

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

**November 11, 2008**

**A regular meeting of the City Council of the City of Palos Verdes Estates was called to order this day at 6:30 p.m. in the City Council Chambers of City Hall by Mayor Joseph C. Sherwood.**

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

**ALSO PRESENT: City Manager Hoefgen, City Attorney Pannone**

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

**Conference with Legal Counsel – Existing Litigation  
Pursuant to Government Code Section 54956.9 (a)  
Iannitti v. City of Palos Verdes Estates, Case No. BS117627**

**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**

City Attorney Pannone reported that the City Council authorized and directed him to file a cross complaint against the Iannitti's.

**PLEDGE OF ALLEGIANCE**

**MAYOR'S REPORT – none**

**CONSENT AGENDA**

It was moved by Councilmember Humphrey, seconded by Mayor Pro-Tem Perkins, and unanimously approved that the following Consent Agenda items be approved with Councilmember Goodhart abstaining from Item #1 (Minutes):

- MINUTES OF CITY COUNCIL MEETING OF OCTOBER 28, 2008
- MONTHLY FINANCE REPORT – OCTOBER 2008
- ADOPT RESOLUTION R08-35 REGARDING EMPLOYER PAYMENT OF THE EMPLOYEE CONTRIBUTION AS REQUIRED BY CALPERS AND IN CONFORMANCE WITH IRS REVENUE RULING 2006-43
- ADOPT RESOLUTION R08-36 TO DECLARE THAT THE CITY PUBLIC WORKS DIRECTOR IS AUTHORIZED TO EXECUTE THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY EXCHANGE AGREEMENT AND ASSIGNMENT OF FEDERAL SURFACE TRANSPORTATION PROGRAM – LOCAL (STPL) FUNDS

**COMMUNICATIONS FROM THE PUBLIC**

Resident Sheila Teisher, [address redacted], gave copies of documents to the City Clerk that she asked to be distributed to the City Council for their review regarding her concerns with the City staff using the standard conditions of approval tacked on to every property at the Planning Commission meetings which gives the staff authority to plant trees in the parkway in accordance with the Public Works Director's decisions. She said these conditions are being interpreted not merely to replace older trees,

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but to add more trees which causes a known deprivation of other neighbors' views. Her view has now been affected by the planting of three street trees at 976 Via del Monte. The property had no prior street trees ever. The trees that were planted will grow to a height of over 20 feet and 11 feet wide and are in her view line. Her neighbor at [redacted] Via del Monte also has their view impacted. Several years ago she worked with the Palos Verdes Homes Association on a landmark case that removed trees that were obstructing her view from 972 Via del Monte which is immediately adjacent to where the new trees have been planted. She wondered how many property owners are not aware of what is occurring in the Planning Department in adding more trees to the City. She would like the Council to address the removal of the trees that should not have been planted at 976 Via del Monte and also address the correction of this policy that should not be allowed to take away property owners view values.

## **PUBLIC HEARING**

### **RESOLUTION R08-34; ADOPTING THE UPDATED HOUSING ELEMENT OF THE PALOS VERDES ESTATES GENERAL PLAN**

Mayor Sherwood asked if Public Notice had been given, City Clerk Smith responded that it had been.

Planning Director Rigg reported that the State of California requires the City to maintain a comprehensive long-term General Plan for physical development. The plan is required to include a minimum of seven elements including a housing element. The government code further requires every local government to regularly review its housing element and make updates. Palos Verdes Estates has employed the consulting services of Sandra Genis Planning Resources to prepare this update. There is a significant limitation to what the City can do being a developed city. The Southern California Association of Governments (SCAG) has prepared a Regional Housing Needs Assessment. The City of Palos Verdes Estates has been assigned a housing needs assessment value of 72 to be achieved over the next five years. Section 6 of the Housing Element Update Report states goals established by the City and summarizes policies and programs for posting to implement the desired goals. Many policies and programs are consistent with the current policies and practices within the City. There are new provisions within the structure of the revised housing element: 1) provide for mixed commercial and residential use in commercial areas, which would require new standards to be outlined and adopted by the City, 2) develop an ordinance to implement a density bonus for projects that designate a percentage of units for lower income or senior housing, 3) to waive fees for the installation of energy facilities such as solar panels. The proposed revisions will not have a significant impact on the environment and a negative declaration was prepared.

Councilmember Humphrey asked who gave SCAG the authority to assign the numbers to each city. Director Rigg indicated the State Department of Housing and Community Development is charged with the implementation and regulation of housing elements and they allocate through regional groups such as SCAG.

Mayor Pro-Tem Perkins asked if there are mechanisms through which the City could challenge the number (72) assigned to Palos Verdes Estates. Director Rigg stated the basis for challenge is very difficult, there has to be significant flaws in the methodology and reasons why an area could not be developed. Director Rigg said the City does not have any basis for a challenge based upon the challengeable categories that SCAG puts forth.

Mayor Pro-Tem Perkins asked if this creates an enforceable right for someone to require the City to rezone or create additional housing to meet this goal. Attorney Pannone responded that under the current status of the law it does not set up that kind of remedy.

Director Rigg said the State is using redevelopment funds as a way to mandate and implement the housing element – they will withhold the redevelopment funds if a city does not comply. Rigg said Palos Verdes Estates does not receive these types of funds.

Mayor Pro-Tem Perkins asked where the higher density types of building would be built. Director Rigg said it would be in the redevelopment of multi-family residential units.

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Mayor Pro-Tem Perkins asked if the City would require the developers, as part of the approval process, to set aside a number of units designated as lower income. Director Rigg responded that a developer would come in with a tentative parcel map and when they go before the Planning Commission they would be allowed a certain number of additional units if they designated a number of units as low income units.

Councilmember Goodhart asked if the City is obligated to offset any of the costs involved with the developing new multi-family buildings. Director Rigg said the developers make it work on their balance sheet.

Attorney Pannone said there are grant opportunities for developers who build this type of housing.

City Manager Hoefgen said that agencies that have redevelopment activities typically use these funds to help close the shortfall or gap for the developers.

Councilmember Rea clarified that the City is not being required to build housing we are creating an environment where, if a developer would like to build and seek the density bonus, they can. The City is making a good faith effort to meet the goals set for us.

Mayor Sherwood asked where a developer would obtain the funds if a city did not have redevelopment funds. Director Rigg said there are other grant opportunities through the State for redevelopment.

Mayor Sherwood asked how the people are selected to live in these properties once they are built. Director Rigg said the levels of rent are set and it is up to the renters to prove their income level. City Manager Hoefgen said the City is not constructing the homes; it is a private construction scenario and the City would not be in the loop in terms of determining who would occupy the units. City Attorney Pannone said developers use a system like a lottery to choose who is going to occupy the units.

Mayor Sherwood declared the Public Hearing open, and seeing no one wishing to speak closed the Public Hearing.

It was moved by Councilmember Rea, seconded by Councilmember Goodhart, and unanimously approved to adopt Resolution R08-34; adopting the updated Housing Element of the Palos Verdes Estates General Plan.

## **ORDINANCES**

### **INTRODUCTION OF ORDINANCE 08-687; AMENDING SECTION 10.64.010 OF THE PALOS VERDES ESTATES MUNICIPAL CODE ESTABLISHING PRIMA FACIE SPEED LIMITS AND APPROVING THE POSTING OF SPEED LIMIT SIGNS ON LOCAL STREETS WITHIN THE CITY**

Director Rigg indicated the City last reviewed speed limits throughout the City in September of 2002. At that time no changes were needed. As required by law, the City has again reviewed the speed limits and some changes are required. The process for regulating speed limits is determined by the California Vehicle Code. The City must perform a traffic and engineering study and periodically readopt speed limits for each street where the City desires to be able to perform radar enforcement. The CVC provides three methods for establishing speed limits. First, the State establishes a maximum speed limit of 65 mph unless other conditions are met to result in a lower limit. Second, certain speed limits are automatically set based on conditions defined in the CVC referred to as prima facie limits and do not require signs for enforcement. Third, in order to vary from maximum or prima facie limits and use radar to enforce the speed limit, the speed limit must be based on a speed survey to establish a reasonable speed limit. The surveys are used to determine at what speed 85% of the vehicles are travelling at or below. As a result of the recent surveys, a total of three segments out of the 15 surveyed will have the limits raised and one will be lowered. On Granvia Altamira from the City limits to Via Fernandez the limit will be changed from 25 to 35 mph. On Palos Verdes Boulevard from the North City limits to Palos Verdes Drive North the limit will be changed from 30 to 35 mph (this survey was completed twice to verify the findings). On Paseo del Mar from Via Arroyo to Palos Verdes Drive West the limit will be changed from 30 to 35 mph. On Palos Verdes Drive West from Paseo Lunado to

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the South City limits will be changed from 35 down to 30 mph (this survey was completed twice to verify the findings).

Councilmember Rea asked what the ramifications would be if the City chose not to raise the speed limits on the three streets where the survey indicates a higher speed limit. Director Rigg replied that the Police Department could not use radar enforcement to write speeding tickets.

Chief Dreiling added that pacing is another method used to write citations for speeding, but it is difficult to pace a vehicle since the driver will see the officer and slow down.

Councilmember Goodhart asked where safety would override the 85% setting of the speed limit. Director Rigg said regulations do allow the City to lower the speed limit 5 mph below what the 85% limit would be for safety situations. He added that there are discussions at the State level to further modify the way that speed limits are set to make it more difficult for cities to set lower speed limits.

Mayor Sherwood said that the speed limit is automatically 25 mph adjacent to a school when school children are present or in a residential district. He was pleased to see 15 mph speed limits signs recently posted around Lunada Bay School and asked why this was done. Director Rigg said there are specific accommodations to lower the limit to 15 mph if a condition such as pedestrian traffic crossing a road warrants a lower speed limit.

Councilmember Goodhart said he is concerned about two of the streets listed to increase the speed limit. The first being Palos Verdes Boulevard at the North City entrance as you exit the City going northbound at Via Anita. He exits at this intersection in the morning and it is very difficult to pull into traffic safely and with an increase in the speed limit it will only get worse. He is also concerned with drivers entering the City at this same location and with an increased speed limit drivers going over the edge due to the slope (on the West side). The second area of concern is on Palos Verdes Drive West as you enter the City from the South. He has had a resident express their concern with drivers going too fast as they approach Palos Verdes Estates from Rancho Palos Verdes. There will be an even more significant speed difference with the limit being dropped to 30 mph. Director Rigg responded that the initial 85% speed survey for the North entrance at Palos Verdes Boulevard showed 41 mph so the survey was done a second time which showed 39 mph as the 85% mark. This allowed the City to set the limit at 35 mph. He agreed that for Palos Verdes Drive West coming into the City the 30 mph seems low, but the drivers quickly slow down when they enter Palos Verdes Drive West. The City Council has the option not to lower the speed limit from 35 to 30 mph hour based on local conditions if they feel this would be appropriate. The Traffic Safety Committee looked at this entrance several years ago looking for measures to slow down the vehicles as they enter Palos Verdes Estates and this could be revisited.

Mayor Pro-Tem Perkins noted that the Terranea Resort in Rancho Palos Verdes will be opening next summer and will increase the traffic through Palos Verdes Estates. She asked at what point would the City complete another survey to assess the speed of the increased traffic flow. Director Rigg said the trigger would not be based on increased volumes, but the Council can request a survey at anytime.

Mayor Sherwood asked where the greatest number of speeding tickets are issued in the City. Chief Dreiling said it is on Palos Verdes Drive West. Mayor Sherwood believes this is a good reason to slow down traffic with the reduced speed limit.

Director Rigg stated that the code is specifically written that the City can not tamper with setting speed limits. The City has an option to resurvey if it is felt the results were not typical for the area surveyed.

It was moved by Councilmember Humphrey, seconded by Councilmember Goodhart, and unanimously approved by a roll call vote to introduce Ordinance 08-687; an Ordinance of the City Council of the City of Palos Verdes Estates amending Section 10.64.010 of the Municipal Code establishing prima facie speed limits and approving the posting of speed limit signs on local streets within the City.

AYES: Councilmembers Rea, Goodhart, Humphrey, Mayor Pro-Tem Perkins, Mayor Sherwood

NOES: None

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ABSTAIN: None

ABSENT: None

## **STAFF REPORTS**

### **City Manager's Report**

City Manager Hoefgen reported that there are a number of items that Staff is working on for the Council, but they will not be ready to present at the November 25<sup>th</sup> Council meeting and he suggested the Council cancel their next scheduled meeting of November 25<sup>th</sup>. Council agreed.

## **DEMANDS**

It was moved by Mayor Pro-Tem Perkins and seconded by Councilmember Humphrey that the demands, as approved by a majority of the City Council, totaling \$216,636.44 be allowed and it was unanimously approved.

It was moved by Mayor Pro-Tem Perkins and seconded by Councilmember Humphrey that the demands, as approved by a majority of the City Council, No. 514324V, 514381V, 514392 to 514462 totaling \$95,118.96 be allowed and it was unanimously approved.

## **MAYOR & CITY COUNCILMEMBERS' REPORTS**

Mayor Sherwood thanked all the people who have served in the United States military and those that are currently serving in the Army, Navy, Coast Guard, Air Force, Marine Corps and National Guard. He thanked them on behalf of the City Council.

Mayor Sherwood highlighted his written report and reported that Emmagene Coffey has resigned as the Chair of the Planning Commission. Based on prior interviews, Mayor Sherwood contacted the current Chair of the Parklands Committee, Jennifer King, and he suggested that she serve on the Planning Commission if the Council is in agreement.

Councilmember Humphrey moved that rather than opening up applications for the vacant position on the Planning Commission, the City Council appoint Jennifer King to the Planning Commission. It was seconded by Mayor Pro-Tem Perkins and unanimously approved.

Councilmember Rea reported that he attended the Torrance South Bay YMCA Annual Dinner and Planning Commissioner George Bird was the recipient of the prestigious Good Neighbor Award.

Councilmember Humphrey reported that she attended the Neighborhood Watch Annual Meeting on November 9<sup>th</sup> which was well attended. She said the Sharon Ryan and Barbara Culver stepped down after four terms as Presidents and Dick Seaberg is the new President. It was a very informative meeting.

Mayor Sherwood said there was an outstanding turnout for the PVE CARES Health Fair on November 7<sup>th</sup>. He thanked John Eberhard, Laurie Slawson, and all the volunteers for their hard work.

**ADJOURNMENT**

There being no further business before Council the meeting was adjourned at 8:25 p.m. to Tuesday, December 9, at 7:30 p.m. in the City Council Chambers of City Hall.

RESPECTFULLY SUBMITTED,

MICHÉLE D. MONSON, MINUTES SECRETARY

APPROVED:

JOSEPH C. SHERWOOD, JR., MAYOR