



MEMORANDUM

Agenda Item #: 12
Meeting Date: 01/24/17

TO: HONORABLE MAYOR AND CITY COUNCIL

THRU: ANTON DAHLERBRUCH, CITY MANAGER /s/

**FROM: SHERI REPP-LOADSMAN, DEPUTY CITY MANAGER/
PLANNING/BUILDING DIRECTOR /s/
KEN RUKAVINA, PUBLIC WORKS DIRECTOR/CITY ENGINEER /s/**

**SUBJECT: STATUS AND DIRECTION AS IT PERTAINS TO PASEO DEL SOL
TURNAROUND PROJECT (PW-636-16) AND RESOLUTION R17-04
ADJUSTING THE FY 16-17 BUDGET TO APPROPRIATE FUNDS FOR
CONSTRUCTION**

DATE: JANUARY 24, 2017

Issue

On July 26, 2016, the City Council awarded a construction contract to Palp, Inc. DBA Excel Paving for the Paseo Del Sol Turnaround Project (PW-636-16) in the amount of \$253,872.00. The Project has been held in abeyance pending a review by the Palos Verdes Homes Association of the underlying deed restrictions of the property. This report and the accompanying oral presentation at the City Council meeting is presented for the City Council to consider proceeding with the Project and appropriate funds, or take another action as deemed appropriate.

Background

The matter of installing a turnaround on Paseo Del Sol was raised as far back as 2002 due in part to negative impacts to 2035 Paseo Del Sol as a result of vehicles using the private driveway as a turnaround. At that time, a “hammerhead” was designed to be located a short distance, 40 feet, past the existing gate. The project did not proceed due to a lack of funding.

In 2013, the Paseo Del Sol Fire Road was addressed due to resident concerns associated with parking, security and potentially inappropriate activities occurring in the parklands. On May 14, 2013, the City Council approved the Traffic Safety Committee recommendation to restrict parking to only residents of the street to minimize impairments to emergency and safety access. Staff was also directed to pursue the development of a turnaround in the area immediately past the gate. At that time, it was assumed that the design plans from 2002 would be utilized for the construction

bid process. Subsequently, the City Council budgeted \$75,000 in the capital improvement budget for construction costs of a hammerhead turnaround.

In 2013, the City also received a grant for \$75,000 from the Los Angeles County Regional Park and Open Space District for the project. Due to increased project costs, the City Council authorized its original \$75,000 budget and the \$75,000 grant for a total \$150,000 budget for design and construction costs.

On April 14, 2015, City Council approved a change in scope and associated budget adjustment due to the need for more substantive and deeper footings and increased costs. The revised budget provided \$169,800, which included both design and construction.

In April 2016, the Public Works Department issued a notice inviting bids for the construction of the turnaround. In reviewing and comparing the bids received and the engineer's estimate, the average of the bids submitted was \$322,309.00. Due to the high costs of construction, by utilizing a CMU wall, other design alternatives were analyzed prior to project award, such as the construction of a Soil-Nail Wall, which would save approximately \$100,000 in construction costs, excluding required additional engineering. However, this alternative was not supported by residents.

On July 26, 2016, the City Council discussed the project and determined to proceed by awarding the construction contract to Palp, Inc. DBA Excel Paving in the amount of \$253,872.00. At the September 13, 2016 City Council Meeting, City Council was presented Resolution R16-29, adjusting the fiscal year (FY) 2016-17 budget to appropriate funds for the completion of the project. However, confirmation was requested on whether deed restrictions allowed for construction of the additional pavement and retaining wall within this area of the parklands immediately adjacent to Paseo Del Sol; thus, deferring the project until answers to this question could be provided from the Palos Verdes Homes Association.

A full project history provided in Attachment A.

Palos Verdes Homes Association

The Grant Deed for this area of parklands (Lot E of Tract 7540) allows for “develop, plant, improve or maintain any or all of said lots or property for the benefit of all of Palos Verdes Estates” (Attachment B). Further, the Open Space Element of the City’s General Plan, states, “The intent of the deed restrictions and City policy allows construction of roadways, utilities, and recreation oriented facilities on suitable parkland areas after due consideration of environmental impact” (Attachment C).

Staff has previously determined the project to be an acceptable improvement in the parklands that is consistent with the grant deed and the Open Space Element of the General Plan. The City Council actions have been reliant upon this determination. In October 2016, staff submitted a letter to the Palos Verdes Homes Association (PVHA) requesting their consideration of the matter and to confirm that the proposed improvements are consistent with the deed restrictions. On

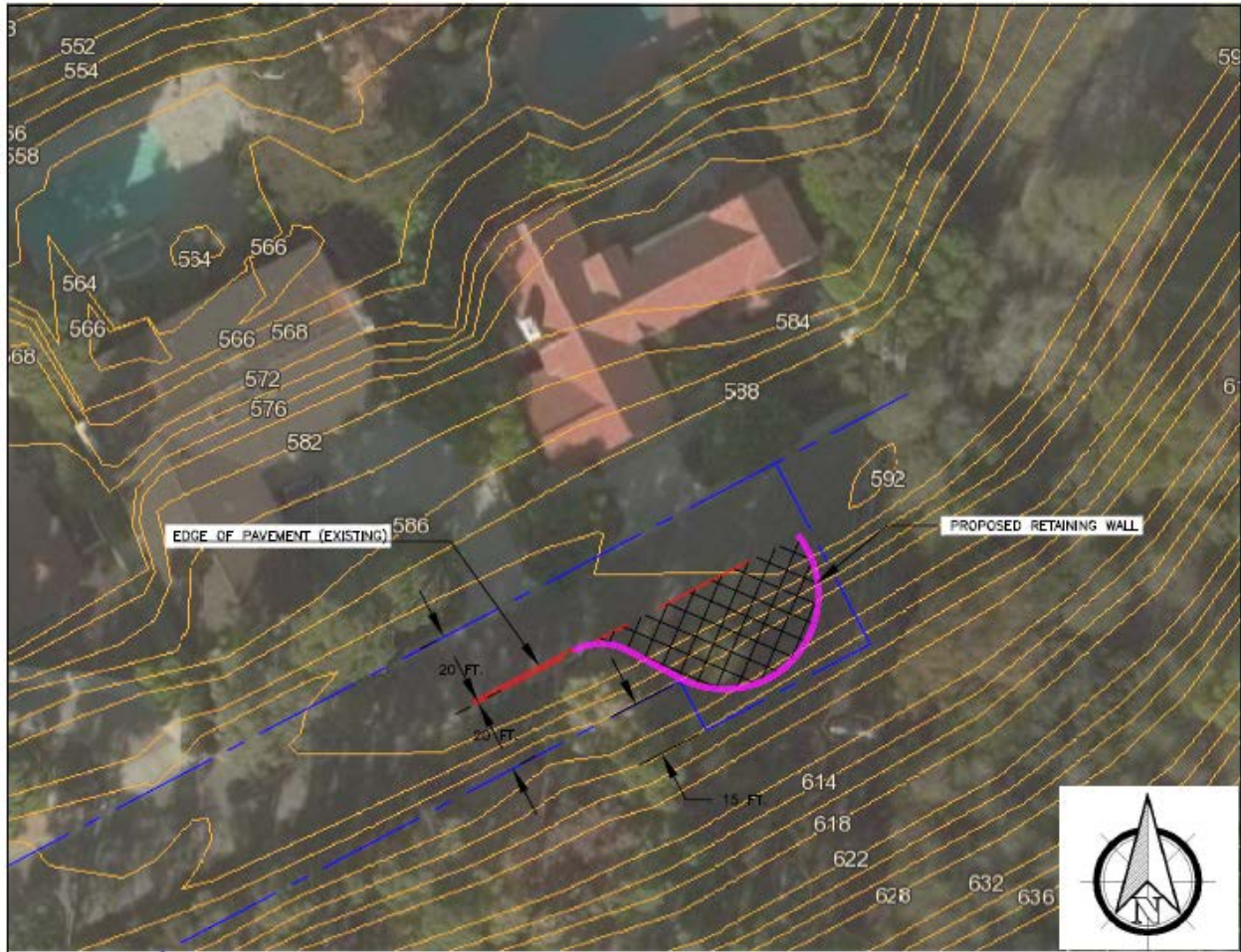
November 2, 2016, the PVHA response advised that a determination would not be provided until there was a conclusion to a pending lawsuit. On December 13, 2016, a Fencing and Wall Application was submitted to PVHA for Art Jury approval of the wall as currently designed. This application is still pending.

At the request of City staff, a meeting was held with the PVHA Manager and Legal Counsel on January 17, 2017, to discuss the status of their response to the City's question about the deed restrictions and the pending application, and to request timely consideration. The PVHA representatives identified an option to provide a turnaround within existing public rights-of-way before the existing gate (across from 2035 Paseo Del Sol). In acknowledging there could potentially be other options along with pros and cons for each alternative to accommodate a different solution, City staff agreed to consider their suggestion and provide information related to a potential design and costs. In addition, the PVHA representatives agreed to forward the question about the deed restrictions to their Board for consideration on January 24, 2017. Their response, if one is received, will be verbally provided at the City Council meeting on January 24, 2017.

Design Alternatives

City staff has a variety of general concerns in reference to the approved project including, as presented on July 26, 2016, the cost of the project as designed. Alternatives exist ranging from simply moving the gate east and installing a guard rail on the bluff edge (without widening) to constructing the turnaround within existing public rights-of-way at the end of the road immediately across from 2035 Paseo Del Sol. This latter option was not considered previously due to the difficulty in meeting the turnaround standards for larger vehicles such as fire trucks and the required hillside excavation. This alternative nonstandard turnaround design would allow a small passenger car to turn around. Due to the steepness of the hillside at this location, it would be possible that the wall be constructed as a "soil-nail" wall. This would also minimize engineering costs as a portion of the design would be by the "soil-nail" contractor. A sketch of this alignment is below.

The estimated costs of construction for this alternative is preliminarily \$240,000, which includes a 20% contingency. Engineering costs are estimated to be an additional \$30,000, for a total estimate cost of \$270,000. Moreover, it is questionable whether or not the County grant could be retained. And, per Los Angeles County Regional Park and Open Space District, the grant funds must be spent by June 30, 2017.



Alternatives Available to the City Council

The City Council has several alternatives it can consider:

1. *Concur with the findings of staff that the project as currently designed is an acceptable improvement in the parklands and to proceed with construction.*

This would require adoption of Resolution R17-04 adjusting the FY 2016-17 budget to appropriate funds for the completion of the Paseo Del Sol Turnaround Project (PW-636-16).

The current fiscal year Capital Improvement Program (CIP) Fund includes \$129,546 (\$75,000 Parks Open Space Grant and \$54,546 General Funds) for this project; hence additional funding allocation in the amount of \$181,447 is required, for a total project allocation of \$310,993.00. This total amount includes a \$25,387 (10%) construction contingency and funds to cover construction engineering related costs. The appropriation

for the project can be made utilizing undesignated Capital Improvement Plan (CIP) fund balance. The Parks Open Space Grant must be utilized by June 30, 2017.

2. *Discontinue the project (PW 636-16) and terminate the contract with Palp, Inc. DBA Excel Paving and return the grant award to the County.*

This would require the City Council to rescind their previous action of July 26, 2016, awarding the contract to Palp, Inc. DBA Excel Paving, and directing staff to cancel the contract in accordance with the termination clause of the agreement. Any costs of this action are unknown at this time, but none are expected as the contractor has not yet been issued a Notice to Proceed with the construction. Additionally, the grant award would likely expire since an alternative use may not be available and/or approved by the County.

3. *Terminate the contract with Palp, Inc. DBA Excel Paving, seek approval to alter the scope of the project and extend expiration of the grant funding, and re-design the project within existing Paseo Del Sol right-of-way across from 2035 Paseo Del Sol.*

This would require the City Council to rescind their previous action of July 26, 2016, awarding the contract to Palp, Inc. DBA Excel Paving, and direct staff to cancel the contract in accordance with the termination clause of the agreement. Any costs of this action are unknown at this time, but none are expected as the contractor has not yet been issued a Notice to Proceed with the construction. Staff would pursue authorization from the County to change the scope of the project and to extend the expiration date of the grant. Additionally, staff would develop an RFP to redesign the project in the alternative location utilizing a “soil nail” wall.

The current fiscal year Capital Improvement Program (CIP) Fund includes \$129,546 (\$75,000 Parks Open Space Grant and \$54,546 General Funds) for this project. Additional funding allocation may be required depending on retention of the grant and results of the bid process.

4. Provide alternative direction.
5. Decline to act.

Fiscal Impact

Refer to discussion under Alternatives to City Council above.

Resolution R17-04, appropriating the necessary funds for construction, is included with this staff report for consideration and approval should City Council elect to proceed with construction.

Recommendation

It is recommended that the City Council consider comments received as a result of the Palos Verdes Homes Association Board meeting, discuss available options for disposition of the project, including adoption of Resolution R17-04 to appropriate funds to complete the project if so determined.

ATTACHMENTS

Attachment A: Paseo Del Sol Turnaround Project History

Attachment B: Grant Deed; Lot E of Tract 7540

Attachment C: Open Space Element of General Plan

Attachment D: California Code of Regulations Title 14, Article 19. Categorical Exemptions

Attachment E: Resolution R17-04

Paseo Del Sol Turnaround Project History

The matter of installing a turnaround on Paseo Del Sol was raised as far back as 2002. The issues at the time included many vehicles using the driveway of the home at 2035 Paseo Del Sol as a turnaround, which was a significant inconvenience to the resident due to trash being left, staining of the driveway, noise, and lights shining into the home. At that time, a “hammerhead” was designed to be located a short distance, 40 feet, past the existing gate. The location was picked as the width of the road and the gentler slope of the hill above the roadway would result in lower walls and a lower project cost. The construction bids received were between \$59,000 and \$110,000 for construction, far greater than the original estimated budget of \$27,000. These bids were determined to be too high for construction costs, and records show the project did not proceed due to a lack of funding.

In 2013, the Parklands Committee and the City Council recently reviewed trails in the City and potential enhancements to the trails. One trail that was focused the Paseo Del Sol Fire Road. During the review, issues raised by residents for Lower Paseo Del Sol included:

- Excessive parking
- Security issues due to increased access
- Illegal activities such as drug use and drinking in the parklands

The issues raised were insightful to staff and although City Council declined to take action to improve the trail, staff was directed to identify mitigation measures including parking restrictions, signage, and a vehicular turnaround. Thus, the parking issue on Lower Paseo Del Sol was addressed by the Traffic Safety Committee (TSC).

TSC was provided information, noting that Paseo Del Sol is unique in the City due to the lack of a proper vehicular turnaround, and it may be appropriate to eliminate any parking on the street, with the exception of the residents of the street and their guests. The TSC recommended 1) revise parking restrictions on Lower Paseo Del Sol to prohibit parking at all times, with the exception of residents and their guests, on the north side of the street; 2) install a “Resident Parking Only” sign for Paseo Del Sol at Via Del Monte; and, 3) direct staff to submit a budget issue paper to the City Council to fund the construction of a hammerhead turnaround at the east end of Lower Paseo Del Sol as previously designed.

On May 14, 2013, the City Council approved the Traffic Safety Committee recommendation to restrict parking to only residents of the street to minimize impairments to emergency and safety access. Staff was also directed to pursue the development of a turnaround in the area immediately past the gate. At that time, it was assumed that the design plans from 2002 would be utilized for the construction bid process. Subsequently, the City Council budgeted \$75,000 in the capital improvement budget for construction costs of a hammerhead turnaround.

In 2013, the City received a grant for \$75,000 from the Los Angeles County Regional Park and Open Space District for the project, which must be spent by June 30, 2017. In preparing the fiscal year 14-15 budget, the \$75,000 capital improvement budget was retained and did not reflect the \$75,000 grant. It was not intended during the budget process to increase the available funds to

\$150,000 since the expectation for construction costs remained at \$75,000. However, in preparation of the Notice Inviting Bids, it was determined by staff that the design did not address recent building code amendments, and there were also concerns that the original 2002 hammerhead design created an area that was not readily visible and could present a safety and nuisance issue. It was assumed that the \$150,000 budget would allow enough funds for both re-design and construction costs.

In 2015, design consultant for the re-designed turnaround, NV5, estimated project costs at \$169,800, which included both design and construction. In April 2013, City Council was informed of the need for more substantive and deeper footings and increased costs, and asked for direction regarding approving the change in scope and budget adjustment, which they granted.

In April 2016, the Public Works Department issued a notice inviting bids for the construction of the Paseo Del Sol Fire Road Turnaround. Four bids were received on April 19th. On April 25, 2016, the low bidder submitted a letter requesting their bid be withdrawn as the estimator inadvertently made a clerical error in totaling their bid, making the total bid materially different than what it was intended to be; i.e. the bid form was filled out incorrectly. In reviewing and comparing the other bids and the engineer's estimate, it was determined this was a reasonable request. During this bidding process, the average of the bids submitted was \$322,309.00. Due to the high costs of construction, by utilizing a CMU wall, other design alternatives were analyzed, such as the construction of a Soil-Nail Wall, which would save approximately \$100,000 in construction costs, excluding required additional engineering. However, this alternative was not supported by residents.

At the July 26, 2016 City Council meeting, due to the high cost of the project and the funding shortfall, staff recommended at that time that this project was not worth pursuing and that, in the future, the entire fire road will need to be reconstructed, so perhaps a solution to improve access could be re-visited at that time. City Council discussed the project and determined to proceed by awarding the construction contract to Palp, Inc. DBA Excel Paving in the amount of \$253,872.00. At the September 13, 2016 City Council Meeting, City Council was presented Resolution R16-29, adjusting the fiscal year (FY) 16-17 budget to appropriate funds for the completion of the project. However, confirmation was requested on whether deed restrictions allowed for construction of the additional pavement and retaining wall within this area of the parklands immediately adjacent to Paseo Del Sol; thus, deferring the project until answers to this question could be provided from the Palos Verdes Homes Association.

Second Deed to Park Lane

Wijaya → PRN

dated 6/29/25

rec. 6/20/25

4459/123

GRANT DEED

BANK OF AMERICA, a corporation organized under the laws of the State of California, and having its principal place of business at Los Angeles, California, in consideration of Ten (\$10.00) Dollars, receipt of which is hereby acknowledged, does hereby grant to PALOS VERDES HOMES ASSOCIATION, a corporation, that certain real property in the County of Los Angeles, State of California, hereinafter referred to as "said realty", described as follows, to-wit:

- (a) Lots R, T, U and W of Tract 6885, as per Map recorded in Book 78, Pages 49 to 52 of Maps, in the office of the County Recorder of said Los Angeles County; and
- (b) Lots A, B, C, D, E, F, G, H, J, K, L, M, N, O, P, Q, R, S, U of Tract 6887, and that portion of Lot T in said Tract 6887 lying north of a line drawn parallel to the North line of Via Picaposte at a distance of one hundred forty-five (145') feet Northwardly therefrom, as per Map recorded in Book 96, Pages 28 to 32 of Maps, in the office of the County Recorder of said Los Angeles County; and
- (c) Lots A, B, C, D, and E of Tract 6888, as per Map recorded in Book 100, Pages 67 to 72 of Maps, in the office of the County Recorder of said Los Angeles County; and
- (d) Lots D, F, and G of Tract 6890, as per Map recorded in Book 100, Pages 82 to 85 of Maps, in the office of the County Recorder of said Los Angeles County; and
- (e) Lots A, B, C, D, E, F, G, and H of Tract 7143 as per Map recorded in Book 99, Pages 46 to 51 of Maps, in the office of the County Recorder of said Los Angeles County; and
- (f) Lot A of Tract 7144, as per Map recorded in Book 103, Pages 13 to 18 of Maps, in the office of the County Recorder of said Los Angeles County; and
- (g) Lots H, M, O, P and S of Tract 7145, as per Map recorded in Book 96, Pages 19 to 22 of Maps, in the office of the County Recorder of said Los Angeles County; and

- (h) Lots A, B, C and D of Tract 7331, as per Map recorded in Book 102, Pages 46 to 50 of Maps, in the office of the County Recorder of said Los Angeles County; and
- (i) Lots A, B, C, D, E and K of Tract 7332, as per Map recorded in Book 102, Pages 42 to 45 of Maps, in the office of the County Recorder of said Los Angeles County; and
- (j) Lot B of Tract 7536, as per Map recorded in Book 86, Pages 48 to 50 of Maps, in the office of the County Recorder of said Los Angeles County; and
- (k) Lots A, B, D, of Tract 7537, and Lot E of said Tract 7537 (except that part of said Lot E lying between Block 2300 and Block 2306 of said Tract 7537) and a strip of land twenty (20') feet wide in Lot 2 of Block 2306 in said Tract 7537 adjacent to and parallel to the easterly side line of said Lot 2, as per Map recorded in Book 104, Pages 12 to 15 of Maps, in the office of the County Recorder of said Los Angeles County; and
- (l) Lots A, B, C, H, J, N, O and Q of Tract 8471, as per Map recorded in Book 99, Pages 4 to 7 of Maps, in the office of the County Recorder of said Los Angeles County; and
- (m) Lots A, B and E of Tract 7540, as per Map recorded in Book 104, Pages 56 to 59 of Maps, in the office of the County Recorder of said Los Angeles County.

This conveyance is made and accepted and said realty is hereby granted, subject to taxes now a lien, and upon and subject to each of the following provisions, conditions, restrictions and covenants, to-wit:

1. The express condition that the Grantor herein is not responsible or liable in any way for any inducement, representation, agreement, condition or stipulation not set forth herein, or in the Declarations of Establishment of Restrictions and Conditions hereinafter mentioned.

2. Each and every provision, condition, restriction, reservation, lien, charge, easement and covenant contained in the Declaration of Establishment of Basic Protective Restrictions executed by Commonwealth Trust

Company, as owner, dated June 26, 1923, and recorded in Book 2360, Page 231, and Amendments Nos. One and Three thereto, dated November 26, 1923, and June 16, 1924, respectively, and recorded in Book 2940, Page 27, and in Book 4019, Page 274, respectively, of Official Records of Los Angeles County, California, and Declarations Nos. 5, 7, 8, 10, 12, 14, 15, 17 and 21, respectively, of Establishment of Local Protective Restrictions, recorded in Book 2863, Page 364, and in Book 3443, Page 146, and in Book 3443, Page 289, and in Book 3113, Page 194, and in Book 4803, Page 175, and in Book 4060, Page 264, and in Book 4208, Page 93, and in Book 4236, Page 240, and in Book 3434, Page 165, respectively, of Official Records of said Los Angeles County, and Amendment No. Three to said Declaration No. 5 above referred to, all except the first mentioned having been executed by BANK OF AMERICA, successor in interest of said Commonwealth Trust Company, whereby there was established a general plan for the improvement and development of said realty and other property described and/or referred to in said Declarations of Restrictions, and provisions, conditions, restrictions, reservations, liens, charges, easements and covenants were fixed, including the establishment, maintenance and operation of Palos Verdes Homes Association, a California corporation, and of the Art Jury as therein provided, subject to which said property and/or all parcels thereof should be sold and conveyed and all of said provisions, conditions, restrictions, reservations, liens, charges, easements and covenants are hereby made a part of this conveyance, and expressly imposed upon said realty as fully and completely as if herein set forth in full.

3. That the said realty is to be used and administered forever for park purposes, except as hereinafter provided, for the benefit of the persons residing or living within the boundaries of the property known as Tract No. 4400 and Tract No. 6881, in the County of Los Angeles, State of California, said property being commonly known and referred to as "Palos Verdes Estates", under such regulations consistent with the other conditions set forth in this deed as may from time to time hereafter be established by the Park Department of Palos Verdes Homes Association for the purpose of safeguarding said realty, and any vegetation and/or improvements thereon, from damage or deterioration, and for the further purpose of protecting the residents of said Palos Verdes Estates from any uses of or conditions in or upon the said realty which are, or may be, detrimental to the amenities of the neighborhood; provided:

(a) That that portion of Lot T, Tract 6887, above described, Lot A of Tract 7144, Lots A and B of Tract 7331, Lots A and B of Tract 7537, and Lot N of Tract 8471, or any portions thereof, may be used for purposes of erection and maintenance of public schools,

or for playgrounds, recreation, or community purposes and/or for park purposes, and may be deeded by Palos Verdes Homes Association to any legally constituted public school body or authority for the erection and maintenance of public schools thereon or for play grounds, recreation or community purposes.

(b) That the power, right and easement is specifically reserved to Bank of America, its successors and assigns, to use the following lots as a right-of-way for a double track electric railroad and for the erection, construction and maintenance of poles, wires or other structures properly appurtenant to such use:

Lots F, G, J, K, L, Q, R and U
in said Tract 6887.

(c) That the power, right and easement is reserved to Bank of America, to enter upon, develop, plant, improve or maintain any or all of said lots or property for the benefit of all of Palos Verdes Estates in a manner not inconsistent with the purposes for which said lots are hereby conveyed and after due notice to and consultation with the Park Department of Palos Verdes Homes Association; and in connection with said improvements to open, extend and improve Via Colinita through said Lot H in said Tract 7145.

(d) That the easement is specifically reserved to Bank of America to establish and maintain such reasonable number of water mains and other utilities as to it may seem advisable in and over said realty for the service of abutting lots in a manner not inconsistent with the purposes for which said realty is hereby conveyed and in accordance with a written approval which shall be issued by the Park Department of Palos Verdes Homes Association for the location of said utility lines.

4. That except as provided above, no buildings, structures or concessions shall be erected, maintained or permitted upon said realty, except such as, (in the opinion of the Park Department of Palos Verdes Homes Association), are properly incidental to the convenient and/or proper use of said realty for park purposes.

5. Except as provided in paragraph 3 hereof, that no part of said realty shall be sold or conveyed by Palos Verdes Homes Association except subject to the terms and conditions hereof; provided, however, that said realty, or any portion thereof, may be conveyed by said Palos

Verdes Homes Association subject to the same conditions as herein contained with respect to the purposes for which said property may be used, to a PARK COMMISSION or other body suitably constituted by law to take, hold, maintain and regulate public parks; provided further that Palos Verdes Homes Association may dedicate to the public, portions of said lots for parkway or street purposes and/or for the purpose of rectification of boundaries, re-convey title to portions of said land to Bank of America or its successors in interest, in exchange for other lands.

6. The Park Department of Palos Verdes Homes Association in its sole discretion, may by and with the written approval of Palos Verdes Art Jury first obtained, permit the owner of a lot abutting on said realty, to construct and/or maintain paths, steps, and/or other landscape improvements, as a means of egress from and ingress to said lot or for the improvement of views therefrom, in such a manner and for such length of time and under such rules and regulations as will not, in the opinion of the Park Department of Palos Verdes Homes Association and Palos Verdes Art Jury, impair or interfere with the use and maintenance of said realty for park purposes, as hereinbefore set forth.

PROVIDED, that a breach of any of the provisions, conditions, restrictions, reservations, liens, charges and covenants hereinbefore referred to and/or contained herein, including those contained in said Declarations hereinbefore referred to, shall cause said realty to revert to the Grantor herein, or its successors in interest as owner of the reversionary rights herein provided for, and the owners of such reversionary rights shall have the right of immediate re-entry upon said realty in the event of any such breach, and, as to each lot and/or parcel owner of said property or other property described and/or referred to in said Declarations hereinbefore referred to, the said provisions, conditions, restrictions, reservations, liens, charges and covenants shall be covenants running with the land, and the breach of any thereof or the continuance of any such breach may be enjoined, abated or remedied by appropriate proceedings by the Grantor herein, or its successors in interest, or by such other lot or parcel owner, and/or by any other person or corporation designated in said Declarations hereinbefore referred to.

PROVIDED, FURTHER, that a breach of any of the said provisions, conditions, restrictions, reservations, liens, charges and covenants, or any re-entry by reason of such breach, shall not impair, defeat or render invalid the lien of any Mortgage or Deed of Trust made in good faith and for value, as to said realty, or any part thereof; but said provisions, conditions, restrictions, reservations, liens, charges and covenants shall be binding upon and effective against any owner of said realty whose title thereto is acquired by foreclosure, Trustee's sale or otherwise.

PROVIDED, ALSO, that by the acceptance of this conveyance the Grantee agrees with the Grantor that the

reservations, provisions, conditions, restrictions, liens, charges and covenants set forth or mentioned, are a part of the general plan for the improvement and development of the property described and/or referred to in said Declarations hereinbefore referred to, and are for the benefit of all of said property as described and/or referred to and each owner of any land therein, and shall inure to and pass with said property and each and every parcel of land therein, and shall apply to and bind the respective successors in interest of the parties hereto, and are, and each thereof is, imposed upon said realty as a servitude in favor of said property and each and every parcel of land therein as the dominant tenement or tenements.

IN WITNESS WHEREOF, Bank of America has this 29th day of June, 1925, hereunto caused its corporate name and seal to be affixed by its Vice-President and its Assistant Secretary, thereunto duly authorized.

BANK OF AMERICA

BY Jay E. Randall
Vice-President

BY Chas. H. Johnston
Asst. Secretary

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss:

On this 30th day of June, 1925, before me L. P. Crabtree, a Notary Public in and for the County of Los Angeles, State of California, residing therein, duly commissioned and sworn, personally appeared Jay E. Randall known to me to be the Vice-President, and Chas. H. Johnston known to me to be the Assistant Secretary of BANK OF AMERICA, the corporation that executed the within instrument, known to me to be the persons who executed the within instrument, on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

L. P. Crabtree
Notary Public in and for the County of Los Angeles, State of California.

When Recorded, please return to
BANK OF AMERICA
752 So. Broadway,
LOS ANGELES, CALIFORNIA

Escrow No. _____

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 COUNTY, CAL.

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| RECORDED AT REQUEST OF | Grantee |
| | Owner |
| | Mortgagee |
| | Mortgagee |
| | Assignee |
| | Lessee |
| | Attorney |
| | Sheriff |
| | Co. Clerk |
| | Vendee |

C.S. Boggs County Recorder
I certify that I have correctly
this document in above ment
M.H. Shaw
Cyprial, County Recorder

360
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GRANT DEED

BANK OF AMERICA,

to

PALOS VERDES HOMES ASSOCIATION

MUSICK, BURR & PINNEY
ATTORNEYS AT LAW
500 LANE MORTGAGE BUILDING
EIGHTH AND SPRING STREETS
LOS ANGELES

When Recorded, please return to
BANK OF AMERICA
752 So. Broadway,
LOS ANGELES, CALIFORNIA
Escrow No. _____

11

OPEN SPACE ELEMENT

Palos Verdes Estates is fortunate in being endowed with over 678 acres of parkland set aside by the original developers for open space use. The preservation of open areas has become an important consideration in the quality of urban living. These lands are reserved for this purpose by deed restrictions, the intent of the residents and the policy of the City. The charge to the City in the deed restrictions is quite clear and provides the basis for the use of these lands.

"...said realty is to be used and administered forever for park and/or recreations purposes..."

The intent of the deed restrictions and City policy allows construction of roadways, utilities, and recreation oriented facilities on suitable parkland areas after due consideration of environmental impact.

The Shoreline Preserve, combining the coastal parkland with the Tideland Grant, is a significant portion of the open space reserves in the City. The open shoreline, bluffs and coastal canyons are to be preserved for scenic value.

Appendix A of the Plan describes those lots reserved for parkland.

Goals and Objectives

1. Reserve parkland canyons and hillside areas primarily for passive recreation purposes. Limit development to natural landscaping and walking trails.
2. Develop small park lots and plazas with formal landscaping in keeping with the neighborhood and the desires of the residents.
3. Establish a Marine Refuge within the City Shoreline Preserve.
4. Require dedication (or in-lieu fees) of land in an amount equal to 50% of land area in private use in new subdivisions or land divisions to be used for parks and open space.



CEQA

The California Environmental Quality Act

Title 14. California Code of Regulations
**Chapter 3. Guidelines for Implementation of the
 California Environmental Quality Act**

Article 19. Categorical Exemptions

Sections 15300 to 15333

15300. Categorical Exemptions

Section 21084 of the Public Resources Code requires these Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA.

In response to that mandate, the Secretary for Resources has found that the following classes of projects listed in this article do not have a significant effect on the environment, and they are declared to be categorically exempt from the requirement for the preparation of environmental documents.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15300.1. Relation to Ministerial Projects

Section 21080 of the Public Resources Code exempts from the application of CEQA those projects over which public agencies exercise only ministerial authority. Since ministerial projects are already exempt, categorical exemptions should be applied only where a project is not ministerial under a public agency's statutes and ordinances. The inclusion of activities which may be ministerial within the classes and examples contained in this article shall not be construed as a finding by the Secretary for Resources that such an activity is discretionary.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15300.2. Exceptions

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in

damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Note: Authority cited: Section 21083, Public Resources Code; References: Sections 21084 and 21084.1, Public Resources Code; *Wildlife Alive v. Chickering* (1977) 18 Cal.3d 190; *League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896; *Citizens for Responsible Development in West Hollywood v. City of West Hollywood* (1995) 39 Cal.App.4th 925; *City of Pasadena v. State of California* (1993) 14 Cal.App.4th 810; *Association for the Protection etc. Values v. City of Ukiah* (1991) 2 Cal.App.4th 720; and *Baird v. County of Contra Costa* (1995) 32 Cal.App.4th 1464

Discussion: In *McQueen v. Mid-Peninsula Regional Open Space* (1988) 202 Cal. App. 3d 1136, the court reiterated that categorical exemptions are construed strictly, shall not be unreasonably expanded beyond their terms, and may not be used where there is substantial evidence that there are unusual circumstances (including future activities) resulting in (or which might reasonably result in) significant impacts which threaten the environment.

Public Resources Code Section 21084 provides several additional exceptions to the use of categorical exemptions. Pursuant to that statute, none of the following may qualify as a categorical exemption: (1) a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources within a scenic highway (this does not apply to improvements which are required as mitigation for a project for which a negative declaration or EIR has previously been adopted or certified); (2) a project located on a site included on any list compiled pursuant to Government Code section 65962.5 (hazardous and toxic waste sites, etc.); and (3) a project which may cause a substantial adverse change in the significance of a historical resource.

15300.3. Revisions to List of Categorical Exemptions

A public agency may, at any time, request that a new class of categorical exemptions be added, or an existing one amended or deleted. This request must be made in writing to the Office of Planning and Research and shall contain detailed information to support the request. The granting of such request shall be by amendment to these Guidelines.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15300.4. Application By Public Agencies

Each public agency shall, in the course of establishing its own procedures, list those specific activities which fall within each of the exempt classes, subject to the qualification that these lists must be consistent with both the letter and the intent expressed in the classes. Public agencies may omit from their implementing procedures classes and examples that do not apply to their activities, but they may not require EIRs for projects described in the classes and examples in this article except under the provisions of Section 15300.2.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15301. Existing Facilities

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use.

Examples include but are not limited to:

(a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;

(b) Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services;

(c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety).

(d) Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood;

(e) Additions to existing structures provided that the addition will not result in an increase of more than:

(1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or

(2) 10,000 square feet if:

(A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and

(B) The area in which the project is located is not environmentally sensitive.

(f) Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities, or mechanical equipment, or topographical features including navigational devices;

(g) New copy on existing on and off-premise signs;

(h) Maintenance of existing landscaping, native growth, and water supply reservoirs (excluding the use of pesticides, as defined in Section 12753, Division 7, Chapter 2, Food and Agricultural Code);

(i) Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, streamflows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources;

(j) Fish stocking by the California Department of Fish and Game;

(k) Division of existing multiple family or single-family residences into common-interest ownership and subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt;

(l) Demolition and removal of individual small structures listed in this subdivision;

(1) One single-family residence. In urbanized areas, up to three single-family residences may be demolished under this exemption.

- (2) A duplex or similar multifamily residential structure. In urbanized areas, this exemption applies to duplexes and similar structures where not more than six dwelling units will be demolished.
- (3) A store, motel, office, restaurant, or similar small commercial structure if designed for an occupant load of 30 persons or less. In urbanized areas, the exemption also applies to the demolition of up to three such commercial buildings on sites zoned for such use.
- (4) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.
- (m) Minor repairs and alterations to existing dams and appurtenant structures under the supervision of the Department of Water Resources.
- (n) Conversion of a single family residence to office use.
- (o) Installation, in an existing facility occupied by a medical waste generator, of a steam sterilization unit for the treatment of medical waste generated by that facility provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 117600, et seq., of the Health and Safety Code) and accepts no offsite waste.
- (p) Use of a single-family residence as a small family day care home, as defined in Section 1596.78 of the Health and Safety Code.

Note: Authority cited: Section 21083, Public Resources Code; References: Sections 21084, Public Resources Code; *Bloom v. McGurk* (1994) 26 Cal.App.4th 1307.

Discussion: This section describes the class of projects wherein the proposed activity will involve negligible or no expansion of the use existing at the time the exemption is granted. Application of this exemption, as all categorical exemptions, is limited by the factors described in section 15300.2. Accordingly, a project with significant cumulative impacts or which otherwise has a reasonable possibility of resulting in a significant effect does not qualify for a Class 1 exemption.

15302. Replacement or Reconstruction

Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:

- (a) Replacement or reconstruction of existing schools and hospitals to provide earthquake resistant structures which do not increase capacity more than 50 percent.
- (b) Replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity.
- (c) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.
- (d) Conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15303. New Construction or Conversion of Small Structures

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing

RESOLUTION R17-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA ADJUSTING THE FY 16-17 BUDGET TO APPROPRIATE FUNDS FOR THE COMPLETION OF THE PASEO DEL SOL TURNAROUND PROJECT (PW-636-16)

THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA DOES RESOLVE AS FOLLOWS: To increase the funding for the Paseo Del Sol Turnaround project (PW-636-16) and adjust the FY 2016-17 Budget as follows:

BUDGET ADJUSTMENT # 3

| <u>Fund</u> | <u>Dept</u> | <u>Object</u> | <u>Description</u> | <u>Amount</u> |
|-------------|-------------|---------------|-----------------------|---------------|
| 30 | 75000 | 81105 | Paseo Del Sol Turnout | \$181,447 |
| 30 | | 25310 | Budgeted Fund Balance | (\$181,447) |

The City Clerk shall certify to the passage and adoption of Resolution R17-04.

PASSED, APPROVED AND ADOPTED on this 24th day of January 2017.

Mayor

ATTEST:

Vickie Kroneberger, City Clerk

APPROVED AS TO FORM:

Christi Hogin, City Attorney