

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

January 25, 2011

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 Humphrey.

PLEDGE OF ALLEGIANCE

ROLL CALL: Councilmembers Bird, Perkins, Mayor Pro Tem Rea, Mayor Humphrey

ABSENT: Councilmember Goodhart

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

MAYOR'S REPORT – none

CONSENT AGENDA

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

- MINUTES OF CITY COUNCIL MEETING OF JANUARY 12, 2011
- CITY TREASURER'S REPORT – DECEMBER 2010
- CITY TREASURER'S QUARTERLY INTEREST REPORT – OCTOBER/DECEMBER 2010
- MONTHLY FINANCIAL REPORT – DECEMBER 2010
- ADOPT RESOLUTION R11-02; AFFIRMING THE PLANNING COMMISSION'S PARTIAL APPROVAL OF M-787-10; AND DENYING MISCELLANEOUS APPLICATION FOR NONSTANDARD WALKWAY AND NONSTANDARD LANDING WITH MAILBOX STRUCTURES WITHIN THE CITY RIGHT-OF-WAY AND CONDITIONALLY APPROVING MISCELLANEOUS APPLICATION FOR A FENCE STRUCTURE UP TO SIX FEET, EXCEEDING THE 42 INCH MAXIMUM ALLOWABLE HEIGHT AT THE SINGLE FAMILY RESIDENCE LOCATED AT 400 VIA ALMAR; LOT 8, BLOCK 1514, TRACT 6886.
- AMENDED SPECIAL EVENT APPLICATION ALLOWING THE PALOS VERDES ART CENTER'S HOMES TOUR AT THREE RESIDENTIAL PROPERTIES WITHIN THE CITY LIMITS AND A BOUTIQUE AND LUNCH AT THE MALAGA COVE PLAZA GREEN AND A PORTION OF OLMSTED PLACE TO BE HELD APRIL 15 AND 16, 2011, FROM 10:00 A.M. TO 4:00 P.M.
- SPECIAL EVENT APPLICATION FOR THE PVCAA ARTS SHOWS SCHEDULED APRIL 15, 16 & 17; MAY 21 AND 22; JUNE 18 & 19; JULY 16 & 17; AUGUST 20 & 21; AND SEPTEMBER 17 & 18, 2011.
- PLANNING COMMISSION ACTIONS OF JANUARY 18, 2011

NC-1385-10; Consideration of a Neighborhood Compatibility Application for a second story deck addition at the single family residence located at 1213 Via Zumaya. Lot 5, Block 2410, Tract 6890.

Owner: Wallace & Reginald Tang

Action: Approved with conditions.

M-798-10; Consideration of a Miscellaneous Application for a structure exceeding the maximum allowable height at the single family residence located at 1419 Via Mateo. Lot 2, Tract 28975.

Owner: Mr. & Mrs. Gielow

Action: Approved with conditions.

CUP-33R-10; Revised Conditional Use Permit Application requesting outdoor seating and beer/wine service at the existing Malaga Cove Ranch Market located at 43 Malaga Cove Plaza. Lot 12, Block 1617, Tract 6885.

Owner: Nerses Tumanyan

Action: Approved with conditions.

NC-1404/V-82-10; Consideration of Neighborhood Compatibility and Variance Applications for a new single family residence located at 1616 Addison Road. Lot 22 & a portion of 21, Block 1370, Tract 7140.

Owner: John Katnik

Action: Denied.

NC-1406-10; Consideration of a Neighborhood Compatibility Application for additions to the single family residence located at 1689 Rico Place. Lot 30, Block 1373, Tract 6889.

Owner: Clark & Jo Margolf

Action: Approved with conditions.

GA-1192R/M-799-10; Consideration of revised Grading and Miscellaneous Applications for structures at the single family residence located at 1733 Via Coronel. Lot 1, Block 4, Tract 7334.

Owner: Mr. & Mrs. Duan

Action: Approved with conditions.

M-797-10; Consideration of a Miscellaneous Application for structures exceeding the maximum allowable height at the single family residence located at 2007 Via Visalia. Lot 29, Block 9, Tract 7538.

Owner: Edward & Kelly Piken

Action: Approved with conditions.

COMMUNICATIONS FROM THE PUBLIC -none

PUBLIC HEARINGS

APPEAL OF PLANNING COMMISSION APPROVAL OF NC-1400/GA-1479/M-791-10; NEIGHBORHOOD COMPATIBILITY, GRADING, AND MISCELLANEOUS APPLICATIONS FOR A NEW SINGLE FAMILY RESIDENCE LOCATED AT 700 VIA HORCADA. LOT 12, BLOCK 1426, TRACT 8523

Mayor Humphrey asked if public notice had been properly given. Assistant City Manager Smith said the hearing had been properly noticed.

Director Rigg said this item is an appeal of the Planning Commission's (PC) approval of Neighborhood Compatibility, Grading, and Miscellaneous Applications for a new single family residence located at 700 Via Horcada. The application proposes a 3,163 sq. ft. first floor, a 3,531 sq. ft. second floor, a 191 sq. ft. of storage and 704 sq. ft. garage for a total proposed floor area of 7,589 sq. ft. with 13,982 sq. ft. allowed on the lot per zoning. The total proposed gross floor area is 8,641 sq. ft. with a maximum building height of 25.8 ft. The project includes a new 12.5 ft. high trellis located toward the eastern edge of the rear yard. The total grading proposed is 2,485 cubic yards with a maximum cut depth of 12.5 ft. The application for this site was originally reviewed by the PC on November 16, 2010 where there were concerns and the item was continued. The

application was before the PC again on December 21, 2010 and after reductions in height, floor area, gross floor area as well as other modifications, the PC unanimously approved the project with additional conditions. This appeal is brought forth by the neighbor at 702 Via Horcada, James Duncan. The appeal purports the project still has an adverse impact on the existing views from 702 Via Horcada. The appellant believes the proposed house is over-sized, misplaced on the lot, does not respect the steep grade of the site and is, overall, incompatible with the neighborhood.

James Duncan, 702 Via Horcada, stated that the former owner of 700 Via Horcada faithfully trimmed the seven pine trees between the two properties to maintain the view corridor until his death in the late '80's. Since that time Mr. Duncan has maintained financial responsibility for the view corridor tree trimming maintenance. Over the past five years the trimming has not occurred regularly due to a disagreement with the son of the former owner. Mr. Duncan has offered to trim the trees every year. Mr. Duncan did not initially include pictures of these trees in the appeal as he did not realize they would become such an issue. Mr. Duncan showed pictures of the various views from his home and explained how he believes his views will be impacted by the proposed project. He said the issue is not just loss of views, but the Neighborhood Compatibility. He said the average square footage of 18 properties cited by staff is 4,903 sq. ft. Eleven of these properties are less than half the size of the proposed project. He would like the project down-sized and house dropped down to the pool level. He believes grading and plate height reduction are reasonable solutions to the view obstruction problem. He would like the project sent back to the PC with instructions to reduce the size, to comply with Neighborhood Compatibility, mitigate the adverse view impact by grading down the proposed structure and to impose height restrictions on all trees, hedges, shrubs to no higher than 233.5 feet above sea level. Mr. Duncan would agree to pay for such trimming. He believes that some of the distances have been misquoted in the process.

Mayor Pro Tem Rea asked Mr. Duncan about the layout of his house. He wanted to verify the living room faces north or slightly north-east. Mr. Duncan said it faces north-west. Mayor Pro Tem Rea verified that the closest room in Mr. Duncan's home that is closest to 700 Via Horcada is the dining room in the north-west corner of the house.

Mayor Pro Tem Rea asked Mr. Duncan if at any time did any PC member obtain access to the interior of his house. Mr. Duncan said they did not. He said PC member Evans visited the back steps of the garage next to the nook. PC member King left her card at the door. He said another PC member climbed up above the house on the hillside to check the view.

Albro Lundy, attorney for McDannolds, said the decision from the PC was unanimous. The PC was very instructive to the McDannolds as to what they needed to do to obtain Neighborhood Compatibility. These were significant changes which were done and the PC approved the project. The McDannolds have already agreed to remove or restrict the growth of the trees so there will not be any view obstruction. This will create a better view for the Duncans. Mr. Lundy said he felt a previous question to Mr. Duncan was answered incorrectly; the view is to the northeast and it is an unbelievable panoramic view. The complaint is regarding a small portion of one of the views from the home. Mr. Lundy said there is no view ordinance in the State of California and the issue is Neighborhood Compatibility. The original number of people who opposed this project at the beginning was in the 20's; now there is one appellant.

Doug Leach, architect, said one concession worth mentioning was the removal of a gazebo. The total floor area represents 54% of the allowable. The floor area ratio is 18.9 and the height is 25.8. which are passive numbers given the site. The proposed house is 4 ft. lower than the recently built house next door and 11 ft. lower than the appellant's main ridge. For comparison, 700 Horcada Place is 8,742 sq. ft. of living space on a lot that is only 28,000 sq. ft. compared to this project at 6,500 sq. ft. of living on a lot that is over 40,000 sq. ft. The house next door is 8,869 sq. ft. The appellant's queen's necklace view will be unaffected by the proposed project. All seven of the trees are on the McDannold's property and the two most northerly trees, when removed, will open up a fabulous view that does not now exist. The grading will be cutting into the hillside to make the project happen.

Mayor Pro Tem Rea stated that the first floor plates are 11 ft. and the second floor plates are 12.2 ft. which seems higher than typical; he asked why the plates are this high. Mr. Leach said this was discussed at the PC meeting. The 11 ft. plate has to do with getting the first floor level down to be lower to get the backyard area to work better. If that were dropped down to a 10 ft. plate it would

mean more steps down to the front door and more steps down from the garage, which is already a full flight of stairs. The PC felt this would be unjust. Mayor Pro Tem Rea said on the sheet A1B which shows a cross-section of the project – it appears that most of the second floor is directly above the first floor, but part of it is on top of fill dirt which will be above existing grade. Mr. Leach said the natural grade hits the second level at the right side and goes down from there. The first level is surrounded on three sides by retaining walls which require an average of 8 to 9 ft. to be cut into the hillside to make the first floor happen. Mayor Pro Tem Rea said if the first floor ceiling plate is reduced to 10 ft. no additional grading would be required. Mr. Leach said the biggest consequence would be the loss of character for this size of a project and what they are trying to achieve architecturally. Mr. Lundy said that this is a premier lot and house and lowering the plate heights would take away from the house.

James Duncan said, again, there are misquoted distances. When standing in the house the ocean is obscured, the top of the ridge of the garage is hovering around the horizon, when sitting at the dining room table he would no longer be able to see the ocean or the mountains. He has repeatedly worked the math and he believes the project is not 4 ft. lower than 701 Via Horcada, it is 1.6 ft. lower. It is a large building that is not compatible with the cul-de-sac and he would like the house placed elsewhere on the lot or lower the house so he can have an unobstructed view which is what he has had for over 33 years. Also, the 4.6 ft. chimneys will rise higher than the proposed ridge line.

Doug Leach said it is interesting that all three driveways at the end of the cul-de-sac start at approximately the same point and, yet, the project is 4 ft. lower. Also, as shown on the plans, 701 Via Horcada is 3.92 ft. lower at the main ridge than the proposed project. The proposed house is almost 4 ft. lower than the recently approved house and a full 11 ft. lower than the appellant from main ridge to main ridge. This is a significant thing showing that the McDannolds tried their hardest to get the house down to a very reasonable height.

Albro Lundy said the lot is almost an acre in size and the view is breathtaking. The McDannolds have been concerned with the neighbor's views and they did not ask for the size house that could fit on the lot, they are asking to build what will work for the neighborhood. They have reduced the height, the size, eliminated the gazebo, agreed to take down a privacy hedge which are 70 year old trees. This has created more of a view for the Duncan's than they had before.

Mayor Humphrey said that she attended both of the PC meetings for this project.

Councilmember Bird asked if the trees between the Duncan's and the McDannold's homes were to be removed as part of the original plans that were submitted to the City. Mr. Leach said they were. Councilmember Bird commented that the trees were then not a concession made of the McDannolds, but were originally going to be removed anyway. Mr. Lundy said they were a concession to the neighbors after the neighborhood meeting.

Councilmember Bird said if the trees were removed today, the current structure that would be viewed from the Duncan's home is below the horizon and the proposed structure would essentially fill that view from the window. Mr. Leach said if you look at the top right-hand portion of the Duncan's house there is a deck which is where the dining room is. The living room is the room with the big view windows and that view is almost completely unaffected and will be improved with the elimination of two of the trees.

Mayor Pro Tem Rea said he visited the area and the McDannolds were not home, but the Duncans were home and he was able to view the silhouette.

Councilmember Bird said he also visited the Duncan's home and was able to see the views in question.

City Attorney Hogin asked if either one of them saw anything other than what is depicted in the pictures or the packet. Councilmember Bird said from the deck of the Duncan's home there is a view obstruction looking west toward the new project which is not shown in the packet. He believes going inside the Duncan's home gave a better appreciation of the view impacts to the Duncan's which is not in the Minutes of the PC meetings. Mayor Pro Tem Rea said that was his

situation as well and he does not believe the PC members saw what he was able to see from inside the Duncan's home.

Councilmember Perkins asked the City Attorney to what extent can the Council take as part of the deliberation their individual observations shared by Council members Bird and Rea. She visited the properties but did not go inside either home. Attorney Hogin said their impressions are part of the record and Council members can place whatever value they like to the comments.

Attorney Lundy said this is not a de novo review so the record stands as it does. The McDannolds were not given the opportunity to take photographs of all of the views from the Duncan home. There is a significant unobstructed view.

Councilmember Perkins asked for clarification of the type of review. City Attorney Hogin said it is a de novo review.

Attorney Lundy said this view is from the side, not the front. The argument is that if any house is built on that side of the Duncan's house there would be view obstruction. He believes the project protects and gives the Duncan's more of a view. Mr. Leach said that part of the record is the appellant's own photo that was submitted which was viewed by the PC.

Mayor Humphrey stated for the record that the City Council has had access to the minutes of the PC meetings and all of the letters submitted in advance of the meeting. She was in attendance at both PC meetings and has visited the property, one other Councilmember visited the property and two other Councilmembers visited the appellant's home from the inside. She then closed the public hearing.

Mayor Pro Tem Rea said he felt the issue that merits discussion is the view impact on the Duncans. During PC meetings you will hear the term "hypothetical view" – that the City is not going to try to protect a hypothetical view that would exist if only a tree was removed that is blocking the view. He does not think that this applies to this situation because the tall trees are not blocking the view and you can see around the trunks. The photographs depict, and he saw first-hand, you can see the ocean over the property line and through the silhouette. This is not a hypothetical view; it is a real view. The next issue is trying to identify the primary view. Neighborhood Compatibility is a balancing act among different factors that sometimes are in conflict. You could say that the primary view is more deserving of protection than a secondary view, which might be a nice view, but is not the primary view. This is difficult as you could say the view to the north or north-east out of the dining room, which is the queen's necklace view, is part of the primary view. But the view that continues to the west over the roof of the existing property where you can see the ocean and the Santa Monica Mountains – is this also part of the primary view or is this the secondary view. This is part of the balancing act in also respecting the rights of the property owner to build a house within the legal limits. It was confirmed that none of the PC members had been inside the Duncan's home and there has been a great deal of effort taken in care of the view impacts at 701 Via Horcada. With the difficulty of gaining access to the Duncan's home he wonders what the outcome would have been if the PC members had been inside the Duncan's home. He would not be opposed to sending the project back to the PC to view the impacts. He thinks that 11 ft. plates on the first floor and 12.2 on the second floor seem high and if these were reduced it would not require any additional grading and would salvage some more of the view to the west.

Councilmember Perkins said any issue that comes before the PC and then the CC that deals with a spectacular view lots requires a real concerted effort on everyone's part in applying the Neighborhood Compatibility guidelines to find the balance between the right of the homeowner to build the home they want but to do it in a way that the guidelines require in taking into account what is appropriate for mass, respecting privacy and respecting the very important views. She visited the property, but did not go into the Duncan's home. She commended the McDannolds for their efforts to meet with the neighbors prior to the first PC meeting and in taking the steps recommended at the November PC meeting – which were significant changes. She is concerned that, with such significant views, none of the PC members were able to actually see the views from the Duncan's home and comply with Section D of Neighborhood Compatibility. It may be that the project as unanimously approved is the best solution and balance, but she likes the idea that the project is returned to the PC to specifically look at the view from the Duncan's home.

Councilmember Bird agrees with the comments made by the two previous Council members. He asked the City Attorney if sending the project back to the PC is in accordance with the law. He said that it is imperative that the PC members make every effort to put themselves inside of homes where there are claimed view impacts especially for the queen's necklace view as this is the most expensive, unique view of PVE residents. He did not want to fault the PC members, but he felt that this must be done in order to comply with subdivision D of the Neighborhood Compatibility ordinance. He said that reading the minutes of the December meeting, at least three of the PC members said they would like to see the ridge height go down. The design of the home is wonderful, but if the inconvenience to the homeowner is just a few stairs by digging down a few additional feet...he was not certain what he is suggesting. He would like to hear if there is legal basis to remand the project back to the PC with instructions.

City Attorney Hogin said the Municipal Code currently reads that the City Council has to make a decision and cannot remand back to the PC. However, there is a provision that says that the Council's decision can be 30 days after the hearing and the hearing is not technically closed. The Council can request that the PC make a recommendation on this issue and give the instruction that the Council wants at the next PC meeting. Before then, the Council will inform the PC members to attend a field trip to the site, meet at their regular meeting, and make a recommendation to the Council which would come to the Council at the second meeting in February which would still be within the allowed timeline. Mayor Humphrey asked Attorney Hogin to repeat the procedure. Attorney Hogin said the hearing could be continued to the second Council meeting in February where the Council will again take the matter up. Between now and then the Council will ask the PC to make a recommendation after viewing the inside of the Duncan's home. The PC can deliberate at their regular meeting in February and staff can bring that information to Council.

Mayor Humphrey asked what the PC would be deliberating if the issue is to be remanded back to the PC. Attorney Hogin said they would be taking new evidence in terms of their impression from a first-hand view of the potential impact. With that new information, they will tell the Council whether Section D of the findings (Neighborhood Compatibility) – “to the extent it is reasonably practicable” - that the project is not unreasonably interfering with the appellant's view; which seems to be the missing hole in this record. Mayor Humphrey said if that course of action is followed, the Council does not want to prejudice the PC discussion and say it is being sent back because there is a difference of opinion; the Council wants to tell the PC to revisit this. The PC may come back with the same recommendation or a modified recommendation. Attorney Hogin said it is clear there is a missing piece of information.

Mayor Humphrey said the PC should come back with a recommendation that either their initial finding stands or they may have a modified standing. She wanted to make sure that it is clear that they are (revisiting) Section D as this section says “the proposed project would not unreasonably interfere with neighbors existing views” – the house that is there now is low so any house that goes in is going to have some sort of an impact. The idea is where the impact is going to be. She does not want the Duncan's to think that, if this course of action is followed, there would a total unimpeded view even with modifications.

Councilmember Bird said he is suggesting there is a view impact as the project is presently before the Council and the homeowner has chosen to build that structure with a second story component right there even though, as Attorney Lundy indicated, the site is nearly an acre. The decision of the homeowner is to build the structure there, they could have chosen to build the structure anywhere on that lot.

Mayor Humphrey does not want to dictate to the PC members what the Council wants their recommendation to be.

Councilmember Bird said that maybe the Council is in the best position to render its decision and not remand it back to the PC so that five sets of eyes go and look at the site and make a recommendation. It would be a second hearing with the public weighing in on the issue. If the PC suggested a 3 ft. reduction in ridge height and if the applicant was acceptable to both sides, perhaps it would not come back to the Council – could the two parties accept the PC's finding.

Attorney Hogin said that peace proposals are always welcome, but that proposal would have to be made to the Council due to the way the City Code reads. She said another option would be to continue the hearing and schedule a field trip for the Council to view the site.

Mayor Humphrey said at times the Council has made substantive modifications and sent a project back to the PC. Attorney Hogin said she does not like how the Code reads, but the City has to work within the Code.

Councilmember Perkins asked if the Council were to exercise the option to continue the public hearing, would it be possible to structure the site visit as a “noticed” field trip. Attorney Hogin said that could be done, but the appellant must agree to allow anyone who would like to attend the site visit access to his home. Attorney Hogin said the applicant and staff would attend also.

Mayor Humphrey was not comfortable with it being sent to the PC and the PC members not being sure what to do.

Mayor Pro Tem Rea said the Mayor had a very good point. The reason there are silhouettes is it is difficult to tell from reading minutes and looking at plans what a view impact is going to be. He believes a visit to a property is worth a thousand pictures. He likes the idea of setting a special meeting or field trip to the site.

Mayor Humphrey believes it is the Council’s job to make this decision as the PC has made their recommendation.

Attorney Hogin asked Mr. Duncan if he was willing to indulge a special meeting at his home.

Mr. Duncan said he would be happy to accommodate the Council in any way possible.

Attorney Hogin made it clear who would be allowed in the Duncan home. It would be the Council, applicants, and anyone who is interested in attending. Mayor Pro Tem Rea said that would include the press also.

Attorney Hogin said the trip would be noticed so the Council could speak and make observations, but, after the site visit, the Council would return to the City Hall and continue the discussion where it could be recorded.

Mayor Humphrey said the procedure would be to schedule a time and date where the Council would hold a noticed meeting at 702 Via Horcada attended by the applicants, attorneys, staff and any interested members of the public. The Council would immediately reconvene at City Hall to continue the public hearing to deliberate and make a decision.

There was discussion on what date the participants would all be available.

Councilmember Bird moved to keep the hearing open and to continue to Tuesday, February 15, 2011, at 4:00 p.m. convened at 702 Via Horcada, it was seconded by Mayor Pro Tem Rea.

Director Rigg said the deadline for any additional submissions would be at 5:00 p.m. Thursday, February 10, 2011.

Mayor Humphrey said any testimony would be heard at City Hall.

Councilmember Bird requested that the Council each receive full-size plans for review.

Mayor Humphrey called for a vote and the motion was unanimously approved. (4-0 Goodhart absent).

Attorney Hogin said Councilmember Goodhart would need to listen to a tape of the hearing.

NEW BUSINESS

SPECIAL EVENT APPLICATION – PALOS VERDES MARATHON TO BE HELD ON SATURDAY, MAY 14, 2011, FRO 6:00 A.M. TO 2:00 P.M.

Administrative Analyst Alexa Davis reported that the Kiwanis Club of Rolling Hills Estates is seeking approval for a portion of its Palos Verdes Marathon and half marathon route to be held within the City of Palos Verdes Estates. The Kiwanis Club sponsors this race with the logistics coordinated by W2 Promotions. The PV Marathon has held a portion of its race on the Peninsula for over 40 years and it is a fundraiser for the community. Over the past 10 years the race has started and ended in San Pedro. This year, due to significantly increased fees from the City of Los Angeles, the event organizers are seeking to have the race run entirely in Rancho Palos Verdes (RPV) and PVE. In past years, approximately 300 runners would enter PVE in a staggered manner over the course of the race. This year, event organizers are proposing a completely different route beginning and ending at Terranea Resort in RPV. This route would have a more intensive use of PVE streets by the half and full marathon runners. The full route was shown via PowerPoint. Runners would enter and exit via the southern entrance of PVE. Runners would enter PVE on the west portion of PV Drive West, turn left on to Paseo Lunado and immediately turn left down an alley. The course would continue on the 2900 block of Paseo del Mar and up to Paseo Lunado and then turn left on Via Anacapa, left on Paseo Lunado and proceed on Paseo del Mar to PV Drive West where runners would turn right and continue south out of the City. There may be close to 1,800 runners entering PVE starting at approximately 8:00 a.m. City staff have met with the event organizers and reviewed various routes and their impacts. The route presented to Council does not require any street closure as runners will be running in a coned-off section of the street with no parking allowed during the course of the event. The Police Department will have reserve officers managing vehicle and runner traffic. The Police Chief will be assigning a Sergeant and additional reserves to the event due to the increased impact of the event. If approved, staff will additionally conduct an assessment after the event to determine the impacts and to determine if the new route should be considered in the future. Staff has coordinated efforts with the City of RPV as they will endure significant impacts from the race. RPV has imposed additional conditions due to the staging area being held in their city. RPV has not yet approved the race, although their concerns are not due to the route itself. Should the event or route change in any manner, staff will return to Council with an amended Special Event Application for reconsideration.

Mayor Humphrey asked about the streets where there will be no parking on one side and the coned-off runner route on the other – there will be in essence no parking at all on these streets. Director Rigg said on PV Drive West, it is a dual-barrel roadway, you are basically eliminating all parking with the coned-off area. The people most impacted would be those on PV Drive West from the southern entrance to Paseo Lunado as they won't have access out of their garages and the front will be coned-off for parking. Staff looked at various proposals which created much larger impacts – shutting down one barrel of PV Drive West entirely, or running on Rocky Point Road which is a very small street. Staff tried to stay away from, in essence, shutting down an entire street.

Mayor Pro Tem Rea asked if any of the residents on PV Drive West were notified of this discussion. Director Rigg said there was no specific notification given.

Mayor Humphrey asked how far into PVE did the route extend in previous years. Chief Dreiling said this is a route that has been run in previous years, but it has not gone all the way to the 1300 block of Paseo del Mar in many years. Mayor Humphrey wanted clarification that the residents who live on PV Drive West have had this impact in previous years. Analyst Davis said the alley has not been part of the route in over 10 years.

Mayor Humphrey asked how far in advance the residents would be notified of the event. Analyst Davis said it can be made at any time after Council approval of the application.

Councilmember Bird asked how many homes are impacted by the closure of the alley. Director Rigg said it is about 70 homes. Councilmember Bird said that would mean 70 residents would not have access to their garages for eight or more hours on a Saturday. Analyst said the heaviest impacts are expected to be in the morning between 8:00 to 10:00 a.m. Councilmember Bird asked if the alley would be completely closed during the marathon. Analyst Davis said the reserve officers would manage the traffic; there would be access between runners.

Councilmember Bird asked if the organizers were allowing individuals in wheelchairs to participate. Mr. John Williams, Chair of the marathon, said there are no categories for different types of runners – there have been no requests from wheelchair participants.

Councilmember Bird asked what the cost to the City would be if the event is approved. Analyst Davis said the primary cost for public safety would be for the Sergeant as the Chief will be using the volunteer reserve officers for traffic control. Staff does not anticipate public works costs as the organizers will be posting signs and setting up the cones. Director Rigg said staff was very explicit with the organizers in that set-up and clean-up would be completed entirely by the event organizers. Analyst Davis said the organizers have committed to paying any costs incurred by PVE.

John Williams said this event has been held for over 40 years and they have worked closely with the Police Department and the reserve officers. The marathon has made a donation to the reserves in past years for their help in running the event. He does not expect any financial impact to the City.

Councilmember Perkins said the impacts to the residents who live on PV Drive West and the alley is a cause for concern; she asked if other routes were considered. Director Rigg said staff proposed alternative routes that would eliminate this situation – one would use Paseo del Mar instead. The organizers did not like this option as the runners would be on the street two times. Councilmember Perkins said the marathon is a fundraiser for the community and she asked how much money is expected to be raised.

Rori Roje, philanthropy and scholarship chair for the RHE Kiwanis Foundation, said \$60,000 was put back into the community last year. She read a list of all the different organizations that receive funds from the marathon.

Mayor Humphrey said the Council is not deliberating the value of the program they just want to mitigate any adverse impacts to residents.

Councilmember Perkins asked if there was a workable alternate route. Director Rigg said to minimize impacts to residents, he would recommend changing the route to Paseo del Mar, but the organizers are concerned with “quality of marathon” issues which is why they asked for the PV Drive West route instead.

Mayor Pro Tem Rea said the marathon route would impact 5-6 miles of PVE streets, most of which are residential streets – he wondered how residents would go about their normal lives on that day. Director Rigg said there would not be an obstruction from a driver going in and out of their driveway – they would have to wait for clearance between runners.

Mayor Pro Tem Rea said the only closure would be the alley. Director Rigg confirmed and said there would be no parking on the other streets.

Mayor Humphrey wanted to make sure the residents are notified well in advance in order for them to plan around the event.

Chief Dreiling said the runners are usually far apart and the reserve officers watch the traffic and make sure it is safe. During the early morning when there are the most runners, the reserves will probably not allow cars to enter the alley, they will be able to leave the alley.

City Manager Hoefgen said the staff will require a letter to be sent to all affected property owners well in advance of the event. Councilmember Perkins would like an additional reminder letter to be sent the week of the event.

City Manager Hoefgen asked Mr. Williams to update the Council on the discussions being held with the City of Rancho Palos Verdes. Mr. Williams said they have received a verbal okay from RPV to proceed with the event. Organizers need to submit a traffic report which details how the event will be run with details on placement of cones, positions of officers along the route, and an official engineering report. Organizers are concerned with RPV’s costing and their process of placing fees upon the event which they have never had before. He said his personal belief is Tom Odom is new to RPV and does not understand the history of the marathon. The organizers have been lining up parking facilities – they have nine lots with four buses taking runners to and from Terranea. They still need to resolve the

fee issue and some other details. RPV Council will hold their public hearing on February 1st. He said RPV is unduly concerned with traffic control – this has been done for the last 40 years with the Sheriff's Department. He believes the event has been well controlled in the past with a minimum amount of disruption. They have been in discussion with RPV since September.

Mayor Humphrey asked what would happen if no agreement can be reached with RPV. Mr. Williams said that is unlikely, but ultimately the marathon would probably be cancelled. This is the second oldest marathon in the country after the Boston Marathon.

Mayor Pro Tem Rea would like an alternate route chosen; he did not support using the alley route.

Councilmember Bird said this is a worthwhile cause and PVE should be involved with the PV Marathon. He was concerned about the unfair burden on the 70 residents that live on the alley. He does not design marathons so he will rely on the staff's information. He is not thrilled with using the alley, but will support the application. He hopes efforts will be made to change the route.

Mayor Pro Tem Rea asked what Council is approving. Analyst Davis said Council is approving hold the marathon using this route; however it is within Council's purview to approve with conditions such as changing the route.

There was discussion about the merits and disadvantages of moving the route – unduly burdening residents on Paseo del Mar.

Councilmember Perkins supported the application with the condition of staff work with the applicant on alternatives to using the alley route and with fewer impacts.

Mayor Humphrey said she supported the application and she is concerned with the notification to residents. The City does not know what the impacts will be until after the fact; it can be reviewed after and Council can decide whether to allow in the future.

Director Rigg said from the traffic side, the burden is on the organizers to make sure the impacts are mitigated. If it is not run well, next time it may not be approved.

Mayor Humphrey asked if there had been any complaints from residents in the past. Chief Dreiling said the complaints are regarding the stopping of traffic. He said this route uses more of the alley than has been done in the past. He showed on the overhead how in the past the route turned immediately on to Via Pacheco instead of using the alley.

Councilmember Bird moved to approve, as presented, the Special Event Application for the Palos Verdes Marathon to be held on Saturday, May 14, 2011, from 6:00 a.m. to 2:00 p.m., requesting that organizers provide a less impactful route, if possible, and authorized the City Manager to approve an alternate route, with event notification provided to affected properties as soon as possible and again immediately prior to the event and conditioned upon the City of Rancho Palos Verdes' approval of the event application. The motion was seconded by Councilmember Perkins

Mayor Humphrey asked that notification signs be placed in the affected areas as soon as possible.

Councilmember Bird questioned the number of runners that would be entering PVE. Analyst Davis said only full marathon runners and half marathon runners would be entering PVE – the estimated number is 1,800.

Roll Call Vote: (3-1, Rea dissenting, Goodhart absent)

Ayes: Councilmember Perkins, Councilmember Bird, Mayor Humphrey

Noes: Mayor Pro Tem Rea

STAFF REPORTS

City Manager's Report - none

DEMANDS

It was moved by Mayor Pro Tem Rea and seconded by Councilmember Bird that the demands, as approved by a majority of the City Council, totaling \$219,800.28 be allowed and it was unanimously approved.

It was moved by Mayor Pro Tem Rea and seconded by Councilmember Bird that the demands, as approved by a majority of the City Council No. 516697V, 518855 to 518935 totaling \$499,222.80 be allowed and it was unanimously approved.

MAYOR & CITY COUNCILMEMBERS' REPORTS

Councilmember Perkins reported that she and Councilmember Goodhart attended the SBCCOG sponsored seminar on Proposition 26 on January 13th.

Mayor Humphrey said Councilmember Goodhart had been elected Chair of the Palos Verdes Transit Authority at the January 20th meeting.

ADJOURNMENT

There being no further business before Council the meeting was adjourned at 9:40 p.m. to Tuesday, February 8th, 2011, in the City Council Chambers of City Hall.

RESPECTFULLY SUBMITTED,

MICHÉLE D. MONSON, MINUTES SECRETARY

APPROVED:

ROSEMARY HUMPHREY, MAYOR