



Staff Report

City of Manhattan Beach

TO: Honorable Mayor Ward and Members of the City Council

THROUGH: Geoff Dolan, City Manager

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

DATE: February 21, 2006

SUBJECT: Uphold the Parking and Public Improvements Commission Recommendation to Approve an Encroachment Permit Appeal for 501 Manhattan Avenue

RECOMMENDATION:

It is recommended that the Council pass a motion to approve the Parking and Public Improvements Commission recommendation to approve an Encroachment Permit Appeal for 501 Manhattan Avenue.

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

BACKGROUND:

Several years ago a wooden fence was installed in the public right of way along the 5th Street frontage of the property at 501 Manhattan Avenue. The fence is approximately 29 inches high. It is situated at the edge of a landscaped area that is retained by a brick wall. The wall and other improvements in the public right of way were approved as part of an Encroachment Permit issued to a previous owner of the property. The picket fence was not included in that permit. Toward the west end of the property the fence and wall reach a combined height of 59 inches. The maximum allowable height for fences on public property is 42 inches above the level of the adjacent walkstreet. As the fence does not conform to the City's Encroachment Code, it could not be approved administratively. The owner would like to maintain the fence in its current location and therefore filed an appeal, seeking approval from the City Council via the Parking and Public Improvements Commission. The appeal was reviewed by the PPIC at a public meeting on January 26, 2006.

DISCUSSION:

As described in the attached report, staff supports the appeal. While certain portions of the fence significantly exceed the maximum allowable height, it does not appear to present any adverse impacts to the area. It is considered to be attractive and does not appear obtrusive. The owner has submitted a petition from a number of area residents stating that the fence is an enhancement to

the public right of way. No objections have been stated. As the fence does not appear to present any aesthetic problems and apparently is acceptable to area neighbors, staff sees no reason for it to be removed or modified.

The only public testimony received at the Commission meeting was provided by the applicant. The PPIC agreed with staff's findings and voted (4-0, Lang absent) to recommended approval of the appeal.

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

ALTERNATIVES:

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

Attachments: A. Photos of fence
B. Excerpt from PPIC minutes of 1/26/06
C. PPIC report dated 1/26/06, with attachments
D. Meeting notice, 2/7/06



501 Manhattan Avenue



**CITY OF MANHATTAN BEACH
PARKING AND PUBLIC IMPROVEMENTS COMMISSION
MINUTES OF REGULAR MEETING
JANUARY 26, 2006**

2. Encroachment Permit Appeal - 501 Manhattan Avenue

Management Analyst Rob Osborne presented the staff report on a request to maintain a wooden picket fence in the public right-of-way. He indicated staff's support of the appeal, stating that while certain portions of the fence significantly exceed the maximum allowable height, it does not appear to present any adverse impacts to the area. It is considered to be attractive, does not appear obtrusive and a number of residents have signed a petition stating that the fence is an enhancement to the public right of way. Management Analyst Osborne relayed that no objections have been stated and staff sees no reason for the fence to be removed or modified.

In response to questions from the Commission, Management Analyst Osborne clarified that this issue was brought to his attention by Code Enforcement staff and that the fence would always be subject to revocation and approval of future changes or replacement.

Audience Participation

Sharing that she is the owner of the property, **Susan O'Connor, Palos Verdes Estates**, shared that the fence has been up for five years and definitely helps in keeping dogs from defecating on the property. She thanked the Commission for their consideration of this request.

Discussion

Commissioner Saunders pointed out that the frontage of the property is right up to Manhattan Avenue which makes it more appealing for dogs.

Commissioner Powell voiced his support, stating that the fence is a great addition.

Commissioner Seville-Jones stated that she lives on 6th Street and was noticed on this appeal. As she is not affected by this issue, she will not recuse herself. She shared her caution in granting exceptions, but with the neighborhood support and beautification of the property and neighborhood believes the matter warrants review.

Commissioner Saunders confirmed with Management Analyst Osborne that property owners to the West support the fence. Mr. Osborne stated that no objections have been received.

Chairman Osterhout requested that in the future staff reports contain the actual wording and conditions of the subject Code requirement. He indicated that he has reviewed the pertinent Code section and will support the appeal.

Action

A motion was MADE and SECONDED (Powell/Seville-Jones) to approve the Encroachment Permit Appeal - 501 Manhattan Avenue.

AYES: Powell, Saunders, Seville-Jones and Chairman Osterhout
NOES: None
ABSENT: Lang
ABSTAIN: None

CITY OF MANHATTAN BEACH

DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Parking and Public Improvements Commission

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

DATE: January 26, 2006

SUBJECT: Encroachment Permit Appeal – 501 Manhattan Avenue

RECOMMENDATION

Staff recommends that the Commission recommend approval of the request to maintain a wooden picket fence in the public right of way adjacent to 501 Manhattan Avenue.

BACKGROUND

The owner of 501 Manhattan Avenue recently installed a wooden fence in the public right of way along the 5th Street frontage of her property. The fence is approximately 29 inches high. It is situated at the edge of a landscaped area that is retained by a brick wall. The wall and other improvements in the public right of way were approved as part of an Encroachment Permit issued to a previous owner of the property. The picket fence was not included in that permit. Toward the west end of the property the fence and wall reach a combined height of 59 inches. The maximum allowable height for fences on public property is 42 inches above the level of the adjacent walkstreet. As the fence does not conform to the City's Encroachment Code, it could not be approved administratively. The owner would like to maintain the fence in its current location and therefore filed an appeal, seeking approval from the City Council via the PPIC. Photos of the fence, a letter from the applicant and letters of support from neighbors are attached.

DISCUSSION

Staff supports the appeal to maintain the fence as installed. While certain portions of the fence significantly exceed the maximum allowable height, it does not appear to present any adverse impacts to the area. It is considered to be attractive and does not appear obtrusive. The owner has submitted a petition from a number of area residents stating that the fence is an enhancement to the public right of way. No objections have been stated. As the fence does not appear to present any aesthetic problems and apparently is acceptable to area neighbors, staff sees no reason for it to be removed or modified.

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

Attachments

Photos of fence

Parking and Public Improvements Commission
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Submittal from applicant
Petition from neighbors
Meeting notice, 1/13/06



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

February 7, 2006

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

Re: Encroachment Permit Appeal – 501 Manhattan Avenue

Dear Resident/Owner:

On January 26, 2006, the Parking and Public Improvements Commission reviewed an Encroachment Permit Appeal for the property at 501 Manhattan Avenue. The owner is seeking to maintain an existing picket fence which exceeds the allowable height limit for structures on City property. The Commission voted to recommend approval of the appeal.

The City Council will review this recommendation at a public meeting on Tuesday, February 21, 2006. The meeting will be held in the City Council Chamber, 1400 Highland Avenue, and will begin at 6:30 p.m.

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

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

Sincerely,

Rob Osborne
Management Analyst
Community Development Department