



City of Palos Verdes Estates City Council Agenda & Staff Reports

DISCLAIMER

The following City Council agenda includes text only version of the - reports associated with the business matters to be brought before for the City Council at its Regular Meeting of this date. Changes to the - reports may be necessary prior to the actual City Council meeting. The City Council may elect to delete or continue business matters at the beginning of the City Council Meeting. Additionally, - reports attachments, including but not limited to, pictures, plans, drawings, spreadsheet presentations, financial statements and correspondences are not included. The attachments are available for review with the official agenda package at the Reception area at City Hall as well as the Malaga Cove Public Library.

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****CLICK HERE FOR CITY COUNCIL AGENDA & REPORTS**

September 22, 2009
6:30 P.M.
City Hall
Council Chambers

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

Copies of the staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the office of the City Clerk and are available for public inspection. If applicable, materials related to an item on this agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's office during normal business hours. Any person having any question concerning any agenda item may call the City Clerk to make inquiry concerning the item. Upon request, the agenda and documents in the agenda packet can be made available in appropriate alternative formats to persons with a disability in compliance with the Americans with Disabilities Act. Please contact the City Clerk at 310-378-0383, at least 48 hours prior to the meeting to request a disability-related modification or accommodation.

The City Council welcomes and encourages public participation at the Council meetings; however, to allow for the orderly progression of business, each person wishing to comment or make a presentation shall be limited to three (3) minutes. Anyone wishing to address the City Council must fill out a green speaker's card available at the end of each row in the Chambers. The card permits the City to identify persons for purposes of City Council minute preparation. Please see specific agenda sections below for any other requirements related to meeting participation. The City Council, at the direction of the Mayor with concurrence of the Council, may modify the order of items shown on the agenda.

**NEXT RESOLUTION NO. R09-33
NEXT ORDINANCE NO. 09-694**

CALL TO ORDER

CLOSED SESSION (6:30 p.m. – 7:30 p.m.)

- **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Pursuant to Government Code Section 54956.9 (a)
Iannitti v. City of Palos Verdes Estates, Case No. BS117627

At the conclusion of the Closed Session, the Council may reconvene to Open Session to take formal action on any item discussed, as it may deem appropriate.

**CITY COUNCIL AGENDA
SEPTEMBER 22, 2009**

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL MATTERS

- Swearing-in of Police Officer Sean Tomlins (Chief Dreiling)

MAYOR'S REPORT – Matters of Community Interest

CONSENT AGENDA (Items 1- 6)

All items under this heading are considered to be routine and will be enacted by one motion, unless a Councilmember, staff, or member of the public requests that an item be removed for separate discussion, with the exception of Planning Commission Actions – Item #6a-j. An applicant or interested citizen who wishes to appeal any Planning Commission decision may file an appeal with the City Clerk's office within 15 days after the date of the Planning Commission's decision.

Any item removed from the Consent Agenda will be considered immediately following the motion to approve the Consent Agenda.

1. Minutes of City Council Meeting of September 8, 2009

Recommendation: Review and File.

2. Treasurer's Report – August 2009

Recommendation: Receive and File.

3. Adoption of Resolution R09-30; Confirming Planning Commission's Denial of M-717-09; Miscellaneous Application for Non-Standard Structures within the City Right-of-Way at the Single Family Residence Located at 1809 Palos Verdes Drive West. Lot. 18, Block 1276, Tract 7140

Recommendation: It is recommended that the City Council adopt Resolution R09-30; denying an appeal of the Planning Commission's denial of M-717-09; Miscellaneous Application for Non-Standard Structures within the City Right-of-Way at the single family residence located at 1809 Palos Verdes Drive West.

4. Adoption of Ordinance 09-693; an Ordinance of the City Council of the City of Palos Verdes Estates Repealing Obsolete Chapters of the Palos Verdes Estates Municipal Code

CITY COUNCIL AGENDA SEPTEMBER 22, 2009

Recommendation: It is recommended that the City Council adopt Ordinance 09-693; an Ordinance of the City Council of the City of Palos Verdes Estates repealing Chapters 1.08, 2.20, 3.16, 3.20 and 5.16 of the Palos Verdes Estates Municipal Code.

5. Parklands Committee Meeting Items of September 14, 2009

Recommendation: Review and Approve.

- a. PC-304-09; Application to remove one Camphor tree in the City parkway located adjacent to 4125 Via Nivel to repair and widen the driveway

Applicant: Andrew Hollis
4125 Via Nivel
Palos Verdes Estates, CA 90274

Action: Denied (4-1, Shaffer dissenting).

- b. PC-305-09; Application to remove one Pine tree in the City parkway located adjacent and below 1364 Via Coronel on Via Romero for view restoration

Applicant: Barbara Benveniste
1364 Via Coronel
Palos Verdes Estates, CA 90274

Action: Approved (5-0) with modification. The applicant is not approved to remove the pine tree, but can receive an annual no-fee permit to trim and reduce the trees height in winter.

- c. PC-307-09; Application to remove 2 Pine trees in the City parkway located adjacent to 1905 Via Coronel for view restoration

Applicant: John Wu
1900 Via Coronel
Palos Verdes Estates, CA 90274

Action: Approved (4-1, Shaffer dissenting) with modification. The applicant is approved to receive a no-fee permit to trim and reduce the pine trees by approximately 10 feet to restore the view at the City Forester's discretion.

- d. PC-308-09; Application to remove one American Elm tree in the parkway located adjacent to 521 Via Media for view restoration

Applicant: Judith A. Holman
524 Via Media
Palos Verdes Estates, CA 90274

Action: Denied (5-0).

- e. PC-309-09; Application to remove 2 trees in the parkway located adjacent to 721 Via Somonte for view restoration

Applicant: James W. Kinney
721 Via Somonte
Palos Verdes Estates, CA 90274

Action: Approved (5-0). The applicant is approved to remove 2 City trees in the parkway located adjacent to 724 Via Somonte according to the 'Standard Conditions for Tree Removal Approvals'.

6. Planning Commission Actions of September 15, 2009

Recommendation: Receive and File.

- a. **M-727-09**; Consideration of a Miscellaneous Application for a structure exceeding the maximum allowable height at the single family residence located at 3425 Via Palomino. Lots 15 & 16, Block 1901, Tract 6883.

Applicant: Peter A. Rahill
205 Avenue I, #1
Redondo Beach, CA 90277
Owner: Scott Roppattee

Action: Approved (5-0) with standard conditions.

- b. **CDP-73/NC-1356/GA-1452/M-713-09**; Consideration of Coastal Development, Neighborhood Compatibility, Grading and Miscellaneous Applications for a new single family residence located at 805 Paseo Del Mar. Lot 2, Block 1432, Tract 6886.

Applicant: Fabio Rigo De Righi
2157 India St., Suite A
San Diego, CA 92101
Owner: Jim & Carol Flick

Action: Approved (5-0) with standard conditions and the following additional conditions: 1) The trees in the public right-of-way reflected in the plan to be removed are not approved, 2) City standard curb and gutter shall be installed per construction plans prepared by a registered Civil Engineer and approved by the City Engineer, 3) A licensed survey of the building height shall be completed and submitted to the City to verify compliance with the approved building height, 4) All existing non-standard encroachments shall be removed.

- c. **NC-1359/GA-1455/M-724-09**; Consideration of Neighborhood Compatibility, Grading and Miscellaneous Applications for a new single family residence located at 3617 Navajo Place. Lot 15 & a portion of 14, Block 6102, Tract 6887.

Applicant: Peha & Associates
67 14th Street
Hermosa Beach, CA 90254
Owner: Grant & Venita McLay
870 Avenue A
Redondo Beach, CA 90277

Action: Approved (5-0) with standard conditions and the following additional conditions: 1) City standard curb shall be installed per construction plans prepared by a registered Civil Engineer and approved by the City Engineer; 2) A licensed survey of the floor area shall be completed and submitted to the City to verify compliance with the approved floor area for the subject lot, 3) All existing non-standard encroachments shall be removed.

- d. **NC-1361/GA-1456-09**; Consideration of Neighborhood Compatibility and Grading Applications for a new single family residence located at 1916 Dalton Road. Lot 5, Block 1279, Tract 7140.

Applicant: Tomaro Architecture
1001 6th St., Suite 100
Manhattan Beach, CA 90266
Owner: Mohamad & Hannalorre Chahine

Action: Approved (5-0) with standard conditions and the following additional conditions: 1) The current hedge along the west property line as far forward as the existing home at 1912 Dalton Road shall remain intact and preserved, 2) City standard curb and gutter shall be installed per construction plans prepared by a registered Civil Engineer and approved by the City Engineer, 3) All existing and new non-standard structures within the right-of-way are to be removed and/or brought into compliance, 4) A standard urban stormwater mitigation plan approved by the City Engineer shall be prepared and implemented for the project.

- e. **M-648/660-09**; Consideration of Miscellaneous Applications for non-standard walls within the setbacks adjacent to the street at the single family residences located at 505 & 509 Palos Verdes Drive West. Lots 15 & 16, Block 1515, Tract 6886.

Applicant/ Owner: Sohail Davoudian
509 Palos Verdes Drive West
Palos Verdes Estates, CA 90274

Action: Denied (5-0) both applications.

- f. **NC-1360/M-730-09;** Consideration of Neighborhood Compatibility and Miscellaneous Applications for additions to the single family residence located at 805 Gatos Place. Lot 2, Block 1541, Tract 6884.

Applicant: GA Design
19191 S. Vermont Ave., #640
Torrance, CA 90502
Owner: Attaollah Roham

Action: Approved (5-0) with standard conditions and the following additional conditions: 1) A licensed survey of the building height shall be completed and submitted to the City to verify compliance with the approved height for the subject lot, 2) All non-standard encroachments shall be removed.

- g. **NC-1367-09;** Consideration of a Neighborhood Compatibility Application for a new single family residence located at 2716 Via Elevado. Lot 12, Block 1730, Tract 7540.

Applicant: Douglas Leach
119 W. Torrance Blvd., Suite 24
Redondo Beach, CA 90277
Owner: Jim & Selmira D'Angela
728 26th St.
Manhattan Beach, CA 90266

Action: Approved (5-0) with standard conditions and the following additional conditions: 1) A licensed survey of the floor area shall be completed and submitted to the City to verify compliance with the approved floor area for the subject lot, 2) A license agreement is to be provided between the applicant and the City for the existing pilasters within the right-of-way, 3) The driveway is to be replaced per the Public Works Department standards, 4) All building eaves are to be pulled out of the setback areas.

- h. **M-726-09;** Consideration of a Miscellaneous Application for non-standard structures within the setback adjacent to the street at the single family residence located at 2832 Paseo Del Mar. Lot 9, Block 2235, Tract 7144.

Applicant: Alan McGregor
16332 Bradbury Lane
Huntington Beach, CA 92647
Owner: Mark & Anne Severns

Action: Approved (5-0) with standard conditions.

- i. **M-728-09;** Consideration of a Miscellaneous Application for non-standard encroachments at the single family residence located at 601 Via Del Monte. Lot 1, Block 1615, Tract 6884.

Applicant/ Brent Flynn
Owner: 6795 Vallon Dr.
Rancho Palos Verdes, CA 90275

Action: Approved (5-0) with standard conditions and the following additional condition: 1) A license agreement is to be executed for the non-standard work within the City right-of-way.

- j. **M-729-09;** Consideration of a Miscellaneous Application for a structure exceeding the maximum allowable height at the single family residence located at 404 Via Alcance. Lot 10, Block 6315, Tract 7143.

Applicant/Owner: Shawn Randolph

Action: Approved (5-0) with standard conditions.

COMMUNICATIONS FROM THE PUBLIC

This portion of the agenda is reserved for comments from the public on items which are NOT on the agenda. Due to state law, no action can be taken by the Council this evening on matters presented under this section. If the Council determines action is warranted, the item may be referred to staff or placed on a future Council agenda.

PUBLIC HEARING – 7:30 p.m.

- 7. MAP-109-08; Application Requesting Approval of Vesting Tentative Parcel Map No. 70848 for the Division of the Vacant Lot Located at 3000 Paseo Del Mar and Associated Mitigated Negative Declaration for the Division of the Vacant Lot Located at 3000 Paseo Del Mar

Applicant: Jeffrey A. Dahl
18681 Amalia Lane
Huntington Beach, CA 92648

Owner: Brian Choi
1300 W. 36th Ave.
Anchorage, AK 99503

Recommendation: It is recommended that the City Council open the public hearing, receive public input, close the public hearing and approve Vesting Tentative Map Parcel No. 70848 for the division of the vacant lot located at 3000 Paseo Del Mar and associated Mitigated Negative Declaration, and adopt Resolutions R09-31 and R09-32 confirming the approval.

STAFF REPORTS

8. City Manager's Report

DEMANDS

9.
 - a. Authorize Payment of Motion #1 - Payroll Warrant of September 18, 2009
 - b. Authorize Payment of Motion #2 - Warrant Register of September 22, 2009

Recommendation: Authorize Payment of Motions #1 and #2.

MAYOR & CITY COUNCILMEMBERS' REPORTS

ADJOURNMENT TO TUESDAY, OCTOBER 13, 2009, IN COUNCIL CHAMBERS OF CITY HALL AT 7:30 PM FOR THE PURPOSE OF A REGULAR MEETING.

- *This City Council meeting can be viewed on Cox Cable, Channel 35, Wednesday, September 23, 2009, at 7:30 p.m., and Wednesday, September 30, 2009, at 7:30 p.m.*

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PLANNING DIRECTOR

SUBJECT: RESOLUTION R09-30; CONFIRMING THE PLANNING COMMISSION'S DENIAL OF M-717-09; MISCELLANEOUS APPLICATION FOR NON-STANDARD STRUCTURES WITHIN THE CITY RIGHT-OF-WAY AT THE SINGLE FAMILY RESIDENCE LOCATED AT 1809 PALOS VERDES DRIVE WEST. LOT 18, BLOCK 1276, TRACT 7140.

DATE: SEPTEMBER 22, 2009

The Issue

Should the City Council adopt Resolution 09-30 confirming the Planning Commission's denial of M-717-09; Miscellaneous Application for non-standard structures within the City right-of-way at the single family residence located at 1809 Palos Verdes Drive West?

Background and Analysis

On September 8, 2009 the City Council conducted a public hearing to consider an appeal of the denial of M-717-09; Miscellaneous Application for non-standard structures within the City right-of-way at the single family residence located at 1809 Palos Verdes Drive West.

After considering the facts and testimony, the City Council voted 5-0 to deny the appeal and confirm the Planning Commission's denial of M-717-09; Miscellaneous Application for non-standard structures within the City right-of-way at the single family residence located at 1809 Palos Verdes Drive West.

This resolution confirms that decision.

Alternatives Available to Council

The following alternatives are available to the City Council:

1. Adopt resolution R09-30; denying an appeal of the Planning Commission's denial of M-717-09; Miscellaneous Application for non-standard structures within the City right-of-way at the single family residence located at 1809 Palos Verdes Drive West.
2. Decline to act.

Recommendation from Staff

It is recommended that the City Council adopt Resolution R09-30; denying an appeal of the Planning Commission's denial of M-717-09; Miscellaneous Application for non-standard structures within the City right-of-way at the single family residence located at 1809 Palos Verdes Drive West.

Staff report prepared by:
Stacey Kinsella
Planning Department

TO: JOSEPH HOEFGEN, CITY MANAGER
FROM: JUDY SMITH, ASSISTANT CITY MANAGER
SUBJECT: ADOPTION OF ORDINANCE 09-693; REPEALING OBSOLETE CHAPTERS OF THE PALOS VERDES ESTATES MUNICIPAL CODE

The Issue

Shall the City Council adopt Ordinance 09-693 to repeal obsolete Chapters of the Palos Verdes Estates Municipal Code?

Analysis and Findings

The City has begun the process of revision and recodification of the Palos Verdes Estates Municipal Code. As a first step in this process, staff proposes that the Council repeal certain obsolete chapters of the code, including: Chapter 1.08 "City Hall"; Chapter 2.20 "Fire Reserve Corp"; Chapters 3.16 and 3.20 "Utility Users Tax" and Chapter 5.16 "Taxicabs". The chapters to be repealed were identified by the City Attorney and staff.

The Ordinance was introduced as presented at the September 8, 2009 City Council meeting. The requested action this evening is to adopt the Ordinance.

Recommendation

It is recommended that the City Council adopt Ordinance 09-693 repealing Chapters 1.08, 2.20, 3.16, 3.20 and 5.16. of the Palos Verdes Estates Municipal Code.

TO: JOSEPH HOEFGEN, CITY MANAGER
FROM: ALLAN RIGG, PLANNING DIRECTOR
DATE: SEPTEMBER 22, 2009
SUBJECT: PLANNING COMMISSION ACTIONS OF SEPTEMBER 15, 2009

The items attached were acted upon by the Planning Commission on September 15, 2009.

The Council may, within fifteen days after the date of the decision on or before the first day following the first Council meeting after the date of the Planning Commission decision, whichever occurs last:

1. Confirm the action of the Planning Commission and grant or deny the application;
2. Set the matter for public hearing and dispose of it in the same manner as on an appeal; or
3. Amend, modify, delete, or add any condition of approval which the Council finds is not substantial under the circumstances relative to or affecting the property subject to the application for a development entitlement. Any determination of the Council pursuant to this paragraph shall be conclusive and final.

In the event the Council does not take one of the actions specified above within the period of time required, the decision of the Planning Commission shall be final.

Recommendation:

Receive and file.

Agenda Item #: 7

Meeting Date: 9/22/09

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PLANNING DIRECTOR

SUBJECT: MAP-104-08; APPLICATION REQUESTING APPROVAL OF VESTING TENTATIVE PARCEL MAP NO. 70848 FOR THE DIVISION OF THE VACANT LOT LOCATED AT 3000 PASEO DEL MAR AND ASSOCIATED MITIGATED NEGATIVE DECLARATION FOR THE DIVISION OF THE VACANT LOT LOCATED AT 3000 PASEO DEL MAR. LOT 1, BLOCK 2252, TRACT 7144.

DATE: SEPTEMBER 22, 2009

The Issue

Should the City Council approve the application of Vesting Tentative Parcel Map No. 70848 for the Division of the Vacant Lot Located at 3000 Paseo Del Mar and Associated Mitigated Negative Declaration for the Division of the Vacant Lot Located at 3000 Paseo Del Mar?

Background and Analysis

This application requests approval of Vesting Tentative Parcel Map No. 70848 and associated Mitigated Negative Declaration for the division of 3000 Paseo Del Mar. The existing single family lot is 36,280 sq. ft. The applicant proposes a lot split that will result in the creation of two lots. The lot to the west will be 21,097 sq. ft. and the lot to the east will be 15,183 sq. ft. The maximum allowable floor area for the proposed Lot 1 (the lot closest to the bluff) will be 8,079 sq. ft. The footprint for this lot could potentially be 6,329 sq. ft. (30% of the lot size) with remaining square footage on an upper level. The maximum allowable floor area for the proposed Lot 2 (the lot to the east) will be 6,305 sq. ft. The footprint for this lot could potentially be 4,555 sq. ft. with the remaining square footage on another level.

Keep in mind that if and when new homes are proposed for each site, the Planning Commission will review and assess the compatibility of the designs at that time. A decision to approve the tentative map does not in any way compromise the City's authority to deny potentially incompatible proposals in the future.

**CITY COUNCIL AGENDA
SEPTEMBER 22, 2009**

History

This application was most recently reviewed by the Planning Commission on August 18, 2009. The map was approved (3-1, Vandever dissenting) with standard conditions and the following additional conditions:

1. All conditions provided by the City Geotechnical Engineer and City Surveyor are to be addressed prior to final approval.
2. Individual water and sewer services shall be constructed for each lot.
3. A Parklands in-lieu fee of \$28,407 be paid to the City.

Please note that prior the Planning Commission's review of the application, the Tentative Map was reviewed by the City Geotechnical Engineer as well as the City Surveyor. Both provided conditional approval of the map.

Per Chapter 16.08 of the Palos Verdes Estates Municipal Code, once the map has been approved by the Planning Commission, at the next regular meeting the City Council must set a date for a public hearing to review the map, which must be 30 days thereafter. Thus, on September 8, 2009, the City Council set the date for review of the map for this evening.

Attached are the staff report with all supporting documents as presented to Planning Commission on August 18, 2009 and the minutes from the August Planning Commission meeting. Staff has also worked with the City Attorney to prepare the attached Resolution R09-31 confirming the approval of the mitigated negative declaration and Resolution R09-32 confirming the approval of the map.

Findings Required to Approve

Subdivisions are regulated by both the City's Municipal Code and by the State's Subdivision Map Act. Both sets of regulations must be implemented during the review process.

Per Chapter 16.16.090 of the City's Municipal Code, new lots must meet the following criteria:

- “ A. Lot areas shall be such as will conform to the standards of development as defined by the zoning ordinance or other official plans adopted pursuant to law.
- B. Lots having no frontage on a public street shall be cause for disapproval of subdivisions.
- C. The width of lots shall be such as will conform to standards of development as defined by the zoning ordinance or other official plans adopted pursuant to law; provided, that the minimum width of lots shall be one hundred feet; and provided further, that odd-shaped lots shall be subject to individual determination by the city. No lot shall be less than fifteen thousand square feet.
- D. No lot shall be divided by a county, city, school district or other taxing boundary line.
- E. The side lines of lots shall be approximately at right angles to the street line on straight streets or be radial to the curve on curved streets.
- F. Double-frontage lots should be avoided.
- G. Corner lots shall have a width sufficient to permit adequate side yards.”

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Per Section 66474 of the Subdivision Map Act, a “legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

(a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.

(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(c) That the site is not physically suitable for the type of development.

(d) That the site is not physically suitable for the proposed density of development.

(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.”

CEQA Status

This project is not exempt from CEQA. An Environmental Initial Study and Mitigated Negative Declaration have been prepared. The Initial Study reveals that there are potential impacts from the geology of the existing site; however, the conditions provided by the City Geotechnical Engineer will mitigate those impacts. There is also a possible impact on the scenic vista; however, the Neighborhood Compatibility process mitigates that potential impact.

Alternatives Available to the City Council

The following are alternatives available to the City Council:

**CITY COUNCIL AGENDA
SEPTEMBER 22, 2009**

1. Approve Vesting Tentative Map Parcel No. 70848 for the division of the vacant lot located at 3000 Paseo Del Mar and associated Mitigated Negative Declaration, and adopt Resolutions R09-31 and R09-32 confirming the approval.
2. Approve Vesting Tentative Map Parcel No. 70848 for the division of the vacant lot located at 3000 Paseo Del Mar and associated Mitigated Negative Declaration, and adopt Resolutions R09-31 and R09-32 confirming the approval, with modifications.
3. Deny Vesting Tentative Map Parcel No. 70848 for the division of the vacant lot located at 3000 Paseo Del Mar and associated Mitigated Negative Declaration.

Recommendation from Staff

Staff recommends that the City Council open the public hearing, receive public input, close the public hearing and approve Vesting Tentative Map Parcel No. 70848 for the division of the vacant lot located at 3000 Paseo Del Mar and associated Mitigated Negative Declaration, and adopt Resolutions R09-31 and R09-32 confirming the approval.

Staff report prepared by:
Stacey Kinsella
Planning Department