

July 28, 2015
5:00 P.M.
Council Chambers of City Hall
340 Palos Verdes Drive West
Palos Verdes Estates



**AGENDA
OF AN ADJOURNED REGULAR MEETING
OF THE CITY COUNCIL AND THE PLANNING COMMISSION OF THE CITY OF
PALOS VERDES ESTATES, CALIFORNIA**

Copies of the staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the office of the City Clerk and are available for public inspection. If applicable, materials related to an item on this agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's office during normal business hours. Any person having any question concerning any agenda item may call the City Clerk to make inquiry concerning the item. Upon request, the agenda and documents in the agenda packet can be made available in appropriate alternative formats to persons with a disability in compliance with the Americans with Disabilities Act. Please contact the City Clerk at 310-378-0383, at least 48 hours prior to the meeting to request a disability-related modification or accommodation.

The City Council welcomes and encourages public participation at the Council meetings; however, to allow for the orderly progression of business, each person wishing to comment or make a presentation shall be limited to three (3) minutes. Anyone wishing to address the City Council is requested to fill out a green speaker's card available at the end of each row in the Chambers. The card permits the City to identify persons for purposes of City Council minute preparation. The City Council, at the direction of the Mayor with concurrence of the Council, may modify the order of items shown on the agenda.

NEXT RESOLUTION NO. R15-34

NEXT ORDINANCE NO. 15-714

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ADJOURNED REGULAR MEETING
CITY COUNCIL AGENDA; STUDY SESSION
July 28, 2015

ROLL CALL (5:00 PM)

COMMUNICATIONS FROM THE PUBLIC

This portion of the agenda is reserved for comments from the public on items which are NOT on the agenda. Due to state law, no action can be taken by the Council this evening on matters presented under this section. If the Council determines action is warranted, the item may be referred to staff or placed on a future Council agenda.

NEW BUSINESS

All persons addressing the City Council shall be limited to three (3) minutes for comment.

1. Discussion Items:
 - a. Review of Wireless Telecommunication Facility Regulations and Process for Identifying New Locations
 - b. Rights-of-Way/Parklands Encroachment Enforcement Strategy

ADJOURNMENT

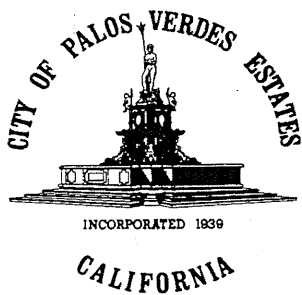
THE CITY COUNCIL WILL ADJOURN TO THE REGULAR MEETING OF THE CITY COUNCIL AT 7:30 P.M. IN COUNCIL CHAMBERS OF CITY HALL.

THE PLANNING COMMISSION WILL ADJOURN TO AN ADJOURNED REGULAR MEETING OF THE PLANNING COMMISSION ON TUESDAY, SEPTEMBER 1, 2015 AT 6:30 P.M. IN COUNCIL CHAMBERS OF CITY HALL.

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing agenda was posted on the City Hall Bulletin Boards located by front door and inside adjacent to Council Chambers located at 340 Palos Verdes Drive West, Palos Verdes Estates, CA 90274, Palos Verdes Golf Club, and Malaga Cove Library not less than 72 hours prior to the meeting in accordance with Government Code Section 54954.2. Dated this 24th day of July, 2015.

Vickie Kroneberger, CMC
City Clerk

ADJOURNED REGULAR MEETING
CITY COUNCIL AGENDA; STUDY SESSION
July 28, 2015



MEMORANDUM

Agenda Item #: 1b
Meeting Date: 7/28/15

(Study Session)

TO: ANTON DAHLERBRUCH, CITY MANAGER

FROM: SHERI REPP-LOADSMAN, PLANNING & BUILDING DIRECTOR

SUBJECT: CITY RIGHTS-OF-WAY AND PARKLANDS ENCROACHMENT ENFORCEMENT STRATEGY

DATE: JULY 28, 2015

ISSUE

The enforcement strategy on the removal of encroachments within the City rights-of-way and parklands

BACKGROUND

At the May 27, 2014 and June 24, 2014 City Council meetings, City staff provided information related to the investigation of unauthorized encroachments in the City's rights-of way. Staff shared a draft Rights-Of-Way Study Work Plan outlining the various tasks and anticipated time line. Since then, staff has continued field investigations to identify potential encroachments in the City rights-of-way and parklands. A spreadsheet documents staff's findings and will be utilized as additional locations are identified.

An important task in the Rights-Of-Way Study Work Plan related to the hiring of a full-time Code Enforcement Officer. This position was approved by City Council as a means of addressing safety issues and preserving the City's character and quality of life for its residents. In December of 2014, the City hired Ellisa Hall as a full-time Code Enforcement Officer to assume the prior duties of the previous part-time officer and to expand code enforcement efforts. With the hiring of new staff and transition related to contract services, progress on the Rights-of-Way Study Work Plan is not as far along as was expected. In June 2015, Ken Rukavina, from HR Green, became the City's new contract City Engineer. The City Engineer and Code Enforcement Officer are collaborating to address the various tasks within the Work Plan and are prepared to move forward in carrying out the key action steps. As such, the purpose of this study session is to review progress to date and to discuss potential changes to facilitate an approach for

forward in carrying out the key action steps. As such, the purpose of this study session is to review progress to date and to discuss potential changes to facilitate an approach for considering standard and non-standard encroachments within the rights-of-way. There will also be discussion of the strategy to remove encroachments within the parklands.

The City has also implemented “Comcate,” a software program for tracking complaints and monitoring progress in the response to complaints. “Complaints” herein is encroachments.

For Council’s edification, the following is an overview of the difference between City rights-of-way and parklands:

Rights-of-way is property such as public easements or public property that are used for utility services, streets, alleys, pathways or other related public purposes. Rights-of-way generally consists of hardscape (i.e. sidewalks, streets, curb and gutter) or landscape adjacent to private property also known as parkway. Rights-of-way may also be alleys, pathways or lanes between homes from one street to another and providing access to parklands. Some rights-of-way may be unimproved and not utilized for an obvious public purpose. Present codes and standards allow for a variety of encroachments to be located in the City rights-of-way.

Parklands are classified as “undeveloped natural open space available for visual and physical enjoyment of the public (PVEMC Section 18.16.020 (A)). Parklands are not authorized to be fenced or otherwise enclosed for private use. With the exception of approved public utilities, the installation or placement of any type of structure, mechanical equipment, hardscape, or miscellaneous item(s) are prohibited. In addition, landscaping on parklands must first be approved within the guidelines of the City’s “Parklands Landscaping Policy (Resolution R12-05). Please note, restrictions that pertain to parklands do not include street right-of-ways, property designated for school district purposes, property designated for library district purposes, and all property that is subject to a concession agreement such as the Beach and Athletic Club, Golf Club, Tennis Club, and Palos Verdes Stables.

DISCUSSION/ANALYSIS

As described in the June 24, 2014 staff report, the intent of the Work Plan is to share staff’s perspective on how to develop a comprehensive approach to address unauthorized encroachments in the City rights-of-way. With direction from Council, the Work Plan will evolve over time and is intended to lead to a more coherent set of codes, procedures, standards and guidelines for the process of permitting or denying standard and nonstandard encroachments in the City rights-of-way.

The attached spreadsheet of inspected encroachments within the City rights-of-way and parklands gives an overview of the types of encroachments that exist within the City. It is staff’s intention to work with residents in seeking voluntary compliance. In situations where the adjoining properties do not have responsibility, staff will work with the City’s

weed abatement contractor or landscape maintenance contractor to clear vegetation and allow walking paths to be more accessible.

It is staff's current practice and goal to achieve the removal of all physical encroachments in parklands. As encroachments are identified and time allows, the responsible party for each encroachment is contacted and directed to remove it. Owners of private ornamental landscaping that completely block passage or access through parklands are also being directed to remove the landscaping. To the extent of the City's available budget, effort is additionally made to provide access through parklands.

Staff would like to revisit several policy questions that the City Council may consider in addressing rights-of-way encroachments:

- 1) Should the City continue a proactive approach in identifying homeowner installed encroachments, focusing on safety related issues, in the right-of-ways and pursue corrective actions as deemed appropriate?
- 2) The Municipal Code and Public Works Standards identify standard and non-standard encroachments. There are numerous existing encroachments that deviate from current codes and standards. There is need to evaluate what is acceptable to address safety, aesthetics and community expectations. Modifications should be considered to allow a broader range of permitted encroachments and to minimize the need for code enforcement. As such, should the codes or standards be revised for encroachments in the rights-of-way? A copy of the PW standard is attached for reference.
 - a. Use of decomposed granite?
 - b. Ground level landscaping exceeding 30 inches?
 - c. Privacy screening bordering rights-of-way?
 - d. Facilities and structures?
 - e. Nonstandard driveways, walkways, and stairs
 - f. Transitional areas adjacent to street
 - g. Parking pads
- 3) How should encroachments in the rights-of-way be evaluated and permitted?
 - a. Using the administrative encroachment permit process or a discretionary process such as the Miscellaneous Permit Application?
- 4) Should the City Council develop a policy similar to the R05-32 (removal of encroachments in parklands) to remove unauthorized facility and structural encroachments from the public rights-of-way?
 - a. Safety issues would be subject to immediate compliance (e.g. dense landscaping that blocks line of sight and creates traffic hazard)
 - b. Other long standing violations could be provided with an abatement schedule (e.g. dense landscaping that does not create line of sight traffic hazard)

- 5) At this time or later, shall the City Council refer this matter to the Parklands Committee and/or schedule a joint meeting to discuss this matter?
- 6) Should an administrative citation and/or cost recovery process be implemented when the City performs corrective actions to remove overgrown vegetation or unauthorized encroachments?

The purpose of this study session is to advise and discuss with the City Council the City's efforts to address encroachments in parklands and discuss the six (6) policy questions above pertaining to encroachments in the rights-of-way.

FISCAL IMPACT

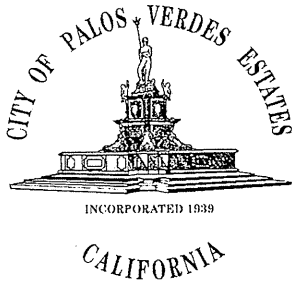
Code enforcement resources are a factor to be considered in developing and implementing the program. The potential allocation of additional resources beyond the current staff person, Comcate software, and fire/weed abatement contract, can be discussed further if an expedited and stronger process for addressing encroachments is determined to be necessary.

RECOMMENDATION

It is recommended that the City Council discuss and provide direction to staff.

ATTACHMENTS

- A – Staff Report with attachments of May 24, 2014
- B – Staff Report of June 24, 2014
- C – Rights-of-Way Study Work Plan
- D – Documented Encroachments (Spreadsheet)
- E – General Provisions and Standards for Public Works Permits (Driveways, Walkways, Curb & Gutter, Curb Drains)
- F – Schott/Harbison Correspondence dated April 3, 2014



MEMORANDUM

Agenda Item: 8
Meeting Date: 05/27/2014

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
THRU: ANTON DAHLERBRUCH, CITY MANAGER *AD*
FROM: SHERI REPP-LOADSMAN, PLANNING & BUILDING DIRECTOR *SR*
SUBJECT: DISCUSSION OF STANDARDS FOR IDENTIFICATION AND REMOVAL OF UNAUTHORIZED ENCROACHMENTS ON CITY RIGHTS-OF-WAY
DATE: MAY 27, 2014

ISSUE

Should the City Council update and/or adopt new or revised standards for the removal of unauthorized encroachments in the city "rights-of-way" that includes parkways, paths, lanes and alleys?

BACKGROUND

Present codes and standards allow for a variety of encroachments to be located in the public rights-of-way. Right-of-way is property such as public easements or public property that are used for utility services, streets, alleys, pathways or other related public purposes. Rights-of-way generally consists of hardscape (i.e. sidewalks), streets, curb/gutter, or landscape adjacent to private property also known as the parkway. Rights-of-way is often the pathways or lanes between homes from one street to another. Rights-of way may also be alleys or access to parklands. Some rights-of-way may be unimproved and not utilized for an obvious public purpose. Recently, the City posted a Frequently Asked Questions (FAQs) web-page pertaining to what is and is not allowed in the City's right-of-way (attached).

Types of Rights-of-Way

As listed below, the Palos Verdes Estates Municipal Code identified a number of definitions that pertain to public rights-of-way. The distinction between parklands and right-of-way can also be confusing since the definitions used for "parks" can include certain types of rights-of-way. A public rights-of-way may be fee simple, by easement or dedication.

Chapter 12.04 ENCROACHMENTS

12.04.010 Definitions.

As used in this chapter:

B. "Encroachment" means privately owned improvements, facilities or structures, including without limitation any post, sign, pole, fence, deck, building, tree (unless permitted pursuant to PVEMC 12.16.030), pipe, cable, drainage facility, septic system, or recreational facility, in the public right-of-way or on other public property, constructed and maintained by the property owner.

C. "Standard encroachment" means any encroachment which conforms to a standard plan previously approved by the public works director as a city standard encroachment.

D. "Nonstandard encroachment" means any encroachment which does not conform to a standard plan previously approved by the public works director as a city standard encroachment.

E. "Public property" means property owned in fee by the city or dedicated for public use.

F. "Public rights-of-way" means public easements or public property that are used for streets, alleys or other public purposes. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 650 § 1, 2003)

Chapter 12.24 PARKS

12.24.010 Definitions.

As used in this chapter:

A. "Park" includes all areas owned by the city which are designated for public recreational use, whether active or passive, including all paths, roadways, avenues, and parkways.

C. "Grounds" includes all areas owned by the city which are designated for open space use, including parklands, and all paths, roadways, parkways and structures and equipment located thereon.

Chapter 17.08 ZONING DEFINITIONS

17.08.390 Street.

"Street" means a public or an approved private thoroughfare or road easement which affords the principal means of access to abutting property, but not including an alley. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.34, 1948)

17.08.040 Alley.

"Alley" means a public thoroughfare or way having a width of not more than twenty feet which affords only a secondary means of access to abutting property. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.3, 1948)

Types of Encroachments

The ability to encroach within the public rights-of-way and the procedures and permit requirements to obtain a standard or nonstandard encroachment is governed by the Palos Verdes Estates Municipal Code Chapter 12.04. The following information details the more relevant sections:

12.04.020 Permit required.

It shall be unlawful to erect, place, construct, establish, plant or maintain any structure, vegetation or object on public property or public rights-of-way without a permit issued by the public works director. This provision shall not apply to: (A) any of the officers or employees of the city under the direction of the various city departments or their designee; or (B) any person utilizing a bin for construction waste or special refuse which has been provided by the contractor providing solid waste collection service to single-family residential units under agreement with the city, provided the location of such bin is in conformance with the requirements of such agreement. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 662 § 1, 2005; Ord. 650 § 1, 2003)

12.04.080 Standard encroachments.

Any person applying for a standard encroachment permit shall obtain approval from the public works director or his or her designee before a permit may be issued. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 650 § 1, 2003)

12.04.090 Nonstandard encroachments.

Any person applying for a nonstandard encroachment permit shall obtain approval from the planning commission before a permit may be issued. The decision made by the planning commission may be appealed to the city council. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 650 § 1, 2003)

When encroachments are permitted within a public right-of-way, it is almost always within the parkway. The parkway may be utilized for public utilities, planting, pathways and other City approved improvements. Certain typical irrigation and landscape encroachments within the parkway do not need prior city approval. It is noted that PVEMC 12.04.020 requires a permit for all encroachments. By practice, the Public Works Department has waived this requirement if the proposed improvements meet the following standards:

- Irrigation System for Plantings (PVEMC: 18.50.090 (B))
- The planting of shrubs, plants, and groundcover that does not exceed 30 inches in height. No hedges shall be planted in the parkway. (PVEMC: 12.16.060)

Additional permitted encroachments are authorized by staff with the approval of a Public Works Encroachment Permit as follows:

- Standard Driveway/Apron
- Standard Walkways

- Curb and Gutter Construction/Repairs
- Curb Core Installation
- Any Type of Construction in the Public Street
- New/Replacement Mailboxes

Certain encroachment improvements in the public right of way that do not fall under the City's General Provisions and Standards for Public Works Permits require Planning Commission approval through the Miscellaneous Application process. These encroachments include but are not limited to the following:

- Walls, Fences, and any above Ground Structures
- Lighting Installation of any kind
- Sidewalks/Walkways (parallel to the curb)
- Nonstandard Driveway/Apron
- Nonstandard Parking Pads, Curbs, and Hardscape

Zoning

Recognizing the value to the community in preserving its paths, lanes, parks, and open space, Chapter 18.16 of the Palos Verdes Estates Municipal Code (PVEMC) was adopted to regulate open space parcels, including City-owned lots, street rights-of-way and parklands. PVEMC Section 18.16.010 states, "The purpose of the open space (OS) zone is to preserve, promote and enhance valuable natural and open space resources in the city." Chapter 12.24 was similarly adopted to govern and restrict all areas owned by the City which are designated for public recreational use, including all paths, roadways, avenues, and parkways.

Unauthorized Encroachments

Unauthorized encroachments consist of the installation or placement of any item or feature by a private property owner onto publicly-owned land without proper authorization including but not limited to: fences, walls, hardscape, mechanical equipment, play equipment, unapproved landscaping and the dumping of materials. In many of the City's neighborhoods, where it may not be clear where the front property line is in relation to the parkway, homeowners may have installed improvements other than those permissible and approved as stated above. The typical area of parkway adjacent to the street (that often functions as part of a property's front yard) is generally between 10-15 feet. In some areas, particularly where streets are narrow and there is not a vertical curb and gutter, this portion of the rights-of-way may be used for an unauthorized encroachment of vehicle "on-street" parking and as such, is often surfaced with gravel to minimize mud and erosion onto the street. Presently, it is City practice to review these types of improvements during the application process for a planning permit, on a complaint basis, or if City staff notices work being conducted that may not have the benefit of a permit. If the improvements are not consistent with City provisions, the homeowner is requested to make such alterations (typically to remove the improvements and construct them within their private property).

Determining permitted encroachments within the paths is complicated since there is a distinction between rights-of-way and parklands. There are no permitted encroachments within the parklands. There are opportunities for encroachments within certain types of rights-of-way. Various utilities, including gas, water, electrical and sewer, may be located within rights-of-way used as parkways and paths. Based upon a review of current and past practices, it appears that permits have not been issued for fences, walls, or privately owned improvements, facilities or structures. As such, it is the City's practice not to allow these type of encroachments within paths. Requests for encroachments in the paths generally focus on the planting of hedges or shrubs to provide privacy or grass to beautify the area. In addition, there appears to have been verbal approval without the issuance of permits for certain landscape improvements along the edge of paths for privacy hedges or vegetation. It is noted that PVEMC 12.04.020 requires a permit for all encroachments. By practice, the Public Works Department has previously waived this requirement if the proposed landscape improvements are determined to not conflict with public access or safety.

Recently, there have been complaints requesting that the City remove unpermitted encroachments from the public rights-of-way. Many of the issues include vegetation in the 20-foot wide paths that go street to street. Typically, the vegetation has not been allowed or permitted. Often, the encroachment results from plant materials of private property growing into the public right-of-way. The Municipal Code defines that the adjacent property owner to public rights-of-way is required to maintain the parkway vegetation within the rights-of-way, but this is defined as the rights-of-way between the private property and the street, not the rights-of-way between properties.

Code Enforcement

Through the years, the City has made efforts to remove unauthorized encroachments on City parklands and street rights-of-ways. Within limited staff time, the City's Code Enforcement Officer has achieved reasonable success in the removal of unauthorized encroachments on a reactive case by case basis. Depending on the type of encroachment and the effect it has on the community (invasive or non-invasive), the Code Enforcement Officer may provide anywhere from fifteen to sixty days to the violator for compliance. When an unauthorized encroachment must be removed, the Code Enforcement Officer initially seeks voluntary compliance. Although most residents comply with the City's requests, some residents choose not to comply which utilizes City's resources in order to seek compliance. When a code enforcement commences, the following Municipal Code ordinances are referenced:

- PVEMC Section 8.48.015 (H) (J) requires the removal of unauthorized encroachments when they are designated as a public nuisance and/or fall into disrepair.
- PVEMC Section 12.04.010 requires the removal of unauthorized encroachments when they are constructed and/or modified.
- PVEMC Section 17.04.090 requires the removal of unauthorized encroachments during a discretionary review by the City's Planning Commission.

A common enforcement issue pertains to overgrown vegetation that jeopardizes public safety when it blocks the view of pedestrians, motorists, and traffic signs. Per the City's Municipal Code, the responsibility to trim, reduce, or remove vegetation blocking visibility of the street or of an intersection falls on the adjacent property owner. There are many areas where vegetation exceeds 30 inches in height. A review of current and past practices indicates that certain unauthorized encroachments have been abated by the City when safety concerns are identified. This intervention happens when there is an immediate threat to public safety (e.g. a fallen tree limb) and when a property owner is unable or refuses to comply with a notice to abate (e.g. remove overgrown vegetation). Generally, cities seek to obtain cost recovery when there is a failure for a property owner to take appropriate action. For other vegetation issues, with existing staff resources it is difficult to effectively address all of these situations. The Code Enforcement Officer routinely addresses overgrown vegetation but is not always able to obtain compliance.

There does not appear to be a process for the City to recover such costs and future steps are recommended to develop an appropriate cost recovery procedure.

Enforcement in Parklands vs. Rights-of-Way

Parklands are classified as "undeveloped natural open space available for visual and physical enjoyment of the public (PVEMC Section 18.16.020 (A)). Parklands are not authorized to be fenced or otherwise enclosed for private use. With the exception of approved public utilities, the installation or placement of any type of structure, mechanical equipment, hardscape, or miscellaneous item(s) are prohibited. In addition, landscaping on parklands must first be approved within the guidelines of the City's "Parklands Landscaping Policy (Resolution R12-05). Please note, restrictions that pertain to parklands do not include street right-of-ways, property designated for school district purposes, property designated for library district purposes, and all property that is subject to a concession agreement such as the Beach and Athletic Club, Golf Club, Tennis Club, and Palos Verdes Stables.

In November of 2005, Resolution R05-32 was adopted to establish a more defined policy for the removal of unauthorized encroachments on City parklands. The policy requires the City to determine the exact location of the boundary between City and private property, including obtaining a survey if necessary. Once the investigation determines that the existing encroachments violate the City's deed restrictions, the property owner is notified to remove the illegal encroachment(s) within five years after notification. In addition, the policy also requires the removal of all existing encroachments within sixty days of a transfer of ownership of a property previously notified.

When Resolution R05-32 was developed, it specifically did not include unauthorized encroachments in the public rights-of-ways as there is the possibility that the encroachment may have been authorized by the City. This is different than encroachments on Parklands as the City has never had a process or the ability to allow private encroachments on the Parklands. Staff has often encountered situations in which a resident claims that an encroachment on a right-of-way was previously permitted and that the City cannot force the removal of something it had previously approved. However, the City only has ~15 years of records for rights-of-way permits and as such,

it is difficult to definitively prove that the encroachment was never authorized. The location of rights-of-way is also unclear in many areas and it is difficult without surveys to clearly know where private property ends.

Prior Studies of Encroachments within Public Rights-of-Way

In October 1994, the City Council requested that the Parklands Committee prepare a detailed inventory of all City pathways and alleys to identify and describe all encroachments and their physical condition. The inventory list was labeled as a Draft Survey and presented to the City Council in July 1995. The Draft Survey for Paths, Lane and Alleys Inventory pointed out the location of the specific street rights-of-ways/Parklands and listed the types of encroachments where they existed. At this time, it does not appear that action was taken at the time to remove those specified encroachments.

ANALYSIS

The City continues to receive input from residents regarding unauthorized encroachments along City parklands and street rights-of-ways. Currently, a detailed inventory is being prepared similar to the 1995 Paths, Lane and Alleys Inventory. The study is focused on the public rights-of-way with attention to the intended purpose of the rights-of-way and a description of types of encroachments.

To date, staff has reviewed the majority of rights-of-way to determine existing conditions. There appears to be a significant number of unauthorized encroachments. In order to determine an effective enforcement strategy, it is necessary to determine the importance or relevance of each type of rights-of-way. Similarly, there is a need to determine the different types of encroachments for their appropriateness within the rights-of-way. The study is specifically identifying the following information or features:

1. Circulation
 - Pedestrian access
 - Vehicular access
 - Fire access to parklands
2. Utilities
3. Maintenance Responsibility
 - Annual Fire Safety/Weed Abatement
 - City Maintenance Contract
 - Privately Maintained
4. Pavement or Surfacing Material (dirt, gravel, asphalt or concrete)
5. Type of Vegetation (native or private, ground level or overhead)
6. Encroachment by private facilities or structures

Staff has outlined the following policy questions that the City Council may consider to address rights-of-way encroachments:

- 1) Should the City complete a city-wide inventory of homeowner installed encroachments in the right-of-ways and pursue some type of corrective action at the present time?
- 2) Beyond what's authorized by the Municipal Code, what constitutes an encroachment in the rights-of-way?
 - a. Overhead landscaping?
 - b. Ground level landscaping?
 - c. Privacy screening bordering rights-of-way?
 - d. Facilities and structures?
- 3) How should encroachments in the rights-of-way be evaluated and permitted?
 - a. Using the encroachment permit process or some other type of discretionary process, i.e. the Miscellaneous Permit Application?
- 4) Should the City Council develop a policy similar to the R05-32 (removal of encroachments in parklands) to remove unauthorized facility and structural encroachments from the public rights-of-way?
- 5) Should code enforcement only be applied when a homeowner applies for a discretionary planning permit, or in the case of recently installed improvements reported to the City on a complaint basis or when discovered by City staff during the course of routine City business?
- 6) At this time or later, shall the City Council refer this matter to the Parklands Committee and/or schedule a joint meeting to discuss this matter?
- 7) Should the City prepare standards and conditions where parking pads would be appropriate in the public right-of-way subject to approval of a Miscellaneous Application or Encroachment Permit?
- 8) Should a cost recovery process be implemented when the City performs corrective actions to remove overgrown vegetation or unauthorized encroachments?

FISCAL IMPACT

The estimated cost to remove unauthorized encroachments along the City's parklands and street rights-of-ways is beyond the scope of this current report. Code enforcement resources, however, is a factor to be considered in developing and implementing a program.

ALTERNATIVES AVAILABLE TO COUNCIL

1. Direct staff to complete the current study and analysis of encroachments in the City street right-of-way.

2. Consider a City Council group field trip to view rights-of-way
3. Direct staff to compose a Resolution addressing vegetation that inhibits access to the right-of-ways, particularly those paths or lanes that connect from street to street.
4. Decline to act and request staff to provide more information.

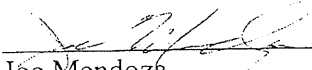
RECOMMENDATION

It is recommended that the City Council provide direction to staff.

ATTACHMENTS

- A – Frequently Asked Questions: Right-of-Way
- B – PVEMC Section 8.48.015 (H) (J)
- C – PVEMC Section 17.04.090
- D – Photos of Unauthorized Encroachments on City Rights-of-Ways
- E – Resolution R05-32

Staff report prepared by:


Joe Mendoza
Administrative Analyst



CITY OF PALOS VERDES ESTATES RIGHT-OF-WAY

FREQUENTLY ASKED QUESTIONS (FAQs)

The City of Palos Verdes Estates is a unique community with 29% of land within the City limits designated as “Parklands.” Often indistinguishable from the Parklands are “rights-of-way” that includes “parkways,” paths, alleys, and roadways. The definition and allowed uses of “rights-of-way” can be confusing and thus, this is to answer frequently asked questions about what is permitted within the right-of-way and process for obtaining approval (encroachments or variances) to exceptional uses. Residents are encouraged to speak to City representatives if there are any questions and/or to receive guidance to address particular situations. More information can be obtained by email to PublicWorks@pvestates.org or calling the Public Works Department at (310) 378-0383. Right-of-way permits and staff assistance will be available Monday through Friday from 8:00 a.m. to 10:00 a.m.

What is right-of-way?

Right-of-way is property such as public easements or public property that are used for streets, alleys or other public purposes. Right-of-way includes but is not limited to hardscape (i.e. driveways/sidewalks/walkways), streets, curb/gutter, alleyways, or landscape adjacent to private property also known as the **Parkway**. Note the right-of-way is not just the paved portion in front of your property. It is the entire width from your private property line to the private property line across the street. In addition, right-of-way is often the pathways between homes from one street to another. (PVEMC - 12.04.010 (F))

What is parkway?

Parkway is the strip of property within the right-of-way between the private property line and the curb or street. It is the portion of the public right-of-way other than that reserved for vehicular travel or a sidewalk.” (PVEMC – 10.04.080)

Parkway may be utilized for public utilities, planting, pathways and other City approved improvements.

What is the size of the parkway?

The size of the parkway varies throughout the City. For the specific width of a parkway adjacent to a particular address, please email or call the Public Works Department.

Is the pathway between two homes considered right-of-way?

Most pathways between two homes from one street to another are located within right-of-way. In order to verify the classification of a particular pathway, please email or call the Public Works Department.

Who is responsible for maintaining the parkway?

It is the responsibility of the property owner adjacent to the parkway in front of their home to maintain all shrubs, lawns, and groundcovers. This excludes the maintenance (trimming/removal) of City planted trees. The City trims trees in the parkway on a regular schedule. If you would like further information on the City's trimming schedule, please contact the City Forester at (310) 378-0383 or trees@pvestates.org. All plants, shrubs, and groundcover planted in the parkway may not exceed 30 inches in height. Prior to planting in the parkway, please email or call the Public Works Department. (PVEMC - 12.16.060 & 12.24.070)

Can I park a vehicle in the right-of-way or in the parkway?

No, all vehicles that are visible from the street are required to be parked on paved driveways or approved parking areas. Parking is not permitted in areas of the front and side yards that do not have concrete or asphalt and have not been previously approved as parking areas. (PVEMC 10.40.120)

Parking pads located in the parkway that have been installed prior to the adoption of Ordinance 230-1 (1965) have been granted grandfathered status but must remain in good condition.

Parking is allowed on all designated driveways as approved by the Building and Public Works Department and on paved street right-of-way where there are no posted restrictions or markings. (PVEMC – 10.40.030)

Can I construct a parking pad on parkway?

In order to construct a parking pad on parkway, a resident must first obtain Planning Commission and City Council approval. To request approval, you will need to submit a "Miscellaneous Application" to the Planning Department.

Please click on the following link to view and print the application:
<http://www.pvestates.org/Modules/ShowDocument.aspx?documentid=361>

If you have any questions regarding this process, please contact the Planning Department at (310) 378-0383 or email: planning@pvestates.org.

What is allowed in the parkway?

- Irrigation System for Plantings
Please note, the City prohibits irrigation overspray or runoff onto public streets.
(PVEMC: 18.50.090 (B))
- The planting of shrubs, plants, and groundcover that does not exceed 30 inches in height
No hedges shall be planted in the parkway.
(PVEMC: 12.16.060)

City approval is not required for these improvements.

Can I excavate/grade soil in the right-of-way/parkway?

In order to excavate/grade soil in the right-of-way, approval must be given by the Public Works Department and an Excavation Permit must be obtained prior to commencing any such activity.
(PVEMC – 12.12.020 & 12.24.070)

If you have any questions regarding the City's permitting process, please email or call the Public Works Department.

Can I plant, trim, or remove a City tree in the parkway?

Only with permission from the City. The planting of trees in the parkway is typically done by the City when requested by the adjacent property owner. Such a planting is at no charge to the resident. The trimming of trees is performed by City crews to remove dead or dangerous branches. If you would like to "lace" or shape a City tree, a no-fee permit is required and the work must be per City standards. The removal of a tree can only be done by the City or by a resident after obtaining permission from the Parklands Committee per the City's Tree Management Policy. To be on the agenda for the Parklands Committee to consider a tree removal, an application form is necessary. The application can be obtained at <http://www.pvestates.org/Modules/ShowDocument.aspx?documentid=424> and/or please call the City Forester at (310) 378-0383 or email trees@pvestates.org.

Please click on the following link to view the City's Tree Management Policy:
<http://www.pvestates.org/Modules/ShowDocument.aspx?documentid=423>

Can I place my trash cans in the parkway or pathway within the right-of-way?

No, the City prohibits the placement of refuse containers adjacent to the street, on pathways, or on City Parkland, even on collection day. The ordinance requires that the containers be kept in a concealed trash area on the property where the City's approved refuse hauler retrieves them and returns them after emptying. (PVEMC - 8.16.090(A))

What happens if there are structures in the right-of-way (including parkway or pathway)?

Enforcement is performed as the City is made aware of non-permitted installations and blockages in the right-of-way including parkways and pathways. (PVEMC – 12.04.060) These types of non-permitted installations include but are not limited to:

- Walls, Fences, and any Above Ground Structures
- Lighting Installation of any kind
- Sidewalks/Walkways (parallel to the curb)
- Nonstandard Driveway/Apron
- Nonstandard Parking Pads, Curbs, and Hardscape

If you have any questions regarding what you can or cannot install in the right-of-way, please email or call the Public Works Department.

If you have concerns regarding non-permitted installations in the parkway or pathway, please call the Code Enforcement Officer at (310) 378-0383 or email: jmendoza@pvestates.org

What types of structures are allowed in the parkway or pathway within the right-of-way?

- Mail boxes that are installed per Public Work Standards are allowed in the parkway. A no fee permit is also required. Please click on the following link to view the City's Public Works Standards and no fee permit for mailbox installations: <http://www.pvestates.org/Modules/ShowDocument.aspx?documentid=395>
- Structures and mechanical equipment that are utilized by public utility companies, which have been installed and approved by the Public Works Department, are allowed in the parkway or pathway.
- Encroachments that have been approved by the Public Works Department. (PVEMC – 12.04.020)

What is an encroachment?

“Encroachment” means privately owned improvements, facilities or structures, including without limitation any post, sign, pole, fence, deck, building, tree (unless permitted pursuant to PVEMC [12.16.030](#)), pipe, cable, drainage facility, septic system, or recreational facility, in the public right-of-way or on other public property, constructed and maintained by the property owner. (PVEMC: 12.04.010 (B))

Residents are not permitted to encroach onto City right-of-way with any type of improvement without a permit. (PVEMC – 12.04.020) A Public Works Encroachment Permit is required for any work performed in the right-of-way/parkway. One can be obtained through the Public Works Department at City Hall. Encroachment permits must be obtained in person during the Public Works Inspector's counter hours of 8 a.m. to 10 a.m. Monday – Friday. For directions to City

Hall, please call (310) 378-0383 or click on the following link:
<http://www.pvestates.org/index.aspx?page=39>

Why do I need a Public Works Encroachment Permit?

Because right-of-way is City property; certain improvements are not allowed without first obtaining City approval. These restrictions are necessary to provide adequate sight distance for vehicular traffic and to minimize hazardous conditions. A Public Works Encroachment Permit must be issued before construction in the right-of-way may begin.

What improvements in the right-of-way/parkway require a Public Works Encroachment Permit?

- Standard Driveway/Apron
- Standard Walkways
- Curb and Gutter Construction/Repairs
- Curb Core Installation
- Any Type of Construction in the Public Street
- New/Replacement Mailboxes

What improvements in the right-of-way/parkway require Planning Commission and City Council approval as well as a Public Works Encroachment Permit?

- Walls, Fences, and any above Ground Structures
- Lighting Installation of any kind
- Sidewalks/Walkways (parallel to the curb)
- Nonstandard Driveway/Apron
- Nonstandard Parking Pads, Curbs, and Hardscape

How much does a Public Works Encroachment Permit cost?

It will vary based on the scope of the project. Please click on the following link to view the City's Public Works Permit Fees.

<http://www.pvestates.org/Modules/ShowDocument.aspx?documentid=307>

Where does the right-of-way/parkway begin and end?

The attached diagram illustrates a typical street right-of-way and parkway layout in Palos Verdes Estates. For the specific width of a parkway adjacent to a particular address, please email or call the Public Works Department.

Palos Verdes Estates Municipal Code Section 8.48.015 Public Nuisances Designated:

It is unlawful, and it is declared to be a public nuisance, for any of the following conditions to be allowed to exist on any property within the city, public or private:

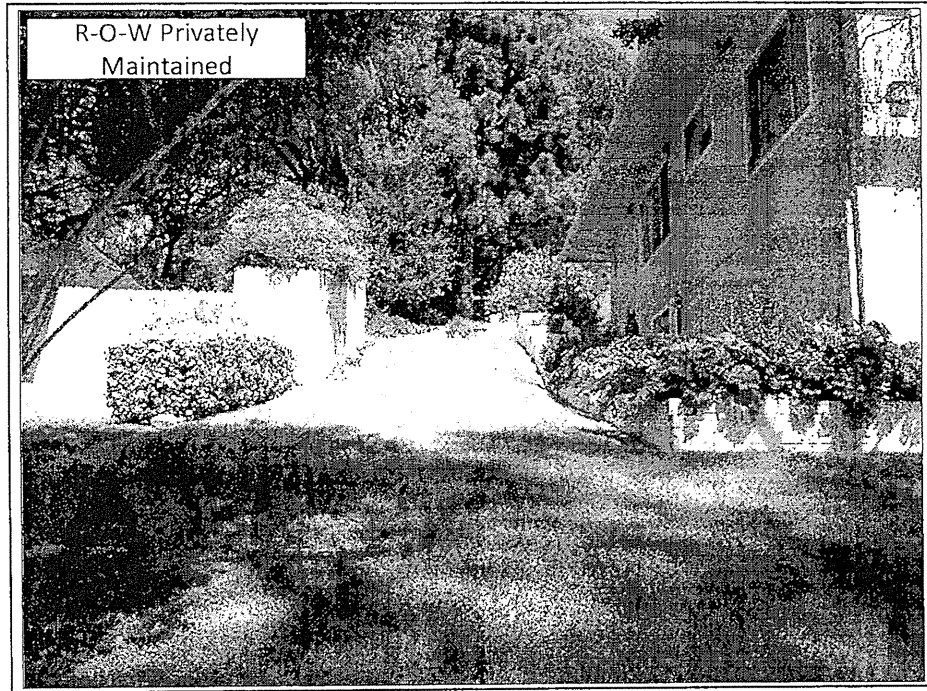
H. Building exterior, roofs, landscaping, grounds, walls, retaining and crib walls, fences, driveways, parking lots, sidewalks or walkways which are maintained in such condition so as to become defective, unsightly or no longer viable.

J. Lumber, junk, trash, garbage, salvage materials, rubbish, hazardous waste, refuse, rubble, broken asphalt or concrete, containers, broken or neglected machinery, furniture, appliances, sinks, fixtures or equipment, scrap metals, machinery parts, or other such material stored or deposited on property such that they are visible from a public street, alley or neighboring property.

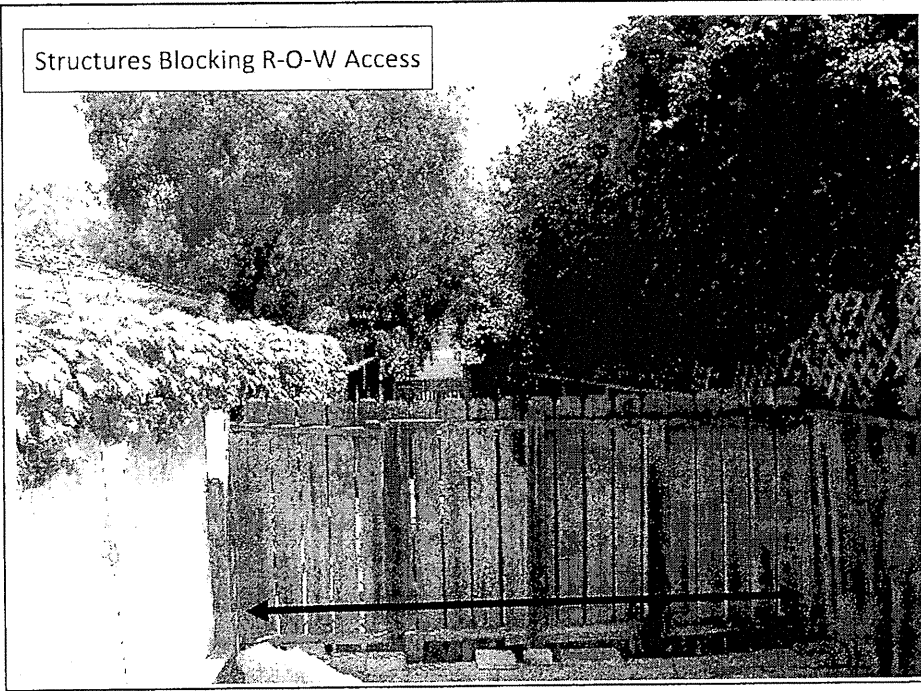
Palos Verdes Estates Municipal Code Section 17.04.090 Conditions of Approval:

In the review and approval of any application for a development entitlement pursuant to this title or PVEMC Title 18, the planning commission or the city council may impose conditions relating, but not limited, to the following:

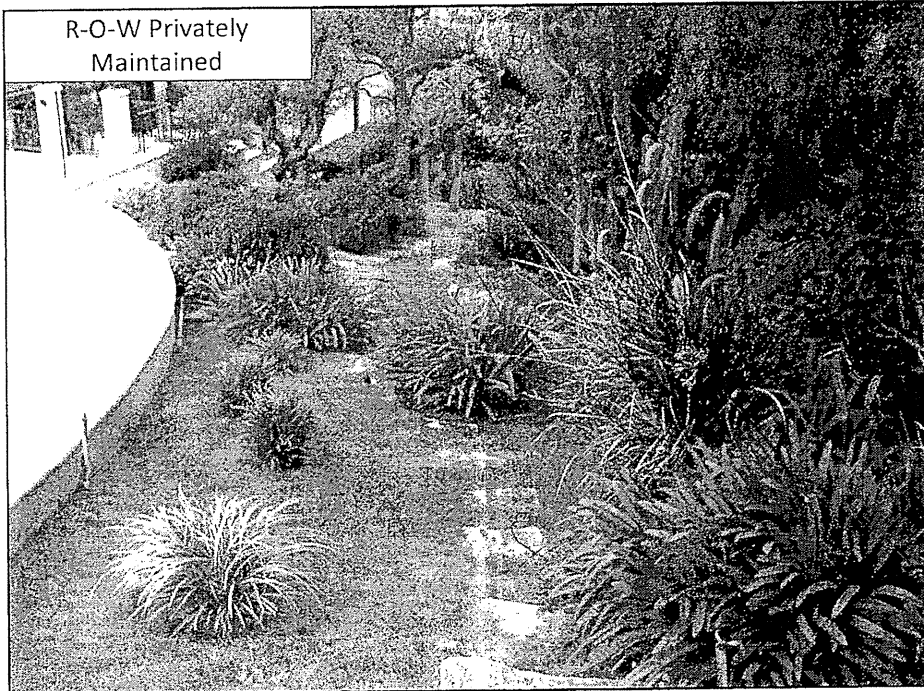
- A. Regulation of use;
- B. Special yards, spaces, and buffers;
- C. Fences and walls;
- D. Surfacing of parking areas subject to city specifications;
- E. Street, service road, or alley dedications and improvements and/or appropriate security;
- F. Regulation of points of vehicular ingress and egress;
- G. Regulation of signs;
- H. Landscaping and landscape maintenance;
- I. Other maintenance of the grounds;
- J. Regulation of noise, vibration, odors, etc.;
- K. Regulation of time and/or duration for certain activities;
- L. Time period within which the proposed use shall be developed;
- M. Duration of use;
- N. Structural height and massing;
- O. Water, sewer and other infrastructure dedications and improvements;
- P. Outdoor lighting;
- Q. Green building standards;
- R. Such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes of this title and PVEMC Title 18. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 529 § 6, 1991)



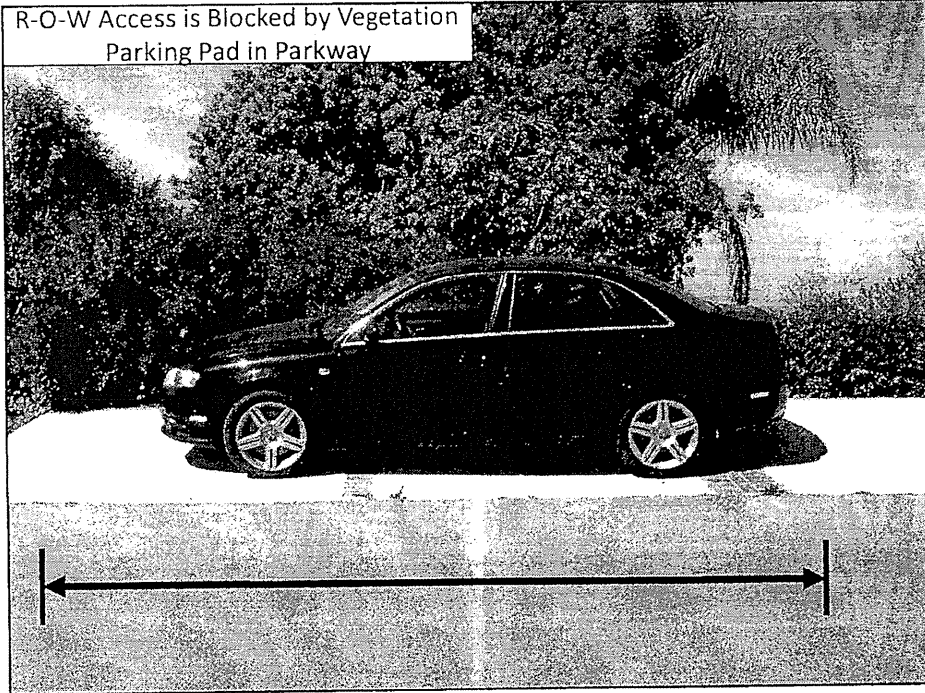
Structures Blocking R-O-W Access



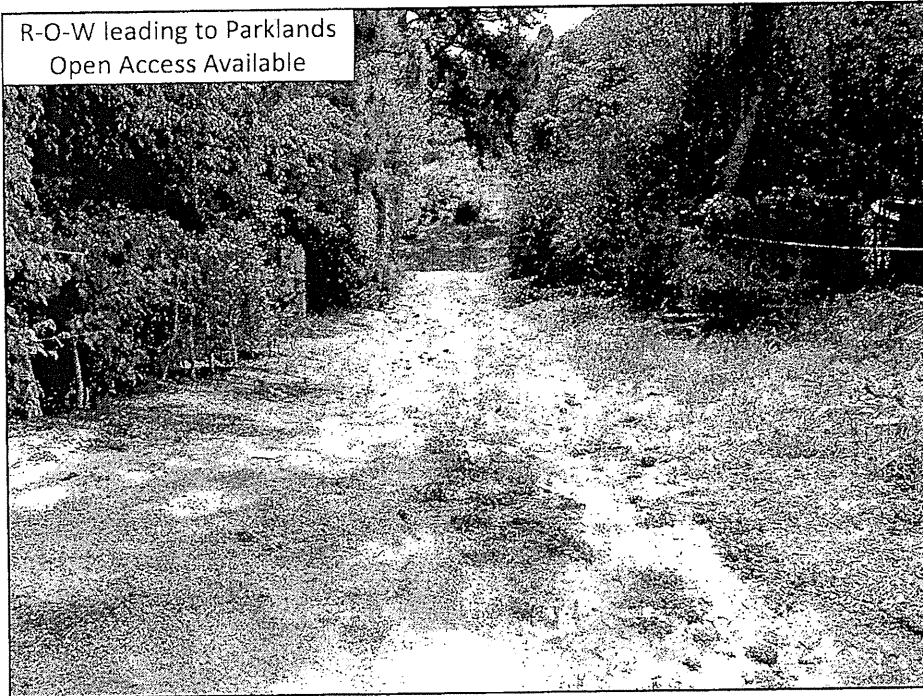
R-O-W Privately
Maintained



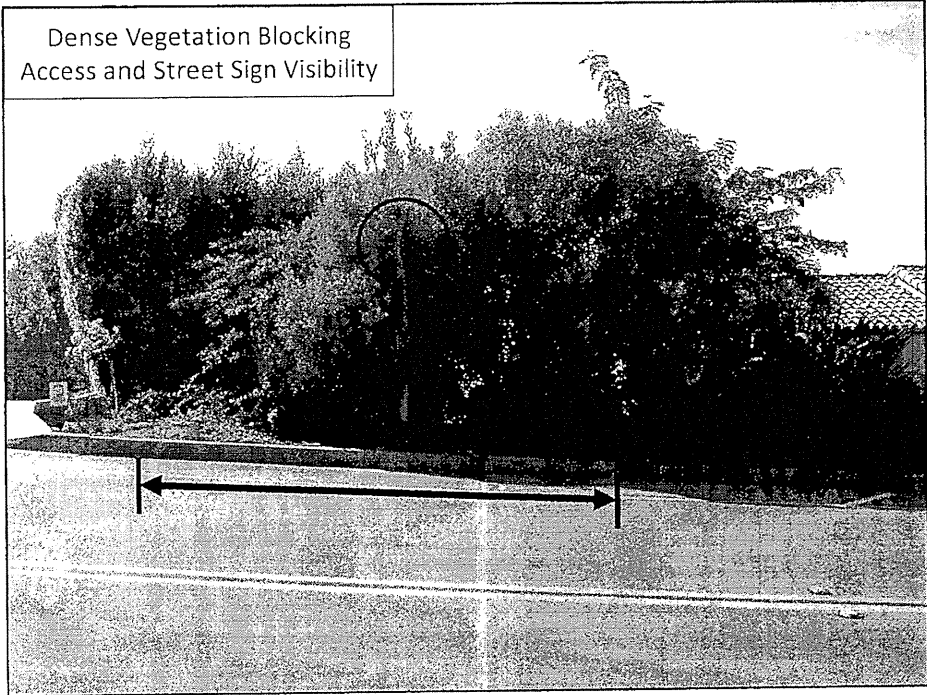
R-O-W Access is Blocked by Vegetation
Parking Pad in Parkway



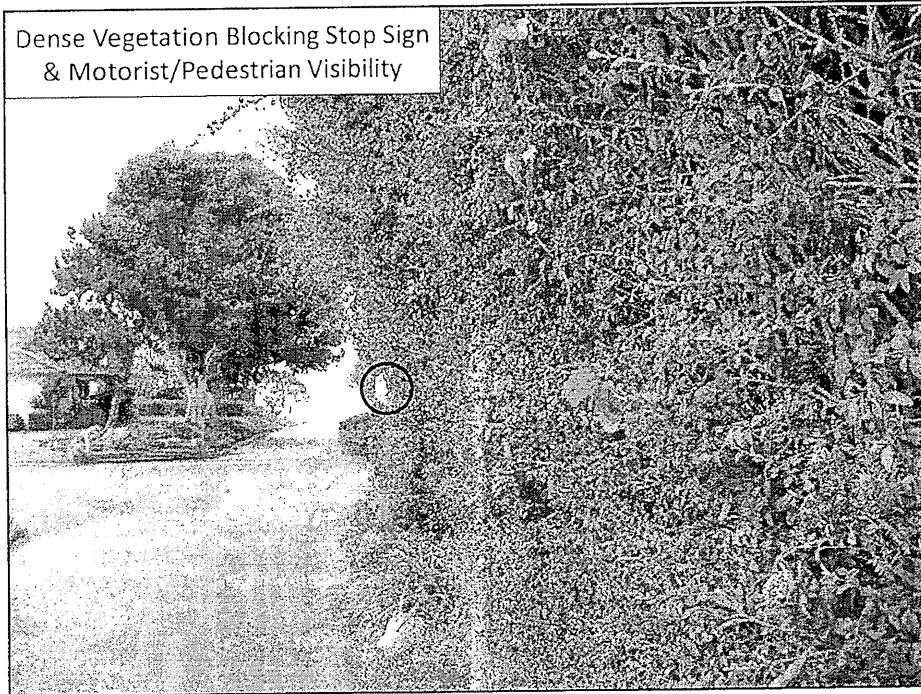
R-O-W leading to Parklands
Open Access Available



Dense Vegetation Blocking
Access and Street Sign Visibility



Dense Vegetation Blocking Stop Sign
& Motorist/Pedestrian Visibility



RESOLUTION R05-32

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PALOS VERDES ESTATES, CALIFORNIA ADOPTING A POLICY FOR THE
REMOVAL OF UNAUTHORIZED ENCROACHMENTS IN THE CITY'S PARKLANDS**

WHEREAS, the City was developed with open space as a core element that significantly defines the character of the community; and

WHEREAS, the City owns 849 acres of parklands that comprise much of the open space and are deed-restricted to remain open for the public's use; and

WHEREAS, a number of residents have constructed and/or maintain encroachments within the parklands without the City's authorization, restricting the public's use of these areas and exposing the City to undue liability;

WHEREAS, the transfer of ownership of private property adjacent to encroachments is a logical time to require the removal of said unauthorized encroachments;

NOW THEREFORE, the City Council of the City of Palos Verdes Estates DOES RESOLVE AS FOLLOWS:

Section 1. The City Council hereby adopts a Policy for the Removal of Unauthorized Encroachments in the City's Parklands attached hereto as Exhibit 1.

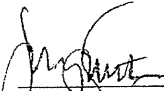
Section 2. The City Clerk shall certify to the passage and adoption of Resolution R05-32 and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED on this 8th day of November, 2005.

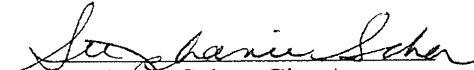

DWIGHT ABBOTT, MAYOR

ATTEST:

APPROVED AS TO FORM:



Judy Smith, City Clerk



Stephanie Scher, City Attorney

EXHIBIT 1

POLICY FOR THE REMOVAL OF UNAUTHORIZED ENCROACHMENTS IN THE CITY'S PARKLANDS

Updated 11/8/05

The Policy for the Removal of Unauthorized Encroachments in the City's Parklands is established to summarize the existing policies established by the Municipal Code for the removal of encroachments, and to add a requirement for the removal of encroachments when the adjacent private property changes ownership. It is the goal of this policy to restore public access to and use of these areas in a timely fashion.

This Policy in no way limits the City's ability to require the removal of any unauthorized encroachment in the parklands for any reason.

1) Definition of Encroachment

Encroachments are defined in Section 12.04.010 of the Municipal Code as follows:

"Encroachment" means privately owned facilities or structures in the public right of way or on other public property, constructed and maintained by the property owner."

Examples of encroachments include, but are not limited to: fences, walls, hardscape (such as concrete or brick), fireplaces, sheds, gazebos, swings and other play equipment, and tree houses.

2) Removal Requirements Per City Code

Require removal of unauthorized encroachments during a discretionary review by the City's Planning Commission

Section 17.04.090 of the City's Municipal Code states that the approval of any development entitlement application per Title 17 or 18 of the Code may be conditioned by the Planning Commission or Council. Such conditions may address any aspect of the project or the property. At the time of developing project plans, surveys are typically conducted and encroachments are identified. As a routine, the Planning Commission imposes a condition on all its approvals, requiring the removal of non-standard encroachments.

Require removal of unauthorized encroachments when they fall into disrepair.

Section 8.48.015 H of the City's Municipal Code states that it is a public nuisance to maintain fences, walls, landscaping, or walkways that are maintained in a defective, unsightly, or no longer viable condition. As the City becomes aware of encroachments which have fallen into disrepair, they are deemed a public nuisance and removal is required. The Public Works Director, or his or her designee, shall have the authority to judge when these encroachments are in a state of disrepair.

Require removal of unauthorized encroachments when they are modified.

Section 12.04.010 of the City's Municipal Code does not allow the permanent private occupation of City property without a permit. When the City is made aware of any modification underway to an existing unauthorized encroachment, removal of the entire encroachment is required.

3) Removal Requirements Upon Adjacent Private Property Transfer of Ownership

Within 60 days of the close of escrow for the transfer of ownership of a previously noticed private property located adjacent to an unauthorized encroachment(s), the encroachment(s) shall be removed by the adjacent property owner and the area shall be restored to a condition similar to other parklands in the area.

4) Removal Requirements Five Years After Notification by the City

If a property has not be transferred within five years after notification by the City of the need to remove the illegal encroachment(s), the encroachment(s) shall be removed by the adjacent property owner and the area shall be restored to a condition similar to other parklands in the area.

5) Notification

As staff becomes aware of significant unauthorized encroachments in the City's parklands, a notice of the violation shall be sent to the adjacent property owner and permanent record of the notice shall be maintained in the correlating "Address File". Real Property Records Reports shall include mention of any encroachment notices on file.

Prior to sending the formal notice of an encroachment which must be removed upon sale or within the specified time period, the City will undertake the necessary action to determine the exact location of the boundary between City and private property, including obtaining a survey, if required in the sole discretion of the City. The notice shall give the property owner a period of one month from the date of the notice to appeal the determination that the encroachment is on City property to the Director of Public Works. The decision of the Director of Public Works shall be final.

6) Enforcement

Staff will track monthly County Assessor's transfer reports and the Code Enforcement Officer will investigate relevant property transfers. If an illegal encroachment(s) is not removed per this policy, the City will immediately remove the encroachment(s), bill the adjacent property owner, lien the property if necessary, and cite the adjacent property owner for an infraction(s).

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF PALOS VERDES ESTATES)

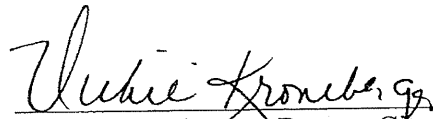
I, Vickie Kroneberger, Deputy City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R05-32** was duly and regularly approved and adopted by the City Council of the City of Palos Verdes Estates at its regular meeting of the City Council on the 8th of November, 2005, by the following vote:

AYES: COUNCILMEMBERS: Abbott, Flood, Humphrey, Sherwood

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

RECUSED: COUNCILMEMBERS: Goodhart


Vickie Kroneberger, Deputy City Clerk



MEMORANDUM

Agenda Item: 17
Meeting Date: 06/24/2014

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

THRU: ANTON DAHLERBRUCH, CITY MANAGER *AD*

FROM: SHERI REPP-LOADSMAN, PLANNING & BUILDING DIRECTOR *SR*

SUBJECT: PROPOSED WORK PLAN FOR IDENTIFICATION AND REMOVAL OF UNAUTHORIZED ENCROACHMENTS ON CITY RIGHTS-OF-WAY

DATE: JUNE 24, 2014

ISSUE

Should the City Council authorize staff to proceed with the identification and removal of unauthorized encroachments in the City rights-of-way based upon the proposed Rights-of-Way Study Work Plan?

BACKGROUND

At the May 27, 2014 City Council meeting, City staff provided information related to the current investigation of unauthorized encroachments located on City rights-of-way. Staff explained that these rights-of-way are designated as public property and can be used for streets, alleys, utility services, pathways or other related public purposes. A series of photographs were utilized to illustrate the types of unauthorized encroachments. At the conclusion of the meeting, City Council requested a work plan be developed to outline the various tasks and expected timeline.

ANALYSIS

Staff is proceeding with the field investigation of all rights-of-way within the City. Concurrently, existing codes, procedures and standards are being reviewed to determine potential opportunities for refinement and establishment of best practices. A draft Rights-of-Way Study Work Plan (Work Plan) has been developed to identify the various tasks and action steps. This Work Plan is subject to change as additional items are added, modified or deleted.

The intent of the Work Plan is to share staff's perspective on how to develop a comprehensive approach to address unauthorized encroachments in the City's rights-of-way. The proposed Work Plan is anticipated to provide a more coherent set of codes, procedures, standards and guidelines for the process of permitting or denying standard and non-standard encroachments in the City's rights-

of-way. Various tasks will require City Council direction or approval. As such, the Work Plan presents an interactive process that will result in various City Council actions over the next year.

FISCAL IMPACT

The cost in hiring a full-time Code Enforcement Analyst/Officer, installing of a new code enforcement software system, and the administrative procedures in bringing forth an administrative citation process is currently being assessed.

ALTERNATIVES AVAILABLE TO COUNCIL

1. Authorize staff to proceed with the identification and removal of unauthorized encroachments in the City rights-of-way based upon the proposed work plan.
2. Authorize staff to proceed with the identification and removal of unauthorized encroachments in the City rights-of-way based upon the proposed work plan with minor modifications.
3. Direct staff to modify the proposed work plan for review at a future City Council meeting.
4. Decline to act.

RECOMMENDATION

It is recommended that the City Council authorize staff to proceed with the identification and removal of unauthorized encroachments in the City rights-of-way based upon the proposed Rights-of-Way Study Work Plan.

ATTACHMENTS

- A. Draft Rights-of-Way Study Work Plan

Staff report prepared by:



Joe Mendoza

Administrative Analyst

RIGHTS-OF-WAY STUDY WORK PLAN

Objective 1: Investigate all rights-of-way to determine compliance with existing ordinances and standards and evaluate potential changes to balance public and private interests		FY 14/15			
		Q1 7/1 to 9/30	Q2 10/1 to 12/31	Q3 1/1 to 3/31	Q4 4/1 to 6/30
TASK	DESCRIPTION	KEY ACTION STEPS			
1.1 Complete current investigation and identification of all non-standard encroachments in the City's rights-of-way A. Parkways B. Paths C. Lanes D. Alleys E. Undetermined	Identify current location, use (i.e. access/circulation), utility services, encroachments		X		
1.2 Investigate and identify locations of existing parking pads	Identify all locations by address, obtain photo and describe parking pad improvement		X		
1.3 Review information and concerns submitted by the community	Encourage community members to share information about existing encroachments	X	X	X	X
1.4 Identify any encroachments that present a potential significant threat to public safety and initiate immediate abatement	Encroachments will present varying degrees of safety issues. Limited staff resources requires prioritization of safety related encroachments.	X	X	X	X

1.5	Identify maintenance responsibility: A. Fire/Weed Abatement B. Landscape Maintenance Contract C. Privately Maintained D. License Agreements E. None	Determine how various rights-of-way are maintained	Review existing contracts and conduct field investigation to determine maintenance standard	X			
1.6	Determine if prior authorizations or permits exist for encroachments	Majority of encroachments do not have prior authorization. Certain encroachments may have verbal or written authorization.	Review city records to determine authorizations or permits for existing encroachments	X			
1.7	Determine if any paths, lanes or alleys are needed for access by LACoFD	Limited access to parklands may necessitate certain ROWs to be accessible	Meet with LACoFD Forestry Division and local station	X			
Objective 2: Evaluate administrative process to identify potential improvements to facilitate a more effective means of addressing ROW encroachments							
	TASK	DESCRIPTION	KEY ACTION STEPS	Q1	Q2	Q3	Q4
2.1	Enhance code enforcement efforts	Provides support of all code enforcement issues on a full-time basis	<ul style="list-style-type: none"> Hire a full-time Code Enforcement Analyst/Officer Requires City Council to approve position and funding Advertise, interview and select candidate to fill position 	X			
2.2	Install Code Enforcement Computer Software	Provides a better method to track cases and share files with other departments	<ul style="list-style-type: none"> Assess need to track complaints and enforcement actions Evaluate programs to determine cost and compatibility with current software. 			X	

2.3	Introduce an Administrative Citation process	Provides Code Enforcement with an added ability to enforce the City's municipal code by issuing an administrative fine	<ul style="list-style-type: none"> • Work with City Attorney's Office to prepare ordinance amendment. • Review with Planning Commission • Obtain City Council approval 	X	
2.4	Develop guidelines to encourage neighborhoods and homeowner associations to improve and maintain certain large undetermined rights-of-way into neighborhood residential park areas	General Plan acknowledges certain parks and plazas originally dedicated to provide "pleasant setting for commercial areas". The change to residential use retained these areas to be incorporated into neighborhood parks.	<ul style="list-style-type: none"> • Review the Planting Regulations adopted in 1968 • Review any subsequent regulations or standards • Update the regulations and determine ongoing maintenance responsibility 	X	
2.5	Update the General Provisions and Standards for Public Works Permits	Various modifications may be recommended to the types of encroachments allowed within the parkways, paths, lanes, alleys or undetermined rights-of-way	<ul style="list-style-type: none"> • Determine the types of encroachments allowed in each type of rights-of-way • Establish distinct provisions and standards for each type of rights-of-way • Establish acceptable alternatives for encroachments to be permitted and considered standard when considering topography and neighborhood character. 	X	
2.6	Establish a Revocable Encroachment Permit process	Create a permitting process that will establish requirements, liability and maintenance obligations for rights-of-way encroachments	<ul style="list-style-type: none"> • Review existing policies to determine best practices • Establish maintenance standards requiring sponsoring property to assume responsibility 	X	

			<ul style="list-style-type: none"> • Provide bond or other assurance to remove encroachment if not in compliance with original approval or deemed to be a threat to public safety. 					
2.7	Establish process for obtaining authorization for parking pads	Determine which streets should be allowed to have parking pads subject to compliance with appropriate standards	<ul style="list-style-type: none"> • Verify parking deficiencies due to inadequate street width • Prepare standards and location criteria for parking pads 		X			
Objective 3: Establish an effective means of achieving compliance and promoting appropriate encroachments within rights-of-way.								
	TASK	DESCRIPTION	KEY ACTION STEPS	Q1	Q2	Q3	Q4	
3.1	Increase community awareness of standards and procedures for rights-of-way encroachments	Increased outreach to inform of existing, proposed and new requirements	<ul style="list-style-type: none"> • Conduct community workshops • Utilize City Newsletter • Update City website 	X	X	X	X	
3.2	Create a data base and map to locate all rights-of-way	Utilize GIS and other software to improve understanding of encroachments and facilitate enforcement efforts	<ul style="list-style-type: none"> • Review existing data base/maps • Update existing data base • Create a map that is available to the public 		X			
3.3	Send a Courtesy Letter to residents that are encroaching on rights-of-way.	Provide educational information to advise of standards, regulations and need to correct or remove unauthorized encroachments.	Utilize data base to provide comprehensive notification to identified property owners	X	X	X	X	

3.4	Meet with homeowner associations to discuss standard and non-standard encroachments into the ROW	Create a joint effort between the HOA and City Hall to maintain and enforce non-standard encroachments	<ul style="list-style-type: none"> • Provide updated data base and map to the HOA • Schedule annual meetings to provide and/or obtain information regarding ROW encroachments 		X	
3.5	Amend the City's current FAQ webpage related to rights-of-way to incorporate any corrections, clarifications or new information	The FAQ will provide residents with a better understanding of what is and is not allowed in the City's right-of-way	<ul style="list-style-type: none"> • Monitor changes in codes, standards and procedures • Provide updates on an as needed basis 		X	

RIGHT-OF-WAY STUDY WORK PLAN

		FY 14/15				FY15/16			
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Objective 1: Investigate all right-of-way to determine compliance with existing ordinances and standards and evaluate potential changes to balance public and private interests									
1.1	<p>Investigate and identify non-standard encroachments in the City's right-of-way</p> <p>A. Parkways B. Paths C. Lanes D. Alleys E. Undetermined</p> <p>----- Status: Ongoing, 72 Notice of Violations issued</p>	<p>DESCRIPTION</p> <p>Identify current location, use (i.e. access/circulation), utility services, encroachments</p>	<p>KEY ACTION STEPS</p> <ul style="list-style-type: none"> Code Enforcement Officer to continue investigation and research 	X	X	X	X	X	X
1.2	<p>Investigate and identify locations of existing parking pads</p> <p>----- Status: Not started</p>	<p>Identify all locations by address, obtain photo and describe parking pad improvement</p>	<ul style="list-style-type: none"> Code Enforcement Officer and field staff to survey streets to identify existing parking pads 				X		
1.3	<p>Review information and complaints submitted by the community</p> <p>A. Calls B. Emails C. Letters</p> <p>----- Status: Ongoing</p>	<p>Encourage community members to share information about existing encroachments</p>	<ul style="list-style-type: none"> Collect information and forward to Code Enforcement Officer 	X	X	X	X	X	X

1.4	<p>Identify any encroachments that present a potential significant threat to public safety and initiate immediate abatement</p> <ul style="list-style-type: none"> A. Line of Sight Impairments, e.g. hedges, shrubs, etc. B. Fences C. Rocks D. Undetermined <p>----- Status: Ongoing</p>	<p>Encroachments will present varying degrees of safety issues. Limited staff resources requires prioritization of safety related encroachments.</p>	<ul style="list-style-type: none"> • Code Enforcement Officer and other staff to proactively identify safety issues • Encourage PVEPD and LACoFD to report potential safety issues. 	X	X	X	X	X	X	X	X
1.5	<p>Identify maintenance responsibility:</p> <ul style="list-style-type: none"> A. Fire/Weed Abatement B. Landscape Maintenance Contract C. Privately Maintained D. None <p>----- Status: In process; Fire/Weed Abatement and Landscape Maintenance contracts were updated to address paths, lanes and other right-of-way and parklands; advertised and awarded new contracts for Fire/Weed Abatement and Landscape Maintenance</p>	<p>Determine how various right-of-way are maintained</p>	<ul style="list-style-type: none"> • Review existing contracts and conduct field investigation to determine maintenance standard 	X							

1.6	<p>Determine if prior authorizations or permits exist for encroachments</p> <p>A. Misc. Permits</p> <p>B. Encroachment Permits</p> <p>C. City Council</p> <p>-----</p> <p>Status: Ongoing investigations per complaint</p>	<p>Majority of encroachments do not have prior authorization. Certain encroachments may have verbal or written authorization.</p>	<ul style="list-style-type: none"> Review city records to determine authorizations or permits for existing encroachments 	X	X	X	X	X	X	X
1.7	<p>Determine if any paths, lanes or alleys are needed for access by LACoFD</p> <p>Status: Complete; met with LACoFD and determined most paths are not used for fire access</p>	<p>Limited access to parklands may necessitate certain ROWs to be accessible</p>	<p>Meet with LACoFD Forestry Division and local station</p>	X						

Objective 2: Evaluate administrative process to identify potential improvements to facilitate a more effective means of addressing ROW encroachments											
	TASK	DESCRIPTION	KEY ACTION STEPS	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
2.1	<p>Hire a full-time Code Enforcement Analyst/Officer</p> <p>-----</p> <p>Status: Complete</p>	<p>Provides support of all code enforcement issues on a full-time basis</p>	<ul style="list-style-type: none"> Requires City Council to approve position and funding Advertise, interview and select candidate to fill position 	X							

2.2	<p>Install Code Enforcement Computer Software</p> <p>----- Status: In process; code enforcement tracking software (Comcate) selected; beta testing underway</p>	<p>Provides a better method to track cases and share files with other departments</p>	<ul style="list-style-type: none"> Assess need to track complaints and enforcement actions Evaluate programs that are compatible with current software. Obtain City Council approval. 		X	X		
2.3	<p>Introduce an Administrative Citation process</p> <p>----- Status: City Council deferred consideration until FT Code Enforcement Officer on staff</p>	<p>Provides Code Enforcement with an added ability to enforce the City's municipal code by issuing an administrative fine</p>	<ul style="list-style-type: none"> Work with City Attorney's Office to prepare ordinance amendment. Review with Planning Commission Obtain City Council approval 		X			
2.4	<p>Develop guidelines to encourage neighborhoods and homeowner associations to improve and maintain certain large undetermined right-of-way into neighborhood residential park areas</p> <p>----- Status: Not started</p>	<p>The General Plan acknowledges that certain parks and plazas were originally dedicated to provide "pleasant setting for commercial areas". The change to residential use retained these areas to be incorporated into neighborhood parks.</p>	<ul style="list-style-type: none"> Review the Planting Regulations adopted in 1968 Review any subsequent regulations or standards Update the regulations and determine ongoing maintenance responsibility 			X		

2.5	<p>Update the General Provisions and Standards for Public Works Permits; amend PW Standards and Municipal Code</p> <p>----- Status: In progress</p>	<p>Various modifications may be recommended to the types of encroachments allowed within the parkways, paths, lanes, alleys or undetermined right-of-way; e.g., height of plants, hedges, steps, walks, paving materials, rocks, etc.</p>	<ul style="list-style-type: none"> • Determine the types of encroachments allowed in each type of right-of-way • Establish distinct provisions and standards for each type of right-of-way • Establishing “restricted areas” within setbacks • Consideration given to public safety, aesthetics, and community culture 	X	X
2.6	<p>Establish a Revocable Encroachment Permit process</p> <p>----- Status: Not started</p>	<p>Establish a permitting process that will establish requirements, liability and maintenance obligations for encroachments in the City’s right-of-way that include paths, lanes, and alley; e.g. maintain 10’ path of travel with edge landscaping between path and Property Line.</p>	<ul style="list-style-type: none"> • Review existing policies to determine best practices • Establish maintenance standards requiring sponsoring property to assume responsibility • Provide bond or other assurance to remove encroachment if not in compliance with original approval or deemed to be a threat to public safety. 	X	
2.7	<p>Establish process for obtaining authorization for parking pads</p> <p>----- Status: Not started</p>	<p>Determine which streets should be allowed to have parking pads subject to compliance with appropriate standards</p>	<ul style="list-style-type: none"> • Verify parking deficiencies due to inadequate street width • Prepare standards and location criteria for parking pads 	X	

3.4	<p>Meet with homeowner associations to discuss standard and non-standard encroachments into the ROW; outreach to community at-large</p> <p>Status: Ongoing; attended MCHOA January board meeting and April general membership meeting</p>	<p>Create a joint effort between the HOA and City Hall to maintain and enforce non-standard encroachments</p>	<ul style="list-style-type: none"> • Provide updated data base and map to the HOA • Schedule quarterly meetings to provide and/or obtain information regarding ROW encroachments 	X	X	X	X	
3.5	<p>Amend the City's current FAQ web-page related to right-of-way to incorporate any corrections, clarifications or new information</p> <p>Status: Not started</p>	<p>The FAQ will provide residents with a better understanding of what is and is not allowed in the City's right-of-way</p>	<ul style="list-style-type: none"> • Update upon adoption of new PW Standards and Municipal Code 	X	X	X	X	

PARKLAND STUDY WORK PLAN

Objective 1: Investigate all parklands to determine compliance with existing ordinances and standards and evaluate potential changes to balance public and private interests		FY 14/15				FY15/16					
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4		
1.1	<p>Investigate and identify encroachments in the City's parklands</p> <hr/> <p>Status: Ongoing; 8 Notice of Violations issued</p>	DESCRIPTION	Identify current location, type of encroachment, e.g. walls, fences, structures, landscaping	KEY ACTION STEPS	Code Enforcement Officer to continue investigation and research						

Name/District	APN	Property/Zoning Use	Circulation	Utilities	Maintenance	Use	Paved	Dirt	Natural Vegetation	Landscaped	Encroachments	Property Records Info	Comments / Recommendations	
Lopez Path West / Montemalaga	7541-025-900	City Parklands	No	Not on Lopez Path West	Annual Fire Safety/Weed Abatement Contract	Use is Unknown. Access is blocked	No	No	No	The 20' Pathway is privately maintained with grass, shrubs, trees, and hedges	Landscaping & Wrought Iron Fence	City File: 1533 Via Lopez - Resolution No. PCR-2010-0456.	All Encroachments must be removed from City Parklands or seek City approval.	
Machado Palm / Margate	N/A	City Right-of-Way	No	Utility poles and Edison utility vault	Annual Fire Safety/Weed Abatement Contract	Use is Unknown. Access is blocked	No	No	No	The 20' ROW is 75% privately maintained with grass, shrubs, trees, and hedges	Wood fence, hardscape, and hedge blocking public access	N/A	Hedge & Fence must be removed. Hardscape needs PC approval.	
Northeast Espinosa Circle / Margate	7541-025-900	City Parklands	Yes	Storm Water Outlets	Annual Fire Safety/Weed Abatement Contract	Open access is available	No	Yes	Yes	Yes on 1602 & 1608 Espinosa Circle	Landscaping, Hardscape, grass, irrigation	City Letters on file	All Encroachments must be removed from City Parklands or seek City approval.	
Northwest Espinosa Circle / Margate	7541-030-900	City Parklands	Yes	No Utilities Visible	Annual Fire Safety/Weed Abatement Contract	Open access is available	No	Yes	Yes	Portion of Parklands is landscaped	Hardscape, irrigation, landscaping		All Encroachments must be removed from City Parklands or seek City approval.	
Margate Path / Margate	7541-030-900	City Parklands	Yes	Sewer Manhole and Cable TV Box	Monthly Maintenance Contract	Open access is available	No	Yes	Yes	Portion of Parklands is landscaped	Irrigation and landscaping		All Encroachments must be removed from City Parklands or seek City approval.	
Lunada Lane South / Lunada Bay	7543-031-900 and ROW Path	City Parklands and ROW Path	Yes	Edison utility vaults and Cable TV Box	Annual Fire Safety/Weed Abatement Contract	Open access is available	No	Yes	Yes	Natural Vegetation	Various Fences, wood piles, junk		All Encroachments must be removed from City Parklands or seek City approval.	
La Costa Lane East / Lunada Bay	N/A	City Right-of-Way	Yes	Edison Vault & Cable TV Box	Privately Maintained	Open access is available	No	No	No	The 20' ROW privately maintained with grass, irrigation, plants and hedges	Wood fence partially on strip		Fence must be removed from ROW	
Lunada Lane South / Lunada Bay	Not a separate lane or path													
Pio Pica Path / Lunada Bay	7543-033-900	City Parklands	Yes	Verizon & Edison Box	Annual Fire Safety/Weed Abatement Contract	Access is partially blocked due to landscaping	No	No	No	The 20' Pathway is privately maintained with grass, shrubs, hedges, lighting	Landscaping, irrigation, outdoor lighting		Irrigation system, lighting, and hedge must be removed or seek City approval	
Lunada Lane North / Lunada Bay	N/A	City Right-of-Way	No	Edison & Verizon Utility poles	Annual Fire Safety/Weed Abatement Contract	Use is Unknown. Access is blocked	No	Yes	Yes	Privately maintained Plants and Roses	Landscaping blocking access		Property owner must make pathway accessible	
Lunada Lane North / Lunada Bay	N/A	City Right-of-Way per GIS	No	Edison & Verizon Utility poles	Annual Fire Safety/Weed Abatement Contract	Use is Unknown. Access is blocked	No	Yes	Yes	Large hedge and trees blocks access	Large hedge and trees blocks access		Large hedge and trees that block access must be removed	
Lunada Lane North / Lunada Bay	N/A	City Right-of-Way per GIS	No	Edison & Verizon Utility poles	Annual Fire Safety/Weed Abatement Contract	Use is Unknown. Access is blocked	No	Yes	No	Oliveander Hedge	Multiple fences blocking access		Fences must be removed from ROW	
Anacapa Lane / Lunada Bay	N/A	City Right-of-Way per GIS	Yes	Sewer Manhole	Annual Fire Safety/Weed Abatement Contract	Access is partially blocked due to landscaping & debris	No	No	No	Hedge in front of ROW	Hardscape in ROW		Encroachments must receive City approval.	
Del Mar Lane / Lunada Bay	N/A	City Right-of-Way per GIS	Yes	Edison & Verizon Utility poles	Privately Maintained	Access is partially blocked due to landscaping & debris	Partial - Asphalt	No	No	The 20' ROW privately maintained with grass, irrigation, plants and hedges	N/A	City Letters on file	Vegetation should be cut back allowing more accessibility.	

Thorley Path/Lunada bay	N/A	City Right-of-Way	No	Sewer Manhole, Cable TV Box, Power lines	Annual Fire Safety/Weed Abatement Contract	Use is Unknown. Access is blocked	No	Yes	Yes	Portions of ROW are privately maintained	Hedge blocking access	Vegetation should be cut back allowing more accessibility.
Margate Lane / Margate	N/A	City Right-of-Way	Yes	Sewer Manhole, Edison and Telephone Vault	Annual Fire Safety/Weed Abatement Contract	Access is partially blocked due to landscaping	Partial - Asphalt	No	No	Pathway is privately maintained with grass, shrubs, trees, and hedges	Landscaping	Vegetation should be cut back allowing more accessibility.
Lot F/ Margate	7541-007-900	City Parklands	Yes	Sewer Manhole, Edison and Telephone Vault, Water Meter	Monthly Maintenance Contract	Access is partially blocked due to landscaping	No	Yes	Yes	Overgrown - Natural Vegetation	N/A	Vegetation may be cut back to allow more accessibility.
Lot D/ Montemalaga	7541-020-901	City Parklands per GIS	No	No Utilities Visible	Annual Fire Safety/Weed Abatement Contract	Use is Unknown. Access is blocked	No	No	No	Parklands is privately maintained with Landscaping, irrigation, fencing, play-set, lighting	Parklands is privately maintained.	All Encroachments must be removed from City Parklands or seek City approval.
Via Zurita P.O.W / Montemalaga	N/A	City Right-of-Way	Yes	Edison Vault & Cable TV Box	Annual Fire Safety/Weed Abatement Contract	Access is partially blocked due to landscaping	No	Yes	No	Large trees creating a hedge partially blocking access	Trees blocking access	Vegetation may be removed to allow more accessibility.
Zurita Lane / Montemalaga	N/A	City Right-of-Way	Yes	Edison Vault, Cable TV Box, Fire Hydrant	Annual Fire Safety/Weed Abatement Contract	Access is partially blocked due to landscaping	No	Yes	No	Oleander Hedge and Buofainvillea bushes narrowing access	Landscaping	Vegetation may be cut-back to allow more accessibility.
Catalina Strip / Montemalaga	7545-029-903 & 7545-030-900	City Parklands	No	Sewer Manhole & Edison Vault	Annual Fire Safety/Weed Abatement Contract	Use is Unknown. Access is blocked	No	No	Yes	Sections of parklands is privately maintained with Fruit Trees, Irrigation, landscaping.	Landscaping, Irrigation, Piles of PV Stones	All Encroachments must be removed from City Parklands or seek City approval.
Gabriel Path / Montemalaga	N/A	City Right-of-Way	No	Sewer Manhole	Annual Fire Safety/Weed Abatement Contract	Use is Unknown. Access is blocked	No	Yes	Yes	Natural Vegetation	Junk & Debris, Chainlink fence, Overgrown Natural Vegetation	Fence and debris must be removed. Vegetation may be cut-back to allow access
Fernandez Path / Montemalaga	N/A	City Right-of-Way	Yes	Sewer Manhole	Annual Fire Safety/Weed Abatement Contract	Open access is available	No	Yes	Yes	15 newly planted Queen Palms on pathway	15 Queen Palms and outdoor lighting	Encroachments must receive City approval.
Altamira Path / Montemalaga	N/A	City Right-of-Way	No	Edison & Verizon Utility lines, Cell Phone Equipment	Annual Fire Safety/Weed Abatement Contract	Use is Unknown. Access is blocked	No	Yes	Yes	Small Ficus trees planted on pathway to form a hedge.	Outdoor deck, hardscape, wood fence and blockwall blocking path.	All Encroachments must be removed from City ROW or seek City approval.
Altamira Path / Montemalaga	N/A	City Right-of-Way	No	Edison Vault	Annual Fire Safety/Weed Abatement Contract	Use is Unknown. Access is blocked	No	Yes	No	Natural Vegetation	Flower pots, small garden walls	All Encroachments must be removed from City ROW or seek City approval.
Block 1733 and AD 25341/ Melaga Cove	7559-030-900	City Parklands	No	No Utilities Visible	Annual Fire Safety/Weed Abatement Contract	Use is Unknown. Access is blocked by Natural Vegetation	Yes - Concrete	No	Yes	Natural Vegetation	Pile of PV Stones, Building Materials, Gravel, Garden Wall on Parklands	All Encroachments must be removed from City Parklands or seek City approval.
Rincon Path East / Melaga Cove	7545-002-901 and ROW Path	City Parklands and ROW Path	Yes	No Utilities Visible	Annual Fire Safety/Weed Abatement Contract	Open access is available	No	Yes	Yes	Privately maintained garden, row of Cypress trees on Parklands	Privately maintained garden, pv stones planters, Railroad Tie Garden Walls	All Encroachments must be removed from City Parklands or seek City approval.

Lot A / Montemalaga	7545-003-900	City Parklands	No	No Utilities Visible	Annual Fire Safety/Weed Abatement Contract	Use is Unknown. Area is very steep and access is blocked by Natural Vegetation	No	Yes	Natural Vegetation	N/A	Parklands is very steep and overgrown.
Rincon Path East / Montemalaga	N/A	City Right-of-Way	No	No Utilities Visible	Annual Fire Safety/Weed Abatement Contract	Use is Unknown. Access is blocked by Natural Vegetation	No	Yes	Row of trees planted in ROW.	N/A	Building Permit was finalized by all applicable depts. Remove newly planted trees.
La Brea Path North / Montemalaga	N/A	City Right-of-Way	No	Edison Box	Privately Maintained	Use is Unknown. Access is blocked by privately maintained Landscaping	No	Yes	Pathway is privately maintained with grass, shrubs, trees, and hedges	Trees blocking access	Vegetation should be cut back or removed allowing more accessibility.
Guadalupe Path / Montemalaga	N/A	City Right-of-Way	No	No Utilities Found	Privately Maintained	Use is Unknown. Access is blocked	No	Yes	Hedge blocking access	Parking Pad in ROW, Hedge and fence blocking access	All Encroachments must be removed from City ROW or seek City approval.
Nogales Path / Montemalaga	N/A	City Right-of-Way	No	Cable Box and Water Meter	Privately Maintained	Use is Unknown. Access is blocked	No	Yes	Various plants and dense vegetation blocking pathway	Driveway and PV Stone Wall blocking access	All Encroachments must be removed from City ROW or seek City approval.
Acalanes Path / Montemalaga	N/A	City Right-of-Way	No	No Utilities Found	Privately Maintained	Use is Unknown. Access is blocked	No	Yes	20' pathway is blocked by a hedge. Dense Vegetation	N/A	Pathway is steep and overgrown. Hedge blocking access
Del Monte Point Path / Malaga Cove	N/A	City Right-of-Way	No	Sewer Manhole, Cable Box, Edison Box	Privately Maintained	Use is Unknown. Access is blocked by Overgrown Vegetation	No	Yes	Various hedges planted to block access	Private plantings	Vegetation should be cut back or removed allowing more accessibility.
Montemar Strip / Malaga Cove	N/A	City Right-of-Way	No	No Utilities Found	Annual Fire Safety/Weed Abatement Contract	Use is Unknown. Access is blocked	No	No	Pathway is completely blocked by a large hedge and natural vegetation	Large Hedge, natural vegetation, Swing set.	Vegetation should be cut back or removed allowing more accessibility.
Horcada Path / Malaga Cove	N/A	City Right-of-Way	Yes	No Utilities Found	Annual Fire Safety/Weed Abatement Contract	Access is partially blocked due to stone wall, pillar, and driveway	No	Yes	Natural Vegetation	Stone wall, pillar, driveway, and stepping stones	Encroachments must receive City approval.
Conejo Path / Malaga Cove	N/A	City Right-of-Way	No	Sewer Manhole	Annual Fire Safety/Weed Abatement Contract	Use is Unknown. Access is blocked	No	Yes	Overgrown Vegetation Blocking Pathway	Wood Construction Chute	Pathway is steep and overgrown. Remove Construction chute.
Somonte Path / Malaga Cove	N/A	City Right-of-Way	No	Edison Box & Storm Drain	Annual Fire Safety/Weed Abatement Contract	Use is Unknown. Access is blocked by Overgrown Vegetation	Partial - Asphalt, Parking Pad	Yes	Private Rose bushes and Overgrown Vegetation	Small rock planters, Chain link fence, stepping stones, piles of firewood	ROW is very steep and overgrown. Encroachments throughout. ROW
Somonte Path East / Malaga Cove	N/A	City Right-of-Way	Yes	No Utilities Found	Annual Fire Safety/Weed Abatement Contract	Open access is available. Very Steep Terrain	No	Yes	Natural Vegetation	Railroad tie steps, saw, sand box	Encroachments must receive City approval.

Malaga Hills Path / Malaga Cove	7539-028-900	City Parklands	No	Fire Hydrant	Annual Fire Safety/Weed Abatement Contract	Use is Unknown. Access is blocked	No	Yes	Yes	Overgrown Vegetation Blocking Pathway	Outdoor Lighting	Encroachments must receive City approval.
Chico Trail / Malaga Cove	7538-027-901	City Parklands	Yes	No Utilities Found	Annual Fire Safety/Weed Abatement Contract	Open access is available. Very Steep Terrain	No	Yes	Yes	Oleander bushes, plants, and trees planted in parklands	Playhouse, Sandbox, irrigation, concrete bench, stepping stones	All Encroachments must be removed from City Parklands or seek City approval.
Palomino Trail at Colusa / Valmonte	7538-015-900	City Parklands	Yes	No Utilities Found	Annual Fire Safety/Weed Abatement Contract	Access is partially blocked due to landscaping & Railroad Tie Planters	No	Yes	Yes	Rose Garden	Railroad tie planters	All Encroachments must be removed from City Parklands or seek City approval.
Palomino Trail at Compassina / Valmonte	7538-027-901	City Parklands	No	No Utilities Found	Annual Fire Safety/Weed Abatement Contract	Use is Unknown. Access is blocked	No	Yes	Yes	Natural Vegetation	Fence, Driveway, Hardscape on Parklands	All Encroachments must be removed from City Parklands or seek City approval.
Alameda Path / Malaga Cove	N/A	City Right-of-Way	Yes	Fire Hydrant	Privately Maintained	Open access is available.	No	Yes	No	Pathway is privately maintained with grass, shrubs, trees, and hedges	Small hedge and pile of rocks	For better access, small hedge and pile of rocks should be removed
La Selva Path / Valmonte	N/A	City Right-of-Way	No	Edison & Verizon Utility lines, Fire Hydrant	Privately Maintained	Use is Unknown. Access is blocked by Vegetation	No	No	Yes	Pathway is privately maintained with grass, shrubs, trees, and hedges	N/A	Vegetation should be cut back or removed allowing more accessibility.
La Selva Path / Valmonte	N/A	City Right-of-Way	No	Edison & Verizon Utility lines, Sewer Manhole	Privately Maintained	Use is Unknown. Access is blocked	No	Yes	No	Hedge partially blocks access	Makeshift fence blocks access	All Encroachments must be removed from City Parklands or seek City approval.
La Selva Path / Valmonte	N/A	City Right-of-Way	No	Edison & Verizon Utility lines, Sewer Manhole	Privately Maintained	Use is Unknown. Access is blocked	No	Yes	No	Hedge partially blocks access	Makeshift fence blocks access	All Encroachments must be removed from City Parklands or seek City approval.
Las Vegas Lane North / Valmonte	N/A	City Right-of-Way	Yes	Edison & Verizon Utility lines	Annual Fire Safety/Weed Abatement Contract	Open access is available.	No	Yes	Yes	Plants & Grass	Rock wall, large wooden posts, junk & debris	All Encroachments must be removed from City Parklands or seek City approval.
Boundary Trail at Alcazar / Valmonte	7537-001-900	City Parklands	Yes	Edison & Verizon Utility lines	Annual Fire Safety/Weed Abatement Contract	Open access is available.	No	Yes	No	Overgrown Vegetation Blocking 50% of Pathway	Vegetation	Vegetation should be cut back or removed allowing more accessibility.
Boundary Trail at Via Cardalina / Valmonte	7537-012-900	City Parklands	Yes	No Utilities Found	Annual Fire Safety/Weed Abatement Contract	Open access is available.	No	Yes	Yes	Privately maintained landscape	PV Stone Wall, railroad tie stairs, irrigation, Junk & Debris	All Encroachments must be removed from City Parklands or seek City approval.
Pina Path / Valmonte	N/A	City Right-of-Way	Yes	No Utilities Found	Annual Fire Safety/Weed Abatement Contract	Open access is available.	No	Yes	Yes	Natural Vegetation	N/A	No Encroachments Found
Pavon Lane / Valmonte	N/A	City Right-of-Way	No	Edison & Verizon Utility lines	Privately Maintained	Use is Unknown. Access is blocked	Partial - Asphalt	Yes	No	No Landscape	Fences blocking access, storage shed, gravel	All Encroachments must be removed from City ROW or seek City approval.
Lunada Canyon / Lunada Bay	7543-046-902	City Parklands	Yes	No Utilities Found	Annual Fire Safety/Weed Abatement Contract	Open access is available	No	Yes	Yes	Rose bushes, fruit trees, irrigation	Rose bushes, fruit trees, irrigation	All Encroachments must be removed from City Parklands or seek City approval.

Lunada Canyon / Lunada Bay	7543-001-904	City Parklands	Yes	No Utilities Found	Annual Fire Safety/Weed Abatement Contract	Open access is available	No	Yes	Yes	Fruit trees	Makeshift chain-link fence, fruit trees, PV stone walls, irrigation	All Encroachments must be removed from City Parklands or seek City approval.
Lunada Canyon / Lunada Bay	7543-001-905	City Parklands	Yes	Sewer Manholes	Annual Fire Safety/Weed Abatement Contract	Open access is available	No	Yes	Yes	Natural Vegetation	N/A	No Encroachments Found
Shoreline Preserve	N/A	City Parklands	Yes	No Utilities	Privately Maintained	Open access is available	No	Yes	Yes	No Landscape	Manmade structures on the beach	



CITY OF PALOS VERDES ESTATES

STATE OF CALIFORNIA

**GENERAL PROVISIONS AND STANDARDS
FOR PUBLIC WORKS PERMITS
(DRIVEWAYS, WALKWAYS, CURB & GUTTER, CURB DRAINS)**

Last Revised: April, 2012

Approved, April 13, 2012

By Allan Rigg

Allan Rigg
Director of Public Works

General Provisions & Standards

GENERAL

All Public Works Permits shall be subject to the following requirements:

- These standards shall apply to all construction within the City right-of-way.
- All work or material required by these plans shall be performed or furnished in conformance with the applicable construction or material requirements of the Standard Specification for Public Works Construction, latest edition and as noted herein.
- All work except for walkways shall be completed by a Contractor licensed by the State of California. Walkway permits may be issued to homeowners with the proper insurance.
- Contractors who work on all other public right-of-way work shall have the proper State contractor's license classification for the work for which they are obtaining a permit.
- Contractor shall have a current Palos Verdes Estates city business license.
- Contractor shall provide a copy of their general liability insurance certificate and a copy of an insurance endorsement, on a separate form from the general liability certificate, naming "the City of Palos Verdes Estates, its officers, agents and employees" as additionally insured. See last page of these guidelines for a sample—Items 1, 2, and 3 (Form CG 20 12 07 98) are required.
- All construction shall be in accordance with the latest edition of the Standard Specifications for Public Works Construction, except as stated herein.
- No material may be placed or stored in the City right-of-way (ROW).
- Utilities shall be protected in place, unless otherwise shown per approved plans.
- All traffic control shall be per the latest edition of the WATCH manual.
- Inspection by City Inspector is required before installation of materials.
- Plant height on right-of-way shall be less than 30 inches, with no hedges. Tree planting in the right-of-way requires prior approval from the City Forester.

DRIVEWAY APPROACHES AND DRIVEWAYS

- Driveway approaches shall be installed on the front six feet of all driveways, adjacent to the street. The driveway shall consist of the remainder of the paved surface, beyond the approach. The driveway and driveway approach shall conform to Palos Verdes Estates Standard Plan, ST-10.
- One set of plans shall be included with each permit application showing the location of the driveway and driveway approach in reference to the street. Dimensions of driveway(s), driveway approach(es), City right-of-way and property lines shall be included on plans.
- Driveway materials shall conform to one of the following options:
 1. Six (6) inches of Portland Cement Concrete (PCC) over six (6) inches of aggregate base. PCC shall be 520-C-2500 and must be obtained from a ready-mix plant.
 2. Three (3) inches of C2-PG 64-10 asphalt concrete over six (6) inches of aggregate base.
 3. Concrete interlocking pavers over four (4) inches of PCC, over six (6) inches of aggregate base, in conformance with the attached, "Acceptable Alternate Paving Materials for Driveways".

For all options, aggregate base shall consist of coarse sand or disintegrated granite base.

- Material other than those described above may only be used for any portion of the driveway in the City right-of-way in the event of a hardship or structural impracticability (to be determined by the Public Works Department). The permit shall then state, "the City and utility companies are only required to use City Standard materials when repairs are made to the driveway and/or approach unless the difference in repair cost is paid for by the abutting property owner."

General Provisions & Standards

- All concrete shall be wood float finished and cured. Decorative sawcuts are allowed on the driveway only, not the driveway approach. No steel/wire mesh shall be installed in the approach.
- There shall be a minimum of twenty (20) ft. between two (2) driveways located adjacent to the same lot, and a minimum of one (1) foot between any portion of the driveway or driveway approach and the extension of the property line.
- The driveway approach and the portion of the driveway within the City right-of-way shall be perpendicular to the street.
- All driveway approach replacement shall include removal and replacement of curb and gutter and asphalt slot paving adjacent to the new approach. The new approach shall be constructed with plain uncolored concrete only, no other material.

CURB AND GUTTER

- Curb and gutter construction shall conform to "Standard Plans for Public Works Construction" Plan No. 120-1, Type A2(8) or A3(8), or PVE standard plan ST-29 or ST-30. Curb height shall be 8" high. Asphalt slot paving is required next to new concrete.
- Concrete shall be 520-C-2500 and must be obtained from a ready-mix plant.
- Both curb and gutter shall be removed when repairing existing curb and gutter. Longitudinal saw cuts in gutter shall not be permitted. All joints shall be saw cut.
- New sections of curb and gutter shall be installed in sections of no less than ten (10) ft. No section of less than ten (10) ft. shall be removed or left in place. Gutter shall be 2 ft wide.
- Place weakened plane joints at all B.C.s, E.C.s, P.C.C.s, P.R.C.s and at 15' (Max.) intervals; in concrete curb and gutters.

WALKWAYS

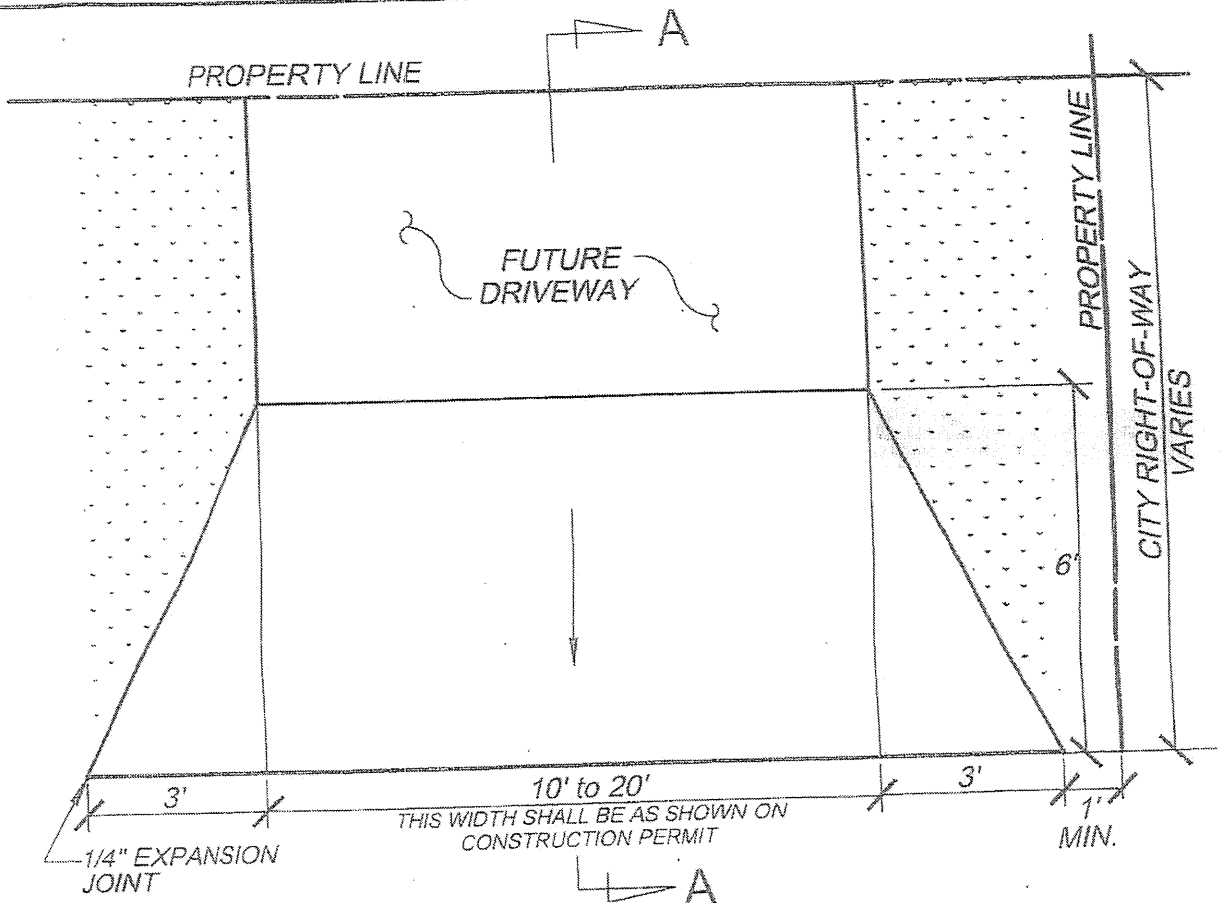
- Only one walkway, located perpendicular to the street, shall be constructed in the R.O.W.
- The walkway shall have a minimum separation of one (1) foot from any portion of the driveway or driveway approach. No curbs are permitted parallel and adj. to the walkway.
- The walkway shall be a minimum four (4) feet wide and a maximum six (6) feet wide.
- The walkway may be constructed of any type of solid material provided no gaps are found within the portion located in the City right-of-way (i.e. no stepping stones, grass grout)

CURB DRAINS

- Bottom of pipe shall be three-fourths (3/4) inch above gutter flow line unless curb face is less than eight (8) inches.
- Use four (4) inch pipe for eight (8) inch-high curb, three (3) inch pipe for six (6) inch curb.
- If curb or gutter is damaged, curb and gutter shall be replaced per City Standards in sections no less than ten (10) feet.
- All pipes shall be schedule 40/SDR 35 PVC, cast iron, or ductile iron.

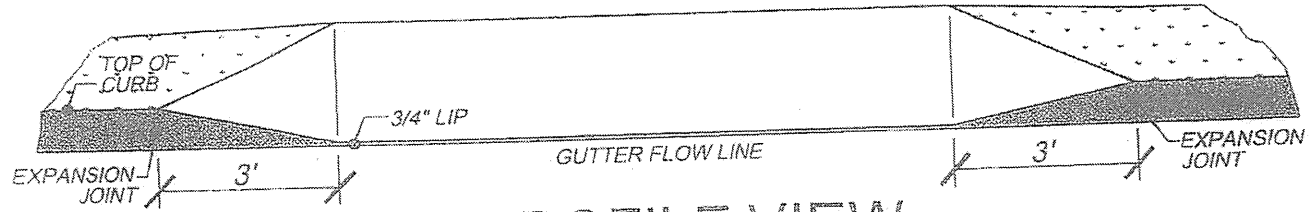
ASPHALT WORK IN CONIUNCTION WITH PUBLIC WORKS IMPROVEMENTS

- Asphalt shall be saw cut with 12-inch T-cuts for trenches. Hot mix asphalt shall be used.
- Minimum width of asphalt patch shall be twelve (12) inches from edge of concrete, more if required by the Public Works Inspector to facilitate proper drainage.
- Replacement of asphalt shall conform to City standards and Greenbook Section 302-5.
 - 4" thick asphalt concrete type C2-PG 64-10 over min. 6" crushed aggregate base, compacted to 95% compaction. Tack coat shall be applied before AC placement

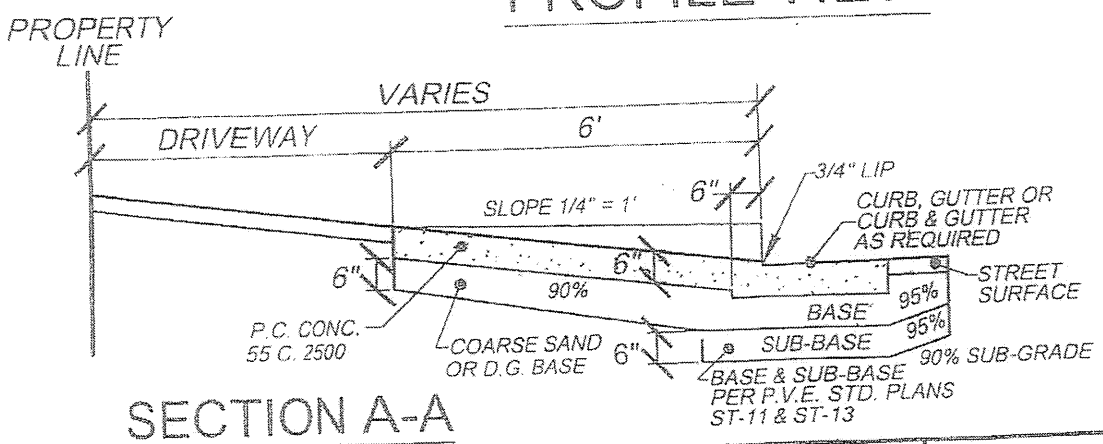


PLAN VIEW

20' MIN. BETWEEN 2 DRIVEWAYS ON SAME LOT

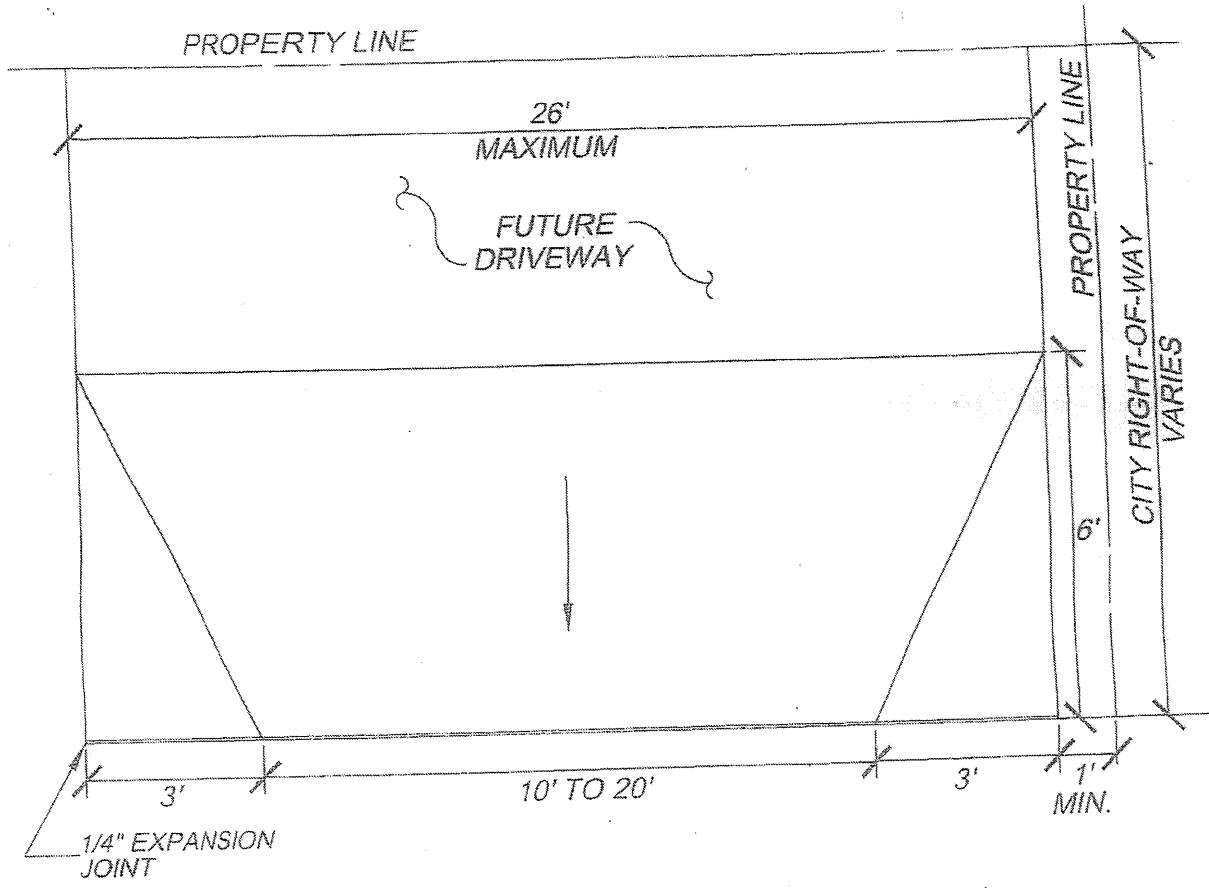


PROFILE VIEW



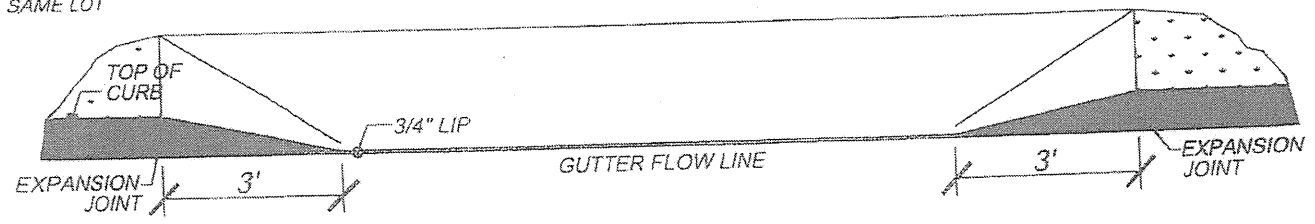
SECTION A-A

APPROVED FOR CONSTRUCTION		STANDARD DRIVEWAY APPROACH CITY OF PALOS VERDES ESTATES P.V.E. STD. PLAN ST-10
CITY ENGINEER	RCE NO. C049632	
LAST REVISION DATE		
APRIL 28, 2000		

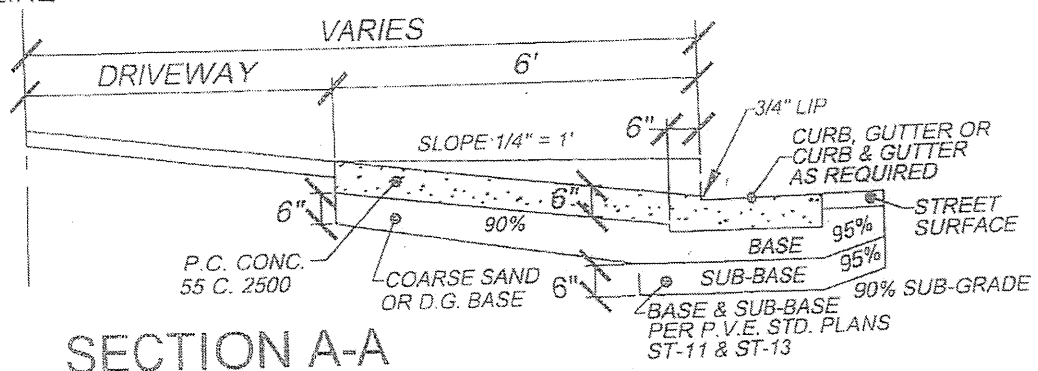


PLAN VIEW

20' MIN. BETWEEN
2 DRIVEWAYS ON
SAME LOT



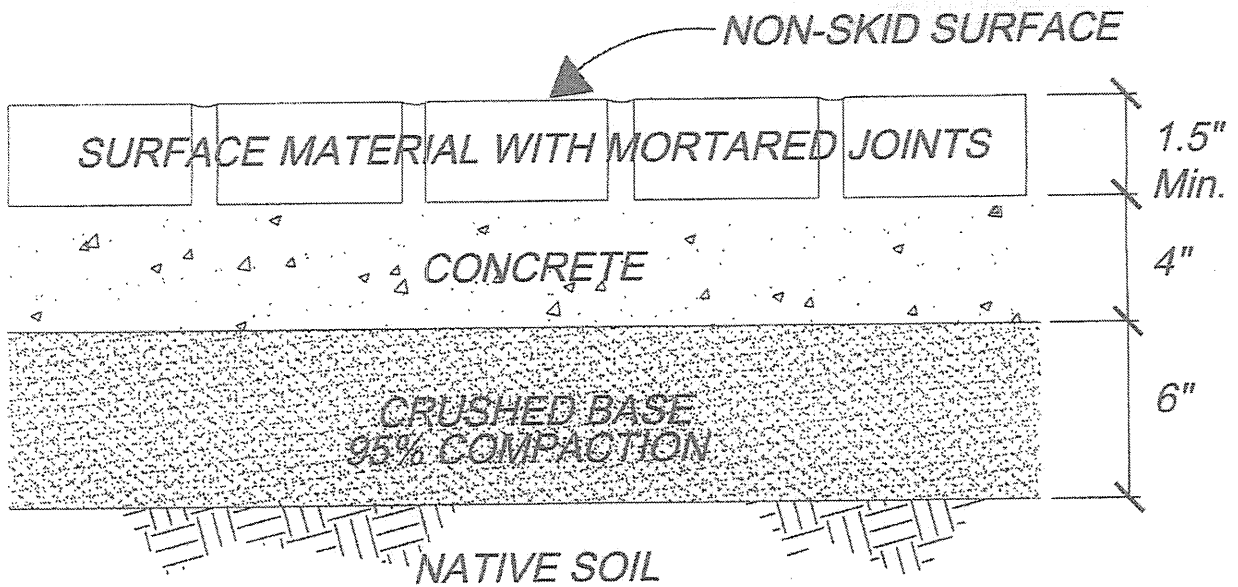
PROPERTY LINE



SECTION A-A

APPROVED FOR CONSTRUCTION		MODIFIED STANDARD DRIVEWAY APPROACH CITY OF PALOS VERDES ESTATES P.V.E. STD. PLAN ST-10	
CITY ENGINEER	RCE NO. C049632		
LAST REVISION DATE APRIL 28, 2000			

**ACCEPTABLE ALTERNATE PAVING MATERIALS
FOR DRIVEWAYS**
(PORTIONS WITHIN CITY RIGHT-OF-WAY)



NOTES

1. ALLOWABLE SURFACE MATERIALS INCLUDE CONCRETE PAVERS, PALOS VERDES STONE, GRANITE, AND OTHER MATERIALS APPROVED ON A CASE BY CASE BASIS BY THE CITY ENGINEER.
2. CRUSHED BASE SHALL BE SPREAD EVENLY TO PRODUCE A SMOOTH SURFACE WITHOUT DEPRESSIONS.
3. CONCRETE SHALL BE PORTLAND CEMENT CONCRETE, CITY MIX WITH 5.5 SACK AT 2500 PSI.
4. PAVERS SHALL BE IN ACCORDANCE WITH ASTM C 936-96.
5. SURFACE MATERIALS SHALL BE PLACED ON 1" SAND BED ON TOP OF CONCRETE SLAB AND GROUTED IN PLACE.
6. CITY SHALL BE NOTIFIED FOR INSPECTION PRIOR TO PLACEMENT OF CONCRETE TO VERIFY PLACEMENT OF FORMS AND BASE MATERIAL.

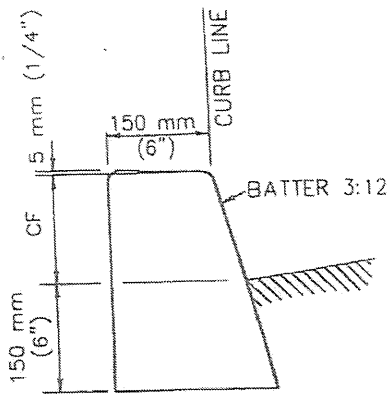
APPROVED BY CITY COUNCIL
DECEMBER 13, 2005

<i>APPROVED FOR CONSTRUCTION</i>	
CITY ENGINEER	RCE NO. C049632
<i>LAST REVISION DATE</i>	
NOVEMBER 9, 2005	

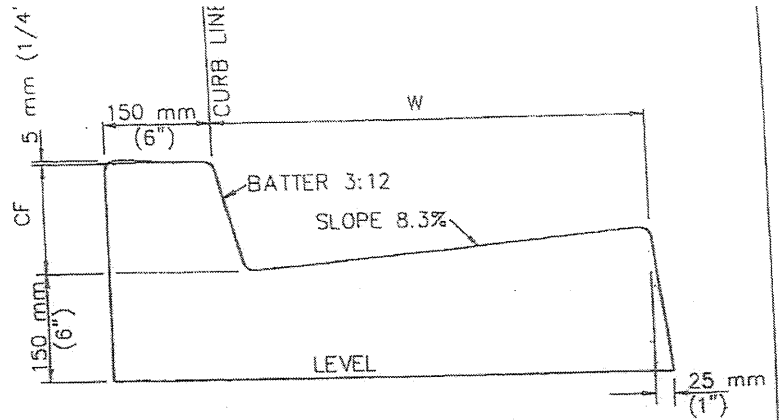
**ALTERNATE DRIVEWAY
PAVING MATERIALS**

City of Palos Verdes Estates

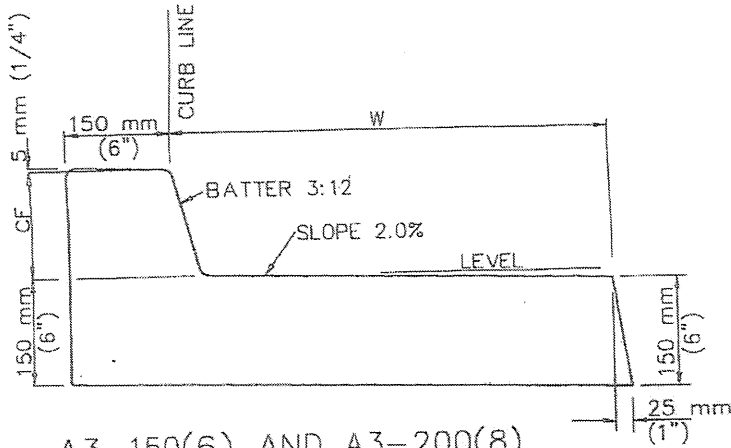
P.V.E. STD. PLAN ST-19



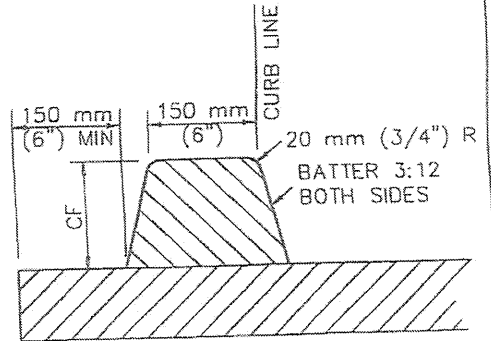
A1-150(6) AND
A1-200(8)



A2-150(6) AND A2-200(8)



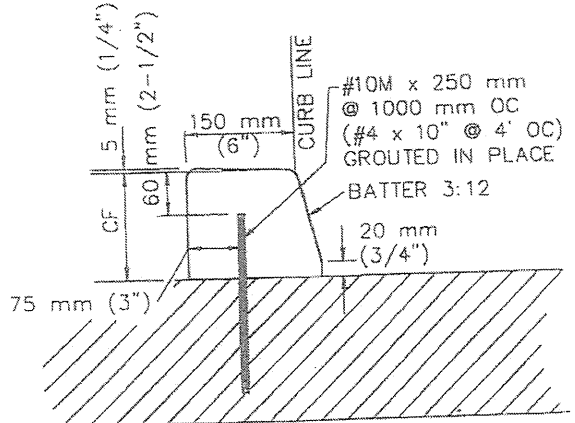
A3-150(6) AND A3-200(8)



D1-150(6) AND
D1-200(8)

NOTES:

1. THE LAST NUMBER IN THE DESIGNATION IS THE CURB FACE (CF) HEIGHT, mm (INCHES).
2. GUTTER WIDTH, W, IS 600 mm (24") UNLESS OTHERWISE SPECIFIED.
3. TYPES A1, A2, A3 AND C1 SHALL BE CONSTRUCTED FROM PCC.
4. TYPE D1 CURB SHALL BE CONSTRUCTED FROM ASPHALT CONCRETE.
5. TYPE C1 CURB SHALL BE ANCHORED WITH STEEL DOWELS AS SHOWN OR WITH AN EPOXY APPROVED BY THE ENGINEER.
6. ALL EXPOSED CORNERS ON PCC CURBS AND GUTTERS SHALL BE ROUNDED WITH A 15 mm (1/2") RADIUS.
7. DIMENSIONS SHOWN ON THIS PLAN FOR METRIC AND ENGLISH UNITS ARE NOT EXACTLY EQUAL VALUES. USE EITHER METRIC OR ENGLISH VALUES, AS REQUIRED, BUT NOT BOTH, EXCEPT THAT ASTM 615 REINFORCING STEEL MAY BE SUBSTITUTED FOR ASTM 615M STEEL.



C1-150(6) AND C1-200(8)

AMERICAN PUBLIC WORKS ASSOCIATION - SOUTHERN CALIFORNIA CHAPTER

PROMULGATED BY THE
PUBLIC WORKS STANDARDS INC.
GREENBOOK COMMITTEE
1984
REV 1996

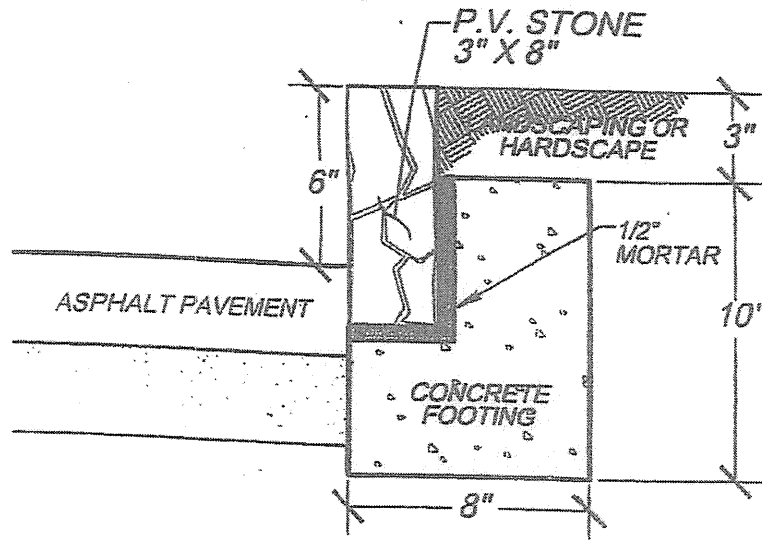
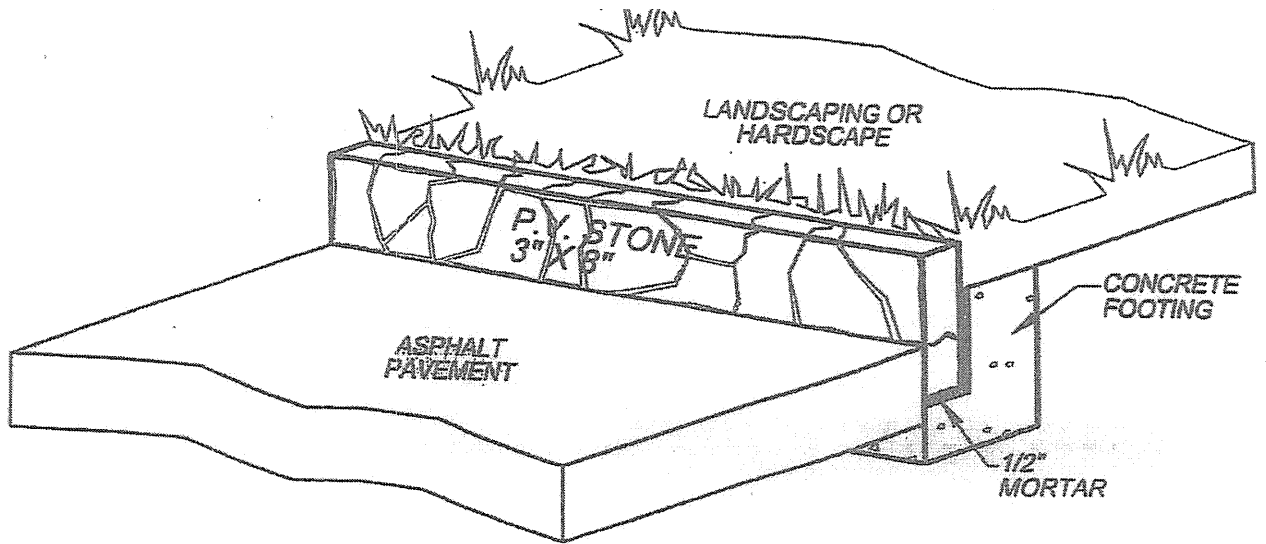
CURB AND GUTTER — BARRIER

USE WITH STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION

STANDARD PLAN
METRIC

120 - 1

SHEET 1 OF 1



SECTION VIEW

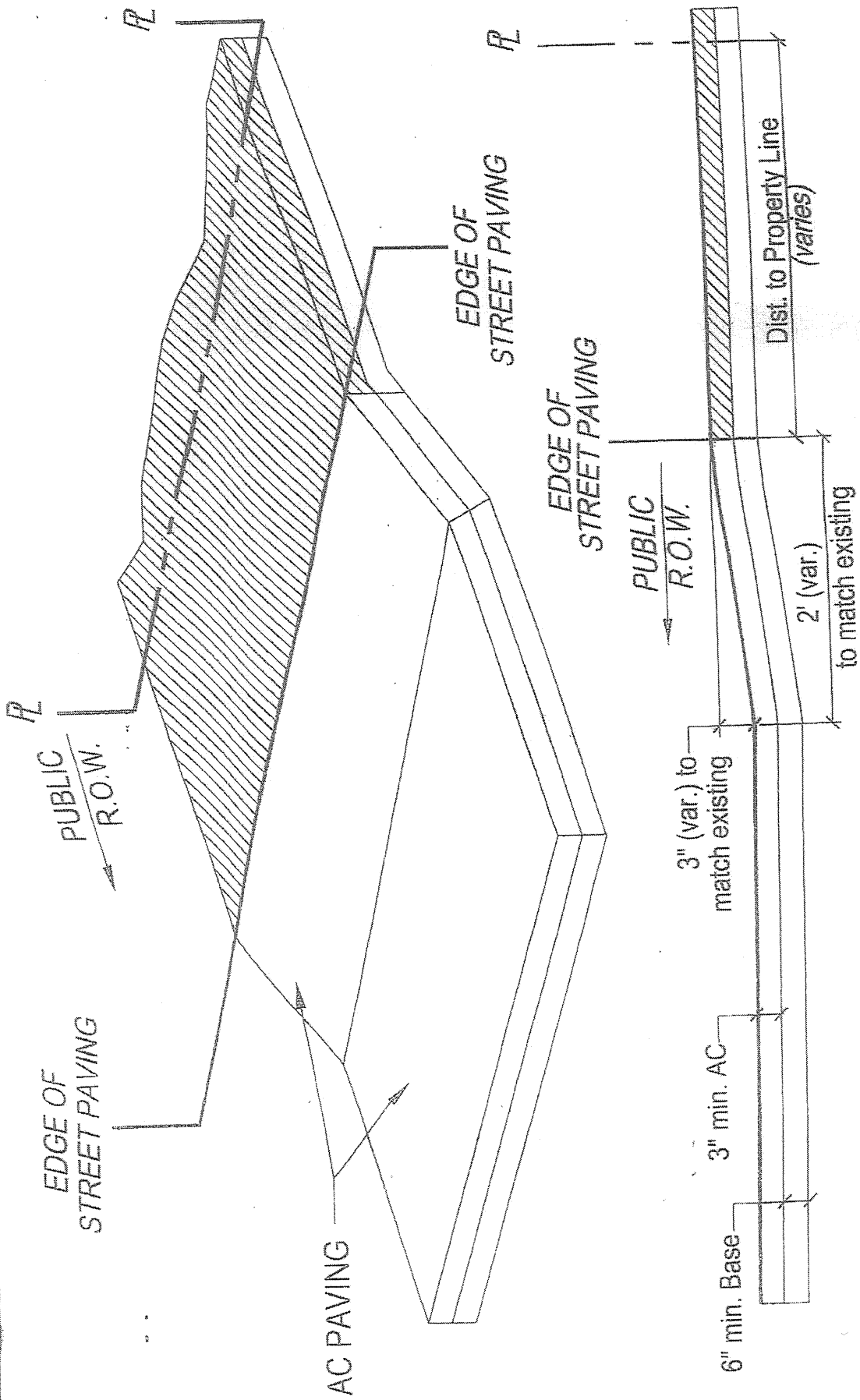
NOTES

1. CURB HEIGHT IS TO BE A MINIMUM OF 6 INCHES.
2. BASE BELOW CONCRETE FOOTING IS TO BE COMPACTED TO A MINIMUM 90% RELATIVE DENSITY.
3. CONCRETE IS TO BE 2,500 PSI (28-DAY STRENGTH).
4. PUBLIC IMPROVEMENTS TO BE INSTALLED PER THE LATEST VERSION OF STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
5. NO STEEL REINFORCEMENT IS ALLOWED IN PUBLIC PROPERTY.
6. THE FOLLOWING STREETS SHALL USE THIS STANDARD:
VIA ALAMEDA, VIA ANITA, VIA CAPAY, VIA JOSE, VIA LA SELVA (WEST OF VIA COLUSA),
PVDN (UPPER BARREL), VIA PASCUAL, AND LA SELVA PLACE.
7. EXPANSION JOINTS SHALL BE PROVIDED AT 30 FT. OR LESS INTERVALS,
AND WEAKENED JOINTS AT 15 FT. INTERVALS.
8. FOR BASE AND SUB-BASE, SEE P.V.E. STANDARD PLAN ST-II.
9. ASPHALT PATCH (FOR EXCAVATION) IS TO BE A MINIMUM OF 12 INCHES.

APPROVED BY CITY COUNCIL
SEPTEMBER 28, 1993

APPROVED FOR CONSTRUCTION	
CITY ENGINEER	RCE NO. CD49632
LAST REVISION DATE	
APRIL 28, 2000	

VALMONTE
P.V. STONE CURB
CITY OF PALOS VERDES ESTATES
P.V.E. STD. PLAN ST-29

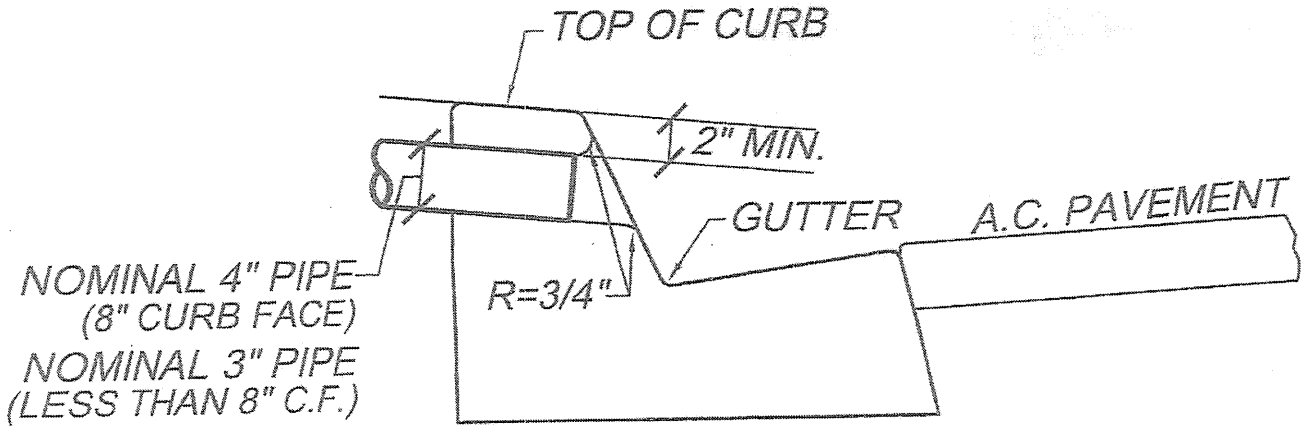


SECTION VIEW
NTS

CONSTRUCTION NOTES

- Public improvements to be installed per the latest version of Standard Specifications for Public Works construction.
- For base and sub-base, see PVE Standard Plan ST-11.

APPROVED FOR CONSTRUCTION	HOLLYWOOD BERM
CITY ENGINEER	CITY OF PALOS VERDES ESTATES
RCE NO. C049632	P.V.E. STD. PLAN ST-30
LAST REVISION DATE	
MAY 15, 2000	



NOTES

1. IF A GREATER VOLUME OF WATER FLOW IS DESIRED, EITHER:
 - A) SUBSTITUTE OVAL TRANSITE PIPE FOR THE ROUND PIPE; THE VERTICAL HEIGHT OF THE OVAL PIPE SHALL NOT EXCEED FOUR (4) INCHES; OR,
 - B) CONSTRUCT A MODIFIED NUMBER 12 BOX CULVERT.
2. IF A PIPE DRAIN IS INSTALLED THROUGH A CURB WITH LESS THAN A NOMINAL EIGHT (8) INCH FACE, THE FLOW LINE OF THE PIPE SHALL BE AT THE SAME ELEVATION AS THE FLOW LINE OF THE GUTTER. SUCH PIPE SHALL NOT EXCEED THREE (3) INCH NOMINAL DIAMETER.
3. COUNTY CLASS "B" (5 1/2 SACK/YD., 3/4" MAXIMUM AGGREGATE), CONCRETE SHALL BE USED FOR REPOURING THE CURB
4. FOR INSPECTION CALL DEPARTMENT OF PUBLIC WORKS AT 310-378-0383.
5. PIPE SHALL BE CAST IRON PIPE, DUCTILE IRON PIPE, OR PVC PIPE (SDR 35 OR SCHEDULE 40 MINIMUM STRENGTH).

APPROVED FOR CONSTRUCTION		STANDARD CURB DRAIN CITY OF PALOS VERDES ESTATES P.V.E. STD. PLAN ST-40
CITY ENGINEER	RCE NO. C049632	
LAST REVISION DATE		
MAY 15, 2000		

1

POLICY NUMBER:

COMMERCIAL GENERAL LIABILITY

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED –
STATE OR POLITICAL SUBDIVISIONS - PERMIT**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART.

S A M P L E
SCHEDULE

State Or Political Subdivision:

2

The City of Palos Verdes Estates, its officers, agents and employees, are named as additional insureds.

Section II – Who Is An Insured is amended to include as an insured any state or political subdivision shown in the Schedule, subject to the following provisions:

1. This insurance applies only with respect to operations performed by you or on your behalf for which the state or political subdivision has issued a permit.
2. This insurance does not apply to:
 - a. "Bodily injury," "property damage" or "personal and advertising injury" arising out of operations performed for the state or municipality; or
 - b. "Bodily injury" or "property damage" included within the "products-completed operations hazard".

Any other insurance maintained by the **City of Palos Verdes Estates** shall be excess and not contributing with the insurance provided by this policy.

Said policy shall not terminate, nor shall it be canceled nor the coverage reduced, until thirty (30) days after written notice to City.

3

CG 20 12 07 98 (Used for State or Political Subdivisions)

Copyright, Insurance Services Office, Inc., 1997

S A M P L E

Summary of Pathway/Lane Encroachments
April 3, 2014

Mr. Charles Peterson
Parklands Committee Chairman
Palos Verdes Estates, CA 90274

Dear Charlie,

Thank you for all that you've done to support Parklands in Palos Verdes Estates.

As you are aware, on September 6, 2013 we presented to PVE City Manager Tony Dahlerbruch and City Planning Director Allan Rigg a detailed report on encroachments. Seven months later no action has been taken, so we are submitting to the Parklands Committee the photos and maps of ten of those encroachments that involve structural walls and fences that have been built by the adjoining residents to block public access. If you'd like a copy of the full report made in September we would be happy to send that to your committee. We encourage the Parklands Committee to consider these encroachments and to recommend actions to address them, including inviting the public to comment as appropriate.

Some 80 sections of Paths were intended in both the original Olmsted design and in the current General Plan Map and parcel maps to allow people in PVE to walk freely through and between neighborhoods of our City, providing access to schools and churches without the danger and inconvenience of walking the circuitous sidewalk-free streets that wind through our hilly and beautiful city.

The reasons for keeping these Paths clear are many, but include real threats to public safety:

- **Fire prevention:** Paths, as well as unimproved Lanes (non-paved alleys often used to service various utilities, but that physically resemble Paths), provide a buffer to slow down the spread of fire. But the dense brush and trees on many of these Paths/Lanes actually accelerate the fire danger. This creates a danger to the adjacent residences and a liability to the City.
- **Access for passage in the event of a disaster:** Paths are an important aspect of public safety as the City has enhanced its DDP (Disaster District Program) plans in the event of a catastrophe such as a major earthquake. If such a disaster occurs (and we all know that it is a question of "when" not "whether" the "Big One" will hit us), residents need walking access within and across our neighborhoods since roads may be impassable and gasoline not available, and they need shorter and more direct routes (provided by Paths vs Streets) for access to emergency supplies (including first aid) that are located in containers at each of our schools.
- **Disease risk:** Ticks and rats inhabit dense groundcover such as ivy, and recent press about a bubonic plague-infected squirrel near Lake Arrowhead highlight that this presents a significant public safety risk. This creates a danger to the adjacent residences and a liability to the City.
- **Injury risk:** Many of the paths are in such a poor state that there is risk of injury to people who try to use them. Some paths ought to be modified with steps, switchbacks

or stairs of some sort to reduce the risk. Absence of such modifications creates a danger to the public and a liability to the City.

- **Liability to PVE:** Failing to address fire prevention, disease risk and risk of injury can lead to liability and lawsuits for damages.

In addition to the attached presentation with photos and satellite views, we prepared an interactive Google Map (showing property lines, aeriels and photos) that we would like to provide the Parkland Committee and City Enforcement officer with access to this tool would assist in the review of encroachments.

Both the Map and List have 102 corresponding items, but our request today focuses on just ten of those that are among the most egregious because structural walls and fences have been built which totally block access by the public. Eventually the other encroachments should be reviewed and addressed, because Municipal code also prohibits any structures (including those not specifically blocking) and any vegetation planted without a permit on these public lands.

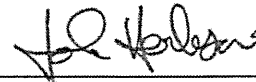
We advocate that the Parklands Committee consider these encroachments and if the Committee concurs with our assessment, that the Parkland Committee require removal of all physical structures from paths, lanes and parklands identified on these ten properties. These residents should be notified and given a reasonable timeframe to remove the impediments, and be told that if they do not comply within that timeframe, the City will remove the impediments at the owner's expense as per the Protective Restrictions. If the residents fail to reimburse, then a lien would be placed on their property. All of this process is laid out in the existing R05-32 Resolution. Given that the municipal code considers such encroachments a misdemeanor, consideration should also be given to whether a fine is assessed in the future, or a misdemeanor charged. In the near-term, given that some of these encroachments pre-date the current owner, or it may be difficult in some cases to ascertain which owner (from which side of the path) is the guilty party, you may want to waive the fine and charges and focus on the removal of the obstruction. But after a transition period, the prospect of immediate action and a fine would be appropriate deterrence to discourage homeowners from building fences to block paths and enjoying their added privacy for five years (or more if it is not noticed immediately), at the expense of public access being denied for the same period.

These public lands are for the use of the public, and private annexation for personal purposes is not appropriate. Thank you again for your active stewardship in this matter, and in advance for addressing the issues that we've identified.

Best Regards,



Ried Schott
1632 Via Lazo
Palos Verdes Estates CA 90274



John Harbison
916 Via Panorama
Palos Verdes Estates CA 90274

Attachments

- Map indicating blockage status of each path/lane.
- Photos of selected Paths/Lanes/Parklands with more significant blockages.

cc: Parkland Committee Members

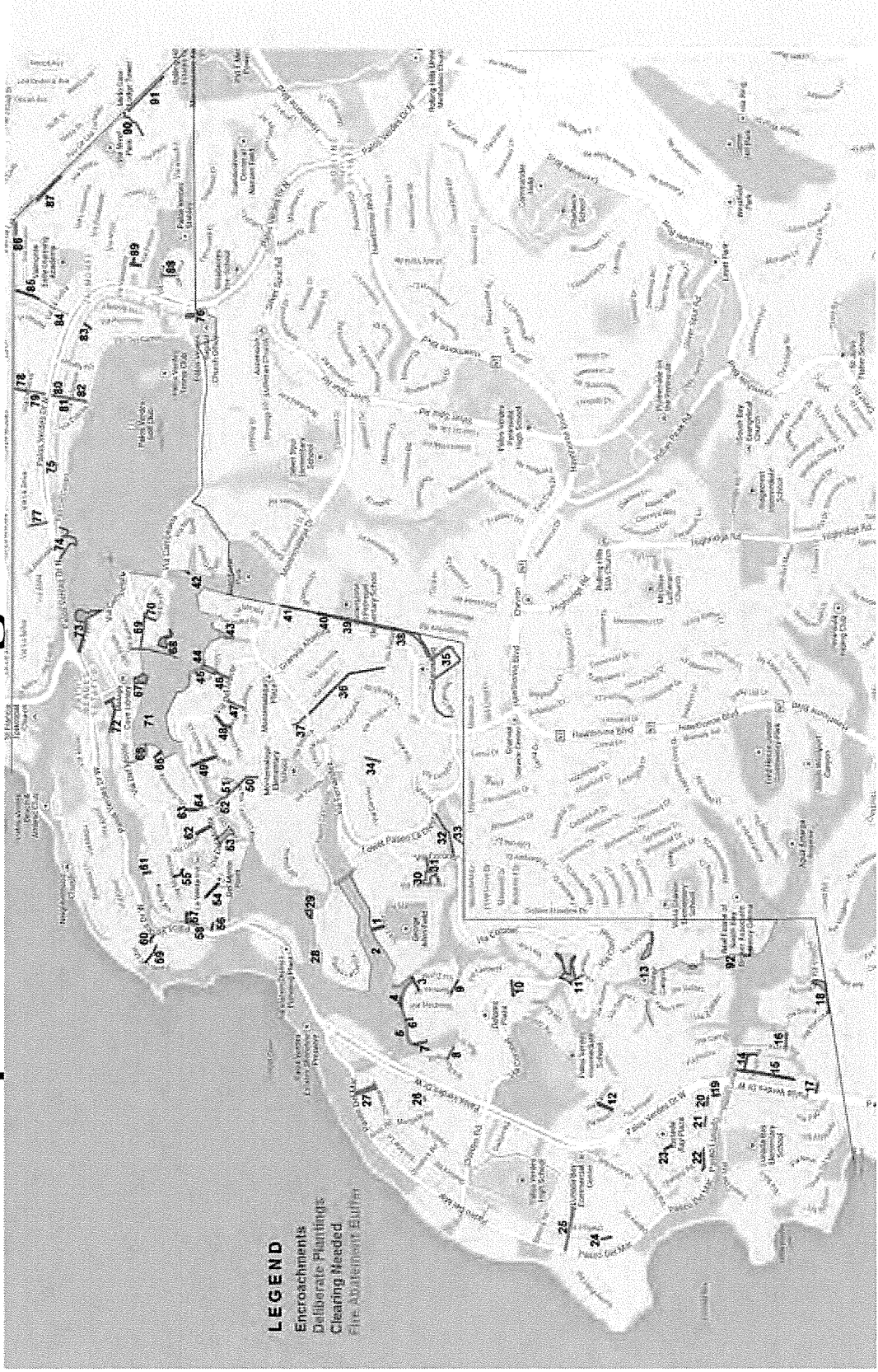
**A PICTORIAL OF PHOTOS AND MAPS SHOWING
Structural Encroachments Which
Should Be Removed on Paths,
Lanes, ROW and Parklands
in Palos Verdes Estates**

April 3, 2014
Prepared by
Ried Schott and John Harbison

Context

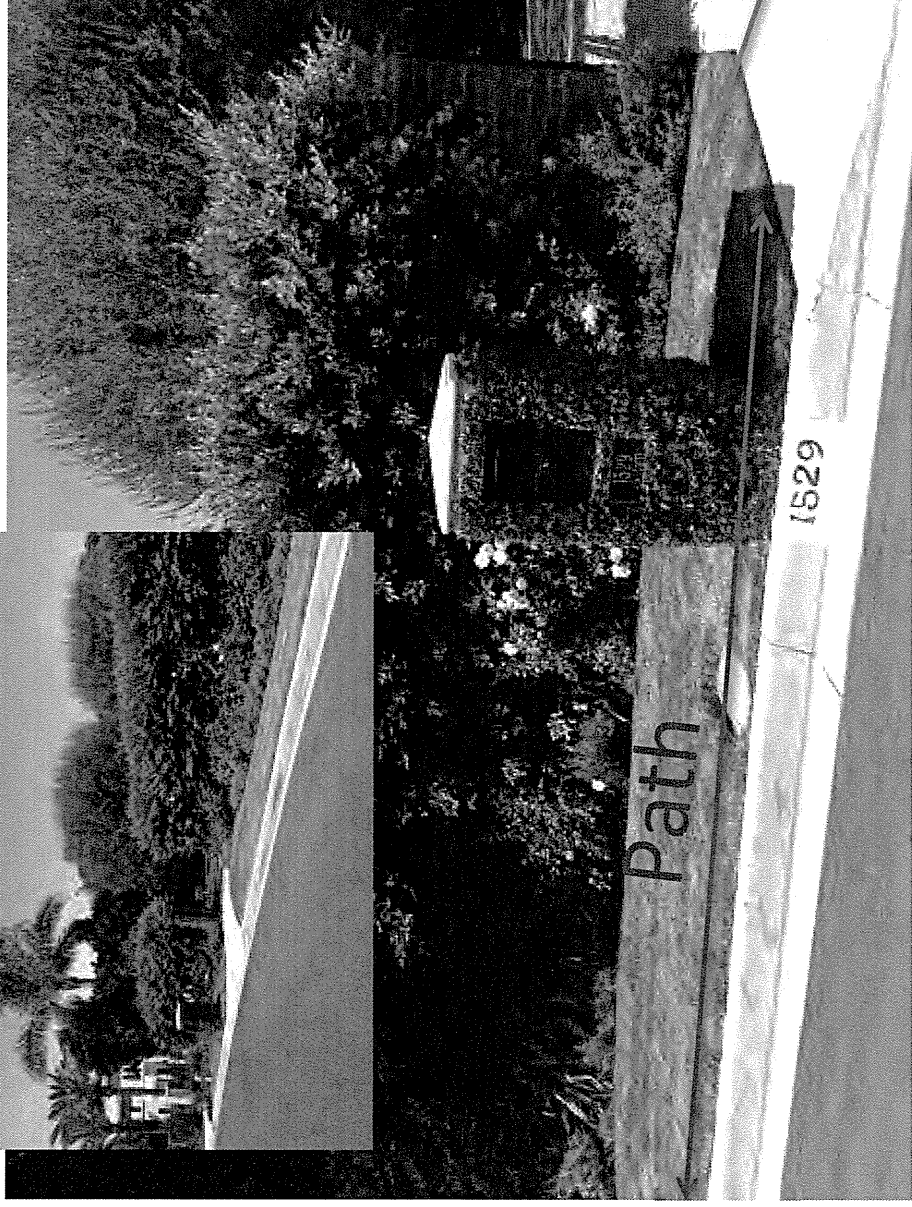
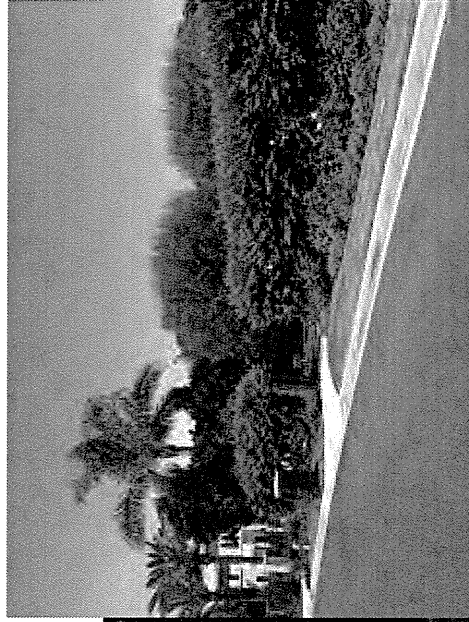
- Encroachments and Deliberate Plantings block or obstruct:
 - Two dozen Paths
 - 10 Lanes
- Inadequate Clearings block or obstruct:
 - Another two dozen Paths
 - A dozen Parkland trails and areas.
- Over one-half of all Paths are blocked or obstructed (some 45 of 80), making most inaccessible.
- 30 Out of 60 Encroachments are on Parklands & include: walls, fences, swings, play sets, trampolines, bird baths, drives, walks, terraces, private gardens, lawns...
- On 9/6/13 a full report of these encroachments was submitted to the PVE City Manager and Planning Director,
 - Resolution R05-32 stipulates a process for enforcing and remediating Encroachments
 - But no action has been taken
- This submission to the Parklands Committee focuses on ten of the most egregious encroachments – ones that involve building walls and fences that totally obstruct access to these public paths

Map of Encroachments & Inadequate Clearings on Public Land



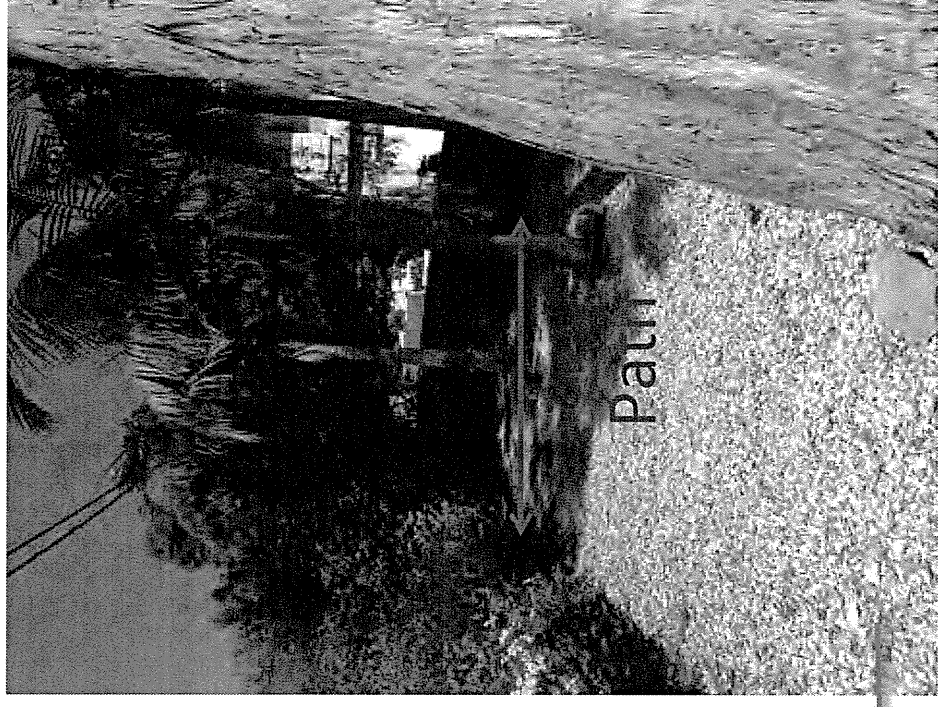
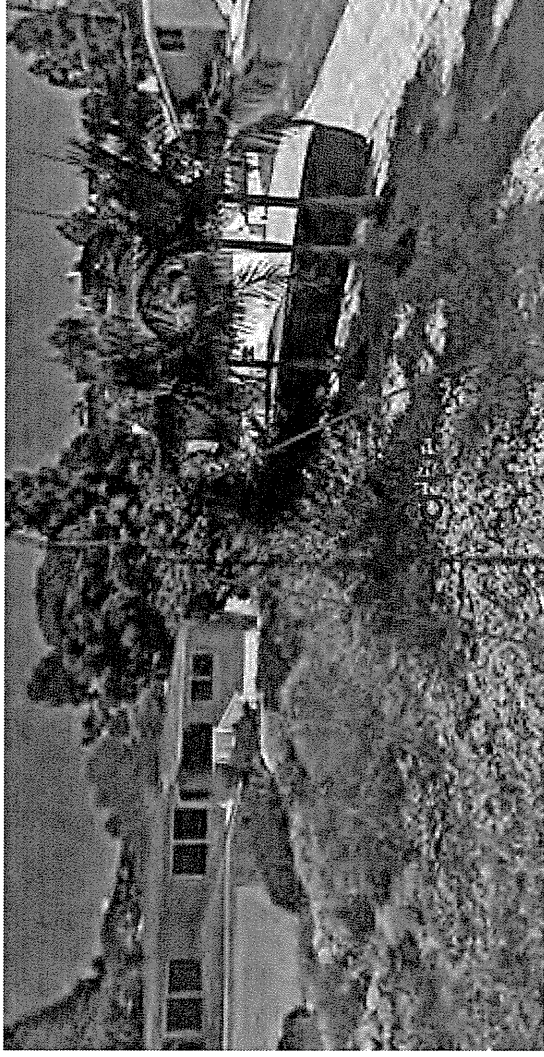
1 – Lopez Path West

- Totally blocked with a driveway gate and wall by an adjoining owner, making it inaccessible. Only access to Lopez Canyon parkland.
- Wall matches brick wall in front of house – questionable permitting.



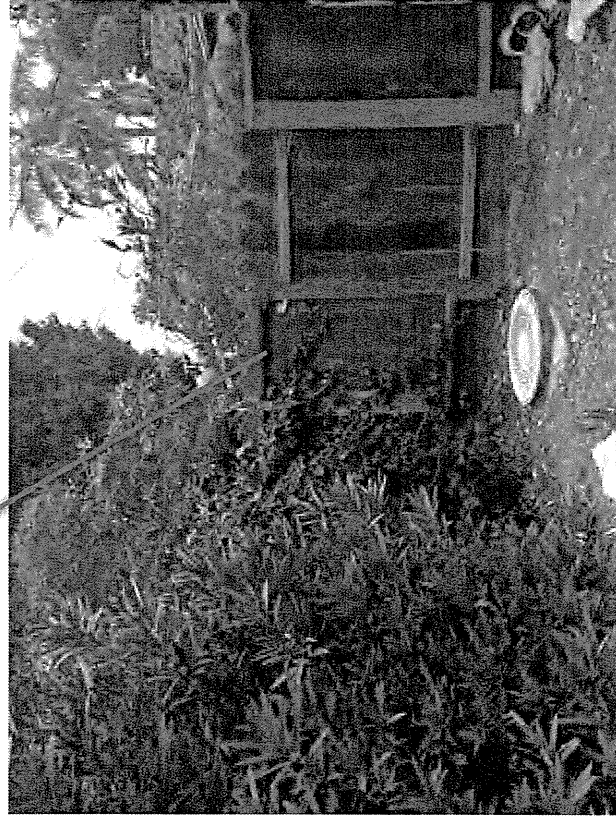
3 – Machado Path

- A hedge is totally blocking path and there also appears to be owner's fencing and stone wall in the back making it inaccessible.
- Parkland has not been cleared behind Path near Zurita.



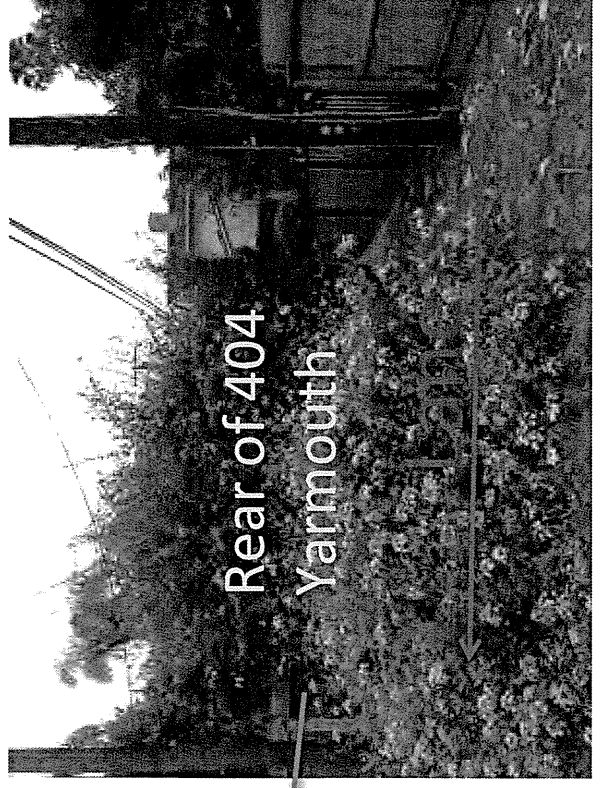
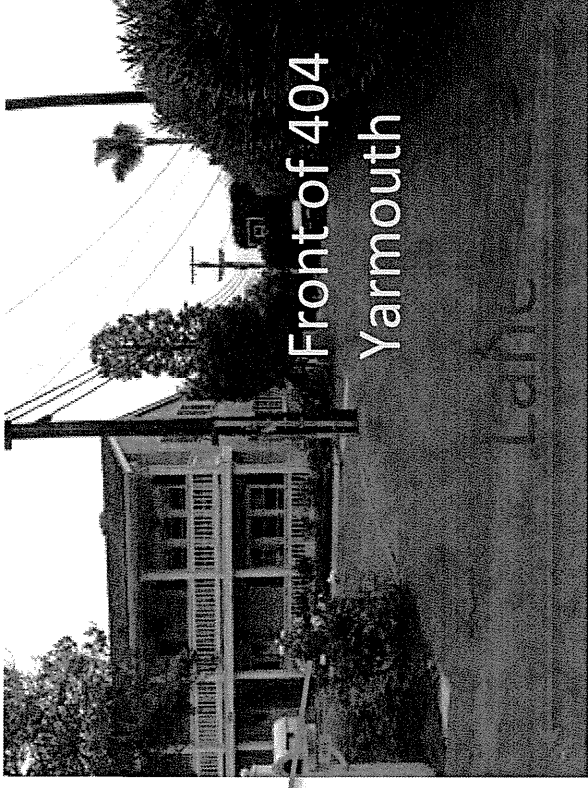
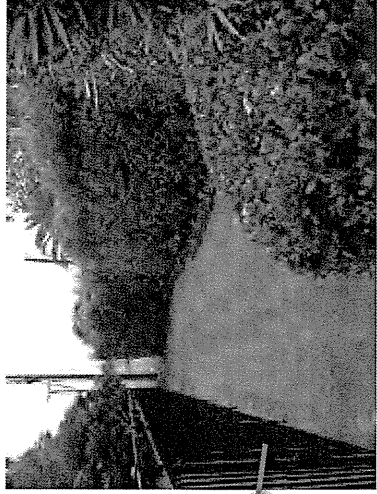
22 – Lunada Lane North

- Blocked with fence, shrubs and other encroachments.



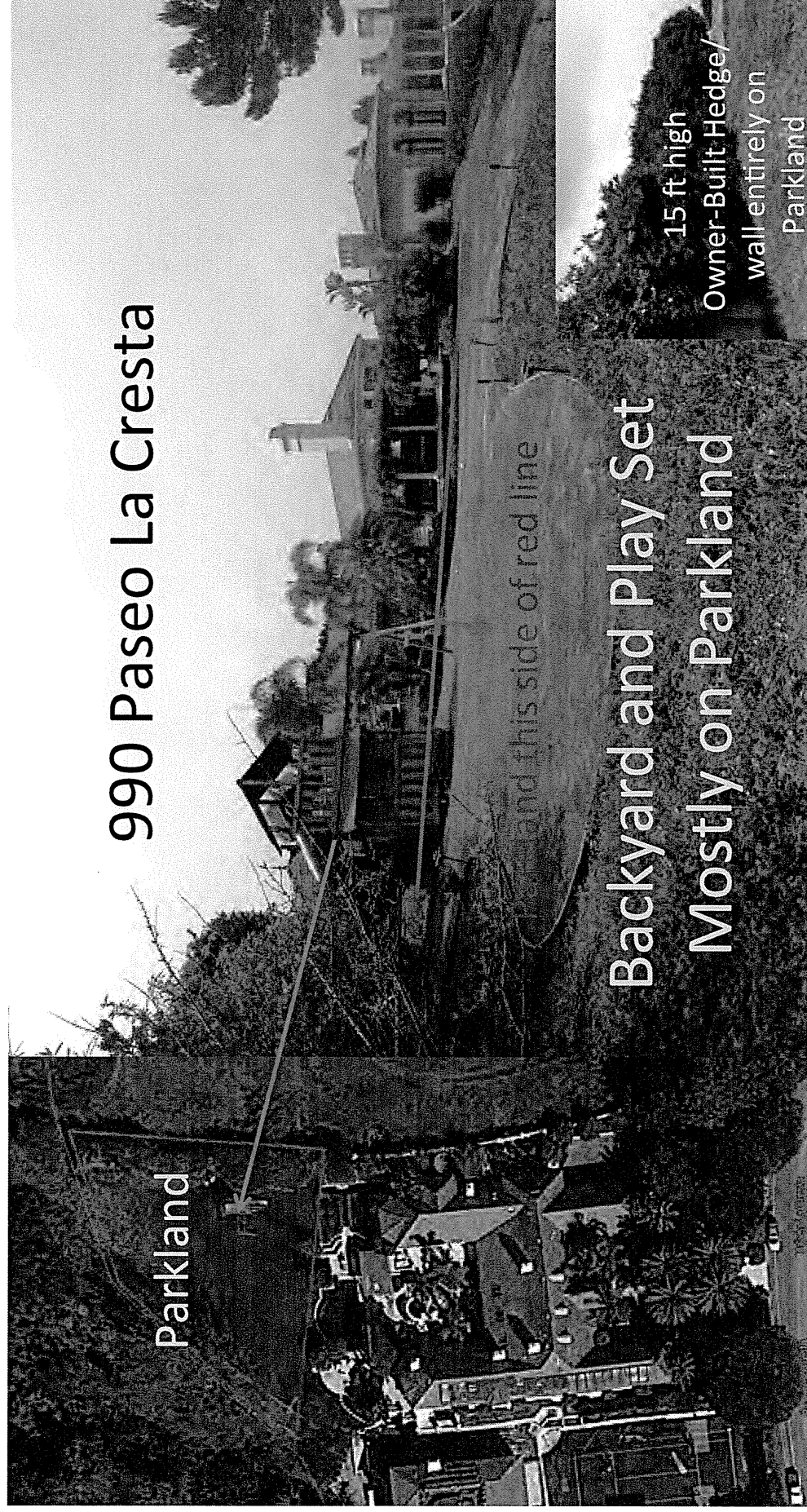
24 – Del Mar Lane

- Encumbered with a private drive, hedge and fence which block access



29 – Lot D

- Home's backyard including play set, lawn and landscaping encroaches half acre on Parkland
- Large hedge and partial wall create barrier from rest of parkland



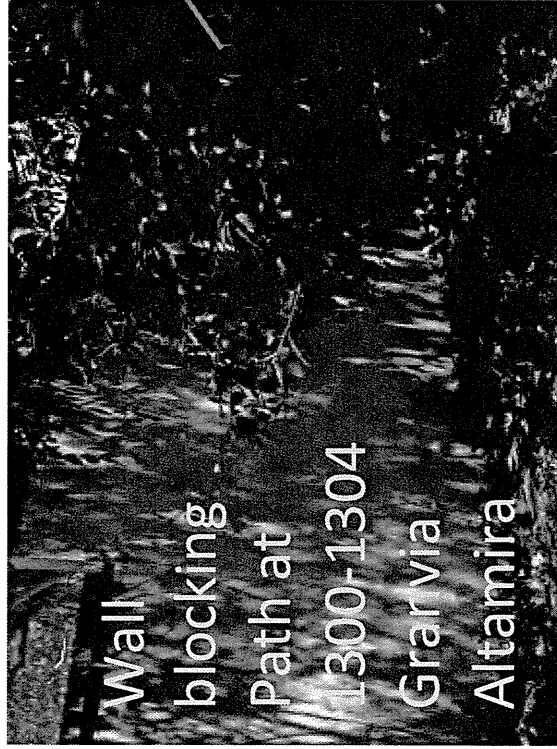
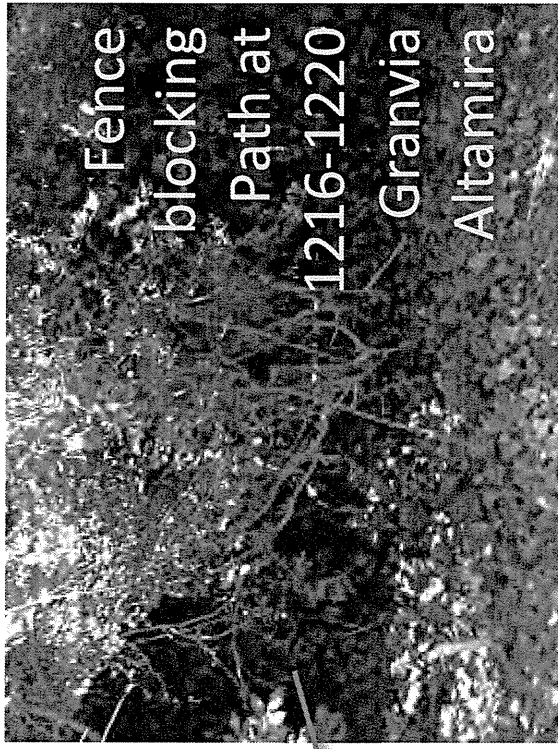
36 – Gabriel Path

- Overgrown, blocked by a fence and inaccessible.



39 – Altamira Path

- Wall and fence totally block Path.
- Landscaping also make access difficult to access.
- Between Via Sonoma and Via Rafael.

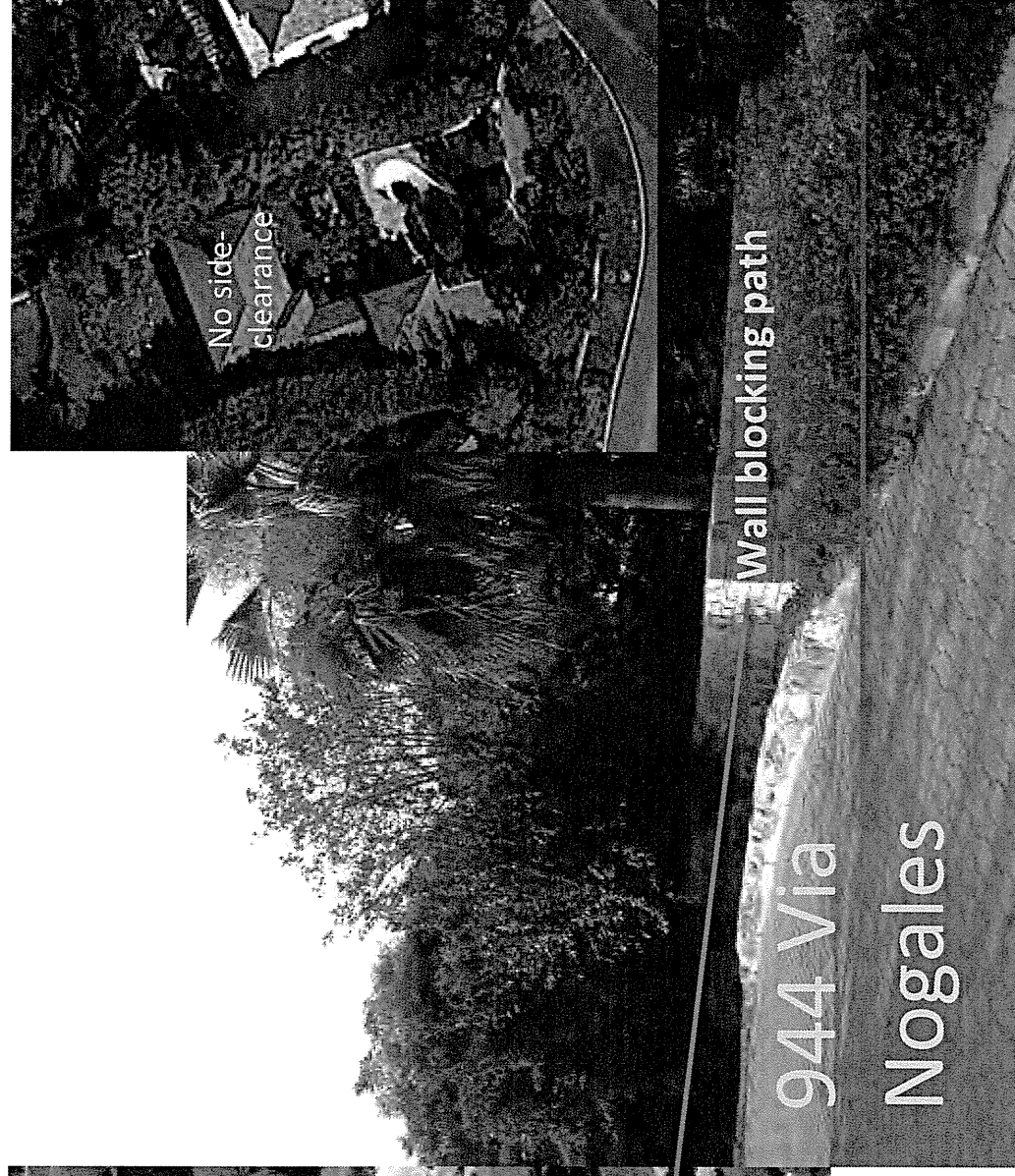


Wall
blocking
Path at
1300-1304
Grar via
Altamira

Fence
blocking
Path at
1216-1220
Granvia
Altamira

49 – Nogales Path

- Totally blocked by wall, driveway and landscaping at 944 Via Nogales.
- 944 Via Nogales house appears less than 7.5 feet side-clearance.
- Blocked with shrubs off Rincon Ln., not well cleared and is not easily.



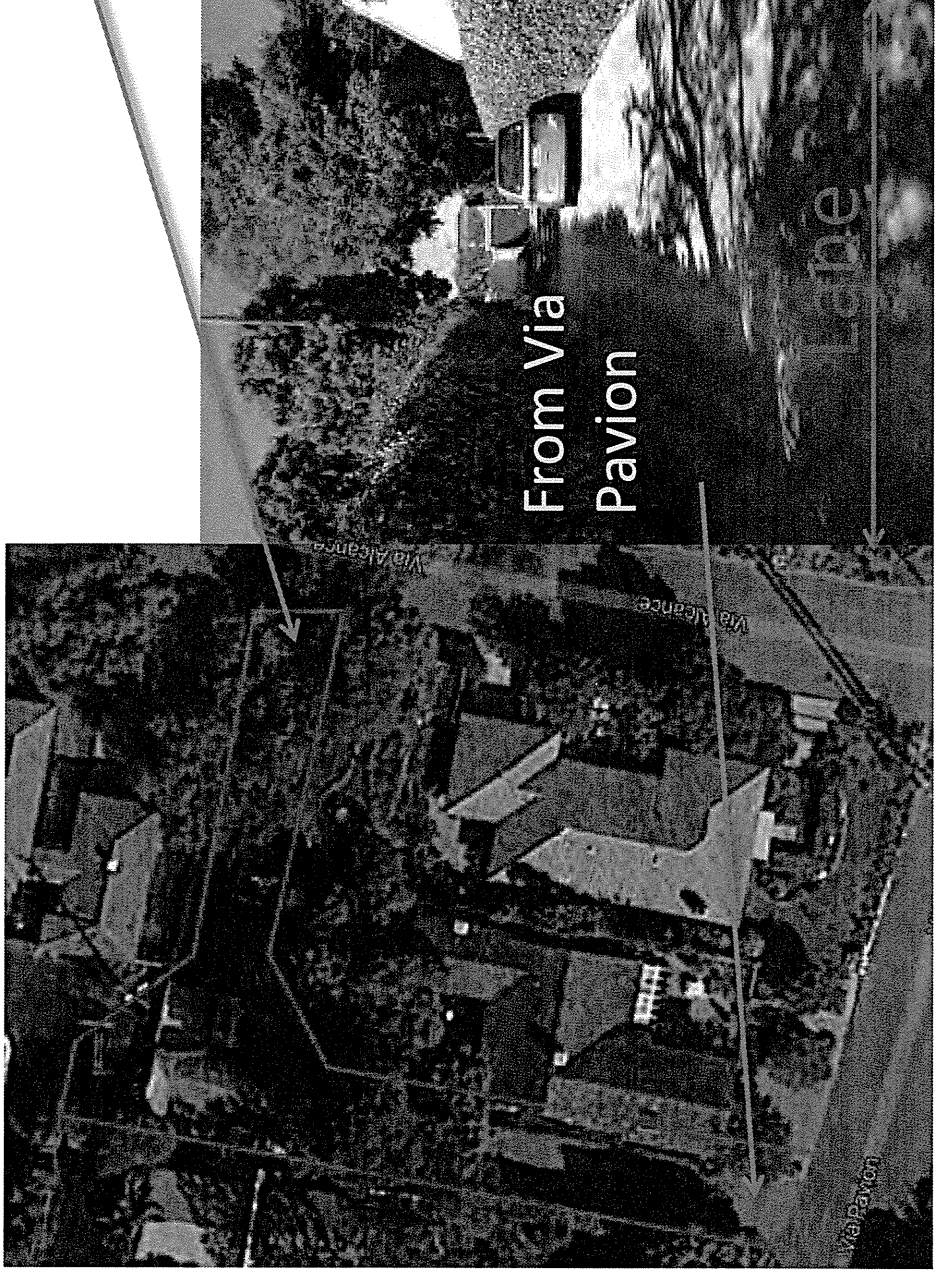
62 – Conejo Path

- Has not been cleared, contains a wood construction chute that has not been removed and is inaccessible. The concrete on this path facing Via Somonte indicates possible past stairs that were removed.



89 – Pavion Lane

- Encroached with a storage container and north side is blocked by two wooden fences and plantings outside the fence



Conclusion

- The founders of PVE provided for access and enjoyment of Parklands to our residents in the deed restrictions in covenants.
- However, as shown the previous photos, many residents adjoining Parklands, Paths and Lanes are using public property for their own enjoyment and use.
- It is important that this public land is not only reclaimed for ALL PVE residents, but that adequate clearings are also made for fire abatement.
- In addition, it is vital that the issues depicted herein are addressed in future Policies for not only Parklands and Trails, but also Paths, Lanes and surplus Right-of-Way.