

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

July 26, 2011

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

Councilmembers Perkins, Goodhart, Humphrey, and Mayor Pro Tem Bird were also present.

ALSO PRESENT: Assistant City Manager Smith, City Attorney Hogin, Administrative Analyst Davis

PUBLIC COMMENT ON CLOSED SESSION ITEM(S) – No one came forward to speak.

CLOSED SESSION: Council recessed to Closed Session at 6:31 p.m.

- **PUBLIC EMPLOYMENT –**
Pursuant to Government Code §54957
Title: City Manager

- **CONFERENCE WITH LABOR NEGOTIATORS –**
Pursuant to Government Code §54957.6
Agency designated representatives: City Attorney Christi Hogin
Unrepresented employee: Acting City Manager/Assistant City Manager

RECONVENE: Council reconvened at 7:35 p.m., followed by the Pledge of Allegiance.

ALSO PRESENT: Police Chief Dreiling, Public Works Director Rigg, City Treasurer Sherwood, Executive Asst./Deputy City Clerk Kroneberger

City Attorney Hogin reported that the Council took no reportable actions in Closed Session.

MAYOR'S REPORT – Matters of Community Interest

Mayor Rea announced National Night Out will be held Tuesday evening, August 2nd. He also announced the City is the recipient of a \$150,000 L.A. County Parks and Open Space Grant through Supervisor Don Knabe's Office.

CONSENT AGENDA

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Councilmember Humphrey requested Agenda Item #6 (Parklands Committee Meeting Item of July 11, 2011) be removed from the Consent Agenda for separate discussion.

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

- CITY COUNCIL MINUTES OF JULY 12, 2011
- RESOLUTION R11-20; APPROVING THE LOS ANGELES INTERAGENCY METROPOLITAN POLICE APPREHENSION CRIME TASK FORCE JOINT POWERS AGREEMENT (LA-IMPACT JPA) AUTHORIZING THE CITY'S MEMBERSHIP IN THE LA IMPACT AUTHORITY; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE JPA AGREEMENT
- RESOLUTION R11-22; APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE PUBLIC SERVICE EMPLOYEES ASSOCIATION
- RESOLUTION R11-21; AUTHORIZING THE DESTRUCTION OF OBSOLETE RECORDS OF THE POLICE DEPARTMENT
- SPECIAL EVENT APPLICATION FOR THE SOUTH BAY SUNRISE ROTARY TO HOLD CYCLING EVENT "RAT BEACH BIKE TOUR" ON SATURDAY, SEPTEMBER 24, 2011
- TRAFFIC SAFETY COMMITTEE MEETING ITEM OF JULY 13, 2011
Review of Via Pinzon/Via Gorrion Stop Sign
Action: Recommended that staff leave the stop sign in place.
- PLANNING COMMISSION ACTIONS OF JULY 21, 2011
NC-1377R/GA-1466R/M-816-11; Consideration of revised Neighborhood Compatibility, revised Grading and Miscellaneous Applications for the new single family residence located at 789 Via Del Monte. Lot 13, Block 1534, Tract 6884.
Owner: Glen & Machiko Teshirogi
Approved with conditions

NC-1421-11; Neighborhood Compatibility Application for additions to the single family residence located at 2204 Via Guadalana. Lot 7, Block 1632, Tract 7330.
Owner: Lynn Aster
Approved with conditions

NC-1424-11; Neighborhood Compatibility Application for additions to the single family residence located at 2401 Via Sobrante. Lot 11, Block 5, Tract 7538.
Owner: Kathleen Scanlon & Marten Andersson
Approved with conditions

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NC-1322R/GA-1431R/M-818-11; Consideration of revised Neighborhood Compatibility, Grading and Miscellaneous Applications for the new single family residence located at 1400 Via Arco. Lot 1, Tract 29082.

Owner: Mr. & Mrs. Moalej

Action: Denied

GA-1436R/M-817-11; Consideration of revised Grading and Miscellaneous Applications for the new single family residence located at 856 Via Somonte. Lot 3, Block 1539, Tract 6884.

Owner: Hsintah Lin

Action: Approved with conditions

PARKLANDS COMMITTEE MEETING ITEM OF JULY 11, 2011
Los Angeles County Regional Park and Open Space District (RPOSD) Grant

Public Works Director Rigg reported that an unanticipated \$150,000 grant was received by Supervisor Don Knabe's office for a recreational capital project of the City's choice. The Parklands Committee considered suggestions of the Malaga Cove and Lunada Bay Homeowners Associations and other residents, resulting in the list of approved projects for Council consideration. Next, the Parklands Committee will be provided further delineation of potential projects with cost estimates, they would be prioritized and based on final determination, an agreement would be entered into with L.A. County to receive and expend those monies.

The following residents spoke:

Bruce Geernaert, [resident], Malaga Cove Homeowners Association subcommittee representative, encouraged enhancement of pedestrian trails/paths.

Valerie Beranek, [resident], suggested Via Arriba trail refurbishment be included for safety purposes.

Mayor Rea confirmed with Director Rigg that approval of the list be confirmed so that the Parklands Committee could further investigate, delineate costs and prioritization. The list of projects approved this evening would go forward in a letter to Supervisor Knabe's office.

Council member Humphrey supported all the items on the proposed list, and supported adding refurbishment of the Paseo La Cresta pathway (top of Arco Place to Via Fernandez) to be utilized by this or other future grants.

Council member Goodhart supported focus and emphasis on re-establishment of trails which lead to City business centers.

Council member Humphrey said she wouldn't consider pedestrian pathways (e.g. median strips) the same as trails.

Public Works Director Rigg said the list is to satisfy the request for a letter listing projects.

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Council member Perkins supported Council member Goodhart's observation regarding re-establishment of paths being different than looking at the system of paths and trails. Supporting Council member Humphrey's assertion, she stated that having the analysis and cost estimates in place puts the City in a position to go after funds when or as they become available.

Mayor Rea noted, with Council's concurrence, that safety comes first and the CAJPIA has advised that railings on the existing bleachers at George Allen Field are needed.

On motion of Council member Goodhart, Council accepted the Parklands Committee's project list, amended to include median paths within the business districts and the Paseo La Cresta path that are included within "trail refurbishment", and directed staff to complete the application for budget monies to be used as recommended by the Parklands Committee and subsequently approved by the Council. The motion was seconded by Mayor Pro Tem Bird and was carried by unanimous oral vote.

COMMUNICATIONS FROM THE PUBLIC

The following residents voiced their concerns regarding impacts of bleachers and press box construction at Palos Verdes High School:

Barbara Mosich, [resident]
Colin Hull, [resident]
Hal Javitt, [resident]
John Redding, [resident]
Fielding Walker, [resident]
Ben Goldman, [resident]
Lenore McCormack, [resident]

PUBLIC HEARINGS

ADOPTION OF RESOLUTION R11-19 ESTABLISHING 2011-12 RESIDENTIAL REFUSE COLLECTION RATES WITH ATHENS SERVICES EFFECTIVE JULY 1, 2011

Mayor Rea confirmed that public notice was given.

Public Works Director Rigg reported that the solid waste and recycling collection agreement allows Athens Services to request an annual rate adjustment based on CPI and changes in solid waste/green waste landfill disposal costs. They requested an increase in excess of 10%; however, the contract reduces it to a maximum of 7%, or \$2.32 per month. An 8.74% decrease took place year before last; since 2005, the increase average is 3% per year. A public notice was mailed to all residential refuse customers in the City providing the opportunity to submit a protest to the rate adjustment, of which 50% + 1 (a majority) is required; 169 of the 2395 required protests was received.

Council member Goodhart confirmed with Public Works Director Rigg that the rate adjustment is formula-based which depends upon anticipated costs and the Consumer Price Index (CPI).

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Mayor Rea confirmed with Mr. Rigg that Athens would retroactively bill customers in October (\$6.96) for the rate increase effective July 1, 2011, if approved.

Mayor Rea opened and closed the public hearing.

On motion of Council member Humphrey, Council adopted Resolution R11-19, approving a \$2.32 monthly rate increase, per single family residence, to the solid waste and recycling collection services to be effective July 1, 2011, to bring the total new monthly rate to \$35.50. The motion was seconded by Council member Goodhart and was carried by the follow roll call vote:

AYES: Goodhart, Perkins, Humphrey, Bird and Rea
NOES: None
ABSTAIN: None

APPEAL OF PLANNING COMMISSION APPROVAL OF NC-1411/GA-1484-11; NEIGHBORHOOD COMPATIBILITY AND GRADING APPLICATIONS FOR A NEW SINGLE FAMILY RESIDENCE LOCATED AT 2316 VIA ACALONES. LOT 1, BLOCK 1651, TRACT 7330

Appellant: Diana Gdowski, 2320 Via Acalones
Applicant: Tomaro Architecture, Inc.
Owner: Wayne Tsang & Bonnie Ying

Mayor Rea confirmed that public notice was given.

Planning Director Rigg reported on June 21, 2011, the Planning Commission approved neighborhood compatibility and grading applications for a new 4824 sq. ft. two story home and garage with conditions, including any modifications to balconies adjacent to 2320 Via Acalones must be processed with the Planning Commission. Concerns had been expressed from that neighbor regarding the visibility from those balconies--an Art Jury requirement added to compliment balconies on the NW side of the home. Per the plans, the balconies facing Via Acalones are unusable; the condition was added to make sure if window openings or balconies were modified, it would have to go back to the Planning Commission rather than processed at staff level. The appeal purports that the project does not preserve the natural features of the site or privacy; discrepancies in the drawings; utility vault area drainage concerns, and that the proposal is out of scale with the surrounding neighborhood. He explained that much of the drainage does flow to the back corner of the lot and would be addressed with a required drainage plan that would adequately drain the lawn. He stated that he and the planner reviewed the plans and they did not find any discrepancies; the applicant's architect has also provided their response to those concerns.

Mayor Rea opened the public hearing.

Stanley Lamport, 2049 Century Park East, Ste. 2000, Los Angeles, 90067, representative of appellant Diana Gdowski, said they first saw the architect's response when staff report was picked up. He said neighborhood compatibility finding could not be made regarding preservation of natural features of the land, including existing topography. This lot is on a ridge, sloping down to his

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client's property, and the proposal is to make the property flat by shaving off the existing ridge - ~1300+ sq. ft. area dropping ~2.8 ft. from 109' elevation. He said there is also a 600 sq. ft. area that extends from the spa 22 ft. to the new wall 5 ft. from his client's property that is being filled; altered to create a flat level lot. He said there has been no effort to preserve any existing topography and his client is very concerned about the drainage issues between these properties. Privacy is a serious concern; one could view his client's master bedroom and living room from one of the balconies facing Via Acalones. He stated the condition [of approval] regarding balconies adjacent to his client's property was unclear, although happy with its intent. He said proposed modified language for this condition was provided to the Planning Director. He also asked that the condition regarding parklands trees be modified to preserve views.

Louie Tomaro, 2617 N. Sepulveda, Ste. 100, Manhattan Beach, 90266, architect/applicant, said their intent was to work out all issues of light, view, air and privacy with neighbors before they came to the Planning Commission. This forced them to push the house down; they tried to minimize adding footage to the second floor; however, the Art Jury asked them to modify their roof lines to include balconies. He said the lot slopes up into the back and they are grading down from 108' to 106' level; dropping the existing house level by 2 ft. He said they are lowering the back portion, which is not uncommon or a significant amount of grading. Aware of drainage issues on the neighboring property, they offered to work with the appellant's drainage consultant. The drain lines would be underground and directed to the low point in front of the owner's property. He confirmed that the plans were correct, and stated that he informed Mr. Lamport of the letter he provided the City addressing issues he had raised. He said they have no intention of trying to make future modifications, and he was aware there is a view sensitive corridor and privacy concerns. Adjacent to [the appellant's] property, there are no windows on the first floor at all; the closest faux balcony is 69 ft. away from her windows.

Mayor Rea confirmed with Mr. Tomaro that the closest balcony to the appellant's home is a faux (unusable) balcony with a window that is elevated 1 ft. above the floor. Mr. Tomaro added that the balcony is an architectural feature provided to appease the Art Jury.

Council member Goodhart confirmed with Mr. Tomaro the garage is adjacent to Mrs. Gdowski's property with no windows, and directly above that are bathrooms with no windows. On the east elevation, there are some windows which are 50-60 ft. further back at the SW wing. He described the location of the faux balconies as shown on the plans, confirming that they could not be accessed.

Mr. Lamport commented that "faux" was stated as "full" on the Planning Commission minutes when describing the balconies and stated his requested language for the related condition to state "any modification to the location of the portion of the residence facing towards Via Acalones or any changes to the balconies, including openings or access, would go through the neighborhood compatibility ordinance." He said the drainage plan does not cover the entire backyard with no plan for the vaults area where the wall comes within 5 ft. of his client's property. He said an existing drain does not service the area. He said the French drains could be overwhelmed quite easily per Bolton Engineering, and his client is very concerned about water coming around that wall into her property. He said there is assurance, but no commitment, from the applicant to work with them on drainage.

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Mayor Rea and the Council members confirmed they all personally visited the applicant's property but were unable to access the appellant's home to assess the project's impacts.

Mayor Rea, at City Attorney Hogin's suggestion, asked Mr. Tomaro if he had opportunity to consider Mr. Lamport's suggested condition. Mr. Tomaro said yes, but noted concern due to constraints it may cause since they don't yet have final Art Jury approval. He said they don't plan to encroach any further into their view, asking for a modified condition which states they could not move the structure any closer to Via Acalones.

City Attorney Hogin confirmed with Mayor Rea it was appropriate to call a recess to give the appellant and applicant opportunity to discuss the proposed modified condition [of approval] to come to a mutual agreement. The parties of the appeal left the Chamber upon recess of this public hearing at 8:50 p.m.

It was determined the Council would move on to the next item scheduled on this evening's agenda during this recess.

RECONVENE

At 9:15 p.m., the public hearing for this matter was reconvened by Mayor Rea.

Mr. Lamport stated that the following language was discussed, "No use shall be made to any balcony facing Via Acalones, except in case of emergency. Any modification that (1) moved the residence closer to Via Acalones, (2) allows for views from the residence to 2320 Via Acalones, or (3) changes the balconies facing Via Acalones, or the openings or access to the balconies facing Via Acalones must be processed through the Neighborhood Compatibility ordinance."

Planning Director Rigg asked for clarification on [#2]. Mr. Lamport explained that if the house moves backwards it becomes a privacy issue; if it moves forward towards the street it becomes a view issue. He said they worked this out with Mr. Tomaro to be specific.

Mr. Tomaro confirmed his support of the conditions as stated.

Mr. Lamport said they agreed also that the drainage plans for the applicant's property would be submitted to his client/engineers and would incorporate Bolton Engineering's comments. Mr. Tomaro confirmed this civil agreement between the two parties.

Council member Humphrey confirmed that the additional condition (Condition #4) as approved by the Planning Commission is being replaced by what was read into the record this evening. Mayor Rea confirmed with Planning Director Rigg that it specifically replaces §20 of Planning Commission Resolution PCR-2011-518.

Mayor Rea closed the public hearing.

Council member Perkins confirmed that the parties mutually agreed upon the language regarding any modification being processed through the Neighborhood Compatibility ordinance.

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Mayor Pro Tem confirmed with City Attorney Hogin that the appeal was not being withdrawn as a result of this mutual agreement.

Council member Goodhart asked for clarification regarding “in case of emergency.” Consensus was that it means they could have windows that could open, but not doors, to provide for exiting the building in an emergency situation.

Planning Director Rigg indicated staff will make sure that drainage is addressed appropriately upon their review. He also stated the minimal amount of grading, specifically, is being done to alleviate the drainage issue because water now drains to the back corner. Upon grading, when the project is completed, water will drain to the street greatly alleviating any drainage issues.

Council member Goodhart said many of the issues have been resolved; he supported denial of the appeal and confirming the additional conditions as stated.

Mayor Pro Tem Bird complimented and thanked the parties for working out these issues. He complimented the Planning Commission, and supported denial with the modifications stated.

Council member Humphrey concurred.

Council member Perkins agreed; she complimented the architect for the number of meet-and-confer meetings held before coming before the Planning Commission. She complimented the Planning Commission.

Mayor Rea said he did not find any error in the process; he agreed with the Planning Commission’s decision, having a strong and substantial basis to make all findings within the Neighborhood Compatibility ordinance and grading permit. He said sometimes grading is desirable in order to preserve views, or to reduce the apparent massing of the structure so that it will fit in better with the neighborhood. He agreed the amount of grading involved in this project is relatively minimal; the property profile from the street is only changing slightly and saw no rational basis to determine too much grading is proposed. He favored confirming the Planning Commission’s decision with the agreed upon language included in place of §20 of the PCR.

On motion of Council member Humphrey, Council denied the appeal and affirmed the Planning Commission’s approval with standard and additional conditions, with Condition #4 modified as follows: “No use shall be made to any balcony facing Via Acalones, except in case of emergency. Any modification that (a) moves the residence closer to Via Acalones, or (b) allows for views from the residence to 2320 Via Acalones, or (c) changes the balconies facing Via Acalones, or (d) changes the openings or access to the balconies facing Via Acalones must be processed through the Neighborhood Compatibility Ordinance.” The motion was seconded by Council member Goodhart and was carried by the following roll call vote:

AYES:	Goodhart, Perkins, Humphrey, Bird and Rea
NOES:	None
ABSTAIN:	None

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COUNTY WEED ABATEMENT CHARGES FOR FISCAL YEAR 2010-11

Mayor Rea confirmed that public notice was given.

Public Works Director Rigg reported that City Council held a public hearing to allow private property owners to protest the County's assessment for weed abatement; no residents protested the fees on February 12, 2011. The County has now submitted a list of charges incurred in performing the weed abatement services that will be passed on to the individual property owners as a direct assessment on their property tax bill. The total cost for this year is \$15,118.94.

Mayor Rea opened and closed the public hearing.

On Motion of Mayor Pro Tem Bird, Council confirmed the charges as contained in the report prepared by the County of Los Angeles Agricultural Commissioner/Weights and Measures for providing weed abatement services during FY 2010-11. The motion was seconded by Council member Perkins and was unanimously carried by following roll call vote:

AYES:	Goodhart, Perkins, Humphrey, Bird and Rea
NOES:	None
ABSTAIN:	None

INTRODUCE AND ADOPT 2011 CONFORMANCE SELF-CERTIFICATION RESOLUTION R11-18; ADOPTING THE LOCAL DEVELOPMENT REPORT FOR THE CONGESTION MANAGEMENT PROGRAM

Mayor Rea confirmed that public notice was given.

Public Works Director Rigg reported that one of the stipulations of Proposition 111 (the Traffic Congestion Relief and Spending Act of 1990) requires that counties with urbanized populations greater than 50,000 develop a congestion management plan (CMP). The MTA requires that each participating agency submit an annual resolution of compliance, implementing a variety of actions. This year, the City is required only to report development activity and not transportation improvement strategies because the MTA is conducting a feasibility study regarding development of a congestion mitigation fee to help county/regional-wide transportation improvements. The City's net development activity this year consists of two dwelling units; derived from a total of 15 new homes less 13 demolished.

Council member Goodhart asked staff if there is any sense of the magnitude of the MTA fee being developed. Planning Director Rigg responded between \$3000-\$12,000 per residence is being considered, which would be held in a reserve account. A group of cities would determine projects of regional significance for use of these funds, e.g. Torrance improving Hawthorne Blvd. at PCH.

Mayor Rea opened and closed the public hearing.

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On motion of Council member Humphrey, Council adopted the Self-Certification Resolution R11-18; adopting the Local Development Report for the Congestion Management Program. The motion was seconded by Council member Goodhart and was carried by the following roll call vote:

AYES: Goodhart, Perkins, Humphrey, Bird and Rea
NOES: None
ABSTAIN: None

OLD BUSINESS

NEW BUSINESS

STAFF REPORTS - CITY MANAGER'S REPORT

DEMANDS

It was moved by Councilmember Humphrey and seconded by Councilmember Perkins that the demands of July 22, 2011, as approved by a majority of the City Council, totaling \$219,611.64 be allowed and it was unanimously approved.

It was moved by Councilmember Humphrey and seconded by Councilmember Perkins that the demands of July 26, 2011, as approved by a majority of the City Council, No. 519896H, 519908 to 519928, totaling \$164,822.60 be allowed and it was unanimously approved.

It was moved by Councilmember Humphrey and seconded by Councilmember Perkins that the demands of July 26, 2011, as approved by a majority of the City Council, No. 519897H to 519898H, 519929 to 519985 totaling \$465,277.92 be allowed and it was unanimously approved.

MAYOR & CITY COUNCILMEMBERS' REPORTS

Police Chief Dan Dreiling, at the request of Councilmember Humphrey, provided additional information on National Night Out. There are 12 scheduled neighborhood parties with 2 City caravans attending.

Council member Goodhart reported on the South Bay Cities Council of Governments (SBCCOG) Legislative Breakfast held on July 14th. He indicated it was a beneficial meeting; representatives of Senators Feinstein and Boxer and other legislative offices presented their plans going forward, and that it may become an on-going quarterly event.

Council member Perkins concurred; there was a good turn out. All elected council members and city managers will be invited to attend in the future. She announced that the South Bay COG will meet at 6:00 p.m. on Thursday, July 28th for the first time at Palos Verdes Golf Club. Stephanie Wiggins and the County Board of Supervisors will make presentations.

**RECONVENE OF PUBLIC HEARING ON MATTER OF APPEAL FOR 2316 VIA
ACALONES
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(For purposes of continuity, please see notation of RECONVENE commencing at 9:15 p.m. above)

ADJOURNMENT

There being no further business before Council, the meeting was adjourned at 9:28 p.m. to Tuesday, August 9, 2011, 5:00 p.m. in the Community Room of the Malaga Cove Library, 2400 Via Campesina, for the purpose of a Council Policy meeting.

RESPECTFULLY SUBMITTED,

**VICKIE KRONEBERGER,
EXECUTIVE ASSISTANT/DEPUTY CITY CLERK**

APPROVED:

WILLIAM JOHN REA, MAYOR