

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

**May 13, 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:** Council member Goodhart

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

**PLEDGE OF ALLEGIANCE**

**CEREMONIAL MATTERS –**

Chief Dreiling swore in new Police Officer, Marc Butler. Officer Butler started as an Air Force Airman, then became a Ventura County Sheriff, a Huntington Beach Police Officer, a Federal Agent for U.S. Customs, and was hired seven months ago as a PVE Reserve Officer.

**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:

- MINUTES OF CITY COUNCIL MEETING OF APRIL 22, 2008
- CITY TREASURER’S QUARTERLY INTEREST REPORT – JANUARY TO MARCH 2008
- MONTHLY FINANCE REPORT FOR APRIL 2008

**COMMUNICATIONS FROM THE PUBLIC**

Sharon Burke, on behalf of her mother Jean Burke (former PVE Planning Commissioner), Rancho Palos Verdes [resident], and former resident of Via Segovia, wanted the current City Council to be aware that the open space adjacent to PV Drive West and Via Pacheco was intended to serve as passageway and rail stop for students travelling to PV High School. She felt the Council may find this information helpful with regards to the high school parking issue.

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**PUBLIC HEARINGS**

**REQUEST TO APPEAL PLANNING COMMISSION APPROVAL OF NC-1304/GA-1422/M-658-07; CONSIDERATION OF NEIGHBORHOOD COMPATIBILITY, GRADING, AND MISCELLANEOUS APPLICATIONS FOR A NEW SINGLE FAMILY RESIDENCE LOCATED AT 376 VIA ALMAR. LOT 5, BLOCK 1514, TRACT 6886.**

**APPELLANT/APPLICANT: DAVID ALPTEKIN, A & A GROUP ARCHITECTS, 20341 S.W. BIRCH ST., STE. 230, NEWPORT BEACH, CA 92660**

Planning Director Rigg reported that the project proposes a 2,760 sq. ft. first floor, a 1,349 sq. ft. second floor, a 268 sq. ft. basement, and a 572 sq. ft. garage. Total grading proposed is 8,200 cu. yards with a maximum cut depth of 20 feet with the majority of grading being over-excavation and re-compaction. The total proposed floor area is 4,949 sq. ft. while the total gross floor area is 6,184 sq. ft. The maximum allowable floor area on the lot is 5,343 sq. ft. with a lot size of 11,977 sq. ft. The project had a preliminary review with the Planning Commission on October 16, 2007. The concerns at that meeting were the grading, the height of walls, the 3-story element at the front elevation, and view impacts. The project was formally submitted and reviewed at the March 18, 2008 Planning Commission meeting. Concerns were raised regarding the gross floor area, the grading quantities, and the overall size of the structure. Following revisions the project was again reviewed by the Planning Commission on April 15, 2008. Concerns were again raised regarding the grading quantities and the total gross floor area. The project was ultimately approved with standard conditions and several additional conditions – one being the applicant was to eliminate the two rear storage areas on the first floor. The Planning Commission’s decision is now being appealed by the applicant. The appeal purports that the two rear storage areas on the first floor will not be visible from the street or create impacts for neighboring properties. The appeal also notes that the elimination of the storage areas will result in a loss of privacy in the central courtyard and additional construction costs due to the loss of a retaining wall.

Mayor Sherwood asked if the meeting had been properly noticed to the public. City Clerk Smith replied that it had.

David Alptekin, 20341 Birch Street #230, Newport Beach, the architect on the project stated that they are appealing only condition number one of the Planning Commission decision which reduces the rear storage areas. The house was designed to provide privacy around the pool area; if the storage areas were removed they would lose privacy from the above on the hill. The removal would also create a jagged retaining wall which would be more costly to build. Mr. Alptekin said the area in question is completely sunk into the ground, is not visible from the front of the house, and does not impede any of the neighbor’s views or privacy. They feel it does not change the impacts if the storage areas were removed.

Councilmember Rea said he was confused by the basis of the appeal. He said Mr. Alptekin said the storage areas are not visible, but if they were not allowed to keep the storage areas that their privacy would be affected. Mr. Alptekin said the storage are not visible from the street, but do provide screening from the neighbors and the hill above the property.

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Mayor Sherwood declared the Public Hearing closed.

Councilmember Humphrey had concerns that the storage areas would end up being used as a livable room. She asked Mr. Rigg what the total gross square footage would be if these storage rooms were added to the square footage of the building. Mr. Rigg stated that if these areas were converted to livable space, the square footage would be over maximum allowed on the lot.

Councilmember Humphrey visited the property and said that the areas look, from the outside, like livable areas. Mr. Rigg said that they would not conform to the required 7 feet building code for livable space as the plate height is only 6 feet 11 inches.

Mayor Pro-Tem Perkins said that she has reviewed the record, visited the project site, and discussed the project with the Planning Director. She stated her concern with the massiveness of the structure and with the massiveness being toward the front of the very small lot. She feels the Planning Commission was incredibly generous in approving the project. There is a tremendous amount of grading on the small lot and the project is still close to the maximum size allowable. She asked if the elimination of the storage rooms would reduce the amount of grading. Director Rigg said there would be minimal reduction in grading.

Mayor Pro-Tem Perkins asked the City Attorney what the Council's options were in regards to reviewing the appeal. Attorney Pannone said the entire Planning Commission approval is before the Council.

Councilmember Humphrey said that if the Council made a substantive type change then it would be remanded back to the Planning Commission. Attorney Pannone said that would be an option.

Councilmember Rea said that one of the four findings required to approve a Neighborhood Compatibility Application is that the proposed development is designed and developed in the manner which will be reasonably compatible with the existing neighborhood character in terms of the scale of development in relation to surrounding residences and other structures. The City has developed certain numerical tools to compare the actual square footage, floor area ratios, and gross square footage of a proposal to that of the surrounding neighborhood. For this project, there are a number of areas that constitute gross floor area that contribute to the apparent massiveness of the project. He also feels that the Planning Commission was generous in approving this project. He does not feel that there were mistakes made by the Planning Commission and will uphold their decision.

Mayor Sherwood said he visited the site on Saturday. He agrees that you can not see the storage area from the street front, but it is a massive structure. When he compared the project to similar sized lots within 300 feet of the project, it is still 158% of the average and with a total gross floor area it is 226% of the average home in the area. He also feels the Planning Commission was too generous in allowing the appellant to remove the necessary square footage from the storage area. He could not support the appeal.

Councilmember Humphrey moved to affirm the decision of the Planning Commission and deny the appeal. It was seconded by Mayor Pro-Tem Perkins and unanimously approved. (4-0)

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**NEW BUSINESS**

**PW-536-08; AWARD OF CONTRACT FOR THE CITY ENTRANCE IMPROVEMENTS AT PALOS VERDES BOULEVARD.**

City Manager Hoefgen reported that improvements to the City entry from Torrance at Palos Verdes Boulevard have been on the list of projects for a number of years. In 2001 the Parklands Committee worked with staff to establish guidelines to move forward with the design for the improvements. He feels the City has a good track record of completing parklands projects. The project is coming in within budget. The display board showing the improvements has received some public review at various meetings over the last year.

Director Rigg said the project has been in the works for a long time. In 2001 the Ad Hoc Committee identified the guiding principles of the design. In 2003 the City received County money for the Via Rosa Storm Drain Project and realized that the projects would conflict and so the improvements were delayed while the storm drain was completed. In July 2006 the storm drain was completed and the City contacted a landscape architect to produce the construction plans to estimate the entryway project – which, at that time, came in at \$400,000. City Forester Carl Moritz put together the conceptual plan. The project focuses on three different areas – the first is the area adjacent to Via Anita, the second is the center median, and the third is adjacent to Via Rosa and Malaga Canyon. The Via Anita area will receive some large Cedar trees and surrounding landscaping. A few years ago, the City planted some Creeping Fig on the retaining wall to jumpstart the area. The median will be the toughest area with trees that have died and others that are root bound. The project will look to block the vehicle lights of northbound traffic with bushes so that southbound traffic does not see these vehicle lights. The City is looking to refurbish, landscape, and install irrigation along both sides of the pathway which is an extensive area. There are also a variety of additive bid items within the Staff Report. One of these items is to install timbers along the asphalt of the pathway to shore it up. Another item is to remove and replace some of the asphalt pathways where they are significantly dilapidated. Another item is to remove and replace broken sidewalk at the far west end of the pathway. One of the biggest concerns is to make sure not to remove any trees. The only trees to be removed are in the center median. The City received three bids for the project. The low bid was from America West Landscape, but their bid was incomplete as they did not have some of the addendum. The Bennett Landscape bid was found to be complete and came in at \$394,259.72 for the total package including the additive bids items. The City hopes to have the project underway by June 30<sup>th</sup> and completed by the end of September, if approved by Council. The City requires that the contractor have one lane of traffic open in each direction at all times during construction. Director Rigg also noted that \$237,000 of the contract is restricted funding from Proposition 40 for park and pathway projects. Staff has contacted the State and it was verified that the funds were available.

Councilmember Rea wanted it clarified why the City did not go with the America West Landscaping bid. Director Rigg said that one of the findings the City must make for a Public Works bid is there must be a responsive and responsible bidder. The responsiveness portion of the bid includes making sure that all of the addendums and all the forms are complete. Rigg said they missed some significant addendum that did include part of the specifications for the project. If the City awarded the project to America West Landscaping they would not be legally bound to all the specifications which would be an unfair award.

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Mayor Pro-Tem Perkins asked if the Proposition 40 funds were set aside for our City or is it first come, first served. Director Rigg said the funds are per capita and need to be used by 2011.

Mayor Sherwood said there is a similar problem with erosion of the asphalt path around Lunada Bay School which he feels is due to insufficient base. He asked if Bennett Landscape is experienced with installing asphalt. Director Rigg said Bennett does install asphalt, incidentally, at a lesser cost than the previous asphalt company that the City had been using.

Mayor Pro-Tem Perkins appreciated the slides showing the level of disrepair to the pathway and median – it helped her to understand the situation.

City Manager Hoefgen commented that when he spoke about the project to the Malaga Cove Homeowners Association he heard a number of concerns from residents regarding the removal of trees in the median. He feels the pictures do go a long way in helping to explain the enhancements that will improve the area. The June newsletter will highlight the project for the residents.

Mayor Sherwood thanked John and Dorothy Flood for attending the Council meeting and commented that they were both in the forefront of the Parklands issues in the City over the years.

Councilmember Rea moved to award a construction contract in the amount of \$394,259.72 to Bennett Enterprises, Inc. for the completion of the City entrance improvements at Palos Verdes Boulevard including the base bid, additives 1-5 and additive 7, excluding additive 6. It was seconded by Mayor Pro-Tem Perkins and unanimously approved. (4-0)

## **STAFF REPORTS**

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

City Manager Hoefgen said the Preliminary Budget will be issued this Friday, May 16<sup>th</sup>. The second Budget Workshop will be on Tuesday, June 3<sup>rd</sup>, at the Malaga Cove Library at 7:00am. The Traffic Safety Committee meeting is being held this week, May 14<sup>th</sup>, to review the initial implementation of the Residential Permit Parking Zone around PVHS. Also, Chief Dreiling has been named President of the South Bay Police Chief's Association.

## **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 \$219,945.98 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. 513291H to 513298H, 513308H to 513312H, 513313 to 513394 totaling \$241,866.49 be allowed and it was unanimously approved.

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**MAYOR & CITY COUNCILMEMBERS' REPORTS**

Mayor Sherwood reported that he attended the South Bay Medal of Valor Awards on May 1<sup>st</sup>. There were eight officers awarded the Medal of Valor. Palos Verdes Estates has had eight officers receive this award during the past 33 years. Mayor Sherwood acknowledged Chief Dan Dreiling as a past recipient in 1994. Also, four Palos Verdes Police Officers have received the Distinguished Service Award over the past 15 years.

Mayor Sherwood read the designations of City Council Liaisons to committees.

**ADJOURNMENT**

There being no further business before Council the meeting was adjourned at 8:35 p.m to Tuesday, May 27, at 6:30 p.m. in the City Council Chambers of City Hall.

RESPECTFULLY SUBMITTED,

/s/

MICHÉLE D. MONSON, MINUTES SECRETARY

APPROVED:

/s/

JOSEPH C. SHERWOOD, JR., MAYOR