



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**

October 13, 2009
6:00 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 (6:00 p.m. – 7:30 p.m.)

- **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Pursuant to Government Code Section 54957
Title: City Manager

**CITY COUNCIL AGENDA
OCTOBER 13, 2009**

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 be deem appropriate.

PLEDGE OF ALLEGIANCE

ROLL CALL

MAYOR'S REPORT – Matters of Community Interest

CONSENT AGENDA

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. 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 22, 2009

Recommendation: Review and File.

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.

2. 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

**CITY COUNCIL AGENDA
OCTOBER 13, 2009**

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.

OLD BUSINESS

3. Parklands Committee Meeting Item of September 14, 2009

Recommendation: Review and approve the action of the Parklands Committee.

- 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).

NEW BUSINESS

4. Approval of Professional Services Agreement with Vision Internet Providers, Inc. for City Website Services

Recommendation: It is recommended that the City Council approve a professional services agreement with Vision Internet Providers, Inc. in the amount of \$35,515 for design, programming and training services for a new City website.

5. Informational Report on the Implementation of Marine Protected Areas Along the Palos Verdes Peninsula per the Marine Life Protection Act

Recommendation: Receive report and take appropriate action.

STAFF REPORTS

6. City Manager's Report

DEMANDS

7.
 - a. Authorize Payment of Motion #1 - Payroll Warrant of September 25, 2009
 - b. Authorize Payment of Motion #1a - Payroll Warrant of October 2, 2009
 - c. Authorize Payment of Motion #2 - Warrant Register of October 13, 2009

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

MAYOR & CITY COUNCILMEMBERS' REPORTS

ADJOURNMENT TO TUESDAY, OCTOBER 27, 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, October 14, 2009, at 7:30 p.m., and Wednesday, October 21, 2009, at 7:30 p.m.*

Agenda Item #: 2

Meeting Date: 10/13/09

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: OCTOBER 13, 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.

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 September 22, 2009. At the applicant's request, the application was continued to this evening.

Attached to the staff report are all supporting documents as presented to Planning Commission on August 18, 2009. The minutes from the August 18th meeting are included as well as the minutes from previous hearings. 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.”

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:

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

Agenda Item #: 3
Meeting Date: 10/13/09

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PLANNING AND PUBLIC WORKS DIRECTOR

**SUBJECT: APPEAL OF PARKLANDS COMMITTEE DENIAL OF PC-304-09, A
REQUEST TO REMOVE ONE CAMPHOR TREE IN THE CITY RIGHT
OF WAY ADJACENT TO 4125 VIA NIVEL**

DATE: OCTOBER 13, 2009

The Issue

Should the City Council review and approve the Parklands Committee's denial of PC-304-09, a request to remove one camphor tree in the City right of way adjacent to 4125 Via Nivel.

Background

On Monday September 14, 2009, the Parklands Committee reviewed a request from the owner's of 4125 Via Nivel to remove one camphor tree in the City right of way adjacent to their property. The request was denied 4-1 (Shaffer dissenting). The staff report and minutes of the review of this item are attached.

Analysis

Unlike this case, the Parklands Committee typically reviews request for tree removals due to the view impact created by the subject tree. In these cases, the tree is reviewed per the City's Tree Management Policy. The Policy dictates that the tree is to be reviewed in light of four criteria – Natural Amenities, Neighborhood Character, Privacy, and Views. You will note that these are the same as the criteria used under the Neighborhood Compatibility review process for new construction. Based on the Parklands Committee's evaluation of the cumulative impact of the tree's removal based on these four criteria, they make a recommendation to the City Council.

**CITY COUNCIL AGENDA
OCTOBER 13, 2009**

When a tree is requested to be removed for another reason, such as damage to a driveway, the Parklands Committee has traditionally used the Tree Management Policy process as a base, and added the additional criteria regarding the tree to the evaluation. In this case, the Parklands Committee added the impacts of the tree to the driveway to their review. They then weighed the five criteria and found that they felt the tree should not be removed.

To clarify one piece of technical information that may be confusing, the City Forester's opinion is that root pruning at the east edge of the existing driveway, the edge closest to the tree, would be allowable, but may compromise the existing tree's root system as the tree is very close to the driveway. The potential impact to the tree will not be known until the driveway is removed. If the reconstruction of the existing driveway in its current location would severely compromise the tree's health, then we would allow the removal at a staff level. However, at a staff level we would not allow the tree to be removed for an expansion of a driveway as has been proposed.

Alternatives Available to Council

The following alternatives are available to the City Council:

1. Deny PC-304-09, a request to remove one camphor tree in the City right of way adjacent to 4125 Via Nivel.
2. Approve PC-304-09, a request to remove one camphor tree in the City right of way adjacent to 4125 Via Nivel, with standard conditions.

Recommendation from Staff

Staff recommends that the Council deny PC-304-09, a request to remove one camphor tree in the City right of way adjacent to 4125 Via Nivel.

Staff report prepared by:
Allan Rigg
Public Works Department

TO: JOSEPH HOEFGEN, CITY MANAGER

FROM: JUDY SMITH, ASSISTANT CITY MANAGER

**SUBJECT: APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH
VISION INTERNET FOR CITY WEBSITE SERVICES**

The Issue

Shall the City Council approve a professional services agreement with Vision Internet for City website services including design, programming and training for a new City website?

Background

The City's current website (www.palosverdes.com/pve) was created and has been maintained and hosted by PV on the Net (a 501 c3 non-profit), at offices located at the Rancho Palos Verdes City Hall site. PV on the Net also created and maintains a separate site for the City's Police Department (www.palosverdes.com/pvepd). Mr. Ted Vegvari has been the City's contact at PV on the Net since inception (1997). There were no costs to the City for the initial creation or maintenance, other than noted as follows, for either the City or Police sites. The City's annual cost for web services totals \$6,300, which involves posting of City Council agendas and staff reports (~21 agenda/yr @ \$300 each).

A complete redesign of the City's website, including new graphics, layout and enhanced functional features, was originally included in the FY 2008-09 Work Program, but carried forward into the current year. A "placeholder" budget in the amount of \$10,000 was included in the City Clerk's department for the project. It was expected that the budget would need to be modified once actual costs were known.

Analysis and Findings

On June 30th, the City issued a Request for Proposals for "Website Design, Development, Maintenance and Hosting" (Attachment #1). Five proposals were distributed to interested vendors, including PV on the Net, and five responses were received by the July 31, 2009 due date. Responses were reviewed by the City Manager and the department heads. Staff narrowed the focus to three firms deemed the most qualified: Vision Internet, Civica and CivicPlus.

Vision Internet and Civica are both located in Southern California and have numerous California cities as clients. Rolling Hills Estates is in the process of finalizing their new website using Vision Internet. Civica clients include the cities of Beverly Hills and Palo Alto, in addition to

other smaller cities. CivicPlus, located in Manhattan, Kansas has also performed similar services for many California cities, including the City of Rolling Hills, Chino Hills and Pismo Beach.

Each vendor is able to offer graphics, design, navigational structure, content management and service enhancements/functional features according to client needs and specifications. Staff believes each vendor would deliver a satisfactory product. Among these firms, the final recommendation is based on a combination of design approach, functionality; review of client cities’ sites; client references; proprietary/non-proprietary software, and cost – both initial and on-going. The table below shows the vendor proposals using the criteria of software and cost:

Vendor	Content Software Proprietary Yes/No	Initial Cost	Hosting Cost/ yr	Maintenance (1)
Vision	No - Non-proprietary city owns source code	\$35,515	\$2,400 / yr	\$85-\$125/hr
Civica	Yes – proprietary	\$39,690	\$1,800 / yr	\$75-\$155/hr
CivicPlus	Yes - proprietary	\$19,630(2)	\$3,000 / yr	\$81-145/hr

(Footnote 1: Vision includes three months free maintenance/support (up to 5 hours/month)
Civica offers optional annual maintenance/upgrade at \$4,100/yr)

(Footnote 2: CivicPlus cost includes \$6,720 for travel for onsite City staff training / 3 days.)

Civica and CivicPlus are proprietary software systems that clients purchase and use to maintain and add content to a site. If, for example, in five years the City wished to terminate its relationship with either of these vendors, the City would have access to the content, but not the format or functionality of the site. The City would need to engage a new firm to provide design and navigation services. Civica was eliminated from consideration at this point, since the cost for the proprietary software was deemed too great an expense without corresponding benefit to the City.

Vision uses non-proprietary software (Microsoft ASP.NET; SQL-based Vision Content Management; Microsoft Content Management and Stellent Oracle’s CMS) to create the navigation structure and site content. Once the site is developed, the City owns the source code. After initial launch, the City may choose to use Vision to assist with upgrades and maintenance or we could contract with any other qualified vendor (or person) to perform these functions. Staff believes this is an important selling point and one that distinguishes Vision from the other vendors.

Staff was also favorably impressed with the navigation and linked sources within the Vision client sites. For a resident or other user who is not sure where they need to look for specific information, the ability to arrive at the same location through multiple paths seems to provide an efficient structure and “user-friendly” approach. A list of Vision features, including e-notification subscription service and forms/requests, is shown as Attachment #3. Vision also offers social networking components, including Twitter, which some cities have integrated with emergency alert notifications. Integration of additional features and connection to third-party

**CITY COUNCIL AGENDA
OCTOBER 13, 2009**

databases (e.g. parking citation payment) are not included in the current contract, but are contemplated as future enhancements to the site once we have an established record with the vendor.

Staff spoke with clients of the both Vision and CivicPlus. It was helpful to hear their comments regarding issues such as time needed to develop a site, training, and on-going relationships/support. Rolling Hills Estates has had a positive experience with Vision, as has the other cities contacted. Those cities who have used their website for several years indicate no difficulties in staff maintaining or changing the content and that when contacted, Vision has been responsive in assisting. A recurring comment from several cities was to provide adequate lead time for the project. Vision Internet estimates on the long side, a 6.5 month project timeframe, which was similar to the other companies.

Using services of a new web vendor represents one major change, in that City staff will become responsible for maintaining and updating the content on the site. Currently, staff prepares information (document, form, picture or language) and sends it to PV on the Net with directions where to post, which they in turn perform. Removing outdated information from the site is also by staff request to PV on the Net. Moving this responsibility in-house will result in additional work for staff, but at this time it is not known exactly how much additional time will be involved. Since staff is now essentially creating content, uploading it or inputting the information on predesigned forms should not be that time consuming.

Alternatives Available to the City Council

1. Approve the agreement with Vision Internet for website services.
2. Decline to approve the agreement and request additional information from staff.
3. Decline to pursue a website project with any vendor at this time.

Recommendation

It is recommended that the City Council approve a professional services agreement with Vision Internet in the amount of \$35,515 for design, programming and training services for a new City website.

Budgetary Impact

The FY 09-10 budget included a placeholder budget of \$10,000 for this project. Staff was aware that a supplement to the budget would likely be required once a preferred vendor was determined. The professional services agreement covers implementation of the site. Annual upgrades and hosting services will be obtained through purchase order and are not included as part of the professional services agreement. Staff will provide a summary report to the Council upon completion of this project in conjunction with the FY 2010-11 budget process. A budget

adjustment resolution will be prepared as part of the fiscal year end process to cover the costs in excess of the \$10,000 placeholder budget.

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PLANNING AND PUBLIC WORKS DIRECTOR

**SUBJECT: INFORMATIONAL REPORT ON THE IMPLEMENTATION OF
MARINE PROTECTED AREAS ALONG THE PALOS VERDES
PENINSULA PER THE MARINE LIFE PROTECTION ACT**

DATE: OCTOBER 13, 2009

The Issue

Should the City Council take a position regarding the implementation of Marine Protected Areas (MPAs) along the Palos Verdes Peninsula per the Marine Life Protection Act (MLPA)?

Background

In 1999, the State of California enacted the Marine Life Protection Act (MLPA) with the goal of establishing a network of Marine Protected Areas (MPA) along the California coast. The intent of the legislation was to create a well-designed and managed chain of protected marine ecosystems to be located in each of five regions along the California coastline. The California Department of Fish and Game has been overseeing a public process to identify possible Marine Protected Areas and is now focusing on the South Coast region -- from Point Conception to the Mexico border.

A major part of this process has been to involve stakeholders through a series of meetings resulting in the identification of alternative locations for MPAs in the South Coast region. The stakeholder group proposals will be submitted to a Blue Ribbon Task Force (BRTF), a group comprised of seven public leaders appointed by the secretary of the California Natural Resources Agency. A listing of the members of the Blue Ribbon Task Force, the 64 member South Coast Stakeholders Group, and the 20 member South Coast Science Advisory Team is included as Attachment A to this report.

The Blue Ribbon Task Force meeting will take place on October 20-22 in Long Beach. The purpose of this meeting is to review alternative MPA locations and to take further public input on

these alternatives prior to making a recommendation for approval to the State Fish and Game Commission.

The purpose of this report is to provide the Palos Verdes Estates City Council with an informational report concerning the three alternatives affecting the coastal waters of the Palos Verdes Peninsula. This report largely is a collection of materials collected from the Marine Life Protection Act, and is intended to assist the City Council in determining whether or not to take a position concerning the implementation of Marine Life Protected Areas along the Palos Verdes Peninsula.

Analysis

There are competing proposals for the MPAs from a variety of pro-fishing and environmental groups. Through the meetings, the stakeholder group has tried to develop MPAs that balance the desires of all interested parties.

Maps showing the three alternatives are attached to this report as Attachment B. As the maps do not show streets or City boundaries, a brief summary of each by staff is as follows:

Alternative One - A State Marine Preserve would be created beginning in Palos Verdes Estates on the shore near Rocky Point Road and would extend west and south from said point into the ocean.

Alternative Two - A State Marine Preserve would be created beginning in Rancho Palos Verdes on the shore near Point Vicente and would extend west and south from said point. A State Marine Conservation Area is also created along the shore of Abalone Cove and extends south into the ocean. There is no restricted area off the coast of Palos Verdes Estates.

Alternative Three - A State Marine Preserve would be created beginning in Palos Verdes Estates on the shore near Rocky Point Road and would run along the coast to Point Vicente, and would extend west and northwesterly from said area into the ocean.

The best formal descriptions of the MLPA, the MPAs, and the three types of MPA designations are from the California Fish and Game website - <http://www.dfg.ca.gov/mlpa/index.asp> with detailed information included as Attachment C. In areas with restrictions, the possible designations are summarized below:

Marine Reserves – no fishing is allowed; State Marine Reserves essentially prohibit the taking, injuring, damaging, or possessing of anything natural from the area. In order to protect the natural environment, restrictions such as prohibiting swimming and boating could be implemented; or

Marine Conservation Areas -- The restrictions within a State Marine Conservation Area are not as severe, and may allow for the harvesting of certain sustainable marine resources; or

Marine Parks, open only for recreational fishing.

The issue is a confusing one at best. There is contradictory information concerning the need for MPA designation along the Peninsula coastline. The only certain issue is that the BRTF will be making a recommendation at their upcoming meeting from October 20-22, and that this recommendation will carry significant weight in the final determination.

Thus, if the City Council desires to take a position on any of the alternatives before the Blue Ribbon Task Force Meeting, the time would be tonight. However, please note that the final decision will be made by the Fish and Game Commission, which is anticipated to act on the Task Force Recommendations in December.

Additional Factors to Consider

To assist the City Council in its review of this matter, we offer the following observations concerning possible MPA designation along our coastline as follows:

- 1) Palos Verdes Estates is unique in that our Police Department operates a patrol boat and routinely enforces Fish and Game regulations off our coast. As a result, we are much better equipped than other agencies to do enforcement of existing or any future regulations.
- 2) It is unknown what the exact consequences on Palos Verdes Estates coastal waters would be in each of the three different scenarios. It is possible that swimming, surfing, and boating could be prohibited within the State Marine Reserves per Alternatives One and Three. Attachment D includes further information about possible restrictions as outlined in the September 25, 2009 State Attorney General Opinion and accompanying transmittal letter to the Blue Ribbon Task Force.
- 3) While there are many current restrictions on the harvest of marine species (including the size and quantity restrictions for species removed), we are hesitant to characterize the health and viability of the marine ecosystem in the South Coast Region. As Council is aware, we do not have marine biologists on our staff and have not had sufficient time or resources to research the available data/science concerning the local marine ecosystem. However, there is significant anecdotal evidence that marine life in Palos Verdes Estates coastal waters is more plentiful than it was 10 or 20 years ago.
- 4) While there does appear to be a built-in review process five to ten years after MPA designations are made, it is unclear which measures will be used to determine the relative success of the MPA designation.

5) We have heard from a number of local residents with specific concerns about MPA designations in PVE. A copy of correspondence received as of close of business Thursday (Oct. 8th) is included as Attachment E.

Alternatives Available to Council

The following alternatives are available to the City Council:

- 1) Receive this report, take public input, and file this report without taking any further action.
- 2) Receive this report, take public input, and establish a position related to MLPA restrictions and forward letter to Blue Ribbon Committee.

Recommendation from Staff

As this is a policy decision, staff does not have a specific recommendation other than to receive this report and to take appropriate action.

#

As a final note, Council should bear in mind that there is no requirement for cities to take a formal position on the three alternatives. Each city will make an individual determination on whether its interests are best served by support, opposition, or neutrality concerning the various alternatives. In the South Bay area, the issue has taken on significant importance to the City of Redondo Beach which is advocating a position in support of Alternative Two -- which excludes MPA restrictions of the Rocky Point area of Palos Verdes Estates.

Attachments

- (A) Members of the Blue Ribbon Task Force
- (B) Maps Showing Alternative MPA's One, Two, and Three
- (C) Information from Fish and Game Web Site including FAQ
- (D) Attorney General Opinion and Transmittal Memorandum
- (E) Correspondence Received