

RESOLUTION R14-18

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PALOS VERDES ESTATES, CALIFORNIA
APPROVING THE PARKLANDS USE POLICY**

THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, DOES HEREBY FIND, ORDER AND RESOLVE AS FOLLOWS:

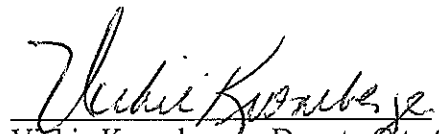
SECTION 1. That the attached Parklands Use Policy is hereby approved and will take effect on October 1, 2014.

SECTION 2. That this resolution shall take effect immediately and that the City Clerk's Department shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions. The City Clerk shall maintain a copy of the attached Parklands Use Policy and note in the header of every page of the policy that the policy was adopted by this resolution.

PASSED, APPROVED AND ADOPTED on this 8th day of April, 2014.


Ellen Perkins, Mayor

ATTEST:


Vickie Kroneberger, Deputy City Clerk

APPROVED AS TO FORM:


Christi Hogin, City Attorney



APRIL 8, 2014
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CITY OF PALOS VERDES ESTATES
PARKLANDS USE POLICY

Purpose

The City places high value on the City parklands as a free, open and accessible resource to residents and the public; the parklands provide open space, passive recreation, scenic views, a green belt, and natural beauty that define and represent the quality of life for Palos Verdes Estates residents that the City is committed to preserve in perpetuity.

This policy functions as a guide, outlining the City's goals to maintain the Parklands for public use, manage Parklands in a manner to sustain the beauty created by the parklands, respect the reasonable privacy of adjacent residents, and provide limited active uses and open space for the community and users (as described herein).

Background

The City's parklands include many acres of undeveloped passive open space. The use of all parklands parcels are subject to deed restrictions. Thus, this policy must also conform to applicable deed restrictions placed upon the City's parklands.

Within the parklands, pathways have developed over time and, while they can create recreational opportunities, they can also be a nuisance when misused. Examples of misuse are camping, smoking, commercial uses, unauthorized removal of vegetation, and other activities prohibited by the City's Municipal Code. The misuse of the parklands can lead to environmental degradation of the parklands, along with adverse impacts to residents living near the parklands and other visitors to the parklands.

Definitions

For purposes of this policy, the definitions in the Palos Verdes Estates Municipal Code govern, unless context dictates otherwise.

"Parklands" for purposes of this policy shall have the same meaning as that set forth in Palos Verdes Estates Municipal Code ("PVEMC") Section 12.24.010(E).

"Pathway" or "path" means a foot-worn or developed course through the Parklands.



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Parklands Policy

1. Users

The Parklands are intended for use by residents and the public, provided that such use (a) does not impair the natural beauty of the Parklands and (b) does not unreasonably intrude upon the personal privacy interests and property rights of residents living near the Parklands.

2. Maintenance

The City will use reasonable effort to keep Paths within Parklands open for public use. The maintenance standards for Parklands and paths within them shall be stated within the City's maintenance contract(s) as approved by the City Council. From time to time, as necessary and pursuant to the terms of the contract(s), the City Council may modify the maintenance standards within the City's maintenance contract(s). City staff is responsible for implementing and managing the maintenance contract(s).

Trash cans serving Parklands are serviced by the City. Upon recognizing the need for additional trash cans to augment existing trash cans at a location, the City may add additional cans. If there is additional cost to service the new can(s), the City Manager shall review the request and make a determination if the new can(s) shall be placed.

3. Special Events

Special events that concern the City are those that may impact City streets and services, public safety, citizen welfare, or disrupt traffic and community activities. The City, therefore, imposes specific conditions upon the sponsors of such events including those in the Parklands.

4. Signage

The City may provide signage in and around the Parklands for purposes such as safety advisories, hazard notifications, posting rules and regulations, and as otherwise required by law. Signage within the Parklands is generally limited to the following:

- a) Signs indicating the City's regulations, such as the closure of Parklands due to but not limited to Fire Department "red flag warnings" for fire danger and unsafe conditions, prohibition of private vehicles, and "No Smoking."



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- b) Signs otherwise allowed by the Municipal Code or a permit issued by the City (PVEMC § 8.20.030).

5. Changes to the Parklands

“Changes to the Parklands” as used herein encompasses intentional, human-caused modifications and disturbance of landscaping (trees, shrubs, plants), natural habitat, soil and existing Pathways within the Parklands. This section does not apply to, nor is it intended to include, landscaping requests under the City’s “Parklands Landscaping Policy.”

The City, at all times, retains the unrestricted, immediate and direct ability to address Parklands uses, paths and access under the provisions of the Municipal Code. Proposals for private party-initiated changes to the Parklands will first be submitted to the Parklands Committee. The submittal of an application to the Parklands Committee must be accompanied by the appropriate fee(s) as established by resolution by the City Council. Fee(s) may be instituted and collected for the City’s reasonable cost of staff time and resources for research, report preparation and administrative services, public noticing, expert consultant services, and implementation of the approved change to the Parklands.

Upon submission of the application and payment of the required fees, the Parklands Committee will hold a public meeting, consider the application and formulate recommendations to the City Council. The Parklands Committee may independently also recommend changes/enhancements to the Parklands to the City Council including, for example, the relocation of Pathways. City staff and consultants shall provide information, as necessary, to facilitate and assist the Parklands Committee in reaching recommendations consistent with this policy.

The Parklands Committee shall be responsible to make findings in support or denial of the proposed changes to the Parklands on a case-by-case basis taking into consideration specific facts and details. In reviewing and coming to a majority consensus on an application, the Parklands Committee shall consider the following factors: providing the public with access to and use of Parklands, preservation of the environment, protecting residential/property owner privacy, maintaining public safety, minimizing impacts to the neighborhood and sustaining neighborhood character. Additional considerations that may be considered include usage of and historical significance of the subject Parklands, and community input.



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Upon the Committee's submission of its recommendation, the City Council will then consider the proposed change to the Parklands. The City Council's final decision will include, but not be limited to, consideration of the Parklands Committee findings and recommendation(s), public input, expert consultant comments, fees collected or committed to cover the cost of implementing the proposed change to the Parklands, and the availability of the City's fiscal and staffing resources to implement the proposed change to the Parklands.

Injuring or removing any existing tree, plant, soils or rocks from Parklands and/or creating any new paths within the Parklands without prior City authorization by cutting or removing existing vegetation or new grading of soil is prohibited (PVEMC §§ 12.24.150, 12.24.160) and will cause said Parklands or Pathway to be temporarily closed while damage is being remediated, the area is restored or an application is submitted to, and considered by, the Parklands Committee for "Change to the Parklands." Perpetrators of vandalism in the Parklands are subject to criminal prosecution and restitution for damage to and repair of the Parklands.

6. Police Enforcement

Enforcement of applicable laws in and around the Parklands falls under the purview and authority of the Police Department. Consistent with its citywide responsibilities, the Police Department will patrol and enforce the law within the parkland while giving consideration to officer safety, manpower, and response times. In addition, directed patrols may be used to increase the Police Department's presence in these areas and may be periodically adjusted as needed. The City may seek restitution through the court for any damage attributed to violations of the law caused by any person within the Parklands.

7. Community Resources

Maintenance and preservation of City Parklands can be enhanced through the supplemental resources of volunteers and donations. The City welcomes community resources in support of the Parklands. Volunteers and volunteer organizations, with City approval and appropriate training, experience and background for the specific activity may be authorized for community service on City Parklands.



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Other Applicable Policies

Additionally the City has adopted two policies that regulate City Parklands and Trails:

- Policy for the Removal of Unauthorized Encroachments in the City's Parklands (Resolution R05-32).
- Parklands Landscaping Policy (Resolution R12-05).

Relevant PVEMC Sections

- Section 2.08.050 "Powers and duties" – Authorizes City Manager to exercise general supervision of City parks and other public property under the control and jurisdiction of the City Council.
- Section 2.24.100 "City Parklands Committee" – Establishes a City Parklands Committee.
- Chapter 5.20 "Commercial Film Permit" – Allows for commercial filming and small photography shoots in parkland, provided that no damage will be done to the Parklands. Section 5.20.090 imposes specific restrictions on the use of Farnham Martin Park for commercial filming or photography.
- Chapter 6.08 "Regulations Pertaining to Dogs" – Prohibits dogs from running at large upon parkland or other public places.
- Chapter 8.20 "Handbills" – Prohibits posting a handbill, poster, banner, sign or advertisement in City parks or parkland except where permitted or with a City-issued permit.
- Chapter 8.24 "Hang Gliders and Model Aircraft" – Prohibits hang gliders and limits areas where model aircraft may be flown.
- Chapter 8.56 "Smoking Prohibited" – Includes the prohibition against smoking in any undeveloped public place, including Parklands.
- Chapter 8.60 "Fireworks" – Prohibits fireworks within the City (also in Section 12.24.100).
- Chapter 9.08 "Curfew" – Prohibits persons under the age of eighteen years of age from loitering in public places from 10 p.m. until sunrise the following day when not accompanied by a legal guardian or spouse of the legal guardian over the age of twenty one.
- Chapter 9.04 – Prohibits possessing an open container of any alcoholic beverage in any City park or parkland.
- Chapter 9.12 "Weapons" – Prohibits the discharge of firearms within the City and the brandishing of replica firearms in a manner that would cause someone to believe the replica was real.



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- Chapter 9.16 “Use of Beaches” – Requires the safe operation of all wave-riding devices and prohibits blocking access to the beach.
- Chapter 10.28 “Miscellaneous Driving Rules” – Makes operating a motorcycle, trail bike, minibike, dune buggy, motor scooter, jeep or other motor-driven vehicle on parkland in a manner that disturbs the peace by noise, dust, smoke or fumes to be a crime punishable as a misdemeanor.
- Chapter 12.24 “Parks” – Includes regulations regarding closure of Parklands, horses, peddling, rubbish, disorderly conduct, injuring plant life, closure of certain trails at night, and vandalism.
- Chapter 18.16 “OS Zone” – Limits the use of Open Space zoned parcels and provides processes for development with a conditional use permit of specific uses.
- Chapter 18.37 “CZ-O Coastal Zone Overlay Zone” – Restricts use of parklands within the coastal zone for public park purposes only.
- Title 19 “Coastal Regulations” – Regulates the Coastal Zone which includes both private properties and the ocean bluffs and beaches.

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

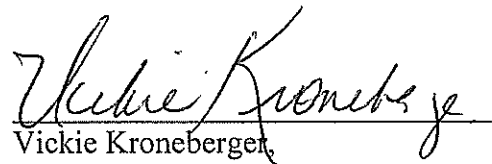
I, Vickie Kroneberger, Executive Assistant/Deputy City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R14-18** was duly and regularly approved and adopted by the City Council of the City of Palos Verdes Estates at its regular meeting of the City Council on the 8th day of April, 2014, by the following vote:

AYES: COUNCILMEMBERS: Perkins, Humphrey, Goodhart, Bird, Rea

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

RECUSED: COUNCILMEMBER: None



Vickie Kroneberger,
Executive Assistant/Deputy City Clerk