

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

TO: Planning Commission

FROM: Richard Thompson, Director of Community Development 

BY: Eric Haaland AICP, Associate Planner 

DATE: September 12, 2007

SUBJECT: Coastal Development Permit Amendment to Allow Larger Concrete Pads for Maintenance Vehicle Parking above an Underground Storm Drain Low-Flow Diversion Project on the Public Beach between 27th Street and 28th Street (Los Angeles County Public Works)

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** the continued public hearing, **DISCUSS** the proposal, and **DIRECT** staff as determined to be appropriate.

DISCUSSION

On July 25, 2007, the Planning Commission considered a request to amend a coastal permit for a storm drain project primarily under the beach surface between 27th and 28th Streets. During construction of the project, the size of two concrete pads on the beach surface was substantially enlarged beyond the size approved in the project plans. A concern for the extended pads was originally communicated to the State Coastal Commission, which contacted the city to address the project revision. The Planning Commission heard testimony and expressed concerns regarding the aesthetics and necessity of the larger concrete parking area. The applicant's explanation that the public would benefit from the larger parking area by less obstruction of the abutting bike path was not readily accepted by the Commission. The applicant indicated that more detailed information would be presented at a future date.

The County Public Works Department has not provided any additional information to staff at this time, but plans to make a presentation to the Planning Commission at the September 12th continued public hearing. The attached neighbor letter received subsequent to the previous meeting states that the enlarged parking surfaces are not necessary and should not be approved. Staff has also attached the July 25th minutes for this item, and also included a draft resolution should the Planning Commission decide to approve the request as originally submitted or revised.

Attachments:

Draft Resolution No. PC 07-
Minutes excerpt, dated 7/25/07
Neighbor letter, dated 9/7/07

c: LA County Public Works Dept., Applicant
LA County Dept. of Beaches & Harbors
Jim Arndt, Public Works Director
Dana Greenwood, City Engineer

RESOLUTION NO PC 07-

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

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

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

- A. The Planning Commission of the City of Manhattan Beach conducted a public hearing pursuant to applicable law on July 25, and September 12, 2007, to consider an application for a coastal development permit amendment for a storm drain low flow diversion project under the public beach between 27th Street and 28th Street in the City of Manhattan Beach. The original Coastal Development Permit was approved on October 26, 2005.
- B. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- C. The applicant for the Coastal Development Permit is the Los Angeles County Public Works Department, The property/beach is owned by Los Angeles County.
- D. The applicant proposes to extend the length of two approved concrete pads on the beach surface to be 80 feet long to serve a 250 linear feet of concrete pipe underground alongside the county beach bikepath.
- E. The property is located within Area District III and is zoned OS Open Space. The surrounding land uses consist of single and multiple family residences, a lifeguard headquarters facility, a public park, and public beach.
- F. The General Plan designation for the property is Open Space, and the Local Coastal Program/Land Use Plan designation is also Open Space.
- G. The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301 based on staff's determination that the project is a minor alteration of an existing storm drain facility, and will not have a significant impact on the environment.
- H. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- I. The project is in accordance with the objectives and policies of the Manhattan Beach Coastal Program, as follows:
 1. The proposal is consistent with the surrounding coastal zone area and complies with the applicable standards of the Manhattan Beach Coastal Zone Zoning Code.
 2. The project conforms with the certified Manhattan Beach Local Coastal Program in that it is a public works project benefiting ocean water quality that includes minimal visible improvements necessary to achieve that goal.
 3. The project is in conformity with the public access and recreation policies of the California Coastal Act since improved ocean water quality will enhance coastal

recreation opportunities, permanent coastal access will not be affected, and the proposed paved services are appropriate for maintaining the facility and adjacent bike path access.

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

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

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

- L. This Resolution upon its effectiveness constitutes the Coastal Development Permit for the concrete pad enlargement for the original low flow diversion storm drain project.

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

Standard Conditions

1. *Compliance.* All development must occur in strict compliance with the proposal as set forth in the application for said permit, subject to any special conditions set forth below. Any substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
2. *Expiration.* The Coastal Development Permit shall be approved for a period of two years after the date of approval, with the option for future extensions, in accordance with the Manhattan Beach Municipal Code (MBMC) Section 10.84.090.
3. *Interpretation.* Any questions of intent or interpretation of any condition will be resolved by the Planning Commission.
4. *Inspections.* The Community Development Department Staff shall be allowed to inspect the site and the development during construction subject to 24-hour advance notice.
5. *Assignment.* The permit may be assigned to any qualified persons subject to submittal of the following information to the Director of Community Development:
 - a. a completed application and application fee as established by the City's Fee Resolution;
 - b. an affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit;
 - c. evidence of the assignee's legal interest in the property involved and legal capacity to undertake the development as approved and to satisfy the conditions required in the permit;
 - d. the original permittee's request to assign all rights to undertake the development to the assignee; and,
 - e. a copy of the original permit showing that it has not expired.
6. *Terms and Conditions are Perpetual.* These terms and conditions shall be perpetual, and it is the intention of the Director of Community Development and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

7. *Effective Date.* This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030, and the City of Manhattan Beach Local Coastal Program - Implementation Program Section A.96.160 have expired; and, following the subsequent Coastal Commission appeal period (if applicable) which is 10 working days following notification of final local action.

Special Conditions

8. The subject Coastal Development Permit will be implemented in conformance with all provisions and policies of the Certified Manhattan Beach Local Coastal Program (LCP) and all applicable development regulations of the LCP - Implementation Program.
9. The final construction plans shall be in substantial conformance with the plans for the overall project as approved by the Planning Commission on October 26, 2005 except that the subject concrete pads shall each be permitted to be 80 feet long.
10. The applicant agrees, as a condition of approval of this project, to pay for all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal actions associated with the approval of this project brought against the City. In the event such a legal action is filed against the project, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

SECTION 3. Pursuant to Government Code Section 65009 and Code of Civil Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution. The City Clerk shall send a certified copy of this resolution to the applicant, and if any, the appellant at the address of said person set forth in the record of the proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of September 12, 2007 and that said Resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RICHARD THOMPSON,
Secretary to the Planning Commission

Sarah Boeschen
Recording Secretary

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1
2 In response to a question from Commissioner Lesser, Director Thompson said that it would be
3 possible to place a time limit for parking in the handicapped space. He pointed out that the
4 handicapped parking space requirements would be reviewed by the PPIC.

5
6 Commissioner Powell said that the project is outstanding, and the question is how soon rather than
7 if it is built. He commented that the tenants are local businesses which serve the local community,
8 and the project is pedestrian oriented. He said that there were numerous letters received in support,
9 which does not occur often. He said that the building area would be substantially smaller than
10 could have been provided, and the building height is less than required. He pointed out that 12
11 additional parking spaces would be provided as part of the project, and he can support the
12 handicapped parking space as proposed. He commented that the hours of operation would be the
13 same as the previous businesses. He indicated that the whole community is behind the project. He
14 commented that he was very saddened when he learned of the fire that burned the original structure,
15 and anything possible should be done to expedite the building process.

16
17 Chairman Bohner said that the proposal would bring back two restaurants that have had a long
18 history in the City, and he is happy to see them returning. He indicated that he agrees with the
19 comments of the other Commissioners that the project was designed to fit perfectly within the
20 space, and it could have been built larger. He stated that the proposed 12 spaces for tenants would
21 help reduce the parking demand on the street. He commented that he is amazed that there are not
22 other handicapped spaces on the streets in the commercial area, and this space as proposed may
23 help to encourage more. He said that setbacks are provided from the structure; the height is less
24 than required; the trash enclosure would be upgraded; and the structure would have the same uses
25 as before. He commented that it is clear in the Resolution that the office would be used for that
26 purpose, and the project would fit in well with the community. He commented that the project
27 would be a splendid improvement to the previous building.

28
29 A motion was MADE and SECONDED (Schlager/Powell) to **APPROVE** a Proposed New Mixed-
30 Use Commercial Building at 1001 Manhattan Avenue, as amended with the revisions to the draft
31 Resolution.

- 32
33 AYES: Lesser, Powell, Schlager, Seville-Jones, Chairman Bohner
34 NOES: None
35 ABSENT: None
36 ABSTAIN: None

37
38 Director Thompson explained the 15 day appeal period and stated that the item will be placed on
39 the City Council's Consent Calendar for their meeting of August 21, 2007.

40

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1 **07/0725.2 Consideration of Proposed Construction of Larger Concrete Pads on the**
2 **Beach/Bike Path Between 27th Street and 28th Street (Los Angeles County Dept.**
3 **of Public Works)**
4

5 Associate Planner Eric Haaland summarized the staff report. He stated that the original project
6 was previously approved by the Planning Commission. He indicated that there has been a
7 revision to the original project at the time of construction that is now being considered as an
8 amendment to the Coastal Development Permit for enlarged concrete pads placed on the public
9 beach. He said that the proposal is for approval of the two concrete pads which allow access for
10 maintenance of the system that connects the storm drain to the sewer to allow low flow
11 contaminated water from the drain to flow into the sewer system rather than seep into the ocean.
12 He said that the purpose of the enlargement of the concrete pads is to allow for larger
13 maintenance trucks to park in the area outside of the bike path during maintenance of the storm
14 drain facility. He said that the northerly pad abutting the bike path near 28th Street is proposed to
15 be permitted at 80 feet long rather than 18 foot long as previously approved. He indicated that
16 the southerly pad is proposed to be permitted at 80 feet long rather than 40 feet as previously
17 approved. He said that the pads are 13 feet wide. He indicated that the placement of pavement on
18 the beach is generally not desirable as it interrupts the very desirable natural sandy beach surface.
19 He indicated, however, that some public projects do involve paving over the beach surface. He
20 said that the applicant believes that the benefit of reducing bike path obstructions warrants the
21 increased amount of pavement in this case.

22
23 Commissioner Lesser pointed out that the application is to approve the concrete pads; however,
24 the pads are actually already in place.

25
26 In response to a question from Commissioner Lesser, Associate Planner Haaland said that the
27 existing pads would need to be restored to the size that was previously approved if the
28 application is not approved.

29
30 In response to a question from Commissioner Lesser, Associate Planner Haaland said that the
31 trucks most likely would encroach on the bike path if sufficient space is not provided on the
32 pads. He indicated that staff did not have much information with respect to the previous project
33 regarding the maintenance of the storm drain facility and regarding the frequency of the
34 maintenance. He indicated that the County workers apparently realized the concern regarding
35 space for maintenance trucks at the time of construction.

36
37 **Greg Huynh**, representing The Los Angeles County Department of Public Works, stated that the
38 larger pads were built because the County workers did not want the bike path to need to be closed
39 while they conduct maintenance on the facility. He stated that the construction crews realized
40 that it would be necessary to close the path if the pads were not built larger than originally

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1 approved. He said that they were aware that many complaints would be received if they did need
2 to close the bike path.

3
4 In response to a question from Commissioner Schlager, Director Thompson said that there can be
5 fines for circumventing the City's requirements.

6
7 Commissioner Schlager said that the Commissioners are in a position of having bad options of
8 approving or denying the proposal. He said that the pads are larger than initially anticipated but
9 are not that aesthetically displeasing. He also commented that they can be used as a rest area off
10 of the bike path. He indicated that it is understandable that it was felt making the pads larger for
11 safety was warranted; however, the City does have a process which needs to be followed.

12
13 In response to questions from Commissioner Seville-Jones, **Mr. Huynh** said that the smallest
14 maintenance truck that could be used to service the storm drain would be 20 feet. He said that 80
15 feet is required to allow the maintenance trucks to have access, and the pad needs to be larger
16 than 20 feet for them to have sufficient space to park. He indicated that one truck at a time
17 would conduct the maintenance. He said that large storms in the winter result in runoff spilling
18 into the ocean because the amount of water is beyond the capacity of the drains. He said that
19 maintenance is conducted in dryer months outside of the storm season. He stated that the amount
20 of time required for maintenance depends upon the amount of cleaning that is necessary. He said
21 that it is anticipated that the maintenance would occur for two to three days two to three times
22 per year. He indicated that there is regular maintenance that is scheduled. He commented that he
23 is sure there are similar facilities in other communities, but he is not certain of their size.

24
25 In response to questions from Commissioner Lesser, **Mr. Huynh** indicated that he is not aware
26 of the specific dimensions and details involved causing the pads to be constructed to a length of
27 80 feet. He indicated that the purpose of the pads is to provide public safety and not impede on
28 bikers. He said that he does not believe the office engineer was aware that they were not
29 permitted to build a larger pad than was originally approved.

30
31 Commissioner Powell commented that the pads as built are substantially larger than approved
32 and seem extremely excessive for the vehicles that would be servicing the facility. He indicated
33 that the maintenance trucks would only use the pads a few times per year. He commented that it
34 would seem that removing the pads may require half of the bike path to be blocked by
35 maintenance vehicles, but the remaining half would still be usable.

36
37 **Mr. Huynh** commented that the intent for building the extension of the pads was to prevent any
38 blocking of the bike path while maintenance vehicles are working at the site.

39
40 Commissioner Lesser commented that part of the reason why the length of the extension was felt

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1 necessary may be to allow space for the maintenance trucks to extend the arms into the open hole
2 when the covers are open.

3
4 Commissioner Powell commented that the Commissioners received a letter from an adjacent
5 resident expressing a concern regarding constant grading of the surrounding berms and
6 defoliation of the area around the pads. He also indicated that there was also a concern expressed
7 regarding construction debris remaining in the sand surrounding the subject site.

8
9 In response to a question from Commissioner Powell, **Mr. Huynh** said that he is not aware of
10 any construction debris embedded in the surrounding sand or grading.

11
12 Chairman Bohner opened the public hearing.

13
14 **Bill Caras**, a resident of 2700 block of The Strand, said that he is in favor of the project as
15 originally proposed. He said that there is no necessity for the extra length of the concrete pads.
16 He indicated that the County currently parks trucks on the Strand which block the bike path with
17 no flagmen to direct bicycle traffic. He said that the trucks could park parallel on the pads rather
18 than side by side. He commented that someone in the field arbitrarily decided that the pads
19 should be enlarged. He stated that the beach and The Strand need more protection. He indicated
20 that wind blows sand which creates dunes, and there is natural foliation. He said that now the
21 subject area is stripped with 190 feet of concrete for maintenance trucks that will be used only
22 twice a year. He suggested that the County instead provide flagmen to direct traffic while the
23 trucks are parked along the bike path. He stated that it took a large effort to convince the County
24 to request the amendment. He commented that he has submitted a petition with signatures from
25 the property owners on the block. He said that the pads are a 200 percent increase as to the size
26 that was originally approved, and it is not a minor amendment. He indicated that the
27 construction has resulted in defoliation of the area. He pointed out that the ocean water quality
28 project is not at issue but rather the maintenance of the facility. He commented that the increased
29 size of the pads cannot be considered a benefit.

30
31 **Robert Schuman**, a resident of the 2500 block of Bayview Drive, said that he agrees in large
32 part with the comments of **Mr. Caras**. He said that the County has generally had a good
33 relationship with the residents. He indicated that the County has made a mistake. He said that
34 the County could park a truck and put cones out on the westerly side of the bike path. He
35 indicated that the times that they are working is minimal, and the amount of bike traffic during
36 those times is minimal. He said that diverting bike traffic onto 28th Street and back down to 23rd
37 Street would be a way to prevent a safety issue. He commented that he is concerned with the
38 amount of concrete on the beach. He would request that the County change the project to the
39 original approval.

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1 Chairman Bohner closed the public hearing.

2
3 Commissioner Powell said that he concurs with the comments of **Mr. Schuman** and **Mr. Caras**.
4 He said that he does not believe there is any functionality or necessity of the additional space for
5 the pads, and he would support the excess portion being removed. He indicated that to have
6 trucks slightly infringe on the bike path for brief periods of 8 to 9 days during the year would be
7 preferable to having a cement pad on the sand. He said that in looking at the Coastal Act, he is
8 not sure he can support the findings. He indicated that he is not certain of the work involved to
9 make the pads conform to the original approval. He said that he would recommend that the pads
10 be reduced or that a County engineer provide justification for the additional length.

11
12 Commissioner Lesser said that he shares the concerns expressed by Commissioner Powell and
13 the residents. He indicated that when he visited the site, a County worker expressed to him that
14 the length of the pads is necessary because the entire bike lane would need to be closed during
15 maintenance which would be a great inconvenience for the bikers. He stated that the worker also
16 indicated to him that bikers could not be on the bike path at the same time as the maintenance
17 trucks. He said that he is not certain of the impact of returning the pad to the original proposal.
18 He stated that he would like information from a representative from the County regarding the
19 minimum length necessary to accommodate the trucks if it is determined appropriate to have
20 them park away from the bike path. He indicated that he would feel more comfortable
21 supporting the motion to demand that the County reduce the size of the pad with some rational
22 basis for supporting the necessary length. He said that he would also like further information
23 regarding the amount of time that trucks use the pads and the time that larger trucks rather than
24 service vehicles would park on the pads.

25
26 Commissioner Schlager said that he agrees with the comments of the other Commissioners. He
27 commented that he is not an engineer, and he feels more information is needed in order for the
28 Commission to make a competent decision. He would like for the County Engineer to provide
29 further information as brought up by Commissioner Lesser.

30
31 Commissioner Seville-Jones said that she would also like for further information to be provided
32 by the County, and the standard that she will apply to the County is extremely high. She
33 indicated that the justification for putting concrete on the beach must meet a very high standard
34 and not be simply for convenience. She said that she would not feel the pads as constructed are
35 appropriate on the basis of the information that has been provided. She said that she would be
36 hopeful that the County could return with further information to answer the questions raised by
37 the Commission. She pointed out that the beach is a natural resource, and 80 feet by 13 feet is a
38 large area of open space to be paved with concrete. She said that if further information is not
39 received, she would support the pads being reduced. She said that she would also like further
40 information as to why the original proposal would be appropriate. She said that she feels the

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1 pads are unattractive and do infringe on the vegetation.

2
3 Chairman Bohner said that he echoes the comments of the other Commissioners. He said that
4 there is no evidence to support the necessity for the increase in size of the pads. He said that it
5 would need to be demonstrated why the additional space for the pads is necessary in order for
6 him to support the application. He stated that the County must demonstrate the necessity for the
7 larger pads rather than simply for convenience. He stated that he cannot support the application
8 as presented.

9
10 **Mr. Huynh** said that the County would be willing to have engineers, designers and construction
11 crew members attend a future hearing in order to provide further information.

12
13 Commissioner Lesser said that the question is balancing the necessity for maintenance of the
14 facility while preserving the beach area.

15
16 A motion was MADE and SECONDED (Powell/Lesser) to **REOPEN** and **CONTINUE**
17 Proposed Construction of Larger Concrete Pads on the Beach/Bike Path Between 27th Street and 28th Street
18 to September 12, 2007.

19
20 AYES: Lesser, Powell, Schlager, Seville-Jones, Chairman Bohner
21 NOES: None
22 ABSENT: None
23 ABSTAIN: None

24
25 **07/0725.3 Consideration of Proposed Construction of 2 Sewer Mains at 2601 The Strand**
26 **Between Strand and Bike Path and Adjacent Segment of 27th Street (Los Angeles**
27 **County Sanitation Districts)**

28
29 Associate Planner Eric Haaland summarized the staff report. He stated that the proposal is for an
30 upgrade to the existing sewer facilities that would include a 290 square foot equipment building
31 at the west side of The Strand with a roof deck to include wrought iron railing. He stated that the
32 purpose of the proposal is to create redundancy in the facility to avoid future sewage spills. He
33 commented that underground improvements to the sanitation facility would also occur; however,
34 the only permanently visible construction would be the proposed structure. He indicated that the
35 proposed structure would match the existing facility, which is a similar building to the one
36 proposed. He said that temporary bike, pedestrian, and vehicle traffic detours and parking
37 disruptions would occur during construction. He pointed out that construction would be limited
38 to off season months in late fall or early winter. He commented that some disruption would
39 occur to traffic and parking in the area during construction; however, emergency vehicle access
40 and access to the lifeguard facility and residences would be maintained. He said that it is
41 recommended that the pavement between the proposed building and the bike path be minimized

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September 5, 2007

Mr. Richard Thompson
Director of Community Development
City of Manhattan Beach
1500 Highland Ave.
Manhattan Beach, CA 90266

VIA HAND DELIVERY

RE:File # CA 07-14/ Parking Pads on Beach at 27-28th Street/ Sept 12. PC Hearing Date

Dear Mr. Thompson:

Please accept this letter as a supplement to the written comments submitted in my letter of July 16, as well as my verbal comments at the July 25 Hearing, for inclusion in the staff report for the above described application concerning the enlargement of concrete parking pads placed on the beach at 27th and 28th Streets by the County of Los Angeles in violation of the City permit.

It was correctly stated at the July 25 Hearing by several Commissioners that, due to the paramount interest in preserving the natural conditions of the coastline and beach sand area, there must be a showing of "necessity" in order to justify the current application to gain approval for applicant's illegally constructed parking pads. It was clear that such a showing was not made by applicant at the July 25 Hearing. Given the unique nature of the applicant, being the County of Los Angeles, it is obvious the Commission has attempted to afford it every opportunity to present its best case to make such a showing, including holding the upcoming second hearing. It appears, however, that based on the facts available at this time, such a showing is impossible to make because, quite simply, the parking pads are not necessary.

First, the applicant contended that the enlarged pads were necessary to avoid complete closure and re-routing of the beach bike path. It is beyond dispute however, that in numerous instances the bike path is not closed when the County of Los Angeles performs work that involves blocking one lane of the two-lane bike path with large trucks and equipment. These blockages commonly take place without the use of flagmen or other traffic control. (See, photographs attached to my letter of July 16).

These same arrangements are available to the Vactor vacuum trucks that the County asserts will perform the twice-yearly maintenance on the storm drain. According to Vactor, the width of their trucks is 97 ½" at the widest point, with a width to the side tanks of 96". This is approximately 4 inches wider than a standard size pickup truck or SUV and narrower than the street sweeping trucks presently in use on the bike path. Since the

trucks use and fit on public roads, it is not surprising that they are not exceptionally wide. Therefore, common sense and simple arithmetic suggest that the Vactor trucks may be parked blocking only one lane of the bike path, the same as the other work trucks commonly seen there.

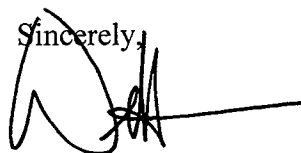
Second, attached please see three photographs of the actual County Vactor truck, along with three other trucks, parked at the 28th Street site. As can be seen: 1) The Vactor truck can be and actually is parked on the bike path itself so as to allow one lane of bike path traffic to proceed; 2) No flagman or traffic control is apparently needed or provided; 3) The County does not actually use the pads for the Vactor truck- indeed only a smaller one of the four trucks used the pads and clearly not by necessity; and 4) Once again, the County clearly does not regard blockage of one lane of the bike path as any sort of problem.

Additionally, adequate truck access to the area exists. There is street access to the bike path at Marine Ave. and at the El Porto parking lot. Yet, the Vactor trucks have actually been witnessed proceeding Northbound on the bike path in reverse to exit the path, even with the enlarged pads in place, and even though an exit to the South at Marine Street is available.

Third, even assuming parking pads were necessary, which as shown they are not, they are far larger than common sense dictates. According to Vactor, the 2110 is 31.5 feet and the 2115 is 36 feet overall in length. The 28th Street pad, which the County asserts is "necessary," now measures 85 feet in length. However, 42 feet is to the South of the main 7-foot long manhole and 36 feet extends to the North. Assuming the manhole must be open to work on it, it is difficult to imagine how the Vactor truck could even make use of both sides, let alone that they are somehow necessary.

In sum, the photographs of actual practices engaged in by the County establish beyond question that other alternatives exist to either closing the path completely or constructing enlarged parking pads on the beach. As such, it cannot credibly or in good faith be asserted that the illegal enlarged pads are "necessary" for the maintenance of the storm drain diversion installation. Moreover, given that the asserted maintenance will occur only twice per year, even if some additional inconvenience is involved- which appears not to be the case- it would be outweighed by the interest in preserving the beach sand area in its natural state. It is respectfully submitted that the application should be denied and the applicant directed to bring the installation into conformance with the approved plans and permit.

Thank You.

Sincerely,


William G. Caras

WGC/cq

