

CITY COUNCIL POLICY

NUMBER: 31

DATE ADOPTED/AMENDED: APRIL 18, 2000

SUBJECT: Encroachments into the Public Right-of-Way.

POLICY:

It shall be the policy of the City Council to follow the procedures outlined in the attached Policy Statement for encroachments in the public right-of-way, as adopted on April 16, 1996, revised on January 21, 1997, and revised on April 18, 2000.

BACKGROUND:

On April 19, 1996, the City Council reviewed and approved an update of the City policy pertaining to encroachments of structures in the public right-of-way. The changes consisted of augmentation of the then current policy which was approved by the City Council on May 15, 1984, with language pertaining to the encroachment of tract entrance observation structures into the public right-of-way. The City Council has directed that this policy relating to encroachments into the public right-of-way be placed into the City Council Policy Manual.

Amendments were made on April 18, 2000 to streamline the review process for certain types of encroachments into the right-of-way especially for unpermitted structure for which legalization is sought.

Attachment: April 16, 1996 (Revised January 21, 1997, and April 18, 2000) Policy Statement for Encroachments into the Public Right-of-Way

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**POLICY STATEMENT FOR
IN THE PUBLIC RIGHT-OF-WAY
ADOPTED APRIL 16, 1996 AND
REVISED ON APRIL 18, 2000.**

The City Council approved this policy at its April 16, 1996 meeting, and amended it on January 21, 1997 and April 18, 2000. It should be noted that this policy replaces and supersedes the one adopted by the City Council on May 15, 1984.

The City may permit encroachments of walls, fences, pilasters, and/or observation booths, or similar structures on an individual basis, based on the following criteria:

I. FENCES, WALLS, PILASTERS AND OTHER SIMILAR STRUCTURES IN THE RIGHT-OF-WAY

- 1) All requests for construction of fences, walls, pilasters and other similar structures in within the public right-of-way shall be submitted to the Department of Planning, Building, and Code Enforcement, and shall include the following materials.
 - a) A letter from the applicant and/or adjacent property owner(s) describing the proposed encroachment request and the reason for the request.
 - b) A processing fee as established by resolution of the City Council.
 - c) Twelve (12) copies of plans which clearly show the following:
 - i) A site plan which shows the accurate lot dimensions, property lines, location and dimension of the adjacent public right-of-way, and the location of all easements, if applicable.
 - ii) A site plan indicating the location and dimensions of all existing and/or proposed encroaching walls and/or fences, as well as the distance of all existing and/or proposed encroachments from the adjacent property lines.
 - iii) Section and/or elevation drawings representing the total height of the proposed project, as measured from both the highest and lowest existing adjacent grade.
 - d) Documentation to the satisfaction of the Director of Public Works, that demonstrates the location of the structure relative to the edge of the public right-of-way.
- 2) Fences, walls, pilasters, and other similar structures which meet the following criteria shall be subject to review and approval by the Director of Planning, Building and Code Enforcement:
 - a) The encroachment is located no more than six feet (6') within the public right-of-way (Note that it is the applicant's responsibility to demonstrate the location of the structure to the Director of Public Works' satisfaction, which may entail preparation of a survey for some projects);

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- b) The base of the encroachment, for each individual pilaster or similar structure, does not exceed two (2) square feet with no single dimension exceeding 24 inches;
- c) The height of the encroachment does not exceed 72 inches including any decorative features and the main structure (excluding decorative features) does not exceed sixty inches (60"), unless it is within a visibility triangle as determined by the Director of Public Works in which case the overall height including any decorative features may not exceed 30 inches;
 - i) If the decorative features are lanterns or some other kind of light source, then the property owner must demonstrate that adequate screening is provided to ensure that there is no direct or indirect illumination of another property other than where the light source is located, that there is no adverse traffic/pedestrian impact, and that all conditions of residential outdoor lighting pursuant to Municipal Code Section 17.56.030 are met.

The Director's decision shall be appealable pursuant to the Appeal procedures of section 17.80 of the Rancho Palos Verdes Municipal Code.

- 3) Fences, walls, pilasters, and other similar structures which meet the following criteria shall be subject to review and approval by the Planning Commission:
 - a) Encroachments of structures more than six feet (6') into the public right-of-way (Note that it is the applicant's responsibility to demonstrate the location of the structure to the Director of Public Works' satisfaction which may entail preparation of a survey for some projects);
 - b) Encroachments of structures, such as pilasters and other similar structures, having a base that exceeds 24" in width or exceeds 2 square feet in footprint area;
 - c) Encroachments serving as bases for decorative features with a combined height that is greater than 72", or a base which exceeds sixty inches (60") exclusive of decorative features.
 - d) Encroachments serving as bases for decorative features (i.e. statuary) that are more than 60" in height, and/or the combined height of a decorative feature and its base that is greater than 72".
 - e) Encroachments of structures with decorative features measuring more than 18" in height;

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- f) Encroachments of structures (including decorative features) or decorative feature/base combinations measuring greater than 30" in height within a visibility triangle.

The Planning Commission may refer a request to the Traffic Committee for recommendation, if traffic safety is involved. The Planning Commission may grant the encroachment, subject to the conditions stated below in Section 5, and any other conditions which the Commission may impose, or deny the encroachment if it fails to meet the criteria stated below in Sections 3 and 4. The Planning Commission decision may be appealed to the City Council, pursuant to the appeal procedures of section 17.80 of the Rancho Palos Verdes Municipal Code.

- 4) In granting an Encroachment Permit for fences and/or walls, the Director of Planning, Building and Code Enforcement or the Planning Commission must find the following:
 - a) The encroachment is not detrimental to the public health/safety, and that the Public Works Director has made a written determination that the encroachment does not pose a hazard to vehicular traffic, pedestrians, or equestrians; and further that all other requirements for issuance of a Public Works Department encroachment permit are met. The Planning, Building and Code Enforcement Department review shall be concurrent with the Public Works Department review to the greatest degree possible.
 - b) The encroaching structure can not be reconfigured or relocated due to practical difficulties or unnecessary hardship, including economic hardship, so as to either:
 - i) locate the structure on the applicant's property in accordance with provisions of the Municipal Code; or,
 - ii) adhere to the criteria set forth for a Planning Director Level Review .
 - c) The encroaching structure is not inconsistent with the general intent of the Development Code.
 - d) Illuminating elements of the encroaching structure are configured in a manner that minimizes impact to neighboring properties or vehicular traffic, and prevents direct or indirect illumination of a property other than the applicant's, as determined by the Director of Planning, Building and Code Enforcement.
 - e) The encroaching structure does not significantly impair a protected view from any surrounding property.

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- 5) Approval of an Encroachment Permit for a fence and/or wall shall be subject to the following conditions, and any other appropriate conditions necessary to protect the public health, safety, and welfare:
- a) Prior to construction of the fence and/or wall, the owner shall submit to the City an " Indemnification and Hold Harmless" agreement for recordation, to the satisfaction of the City Attorney.
 - b) Prior to construction of the fence and/or wall, the owner shall submit to the City a Use Restriction Covenant for recordation, agreeing to remove the encroachment within ten (10) days of notice given by the Director of Public Works, except in case of an emergency where less notice may be required. The owner shall also acknowledge that failure to remove the encroachment within the specified time will result in removal of the structure by the City, and that the owner shall be billed by the City for the costs of removal of the encroaching structure.
 - c) Prior to construction of the fence and/or wall, the owner shall obtain an Encroachment Permit from the Department of Public Works. The owner shall be responsible for any fees associated with the issuance of said permit.
 - d) The encroachment shall be constructed and installed in accordance with the approved plans, and the owner shall comply with all conditions and requirements that are imposed on the project.
 - e) Prior to construction of the encroachment, the applicant shall submit to the City a covenant, subject to the satisfaction of the City Attorney, which records these requirements as conditions running with the land, and binding all future owners of the property which is benefited by the encroachment (i.e., underlying right-of-way, adjacent property, or common area owned by a homeowners association, if any), until such time as the encroaching structure is removed from the right-of-way.
 - f) The applicant shall comply with all recommendations and requirements, if any, required by the City's Planning Commission, Traffic Committee, or Traffic Engineer.

II. OBSERVATION BOOTHS AND SIMILAR STRUCTURES WITHIN THE PUBLIC RIGHT-OF-WAY

- 1) All requests for construction of observation booths or similar structures within the public right-of-way are to be submitted to the Department of Planning, Building, and Code Enforcement, and shall include the following materials.
- a) A letter from the applicant and/or adjacent property owner(s) describing the proposed encroachment request and the reason for the request.

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- b) Any application for construction of an observation booth or similar structure, shall first be approved by the local Homeowners Association, if any, in accordance with the recorded CC & R's for the Homeowners Association.
- c) The applicant shall be responsible for all costs associated with the application. A minimum Trust Deposit of **\$1,711.00** shall be established to cover costs associated with the application. Additional deposits may be required if the costs for processing the application exceed the minimum required deposit.
- d) Twelve (12) copies of plans which clearly show the following:
 - i) A site plan which shows the accurate lot dimensions, property lines, location and dimension of the adjacent public right-of-way, and the location of all easements, if applicable.
 - ii) A site plan indicating the location and dimensions of all existing and/or proposed observation booths or similar structures, as well as the distance of all existing and/or proposed encroachments from the adjacent property lines.
 - iii) Section and/or elevation drawings representing the total height of the proposed project, as measured from both the highest and lowest existing adjacent grades.
- e) Two copies of a "vicinity map", prepared to scale, which shows all properties located within the tract for which the proposed observation booth will serve, as well as all properties located within 500 feet of the tract boundaries. All lots shown on the "vicinity map" shall be numbered consecutively, beginning with the number "one". The "vicinity map" must be prepared exactly as described in the attached instruction sheet.
- f) Two (2) sets of self-adhesive mailing labels and one (1) photocopy of the labels which list the property owner of each parcel which falls within the boundaries shown on the "vicinity map". The name and address of every property owner (including the applicant) and the local Homeowners Association (if any), must be typed on 8-1/2 X 11 sheets of self-adhesive labels (33 labels per sheet). The labels shall be keyed to the consecutive numbers shown on the "vicinity map" as described above. The property owners mailing list must be prepared exactly as described in the attached instruction sheet.

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- 2) All requests shall be subject to review first by the Traffic Committee and then by the Planning Commission. Upon a favorable recommendation by the Traffic Committee, the Planning Commission shall grant the encroachment, subject to the conditions stated below in Section 16, or deny the encroachment if it fails to meet the criteria stated below in Sections 3 through 15, inclusive. The Planning Commission decision may be appealed to the City Council, within fifteen (15) calendar days following the Commission's decision.
- 3) In granting an Encroachment Permit for an observation booth or similar structure, the Planning Commission must find that each of the following conditions exist:
 - a) The encroachment is in the best interest of the City.
 - b) The encroachment is not detrimental to the public health and safety.
 - c) There is no alternative location on private property to accommodate the proposed improvements without encroaching into the City's right-of-way.
 - d) The encroachment has been designed in the safest manner possible.
 - e) The encroachment does not significantly impair the view from the viewing area of any private property as defined in the City's Development Code, nor from an area designated by the General Plan or Coastal Specific Plan to be protected.
- 4) The maximum height limit of observation booths or similar structures located within the public right-of-way shall not exceed twelve (12) feet.
- 5) The observation booth or similar structure shall not exceed a maximum of 120 square feet in area.
- 6) For structures which are attended by an operator, restroom facilities shall be provided within the observation booth.
- 7) All necessary utilities (i.e., cable, electric) shall be located underground.
- 8) All minimum sight distances and turning radii shall be maintained, subject to review and approval by the City's Traffic Committee and engineering consultant.
- 9) All observation booths or similar structures shall be located on a separate, curbed, and landscaped median.

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- 10) No portion of any eave and/or overhang shall extend beyond the edge of the curb of the landscape median, or into any travel lanes. The structure shall be designed to maintain appropriate lateral and overhead clearance to ensure that large and/or high profile vehicles or trucks will not hit the overhangs on the building.
- 11) Protective bollards shall be installed at each corner of the structure to reduce the potential for accidental damage caused by vehicles.
- 12) The observation booth or similar structure shall be compatible with the character and architectural styles of surrounding residences.
- 13) Directional signage only shall be permitted in association with construction of the observation booth or similar structure. Installation of any signs shall be subject to separate review and approval of a Sign Permit. Installation of signs with changeable copy intended to provide general information regarding upcoming events, meetings, etc., shall not be permitted within the public right-of-way.
- 14) Any proposed exterior lighting shall be located on the facade of the building, at a maximum height of ten (10) feet. All exterior lighting shall be shielded and directed downwards to prevent direct illumination of or towards surrounding properties.
- 15) Ingress/Egress vehicle lanes shall be a minimum of eighteen (18) feet wide at the Observation Booth to allow vehicles to pass a stopped vehicle. Wider travel lanes may be required at the discretion of the City.
- 16) Approval of an Encroachment Permit shall be subject to the following conditions:
 - a) The applicant shall comply with all recommendations and requirements, if any, required by the City's Planning Commission, Traffic Committee, or Traffic Engineer.
 - b) Prior to construction of the observation booth or similar structure, the owner shall submit to the City a "Hold Harmless" agreement for recordation, to the satisfaction of the City Attorney.
 - c) Prior to construction of the observation booth or similar structure, the owner shall submit to the City a Use Restriction Covenant for recordation, agreeing to remove the encroachment within sixty (60) days of notice given by the Director of Public Works, except in case of an emergency where less notice may be required. The owner shall also acknowledge

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that failure to remove the encroachment within the specified time will result in removal of the structure by the City, and that the owner shall be billed by the City for the costs of removal of the encroaching structure.

- d) Prior to construction of the observation booth or similar structure, the owner shall obtain a minimum of one million (1,000,000) dollars liability insurance, naming the City as an additional insured, subject to review and acceptance by the City Attorney. Proof of said insurance shall be provided to the City annually.
- e) Prior to construction of the observation booth or similar structure, the owner shall obtain an Encroachment Permit from the Department of Public Works. The owner shall be responsible for any fees associated with the issuance of said permit.
- f) The encroachment shall be constructed and installed in accordance with the approved plans, and the owner shall comply with all conditions and requirements that are imposed on the project.
- g) Prior to construction of the encroachment, the applicant shall submit to the City a covenant, subject to the satisfaction of the City Attorney, which records these requirements as conditions running with the land, and binding all future owners of the property which is benefited by the encroachment (i.e., underlying right-of-way, adjacent property, or common area owned by a homeowners association, if any), until such time as the encroaching structure is removed from the right-of-way.
- h) No person and/or vehicle shall be required to present identification nor otherwise be restricted, prohibited, or denied access to any public right-of-way, including but not limited to streets, sidewalks, parks, and/or public trails as a result of construction of any attended or unattended observation booth or similar structure.
- i) Prior to construction of the encroachment, the owner and/or applicant shall submit to the City a Covenant agreeing to assume all responsibility for maintenance and upkeep of the structure.

**CITY OF RANCHO PALOS VERDES
INSTRUCTIONS FOR PREPARING A VICINITY MAP AND PROPERTY OWNERS LIST**

In order to satisfy public noticing requirements, certain planning applications require the submittal of a vicinity map and accompanying property owners list. The size of the vicinity map varies by application and may involve either adjacent properties, a 100' radius, or a 500' radius. Please check on the application form you are submitting for the vicinity map size you must submit.

With the exception of "Adjacent Properties" maps, a vicinity map and property owners list must be prepared by a Title Company or other professional mailing list preparation service. The mailing labels must be certified as accurate by the agent preparing the mailing list. Attached is a list of firms that provide services in preparation of vicinity maps and certified mailing labels. This is not intended to be an exhaustive list and the cost of the services provided will vary.

If you have any questions regarding properties of the vicinity map or property owners list, as described below, please contact a planner at (310) 544-5228.

VICINITY MAP

The purpose of the vicinity map is to clearly show all properties within the required radius of the subject lot (applicant). The vicinity map must clearly show the required radius line, dimensioned and drawn from the exterior boundaries of the subject lot, as shown below. All neighboring properties (including lots outside R.P.V. city limits) which fall completely within, partially within or are just touched by the radius line, must be consecutively numbered and the names and the addresses of the owners provided to the City as described below. Please devise your own consecutive numbering system on the map and ignore the lot number, Assessors number, or any other number already found on the lots on the vicinity maps. An "adjacent properties" vicinity map does not involve a set radius but rather needs to identify all properties behind, beside, and in front of the proposed project site, as shown below. The city's planning staff can provide the base map for preparing the vicinity map for a nominal charge. Applicants may also prepare their own maps, at a clearly marked scale of not less than 1" = 200'.

PROPERTY OWNERS MAILING LIST

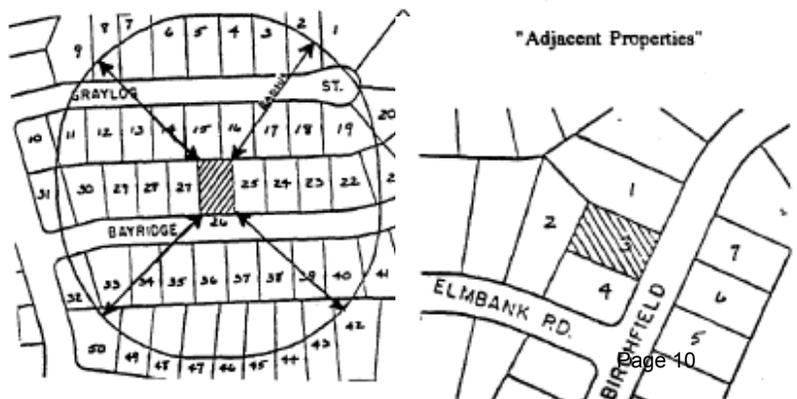
The property owner of every parcel (even if vacant, rented or government owned), which falls completely or partially within the required radius on the vicinity map must be identified, placed on a mailing list and submitted to the City. The name and address of every property owner along with the assigned lot identification number, which corresponds to the vicinity map, must be neatly typed on 8 1/2" x 11 sheets of Xerox or Avery self-adhesive labels, as shown below. Two (2) sets of self-adhesive labels and a Xerox copy of the list must be provided to the City with your subject application. These labels will be used by the City to mail notice of your subject application to neighboring property owners. The property owners list must be obtained from the most current L.A. County Tax Assessor's roll. The City does not provide this service. The Assessor's office located at 500 W. Temple Street, Room 205, Los Angeles, CA 90012. Office hours are 8:00 am to 4:30 pm Monday-Friday. The telephone number is (213) 974-3441.

SAMPLE MAILING LABELS

Assigned Lot I.D. Number
Property Owner Name
Address
City, State, Zip Code

1	2
Harold Jackson	Malcolm Hill
773 Graylog	4117 Greenwood Meadow
RPV, CA 90275	Torrance, CA 90503

SAMPLE VICINITY MAPS





City of RANCHO PALOS VERDES

Department of Planning, Building & Code Enforcement

CERTIFICATION OF PROPERTY OWNERS' MAILING LIST

Application(s) _____

Applicant Name _____

Subject Property Address _____

Notice Radius Required _____

Number of property owners to be notified _____

I certify that the property owners' mailing list submitted with the application(s) listed above includes all of the persons listed on the latest adopted LA County Tax Roll as the legal owners (and if applicable occupants) of all parcels of land within _____ feet of the subject property noted above. I certify that the property owners' mailing list has been prepared in accordance with the City of Rancho Palos Verdes Development Code and "Vicinity Map Instructions Sheet." I also understand that if more than 20% of the notices are returned by the post office after mailing due to incorrect address information, or if the address information is not complete, that I will have to submit a new property owners' list that has been prepared and certified as accurate by a Title Company or other professional mailing list preparation service, and the project notice will have to be re-mailed.

Property Owner (Applicant) Signature

Date

Name (Please Print)

who may prepare radius maps and mailing lists

Blue Energy
P.O. Box 3305
Palos Verdes Peninsula, CA 90274
(310) 465-1825
Attn: Natalie Kay

G.C. Mapping
711 Mission St., Suite D
So. Pasadena, CA 91030
(626) 441-1080
Attn: Gilbert Castro

JPL Zoning Services, Inc.
6263 Van Nuys Blvd.
Van Nuys, CA 91401-2711
(818) 781-0016
(818) 781-0929 (FAX)
Attn: Maria Falasca

Kimberly Wendell
P.O. Box 264
Los Alamitos, CA 90720
(562) 431-9634
(562) 431-9634 (FAX)

Nieves & Associates
115 So. Juanita Ave.
Redondo Beach, CA 90277
(310) 543-3090

NotificationMaps.com
23412 Moulton Parkway, Ste. 140
Laguna Hills, CA 92653
(866) 752-6266
www.notificationmaps.com
Attn: Martin Parker

Ownership Listing Service
P.O. Box 890684
Temecula, CA 92589
(800) 499-8064
(951) 699-8064 (FAX)
Attn: Cathy McDermott

Sir Speedy Mapping Service
1073 Kendall Drive
San Gabriel, CA 91775
(626) 281-6274
Attn: James Chang

Srour & Associates, LLC
1001 Sixth Street, Suite 110
Manhattan Beach, CA 90266
(310) 372-8433
Attn: Elizabeth Srour

Susan W. Case
917 Glenneyre St., Ste. 7
Laguna Beach, CA 92651
(949) 494-6105
(949) 494-7418

T-Square Mapping Service
969 So. Raymond Ave., Floor 2
Pasadena, CA 91105
(626) 403-1803
(626) 403-2972 (FAX)
Attn: Darla Hammond

Robert Vargo
5147 W. Rosecrans
Hawthorne, CA 90250
(310) 973-4619