

**MINUTES OF A REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF
PALOS VERDES ESTATES, CALIFORNIA**

October 28, 2008

A regular meeting of the City Council of the City of Palos Verdes Estates was called to order this day at 7:30 p.m. in the City Council Chambers of City Hall by Mayor Joseph C. Sherwood.

**ROLL CALL: Councilmembers Rea, Humphrey, Mayor Pro Tem Perkins,
Mayor Sherwood**

ABSENT: Councilmember Goodhart

ALSO PRESENT: City Manager Hoefgen, Assistant City Attorney Ailin

CLOSED SESSION: Council adjourned to Closed Session at 6:35 p.m.

**Conference with Legal Counsel – Anticipated Litigation
Initiation of litigation pursuant to subdivision (c) of Government Code
Section 54956.9: one matter**

RECONVENE: Council reconvened at 7:30 p.m.

**ALSO PRESENT: Assistant City Manager Smith, Police Chief Dreiling, Public Works
Director Rigg, City Treasurer Ritscher, Administrative Analyst Davis,
Minutes Secretary Monson**

PLEDGE OF ALLEGIANCE

MAYOR'S REPORT – Matters of Community Interest

PVE CARES will have their Annual Health Fair on November 7th from 10:00 a.m. to 2:00 p.m. at the Neighborhood Church.

Mayor Sherwood attended the dedication of the Marilyn Ryan Ocean Trails Point Park in Rancho Palos Verdes on October 26th. Mr. Ryan was actively involved in the incorporation of the City of Rancho Palos Verdes and went on to be active in the State Assembly.

CONSENT AGENDA

David Semmer, [PVE Resident], requested that Item #4 (R08-33) be pulled from the Consent Agenda.

It was moved by Councilmember Humphrey, seconded by Mayor Pro-Tem Perkins and unanimously approved that the following Consent Agenda item, except Item #4 (R08-33), be approved (4-0, Goodhart absent):

CITY COUNCIL 10-28-08

- MINUTES OF CITY COUNCIL MEETING OF OCTOBER 14, 2008
- CITY TREASURER'S REPORT – SEPTEMBER 2008
- CITY TREASURER'S QUARTERLY INTEREST REPORT – JULY-SEPTEMBER 2008
- ACCEPT AS COMPLETE THE CONSTRUCTION CONTRACT PW-542-08; FY 08-09 CITY OVERLAY PROJECT IN THE AMOUNT OF \$545,124.08; AND DIRECT THE CITY CLERK TO FILE THE NOTICE OF COMPLETION, AND RELEASE THE 10% RETENTION 30 DAYS AFTER THE COUNTY RECORDER'S OFFICE RECORDS THE NOTICE OF COMPLETION, IF NOT STOP NOTICES ARE FILED
- CONFIRM RESOLUTION R96-47 AS THE GOVERNING PROVISIONS FOR THE CANDIDATE STATEMENTS AND ESTABLISH THE CANDIDATE STATEMENT DEPOSIT FEE IN THE AMOUNT OF \$275 FOR THE MARCH 3, 2009 GENERAL MUNICIPAL ELECTION
- PLANNING COMMISSION ACTIONS OF OCTOBER 21, 2008

CDP-68/M-672-08; Consideration of Coastal Development Permit and Miscellaneous Applications requesting after-the-fact approval for non-permitted structures at the single family residence located at 237 Rocky Point Road. Lot 18, Tract 17606.
 Applicant/Owner: Takashi Yasutake
 Approved with conditions

NC-1329/GA-1435-08; Consideration of Neighborhood Compatibility and Grading Applications for a new single family residence located at 3729 Via La Selva. Lot 16, Block 6211, Tract 6887.
 Owner: Mr. and Mrs. Schiappa
 Approved with conditions

NC-1311R/GA-1426R-08; Consideration of revised Neighborhood Compatibility and revised Grading Applications for a new single family residence located at 4021 Via Picaposte. Lot 16, Block 6313, Tract 7143.
 Owner: Andrew Martz
 Approved with conditions

NC-1336/GA-1439-08; Consideration of Neighborhood Compatibility and Grading Applications for additions to the single family residence located at 601 Via Del Monte. Lot 1, Block 1615, Tract 6884.
 Owner: Brent and Linda Flynn
 Approved with conditions

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NC-1332/GA-1436-08; Consideration of Neighborhood Compatibility and Grading Applications for a new single family residence located at 856 Via Somonte. Lot 3, Block 1539, Tract 6884.

Owner: Hsintah Lin

Approved with conditions

NC-1298RII-08; Consideration of a revised Neighborhood Compatibility Application for revisions to the new single family residence located at 540 Paseo Del Mar. Lot 4, Block 1412, Tract 6886.

Owner: Marcus Linden

Approved with conditions

NC-1218R-08; Consideration of a revised Neighborhood Compatibility Application for revisions to the new single family residence located at 2220 Via Acalones. Lot 4, Block 1635, Tract 7330.

Owner: Libiano Investments Inc.

Denied

RESOLUTION R08-83; GRANTING IN PART AND DENYING IN PART AN APPEAL OF THE ACTION OF THE PLANNING COMMISSION GRANTING APPROVAL OF AN AFTER-THE-FACT REVISED NEIGHBORHOOD COMPATIBILITY APPLICATION AT 4101 VIA PICAPOSTE. LOT 9 AND PORTIONS OF LOT 10, BLOCK 6314, TRACT 7143

David Semmer, [PVE Resident], spoke in opposition of R08-33. Mr. Semmer stated that in March 2006 the Planning Commission approved the design of his home with both chimneys. The approval was a result of the prior meeting's recommendations to reduce the square footage and ridge heights. As part of the discussion, the size of the home was discussed as was the ridge height, but no mention of the chimneys, and the Planning Commission voted its approval. In April 2007 he applied for approval of changes made by the Art Jury. These changes were made to the entrance of the house and it was questioned during the meeting why this item wasn't presented as a Consent Item. The northern portion of the house, as constructed, is virtually identical to the northern portion approved in the March 2006 Planning Commission meeting. The height, width, and depth of the approved northern chimney is virtually identical to what was constructed. His issues with R08-33 are threefold – economic, fundamental grounds of Neighborhood Compatibility, and authority. At the last (City Council) meeting a comment was made to simply burn gas logs in the fireplace. The issue is cost, as replacing the masonry wood-burning fireplace with a metal box affects the interior and exterior of the home and would cost \$12,000 to \$15,000 as estimated by his contractor. An alternative, that Inspector Mike Ross was comfortable with, would involve only the removal of the exterior chimney and redirection of the ventilation which would cost \$5,500 to \$7,500. Under the grounds of Neighborhood Compatibility, the Resolution states 1) the chimney has a scale that is not in character with the neighborhood, 2) is part of a structure visible from surrounding areas, and 3) it is visible from a distance while traveling on the adjacent street. He argues that the chimney is no higher than the highest ridge line. As regards authority, the chimney was denied when submitted at Staff level for a minor modification approval and it was sent to the Planning Commission for approval.

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Mayor Sherwood asked Mr. Semmer to complete his thoughts and that his three minutes were up.

Mr. Semmer said that architect Russ Barto has confessed to his errors and procrastination involved with the project and he asked that the Council honor the original approval, dated in March of 2006, and allow him to keep his chimney and not suffer an economic hardship.

Director Rigg responded that Mr. Semmer was correct; there were a set of plans that were approved in 2006. These plans showed two chimneys although not in the locations where they are built. The plans were brought back in 2007 for a revised Neighborhood Compatibility where the massing of the home was dramatically changed especially along the westerly elevation. The 2007 plans did not show chimneys. The approval was for a significantly different house with significantly different massing and the chimneys were not on those plans. He does not know why the chimneys were left off of these plans. The Resolution talks about the procedure for converting the wood-burning to a gas-burning and that is not part of the findings the Council made to deny the approval of the chimney.

It was moved by Mayor Pro-Tem Perkins, seconded by Councilmember Rea and unanimously approved to adopt Resolution R08-33; granting in part and denying in part the action of the Planning Commission granting approval of NC-1226RII-08, a Revised Neighborhood Compatibility Application for two chimneys at the single-family residence located at 4101 Via Picaposte. (4-0, Goodhart absent)

COMMUNICATIONS FROM THE PUBLIC - none

NEW BUSINESS

RESOLUTION R08-30 CALLING FOR THE ELECTION OF CERTAIN CITY OFFICERS AND RESOLUTION R08-31 REQUESTING THE COUNTY REGISTRAR PROVIDE CERTAIN SERVICES RELATING TO THE CITY'S GENERAL MUNICIPAL ELECTION – MARCH 3, 2009

Assistant City Manager Smith reported that the City's General Municipal Election will be held on Tuesday, March 3, 2009. Two Resolutions require Council approval. One is calling for the election of two members of the City Council and the position of City Treasurer. The second Resolution requests the Los Angeles County Board of Supervisors direct the County Registrar/Recorder to provide certain election services on the City's behalf.

It was moved by Councilmember Rea, seconded by Councilmember Humphrey, and unanimously approved to adopt Resolution R08-30 calling for the election of City officers, and Resolution R08-31 requesting the Los Angeles County Board of Supervisors to have the County Registrar/Recorder provide certain election services. (4-0, Goodhart absent)

CONSIDERATION OF A REQUEST BY THE CITY OF LOS ANGELES TO CONSOLIDATE THE PRIMARY NOMINATING AND SPECIAL ELECTIONS FOR CITY COUNCIL 10-28-08

MEMBERS OF THE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES WITH THE GENERAL MUNICIPAL ELECTION OF THE CITY OF PALOS VERDES ESTATES TO BE HELD MARCH 3, 2009 AND ADOPTION OF RESOLUTION R08-32

Assistant City Manager Smith reported that the City of Los Angeles conducts elections that also fall on the General Municipal Election day for Palos Verdes Estates which is March 3, 2009. Los Angeles City runs the Los Angeles Unified School District elections and also the Community College District Board elections. The Community College District is encompassed 100% by the jurisdictional boundaries of Palos Verdes Estates. The City of Los Angeles has requested that Palos Verdes Estates consolidate their elections with our election which we have done since 2003. There are several districts up for election on the Community College District's Board – Districts 2, 4, and 6 and also a Special Election to fill an unexpired term for District 7. Palos Verdes Estates has not experienced any difficulties in the past in the consolidation. The City benefits by sharing the costs and can bill the City of Los Angeles for part of conducting the election. In 2007 the City received a reimbursement check for more than \$18,000.

It was moved by Councilmember Humphrey, seconded by Mayor Pro-Tem Perkins and unanimously approved to accept the request to consolidate the City of Los Angeles Primary Nominating and Special Elections for the Los Angeles Community College District Board of Trustees with the City of Palos Verdes Estates General Municipal Election of March 3, 2009, and adopt Resolution R08-32. (4-0, Goodhart absent)

STAFF REPORTS

City Manager's Report - none

DEMANDS

It was moved by Councilmember Rea and seconded by Councilmember Humphrey that the demands, as approved by a majority of the City Council, totaling \$226,982.85 be allowed and it was unanimously approved.

It was moved by Councilmember Rea and seconded by Councilmember Humphrey that the demands, as approved by a majority of the City Council, No.514324 to 514391 totaling \$700,661.23 be allowed and it was unanimously approved.

MAYOR & CITY COUNCILMEMBERS' REPORTS - none

ADJOURNMENT

There being no further business before Council the meeting was adjourned at 8:50 p.m. to Tuesday, November 11, at 7:30 p.m. in the City Council Chambers of City Hall.

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RESPECTFULLY SUBMITTED,

MICHÉLE D. MONSON, MINUTES SECRETARY

APPROVED:

JOSEPH C. SHERWOOD, JR., MAYOR

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