

## RESOLUTION NO. R25-09

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, AMENDING THE PARKLANDS & ENCROACHMENT POLICY AND APPROVING A TEMPORARY NO-FEE WEED ABATEMENT PERMIT PROGRAM

The City Council of the City of Palos Verdes Estates, California, does hereby resolve as follows:

**SECTION 1:** The City Council finds and declares as follows:

1. At a February 25, 2025 meeting, the City Council directed staff to explore creating a no-fee weed abatement permit pilot program similar to the City's no-fee tree trimming permit program to allow residents to clear weed and brush on City Parklands.
2. Palos Verdes Estates Municipal Code (PVEMC) § 12.24.070 bars any person from clearing weeds on City Parklands unless under the supervision and control of the Public Works Director.
3. As of April 8, 2014, the City had adopted three policies regulating City Parklands:
  - a. Policy for the Removal of Unauthorized Encroachments in the City's Parklands (Resolution R05-32) [policy for removal of unauthorized encroachments];
  - b. Parklands Landscaping Policy (Resolution R12-05) [policy for private landscaping of parklands. Deed restrictions ban man-made encroachments in parklands]; and
  - c. Parklands Use Policy (Resolution R14-18) [policy for parklands maintenance, special events, signage, and police enforcement].
4. On July 13, 2021, after several meetings and discussion, the City Council adopted its existing Parklands & Encroachment Management Policy (Resolution R21-28) ("Policy"), which updated the prior three policies and combined them under one policy.
5. Section 5 of Title III of the Policy, the City's existing policy for Parklands maintenance, requires private persons to file an application with the Parklands Committee in order to modify "landscaping (trees, shrubs, plants)" and pay an accompanying fee.
6. To implement Council's direction to develop a no-fee weed abatement permit pilot program ("Program"), this Resolution amends the Policy to

establish the Program, its terms, and a process to obtain a Parklands no-fee weed abatement permit under the supervision and control of the Public Works Director or designee.

7. The permit fee waiver under the Program serves a public purpose. It provides benefits to the City and public, as applicants will be performing maintenance and brush clearance in areas where it would otherwise be performed and paid for by the City, and will also benefit public safety by mitigating wildfire risk.

**SECTION 2.** Resolution No. R21-28, establishing the Parklands & Encroachment Management Policy, is hereby rescinded.

**SECTION 3.** *Adoption of Updated Parklands & Encroachment Management Policy.* The City Council hereby adopts the updated Parklands & Encroachment Management Policy ("Updated Policy") attached hereto as Exhibit A and incorporated by reference to make technical edits and create a No-Fee Weed Abatement Permit Program for City Parklands. Additions are shown in underlined text and deletions in stricken text.

**SECTION 4.** *One-Year Pilot.* The No-Fee Weed Abatement Permit Program described in Title III of the Updated Policy will automatically sunset one year from the date the program is operational and open to the public unless extended to a later date by City Council.

**SECTION 5.** The City Council also authorizes the City Manager to take all steps necessary to implement this program and create any materials or forms (in a format approved by the City Attorney) necessary to, or facilitative of, the program.

**SECTION 6.** *CEQA.* The City hereby finds and determines that this Resolution relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is not a project within the meaning of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, section 15378(b)(5). The Resolution is also categorically exempt under Public Resources Code section 21080(b)(4) because the weed abatement program is an action necessary to prevent or mitigate a wildfire emergency.

**SECTION 7.** *Severability.* If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

**SECTION 8.** This Resolution will take effect immediately upon its adoption.

**SECTION 9.** The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

PASSED, APPROVED, AND ADOPTED on this 8<sup>th</sup> day of April, 2025.

APPROVED:

  
\_\_\_\_\_  
VICTORIA LOZZI, MAYOR

ATTEST:

  
\_\_\_\_\_  
TAMEKA COOK, CITY CLERK

APPROVED AS TO FORM:


  
\_\_\_\_\_  
TREVOR RUSIN, CITY ATTORNEY

## CERTIFICATION

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

I, **Tameka Cook**, City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R25-09** 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 8<sup>TH</sup> day of April 2025, by the following vote:

AYES:	COUNCILMEMBERS:	McGowan, Lazzaro, Quinn, Kemps, and Lozzi
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

  
\_\_\_\_\_  
Tameka Cook, City Clerk

**EXHIBIT A**  
**Updated Policy**

# PARKLANDS AND ENCROACHMENT MANAGEMENT POLICY

Last Updated: 4/\_\_/2025

## **I. POLICY FOR THE REMOVAL OF UNAUTHORIZED ENCROACHMENTS**

This Title I of the Parklands and Encroachment Management Policy constitutes the Policy for the Removal of Unauthorized Encroachments in the City's Parklands. This policy is established to summarize the existing policies established by the Municipal Code and policies previously adopted by City Council for the removal of encroachments. 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.

It shall be the full fiscal responsibility of the adjacent property owner to remove any encroachment, including full restoration as approved by the Parklands Committee and signed-off by the Director or designee.

### **1) Definition of Encroachment**

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

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

With the exception of other code provisions such as the Street Tree ordinance or Conditional Use Permits, a property owner may submit an application to request to maintain an adjacent encroachment into City right-of-way or Parklands (non-structural). The commission or committee to review each type of encroachment is appropriated as follows:

- Requests to approve any encroachment into Parklands shall be reviewed by the Parklands Committee.
- Requests to approve any encroachment into right-of-way between private property and edge of street pavement shall be reviewed by the Planning Commission.
- Requests to approve any other type of encroachment within right-of-way shall be reviewed by the Parklands Committee.

Any recommendation regarding a non-structural encroachment made by the Parklands Committee must also be approved by the City Council. The decision-making body may deny a request to

maintain an encroachment upon which the adjacent property owner is required to remove the encroachment and restore the land per the Parklands Landscaping Policy prescribed in Title II herein.

**3) 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 nonstandard encroachments both within City right-of-way and Parklands. However, any request to deviate from Street Tree requirements shall always be reviewed by the Parklands Committee.

*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.

**4) Removal Requirements for Vegetative-Only Parklands Encroachments**

Within a maximum of ninety (90) days of City issuance of a notice of violation for a vegetative-only encroachment, the adjacent property owner must remove any encroaching vegetation, including full restoration as approved by the Parklands Committee and signed-off by the Urban Forester.

**5) Removal Requirements for Structural Parklands Encroachments**

Within a maximum of one (1) year of City issuance of a notice of violation for a structural encroachment, the adjacent property owner must remove any encroachment, including full restoration as approved by the Parklands Committee and signed-off by the Urban Forester.

**6) Notification**

As staff becomes aware of 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 within City records. An administrative citation shall not be issued sooner than ninety (90) days from issuance of the encroachment's first notice of violation.

Should the adjacent property owner object to the notice of violation or otherwise appeal, that individual shall obtain a survey at their own expense accompanied by a complete, stamped, and signed Survey Certification to prove lack of encroachment.

The City will record any known Parklands encroachments with the Los Angeles County Registrar-Recorder immediately upon discovery.

7) **Enforcement**

If a Parklands encroachment remains unabated by a violating property owner, no final sign-off may be provided by the City for any building permit opened after the date of the adoption of this policy.

If an illegal encroachment(s) is not removed per this policy, the City will seek an injunction through the Los Angeles County Superior Court. If necessary, 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).

## **II. PARKLANDS LANDSCAPING POLICY**

1. **GOALS.** The goal of this Title II. *Parklands Landscaping Policy* is to guide residents and the Parklands Committee regarding the landscaping of the City's Parklands by private individuals.

2. **OBJECTIVES.**

The City's Parklands were intended to remain open to the public and to remain as undeveloped as possible. Landscaping within the Parklands should only be done to retain an undeveloped and natural look that simulates natural forestation and ground cover.

Landscaping should not be done so that the area appears to be privately-owned or so that the landscaping creates a barrier to the public. Any landscaping that is allowed as a result of an approved application should be limited to "native" varieties as determined by the City. Any irrigation should be temporary in nature and placed on the ground, not buried.

3. **PERMIT PROCEDURE.** An "Application to Landscape City Parklands" shall be obtained from and filed with the City.

4. **PROCESS FOR CONSIDERATION AND APPROVAL.** Each application shall be reviewed by the Parklands Committee. The Committee shall consider the proposal and the testimony, both verbal and written, of the applicant and of affected property owners. The recommendation of the Parklands Committee shall be placed on the Consent Agenda of the City Council for final action.

5. **FINDINGS FOR APPROVAL.**

The findings for approval are based on those required for approving a Variance within the Zoning section of the Municipal Code:

- a. That there are special circumstances attached to the property referred to in the application, which do not apply generally to other properties in the same area;
- b. That the granting of such application is necessary to do substantial justice, and to avoid practical difficulty or unnecessary hardship;
- c. That the granting of the application will not result in material damage or prejudice to other property in the vicinity, nor be detrimental to the public safety or welfare.
- d. That the landscaping, to the extent reasonably practicable, is not to be done so that the area appears to be privately-owned or so that the landscaping creates a barrier to the public.

6. **PERMIT FEES.** A fee shall be submitted with the application in the amount that shall be established by resolution of the City Council.

7. **COSTS FOR INSTALLATION AND MAINTENANCE.** All costs for installation and maintenance shall be paid by the applicant. The City and property owner shall enter into a contract that defines a maintenance schedule for the first three (3) years after final sign-off

by the Public Works Director or designee and confirming that the restoration plan has been fully implemented.

### **III. 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 Title III constitutes the Parklands Use Policy. 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, 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.

In light of the devastating January 2025 Los Angeles area fires and increased risk of wildfires in the region, removal of weeds and other fuels is important to protect the Parklands and adjacent homes. This policy provides for a temporary no-fee permit program allowing private individuals and volunteer organizations to clear weed and dead vegetation on 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 Section 12.24.010(E).

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

#### **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).

Under the No-Fee Weed Abatement Permit Program described in Section 7 below, private persons may hire licensed and bonded contractors to perform weed abatement in Parklands.

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 notification, 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."
- 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 modification 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 Title II. *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. Except for requests under the No-Fee Weed Abatement Permit Program (*see* Section 7 below), 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 changes to 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. Findings shall specifically address privacy, safety, neighborhood character. Additional considerations that may be considered include usage of and historical significance of the subject Parklands, and community input.

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 § 12.24.070). Section 12.24.070 bars any person from performing "labor in or upon any park, square, avenue, or *grounds*, such as taking up or replacing soil, turf, ground or pavement, structure, tree, shrub, plant, grass, flower and the like except under the supervision and control of the public works director." "Grounds" has the same definition given in PVEMC § 12.24.010.C. and includes Parklands.

Such unauthorized injury to existing vegetation will cause said Parklands or Pathway to be temporarily closed while damage is being remediated and the area is restored, a Weed Abatement Intake Form (*see* Section 7 below) is submitted and permit issued, or a "Change to the Parklands" application is filed, and (if applicable) considered by the Parklands Committee. 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 Parklands 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 & No-Fee Weed Abatement Permit Program**

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.

Private individuals and volunteer organizations may apply with the City to perform weed abatement on Parklands under the City's No-Fee Weed Abatement Permit Program ("Weed Abatement Program"). The Weed Abatement Program will automatically sunset after one year from the first date it is offered to the public, unless extended by the City Council. Interested individuals must complete and file the city-provided Weed Abatement Intake Form with the Public Works Department for review by the Urban Forester.

The Urban Forester will determine if the request should go to the Parklands Committee and City Council for approval depending on the scope of work. Projects involving more than weed abatement will be referred to the Parklands Committee and City Council using the process described in Section 5. *Changes to the Parklands.*

If the Weed Abatement Intake Form is approved, the Public Works Department will proceed to process a permit without charging a permit fee. The follow limitations apply to all no-fee permits issued under the Weed Abatement Program:

1. Only licensed and bonded contractors may apply on behalf of a private person (e.g. a property owner, non-profit organization, etc.) to perform weed abatement in Parklands.
2. Only living or dead weeds of species eligible for removal (as indicated in the most recent Weed Abatement Removal Matrix on file with the City) may be removed.
3. Only dead shrubs of species eligible for removal (as indicated in the most recent Weed Abatement Removal Matrix of file with the City) may be removed.
4. Only living shrubs of species eligible for removal (as indicated in the most recent Weed Abatement Removal Matrix of file with the City) may be removed.
5. No living or dead trees or portions of trees may be removed. For purposes of the Weed Abatement Program, "trees" has the same meaning as "trees or shrubs" and "street trees" defined in PVEMC 12.16.20.
6. If the area of weed abatement is adjacent to private property, the work may only be performed within 50 feet of the property line, and only with the written authorization of the property owner(s).
7. Before and after photos must be submitted by the contractor.

The Public Works Director, or his or her designee, will periodically monitor compliance. The Public Works Director, or his or her designee, will be the final authority on how to apply the Weed Removal Abatement Matrix. Contractors who perform work that violates the scope and conditions of the weed abatement permit will be ineligible to obtain another permit for a period of 2 years. Alternatively, Contractors who violate the program terms, any city policy or ordinance, state law, or who exceed the scope of their permit authorization may be *permanently* banned from the program at the sole discretion of the Public Works Director.

In addition, contractors and private individuals who violate the program terms or deviate or exceed the authorized scope of work are subject to the same escalating administrative fines established for vegetative encroachments (Resolution R21-29) of up to \$5,000 per violation. The violator must also pay the estimated amount required to fully remediate the flora as determined in the Public Works Director's reasonable discretion. The City may collect from either the contractor or the person who hired them, or both, to recover administrative fines and City's costs to restore damaged flora. In the event the cost to remediate the flora exceeds the amount collected, the City will return the unused amount to the paying party(ies). The City may also use any other available legal remedy to obtain enforcement.

**Exhibit A**

**PARKLANDS AND ENCROACHMENT MANAGEMENT  
POLICY (2025)**

# PARKLANDS AND ENCROACHMENT MANAGEMENT POLICY

Last Updated: 4/ /2025

## **I. POLICY FOR THE REMOVAL OF UNAUTHORIZED ENCROACHMENTS**

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### **1) Definition of Encroachment**

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### **2) Review**

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maintain an encroachment upon which the adjacent property owner is required to remove the encroachment and restore the land per the Parklands Landscaping Policy prescribed in Title II herein.

**3) Removal Requirements Per City Code**

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**4) Removal Requirements for Vegetative-Only Parklands Encroachments**

Within a maximum of ninety (90) days of City issuance of a notice of violation for a vegetative-only encroachment, the adjacent property owner must remove any encroaching vegetation, including full restoration as approved by the Parklands Committee and signed-off by the Urban Forester.

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Within a maximum of one (1) year of City issuance of a notice of violation for a structural encroachment, the adjacent property owner must remove any encroachment, including full restoration as approved by the Parklands Committee and signed-off by the Urban Forester.

**6) Notification**

As staff becomes aware of 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 within City records. An administrative citation shall not be issued sooner than ninety (90) days from issuance of the encroachment's first notice of violation.

Should the adjacent property owner object to the notice of violation or otherwise appeal, that individual shall obtain a survey at their own expense accompanied by a complete, stamped, and signed Survey Certification to prove lack of encroachment.

The City will record any known Parklands encroachments with the Los Angeles County Registrar-Recorder immediately upon discovery.

**7) Enforcement**

If a Parklands encroachment remains unabated by a violating property owner, no final sign-off may be provided by the City for any building permit opened after the date of the adoption of this policy.

If an illegal encroachment(s) is not removed per this policy, the City will seek an injunction through the Los Angeles County Superior Court. If necessary, 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).

## **II. PARKLANDS LANDSCAPING POLICY**

1. **GOALS.** The goal of ~~the~~this Title II, *Parklands Landscaping Policy* is to guide residents and the Parklands

Committee regarding the landscaping of the City's Parklands by private individuals.

2. **OBJECTIVES.**

The City's Parklands were intended to remain open to the public and to remain as undeveloped as possible. Landscaping within the Parklands should only be done to retain an undeveloped and natural look that simulates natural forestation and ground cover.

Landscaping should not be done so that the area appears to be privately-owned or so that the landscaping creates a barrier to the public. Any landscaping that is allowed as a result of an approved application should be limited to "native" varieties as determined by the City. Any irrigation should be temporary in nature and placed on the ground, not buried.

3. **PERMIT PROCEDURE.** An "Application to Landscape City Parklands" shall be obtained from and filed with the City.
4. **PROCESS FOR CONSIDERATION AND APPROVAL.** Each application shall be reviewed by the Parklands Committee. The Committee shall consider the proposal and the testimony, both verbal and written, of the applicant and of affected property owners. The recommendation of the Parklands Committee shall be placed on the Consent Agenda of the City Council for final action.
5. **FINDINGS FOR APPROVAL.**

The findings for approval are based on those required for approving a Variance within the Zoning section of the Municipal Code:

- a. That there are special circumstances attached to the property referred to in the application, which do not apply generally to other properties in the same area;
  - b. That the granting of such application is necessary to do substantial justice, and to avoid practical difficulty or unnecessary hardship;
  - c. That the granting of the application will not result in material damage or prejudice to other property in the vicinity, nor be detrimental to the public safety or welfare.
  - d. That the landscaping, to the extent reasonably practicable, is not to be done so that the area appears to be privately-owned or so that the landscaping creates a barrier to the public.
6. **PERMIT FEES.** A fee shall be submitted with the application in the amount that shall be established by resolution of the City Council.
  7. **COSTS FOR INSTALLATION AND MAINTENANCE.** All costs for installation and maintenance shall be paid by the applicant. The City and property owner shall enter into a

contract that defines a maintenance schedule for the first three (3) years after final sign-off by the Public Works Director or designee and confirming that the restoration plan has been fully implemented.

### **III. 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 Title III constitutes the Parklands Use Policy. 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, 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.

In light of the devastating January 2025 Los Angeles area fires and increased risk of wildfires in the region, removal of weeds and other fuels is important to protect the Parklands and adjacent homes. This policy provides for a temporary no-fee permit program allowing private individuals and volunteer organizations to clear weed and dead vegetation on 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 Section 12.24.010(E).

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

#### **Parklands ~~Roney~~ 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).

Under the No-Fee Weed Abatement Permit Program described in Section 7 below, private persons may hire licensed and bonded contractors to perform weed abatement in Parklands.

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 notification, 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."
- 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 modification 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 "Title II, Parklands Landscaping Policy."<sup>22</sup>

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 Except for requests under the No-Fee Weed Abatement Permit Program (see Section 7 below), 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 changes to 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. Findings shall specifically address privacy, safety, neighborhood character. Additional considerations that may be considered include usage of and historical significance of the subject Parklands, and community input.

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 12.24.070). Section 12.24.070 bars any person from performing "labor in or upon any park, square, avenue, or grounds, such as taking up or replacing soil, turf, ground or pavement, structure, tree, shrub, plant, grass, flower and the like except under the supervision and control of the public works director." "Grounds" has the same definition given in PVEMC § 12.24.010.C. and includes Parklands.

Such unauthorized injury to existing vegetation will cause said Parklands or Pathway to be temporarily closed while damage is being remediated, and the area is restored-~~or an application, a Weed Abatement Intake Form (see Section 7 below) is submitted to, and considered by, the Parklands Committee for permit issued, or a "Change to the Parklands:" application is filed, and (if applicable) considered by the Parklands Committee.~~ 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~~ Parklands 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 & No-Fee Weed Abatement Permit Program**

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.

Private individuals and volunteer organizations may apply with the City to perform weed abatement on Parklands under the City's No-Fee Weed Abatement Permit Program ("Weed Abatement Program"). The Weed Abatement Program will automatically sunset after one year from the first date it is offered to the public, unless extended by the City Council. Interested individuals must complete and file the city-provided Weed Abatement Intake Form with the Public Works Department for review by the Urban Forester.

The Urban Forester will determine if the request should go to the Parklands Committee and City Council for approval depending on the scope of work. Projects involving more than weed abatement will be referred to the Parklands Committee and City Council using the process described in Section 5. *Changes to the Parklands*.

If the Weed Abatement Intake Form is approved, the Public Works Department will proceed to process a permit without charging a permit fee. The follow limitations apply to all no-fee permits issued under the Weed Abatement Program:

1. Only licensed and bonded contractors may apply on behalf of a private person (e.g. a property owner, non-profit organization, etc.) to perform weed abatement in Parklands.
2. Only living or dead weeds of species eligible for removal (as indicated in the most recent Weed Abatement Removal Matrix on file with the City) may be removed.
3. Only dead shrubs of species eligible for removal (as indicated in the most recent Weed Abatement Removal Matrix of file with the City) may be removed.
4. Only living shrubs of species eligible for removal (as indicated in the most recent Weed Abatement Removal Matrix of file with the City) may be removed.
5. No living or dead trees or portions of trees may be removed. For purposes of the Weed Abatement Program, "trees" has the same meaning as "trees or shrubs" and "street trees" defined in PVEMC 12.16.20.
6. If the area of weed abatement is adjacent to private property, the work may only be performed within 50 feet of the property line, and only with the written authorization of the property owner(s).
7. Before and after photos must be submitted by the contractor.

The Public Works Director, or his or her designee, will periodically monitor compliance. The Public Works Director, or his or her designee, will be the final authority on how to apply the Weed Removal Abatement Matrix. Contractors who perform work that violates the scope and conditions of the weed abatement permit will be ineligible to obtain another permit for a period of 2 years. Alternatively, Contractors who violate the program terms, any city policy or ordinance, state law, or who exceed the scope of their permit authorization may be *permanently* banned from the program at the sole discretion of the Public Works Director.

In addition, contractors and private individuals who violate the program terms or deviate or exceed the authorized scope of work are subject to the same escalating administrative fines established for vegetative encroachments (Resolution R21-29) of up to \$5,000 per violation. The violator must also pay the estimated amount required to fully remediate the flora as determined in the Public Works Director's reasonable discretion. The City may collect from either the contractor or the person who hired them, or both, to recover administrative fines and City's costs to restore damaged flora. In the event the cost to remediate the flora exceeds the amount collected, the City will return the unused amount to the paying party(ies). The City may also use any other available legal remedy to obtain enforcement.

<b>Summary report:</b>	
<b>Litera Compare for Word 11.10.1.2 Document comparison done on 4/3/2025 2:45:31 PM</b>	
<b>Style name:</b> Default Style	
<b>Intelligent Table Comparison:</b> Active	
<b>Original DMS:</b> iw://bbklaw-mobility.imatech.com/IMANAGE/43593126/1	
<b>Modified DMS:</b> iw://bbklaw-mobility.imatech.com/IMANAGE/43593126/4	
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<u>Delete</u>	17
<u>Move From</u>	0
<u>Move To</u>	0
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<u>Table moves to</u>	0
<u>Table moves from</u>	0
<u>Embedded Graphics (Visio, ChemDraw, Images etc.)</u>	0
<u>Embedded Excel</u>	0
<u>Format changes</u>	0
<b>Total Changes:</b>	<b>66</b>



# PARKLANDS WEED ABATEMENT INTAKE FORM

City of Palos Verdes Estates  
Public Works Department  
340 Palos Verdes Drive West  
Palos Verdes Estates, CA 90274  
(310) 378-0383

FOR CITY USE ONLY SECTION  
**WA REQUEST NUMBER:**

## SECTION ONE: TO BE FILLED OUT BY THE REQUESTEE

### PARKLAND LOCATION

Location Address \_\_\_\_\_

**Tree Trimming Request<sup>1</sup>**  **Tree Removal Request<sup>2</sup>**

<sup>1</sup>May Require Parklands and City Council Approval.

<sup>2</sup>Requires Additional Approval from Parklands Committee & City Council.

Is the area for weed abatement within 50 feet of private property?  **Yes<sup>3</sup>**  **No**

<sup>3</sup>Requires A Concurrence Letter from the Adjacent Property Owner or Requires Additional Approval from Parklands Committee & City Council.

Is the Tree on Public or Private property?

**Public**  **Private**  **Unknown**

Location of Tree(s).

**Front Yard**  **Side of property**  **Behind Property**

Attach photos of the tree(s) that clearly depict the location and concerns.

### REASONS FOR THE REQUEST

#### SELECT ALL THAT APPLY:

- Maintenance Trimming
- Safety Concerns
- View Concerns
- Construction or Design Request
- Other, describe below:

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### REQUESTEE INFORMATION

Requestee Name \_\_\_\_\_  **Owner**  **Renter<sup>4</sup>**

Address \_\_\_\_\_

City \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ E-mail \_\_\_\_\_

<sup>4</sup>Requires a letter from the Property Owner consenting to the request before work can be approved by City.

DESCRIPTION OF TREE(S) TYPE AND LOCATION	PROVIDE EXPLANATION FOR REQUEST

**SECTION ONE CONTINUED**

No work shall be started until approval confirmation has been received and valid permit(S) have been issued. The undersigned requestee certifies that they will hire a contractor who holds a current and valid California Contractor's license, proper and current insurance, and a City of Palos Verdes Estates business license. The applicant has read and understands all pertinent requirements, polices, and procedures of the City of Palos Verdes Estates.

\_\_\_\_\_  
Requestee Signature

\_\_\_\_\_  
Date

**SECTION TWO: TO BE FILLED OUT BY CITY URBAN FORESTER**

**TREE OBSERVATIONS & RECOMMENDATION**

The request has been reviewed by the City Urban Forester, and has the following recommendation:

**Tree location is:**

Public  Private, application deemed inapplicable. Requestee to Contact Palos Verdes Home Association at (310) 373-6721.

**Trim tree. The requestee shall have the contractor fill out Section Three of this Tree Intake Form.**  
Additional comments/ observations:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**The Requestee shall submit an application to the Parklands Committee and City Council.**

If the action is approved by the Parklands Committee, then attach a copy of the Memorandum document. The Requestee shall hire a contractor to fill out Section Three of this Tree intake form. If the action is denied, see the flow chart for additional information regarding the next steps.

Additional comments/ observations:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If the Requestee is the renter or adjacent property owner, is the property owner approval letter attached?

Yes  No  Not Applicable

Are the photos depicting the tree(s) attached  Yes  No

**Planning Commission**

Was an associated design request approved by the Planning Commission?

No  Not Applicable  Yes, Meeting Date \_\_\_\_\_ Resolution No. \_\_\_\_\_

**SECTION THREE: TO BE FILLED OUT BY THE REQUESTEE'S HIRED CONTRACTOR**

**This section is to be filled out after Sections 1 & 2 have been completed.**

**CONTRACTORS INFORMATION**

Contractor \_\_\_\_\_

City Business License No. \_\_\_\_\_

Contractor's C61/D49 License No. \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_

E-mail \_\_\_\_\_

**ATTACH COPIES OF ADDITIONAL DOCUMENTS**

- Contractor's License by the State of California C61/D49
- Contractor's Palos Verdes Estates city business license
- General liability insurance certificate
- Insurance endorsement on a separate form from general liability certificate, stating:  
"The City of Palos Verdes Estates, its officers, agents, and employees are named as additional insureds."

No work shall be started until a valid tree trimming/encroachment permit is obtained; separate encroachment permit application form is required. The undersigned contractor certifies that they hold a current and valid C61/D49 California Contractor's License and a City of Palos Verdes Estates business license. The Requestee and Contractor have read and understand all pertinent requirements, policies, and specifications of the City of Palos Verdes Estates.

\_\_\_\_\_  
Requestee Signature

\_\_\_\_\_  
Date