



MEMORANDUM

TO: FILE

FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR

SUBJECT: 900 VIA PANORAMA

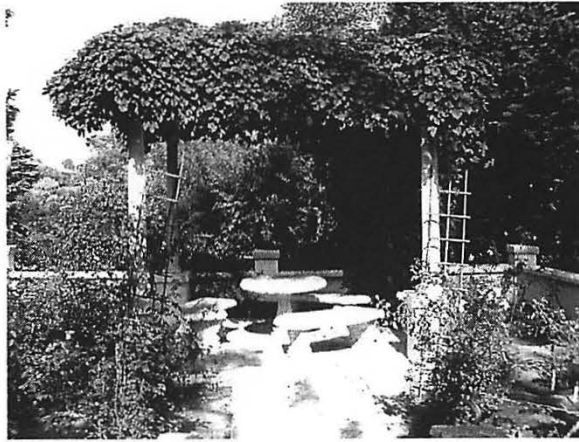
DATE: AUGUST 11, 2003

The following is a history of events regarding the illegal improvements on the parklands adjacent to 900 Via Panorama:

- August 14, 1973 - City Council requires that the illegal driveway constructed on the City-owned parklands must be padlocked to only allow access for Fire and Police vehicles
- August 14, 1973 - City Council requires that the illegal parking area constructed on the City-owned parklands be returned to its natural state
- September 26, 1989 - City Council requires that all fences be removed from the City-owned parklands

We have recently become aware that there are fences on the City-owned parklands and that the gate is not locked and is regularly being used by the resident of 900 Via Panorama. There are numerous encroachments on the parklands which are not within any of our documentation. The dumpster owned by BFI is in violation of our City Code as all dumpsters serving single family residences must be from Norcal.





The City of Palos Verdes Estates owns 849 acres of Parklands in the City that was obtained from the Homes Association. The Parklands were originally designed into the master subdivision of Palos Verdes Estates for all the people of the City to enjoy. The original developers of the City placed restrictions on these properties so that they would be eternally open to all people, and not used privately. These restrictions legally bind the City to keep these areas free of fences, walls, or any other private usage.

However, some residents over the years have illegally built structures on the Parklands and have taken this land for themselves. I would like to emphasize the term illegal as the construction was done without permit or authority from the City. Section 12.04.010 of the City's Municipal Code dictates that no person shall permanently occupy any portion of City property without obtaining an encroachment permit. The City has not and will not grant any permits for permanent private occupation of City Parklands as we are legally bound to keep these areas open to the public.

In 1992 the Council became very concerned with the large number of illegal structures on the City Parklands. They recognized that although they had the authority to require the immediate

removal of all illegal structures on City Parklands, this would be a significant burden on many residents. They decided to not proceed with a large-scale removal, but to direct staff to enforce the existing City Ordinances. I will state the three triggers for removal and the corresponding Code Section:

Removal of illegal structures 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. These conditions may include conditions regarding fences, walls, landscaping, and other appropriate items. The Planning Commission has a standard condition of approval that all illegal encroachments on Parklands must be removed.

Removal of illegal structures 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 fence, wall, landscaping, or walkways that are maintained in such a condition so as to become defective, unsightly, or no longer viable. As the existing structures fall into disrepair, they become a public nuisance and must be removed.

Removal of illegal structures when modified

As I mentioned previously, Section 12.04.010 of the City's Municipal Code does not allow permanent private occupation on City property without a permit. Any work done to an already existing or new illegal structure is cause for a citation and removal.

We have documented the current illegal encroachments on the City-owned parklands. The resident will be required to immediately padlock the gates as required by the City Council in 1971. remove all fences on parklands, and remove the BFI dumpster.

Additionally, any modification to any of the existing illegal encroachments will cause the need for the removal of all illegal encroachments other than the road and gates. This includes tree trimming, planting, repairs of any magnitude, and any additional encroachments.



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900 Via Panorama





900 Via Panorama



65ft
CityGIS 6.0

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CITY OF PALOS VERDES ESTATES



July 18, 2003

Robert and Dolores Lugliani
P.O. Box 7000 384
Redondo Beach, California 90277

Dear Mr. and Mrs. Lugliani:

City records indicate that in 1973, the City Council required closure of the driveway and gate constructed on City Parklands adjacent to the west side of your property at 900 Via Panorama, and that this road was to be used for Police and Fire Department access only. In addition, in 1989, the City Council required removal of all fences encroaching on City property. It has come to the City's attention that encroachments still exist on City Parklands adjacent to this property.

This is to request that you call the Planning and Public Works Director, Allan Rigg, at (310) 378-0383 upon receipt of this notice to schedule an office conference to discuss the above mentioned encroachments.

Thank you very much for your cooperation.

Sincerely,

Susan Matthews
Code Enforcement Officer

Code Enforcement Complaint Form

Case No: 03-175
Date Received: 07/17/03
Address: 900 Street: Via Panorama
Nature: Parkland Encroachment
Description: Fences, driveways, gates on Parkland at west end

Complainant

Name: Allan Rigg, City Engineer
Home Phone: _____
Work Phone: _____
Address: _____
City, State, Zip: _____

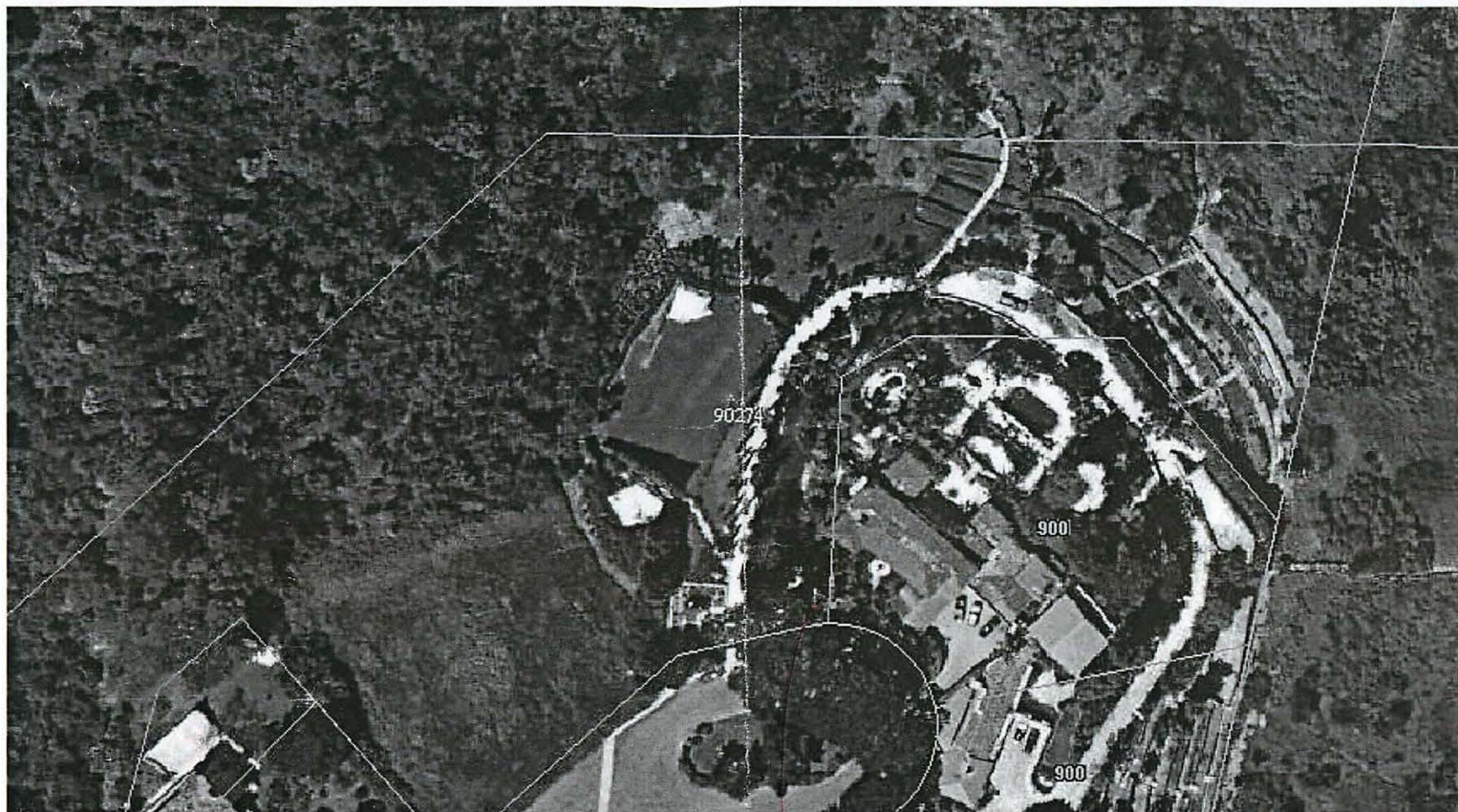
Owner/Tenant

Name: Dolores & Robert Lugliani
Home Phone: _____
Work Phone: _____
Address: P.O. Box 7000 384
City, State, Zip: Redondo Beach, CA 90277
Tenant Name: _____

Comments: _____
NPDES: No

900 Via Panorama

262



STONE
TILE WALL
west boundary
wall

Scale: 1" = 100 '
N CityGIS2

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~~1990~~

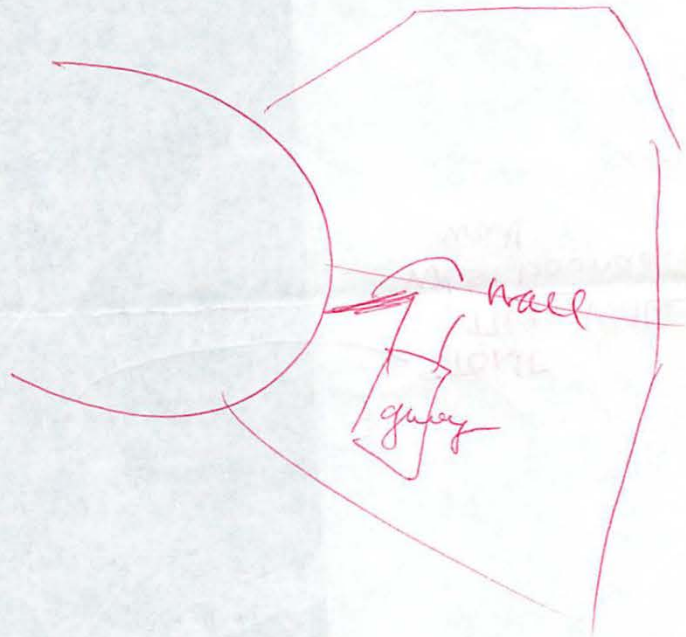
Feb 3, '86

4/6/89 (Wall) ^{Block} PV Stone - both sides

8-13-86 Stone faced walk

↳ "partial plot plan"

↓
garage remove





MEMORANDUM

Agenda Item #: _____
Meeting Date: 10/25/05

TO: JAMES B. HENDRICKSON, CITY MANAGER

FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR

**SUBJECT: MODIFICATIONS TO EXISTING POLICY REGARDING THE
REMOVAL OF UNAUTHORIZED ENCROACHMENTS ON CITY
PARKLANDS**

DATE: OCOTBER 25, 2005

The Issue

Should the City Council adopt Resolution R05-32 adopting modifications to the existing policy regarding the removal of unauthorized encroachments on City parklands?

Background and Analysis

The City of Palos Verdes Estates is often described as an oasis within Los Angeles County. Sweeping views of the Pacific Ocean coupled with abundant naturally preserved open spaces translate into a community where residents find rest and solace from the urban environment beyond City borders. In a region of the country known for its concrete jungle and desert climate, the lush open spaces of Palos Verdes Estates are truly a treasure.

History

When the Olmstead brothers thoughtfully planned the development which would eventually become Palos Verdes Estates, they envisioned a community where structures would complement and not overpower the natural environment. Meandering roads were planned to follow the terrain of the land and homes were designed to respect natural features. Neighborhoods were to be permeated by trails and parks, and vast areas of lands were designated for preservation as parklands. The Olmsteads hoped to establish a community where the natural environment could be enjoyed, experienced and equally shared by all members of the community.

Soon after its incorporation in 1939, 849 acres of open space were dedicated to the City by the Palos Verdes Homes Association, subject to the deed restriction that these areas must be perpetually maintained for the public to enjoy. The deed restrictions further stipulated that should any open space be privately occupied, ownership would revert to the original owner: the

Homes Association. The City wholeheartedly accepted this condition, recognizing the value to the community in preserving its open space. As the City Code was developed, chapter 18.16 was established to regulate the open space parcels, including city-owned lots, street right-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 containing specific restrictions and rules pertaining to the City's parks. A Parklands committee was established, charged with the role of protecting and nurturing the parklands.

Encroachments

Encroachments consist of the placement of any permanent feature by a private property owner onto the publicly-owned land, including: fences, walls, hardscape, gardens and hedges. PVEMC section 12.04.010 states that permits are required prior to the placement of any permanent feature on city property. However, because such encroachments would violate the deed restrictions which the City must legally comply with, encroachments cannot be, and are not, permitted on parklands.

Hundreds of the over 5000 residential lots in the City have the good fortune of abutting parkland parcels. Residents of these lots enjoy the beauty and serenity that their proximity to parklands affords them. Over the years encroachments into the parklands, by private residents, have occurred in various forms. These encroachments violate the City code and the deed restrictions, but more importantly they rob the community of public land which exists for the use and enjoyment of all.

Existing Policy

In 1993 the City Council confronted the growing problem of illegal encroachments and determined to take some steps to reverse the situation. Faced with the reality that many encroachments had existed for decades and could be costly to remove, the Council enacted a policy for the gradual removal of illegal encroachments. The Council determined that encroachments should be rectified under three specific conditions, in direct implementation of the City Code. The three components of this policy are outlined below.

Existing Policy 1: 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.

Existing Policy 2: 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.

Existing Policy 3: Require removal of unauthorized encroachments when they are modified.

As noted previously, 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.

Analysis of Existing Policy

Since 1993, these policies have been consistently implemented. Unfortunately, this policy has only enabled the removal of a small percentage of all parklands encroachments within the City. A recent survey conducted in the field, with the aid of aerial photographs, indicated 61 significant parklands encroachments exist today (please see the attached map). Thirty-five of these cases are evident in the parkland strip along the City's boundary with the city of Torrance.

Although the existing policy was a positive first step in addressing the issue, the following shortcomings have been identified:

- Enforcement is a challenge. Many encroachments are constructed or modified at locations which are not readily visible from public viewpoints. If the alterations are not witnessed, or it cannot be demonstrated that they were recently completed, the current policy does not allow staff to require removal of the subject encroachment.
- "Disrepair" is a subjective term, lacking adequate definition. Owners of encroachments found to be in disrepair often vigorously argue they are entitled to maintain the encroachment, citing structures in similar states elsewhere in the community.
- Many existing encroachments enclose parkland areas where trees exist, precluding the City's ability to maintain them. Lack of proper maintenance could result in dangerous conditions and expose the City to unnecessary liability.
- The current policy requires vigilant monitoring and documentation of the encroachments to catch modifications, requiring extensive staff time and resources.

The City has received numerous complaints from residents who argue that the City should immediately cause the removal of all illegal encroachments because the parklands exist for all to enjoy. They further contend that the City's allowance of these encroachments to continue to exist constitutes a "taking" from the public of the open space designated for their use. These sentiments echo the deed restrictions placed on the parklands by the Palos Verdes Homes Association.

Proposed Policy Addition

Improving the effectiveness of the existing encroachment policy is desired. The City should be mindful of the following goals in implementing any policy changes:

- Changes should be easy for the residents and staff to understand with minimal room for interpretation.
- Removal of the encroachments should be required or conducted at a logical time.
- Impacts to existing property owners with encroachments should be minimized.
- Subjectivity should be minimized.
- There should be a deadline for the removal of all encroachments.
- The procedures for the removal of encroachments should be identified for cases where there is non-compliance with the policy.

With these goals in mind, staff proposes adding two additional conditions to the current policy requiring the removal of unauthorized encroachments in the parklands adjacent to private property upon the transfer of property ownership. Owners of known illegal encroachments will be notified when this policy change is adopted. Owners could elect to either rectify the deficiency immediately, or postpone the matter. In the event of a postponement, removal of the encroachment would be required, whenever any of the following three instances occurs:

- 1) At the occurrence of a future transfer of property ownership, In order to allow flexibility, a grace period of 30 days is suggested, from the date of the close of escrow for the required removal of identified encroachments.
- 2) Seven years from the date of notification from the City to the property owner that the illegal encroachments need to be removed.
- 3) When any of the three conditions listed previously occur.

Permanent record of the notices would be maintained in the appropriate address files. At the time of property transfer, the Building Department would include mention of any encroachment notices present in the file, in the Real Property Records Report, which is legally required at the time of any property sale within the City. The seller and buyer could then negotiate the terms necessary to effectuate the removal of any encroachments.

If there is noncompliance with a required removal, the City would perform the removals, then lien the adjacent property owner for the cost of the removals, including staff time. If the City wished to further expedite the removal of the encroachments, it would have the option to cite the adjacent property owner for maintaining an illegal structure(s), which is an infraction and carries penalties up to \$500 per day.

The attached resolution marries the existing policy with the modification outlined above.

Alternatives Available to Council

The following alternatives are available to the City Council:

1. Approve Resolution R05-32 adopting modifications to the existing policy regarding the removal of unauthorized encroachments on City parklands.
2. Approve Resolution R05-32 adopting modifications to the existing policy regarding the removal of unauthorized encroachments on City parklands, with modifications.

3. Decline to Act.

Recommendation from Staff

Staff recommends that the Council approve Resolution R05-32 adopting modifications to the existing policy regarding the removal of unauthorized encroachments on City parklands.

Staff report prepared by

Allan Rigg
Public Works Department

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 25th day of October, 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 10/25/05

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 30 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 Seven Years After Notification by the City

If a property has not be transferred within seven 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.

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).



CITY OF
Palos Verdes Estates

OFFICE OF
THE CITY MANAGER

September 8, 2006

Lugliani Trust
900 Via Panorama
Palos Verdes Estates, CA 90274

Re: Requirements to Remove Unauthorized Encroachments on City Parkland Adjacent to 900 Via Panorama

Dear Lugliani Trustee,

As we are sure you know, the City owns the parklands, which abut your property. To preserve that land for the public good, the City Council has determined that unauthorized encroachments should be removed. In order to provide appropriate timing for that removal, the City Council adopted Resolution R05-32 on November 8, 2005 which requires the removal of unauthorized encroachments on City parklands under specified conditions. The purpose of this letter is to provide you the notification required by the Resolution that you have an illegal encroachment on City parklands, and that the encroachments must be removed **no later than September 8, 2011**, and possibly earlier, as discussed below.

Encroachments consist of the placement of any permanent feature by a private property owner onto the publicly-owned land, including: fences, walls, and hardscape. Although there is a provision in the Palos Verdes Estates Municipal Code for encroachment permits on other public property, because such encroachments in parklands would violate the deed restrictions which the City must legally comply with, they cannot be, and are not, permitted on parklands.

Over the years the City has been actively working to remove unauthorized encroachments on City parklands with limited success. The Council reviewed the existing policy and Municipal Code and determined that it wanted to accelerate said encroachments' removal. The adopted resolution is attached for your review, but the following are excerpts that delineate the two major changes:

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.



CITY OF
Palos Verdes Estates

April 13, 2007

Mr. Robert Lugliani
900 Via Panorama
Palos Verdes Estates, CA 90274

Re: Requirements to Remove Unauthorized Encroachments on City Parkland Adjacent to 900
Via Panorama

Dear Mr. Lugliani,

This is to serve as a reminder to remove unauthorized encroachments on City parkland adjacent to the above-mentioned property. The encroachments must be removed **before or by September 8, 2011**.

Encroachments consist of the placement of any permanent feature by a private property owner onto the publicly-owned land, including: fences, walls, and hardscape. Although there is a provision in the Palos Verdes Estates Municipal Code for encroachment permits on other public property, because such encroachments in parklands would violate the deed restrictions, which the City must legally comply with, they cannot be, and are not, permitted on parklands.

Over the years, the City has been actively working to remove unauthorized encroachments on City parklands with limited success. The Council reviewed the existing policy and Municipal Code in November 2005, and determined that it wanted to accelerate said encroachments' removal. I have enclosed the Policy for the Removal of Unauthorized Encroachments in the City's Parklands for your reference.

The removals must include any fences, walls, hardscape, tree houses, and any other man-made items beyond your property line. You cannot remove vegetation or trees. We encourage you to remove the encroachments prior to the deadline so you can control the timing of the removals and can more leisurely make arrangements for new fences/vegetation as needed on your private property.

If you have any questions, please contact me at (310) 378-0383.

Sincerely,

Allan Rigg
Public Works and Planning Director



CITY OF
Palos Verdes Estates

April 10, 2008

Mr. Robert Lugliani
900 Via Panorama
Palos Verdes Estates, CA 90274

Re: Requirements to Remove Unauthorized Encroachments on City Parkland Adjacent to 900
Via Panorama

Dear Mr. Lugliani,

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Encroachments consist of the placement of any permanent feature by a private property owner onto the publicly-owned land, including: fences, walls, and hardscape. Although there is a provision in the Palos Verdes Estates Municipal Code for encroachment permits on other public property, because such encroachments in parklands would violate the deed restrictions, which the City must legally comply with, they cannot be, and are not, permitted on parklands.

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If you have any questions, please contact me at (310) 378-0383.

Sincerely,

Allan Rigg
Public Works and Planning Director



CITY OF
Palos Verdes Estates

April 14, 2009

Delores A. Lugliani Trust
P. O. Box 7000-384
Redondo Beach, CA 90277

Re: Requirements to Remove Unauthorized Encroachments on City Parkland Adjacent to 900
Via Panorama

Dear Delores A. Lugliani Trustee,

This is to serve as a reminder to remove unauthorized encroachments on City parkland adjacent to the above-mentioned property. The encroachments must be removed **before or by September 8, 2011**.

Encroachments consist of the placement of any permanent feature by a private property owner onto the publicly-owned land, including: fences, walls, and hardscape. Although there is a provision in the Palos Verdes Estates Municipal Code for encroachment permits on other public property, because such encroachments in parklands would violate the deed restrictions, which the City must legally comply with, they cannot be, and are not, permitted on parklands.

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If you have any questions, please contact me at (310) 378-0383.

Sincerely,

Allan Rigg
Public Works and Planning Director



CITY OF
Palos Verdes Estates

April 14, 2009

Delores A. Lugliani Trust
900 Via Panorama
Palos Verdes Estates, CA 90274

Re: Requirements to Remove Unauthorized Encroachments on City Parkland Adjacent to 900 Via Panorama

Dear Delores A. Lugliani Trustee,

This is to serve as a reminder to remove unauthorized encroachments on City parkland adjacent to the above-mentioned property. The encroachments must be removed **before or by September 8, 2011**.

Encroachments consist of the placement of any permanent feature by a private property owner onto the publicly-owned land, including: fences, walls, and hardscape. Although there is a provision in the Palos Verdes Estates Municipal Code for encroachment permits on other public property, because such encroachments in parklands would violate the deed restrictions, which the City must legally comply with, they cannot be, and are not, permitted on parklands.

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The removals must include any fences, walls, hardscape, tree houses, and any other man-made items beyond your property line. You cannot remove vegetation or trees. We encourage you to remove the encroachments prior to the deadline so you can control the timing of the removals and can more leisurely make arrangements for new fences/vegetation as needed on your private property.

If you have any questions, please contact me at (310) 378-0383.

Sincerely,

Allan Rigg
Public Works and Planning Director

CITY OF PALOS VERDES ESTATES



FINAL NOTICE

September 19, 2011

Lugliani Residence
900 Via Panorama
Palos Verdes Estates, CA 90274

Re: Non-Permitted Encroachments on City Parkland

Dear Resident:

The City Palos Verdes Estates is aware that your property continues to remain in violation of the City's mandated standards and conditions set forth by the Palos Verdes Estates City Council. At this time, the City of Palos Verdes Estates requires immediate compliance with the removal of all non-permitted encroachments and debris located on the City's Parkland.

Please contact the City Code Enforcement Department by Friday September 23, 2011 in order to give a suitable timeframe for the removal of all non-permitted encroachments. Restoration includes but is not limited to the grading and soil stabilization of all affected areas and the removal of all debris. Compliance of this notice must include the removal of any fences, walls, hardscape, tree houses, and any other man-made items beyond your property line.

Keep in mind, if you do not comply with this notice, the Palos Verdes Estates City Council will begin its Nuisance Abatement Process.

Please contact the City Code Enforcement Department at (310) 378-0383 Ext. 2209.

Thank you for your cooperation in this matter.

Sincerely,

Joe Mendoza
Code Enforcement Officer

cc: Allan Rigg, Director of Public Works/ Building & Planning
Address file of 900 Via Panorama

340 PALOS VERDES DRIVE WEST PALOS VERDES ESTATES, CALIFORNIA 90274-1299

(310) 378-0383

FX: (310) 378-7820

PVE PRA 000148

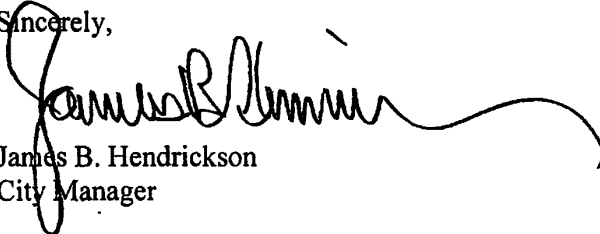
4) Removal Requirements Five Years After Notification by the City

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.

We have also attached an aerial view of your property and the boundary of the unauthorized encroachments to guide you in their removal. The removals must include any fences, walls, stairways, hardscape, tree houses, and any other man-made items beyond your property line. You cannot remove vegetation or trees. We encourage you to remove the encroachments prior to the deadline so you can control the timing of the removals and can more leisurely make arrangements for new fences/vegetation as needed on your private property.

If you have any questions, please call Allan Rigg, our Public Works and Planning Director, at (310) 378-0383.

Sincerely,

A handwritten signature in black ink, appearing to read "James B. Hendrickson", with a long, sweeping horizontal flourish extending to the right.

James B. Hendrickson
City Manager

Cc: Allan Rigg, Public Works and Planning Director

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.

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:

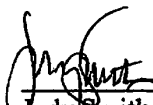
Section 1. The City Council hereby adopts a Policy for the Removal of Unauthorized Encroachments in the City's Parklands attached hereto as Exhibit 1.

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.

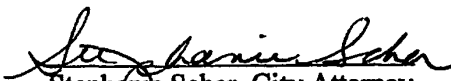
PASSED, APPROVED AND ADOPTED on this 8th day of November, 2005.


DWIGHT ABBOTT, MAYOR

ATTEST:


Judy Smith, City Clerk

APPROVED AS TO FORM:


Stephanie Scher, City Attorney

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)

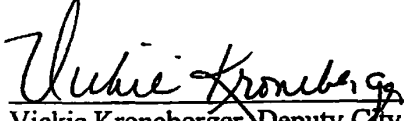
I, Vickie Kroneberger, Deputy City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R05-32** was duly and regularly approved and adopted by the City Council of the City of Palos Verdes Estates at its regular meeting of the City Council on the 8th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