

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

**JULY 8, 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 Humphrey, Goodhart, Mayor Pro Tem Perkins, Mayor Sherwood

**ABSENT:** Councilmember Rea

**CLOSED SESSION:** Council adjourned to Closed Session at 6:35 p.m.  
Matters of Personnel  
Pursuant to Government Code Section 54957  
Public Employee Performance Evaluation – City Manager

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

**ALSO PRESENT:** City Manager Hoefgen, City Attorney Pannone, Asst. City Attorney Ailin, Asst. 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 –**

Mayor Sherwood commented that the City supported the Independence Day Celebration, which is always excellent, held in Malaga Cove.

**CONSENT AGENDA**

It was moved by Councilmember Goodhart, seconded by Mayor Pro-Tem Perkins and unanimously approved that the following Consent Agenda items be approved:

- MINUTES OF CITY COUNCIL MEETING OF JUNE 24, 2008
- CLAIM REJECTION – CYNTHIA AHEARN (JUNE 19)
- TWO-YEAR ASSIGNMENT AGREEMENT WITH CITY OF TORRANCE FOR THE EXCHANGE OF EXCESS PROPOSITION A TRANSIT FUNDS
- RESOLUTION R08-18; DECLARING THAT THE CITY PUBLIC WORKS DIRECTOR IS AUTHORIZED TO EXECUTE PROGRAM SUPPLEMENT AGREEMENT NO. N003 TO FEDERAL MASTER AGREEMENT NO. 07-5283R
- PW-542-08; AWARD A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$536,999.28 TO HARDY AND HARPER, INC., FOR THE COMPLETION OF THE FY 2008-09 CITY OVERLAY PROJECT AND ADOPTION OF RESOLUTION R08-19; ADJUSTING THE FY 2008-09 BUDGET

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- PW-543-08; AWARD A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$363,342.58 TO AMERICAN ASPHALT SOUTH, INC., FOR THE COMPLETION OF THE FY 08-09 SLURRY SEAL PROJECT

## **COMMUNICATIONS FROM THE PUBLIC - none**

## **PUBLIC HEARINGS**

### **REQUEST TO APPEAL PLANNING COMMISSION APPROVAL OF NC-1151/GA-1346-04; NEIGHBORHOOD COMPATIBILITY AND GRADING APPLICATIONS FOR A NEW SINGLE FAMILY RESIDENCE LOCATED AT 2317 VIA ACALONES. LOT 19, BLOCK 1638, TRACT 7330**

Mayor Sherwood asked if Public Notice had been properly given. City Clerk Smith responded that is had.

Planning Director Rigg said this project is for a new single family residence. The application proposes a 2,108 sq. ft. first floor, a 1,995 sq. ft second floor, and a 674 sq. ft. garage. The project also includes a cellar. However, under the PVE Municipal Code the square footage of a cellar shall be excluded from calculating the floor area of the building. The total proposed floor area of the building is 4,777 sq. feet. The maximum allowed on this lot is 5,497 sq. feet. The gross floor area of the building is 5,876 sq. feet. Proposed grading is 2,016 cubic yards with a maximum cut depth of 18.5 feet. The project was reviewed by the Planning Commission on February 15, 2005. The project was approved, 4-0 with Commissioner Perkowitz recused, with standard conditions and two additional conditions: 1) that city standard curb and gutter be installed and, 2) the entire cellar floor level shall be eliminated including the laundry room, wine cellar, and crawl space. The approval was appealed by Diana Gdowski of 2320 Via Acalones. The appeal was denied by the City Council. Ms. Gdowski filed a lawsuit challenging the approval of the Neighborhood Compatibility permit on the grounds she was not given the opportunity to respond to the then Mayor's comments and drawings regarding the project and on the grounds that there was no substantial evidence to support the City Council's findings in Resolution R05-11. The City has been directed by the court to conduct a new hearing on Gdowski's appeal of the Planning Commission's decision. Director Rigg said all the information in the Staff Report is what was presented to the Planning Commission and the silhouette matches the plans that the Planning Commission reviewed. Ms. Gdowski's appeal contends that the proposed project does not comply with the Neighborhood Compatibility Ordinance because the project would have an impact on the view from her home. It also states the architect did not address the neighbors concerns and he did not accurately present the issues involved in the project. The appeal contends that the Planning Commission approval did not address the concerns of the neighbors.

Councilmember Goodhart said with the previous denial of the appeal the City Council imposed additional conditions and he wondered if these conditions apply now. Director Rigg said they do not. The project should be addressed as though the previous appeal hearing had not occurred.

Councilmember Goodhart asked if one of the Council's options would be to remand the project back to the Planning Commission. Director Rigg responded it would not. The Municipal Code has a specific process that allows the Council three options: 1) approve, 2) approve with additional conditions, or 3) deny. If it were denied, the only recourse for the applicant would be to go back to the Planning Commission with a revised project.

Architect Russ Barto, 3 Malaga Cove Plaza, said his role is to review the project and offer recommendations that would reduce the view impact on Ms. Gdowski's home while not impacting the privacy of surrounding neighbors. He recommends: 1) the project go back to the Planning Commission since it is three years old it should be reviewed at current standards which give closer scrutiny to gross square floor area, 2) transfer 600 sq. feet from the upper floor to the lower floor to maximize lot coverage, 3) move lower floor down slope 15 feet, 4) leave smaller upper level in

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present location, 5) lower house 3 feet to improve views and privacy, 6) change to a hip roof , and 7) use an 8 foot plate height.

Attorney Stanley Lamport, 2049 Century Park East Suite 2800 Los Angeles, wanted it noted that a neighbor's letter that was submitted showed it was received at 5:00 p.m. on July 3, but apparently the Clerk noted it in at 5:01 p.m. and did not include it in the official packet. It is from the neighbor (Jim Shultz) at 2715 (Via Acalones) who made the point that the proposed house, as it is currently sitting, is perched above his house which is all windows on the north face and he loses all his privacy. There are photographs attached to Ms. Gdowski's letter that show this. Mr. Lamport said that Neighborhood Compatibility is based upon existing conditions and he asked that the Council look at this project in terms of current conditions.

Owner Michael Aulert, 5112 Reese Road, Torrance, said that this was all discussed two years ago. They have moved the house around on the lot and lowered the house significantly to help the surrounding neighbors. The project won the approval of the Planning Commission and the City Council. They are only here due to a lawsuit because they couldn't make everyone in the neighborhood happy. The project is unchanged from the last time it was presented to Council. The house would have been done and built if not for the lawsuit. He feels it is unfair to make his project adhere to the current rules as opposed to when the project was originally approved.

*[residents' addresses redacted]*

Paul Lee, [PVE resident], said he had raised concerns regarding his privacy and the proximity of the proposed structure at the Planning Commission meeting. He feels the project is massive and will create a noise intrusion on his property.

Joan Ballreich, [PVE resident], agrees with Dr. Lee saying the structure is overwhelming and aesthetically does not fit the property. She is worried about the proximity of the project to her home.

Richard Jai, [PVE resident], said that one of the upper bedrooms in his home would have an 80% view obstruction if the proposed project is built. He would like the structure lowered as much as possible.

Michael Aulert would like the Council to adhere to the standards that were in place when the project was originally approved. He understands that some neighbors would like the structure to be moved 15 or so feet down the hill, but that would not be a viable solution to those neighbors that would be impacted by the move. The house is already sunk into the lot 18.5 feet and lowering any more would be not make for a good design. The roof design has already been approved by the City. He feels that 8 foot plates are not keeping with current designs.

Stanley Lamport said that everyone who spoke against the project feels the house is towering above the lower properties and has a lot of gross square footage that creates that problem as well as causing view impacts. They feel it is incompatible with surrounding properties and is a burden on everyone. The City ordinance says the Council must look at the project in terms of existing views, existing privacy, existing terrain, and existing character. This is a question of what is acceptable today as called for in the Neighborhood Compatibility ordinance. The structure is too high, too massive, and out of character. Everyone would like to see the structure lowered as much a possible through grading, roof design, plate heights, and moving down slope. The design does not preserve the neighbors' privacy. He asked the Council to require these suggestions to be incorporated into the design or deny the project. A lot if this is due to gross square footage on the property that exceeds the maximum floor area for the site.

Mayor Sherwood declared the Public Hearing closed.

Director Rigg stated that the standards to review are simply the findings within the Municipal Code that have remained the same since 1988. There has been a renaming of gross floor area from apparent square footage, but then, as well as now, the Planning Commission does look at the massiveness of the project and to try to understand the size of the project. The standards then are

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the standards now. The conditions the Council reviews the project under are what are on the site today. The silhouette pictures are current.

Councilmember Goodhart said it was implied that when this was reviewed by the Planning Commission there were different requirements then than now. Director Rigg said that was stated, but the only change is the renaming. At that time it was called gross floor area which were portions of a building that technically did not count as livable square footage, but which due to their size, like a plate height of less than 7 feet, did not count toward livable square footage. During that time and currently, those areas are counted and presented to the Planning Commission as a tool to try to understand the size of the home. Currently, it is called gross floor area and the City codified the definition of those areas. There is no finding, as far as Neighborhood Compatibility approval, that involves gross floor area or apparent square footage. It is a tool the Planning Commission uses to understand the size of a home. It is done now as was done then – if the livable square footage, the garage, and the gross floor area added together exceed the maximum allowed on the lot and those areas are contributing to some of the impacts, the Planning Commission requires the applicant to remove those. There is no formal policy nor codified way the Planning Commission involves these in regards to their decision making process.

Councilmember Humphrey clarified that the four findings in the Neighborhood Compatibility ordinance are the same now as then. She also clarified the total proposed floor area at 4777 square feet and the maximum allowed is 5497 and the maximum building height proposed is 26.4 feet and the allowable is 30. Director Rigg said that is true according to the strict zoning sections of the Code which regulate maximum floor area, height, and building coverage.

Mayor Pro-Tem Perkins reported that she reviewed the records, listened to the speaker's testimony, and visited the site. She understands the City Council's role is to make a determination whether or not the project as approved by the Planning Commission complies with the four items in Section 18.36.045 of the Municipal Code. She feels comfortable upholding the Planning Commission's decision.

Councilmember Humphrey walked around the proposed project site and she does not find this a massive project. She thinks it is difficult for communities when you have a vacant lot and then there is a development which changes the area. The project complies with all the requirements of the City ordinance. She supports the decision of the Planning Commission.

Councilmember Goodhart visited the property and neighborhood again to understand how the design looks in the current environment. He reviewed the packet compiled by the Staff and spoke earlier with Director Rigg for some clarifications, particularly on grading. The Council's role is to make sure the process followed by the Planning Commission was proper. He feels there is an excessive amount of grading on the project. There was a previous concern with the drainage which was solved by eliminating the pool. In terms of height, Councilmember Goodhart does not feel the project is out of character for the neighborhood. With regards to towering, it is a down slope lot and it would be impractical to bury the structure completely into the slope. For gross floor area, in comparison it is among the larger for the area, but due to the size of the lot a larger house can be accommodated. As for privacy, there are other properties in the City that have similar situations that have been approved. He suggested landscape screening to protect some of the privacy. He methodically made sure all the requirements for the Neighborhood Compatibility ordinance were met. He does feel the neighbors concerns were addressed. He would like to see an 8 foot plate used, eliminate the swimming pool, landscape used for privacy, and keep the chimney height at minimum. He supports the decision of the Planning Commission.

Mayor Sherwood visited the site and surrounding neighborhood. Neighbor Paul Lee does not want the project moved closer to his home. He clarified that silhouettes are certified and photographed. He found the project met the findings of the Neighborhood Compatibility ordinance. This is not a rural area and privacy will not be absolute. He supports the decision of the Planning Commission.

Director Rigg clarified that technically the drainage plan does not need to be an additional condition and the chimney heights are covered under the Municipal Code. The information regarding grading that Councilmember Goodhart had asked him for clarification was contained in the project

application – specifically the grading quantities under the home and in the yard area. The clarification did not involve any new information.

Councilmember Humphrey clarified a statement made regarding a letter from James Shultz that was received after the 5:00 p.m. deadline. The letter was stamped “Not Reviewed,” and placed in the Council mailboxes. She said she did read the letter prior to her comments this evening.

Councilmember Goodhart said there were several conditions that the City Council imposed during the previous hearing and he would like those conditions included as part of the approval.

Mayor Sherwood asked Director Rigg if that would be automatic. Director Rigg responded that it would not. The application before the Council is exactly as it came from the Planning Commission.

Councilmember Humphrey said if they were looking to add the five conditions that were added by the Council before, two are already covered by the City ordinance and do not need to be included in the motion.

Councilmember Goodhart moved that the City Council confirm the Planning Commission’s decision to approve NC-1151/GA-1346-04 Neighborhood Compatibility and Grading Application for a new single family residence located at 2317 Via Acalones with the following additional conditions: 1) the ridge height of the house and garage shall be reduced by one foot without additional grading, 2) the swimming pool is not approved, and 3) the landscape screening shall be planted at the rear property line and maintained at approximately 15 feet in height. It was seconded by Councilmember Humphrey and unanimously approved by a roll call vote.

- AYES: Councilmembers Goodhart, Humphrey, Mayor Pro Tem Perkins, Mayor Sherwood
- NOES: None
- ABSTAIN: None
- ABSENT: Councilmember Rea

**INTRODUCTION OF ORDINANCE 08-684; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, AMENDING SECTION 18.36.043 OF THE PALOS VERDES ESTATES MUNICIPAL CODE REGARDING THE REQUIREMENTS TO MET AND CONFER.**

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

Director Rigg reported that the Palos Verdes Estates Municipal Code states that all neighborhood compatibility applicants are required to hold a neighborhood meeting at a reasonable time and reasonable place at least 14 days prior to the Planning Commission meeting, the Notice to Meet and Confer. Neighbors have expressed concern that the neighborhood meeting is held at an unreasonable time in a location that is not easily accessible. Some neighbors have expressed concern that they are not notified of the meeting early enough to make arrangements to attend. Holding the meeting only two weeks prior to the Planning Commission review means that the project design is mostly complete and changes can not easily be made. The Council adopted the Notice to Meet and Confer several years ago to facilitate discussions early in the process before plans go before the Planning Commission and this has been greatly successful. There are four modifications to the current code: 1) the neighborhood meeting must be scheduled outside of business hours when there is daylight or during the day on a non-holiday weekend, 2) the meeting will be required to be held at the project site or when not possible at a location within City limits, 3) neighbors are to be notified of the neighborhood meeting at least one week prior to the meeting, and architects can be contacted to make alternate arrangements for those neighbors who can not attend, 4) the neighborhood meeting is to be schedule at least four weeks prior to the Planning Commission meeting. The proposed ordinance was reviewed and approved by the Planning Commission at their meeting on May 20, 2008.

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

Councilmember Humphrey thought that the ordinance was a good idea. The intent of the Notice to Meet and Confer is to get the communication process going prior to the Planning Commission meeting.

Councilmember Goodhart added that if there is a conflict for the meeting, the neighbors to have the option of contacting the designer or architect to make separate arrangements. It is not specified in the amendment. He would like this added.

Councilmember Humphrey wanted to be careful due to some contentious projects there may be people that use this to delay a project significantly.

Mayor Pro-Tem Perkins said the language could say the architect should be encouraged, but not required to set-up alternate arrangements. Attorney Pannone said the language could be added. Councilmember Humphrey said encouraged is better than required.

City Manager Hoefgen said the Council could introduce the ordinance as presented and implement the changes and, if this part of the ordinance becomes a problem, it can be brought back to Council to amend.

It was moved by Councilmember Humphrey, seconded by Mayor Pro-Tem Perkins, and unanimously approved by a roll call vote to introduce Ordinance 08-684, an ordinance of the City Council of the City of Palos Verdes Estates, amending Section 18.36.043 of the Palos Verdes Estates Municipal Code regarding the requirements to Meet and Confer.

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

NOES: None

ABSTAIN: None

ABSENT: Councilmember Rea

**INTRODUCTION OF ORDINANCE 08-685; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, ADDING SECTION 18.36.060 RELATING TO CHANGES TO NEIGHBORHOOD COMPATIBILITY PERMITS AND AMENDING SECTIONS 18.40.010 AND 18.40.030 OF THE PALOS VERDES ESTATES MUNICIPAL CODE.**

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

Director Rigg reported that per the Municipal Code Section 18.40 the Minor Modification process was established to allow the Planning Director to approve changes to entitlements that had been previously approved by the Planning Commission and the City Council. Primarily the entitlements are Neighborhood Compatibility and Grading applications. The Code states the modification process procedure is intended to provide a method of reviewing, approving or disapproving minor changes to existing, previously approved development entitlements as provided for in this title and Title 17 without deviating from any standards required pursuant to the Code. Staff has seen an increase in Minor Modifications submittals. Under current regulations all future changes to the structure and site must be reviewed and approved through the City either as a Minor Modification or revised Neighborhood Compatibility Application. The Code limits Staffs ability to approve these applications and has forced many of these revisions to go before the Planning Commission costing the applicant additional time and money and adding to the Commission's agenda. Recently, approximately 50% of

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the projects on the Planning Commission's agenda have been revised Neighborhood Compatibility Applications. The idea is to: 1) create an exemption for future changes to development entitlements, specifically Neighborhood Compatibility and, 2) modify the process of what can be approved under a Minor Modification. The Planning Department continually processes projects with changes such as 4 new patios and walkways. Current Code requires these modifications be reviewed by the Planning Commission. Under the new Ordinance these patios and walkways would be exempted from review. Other minor changes that would be exempt include: new landscape, changes to architectural features, and reductions in structure height or floor area. Examples of modifications that would not be exempt and approvable only as a Minor Modification are: increases in building lot coverage that totaled 200 sq. feet or less, any increases to the height of structures so long as it is no more than one foot, and relocation of walls outside the required set-backs. Only significant modifications would require Planning Commission review. Another section specifically dictates how the Planning Director makes these decisions. Director Rigg said that he will only approve a Minor Modification if he is confident that the Planning Commission would have approved it in the first place. The proposed ordinance was reviewed and approved by the Commission on June 17, 2008.

Councilmember Humphrey said this issue was thoroughly discussed at the Joint Planning Commission/Council meeting.

Mayor Sherwood opened the Public Hearing.

*[residents' addresses redacted]*

Max Chaing, [PVE resident], is concerned with the amendment to the ordinance. He believes that accountability is the most important issue in any public administration or public affair. He does not understand why anyone would assume responsibility without being accountable. The situation would be a one man jury instead of five-person commission. There may be the appearance of impropriety if broad discretion is given to the Director. We don't know who will be the Planning Commissioner in the future and this will impose undue responsibility on this person. He believes corporate action uses the joint wisdom to decide whether certain modifications should be approved. One modification may be minor to someone, but is major to a neighbor. For instance, the one foot height increase to a ridge would be major to a neighbor.

Margaret Chaing, [PVE resident], is concerned that decks, patios and walkways should be under Planning Commission review. Also, the relocation of a wall should be addressed by the Planning Commission and discussed. New landscape can affect the neighbors view – this is too dangerous without a review. The City is blessed to have the process of Neighborhood Compatibility. Every neighbor's right is equally protected. If there is a deviation after the fact by just one person's approval, everyone rights can not be addressed. She asked the Council to decline to act.

Director Rigg said the points are well taken in that the City is cautious to not take away the authority of the Council or the Planning Commission. The Neighborhood Compatibility talks about a structure and a structure only. As they go through changes on the site, many are not part of the Neighborhood Compatibility process in the first place. Also, during the Art Jury process there can be modifications that the City would not want to have to go before the Planning Commission. He appreciates that the power could be abused in the position in a particular situation and it is important for the City to choose their people wisely. He said it is unfortunate that the Chaing's live next to two of the most controversial projects in the City that have had significant conditions. He shares their concern, but the discretion of the Planning Director is very limited. The one foot ridge increase could potentially cause the most problem, but the way the findings and requirements are set up, the Planning Director has to make sure that the project conforms to the original findings. The only ridge height increases he has approved are where there are no view impacts.

Mayor Sherwood said he also had a concern with the ridge line change of one foot - if the Planning Commission approves a ridge line of 25 feet, could the architect come back and ask to make it 26 feet. Director Rigg said that would be possible. Director Rigg clarified that the ridge height is not an addition, it is already within the Code.

Mayor Pro-Tem Perkins said the City already has a Minor Modification Ordinance in place; this just tweaks it and adds additional items. Director Rigg said the main change is to add the exemption  
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process. Each application for a Minor Modification costs about \$500 to process, a delay in the project, and time at the Planning Commission meeting.

Mayor Pro-Tem Perkins stated that the ordinance does provide a process to report the decisions to the Planning Commission and the City Council.

Councilmember Goodhart wondered if ten years down the road after a decision has been made by the Planning Director and the decision comes to the Planning Commission and the City Council for oversight - if either of these bodies disagrees what is the recourse. Director Rigg said there is none. Councilmember Goodhart wondered if there should be a system of checks and balances in place. Director Rigg said he has been in his position for nine years and not one Minor Modification has been brought back for review. He said that within the Minor Modification process the format on the form has specific line items for the neighbors to sign-off on and this form becomes part of the record.

Councilmember Goodhart understands the intent of the ordinance, but is concerned that there is potential for one instance to override the intent of the Neighborhood Compatibility. He asked if there were an increase in the roof ridge height that is required for the neighbors to sign-off on. Director Rigg said the neighbor signature is only required when Staff feels that it is important for the neighbors to be involved. Councilmember Goodhart said that this is voluntary, not a requirement. Director Rigg does kick-back applications to the applicant asking for neighbors signatures showing that they don't feel that there is an impact either.

Councilmember Humphrey asked what would happen next if the neighbor won't sign the form. Director Rigg said the applicant would have to file a revised Neighborhood Compatibility Application.

Director Rigg said that when he gets a Minor Modification, he pulls the minutes of the meeting and look at the conditions that were placed on the project by the Planning Commission or City Council and then he looks to see if there is any real impact. Any conditions placed on the project by the City would stand. If there were any issues of concern during the approval process he would not consider these for Minor Modification approval.

Councilmember Goodhart said he is now more comfortable with the process. The concerns of the speakers were that changes could be made that no one would know about and they would have a huge impact on the neighborhood and there would be no recourse. Councilmember Goodhart said that the way the process folds out, after properties come under Planning Commission review and decision process there are modifications made and the City is approached for approval. As is stands now the project would go back to the Planning Commission; with the amended ordinance the Planning Director would make a judgment based on the criteria established by the Planning Commission.

Director Rigg said the City is not increasing in significant fashion the scope of what could be approved in any Minor Modification.

Mayor Sherwood asked if Director Rigg had seen in Palos Verdes Estates flawed construction plans or construction work where after the fact the ridge height is too high. Director Rigg said it had a number of times. Some get approved and others get sent back to Planning Commission. There was one case where the roof had to be torn down and rebuilt.

It was moved by Councilmember Humphrey, seconded by Councilmember Goodhart, and unanimously approved to introduce Ordinance 08-685, an ordinance of the City Council of the City of Palos Verdes Estates, adding Section 18.36.060 relating to changes to Neighborhood Compatibility permits and amending Sections 18.40.010 and 18.40.030 of the Palos Verdes Estates Municipal Code.

## **ORDINANCE**

### **INTRODUCTION OF ORDINANCE NO 08-686; AN ORDINANCE OF THE CTY COUNCIL OF THE CITY OF PALOS VERDES ESTATES RELATING TO VENDING FROM VEHICLES.**

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City Manager Hoefgen reported that this ordinance is follow-up to correspondence and meetings that the City has had related to the impact of catering trucks in residential neighborhoods throughout the City. Over the past few months, catering trucks are parking in a residential neighborhoods waiting for the construction workers to come to them. The concerns are with higher traffic volumes, safety, litter, trampling of landscape, and overall disruption to the peace and tranquility of the neighborhoods. Earlier this year the City contacted two of the catering truck operators and met with them individually to present to them the concerns of the neighbors. The owners agreed to suspend operations by Coronel Plaza/Cataluna Place neighborhood, but complied with this for only two weeks. And now they are concentrating on Granvia Altamira near the boarder of Rancho Palos Verdes. The City does have an ordinance on the books, but there is a need to tighten the regulations. The City Attorney helped to write a new ordinance with a number of requirements that would apply to the catering truck operators in town. The most significant regulation would be that the trucks would have to be within 500 feet of access to a toilet facility that they have permission to use, such as a porta-potty. A second change would be that the days and hours of operation would be Monday through Friday 9:00 a.m. to 5:00 p.m. – Saturdays would no longer be allowed. They would not be able to stay in one location longer then 30 minutes. They would be required to move at least 500 feet which would be an enforcement tool for the Police Department. The company would have to get an operators permit in order to do business in town and each individual person on the truck would have to have a vendors permit. Vendor permits would require a background check. There are other requirements in the ordinance. The permitting would be handled by the Planning Department and investigation and enforcement would be done by the Police Department.

Mayor Sherwood asked if the City could inspect the food quality and quantity. City Manager said the County Health Department does those inspections. The City can put on the application form the requirement to be approved by the County Health Department.

*[residents' addresses redacted]*

Frank Clark, [PVE resident], has been one of the residents sending correspondence to the City Manager and the Chief regarding this issue. He thanked them for their efforts. He reiterated that there is at least one often two catering trucks on their street that show up around 11:00 a.m. and depart at 1:00 p.m. Their street has become a total and complete commercial zone. There will be 20 – 40 trucks and vehicles parked around Coronel Plaza committing safety infractions. After the trucks depart the area is littered with trash which attracts crows. The residents are tired of keeping the area clean with trash patrol. They are also concerned with security. The residents want to thank the City Attorney, City Manager, and the Police Chief for their efforts to find a solution. The residents strongly endorse the passing of this ordinance.

Councilmember Goodhart commented that the requirement regarding the truck be located within 500 feet of a toilet is way too far away and thinks 100 feet is a better of distance. City Manager Hoefgen said the 500 feet measurement was arrived at since vendors have to move their trucks at least 500 feet after 30 minutes. Councilmember Goodhart said that would just move the crowd down the street.

Mayor Pro-Tem Perkins said that the City would not want to set up mini commercial zones. She likes that the City is taking steps to regulate the activity and completing background checks. She would like to make sure the regulations are enforced and acted upon swiftly. She is interested in amount of the fees that will be paid; it needs to cover the cost of additional enforcement.

Councilmember Humphrey said the intent of the trucks is to be able to service the construction sites in the City not to set up a mini commercial zone. She thinks the ordinance looks great. We do need to allow the vendors to conduct their business, but under our terms and conditions.

Mayor Sherwood asked the Attorney Pannone if there would be a problem with changing the 500 feet to 100 feet. Mr. Pannone said one of the considerations discussed, knowing how large some of the construction sites may be, is if the toilet facility is located in the back of the construction site then it may be more than a few hundred feet and therefore not in compliance. Councilmember Goodhart said he would be okay with 200 feet. Councilmember Humphrey said to split it in half at 250 feet. Councilmember Goodhart agreed.

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Councilmember Humphrey moved that the City Council introduce Ordinance 08-686; adding Chapter 10.42 to, and repealing section 10.40.050 of, the Palos Verdes Estates Municipal Code relating to vending from vehicles as amended. It was seconded by Councilmember Goodhart and unanimously approved.

## **OLD BUSINESS**

### **RESOLUTION R08-20; IMPLEMENTING PARKING RESTRICTIONS ON PASEO DEL MAR FROM CHISWICK TO YARMOUTH ROAD.**

Public Works Director Rigg reported that at the Traffic Safety Committee meeting on May 14, 2008 the committee heard concerns from residents on Paseo del Mar that parking had been relocated to Paseo del Mar in front of the homes. The residents requested parking restrictions to minimize the parking related to the school. Director Rigg reminded everyone that Paseo del Mar is located in the Coastal Zone and was not allowed to be included in the Residential Permit Parking Zone. At the June 11, 2008 meeting of the Traffic Safety Committee the committee reviewed a staff report that proposed the details of potential future parking restrictions along Paseo del Mar. There was discussion and the committee recommended to Council “that Staff implement a restricted parking plan immediately for Paseo del Mar from Chiswick Road to Yarmouth Road including adjacent parkland areas. Restricted parking areas shall be 8:00 a.m. to 11:00 a.m. Monday through Friday, school days, on the west side of Paseo del Mar and from 11:00 a.m. to 2:00 p.m. Monday through Friday, school days, on the east side of Paseo del Mar.” The City Council reviewed this item at their June 24<sup>th</sup> meeting and staff raised concerns that the boundary of the restrictions exceeded what was publicly noticed and that the item should be delayed for proper notification. The scope of the hearing on the notice boards and staff’s conversations with numerous residents also did not reflect the immediate nature of the implementation and the restrictions. The City Council concurred and continued the matter to this evening’s meeting. Staff has posted signage along the entire length of the restrictions proposed by the Traffic Safety Committee and also modified the language on the notification boards to reflect the restrictions would be immediate.

Mayor Sherwood declared the Public Hearing open.

*[residents’ addresses redacted]*

George Babikian, [PVE resident], urged the Council to approve the parking plan. The neighborhood around Chadwick school forced the school to implement carpooling.

Lewis Latimer, [PVE resident], opposes the parking proposal. It is bad policy. The reason for the parking on Paseo del Mar is due to the RPZ not due to an increase in cars. Council needs to insist School District invest in parking study. He does not want parking signs in his neighborhood.

Mayor Sherwood responded that the School District has added at least 80 spaces. The school is looking at carpooling and other ways of restricting the number of students that park. One section of the RPZ has already voted to be removed.

John Redding, [PVE resident], supports the parking restrictions on Paseo del Mar. He asked if the restricted parking times correspond with classes at the school. He said the City is the only one who has done anything about parking around the high school. All the solutions to the parking problem require the School District to implement them. Congress has funds for mass transit.

Director Rigg responded that the timing of the parking restrictions was chosen to make it difficult for students to move their cars. Students are usually in class at 11:00 a.m. which would preclude them from parking on Paseo del Mar.

Michael Koehn, [PVE resident], thanked the Council for addressing the parking issue; they are the only body addressing the issue. The School District is only now addressing the issue due to the Council’s action.

## **CITY COUNCIL JULY 8, 2008**

Linda Perry, [PVE resident], thanked the Council for considering parking restrictions on Paseo del Mar. It is necessary for the Council to approve the restricted parking plan. The parking and traffic problems are a result of the reopening of PVHS and have become offensive, annoying, and detrimental to their property values, community appearances and are injurious to the health and safety of the general public. Mr. Rigg reviewed the negative declaration in 2001 and recognized that it was flawed. The study stated that there would only be the need for one parking space for 16 students and this was at the time that Peninsula High School had one car for every five students. At that time Peninsula had 3200 students and 600 cars; today PVHS has 1940 students with over 740 cars parked. Two hundred of those cars are parked off campus. Clearly the amount of cars needs to be reduced.

Sandy Durko, [PVE resident], thanked the Council and Staff for taking steps to remove the cars parking on Paseo del Mar. The solution rests with the School District. His kids will attend PV Intermediate School next September and he can not allow them to walk to school, it is too dangerous.

Mayor Sherwood closed the Public Hearing.

Councilmember Goodhart thanked the residents for attending. These discussions have been on-going for over a year. He and Ms. Perkins were on the School Board at the time the negative declaration was presented to the School Board. The commitment by the School Board at the time was to the community and they obligated the School District in approving the negative declaration to live up to that responsibility of no impacts on the neighborhood. The Council has been put in the position to do something since it has become an issue of safety. He hates the notion of signs on the streets, but it is the means to the end of protecting the children and residents who walk the streets. Inconvenience drives a change in behavior. If the students must park further and further away, eventually it will be easier to park on campus. He will vote to approve the restrictions as presented.

Mayor Pro-Tem Perkins stated she will also vote to approve the resolution. As indicated, the School District did make a commitment that there would be no significant impact on parking or traffic as a result of the re-opening of PVHS. At the time, the LSA report suggested an incremental approach to implementing traffic restrictions. The City has taken an incremental approach over the past year. First, the No Right Turn and No Left Turn signs were put in a year ago. Then Council implemented the RPZ knowing Paseo del Mar could not be included due to being part of the Coastal Zone. During this time the City was in conversations with the School District and the City helped pay for some additional parking on the school site. To the District's credit, there are now more cars parking on site and they are taking steps to implement a carpool system to start in September. If there is concern that the parking will spill on to Rocky Point Road; she will support the restrictions on the full length of Paseo del Mar all the way to Yarmouth Road.

Councilmember Humphrey said she was sorry that Mr. Latimer had left the meeting, he is coming in a little late to the process and may not be aware of all the studies that have gone on and all the work that has taken place for far too long. She does not hold out hope for carpooling due to the one year provisional license in effect now. She is glad that the City is working cooperatively with the School District. She feels there are additional areas on campus where cars can park. These regulations are due to problems on the streets and trying to bring the neighborhood back to some semblance of peace. She hopes that the School District will come to an understanding that the cars need to park on campus; it is safer for the students and the neighborhood. She is in favor of the proposal.

Mayor Sherwood said he agrees with everything that has been said. He feels there is hope for carpooling. As it becomes more inconvenient to walk three or four blocks the students may decide that carpooling is better and they can park on campus.

Councilmember Goodhart moved, it was seconded by Mayor Pro-Tem Perkins, and unanimously approved to adopt Resolution R08-20 implementing a restricted parking plan immediately for Paseo del Mar from Chiswick Road to Yarmouth Road, including adjacent parkland areas. Restricted parking hours shall be 8:00 a.m. to 2:00 p.m. Monday – Friday, school days, on the west side of Paseo del Mar and 11:00 a.m. to 2:00 p.m. Monday – Friday, school days, on the east side of Paseo del Mar.

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Councilmember Humphrey commented that the Council has used up their clout with the School Board. The residents are the ones who elect the School Board and they are the only ones who can find more parking on the campus.

Mayor Sherwood thanked the residents for attending the meeting.

## **STAFF REPORTS**

**City Manager's Report - none**

## **DEMANDS**

It was moved by Councilmember Humphrey and seconded by Mayor Pro-Tem Perkins that the demands, as approved by a majority of the City Council, totaling \$298,608.59 be allowed and it was unanimously approved.

It was moved by Councilmember Humphrey and seconded by Mayor Pro-Tem Perkins that the demands, as approved by a majority of the City Council, No. 513627H to 513629H, 513630 to 513677, 513178V totaling \$390,005.56 be allowed and it was unanimously approved.

It was moved by Councilmember Humphrey and seconded by Mayor Pro-Tem Perkins that the demands, as approved by a majority of the City Council, No. 513678 to 513693 totaling \$554,650.80 be allowed and it was unanimously approved.

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

Mayor Sherwood reminded the people on the Peninsula of the amount of time, effort, and finances that the City is involved with regards to the Independence Day Celebration that has been going on for over forty years. It is an excellent event and the City feels it is a gift to the community and the City intends to keep it going.

## **ADJOURNMENT**

There being no further business before Council the meeting was adjourned at 9:55 p.m. to Tuesday, July 22, 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

**CITY COUNCIL JULY 8, 2008**