

July 2, 2002

Honorable Mayor and Members of
The Hermosa Beach City Council

Regular Meeting of
July 9, 2002

**ENCROACHMENT FEE WAIVER FOR
1543 GOLDEN AVENUE**

Recommendation:

It is recommended that the City Council receive and file this report.

Summary:

On May 14, 2002, the Staff presented a request for exemption from obtaining an encroachment permit by the property owner at 1543 Golden Avenue to the City Council. At that meeting, Council allowed the property owner of 1534 Golden Avenue to continue work while applying for an encroachment permit. Staff was directed to report back regarding the issue of the request for fee waiver noting information as to how many residents of that block have encroached into the public right-of-way without a permit since 1996.

Analysis:

The west side of Golden Avenue is exempt from the sidewalk construction requirement per Council action January 10, 1995. Please see Attachment 2. However, homes built on the east side are required to construct sidewalks. The right-of-way is 40 feet wide on Golden Avenue, 28 feet of which is pavement. The standard sidewalk width for the east side of Golden Avenue, including the curb, is 4.5 feet. The distance from the curb face to the property line is 6.0 feet.

Public Works Department records indicate that there are no encroachment permits on file for Golden Avenue before or after May, 1996. Properties that encroach into the public right-of-way since before May, 1996 are: 1538, 1546 and 1550 Golden Avenue.

Some property owners on the east side of the street chose to fill in the 1.5 feet of dirt area between the property line and the back of the sidewalk with concrete while others chose to landscape the area (See attached pictures). Neither action required an encroachment permit. The west side of Golden Avenue is exempt from sidewalk requirements. However, if a property owner opts to install something other than a flat concrete surface such as the proposed hardscape in the public right-of-way at 1543 Golden Avenue, the City requires an encroachment permit and covenant to protect the City from any claim that may arise as a result of that other type of surface in the area.

Fiscal Impact:

None

Alternatives:

1. Order Staff to collect an encroachment fee and a construction fee from the property owner.
2. Waive the encroachment fee but require a fee for construction in the public right-of-way.
3. Waive all fees.

Attachments: 1. Photographs
2. 1995 Council Action

Respectfully submitted,

Concur:

Homayoun A. Behboodi
Associate Engineer

Harold C. Williams, P.E.
Director of Public Works/City Engineer

Stephen R. Burrell
City Manager