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Attorney for Plaintiffs and Petitioners
CITIZENS FOR ENFORCEMENT OF
PARKLAND COVENANTS and JOHN
HARBISON

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES – CENTRAL DISTRICT

CITIZENS FOR ENFORCEMENT OF
PARKLAND COVENANTS, an
unincorporated association and JOHN
HARBISON,

Plaintiffs and Petitioners,

vs.

CITY OF PALOS VERDES ESTATES, a
municipal corporation; PALOS VERDES
HOMES ASSOCIATION, a California
corporation; PALOS VERDES
PENINSULA UNIFIED SCHOOL
DISTRICT, a political subdivision of the
State of California,

Defendants and Respondents,

ROBERT LUGLIANI and DELORES A.
LUGLIANI, as co-trustees of THE
LUGLIANI TRUST; THOMAS J. LIEB,
TRUSTEE, THE VIA PANORAMA
TRUST U/DO MAY 2, 2012 and DOES 1
through 20,

Defendants and Real Parties in
Interest.

Case No.: BS142768

(Assigned for all purposes to
Hon. Joanne O'Donnell, Dept. 86)

**REQUEST FOR JUDICIAL NOTICE IN
OPPOSITION TO DEMURRER TO
FIRST AMENDED PETITION AND
COMPLAINT BY ROBERT LUGLIANI,
DELORES LUGLIANI, AND THOMAS J.
LIEB**

Hearing Date: January 3, 2013
Hearing Time: 1:30 p.m.
Department: 86

Action Filed: May 13, 2013
Trial Date: June 20, 2014

1 Pursuant to Evidence Code section 452, plaintiffs Citizens for Enforcement of
2 Parkland Covenants and John Harbison respectfully requests that the Court take judicial
3 notice of the following documents in support of plaintiff's Opposition to Demurrer:

- 4 1. Palos Verdes Estates Municipal Case section 18.16, a true and correct copy of
5 which is attached hereto as Exhibit "A."

6
7 DATED: December 19, 2013

BROEDLOW LEWIS LLP

8
9 By: 
10 Jeffrey Lewis

11 Attorneys for Plaintiffs and Petitioners
12 CITIZENS FOR ENFORCEMENT OF
13 PARKLAND COVENANTS and JOHN
14 HARBISON

EXHIBIT A

Chapter 18.16 OS ZONE

Sections:

- [18.16.010](#) Purpose and intent.
- [18.16.020](#) Uses permitted.
- [18.16.025](#) Uses permitted with a conditional use permit.
- [18.16.030](#) Uses requiring specific development plan.
- [18.16.040](#) Specific development plan.
- [18.16.050](#) Coastal zone limitations on development in bluffs.

18.16.010 Purpose and intent.

The purpose of the open space (OS) zone is to preserve, promote and enhance valuable natural and open space resources in the city. It is also the purpose of the application of this zone to assure that uses of the open space lands and facilities are compatible with other permitted uses in the community.

The open space zone land consists of all publicly owned land including all city-owned land, including parklands and street rights-of-way, except any land within the coastal zone as defined by the California Coastal Commission, all school sites utilized or owned by the Palos Verdes Peninsula Unified School District, all sites utilized or owned by the Palos Verdes Peninsula Library District, and all land owned or which could be owned by the Palos Verdes Homes Association as a result of the exercise of any reversionary rights.

The provisions of this chapter are intended to provide criteria and procedures by which these resources may be properly used and maintained. It is further the intent of these provisions to implement the goals and objectives of the conservation and public facilities sections of the Palos Verdes Estates general plan. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 450 § 1, 1987; Ord. 449 § 1, 1987; Ord. 373 § 2, 1983)

18.16.020 Uses permitted.

The following uses shall be permitted in the OS zone:

- A. Undeveloped natural open space available for visual and physical enjoyment of the public;
- B. Elementary school facilities in use as elementary schools on January 1, 1985, including classrooms, meeting rooms, administration, and physical education facilities including playgrounds and sports courts;
- C. Public intermediate or junior high school facilities in use as intermediate or junior high schools on January 1, 1985, including classrooms, meeting rooms, administration, and physical education facilities including playgrounds and sports courts;
- D. Public high school facilities in use as high schools on January 1, 1985, including classrooms, meeting rooms, administration, and physical education facilities including playgrounds and sports courts;
- E. Citizens, parent-teacher associations, Camp Fire Girls, Boy Scout troops, Girl Scouts, YMCA, YWCA, farmers' organizations, school-community advisory council, senior citizens' organizations, clubs and associations formed for recreational, educational, political, economic, artistic or moral activities of the public school districts may engage in supervised recreational activities and they may meet and discuss, from time to time, as they may desire, any subjects and questions which in their judgment pertain to the educational, political, economic, artistic and moral interests of the

citizens of the committees;

F. Public, literary, scientific, recreational, education or public agency meetings;

G. The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies;

H. Supervised recreational activities;

I. Libraries in use as libraries as of January 1, 1985;

J. Open space for the preservation of natural resources, including without limitation areas required for the preservation of plant and animal life, habitat for fish and wildlife species, areas required for ecologic and other scientific studies, and rivers, streams and estuaries; and

K. Open space areas needed for public health and safety, including without limitation areas which require special city management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, and areas required for the protection of water quality and water reservoirs. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 450 § 1, 1987; Ord. 449 § 1, 1987; Ord. 373 § 2, 1983)

18.16.025 Uses permitted with a conditional use permit.

The following uses may be permitted in the OS zone with the granting of a conditional use permit in the manner prescribed in Chapter [17.20](#) PVEMC:

A. Public special education and continuation classrooms, public adult education classrooms, public school nonclassroom facilities and new public school facilities;

B. Firehouses;

C. Parks or playgrounds, other than as permitted in PVEMC [18.16.020](#);

D. Private schools, which include classroom uses;

E. Art galleries, museums or libraries open to the public;

F. The conduct of religious services;

G. Private studios for artists, musicians and other cultural and scientific endeavors;

H. Uses of existing facilities or public property which are not permitted by PVEMC [18.16.020](#). (Ord. 700 § 2 (Exh. 1), 2012; Ord. 450 § 2, 1987; Ord. 449 § 2, 1987)

18.16.030 Uses requiring specific development plan.

A specific development plan shall be required with the submission of an application for a conditional use permit when there is new construction, structural alteration, modification or additions to any structure and/or open space facility such as parks, playgrounds, parking lots, perimeter or interior landscaping, fencing, walls, lighting, utilities or paving on a site in the OS zone.

The specific development plan shall be prepared and processed in accordance with PVEMC [18.16.040](#). (Ord. 700 § 2 (Exh. 1), 2012; Ord. 450 § 1, 1987; Ord. 449 § 1, 1987; Ord. 373 § 2, 1983)

18.16.040 Specific development plan.

A. Applicant. Application for a specific development plan shall be made by the owner of the property involved or the owner's duly authorized representative or by a purchaser or lessee of the property with the written consent of the owner.

B. Application. The application shall be filed with the city on the form provided by the city for that purpose. The application shall include the following documents and information:

1. The property involved, including the identification of any geologic, seismic or other safety hazards present on the site and mitigation measures proposed, existing uses of the site, legal description of the site and relationship of the site to surrounding land uses;
2. The proposed use of the site and its relationship to the general plan and this chapter, the location and identification of all proposed structures, together with height, bulk and setback limitations;
3. Elevations and type, color and texture of all exterior materials of all structures, existing and proposed;
4. The location, height and exterior materials of all walls and fences, existing and proposed;
5. Provisions for public and private transportation, water supply, sewerage disposal, stormwater drainage, disposal of solid wastes, and energy supply;
6. The location, number of spaces, dimensions and circulation pattern of all off-street parking and loading areas, existing and proposed;
7. The location, size, height, exterior materials and lighting of all signs, existing and proposed;
8. The location and type of all outdoor lighting, existing and proposed;
9. The location and extent of existing and proposed streets and proposed street improvements;
10. A landscape plan indicating existing and proposed natural features such as vegetation, watercourses, and topography;
11. Standards for the maintenance and preservation of landscaping and natural resources;
12. A radius map and a certified list of the names and addresses of all property owners within three hundred feet from the exterior boundaries of the property involved, as shown on the latest assessment roll of the county treasurer;
13. Proposed implementation measures and conditions necessary to comply with this title and the general plan; and
14. Such additional information as the planning commission, from time to time, may deem necessary or desirable.

C. Application Fee. The application shall be accompanied by the payment of a filing fee, as established by resolution of the city council.

D. Upon the acceptance of a completed application, the director shall review the application for conformance with the provisions of this title. The director shall prepare a recommendation and forward the recommendation, application, and other relevant materials to the planning commission and schedule the matter for public hearing before the planning commission pursuant to the provisions of PVEMC [17.04.100](#). The planning commission shall hold such public hearing and make a written recommendation to the city council.

E. The city council, after receipt of the recommendation of the planning commission, shall hold a final hearing upon the proposed application and take such action as it deems appropriate.

F. Adoption a Legislative Act. The adoption of a specific development plan and any amendment thereto is a legislative act which shall be reviewable pursuant to Cal. Civ. Proc. Code § 1085 and shall be subject to initiative and referendum.

G. Procedure for Administration. Every specific development plan adopted by the city shall be administered in accordance with the provisions of Cal. Gov. Code Title 7, Division 1, Chapter 3, Article 8, Specific Plans, commencing with Cal. Gov. Code § 65450. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 373 § 2, 1983)

18.16.050 Coastal zone limitations on development in bluffs.

The provisions of PVEMC [18.16.020](#) and [18.16.030](#) notwithstanding, structures, additions to structures, grading, stairways, pools, tennis courts, spas or solid fences may be constructed on private property on, or within fifty feet of, the bluff edge only with a coastal development permit granted by the city only after preparation of a geologic report and findings by the city that the proposed structure, addition, grading, stairway, pool, tennis court, spa, and/or solid fence:

A. Poses no threat to the health, safety and general welfare of persons in the area by reason of identified geologic conditions which cannot be mitigated; and

B. The proposed structure, addition, grading, stairway, pool, tennis court, spa, and/or solid fence will minimize alteration of natural landforms and shall not be visually intrusive from public view points in the coastal zone. Permitted development shall not be considered visually intrusive if it incorporates the following to the maximum extent feasible:

1. The development is sited on the least visible portion of the site as seen from public view points;
2. The development conforms to the scale of existing surrounding development;
3. The development incorporates landscaping to soften and screen structures; and
4. The development incorporates materials, colors, and/or designs which are more compatible with natural surroundings. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 535 § E, 1991)

The Palos Verdes Estates Municipal Code is current through Ordinance 13-702, passed September 10, 2013.

Disclaimer: The City Clerk's Office has the official version of the Palos Verdes Estates Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.pvestates.org>
(<http://www.pvestates.org>)
City Telephone: (310) 378-0383
Code Publishing Company
(<http://www.codepublishing.com/>)