

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

January 22, 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 James F. Goodhart.

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

ABSENT: None

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

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

It was moved by Mayor Pro-Tem Sherwood, seconded by Councilmember Humphrey and unanimously approved that the following Consent Agenda items be approved with Councilmember Rea recusing himself from Item 8a Parklands Committee Meeting Item #PC-284-08:

- MINUTES OF CITY COUNCIL MEETING OF JANUARY 9, 2008
- CITY TREASURER'S REPORT – DECEMBER 2007
- FINANCIAL REPORT – DECEMBER 2007
- **PW-517-06; ACCEPT AS COMPLETE THE CONSTRUCTION CONTRACT PW-517-06; FY 06/07 SANITARY SEWER REHABILITATION PROGRAM: LINING PROJECT IN THE AMOUNT OF \$2,121,204.50; 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 NO STOP NOTICES ARE FILED**
- **PW-520-07; ACCEPT AS COMPLETE THE CONSTRUCTION CONTRACT PW-520-07; CONSTRUCTION OF STROM DRAINS #18 AND #19 IN THE AMOUNT OF \$894,040; AND DIRECT THE CITY CLERK TO FILE THE NOTICE OF COMPLETION, AND RELEASE THE 10% RETENTION 30 DAYS AFTER THE COUNTY RECORDERS' OFFICE RECORDS THE NOTICE OF COMPLETION, IF NO STOP NOTICES ARE FILED**

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- **PW-528-07**; ACCEPT AS COMPLETE THE CONSTRUCTION CONTRACT PW-528-07; CONSTRUCTION OF THE FY 07/08 CURB AND GUTTER REPLACEMENT PROJECT IN THE AMOUNT OF \$50,387; AND DIRECT THE CITY CLERK TO FILE THE NOTICE OF COMPLETION, AND RELEASE THE 10% RETENTION 30 DAYS AFTER THE COUNTY RECORDERS' OFFICE RECORDS THE NOTICE OF COMPLETION, IF NO STOP NOTICES ARE FILED
- TRAFFIC SAFETY COMMITTEE MEETING ITEM OF DECEMBER 12, 2007 (PART OF ITEM #11)

Residential Parking Permit Zone Near the Palos Verdes High School Campus Review.
 Recommend that the Residential Parking Permit Zone size and hours be approved as recommended. Residents outside the proposed zone, especially those on the blocks of Yarmouth from Via Pacheco to Palos Verdes Drive West and of Via Pacheco from Yarmouth to Via Anacapa, should work with staff to have their blocks added to the zone prior to final approval.

- PARKLANDS COMMITTEE MEETING ITEM(S) OF JANUARY 14, 2008

PC-284-08; Application to remove 1 Olive tree in the City right-of-way located adjacent to 1415 Via Arco.

Applicant: Patrick de la Torre
 1500 Paseo La Cresta

Approved

PC-285-08; Application to remove one Black Acacia tree in the City right-of-way located adjacent to 4025 Via Largavista and replace the tree with the 'Designated Street Tree.'

Applicant: Eric and Gerri Nelson
 4025 Via Largavista

Approved

- PLANNING COMMISSION ACTIONS OF JANUARY 15, 2008

NC-1310-07; Consideration of a Neighborhood Compatibility Application for additions to the single family residence located at 2204 Via Acalones. Lot 1, Block 1652, Tract 7330.

Owner: Todd & Jane Tessler

Approved with conditions

NC-1312-07; Consideration of a Neighborhood Compatibility Application for additions to the single family residence located at 2113 Via Alamitos. Lot 15 and portion of Lot 9, Block 1652, Tract 7330.

Owner: Jon & Tishya Wren

Approved with conditions

M-654-07; Consideration of a Miscellaneous Application for structures exceeding the maximum allowable height at the single family residence located at 844 Rincon Lane. Lot 9, Block 1, Tract 10536.

Owner: Mr. and Mrs. Kotoyantz

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Approved with conditions

COMMUNICATIONS FROM THE PUBLIC - None

Mayor Goodhart asked the Council to consider changing the order of the agenda Items 10 and 11 given the number of people in attendance for Item number 11. The Council agreed to take Item 11 first.

NEW BUSINESS

RESIDENTIAL PARKING PERMIT ZONE PROGRAM NEAR PALOS VERDES HIGH SCHOOL CAMPUS

Mayor Goodhart reported the City Council appreciated the amount of emails and letters received from the public. He said it is important that the Council have all the input, concerns, and objections and they are welcomed. Mayor Goodhart explained that the City Engineer's presentation will address the issues that were highlighted in the letters and also the issues that were raised at the Traffic Safety Committee meeting.

Mayor Goodhart explained that the concept of a restricted parking zone was not the issue for this meeting. The Council has already acknowledged the potential need for the restricted parking zone and, as a result, engaged a traffic consultant to analyze the neighborhood and the school to determine if a parking zone would be effective and, if needed, what sort of plan would be presented to the Traffic Safety Committee and the City Council. This evening's meeting objective would be to understand that plan. The decision on the implementation of an RPZ does not lie with the City Council alone; it also lies with the residents within the zone.

Public Works Director Allan Rigg reported that the reopening of Palos Verdes High School created a variety of traffic related impacts around the school. Rigg said the City has taken a variety of steps to mitigate the impacts that have grown with increasing student enrollment. In December 2001 a study by Michael Brandman and Associates and commissioned by the School District showed no anticipated impacts resulting from the re-opening of PVHS in five categories including parking. That same December, the City provided comments expecting there would be very significant traffic impacts not identified in the report. In May of 2002 the consulting firm LSA Associates was hired by the District to prepare a report entitled "The Palos Verdes High School Circulation Plan." This is the LSA report referred to by the Staff and the public. The LSA report was to address issues that were found not to be significant in the Brandman report, but "that may become intrusive and a nuisance if left unchecked." The plan had 23 recommendations to mitigate impacts as well as an implementation plan which recommended turn restrictions, an advisory committee be formed, and a residential permit parking zone (RPZ). In October 2002, November 2003, October 2004, and October 2005 the City's Traffic Safety Committee reviewed the conditions around PVHS at their regular meeting and found minor mitigation was warranted and was implemented. However, on November 8, 2006 the City's Traffic Safety Committee performed their annual review and the Committee heard numerous concerns from the public. A special Ad Hoc committee was formed to examine traffic issues surrounding PVHS. Members included School District personnel, residents,

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two Traffic Safety Committee members, and the Police Chief. The Ad Hoc committee met on several occasions, but came to an impasse on March 22, 2007 and discontinued their meetings. Local residents continued to express their concerns and at the June 12, 2007 City Council meeting the Council directed Staff to implement turn restrictions and parking restrictions in the vicinity of PVHS. Additionally, Council directed the Staff to obtain proposals from traffic engineering firms for the design of an RPZ. Director Rigg displayed via PowerPoint the list of restrictions and limited No Parking that was implemented. He reported that on July 10, 2008 the Council approved a contract with Katz Okitsu Associates, a traffic engineering firm, to develop the technical portion of an RPZ. On August 1, 2007 a scoping meeting was held at PVHS to receive public input on the design. This meeting was publically noticed and letters were sent to 500 residences which were specifically designated in the LSA report for an RPZ. On November 15, 2007 the preliminary design for the RPZ was presented to the Traffic Safety Committee and the public at another publically noticed meeting held at PVHS. Rigg summarized that Katz Okitsu performed parking counts on weekdays and weekends in the summer and during the school year to attempt to determine the number of students parking on the streets surrounding the school, the amount of parking available on campus, and what was the parking deficiency on campus in preparation of determining the size of an RPZ. On December 12, 2007 the Traffic Safety Committee formally reviewed the preliminary design and approved the following technical components of the RPZ: 1) the RPZ will include residences approximately one block from the school, 2) the restrictions north of PVHS would be Monday through Friday 8:00am to 3:00pm, 3) the restrictions south of the school would be Monday through Saturday 8:00am to 5:00pm, 4) residences within the RPZ could voluntarily obtain two stickers (hang tags) to exempt two vehicles from the parking restrictions – these would be interchangeable among vehicles and, 5) temporary stickers could be issued to residences within the RPZ for special events. Rigg displayed a map showing the proposed RPZ. Rigg reported that during the December 12th meeting the most consistent concern was from residents just outside of the proposed zone who felt the parking would be relocated in front of their homes. Staff reassured the residents that there would be a process developed for dealing with these potential issues such as adding additional blocks into the RPZ – this process was included in the policy before the Council. The Traffic Safety Committee did recognize two blocks adjacent to the proposed zone that they felt would be likely additions to the RPZ. These blocks include Via Pacheco from Yarmouth to Via Anacapa and Yarmouth from Via Pacheco to the commercial zone. Residents were instructed how to fill out petitions to gauge the interest on their block to be included in the RPZ. Staff received petitions from three blocks asking to be included in the initial RPZ. Rigg stated that Staff would like to make one suggestion to the Traffic Safety Committee's recommendations – that the hours of restrictions north of the school be limited to school days only as that area is not as impacted as the area south of the school with weekend sporting activities. The area to the south of the school would have parking restricted year round Monday through Saturday.

Director Rigg said Staff has worked hard to make the implementation of an RPZ as easy as possible and to minimize the impacts to residents. He presented the critical program elements. The first element being exemption permit costs and duration. The cost to the City for implementing the RPZ restrictions fall into two categories: administration and enforcement. Rigg recommends the initial permits be issued with no fees and valid for one calendar year. New stickers would be mailed to the eligible residences each year. Temporary, date stamped stickers would be available for purchase by the residents within the RPZ for \$1 per sticker per day. The next element is the format for approving the RPZ. The current traffic calming policy in PVE is for streets to self-impose restrictions. This is by a vote of the residences within the zone and the threshold is 50% approval of

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the residences within the zone. The proposed zone is approximately 150 homes which would require 75 or more positive votes. The third element is the process for modifications to the RPZ. This has been a huge concern for residents. Staff proposes in order to have a block added to the program, a petition from over 50% of the property owners on that block be provided to the City Engineer. If the petition is valid, a blind vote would be mailed to the residents on that particular block. If the vote is affirmative the Staff would report the action to the Traffic Safety Committee and the signs would be installed with no further action by the Traffic Safety Committee or the City Council. This process should take approximately four to six weeks. The fourth element is the exemption procedure for special events. Staff suggests a Special Exemption Application be created for a maximum of six events per year (graduation, Peninsula Music Fair) when the RPZ would be lifted. The fifth element would be the exemption for vehicles doing business at a residence (gardener, housekeeper). This can be handled by exempting vehicles displaying a current Palos Verdes Estates business license sticker.

Director Rigg commented the biggest concern is where the students will park. Katz Okitsu and City personnel have studied the number of cars on the streets to gauge how many would be displaced by the RPZ. Traffic statistics vary for a number of reasons, but typically 50 to 80 cars are parked on the blocks that would be displaced by the RPZ. This is an average displacement of approximately 60 cars. There are 112 parking spaces preserved on the City streets adjacent to the school. If the RPZ is implemented in the next few months, we will have to deal with the established behavior of driving to school. Staff believes that student behaviors will change over time. Some students will more fully utilize the parking on Epping. Some students will park along the edges of the RPZ – the shorter blocks will more likely be impacted. The program has been designed so it will be quick for additional blocks to be added to the RPZ if they so choose. Students will more fully utilize the parking on Paseo del Mar which can not be included in the RPZ due to Coastal Zone restrictions regulated by the State of California. If Paseo del Mar does become significantly impacted, the Traffic Safety Committee could direct Staff to implement limited parking restrictions such as a 9:00am to 9:30am no parking in front of those homes. Rigg stated the best situation would be to have the School District renew their efforts to create additional parking on campus. The School District has created 40 additional parking spaces to date. The City has talked with the School District regarding a number of possible solutions not within the City's purview - the development of lots C and D, removal of additional portables to create more parking, allowing parking on the basketball court asphalt area, capping enrollment, providing incentives for not driving to school, and the development of additional parking at Campo Verde adjacent to the ball fields.

Councilmember Humphrey asked Director Rigg to show the three blocks that have petitioned to be included in the RPZ. Director Rigg pointed out Via Pacheco from Yarmouth to Anacapa, Anacapa from Pacheco to the commercial zone, and the second block of Dalton north of the school.

Councilmember Humphrey asked if these petitions were asking to be included with the initial RPZ and to be included in the initial vote. Director Rigg answered that the Traffic Safety Committee directed Staff to work with those residents that wanted to be included in the RPZ and assist them in providing the information that would show that level of interest. Councilmember Humphrey asked if the process would be the same if another street also wanted to be included later on. Rigg responded it would. Rigg reiterated that traffic engineering is difficult and with driver behavior we can not be sure what the exact impacts would be and the City's intent is to keep the RPZ as small as possible. Rigg hopes that the one block zone is effective and will not relocate the parking on to any

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one block; but there is hesitation to anticipate and implement additional restrictions before the impacts can be shown. Councilmember Humphrey asked if the three blocks that have already signed petitions would have to re-do a new petition if they were not included in the initial RPZ. Rigg said he believes the initial petition could be used and go straight to a vote of the residents of the block.

Mayor Pro-Tem Sherwood asked if, after a certain period of time, Staff would review the impacts and consider any additional actions/amendments that would be necessary to the original zone. Rigg responded that if the RPZ went into effect in April there would be a three month period, until the end of school, to look at it. Rigg said the Council could bring it back to review at any time.

Councilmember Perkins verified that those who were able to vote on the RPZ were those that lived in the residences where the restrictions would be in place. Rigg answered that in some Cities the vote is by property owner; the City chose for the residents to vote. Councilmember Perkins verified that the people on the second blocks that may be indirectly affected by the zone can follow the petition process to be added to the RPZ at a later date. She stated that the other people that will be impacted are those on Paseo del Mar, but they do not have the ability to be added to the RPZ. She wanted to know the process for monitoring the spillover effect on to Paseo del Mar and then adding timed parking restrictions. Rigg said the City will measure for several weeks, prior to any RPZ implementation, the amount of parking on every street around the school that would potentially have an impact in order to have a baseline to measure against. Rigg said Staff or the residents on Paseo del Mar can bring the issue before the Traffic Safety Committee to discuss implementing timed restrictions.

Councilmember Rea asked if the strip of Via Anacapa is being used for parking by the commercial zone. Director Rigg said that over the last eight years the Traffic Safety Committee has had various complaints from the residents on Pacheco and Via Anacapa regarding the parking spillover in front of their homes.

Councilmember Rea asked who is envisioned to use the \$1 temporary parking stickers (permits). Director Rigg said that many residents have charity events at their homes during the day and they could purchase the permits for these types of events.

Councilmember Rea asked if in a year or two and the residents decide that the restrictions are not worth it – is there a procedure for eliminating the RPZ. Director Rigg said the policy states specifically the procedures for opting out of the zone – they are exactly the same as opting into the zone – a 50% petition and a 50% vote. Councilmember Rea asked how a 50% vote to implement and a 50% vote to abolish an RPZ would work. Rigg said some other cities have implemented their RPZ too rapidly and have admitted their RPZ was too large and it did not need to be as the students found other places to park.

Councilmember Rea asked if it would be automatic there will be an RPZ if the neighborhood comes back with the agreed upon percentage of votes or does the City Council make the final determination as to whether the RPZ is implemented. Director Rigg said it would not come back to Council, but to Staff based upon the procedures in the policy before the Council.

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Mayor Goodhart wondered if the six Special Event Applications proposed were too many since a couple of the events listed have already taken place and the parking was accommodated on campus. Mayor Goodhart asked Mr. Rigg to go over the voting process in detail. Rigg stated that whatever final zone is determined, the residences that front upon a street where a parking restriction will be implemented will have one vote in the initial RPZ. A numbered ballot would be sent to each resident to be returned to City Hall to check for the 50% approval required. The City has addressed the same kind of issue when implementing speed humps – the residents on the block affected get to vote even though some argue that the vehicles that drive on the street are also impacted. The City has established the policy that the property owners have the overriding right on what happens with these types of restrictions. Rigg said with an RPZ there are positives and negatives. With an RPZ you decrease the non-resident parking in front of residences, but people assume that with permit parking signs installed this is an area that has a high amount of traffic and parking and there is sign pollution with a sign every three homes.

Mayor Goodhart asked how we will assure the residents do receive the ballot. Director Rigg said the complaints about non-receipt of notices have completely stopped since the City took over the notification process for Planning Commission notices. Rigg said the Staff would take input from the Council as to how they would like Staff to proceed. Mayor Goodhart asked if the numbers will be tied to a specific house. Rigg said Staff has discussed whether to assign numbers or a specific ballot in order to track receipt of the ballots. Mayor Goodhart asked what the cost of a parking ticket would be. Rigg responded that it would be \$30.

Councilmember Humphrey wanted to explain that the decision before the Council is the guidelines, procedures, and details – the Council has already directed Staff to hire a consultant to design the RPZ.

Councilmember Perkins asked if there were any traffic impacts on the first block of Addison which is excluded from the proposed RPZ. Rigg has talked to residents who say students do park on Addison.

Mayor Goodhart reiterated that there are 112 available parking spaces around the high school.

Mayor Goodhart opened the Public Hearing.

John Redding – [PVE Resident] – yes on RPZ
Robert Taylor – [PVE Resident] – no on RPZ
Lynne Hosken – [PVE Resident] – no on RPZ
Robbie Goltz – not present
Eda Rogers – [PVE Resident] – no on RPZ
Phil Katz – [PVE Resident] – no on RPZ
John Tulchin – [PVE Resident] – no on RPZ
Julie Renner – [PVE Resident] – no on RPZ
Graham Forrester – [PVE Resident] – no on RPZ
Henry Basack – [PVE Resident] – no on RPZ
Maureen Megowan – [PVE Resident] – yes on RPZ
James Wolk – [PVE Resident] – no on RPZ
George Richards – [PVE Resident] – yes on RPZ

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Scott Flanagan – [PVE Resident] – no on RPZ
Brad Wolf – [PVE Resident] – no on RPZ
Camille Feldman – [PVE Resident] – yes on RPZ
Karl Rosenkranz – [PVE Resident] – yes on RPZ
Richard Sayegh – [PVE Resident] – yes on RPZ
Stephen Martin – [PVE Resident] – yes on RPZ
Cindy Cooper – [PVE Resident] – yes on RPZ
Ruth Bena – [PVE Resident] – yes on RPZ
Peter Bena – [PVE Resident] – yes on RPZ
Fielding Walker – [PVE Resident] – yes on RPZ
Carol Holmes – [PVE Resident] – yes on RPZ
Colin Hull – [PVE Resident] – yes on RPZ
Doug Scudamore – [PVE Resident] – yes on RPZ
Barbara Mosich – [PVE Resident] – yes on RPZ
Jeffrey Paillet – [PVE Resident] – yes on RPZ
Chase Hawkins – [PVE Resident] – no on RPZ
Doug Flanagan – [PVE Resident] – no on RPZ
Linda Perry – [PVE Resident] – yes on RPZ
Shelly Nash – [PVE Resident] – no on RPZ
Judy Flanagan – [PVE Resident] – no on RPZ
Tim Romer – [PVE Resident] – no on RPZ
Colleen Whittemore – [PVE Resident] – no on RPZ

Mayor Goodhart closed the Public Hearing.

Councilmember Humphrey asked Director Rigg to clarify some of the comments made and to address any misinformation.

Director Rigg had two comments: 1) the Council would adopt the RPZ by Resolution, it would not be a City Ordinance – a Resolution is better since it can be changed by an easier process, and 2) in regards to driving with hang tags and receiving a citation, they can simply be removed from the mirror when driving and displayed when the car is parked.

Mayor Goodhart added that a resident had suggested a \$40 fee to park on the City streets; the streets are public streets so that would be illegal.

Councilmember Perkins asked the City Attorney Pannone to respond to the comments that the voting methods to be used are unconstitutional. Attorney Pannone said the process is perfectly constitutional especially when the proposal includes the ability to expand the RPZ to other properties who would then be able to vote. The court system understands that problems are solved by a process and not all at once.

Councilmember Perkins thanked the Staff for their work, especially City Manager Hoefgen, and the City Engineer for his extensive work and guidance on this issue. She stated Mr. Rigg has been a part of these discussions from the beginning six years ago. Mr. Rigg has met with many people - School District and City officials, the Traffic Safety Committee, traffic engineers, and residents to

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try to craft the best solution possible for the neighborhood. She acknowledged the efforts of the Traffic Safety Committee and their time and work spent on behalf of the Council. She thanked the residents and students for passionately advocating their perspective. The Council appreciates their concerns and inputs. The Council will take all the perspectives into account and vote on the proposal before them. Councilmember Perkins reported that PVHS reopened in September 2002 and the School District's plans included an awareness that there would be impacts on the surrounding neighborhood. That is why the District commissioned the LSA traffic engineering study to learn how these impacts could be mitigated. It was during this study that the possibility of a residential permit parking zone (RPZ) was first broached. When PVHS reopened with 400 9th and 10th grade students there were not many traffic concerns. PVHS has now grown and about one year ago the impacts of increased cars started hitting the neighborhoods and it became time to look at some of the steps suggested in the LSA study. The City responded by acting incrementally to implement the recommendations by establishing the time restricted parking, turn restrictions, and working with the School District to look at the RPZ and help the District find places for cars to maximize parking on site. She feels it is now time to take the next step and allow the residents to vote on the creation of an RPZ surrounding the high school. The residents concerns expressed fall into several groups. The first group is those that live just outside the proposed one block RPZ, the block two and three residents. Their concern is, if the RPZ is implemented, the problem will then spill into their neighborhoods. Councilmember Perkins stated that the method in the proposal, to allow each block individually to be added to the RPZ, would be quick and easy and should only take four to six weeks to implement. She feels it makes sense to keep the initial RPZ to the one block zone, but if her fellow Council members were interested in adding the petitioned blocks of Via Pacheco and Via Anacapa she would support it. Councilmember Perkins said it is also not her intent to push the traffic onto Paseo del Mar with the restrictions of the Coastal Zone. She would like to see the City closely monitor the parking situation to see if restricted parking needs to be implemented or if there is a way to have more extensive parking limitations. The third group in opposition to the RPZ is the PVHS families who drive to school. These families value their ability to park on the school site or as close as possible especially when they are participating in extra curricular activities. Councilmember Perkins stated that there is restricted parking around Peninsula High and Chadwick and students and parents will be able to find a way to park. She feels that many of the solutions are solutions that rest with the School District. The City has done all it can short of implementing the RPZ and it is time to implement the RPZ. The vote for the RPZ is one more step in the process and we must have a monitoring process in place to gauge the extent to which the RPZ is or is not working. She also addressed those people who believe that those in favor of the RPZ are not in favor of the high school. She said are all proud to have the high school in the community and in only its sixth year it has received national recognition. The issue is not about kids it is about the impacts of having a large high school in the middle of a residential area, too many cars and where to park them. She will support the RPZ.

Councilmember Humphrey stated that Councilmember Perkins said it very well and she will not be repetitive. She clarified that one of the speakers stated that PVHS was designed as an intermediate school; the school was opened as a high school then reopened as Palos Verdes Intermediate School. When the school closed and residents inquired what would happen if enrollment increased and the District needed to reopen the high school. The commitments and promises made do not lay with current School Board, but with the School Board that was in place in 1989. This issue has been on the City Council agenda, the Traffic Safety Committee agenda, in the newspaper, notices were sent to parents of PVHS students from the principal, and so on. She told parents in the audience if they

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were not receiving any of the notifications they may not be on the high school web site or to let the City know and we can notify them when this issue will be on the agenda. PVHS used to be a closed campus at lunch and when it reopened the business owners were concerned that they would not have any lunch business so only the seniors were allowed off campus for lunch. There was a comment made regarding campus police; the City had provided the funds to have an officer on campus and it was declined by the administration of the school. Councilmember Humphrey feels that none of the Council members want to have an RPZ, they would prefer the students park on campus. The City has done what it can to work with the District; offering City funds to help them re-stripe the parking area; suggesting the use of the basketball courts, that are unused, for parking which would create 100 parking spaces; we have offered to try to help with converting Lot C and D. There are a lot of students that come from the Miraleste side that say it is easier to get to PVHS than to Peninsula due to avoiding the traffic from the many elementary schools. She feels that the City is trying to mitigate the impact and bring the parking portion of the impacts back on to the campus. She agrees with the student speakers that want to work out some of their own incentives toward the problem. Some incentives in other Districts only allow juniors and seniors to drive. She would like to make sure there is a plan firmly in place by September so the community, parents, and students are aware of exactly what the rules and traffic patterns are going to be when school starts. If the RPZ is in place with the flexibility of adding additional streets; if the City needs to help the District develop the parking on the basketball courts and are able to get all the cars on campus, then maybe the City does back away from the RPZ in the future. Right now, the City has wrestled with this for years and all other measures have been exhausted.

Councilmember Rea agreed wholeheartedly with the remarks by Council members Perkins and Humphrey. He said there has been a lot of frustration about this issue at all levels. The school has created this problem and they are the only entity that can solve this problem. The City can treat the symptoms, but the solution rests with the school. The City can not tell the School District to cap its enrollment, the City can not tell them to provide school buses, the City can not tell them to require carpooling, and the City can not tell them to open up the those 100 spaces in the unused basketball courts for parking which would be more than sufficient to take the cars off the streets. He is convinced to go forward with the process with the flexibility that is built into the plan that Staff has presented. It is a matter of policy that the City should not condone an RPZ if the likely result is an unreasonable displacement of cars into the surrounding neighborhoods, a spillover effect. The LSA projected an RPZ that would stretch over most of lower Lunada Bay at about 1.25 miles long. The proposed RPZ is the smallest possible with flexibility built in for adjustments. He is optimistic the School District will open up the currently available parking on campus instead of preventing students and faculty from using the basketball court. He had heard that the basketball courts were once used as the student parking lot. It is school policy that is forcing the students to park off campus. Councilmember Rea stated that he understood the concerns of those living outside the proposed district inquiring about their not being able to vote on the initial RPZ. He does not know how the Council would decide on the boundaries for a voting zone larger than the actual proposed RPZ. Staff has recommended that the RPZ be approved only if there is a positive 50% vote of residents within the zone which is a minimal requirement. He said quite a few other cities require a 2/3 vote of the residents within the zone. He feels this percentage protects the interests of those living in the zone who do not want the permit parking and it also protects the interests of those living outside the zone who have reasons to park in the zone area. He recommended that the proposal be modified so that a 2/3 positive vote is required instead of the 50% vote in order to protect the interests of the non-consenting residents within the zone and outside the zone. He

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agreed that the Council should include the three different streets - the second block of Dalton, the partial block of Via Anacapa, and the second block of Via Pacheco south of the school – in the proposed zone and to limit the restrictions north of the school just to school days.

Mayor Pro-Tem Sherwood agreed with most everything the previous Council members said except for the last couple of statements by Council member Rea. He feels that the Council should keep tier one as proposed; if we keep adding in streets, where do you stop. He feels that many hours have been spent on this issue by the residents, School Board, students, City Manager, the Staff, the Police Department, the consultants, the Traffic Safety Committee, and the Council members. It has become an emotional issue and the Council will just deal with the facts. The preponderance of responsibility is with the School Board that did promise parking on campus. In the 1970's when his sons attended the school they carpooled, walked, rode their bikes and there was parking on campus – that is not happening enough now. He does not sympathize with those that say it is too difficult to walk three blocks - it is good exercise. Peninsula High School has an RPZ that works. Chadwick has substantial restrictions on driving that work. He recently drove the tier one area and found about 65 to 75 cars in the area. He believes that some students will choose to walk, ride their bike, carpool, or ride the bus as a result of the RPZ. Mayor Pro-Tem Sherwood thinks that the biggest opportunity is for the school to use the basketball courts to park about 100 cars. He is in favor of moving forward with the RPZ process and, if approved, it will be revisited as needed probably within the next three or four months.

Mayor Goodhart asked how the City plans to address if a resident is on vacation during the voting period. Director Rigg said the voting period would be for open for a two to three week period. Mayor Goodhart wanted to know if there had been any discussion regarding a resident abstaining from voting and the vote being counted as a no vote. Rigg agreed that an abstention is essentially a no vote; the City is looking for a positive affirmation from the residents in that block that they want these self-imposed restrictions. This is consistent with how the City handles the assessment district and the traffic calming policy implementations. The Mayor asked if parking in the alley near the commercial zone near Via Anacapa would be a place where students would now park. Director Rigg said this is not part of the RPZ and if this area needs additional modifications he can speak to the residents. Mayor Goodhart wondered about a resident's comment regarding visiting friends within the zone. Rigg said the friend being visited is within the zone that has shown a positive affirmation and it is a self-imposed restriction. The movable hang tags are owned by the resident and can be used by any car that is visiting the residence. Mayor Goodhart stated that the comment regarding drivers with disabilities is a school issue.

Councilmember Rea asked if a driver had a handicapped placard in their car would they be allowed to park within the RPZ without receiving a citation. Police Chief Dreiling said there is an exemption for handicapped placards; the police department would not write a citation in the RPZ.

Mayor Goodhart said we can not predict human behavior. The Council's intent is to make parking in the neighborhoods inconvenient. Ideally, the high school will try to make parking more convenient and that is our objective. He agrees that this is a community problem, but it is not the responsibility of the City to provide parking for students; it is the high school's responsibility. The root cause of the problem is the inability of the high school for whatever reason to implement an appropriate parking program for their students. He and Councilmember Perkins were both on the School Board at the time when they voted to open a second high school and they were anxious as to

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whether the high school would be successful. It was clearly the right decision; the principal, Chris Bowles, as well as the School District and School Board members, has done a marvelous job of making the high school successful. We must rely on them to fulfill the commitments made at the time by the School Board to the community to resolve any impact on the community. He is embarrassed that the School District has not followed through with that. He dislikes an RPZ for many of the reasons mentioned throughout the evening. Traffic congestion is a clear responsibility of the City; we value the safety of the students and residents. The City is handling their responsibilities and, hopefully, the School District will step up and solve their part of the problem. He said the City Council's objective is to preserve the community and, as resident Carol Holmes noted, our General Plan states that the character of our City is the basis and this is what the City Council is to protect. The RPZ is the way to do that; it may not be the most desirable way. Paseo del Mar is problematic with the Coastal Zone preventing the implementation of an RPZ and it is convenient for the students to park there. He recommends that the Traffic Safety Committee look into what sort of restricted parking is appropriate for Paseo del Mar. He must support the RPZ, there is no other alternative. The City needs everyone's help in encouraging the high school and the School District to step up and do their fair share.

Mayor Pro-Tem Sherwood asked if tier one was recommended by the consultants and did Director Rigg agree with the recommendation. Rigg said he did, but it is the City's hope to implement the smallest RPZ possible and he would be fearful if we start to anticipate impacts on certain streets we would be prejudging and potentially enlarging the RPZ when it is not needed.

Mayor Pro-Tem Sherwood feels it would be prudent to follow the recommendations of the experts.

Councilmember Humphrey said her goal is to get whatever is decided done by September. She feels that if the initial RPZ is implemented and it starts to have parking impacts on the outer streets; we need to be able to add blocks in the quickest way possible.

Mayor Pro-Tem Sherwood hopes that the time-line will give the School Board time to add some parking on campus.

Councilmember Rea asked what the Traffic Safety Committee recommended for the size of the zone. Rigg said they agreed with the zone and to have the Staff work with the residents to have those blocks added to the zone prior to final approval of the zone. The Traffic Safety Committee felt there was enough rationale to have one of the blocks, the second block of Pacheco, added. They did not have any direction regarding Via Anacapa or the second block of Dalton north.

Director Rigg stated that three blocks have petitions submitted. They have half of the process complete for adding these blocks in the future. If the RPZ is voted in and there are impacts, then the City is ready to send out the ballots for these additional blocks to vote.

Councilmember Perkins asked if the Council goes forward with the RPZ how long is it anticipated to take to have the primary area vote completed. Director Rigg said probably two months. The ballots need to be developed, delivered, time for a response, count, tally, and determine if there were any problems. Councilmember Perkins responded that that would be in April and at that time, after the initial vote, then the petitions that have already been submitted would be allowed to have their vote. Director Rigg said that after it is shown there are impacts, then these blocks would be

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able to have a vote to be added to the RPZ. He said that although people have signed these petitions, sometimes people will sign a petition to maintain peace in the neighborhood. He said the City has had several situations with the traffic calming petitions where the petitions are signed, but when the ballots are sent out, the vote fails. He feels the additional blocks will have a better chance of receiving a positive vote if the actual impacts are there. Councilmember Perkins said these votes may possibly take place in May-June and the deadline for material going out to new students from the high school is in June. She would be comfortable with voting for the proposed RPZ with the exception of changing the north restrictions to school days only.

Mayor Goodhart clarified that the motion would include, when made, the as proposed RPZ to include the extension of Dalton Road to Margate. The four other Council members said that was not correct, leave it as proposed.

City Manager Hoefgen believed the motion would be for the one block zone with the one caveat separate from the Traffic Safety Committee's recommendation that in the area north of the school the restrictions would be 8:00am to 3:00pm on school days only.

Councilmember Humphrey commented that when an entity uses the school facility they have to fill out a Use of School Facilities form and the School District has agreed to add to the form that any parking during an event must be contained on campus.

Mayor Pro-Tem Sherwood feels that the school should be notified as soon as possible if the RPZ goes forward tonight.

It was moved by Mayor Pro-Tem Sherwood and seconded by Councilmember Rea to approve the details and procedures enabling the potential establishment of a residential parking permit zone program near the Palos Verdes High School campus as proposed by the consultants and the City Manager with the modifications regarding the area north of the school to be 8:00am to 3:00pm on school days only and, if an RPZ is approved and enforced, it will be revisited as necessary within the year. The motion was unanimously approved.

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

NOES: None

ABSTAIN: None

ABSENT: None

RECESS for five minutes at 10:33pm

RECONVENE at 10:38pm

PUBLIC HEARING

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REQUEST TO APPEAL PLANNING COMMISSION APPROVAL OF NC-1306-07; NEIGHBORHOOD COMPATIBILITY APPLICATION FOR ADDITIONS TO THE SINGLE FAMILY RESIDENCE LOCATED AT 2421 VIA PINALE. LOT 9, BLOCK 1621, TRACT 6885

Planning Director Rigg reported this application proposes a 402 square foot first floor addition and a 386 square foot second floor addition. The project also includes a new 210 square foot deck to the second floor and revisions to the existing front walkway. The total proposed floor area is 3,592 square feet and the total gross floor area proposed is 3,977 square feet and included in the gross floor area are two areas - a stairway and a covered patio at the first floor which is 331 square feet. The maximum allowable floor area is 3,646 square feet on this 7,293 square foot lot. The building coverage proposed is 30%. Rigg said the project was originally reviewed by the Planning Commission on November 20, 2007 and concerns were raised by the Commission regarding the impact to existing views, the gross floor area, the impact on privacy, as well as the appearance of a slab wall from the east side of the proposed addition. The project was continued. The project was modified and re-submitted for review at the Planning Commission meeting on December 18, 2007. The design was approved with standard conditions and a few additional conditions including two that would address the impacts of the project. Condition number three was the east facing window in the kitchen was to be of translucent glass. Condition number four was that the north facing elements of the roof are to be hipped on both the first and second story. The Planning Commission's decision has been appealed by the neighbors, Mr. and Mrs. Philip Huff, whose appeal purports that the proposed deck and floor area additions will impact the existing view of the Malaga Cove Library and the project is not compatible with the neighborhood. The appeal also includes correspondence from Tom and Tracy Nickl of [PVE RESIDENTS] who indicate that the proposed project is not compatible with the neighborhood, will obstruct their library view, will set a precedent, and the addition will impact their privacy. Rigg clarified that in the City's appeal process only one person is allowed to appeal the project, but everyone that provides concerns and impacts is equivalent in the eyes of the appeal.

Mayor Goodhart asked if public notice has been given according to the law. Assistant City Manager Smith responded that it had. Mayor Goodhart opened the Public Hearing.

Mr. Philip Huff has lived at [PVE RESIDENTS] for 33 years. He and his wife live next door to the applicants. He apologized for an error the Huff's made in their submission – the net floor area is 3,192 square feet. The original plan before the Planning Commission was large and extended out 24 feet and obstructed views and was not compatible with the neighborhood. Modifications were made after the first Planning Commission meeting – the top floor was moved back seven feet and the bottom floor moved back 21 feet. These changes made no impact on the Huff's loss of view of the library. Even though the modifications scaled back the additions, the square footage increased by 67 square feet. Mr. Huff believes that all of the five homes on the north side of the street are pretty much aligned in the back (north) wall. He believes that the proposed project will exceed by almost 50% the average floor area of all 18 homes on Via Pinale is 2,425 square feet.

Mrs. Huff stated that the project will affect the Huffs in a variety of ways, mainly the size and the impact on their view. She objects to the addition as it totally obscures the Huff's view of the Malaga Cove Library, a National Historic Building. Mrs. Huff said the ability for the Huffs to see the library is an emotional issue; the building is beloved to them. The library is featured on City literature, both of

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the Huff's have volunteered at the library, and Mrs. Huff has served on the Board of the Friends of the Library for 14 years. The extent of the project was never communicated to the Huffs. If they had known that the project would extend 18 to 24 feet in the beginning, they would have responded earlier and more strongly. She thanked the Council for their service to the community.

Mr. Russ Barto, the architect on the project, stated that at the December 18th Planning Commission meeting the Commission acted correctly in making the four required findings in approving the Rosen's Neighborhood Compatibility Application. The first finding involves the natural features of the land and the Commission made this finding due to the project requiring no grading or removal of major vegetation. The second finding having to do with neighborhood character, scale and development received extensive discussion by the Planning Commission. He pointed out that at 3,192 net square feet the project is 24% larger than the homes within the 300 foot radius and is not the largest home on the block. The Commission concluded that the excess floor area that was included in the gross floor area did not contribute to the mass of the project due to it being located below street level. With respect to privacy, the Commission conditioned the project to have an obscure glass window which is the only new window facing the Huffs or the Nickls. With respect to view, the Commission concluded that any single story addition to the rear of the property would impact the Huff's view of the library. The Huffs would still retain a substantial view of the ocean, treetops, and rooftops. The Commission concluded that the Rosen's right to develop their property carried more weight than the Huff's oblique view of the library particularly since there were no other suitable alternatives for this development. He feels the Planning Commission discussed this project in detail and reached the proper conclusion.

Mayor Pro-Tem Sherwood said there seems to be a disagreement with the percentage of the average of the neighborhood. Mr. Huff said it was 150% and Mr. Barto said 124%. Mr. Barto responded that he got his figures from the average developed in the Staff Report of the homes within a 300 foot radius which includes homes other than those just on Via Pinale.

Councilmember Rea asked Mr. Barto about the gross square footage of the project which is 331 larger than would be approvable for actual net square footage. Under the City's definition of gross square footage if there is a balcony or deck that is up to six feet in width, the resulting gross square footage doesn't really count. Councilmember Rea said that Mr. Barto came up with a hypothetical alternative in which there would be two balconies totaling 180 square feet instead of the deck on the second floor and as a consequence that would not count as gross square footage. This is a way of saying that out of the 331 gross square feet 180 of those feet should not be counted against the total footage. Mr. Barto said a portion of the gross square footage was created when the second story mass was moved three feet away from the Huff's home and pulled back toward the house to make it wider. The second story overhangs a portion of the first story which creates additional lot coverage and gross floor area.

Mr. Tom Nickl, [PVE RESIDENT], wanted to focus on two areas of concern regarding the Planning Commission's decision. According to the City's Single Family Residential Development Guidelines, proposals shall be reasonably compatible with the existing neighborhood character in terms of the scale of the development of surrounding residents. It should also be recognized that Neighborhood Compatibility takes precedence over other ordinances if more restrictive in that floor area limitation formulas in the zoning ordinance is a maximum and not an entitlement. He wondered how the applicant's north wall could exceed 17 feet beyond any home on Via Pinale and be compatible with the other homes. Mr. Nickl would be agreeable to a 12 foot addition instead of the 17 foot addition. The Planning Commission tries to reduce the gross floor area to the maximum allowed and sometimes they

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do not. The gross floor area can exceed the maximum allowed if the square footage is not creating an impact. Mr. Nickl says the project does create an impact and if this were a brand new construction would the Planning Commission approve the same floor plan. Mr. Nickl also feels that the applicants attempt to meet and confer fell short. Prior to September 25 Dr. Rosen indicated that the addition would be six to eight feet, however, the plan was for 24 feet. Mr. Nickl met with Russ Barto and asked for a private meeting with the Rosens and the Huffs but received no response. The plans were not approved at the November Planning Commission meeting. Mr. Nickl met with Russ Barto on December 11 asking, again, for a private meeting with the Rosens. The Rosens left a message for Mr. Nickl two days prior to the Planning Commission meeting.

Ms. Tracy Nickl, [PVE RESIDENT], said she moved from a beach city in order in order not to live lot line to lot line. She does not think this project follows Neighborhood Compatibility since she will see a lot of stucco. She feels the project does create an impact and does not meet the standards. She feels the project unreasonably interferes with existing views. She would like to know how the City confirms the meet and confer requirements. She said that what was reported to the City regarding the meet and confer process did not transpire. Ms. Nickl stated that there have been other building projects in the neighborhood and there have not been any problems she feels due to the proper detailing of the meet and confer process. She feels it is not appropriate that one household should be able to exceed the square footage guidelines and not others.

Mr. William Lama, [PVE RESIDENT], commented that the Huff's view of the library is beautiful and he feels that losing the view would create a loss of value to the property. He stated that the Huff's have been long-time supporters of the library and he understands their affection for their view of the library.

Ms. Pauline Rosen, [PVE RESIDENT/OWNER] believes the neighbors have been provided substantial and procedural due process and all of the rules were followed regarding the meet and confer requirement. She asked the Council to look at the presentation slides and compare how the project was scaled back. She said the neighborhood is in transition, there are other homes being built on Via Pinale and their home is smaller than the others currently being proposed and built. She stated that the primary view is defined from the front of your home and the secondary view is from the rear of the home. They are trying to build a home that is modern and usable for the future and the Planning Commission did their job. She feels the Huffs and the Nickls are requesting an unreasonable restriction of their right to develop their property.

Dr. Allen Rosen, [PVE RESIDENT/OWNER], said he and his wife prepared a letter that details all the issues that have been discussed. This meeting will be the third time these issues have been formally presented. They have made every effort to meet and confer not meet and be controlled.

Mr. Huff thought it was ironic that the City of Palos Verdes Estates has a resident handbook that has three photographs that convey the ambiance of the City and one is of the Malaga Cove Library.

Ms. Huff said the homes are only 13 feet apart which is not very far. The proposed home infringes on the Huff's view of the library. A one story addition with a second story out about eight feet, which is what they were told, would have been acceptable. She feels that this is an emotional issue and has been distressing and uncomfortable which could have been avoided if there had been real communication.

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Mayor Goodhart closed the Public Hearing.

Mayor Goodhart asked if the alignment of the homes is a significant issue. Director Rigg said nothing specifically, but in some cases, if all the existing homes are lined up and there is an ability to respect that alignment, it is something the Planning Commission has tried to do. The Mayor said these five homes just happen to line-up and depending on the rear set-back that is the limitation. Director Rigg said the Planning Commission did look at other opportunities on this project where the square footage could be added and not extend to the back.

Mayor Goodhart asked what are the expectations of the meet and confer process. Director Rigg said, historically, there is a two-fold reason for the meet and confer. One is the exchange of information for the residents to fully understand the design and the limitations. The second is to point out any red flags to the architect that may be able to be adjusted. It is not expected, but it is reasonable that an architect would try to make an adjustment when they come to the Planning Commission. Director Rigg said that the City does recognize there have been some problems with the meet and confer process and the Council and Planning Commission will be discussing this at the upcoming Joint Council/Planning Commission meeting. The City requires that there is certification from the owner or architect that the meet and confer meeting was held at least 14 days in advance of the Planning Commission meeting. Mayor Goodhart clarified that the meeting is an opportunity for the neighbors to see the plans not a guarantee that the neighbor's comments are incorporated and the project redesigned to accommodate those comments. Director Rigg said the meet and confer is often misinterpreted as an opportunity for the neighbors to dictate what is going to happen on the project.

Mayor Pro-Tem Sherwood commented that he was concerned when he saw the 150% of the average size in the neighborhood for gross square footage. After learning that it is actually 124% he does not have the same concern. He visited the location of the homes at 2421 and 2425 Via Pinale. He stood in the driveway of the Huff's house and was able to have a complete view of the library. He also noted that in all his years on the Council and Planning Commission has the desire to look at a building been part of a view impact. He feels the Huff's are losing about 10% of their panoramic view from the back of the home. He does not think the value of the Huff home will diminish by not having a view of the library. Mr. Sherwood read all the minutes from the Planning Commission meetings on this project and found no errors or omissions on the part of the Planning Commission during the process of approving this project. He quoted the PVE Municipal Code 18.36.045 which requires that the proposed development is designed and will be developed in the manner to the extent reasonably practicable so that it does not unreasonably interfere with a neighbor's views. He feels that losing 10% of a view is not unreasonable and supports the Planning Commission's recommendation.

Councilmember Rea agreed with Mr. Sherwood. He is not aware of any situation where the Neighborhood Compatibility ordinance has been used to preserve a view of a building. He feels the primary view from all of the houses involved is of the ocean from the back over the roof tops towards the ocean and it is the oblique view towards the library from the Huff's balcony that is being lost. He thinks the Planning Commission considered all the factors properly and reached a reasonable solution.

Councilmember Humphrey agreed with the previous speakers. She said the only way someone can preserve a view in PVE is to purchase a view easement over another property. She does support the Planning Commission's decision even though it means the Huffs and the Nickls will lose part of their view.

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Councilmember Perkins said all of her concerns had been addressed by the other Council members. She feels the Planning Commission did wrestle with the gross square footage and the view issues. Although she is sympathetic toward the loss of the view of the library, she must uphold the Planning Commission's decision.

Mayor Goodhart also agreed with the remarks made by the other Council members. He agreed that the primary view is the ocean and there is no precedent to preserve a view of a historic building. He does not want to add to the criteria for view preservation. Mayor Goodhart believes the concerns of the neighbors during the first Planning Commission meeting were taken into consideration and the plans were revised. He believes the Planning Commission followed the right process.

It was moved by Councilmember Perkins, seconded by Councilmember Humphrey, and unanimously approved to confirm the Planning Commission's decision to approve NC-1306-07; a Neighborhood Compatibility Application for additions to the single family residence located at 2421 Via Pinale, as conditioned by the Planning Commission.

STAFF REPORTS

City Manager's Report - none

DEMANDS

It was moved by Councilmember Rea and seconded by Councilmember Perkins that the demands, as approved by a majority of the City Council, totaling \$214,376.05 be allowed and it was unanimously approved.

It was moved by Councilmember Rea and seconded by Councilmember Perkins that the demands, as approved by a majority of the City Council, No.512647 to 512732 totaling \$844,441.80 be allowed and it was unanimously approved.

MAYOR & CITY COUNCILMEMBERS' REPORTS

Councilmember Humphrey commented that the retirement party for City Attorney Stephanie Scher was very nice. She thanked Joe Pannone for organizing the event and for inviting the Council.

Councilmember Rea commented that the Palos Verdes Transit Authority may be asking for increased subsidy from the City. John Meyer and Martin Gombert will be meeting with the Finance Directors of each of the Peninsula Cities.

Mayor Goodhart attended the Lunada Bay Neighborhood Watch meeting at the Malaga Cove Library which was coordinated by Liz Dennis and Soriah Greenway. There were 30 people in attendance to

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listen to John Douglass discuss the City's disaster plan. He complimented the coordinators and Laurie Slawson, the Community Relations Officer, for a job well-done. Also, Bryant Winchell, our local Ham radio operator, challenged the Council to join NART.

ADJOURNMENT

There being no further business before Council the meeting was adjourned at 11:40p.m. to Wednesday, January 30th, at 6:00p.m. at the Palos Verdes Golf Club, 3301 Via Campesina, for the purpose of a Joint Meeting with the Planning Commission.

RESPECTFULLY SUBMITTED,

/s/

MICHÉLE D. MONSON, MINUTES SECRETARY

APPROVED:

/s/

JAMES F. GOODHART, MAYOR