash trees are fast growing, evergreen to semi-evergreen trees that can reach mature heights ranging from 50 to 80 feet with a canopy spread of 40 to 50 feet. Depending on the level of pruning treatments applied their canopies can have a brittle structure that can result in limb failures. They develop a large trunk that can reach a diameter up to 48 inches with an even broader spread at the trunk flare. Normally they will develop large surface roots to support their massive canopy. Their roots may grow as deep as 24 inches or more below the soil surface however, the majority of roots are usually found just below the soil surface. Ash trees can tolerate root pruning and changes in grade that affect their root zones. However once an Ash tree's roots have been compromised or damaged they have a propensity to fall over if their canopies become overgrown.

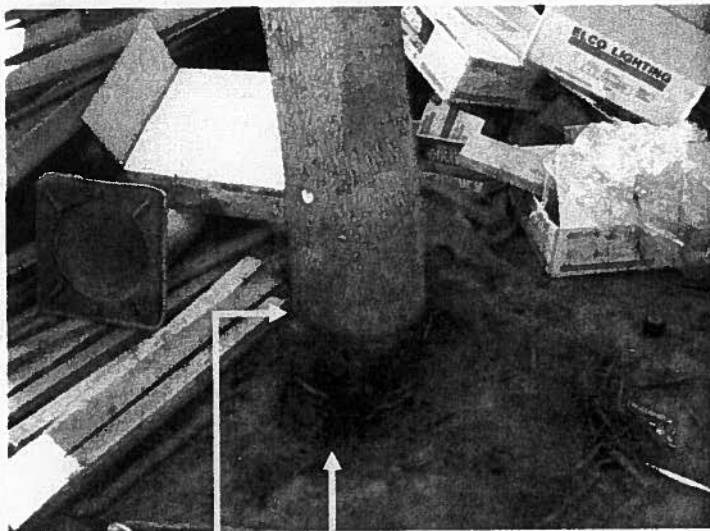
ANALYSIS & DISCUSSION OF EXISTING CONDITIONS

The subject Ash trees were established in their existing location prior to the construction that is currently underway. The retaining wall that exists on the N. Ingleside Drive side of the property and the grade change under the trees also occurred prior to construction. According to the property owners, this occurred approximately 13 years ago. Most likely, the trees suffered some root damage when the trench for the footing was dug. However, since the trees were much smaller at that time and the root mass not as extensive as it otherwise would be today, the damage was probably minimal and the trees appear to have tolerated any wounding that may have occurred. An examination of the trunk showed that there was no decay at the base of the trunk, which also suggests that root damage was not significant. With the construction of the wall, the subject trees are now thriving like giant "potted plants" with the root mass now contained within the confines of the side yard. The wall, like the sides of a pot prevents surface erosion that would otherwise expose roots over time. The weight of the wall provides a stabilizing factor for the trees that the root mass probably could not do on its own if the wall is removed.

With the construction of the retaining wall, the grade on the side yard was raised by 2 ½ - 3 feet against the wall to several inches around the base of the trunk. When fill soil is placed over the root zone of an established tree like the subject Ash trees, it can have negative impact because the oxygen supply to roots is reduced or lost. Soil additions of six inches or less won't harm "fill-tolerant" trees like an Ash, especially if that material is good topsoil that is high in organic matter with loamy texture. However, if a grade change of more than six inches occurs it is best that the grade change takes place beyond the dripline, (*the outermost edge of the canopy*). In this case where the soil level was raised by more than a few inches within the dripline, the addition of ventilation tubes along the inside edge of the wall will allow oxygen to reach the root zone at a lower depth, thus improving the growing conditions for the trees.

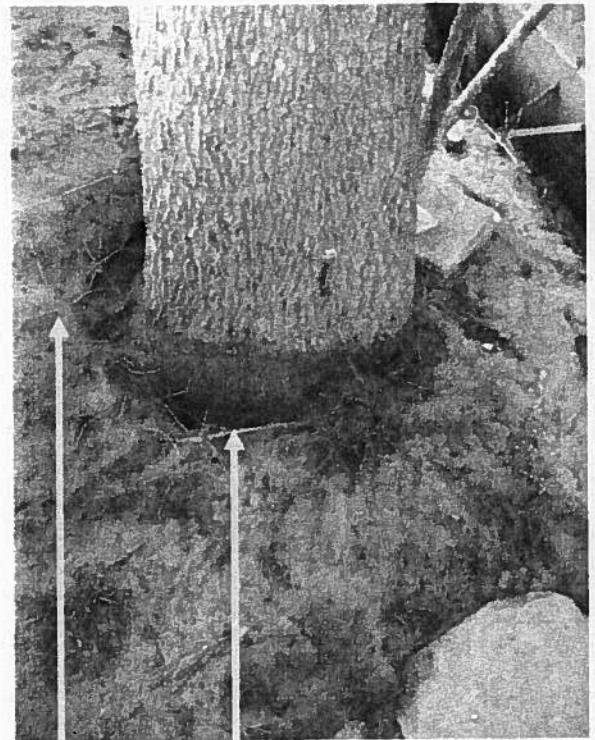
The new grade has also raised the soil level around the trunk flares of the subject trees. This can have a negative impact as it prevents the circulation of oxygen and promotes decay at the base of the tree. When the trunk flare is buried as shown in the photos below, it stays moist and doesn't breathe properly as bark is supposed to do. The moisture build up on the trunk surface causes the inner bark tissue to die due to lack of oxygen and creates conditions that allow insects or pathogens to infest the tree. As the trunk flare continues to deteriorate it eventually leads to crown rot, which also increases the potential failure of the tree. Lowering the grade down to the level of the trunk flare will prevent conditions that can lead to crown rot.

The photos at right and below show how the grade change resulted in the trunk flares of trees #2201 & 2203 to be covered by over 9" of new soil.



Existing grade

Top of trunk flare, the true base of the tree.



Existing grade

Top of trunk flare, the true base of the tree.

It must be kept in mind though, that when roots are damaged, there is always a potential for decay. In spite of root damage, trees can still have a healthy green looking canopy and appear to be tolerating the damage. Trees with root damage may appear outwardly to be healthy and stable but could still fall over during high winds after rainy weather, extreme overnight cold temperatures or hot daytime temperatures with Santa Ana conditions. Experiences with failed trees under similar conditions have revealed extensive decay in the root zone as a result of damage that occurred years earlier. In many of those cases the trees displayed no outward sign of internal decay. This means that the trees may never be completely stable and the potential for failure of any or all of these trees should never be ruled out.

Given that the heights of the canopies are above the roofline of the house, the prevailing winds will put pressure on the uppermost portion of the trees, regardless of the condition of their root masses. This factor combined with the probability of reduced root mass on the opposite side of the trees near the street; the potential for tree failure in the future exists. This risk could be offset by reducing the height of the trees to the height of the roofline. The recommended pruning treatment is called crown reduction, which is the practice of pruning a main leader at a point where the tree can compartmentalize the pruning cut, and a lateral branch that is lower down the limb can take over as the main leader. The objective of this pruning treatment is to reduce the overall mass of the canopy yet still retain a semi-natural appearance to the tree.

Prevailing wind



Reducing the canopy sizes will reduce the stress from prevailing winds. The dashed line in the photo at left shows the approximate height of where the canopies should be maintained at.

CONCLUSION

After the wall was constructed and the grade was changed, it created conditions that the trees have adapted to and now rely on to survive, and changing those conditions would have a negative impact. In their current state, the subject trees are healthy, thriving and appear to be stable. They have tolerated the root damage that may have occurred from the construction of the retaining wall as well as the raised grade on side yard. When considering the longevity of the trees, the raised soil level should be mitigated in order to maintain a healthy trunk flare. Lowering the soil level to within 2 -3 inches of the trunk flare will prevent conditions that can lead to crown rot. Keeping the soil dry around the trunk also reduces that potential. The retaining wall is actually helping to stabilize the trees and should be kept in place. Lowering the grade against the wall slightly and installing tubes at the base of the wall will allow oxygen to reach the depth of soil where the majority of the root mass exists. This will also encourage new root growth, which will improve stability for the trees. Reducing the overall mass of the canopies will also lower the potential for wind throw during high winds or adverse weather conditions.

RECOMMENDATIONS

The best management practice for the subject trees is to improve their current growing conditions with the following recommendations:

- Lower the soil level around the trunk flare to within 2 – 3 inches of the trunk flare.
- Keep the retaining wall in place.
- Install ventilation tubes along the length of the wall at a ratio of two tubes per tree
 - Each tube should be filled with pea gravel or sand.
- Install a new landscape that requires very little irrigation within the root zone of the trees.
 - Design the landscape so that the immediate vicinity of the trunk flare will not be surrounded by plant material by maintaining a 2' radius clear zone around the trunk flare.
 - Design the irrigation system so that the trunk flare and the immediate vicinity will not be hit with irrigation by maintaining a 2' dry zone around the trunk flare.
- Reduce the overall height of the canopies to control the size of the trees and further reduce the potential risk of failure.
 - Maintain the trees on a 3 year prune cycle

Respectfully submitted;



Walter Warriner
Consulting Arborist

Walter Warriner
Certified Urban Forester #108
Certified Arborist #0407AM

CERTIFICATE OF PERFORMANCE

I, Walter Warriner, certify:

- That I have personally inspected the site and the property referred to in this report, and have stated my recommendations to the best of my ability. The extent of these recommendations are stated in the attached report;
- That all the statements of fact of my recommendations are true, complete, and correct to the best of my knowledge and belief, and that they are made in good faith.
- That I have no current or prospective interest in the vegetation or the property that is the subject of this report and have no personal interest or bias with respect to the parties involved;
- That the recommendations stated herein are my own;
- That my recommendations were developed and this report has been prepared according to commonly accepted arboricultural practices;
- That no one provided significant professional assistance to the consultant, except as indicated within the report;
- That my compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party.

I further certify that I am a member of the American Society of Consulting Arborists, and that I acknowledge, accept, and adhere to the ASCA Standards of Professional Practice. I am an International Society of Arboriculture Certified Arborist, and have been involved in the practice of arboriculture and the study of trees since 1986.

Walter Warriner
Consulting Arborist

Michael Rocque

From: Laurie B. Jester
Sent: Wednesday, March 31, 2010 10:26 AM
To: Michael Rocque
Subject: FW: 441 2nd Street Encroachment- Tree report

Michael-
 Review please and then let's talk with Craig-

Please do not forward this to the applicant but contact them and let them know that that we need the species of the Ash from their arborist.
 thanks

Laurie B. Jester
Community Development Acting Director
 P: (310) 802-5510
 E: ljester@citymb.info



From: Craig Crotty [mailto:craigcrotty@arborconsultant.com]
Sent: Wednesday, March 31, 2010 8:43 AM
To: Laurie B. Jester
Subject: RE: 441 2nd Street Encroachment- Tree report

Laurie,

The following are my comments regarding information gleaned from the arborist report:

Different Ash species have different characteristics, particularly mature size and root crown invasiveness. This is important in extremely confined space, such as is apparently found at this property. The species is not identifiable from the photo alone and the arborist report fails to identify the species. The possibilities are Shamel Ash (*Fraxinus uhdei*) which can grow very large (80 x 80 ft.) and a couple of varieties of Arizona Ash (*F. velutina*) in the mid range (40 x 40 ft.). It would be helpful to know the species to get a better idea of the mature size we are dealing with in very limited space ('five feet from the leeward side of the house' and even closer on the retaining wall side). At any rate, I believe these are oversized trees for this space.

A retaining wall has been constructed within the root zones of the trees about 13 years ago according to the report. Now the house foundation is being replaced on the other side. If root removal or root cutting occurred within the critical root zone, large root wounds near the base of the tree could destabilize or more likely, in time cause decay to work into the base and result in tree death or structural failure. This process can take years sometimes, but the cause can be traced back and identified especially in 'high value' cases of injury or worse to people. There is some discussion of observed root cutting at the foundation of the house. Apparently girdling or trunk choking roots were not observed.

Root cutting at the retaining wall is likely to have been tolerated by the two smaller trees, when they were young 13 years ago. I suspect the larger tree may have experienced significant root loss though.

04/22/2010

I have a problem with the concept of a 'wall supporting the trees'. The retaining wall is actually inhibiting the natural spread of the roots and cannot be considered a part of tree structure. Installing a wall does not replace the loss of a dynamic tree part, such as the spread of a structural root.

If the wall is to be demolished in its entirety, it would likely cause more damage in the critical root zone. If wall height is a compliance issue, one solution might be to remove some of the above ground parts of the wall to make it lower. It might be possible to cut down and lower the height of the wall and then re-finish the top with a cap.

Lowering tree heights *and maintaining the lower height* reduces the 'lever arm' effect and, it follows, would reduce physical stresses transferred to the tree base and roots in high wind events. Any crown reduction pruning should follow standards set forth in the American National Standards Institute (ANSI) Pruning Standard, A-300 2008. The upper crown should not simply be cut to an arbitrary height.

Fill soil over the root crown, even 2-3 inches, is not a good idea. If the trees are to be preserved, the soil added over the root crowns should be removed down to the original grade at the base of the trees. The original grade is about at the tops of the first structural roots.

Craig Crotty Arbor Culture

From: Laurie B. Jester [mailto:ljester@citymb.info]
Sent: Tuesday, March 30, 2010 1:01 PM
To: Craig Crotty
Cc: Michael Rocque
Subject: FW: 441 2nd Street Encroachment- Tree report

Craig-

Please have a look at this report and let me know if you agree with the recommendation, or what other comments you may have-

Basically, the wall that supports the trees is over height. The PPIC said to remove the wall and lower the grade and build a new lower wall. They said they would like to keep the trees but if the trees died they were ok with that, just replace them.

The owner wants to keep the trees and the wall and will try to convince the City Council that it is worth having a wall over the height limit since it will be preserving mature trees.

I just want to present options to the Council and let them understand the implications of their decision. Basically what I get out of the report is that removing and replacing the wall with a lower wall is not recommended, it would likely significantly damage the health of the trees.

Thanks Laurie

Laurie B. Jester
Community Development Acting Director
P: (310) 802-5510
E: ljester@citymb.info



CITY OF
MANHATTAN BEACH

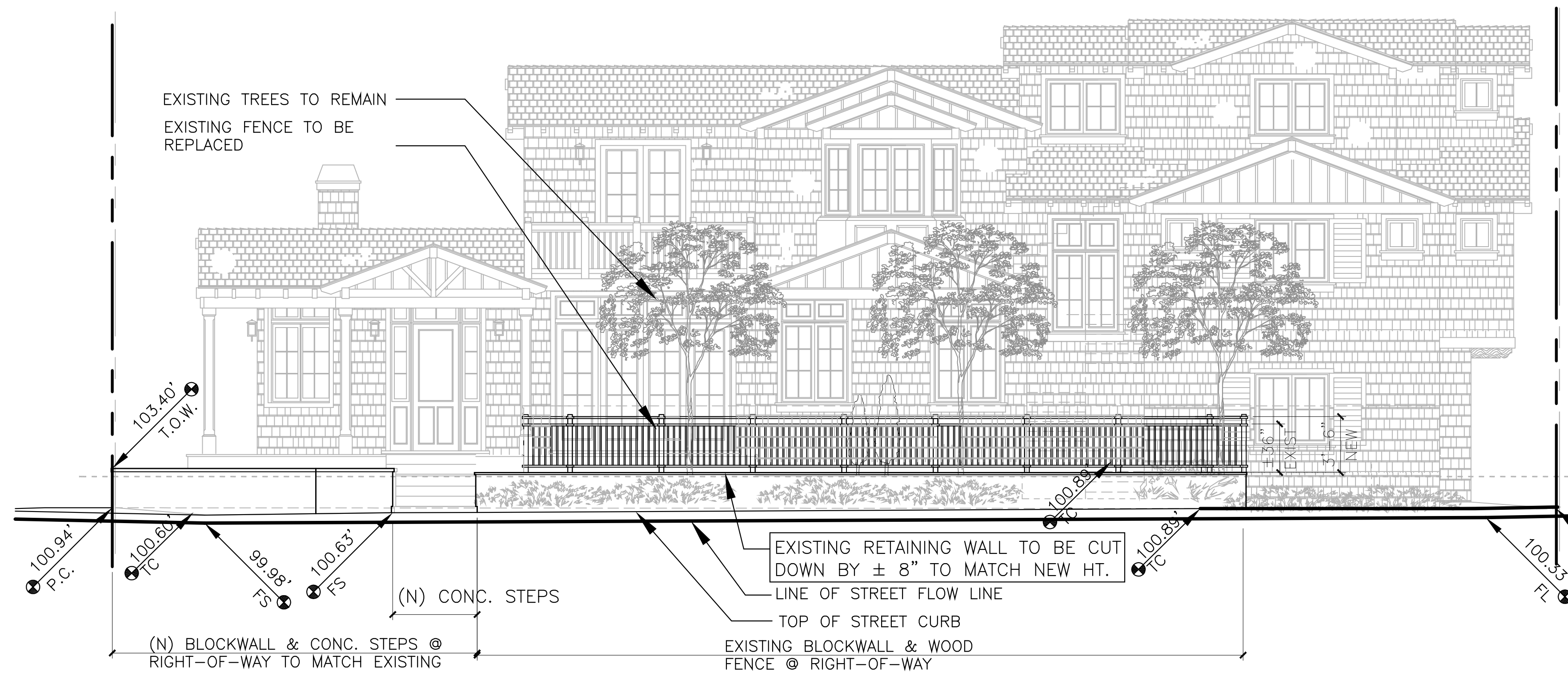
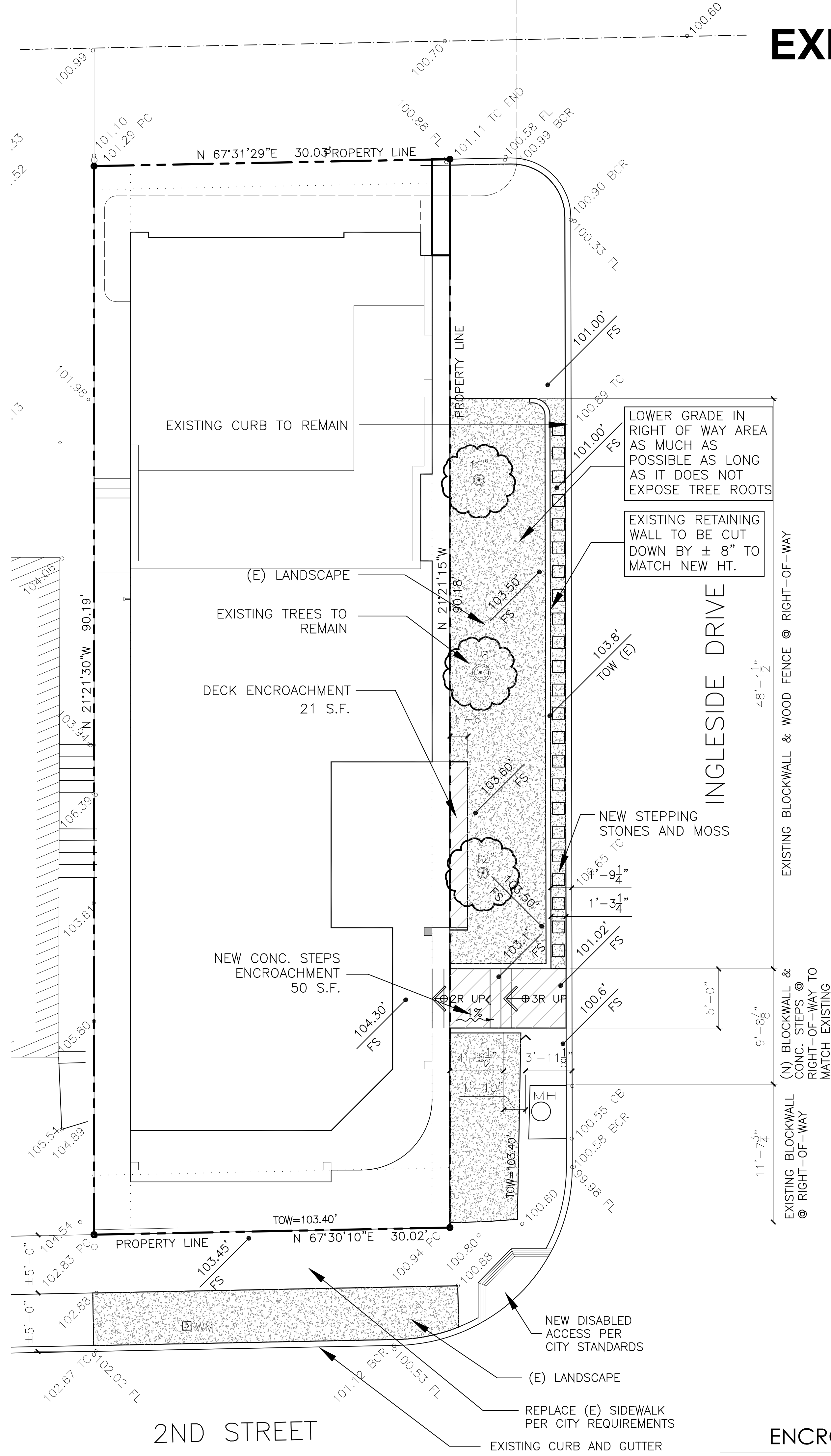
1400 HIGHLAND AVENUE MANHATTAN BEACH, CA 90266
WWW.CITYMB.INFO



Please consider the environment before printing this email.

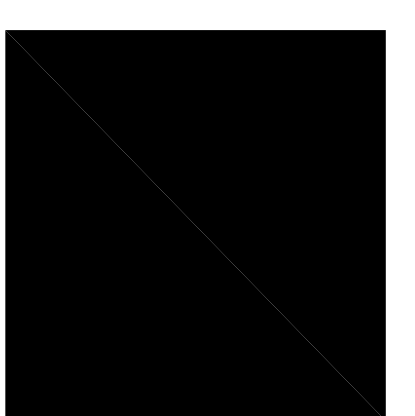
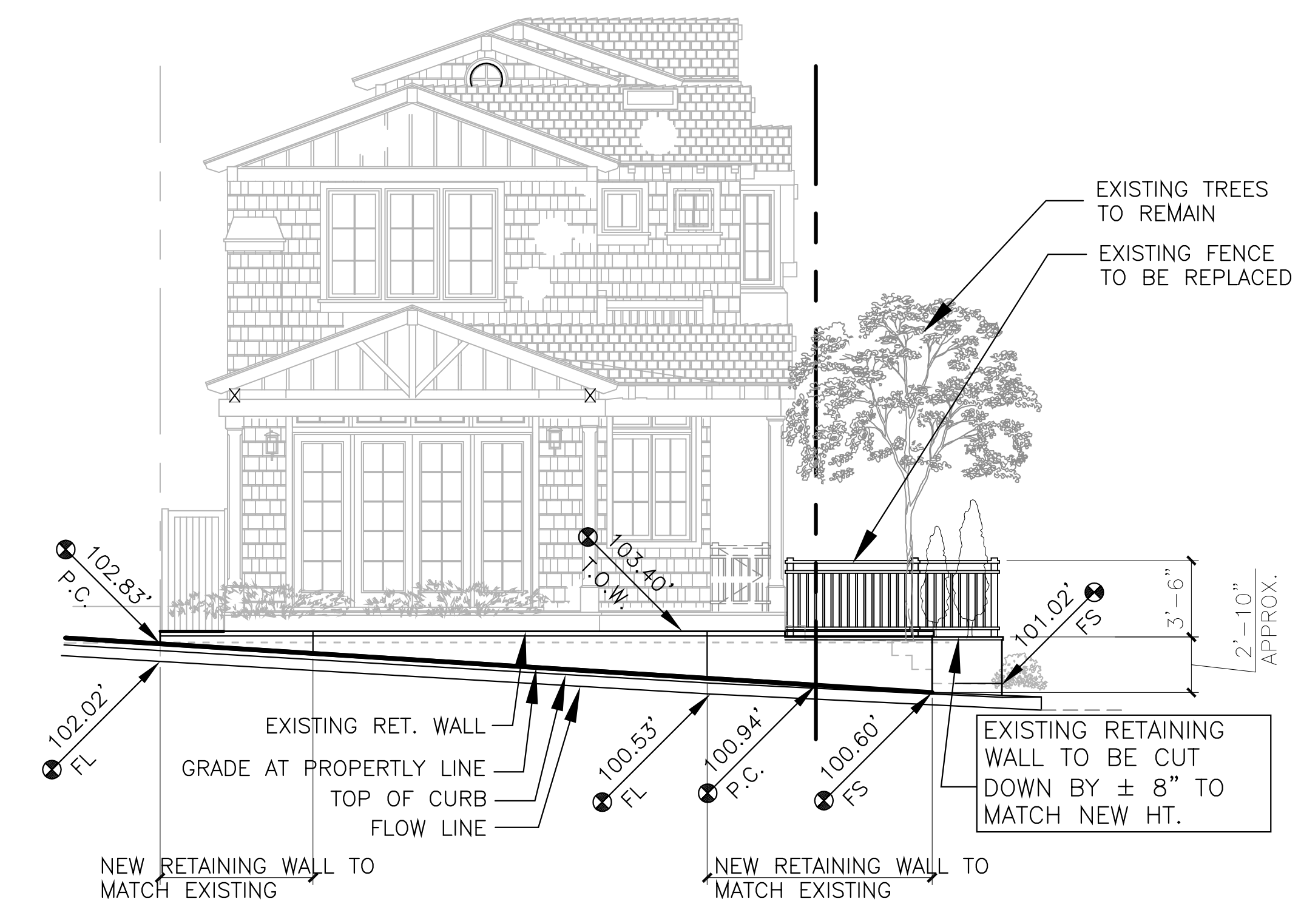
04/22/2010

EXHIBIT C -- CC MTG 5/4/2010



ENCROACHMENT NOTES

1. PROVIDE NOTARIZED OWNER'S ENCROACHMENT PERMIT AGREEMENT AND AGENCY SIGNED INSURANCE ENDORSEMENT FORM#1 (GENERAL) TO COMMUNITY DEVELOPMENT PRIOR TO FINAL INSPECTION.
2. THE CONTRACTOR TO PROVIDE FOR AUTOMATIC IRRIGATION FOR LANDSCAPED AREAS (PLANTER AND LAWN AREA).
3. LANDSCAPING NOT TO EXCEED 42" FOR ADJACENT WALKSTREET, NO TREES IN R.O.W.
4. LANDSCAPE IRRIGATION PLAN TO BE PROVIDED TO CITY PRIOR TO INSTALLATION.
5. FENCE/WALL/HANDRAIL AND E:HEDGE WEIGHTS, AS MEASURED FROM THE LOWEST FINISHED GRADE ADJACENT TO EACH SECTION OF THESE STRUCTURES, MAY BE A MAXIMUM OF ± 42" IN THE FRONT YARD SETBACK, AND 6' AT ALL OTHER LOCATIONS ON SITE (3' IF OBSTRUCTING DRIVEWAY VISIBILITY).
6. SEE SHEET C-01 AND A-01 FOR ADDITIONAL SITE INFORMATION.



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info@tomaro.com

Project
MEL
RESIDENCE
441 SECOND STREET
MANHATTAN BEACH,
CALIFORNIA 90266

Stamp

Revisions
△
△
△

Project No.
09004

Print Date

Drawing
ENCROACHMENT PLAN

Sheet No.

A-00.1

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

TO: Parking and Public Improvements Commission

FROM: Laurie B. Jester, Acting Director of Community Development
Nhung Madrid, Management Analyst *WJM*

BY: Michael P. Rocque, Assistant Planner *WJM*

DATE: January 28, 2010

SUBJECT: Encroachment Permit Appeal – 441 2nd Street

RECOMMENDATION:

Staff recommends that the Commission recommend **DENIAL** of the request to maintain and expand an existing 38" inch retaining wall and 36" wood picket fence within the public right of way along Ingleside Drive adjacent to 441 2nd Street.

BACKGROUND:

The property owners recently applied for a building permit to demolish the existing Single Family Residence (SFR) and construct a new SFR with the existing encroachments along Ingleside Drive to remain and be expanded. With the new building, all areas of the property including the encroachment area must be in compliance with current Zoning and Municipal Code standards. Investigation and research by Staff found that the existing retaining wall was permitted and constructed in 1997; however the existing wood picket fence on top of the wall was not part of the previous approval and was constructed without a required Encroachment Permit (Attachment A).

Both the retaining wall and wood fence do not comply with current standards for private improvements within the public right-of-way established by Section 7.36.150D of the MBMC. The owners of the property, Bartlett and Maria Mel, subsequently filed an Encroachment Permit Appeal, seeking approval to maintain the existing retaining wall and wood fence and to construct a new retaining wall and fence that extends an additional twelve (12') feet along Ingleside Drive on the basis that it: is a pre-existing retaining wall; provides the only private yard space; and does not interfere with the surrounding neighborhood. The owners are also requesting to maintain the three (3) existing trees located within the encroachment area along Ingleside Drive. If the existing retaining wall is removed, the trees may also need to be removed if the roots are damaged. The Public Works Department does not object to the trees remaining or being removed and replaced.

EXHIBIT D
CCMH. 5/4/2010

DISCUSSION:

The property at 441 2nd Street is located at the northwest corner of 2nd Street, and Ingleside Drive. Adjacent to the east of this property on Ingleside Drive is a ten (10) foot by ninety (90) foot "encroachment area" which is part of the public right of way of the drive street. This area is not required for private improvements such as sidewalks or parking pads and therefore may be used for private development.

The combination retaining wall and fence structure is currently located at the eastern edge of the encroachment area is about 1-9" in back of the street curb along Ingleside Drive and is just over six (6) feet in height. The retaining wall is comprised of mostly stucco and the wooden fence is designed as an open picket style. Other than the retaining wall and fence, the rest of the subject encroachment area appears to be in compliance with all other encroachment standards within the public-right-of way. The retaining wall and freestanding fence are over the current height limit allowed (42" non-retaining maximum) and are located too close to the curb (2' minimum).

The owner has submitted a site plan which is attached for reference (Attachment B).

Encroachment Regulations

Encroachment Permit regulations are contained in Chapter 7.36 of the Manhattan Beach Municipal Code (Attachments C & D). The purpose of the Encroachment Permit provisions, as stated in MBMC Section 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 vehicular streets, such as the subject location on-grade patios, low fences and walls, and landscaping are permitted in accordance with Section 7.36.150 D. 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 in height measured from the existing adjacent public property grade at the fence or wall location as stated in Section 7.36.150 D2b of the MBMC. Walls and fences must be constructed on-grade and non-retaining in accordance with Section 7.36.150 D5 which does not allow significant alteration of the right of way grade. Fences, walls, and landscaping other than groundcover must be setback 2 feet from the curb in accordance with Section 7.36.150 D2a.

The code recognizes that there are many non-permitted and noncompliant existing encroachment structures. Section 7.36.150 (paragraph 8) of the encroachment regulations provides the conditions under which a nonconforming encroachment may be maintained or replaced. These provisions require existing improvements which do not conform to current standards to be removed or brought into conformance if the house 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 for nonconforming encroachments to be brought into conformity concurrent with new structures constructed on the adjoining private property, such as the subject site.

Staff cannot find that the existing retaining wall and wood fence conform to the provisions stated above. The owner is constructing a new single-family residence on the adjoining property and therefore must remove the non-conforming encroachment. Expanding the existing non-conforming retaining wall and fence does not meet the Standards of the provisions above which require bringing non-conforming encroachments into conformance. Therefore, staff concludes that the existing retaining wall and fence is the continuation and expansion of a nonconformity, which is not permitted and the owner should bring the entire subject encroachment area into conformance.

Public Input

A notice of the Parking and Public Improvement Commission meeting was mailed to all owners of record within a 300 feet radius from the subject encroachment property (Attachment E), in accordance with Section 7.36.080 of the MBMC. Staff received two (2) e-mail comments, one in opposition and one in favor with the condition that corner visibility safety requirements are met, which they are in accordance with the Code standards (Attachment E).

CONCLUSION:

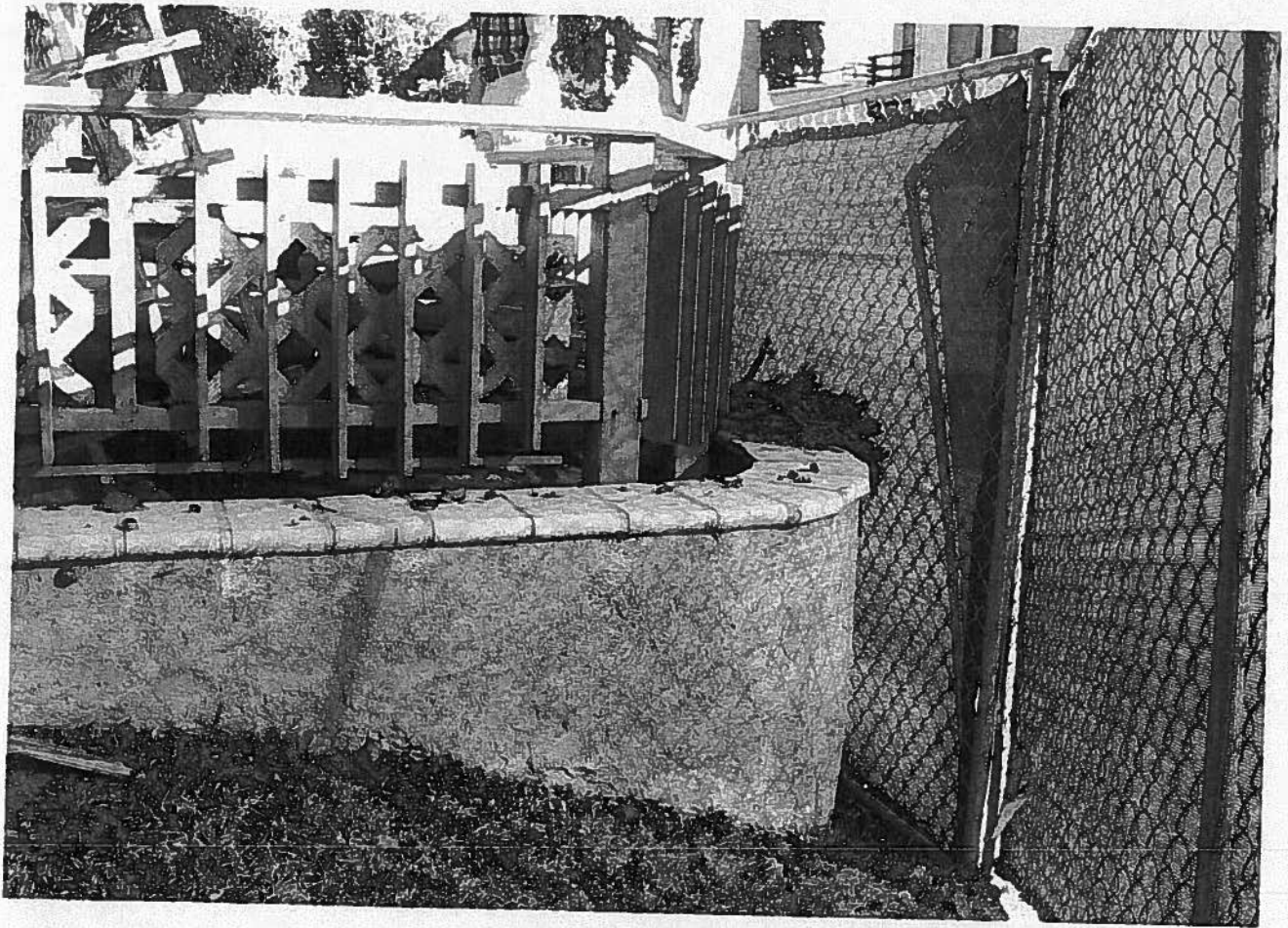
The encroachment standards allow only fences and walls limited to a maximum height of 42 inches, constructed on-grade. The subject retaining wall and fence are not consistent with the code, and constitutes an expansion of an existing nonconformity. As an option, the PPIC may consider allowing the existing retaining wall to remain, but no expansion. Also, if a new fence were moved 1-2 feet in back of the wall, a landscape buffer could be provided between the existing retaining wall and the new fence to soften and minimize the impact of the structure so it is not 6 feet in height.

Attachments:

- A. Original Encroachment Plan approval-1997
- B. Proposed Encroachment Plan and photos of area
- C. Encroachment Standards Book-Vehicular Street Standards excerpts
- D. Chapter 7.36 MBMC-excerpts
- E. Public Notice and E-mail Comments



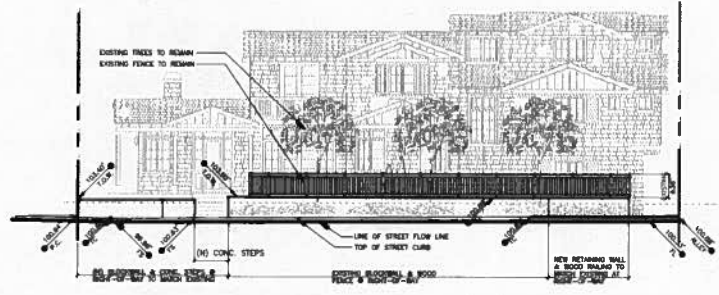
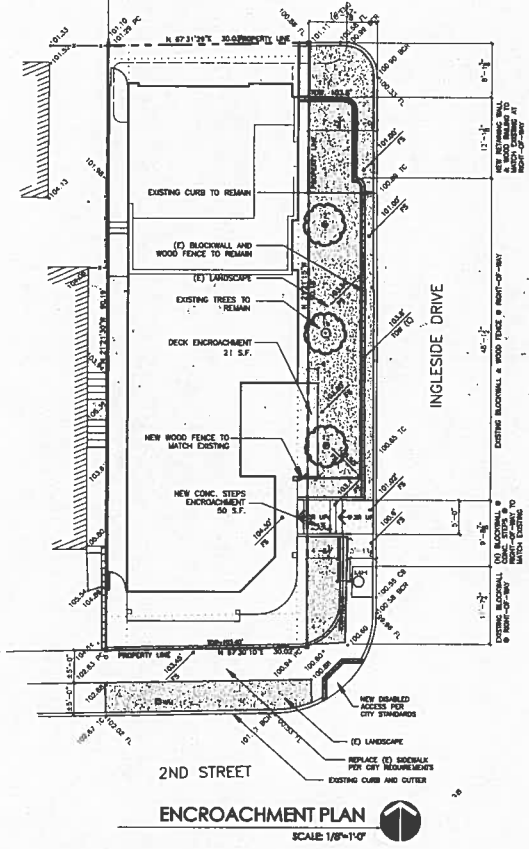
EXHIBIT B
PPIC 1/28/2010
APPEAL



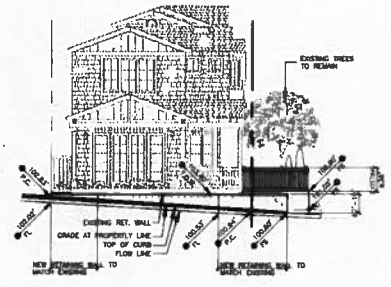
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ENCROACHMENT NOTES

1. PROVIDE NOTARIZED OWNER'S ENCROACHMENT PERMIT AGREEMENT AND AGENCY SIGNED INSURANCE ENDORSEMENT FORMS (GENERAL) TO COMMUNITY DEVELOPMENT PRIOR TO FINAL INSPECTION.
2. THE CONTRACTOR TO PROVIDE FOR AUTOMATIC IRRIGATION FOR LANDSCAPED AREAS (PLANTER AND LAWN AREAS).
3. LANDSCAPING NOT TO EXCEED 42" FOR ADJACENT WALKWAYS; NO TREES IN BLOCK.
4. LANDSCAPE SIGNATURE PLAN TO BE PROVIDED TO CITY PRIOR TO INSTALLATION.
5. FENCE/WALL/HANDRAIL AND LANDSCAPE HEIGHTS, AS MEASURED FROM THE LOWEST FINISHED GRADE ADJACENT TO EACH SECTION OF THESE STRUCTURES, MAY BE A MAXIMUM OF 42" FROM THE FRONT YARD SETBACK, AND 6' AT ALL OTHER LOCATIONS ON SITE, IF OBSTRUCTING DRIVEWAY VISIBILITY.
6. SEE SHEET C-01 AND A-01 FOR ADDITIONAL SITE INFORMATION.



ENCROACHMENT ELEVATION ALONG INGLESIDE DRIVE
SCALE 1/8"=1'-0"



ENCROACHMENT ELEVATION ALONG 2ND STREET
SCALE 1/8"=1'-0"

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CALIFORNIA 90266

Revision
▲
▲
▲
Project No.
09004
Date Recd.
Date Iss.
Scale
ENCROACHMENT PLAN

Sheet No.
A-00.1

Vehicular Street Standards (Private Improvements)

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

FENCES AND WALLS

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

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

VISIBILITY AND ACCESS

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

MATERIALS

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

Loose gravel and similar material as determined by the Public Works Department are not permitted.

GRADING

Significant alteration of the existing public property grade is prohibited, unless determined to be necessary to accommodate a required public street improvement.

DRAINAGE

Drainage from a private collection system that discharges a concentrated flow shall be directed to a public vehicular alley or street via a non-erosive device pursuant to Public Works Department construction standards except as permitted by the Director of Public Works. Drainage is not allowed to be discharged in a concentrated flow over a public walkway.

UTILITIES

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

CODE EXCERPTS FROM MBMC 7.36 – PRIVATE USE OF THE PUBLIC RIGHT OF WAY

7.36.020 Definitions:

"Encroachment area" means the section of public right of way located between the property line and the edge of the walkway or roadway.

"Encroachment" means and includes any paving, obstruction, fence, stand, building, entry monument, or any structure or object of any kind or character which is placed on, in, along, under, over or across a public place, right of way, sidewalk or street by or for the use of the adjoining property.

"Nonconforming" means a previously permitted and constructed improvement which is not consistent with the standards of this chapter.

"Open design fence" means a fence where the primary fence material is transparent and colorless, or the open spaces between the solid segments are equal to or exceed the size of the solid segments.

"Right of way" means the surface and space in, on, above, through and below any real property in which the City of Manhattan Beach has a legal or equitable interest whether held in fee or any other estate or interest, or as a trustee for the public, including, but not limited to any public street, boulevard, road, highway, freeway, lane, alley, court, sidewalk, curb, parkway, river, tunnel, viaduct, bridge, public easement, or dedicated easement.

7.36.065 Required findings:

The Director of Community Development, in granting approval of an encroachment permit application, shall make the following findings:

A. The granting of the encroachment permit will not be materially detrimental to the public health, safety, convenience, and welfare or injurious to property and improvements in the same vicinity and zone in which the property is located;

B. The granting of the encroachment permit will be in conformity with the policies and goals of the General Plan;

C. The proposed encroachment will comply with the provisions of this chapter, including any specific condition required;

D. The proposed encroachment will not encroach into the area of the right of way occupied by an improved paved sidewalk or pedestrian or vehicular accessway or stairway, except as expressly provided in this chapter;

E. The proposed encroachment will not reduce or adversely impact public pedestrian access along the paved and improved portion of the sidewalk, walk street, alley or stairway and does not reduce or adversely impact the vehicular access along the improved alley.

F. For properties that are located in the coastal zone, the proposed encroachment will be consistent with the public access and recreation policies of Chapter 3 of the California Coastal Act of 1976, as follows:

1. The proposed encroachment will not impact public access to the shoreline, adequate public access is provided and shall be maintained in the public right of way adjacent to the subject property (Section 30212 (a)(2)).

EXHIBIT D

2. The present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area (Section 30221).

7.36.080 Appeals:

Applications which are inconsistent with the "Encroachment Standards" set forth in Section 7.36.150, including right of way frontage improvements required as a condition of approval by the Director of Public Works, must be appealed to and approved by the City Council with a recommendation from the Parking and Public Improvements Commission. A notice shall be sent to the property owners whose lots' front property lines are within three hundred feet (300') of the subject encroachment area site at least ten (10) calendar days prior to each body's consideration of the exception request. The notice will describe the proposed encroachment, make the plans available for review, and set a deadline for registering objections. Upon consideration of such an appeal application, the City Council may approve, modify, or disapprove the application for encroachment. The action of the City Council shall be final.

7.36.150 Encroachment standards:

A. General Standards:

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.

D. Vehicular Street Standards:

1. Street improvements, including (but not necessarily limited to) sidewalks, curbs, gutters, parking pads and paving may be required by the Public Works Department for the purpose of maintaining or improving conditions related to drainage, visibility, access, maneuverability or public parking, and, if required, shall be constructed in compliance with City standards.

2. Fences and walls are permitted as follows:

- a. Location. Compliance is required with Public Works Department standards established in MBMC 9.72.015. A minimum set back of two feet (2') is required behind existing or required street improvements.
- b. Height. Fences and walls may not exceed a maximum height of forty-two inches (42"), measured from the existing public right of way grade at the fence or wall location. Open-design fences or guard rails required by the Building Official to exceed the forty-two inch (42") maximum height are allowed on top of retaining walls if necessary to retain a neighbor's grade at a side property line. Fences and walls located near the intersection

of streets or driveways may be subject to lower height requirements to ensure traffic visibility.

3. Ground cover such as pavement (including brick or other decorative surfaces) and landscaping is permitted on the existing right of way grade. Decks or similar structures are prohibited.
4. Street Corner Visibility. To ensure visibility at street corners a thirty-six inch (36") maximum height is applicable to all fences, walls or landscape plantings within a distance of fifteen feet (15') from the street corner as per MBMC 3.40.010 (Traffic Sight Obstructions). A height less than thirty-six inches (36") may be applicable due to unusual slope conditions.
5. Significant alteration of the existing right of way grade is prohibited, unless determined to be necessary to accommodate a required public street improvement.
6. Loose gravel and similar material as determined by the Public Works Department is not permitted.
7. Drainage from a private collection system that discharges a concentrated flow shall be directed to a public vehicular street right of way location via a non-erosive device pursuant to Public Works Department standards subject to review and approval of the City Engineer.



City of Manhattan Beach

Community Development

Phone: (310) 802-5500
FAX: (310) 802-5501
TDD: (310) 546-3501

January 19, 2010

PUBLIC MEETING NOTICE

Encroachment Permit Appeal-441 2nd Street

Dear Resident/Property Owner:

The Department of Community Development has recently received an application for an Encroachment Permit Appeal submitted by the property owner (Mel and Maria Bartlett) at 441 2nd Street. The owner seeks to maintain and expand the existing 38" inch retaining wall with 36" inch wood picket fence on top of the existing retaining wall within the City right-of-way along Ingleside Drive.

The request has been administratively denied because the existing wall/fence is not consistent with the type and height of structures allowed in the vehicular street standards right-of-way pursuant to Manhattan Beach Municipal Code 7.36. Additionally, the existing wood fence is not consistent with the Encroachment Permit previously approved by the City. The owner has appealed this decision and therefore this matter has been referred to the PPIC (Parking and Public Improvement Commission) for review and a recommendation for action by the City Council. Your comments and input are invited. The review will be held on:

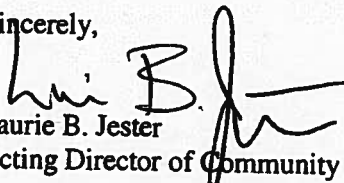
Thursday January 28, 2010
6:30 pm
City Council Chambers
1400 Highland Avenue

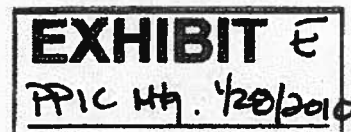
Input regarding the subject Encroachment Permit Appeal may be submitted in advance through the Community Development Department or at the Hearing. Comments made in advance should be mailed or emailed to:

Michael P. Rocque, Assistant Planner
Community Development Department
1400 Highland Avenue
Manhattan Beach, CA 90266 email: mrocque@citymb.info

If you have any questions or would like additional information, please contact Michael P. Rocque at (310) 802-5512 or email at the email noted above.

Sincerely,


Laurie B. Jester
Acting Director of Community Development



City Hall Address: 1400 Highland Avenue, Manhattan Beach, CA 90266
Visit the City of Manhattan Beach web site at <http://www.citymb.info>

Michael Rocque

From: Ron Hacoen [ron@bravozulu.net]
Sent: Wednesday, January 20, 2010 8:27 PM
To: Michael Rocque
Subject: Comment: Encroachment Permit Appeal for 441 2nd Street

Dear Mr. Rocque,

This email is in response to the Encroachment Permit Appeal for 441 2nd Street. I do not object to the 74" (over 6') wall along Ingleside **UNLESS** it impacts a driver's ability to see oncoming traffic, pedestrians or bikers. **Visibility must be clear** such that drivers traveling EASTBOUND on 2nd Place can clearly see any traffic or pedestrians coming north on Ingleside. Similarly, drivers traveling NORTHBOUND on Ingleside must have unobstructed view of 2nd place as they approach to turn left onto 2nd Place. There are many children in the area walking or riding bikes to & from Robinson Elementary School. Any limitation to visibility of oncoming traffic could cause a serious accident or worse.

Sincerely,

Ron Hacoen
436 3rd Street
Manhattan Beach, CA 90266
(310) 798-7774

1/21/2010

Michael Rocque

From: Gary McAulay [gary.mcaulay@gmail.com]
Sent: Thursday, January 21, 2010 12:20 AM
To: Michael Rocque
Subject: encroachment permit appeal 441 2nd Street

Dear Mr. Rocque

Thank you for the opportunity to comment on the encroachment permit appeal for 441 2nd Street.

I am against approval of the encroachment.

I have long wished that this particular encroachment did not exist, as it forces pedestrians onto the roadway on Ingleside Drive.

I had high hopes when construction began that it would be rectified, as that is the perfect time to correct this type of problem.

There are far too many encroachments that eliminate the right of way for pedestrians; that is, the sidewalk or the shoulder of the road is eliminated through various structures, walls and fences, planters, and overgrown vegetation, and parking in "driveways," forcing pedestrians to walk in the street. This is just such an example.

The encroachments are hazardous for pedestrians, and additionally, the pedestrians then obstruct vehicular traffic flow.

I would be very happy to see the City more actively restoring pedestrian right-of-ways.

Thank you,
Gary D. McAulay
428 3rd Street
MB 90266

310 372-2453

I'm sorry that I will not be available after approximately 9:30 today until after the hearing, as I will be out of town, but I am glad that the notification arrived a week ahead of time.

1/21/2010

**CITY OF MANHATTAN BEACH
PARKING AND PUBLIC IMPROVEMENTS COMMISSION
MINUTES OF A REGULAR MEETING
JANUARY 28, 2010**

A. CALL TO ORDER

The regular meeting of the Parking and Public Improvements Commission of the City of Manhattan Beach, California, was held on the 28th day of January, 2010, at the hour of 6:35 p.m., in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

B. ROLL CALL

Present: Adami, Vigon, Stabile, Silverman and Chairman Gross.
Absent: None.
Staff Present: Traffic Engineer Zandvliet, Assistant Planner Danna,
Acting Community Development Director Jester,
Management Analyst Madrid, Lt. Harrod and Sgt. Mason,
Clerk: Weeks.

C. APPROVAL OF MINUTES

01/28/10-1 November 19, 2009

MOTION: Commissioner Stabile moved for the approval of the Parking and Public Improvements Commission minutes of November 19, 2009 as written. The motion was seconded by Commissioner Adami and passed by unanimous voice vote.

01/28/10-2 January 7, 2010 Joint Meeting with Parks and Recreation Commission

Commissioners Stabile and Vigon expressed their disappointment that the minutes of the joint meeting with the Parks and Recreation Commission on January 7, 2010 were not more detailed, particularly since they will be reviewed by the City Council when they considered Sand Dune Park.

D. AUDIENCE PARTICIPATION

None.

E. **GENERAL BUSINESS**

01/28/10-3 Encroachment Permit Appeal – 441 2nd Street

Assistant Planner Danna presented the staff report. He related staff's recommendation to recommend to the Council that the appeal be denied. Assistant Planner Danna described the Code requirements for fences and walls, noting that all non-conformities in the adjoining public right-of-way must be brought into compliance or removed if a house is significantly remodeled or reconstructed, or if any new significant construction is proposed in the public right-of-way. Mr. Danna shared photographs of other encroachments in the area and related the Public Works' Department's lack of objection to either keeping or removing/replacing existing trees on the subject property. He affirmed that this item was properly noticed.

In answer to questions from the Commission, Assistant Planner Danna outlined City procedures for considering encroachment requests. He explained that there are no traffic safety issues associated with the subject retaining wall; that the applicant was initially notified about the encroachment when the first set of corrections were issued during the Plan Check process; that the City typically requires a minimum replacement tree size of 36 inches, but this would be at the discretion of the Parking and Public Improvements Commission; that staff is unaware of any previous encroachment approvals similar to this request; that the Planning Commission considers issues on private property, but this involves the public right-of-way; that there is a storm drain inlet, not a sewer, on the southeast corner of the property; and that the retaining wall raises the grade in the public right-of-way. Assistant Planner Danna clarified that the property owner would like to keep the retaining wall and expand it 12 feet to the north and that the questions before the Commission are whether the retaining wall and fence should be allowed to remain and, if so, whether the wall should be expanded.

In response to a question from Commissioner Stabile, Acting Community Development Director Jester advised that trees with boxes larger than 48 inches require a crane and could present problems with utilities and house foundations, but there is nothing in the Code that says that required replacement trees cannot exceed a certain size; and that due to their large size, it would be next to impossible to replace the existing trees on the applicant's property with trees of similar size.

Audience Participation

Chairman Gross invited public input at 7:10 p.m.

Louie Tomaro, 1001 6th Street, #100, applicant's architect, presented photographs of the project and the existing wall, and a computerized model of the project/yard. He explained that the project began as a remodel; that the approval of the retaining wall 13 years ago included the grade behind it, but not the fence; that the new house is basically in the same location as the old one; that the trees contribute to the charm of the neighborhood; that there are similar encroachments at properties up and down the street, such as 441 1st Street; that the new house was designed around keeping the outside space and the area in question has a low profile; that, at worst case, the wall is 38 inches and, from grade to grade, 30 inches; that an objection expressed is due to concern over pedestrian access along Ingleside Drive; that the new fence would

be much lighter and open and it could be moved in a little bit; and that, according to their arborist, the existing trees are safe but, if the wall is removed and the grade reconfigured to be in compliance, it will be necessary to remove them.

Commissioner Vigon introduced the idea of building a raised planter around the trees to help retain them.

Mr. Tomaro advised that the trees' drip lines dictate the perimeter of any planters. He stated his awareness of the encroachment requirements at the time of the remodel application.

Commissioner Stabile voiced his impression that the applicant went into this project knowing that the plans included a non-compliant encroachment and he asked for justification to grant a variation from the standards.

Mr. Tomaro contended that there is precedence for approving the encroachment, since it was previously approved in 1997, and that a hardship would be caused in not grandfathering it; and that the encroachment is causing no harm or detriment. He explained that building a new house was cheaper than remodeling the old one and that the applicant was notified the rules would change when the project was modified from a remodel to a new house, which will be approximately 3,500 square feet.

Audience Participation

Bartlett Mel, 441 2nd Street, property owner, presented photographs of the beautiful trees adjacent to his property in the public right-of-way. Mr. Mel discussed that the retaining wall was built 13 years ago and, should it be moved three inches, the health of the trees would be at risk; that the patio would be more interesting for pedestrians to look at than flat landscaping; that the fence was installed for safety purposes after the retaining was built; that his property is one of the most attractive in the area; and that the functionality of the patio should be preserved.

Margo Mel, 441 2nd Street, stated her concern over the negative impact on her dog if a fence is not allowed.

Chairman Gross clarified that it is the retaining wall that is of major concern and that fences built to City standards are allowed.

RECESS AND RECONVENE

At 7:37 p.m. there was a recess until 7:43 p.m., when discussion of Agenda Item No. 3, Encroachment Permit Appeal – 441 2nd Street, continued with all Commissioners present.

At the Commission's request, Acting Community Development Director Jester provided background information on this request and other Encroachment Permit appeals. She related her understanding that, in the past 15 years, trees on walk streets and a trellis, but no other walls, have been approved through Encroachment Permit appeals. Ms. Jester explained that Ingleside Drive is an unusual street, particularly

because of the wide sloped right-of-way and very little open space on private property. This request was brought to the Commission since staff does not have the authority to approve the request, as it does not meet the Encroachment Permit criteria.

Commission Discussion

Commissioner Adami supported an approval of the request. He voiced his opinion that the new house would enhance the neighborhood and that, other than being two-story, it would be very similar to the old one; that rules are very important, but the trees would be attractive and could be negatively impacted if the slope is altered; and that the retaining wall and fence would provide for the property owners' private enjoyment of their yard, for the family and their dog.

Commissioner Stabile recalled a previous trellis encroachment request where the Commission felt obligated by the Code to deny it, but sent a signal to the Council to make an exception. However, he stated his inclination to accept staff's position that there is no precedence for granting this request and he expressed concern over the potentially precedent-setting nature of an approval. Commissioner Stabile explained that the Code serves many purposes, one of which is uniformity; that the applicant was apparently advised of the need for compliance when the plans for the new house were submitted; that, while he has heard many reasons why the property owner desires an approval, he is obligated as a Commissioner to enforce the Code unless there is justification for an exception, which this case does not have; that Ingleside Drive is not a very pedestrian-friendly street, and the issue comes back to uniformity, which will eventually provide for better pedestrian access as neighborhoods change; and that he would hate to see the trees lost and a planter such as that suggested by Commissioner Vigon earlier in this discussion could be built, but, if need be, the trees could be replaced.

Commissioner Vigon admired the fact that the property owners' family attended the meeting to view this process and he assured them that the Code allows for a fence on the property for the dog. He cited Ingleside Drive as a good example of a difficult pedestrian area and stated his agreement with Commissioner Stabile on the facts and the principle involved with this request. Commissioner Vigon pointed out that there is no evidence the trees cannot be saved through different means, such as a raised planter around them, and the applicant had the option to preserve the existing non-conforming encroachment with a remodel, or one that included a rear yard, but chose not to do so. He expressed his opposition to the request and wished the property owners the best.

Commissioner Silverman noted many encroachments on Ingleside Drive and he questioned if moving the retaining wall back three inches would really improve pedestrian access. Commissioner Silverman stated his opposition to extending the wall due to visibility concerns and, commenting that there are exceptions to the Code, in the spirit of the community – particularly the property owners' children, he voiced his support for an approval without an extension of the wall.

Chairman Gross emphasized that we are discussing the use of public, not private, land. He related his understanding that, for the property to be compliant, the fence would have to be removed, the wall would have to be moved back three inches and the grade behind the wall would have to be sloped so that the wall does not act as a

retaining wall; that, when the applicant was granted approval for the wall in 1997, that the fence could be moved back from the wall and the area in between landscaped. Expressing his desire to retain the trees and his hope they will survive, Chairman Gross pointed out that the trees were there before the extra soil was put behind the retaining wall and the new foundation was installed so the roots appear to be strong. He discussed his concern over setting a precedent and his confidence in staff's indication that no requests similar to this have been approved since the new encroachment requirements were adopted in 2003. Chairman Gross agreed that the retaining wall should not be extended, but he favored some flexibility regarding the trees, such as a raised planter around them constructed in such a way as to not set a precedent. He disputed the property owner's contention that the patio is a more pleasant view for pedestrians than landscaping.

Traffic Engineer Zandvliet offered input on options before the Commission, noting that the City has the authority to construct planters and raised areas to protect trees or hold back slopes.

Chairman Gross indicated that he would not be in favor of keeping the entire retaining wall to keep the trees, in that it should be brought into compliance as a matter of principle and to avoid setting a precedent.

MOTION: Commissioner Stabile moved to accept the staff recommendation and deny the encroachment permit appeal for 441 2nd Street, with the caveat that reasonable steps should be taken to save the three existing trees, such as creating a raised planter around each tree to retain the grade. The motion was seconded by Commissioner Vigon and discussion continued.

Discussion continued with Commissioner Adami pointing out that the new requirements were adopted in 2003 and, during peak construction in the City, the City has received no other requests similar to this. He explained that he is very pro-pedestrian, but the wall would only have to be moved three inches to be brought into compliance, and staff indicated the wall does not present visibility problems; that he walks through this neighborhood and the trees are very nice; and that, in looking at the big picture and the community, the Commission should approve the request. Commissioner Adami voiced his concern that the trees will not survive, even with a raised planter.

Chairman Gross related his understanding that the intent of the motion was to remove the retaining wall as recommended by staff.

Acting Community Development Director Jester advised that the type of planter necessary to retain the trees would be determined by an arborist, who might recommend keeping some of the existing wall in front of the trees, but the wall would not be flat and contiguous.

As the maker of the motion, Commissioner Stabile clarified that the intent was to save the trees if possible and, if not, remove and replace them; and to remove the retaining wall and reconfigure the wall to conform to the Code. He further clarified that keeping some of the existing wall in front of the trees, as discussed above by Acting Community Development Director Jester, was not part of the motion.

The motion passed by a 3-2 majority roll call vote as shown below:

Ayes: Stabile, Vigon and Chairman Gross.
Noes: Adami and Silverman.
Abstain: None.
Absent: None.

Management Analyst Madrid advised that the Commission's recommendation is scheduled to be considered by the City Council on February 16, 2010.

Traffic Engineer Zandvliet clarified that, should the Commission's recommendation be appealed, it will be considered by the Council at a future meeting; and that, if not appealed, the Commission's recommendation will be placed on the consent calendar for the Council meeting on February 16th.

Commissioner Vigon expressed confusion over the process with Community Development Director Jester providing input after the motion was made.

Chairman Gross explained that he allowed input from Community Development Director Jester because this is the first encroachment of this type the Commission has considered, involves legalities and he thought it would be worthwhile to make a decision with as much information as possible.

01/28/10-4 Pennekamp Elementary School Area Study Follow-up Evaluation

Chairman Gross advised that this is the last time Pennekamp Elementary and American Martyrs' Schools will be considered by the Commission as part of the School Area Traffic Studies; but, the Commission could ask that all the measures, or individual ones, be reviewed in the future.

Management Analyst Madrid noted that this is the Commission's second review of the Pennekamp Elementary School Area Study.

During the staff report, Traffic Engineer Zandvliet described the School Area Traffic Study process. He explained that the Commission's recommendations will be considered by the City Council and, subsequently, the plan will be monitored and adjusted administratively as needed; that the Commission should make it clear if they would like to continue to review various items; that pending items will improve conditions; and that a grant for thermoplastic pavement markings and high visibility signs was received and these items will eventually be implemented.

Traffic Engineer Zandvliet related staff's recommendation for the following additional traffic measures around Pennekamp School, along with the existing measures and Police Department enforcement as much as possible: Paint a walking lane along the front exit driveway between the School walkways and Rowell Avenue; and Paint red curbs within the intersections of Rowell Avenue at 1st Street, Gates Avenue and Curtis Avenue. He affirmed that painted crosswalks could be installed in a few weeks; but, thermoplastic crosswalks would take longer.

Dale Keldrauk, Principal, Pennekamp Elementary School, noted that no serious traffic incidents have occurred near Pennekamp School during his 14-year tenure at the School; but, it is necessary to ensure that nothing will happen. He confirmed that the measures taken thus far have been positive and that the loading zone lane line painted on Peck Avenue has greatly assisted, particularly during rush hour.

In response to questions from the Commission, **Mr. Keldrauk** related his impression that the additional staff recommendations will be helpful. He explained that parents of children attending kindergarten/developmental kindergarten do not have to sign their children in, but must do so at daycare (before and after-school care), which is located at the south end of the School; and that crosswalks at Curtis Avenue and Rowell Avenue on the north and west legs have not yet been painted (Recommendation No. 9). He complimented staff's efforts to help improve traffic conditions around the School and offered information on enforcement provided by the Police Department; the difficulty of securing parent volunteers and enforcing a carpooling program; and; the Walking Wednesdays program, which is part of the School District's Going Green Program.

Audience Participation

An Unidentified Speaker, No Address Provided, supported the installation of red curbs and crosswalks.

Commission Discussion

Commissioner Vigon related his interest in vigorous carpooling and walking incentive programs (Recommendation No. 14) with some creative options to encourage children to walk to school and help alleviate parent fears related thereto, such as a walking club supervised by parents or volunteers, and utilizing Community Service Officers to work with the schools instead of a parent volunteer program.

Commissioner Adami noted possible liabilities with parents/volunteers supervising a walking club. He entertained the idea of obtaining financial assistance to address traffic safety issues from the Manhattan Beach Education Foundation.

Mr. Keldrauk advised that the Manhattan Beach Education Foundation has historically provided resources for academic items. He thanked the Commission and the City for working together.

Traffic Engineer Zandvliet shared information about Walk to School Day, which was part of Earth Day, in which Pennekamp School participated. He affirmed that Recommendation Nos. 17 (Council and District meet with school administrators to coordinate a program to supervise school loading zones with the Police Department) and 18 (City work with the District to add or enhance off-street loading zones) have not been implemented. Mr. Zandvliet advised the following: that some of the encouragement items, such as a carpooling program and student loading zones should be implemented and the Council and School District could make them an initiative to provide schools with a means of enforcement; that recommendations to the Council could place emphasis on the items the Commission would like to pursue or keep in the

forefront and could include that Recommendations Nos. 17 and 18 be part of the Council's Work Plan; and that the Commission could request that an update on the traffic safety measures around Pennekamp School be provided before the end of the school year.

Lt. Harrod presented information on the Police Department's successful efforts to help improve traffic safety around Pennekamp School, their limitations resulting from the lack of resources and the awareness of parents with regard to the importance of safety around the School.

Sgt. Mason discussed the difficulties of Police Department enforcement with limited resources. He advised that enforcement at Pennekamp School usually occurs on Wednesdays.

It was Commissioner Stabile's opinion that the existing traffic safety measures should continue and that the additional ones recommended by staff should be implemented. He entertained the idea of a Walking Week rather than Walking Wednesdays, and a traffic enforcement task force which goes to schools on varied days so drivers are unable to anticipate when they will be there.

Commissioner Adami related his agreement with Commissioner Stabile's opinion.

Commissioner Silverman thanked the City Council for understanding the importance of schools and neighborhoods. He voiced concern that Recommendation No. 19 (Walking lane along the front exit driveway between the School walkways and Rowell Avenue) could provide a false sense of security for children and mentioned that information about traffic safety issues in the area could be aimed at children in addition to parents. Commissioner Silverman favored revisiting the traffic safety issues around Pennekamp School on a six month basis. He stated that, contrary to School representatives' comments relative to Recommendation No. 2 (Concentrate traffic and parking enforcement around the School campus on a regular basis) the Police Department is making a great effort and has listened and responded within the limits of their resources.

Chairman Gross acknowledged the importance of Recommendation Nos. 17 and 18, which, he said should occur as soon as possible. He voiced his hope that the Council will continue to support traffic safety measures around schools, particularly when the economy improves, and pointed out that the School Board could assist in determining priorities. Chairman Gross commended the Police Department's efforts in recognizing the limited resources available and making the best of them to achieve positive results.

The Commission agreed to revisit the traffic safety issues around Pennekamp School in six months. The following motion was offered.

MOTION: Commissioner Stabile moved to recommend the following:

- That the City Council continue to implement the 18 traffic safety measures around Pennekamp School, with emphasis on Recommendation Nos. 17 (Recommend the City Council have a dialogue

with School administrators to coordinate a program to supervise school loading zones with Police Department personnel, or other volunteers) and 18 (That the City Council shall work with the School District to add or enhance off-street loading zones with the goal for each school of getting as much loading and unloading as possible and reasonable off streets);

- That the two additional measures recommended by staff be implemented: (Paint a walking lane along the front exit driveway between the School walkways and Rowell Avenue) and (Paint red curbs within the intersection of Rowell Avenue at 1st Street, Gates Avenue and Curtis Avenue);
- That the traffic safety measures around Pennekamp School be revisited in approximately six months, or whenever the item can be conveniently placed on a Parking and Public Improvements Commission meeting agenda; and
- That, given their limited resources, the Police Department has responded to complaints and issues to the best of their ability, and will continue to concentrate on enforcement.

The motion was seconded by Commissioner Adami and passed by unanimous voice vote.

01/28/10-5 American Martyrs School Area Study Follow-up Evaluation

Management Analyst Madrid advised that the Commission's recommendations for American Martyrs School are scheduled to be considered by the City Council on February 16, 2010.

Traffic Engineer Zandvliet presented the staff report. He advised that no additional traffic safety measures are recommended at this time; that American Martyrs is a private school with a fairly elaborate loading and unloading zone program; and that, because the School is private, they have a strong influence over parent behavior. He discussed the status and effectiveness of the traffic safety measures around the School; noted one piece of correspondence objecting to the number of uses at the School; and advised the Commission to address only traffic and parking issues.

Audience Participation

Angela Pohlen, Vice Principal, American Martyrs School, shared information on actions taken by the School to improve safety subsequent to previous discussions. She verified the effectiveness of measures taken by the City and related the School's appreciation of the City's collaboration to improve the situation. At the Commission's request, Ms. Pohlen addressed the School's walk to school and carpool programs; the potential for internet-based carpool sign ups; the School's efforts to encourage employees to park in the parking structure; and the School's efforts to assist neighboring residents to help enforce restrictions in the area. Ms. Pohlen explained that the preschool on American Martyrs' property is independent of American Martyrs School;

that the preschool children, but not kindergarten, are signed in and out, which requires parents to park; and that the School is collaborating with the preschool to further address traffic safety measures.

Sandra Elsky, 1800 Block of Laurel Avenue, voiced her appreciation that a stop sign was installed. She commended the efforts of Vice Principal Polan and presented photographs depicting her concerns associated with the preschool and the impact on 18th Street.

Carlene Elhart, 18th Street between Agnes and Flournoy Road, discussed that 18th Street is utilized by parents who do not want to wait in the cue line in the parking lot, which results in pedestrian safety issues; that poles on 18th Street make it difficult for pedestrians with strollers to utilize the sidewalk; and that the School's iron gate on 18th Street should be locked.

Traffic Engineer Zandvliet verified that staff will examine what can be done with the iron gate referred to by Ms. Elhart; that the sidewalk on 18th Street is substandard and, in order for it to be improved, trees must be removed; that some of the measures yet to be implemented will improve the situation on 18th Street; that the School needs to collaborate with the preschool to provide better relief; and that there is very little public right-of-way on 18th Street and the Public Works Department could examine the idea of putting a future capital improvement project together to make it possible to walk on the sidewalk.

Debra Zelman, 1000 Block of Laurel Avenue, reported that the situation on Laurel Avenue has greatly improved. She described the traffic safety issues in the area.

Traffic Engineer Zandvliet provided input regarding traffic difficulties in the vicinity of Laurel and 18th Street, noting that kindergarten and the preschool are dismissed at the same time.

Commission Discussion

Commissioner Stabile commended American Martyrs School on the actions taken and he said that the effectiveness will be measured by the amount of discontent voiced by neighboring residents. Commissioner Stabile related his understanding that the majority of the traffic safety measures at American Martyrs School have not yet been implemented and he favored continuing this item and revisiting the situation after they are completed. Commenting that, even though the preschool is a separate entity, they are at the same location as the School and should have been represented at this meeting, and he suggested that staff examine issues specific to the preschool and develop recommendations to address them. He noted that the administration at American Martyrs School has addressed concerns when they are made aware of them and, hopefully, this will be the case with the preschool.

Traffic Engineer Zandvliet verified that, should the Commission review the traffic safety issues around American Martyrs School in the future, a representative from the preschool could be asked to attend the meeting.

Commissioner Adami related his appreciation of the cooperation between the City, the public, the School and the Police Department. He voiced his hope that this will be a model for the preschool.

Commissioner Silverman stated his appreciation for the School's efforts to improve safety. He observed that many of the measures have not been implemented, but the situation has greatly improved, and agreed that American Martyrs' efforts should be used as a model for other schools in the area to take initiative.

Commissioner Vigon pointed out that the difference in public and private schools is that public school families live near schools and can walk, and that private schools have the potential to draw more traffic and they have more influence over parent behavior.

Chairman Gross commended the School's efforts and the positive attitude of Vice Principal Pohlen. He pointed out that staggered dismissal times at the School could assist in reducing the traffic problems; agreed that American Martyrs' efforts should be used as a model for other schools; recommended that staff determine which measures used by American Martyrs can be used at public schools; and recalled the recent State of the Union speech in which President Obama encouraged the country to look at how to improve education, which should be the case in this instance.

Commissioner Stabile commented on the need for the School District to participate in finding some solutions to universal traffic/parking problems at schools in the City.

Chairman Gross pointed out that, as in initial Recommendation Nos. 17 (Recommend the City Council have a dialogue with school administrators to coordinate a program to supervise school loading zones with police personnel or other volunteers) and 18 (That the City shall work with the School District to add or enhance off-street loading zones with the goal for each school of getting as much loading and unloading as is possible and reasonable off streets) the Commission previously recommended that the School District be engaged in helping to alleviate traffic/parking problems around schools, but nothing has happened.

Traffic Engineer Zandvliet advised that a brain storming session with representatives from various schools, the School District, the City Council and the Commission, could be held in the future.

Realizing that, because of the poor economic climate, it might be difficult to make this a high priority, the Commissioners related their desire to meet with various schools, the School District and the City Council to discuss possible solutions to universal traffic/parking problems at schools in Manhattan Beach. The following motion was offered:

MOTION: Commissioner Stabile moved to recommend to the City Council that the initial traffic safety measures for American Martyrs School be implemented, with continued Police Department enforcement of traffic and parking violations; that this issue be revisited in approximately six months; and that staff be directed to look into the issues presented by the preschool on American Martyrs' property and attempt to craft some

solutions which apply with particularity to the preschool. The motion was seconded by Commissioner Silverman and passed by unanimous voice vote.

F. **COMMISSION ITEMS**

01/28/10-6 Parking Meter Revenues and Traffic Violation Revenues Report

Commissioner Vigon entertained the idea of the City offering a "Key to the City" parking placard that holds approximately \$100.

Traffic Engineer Zandvliet verified that the idea of offering some version of such a program could be examined.

As noted at previous meetings, Commissioner Silverman called attention to the confusion associated with the deceptively small street parking space on Manhattan Beach Boulevard.

Traffic Engineer Zandvliet advised that changes will be made so that the small size of the parking space in front of Commissioner Silverman's office is more obvious.

G. **STAFF ITEMS**

None.

H. **ADJOURNMENT**

At 10:50 p.m., the meeting was adjourned to Thursday, February 25, 2010.



**NOTICE OF PUBLIC MEETING BEFORE THE CITY COUNCIL OF
THE CITY OF MANHATTAN BEACH REGARDING AN
ENCROACHMENT PERMIT APPEAL**

A public meeting will be held before the City Council of the City of Manhattan Beach to consider and review an application for an Encroachment Permit Appeal submitted by the property owner (Bartlett and Maria Mel) at 441 2nd Street. The owners seek to maintain an existing 36" inch wood picket fence on top of an existing 38" inch retaining wall totaling 74" inches in height located within the City right-of-way along Ingleside Drive.

The request has been recently denied both administratively and by the PPIC (Parking and Public Improvements Commission) because the existing wall/fence is not consistent with the type and height of structures allowed in the vehicular street standards right-of-way pursuant to Manhattan Beach Municipal Code 7.36. Therefore the matter is now being referred to City Council for review and recommendation for action. Your comments and input are invited.

The meeting will be held:

**Tuesday, May 4, 2010
6:30 p.m.
City Council Chambers at City Hall,
1400 Highland Avenue, Manhattan Beach.**

Anyone wishing to provide written comments for inclusion in the May 4th Staff Report must do so by April 28, 2010. All comments received after this date will be forwarded to the City Council at or prior to the meeting. Comments made in advance should be mailed or emailed to:

Michael P. Rocque, Assistant Planner
Community Development Department
1400 Highland Avenue
Manhattan Beach, CA 90266
Email: mrocque@citymb.info

If you have any questions or would like additional information, please contact Michael P. Rocque at (310) 802-5512 or at the email noted above.

Laurie B. Jester
Acting Director of Community Development

Dated: April 16, 2010

EXHIBIT E
CC Mtg. 5/4/2010

Michael Rocque

From: Ron Hacoen [ron@bravozulu.net]
Sent: Wednesday, April 21, 2010 9:42 PM
To: Michael Rocque
Subject: Comment: Encroachment Permit Appeal for 441 2nd Street

Dear Mr. Rocque,

This email is in response to the Encroachment Permit Appeal for 441 2nd Street. I do not object to the 74" (over 6') wall along Ingleside **UNLESS** it impacts a driver's ability to see oncoming traffic, pedestrians or bikers. **Visibility must be clear** such that drivers traveling EASTBOUND on 2nd Place can clearly see any traffic or pedestrians coming north on Ingleside. Similarly, drivers traveling NORTHBOUND on Ingleside must have unobstructed view of 2nd place as they approach to turn left onto 2nd Place. There are many children in the area walking or riding bikes to & from Robinson Elementary School. Any limitation to visibility of oncoming traffic could cause a serious accident or worse.

Sincerely,

Ron Hacoen
436 3rd Street
Manhattan Beach, CA 90266
(310) 798-7774

04/22/2010

Michael Rocque

From: ntrvl@aol.com
Sent: Thursday, April 22, 2010 9:04 AM
To: Michael Rocque
Subject: fence

Dear Sir:

I find the denial rather "funny"!! Please leave the fence- it certainly does not obstruct any "vehicular" right of way!! Let us , the citizens, and the city officials concern ourselves with rather more pressing issues.

Sincerely, a neighbor.

04/22/2010

City Council Chambers
Manhattan Beach City Council

April 20, 2010

1400 Highland Ave
Manhattan Beach, CA 90266

Attn: Mr Rogue
Ref: ENCROACHMENT PERMIT [BARTLETT & MARIA MEL]
441 2ND ST. N.B

Dear Council Members;

I would not be in favor of a "encroachment permit"
To allow a variance to Code 7.36 in allowing a
74" fence at the intersection of 2ND street and
Ingleside Drive.

This would be an obstruction to viewing traffic
and pedestrians.

Children travel both ways on this street going
to and from Robinson School.

Also, too many intersections are obliterated
by foliage and fences on these small
alleys at the beach.

Please consider the visability at this corner so close
to a School and deny such a tall fence.

Thank you-

Sincerely

J. Hartman

J. HARTMAN

216 Morningside Dr
Manhattan Beach, CA 90266