

January 12, 2011
7:30 P.M.
Council Chambers of City Hall
340 Palos Verdes Dr. West
Palos Verdes Estates

**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. R11-02
NEXT ORDINANCE NO. 11-699**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MAYOR'S REPORT – Matters of Community Interest

**CITY COUNCIL AGENDA
JANUARY 12, 2011**

CONSENT AGENDA (Items 1-3)

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. An applicant or interested citizen who wishes to appeal any Planning Commission decision (Item # 3a-b) 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. City Council Minutes
 - a. Regular Meeting of December 14, 2010
 - b. Special Meeting of December 21, 2010

Recommendation: Review and File.

2. Traffic Safety Committee Appointment – Blake LaMar

Recommendation: It is recommended that the City Council confirm the appointment of Blake LaMar to fill an unexpired term, ending June 30, 2011, on the Traffic Safety Committee.

3. Planning Commission Actions of December 21, 2010

Recommendation: Receive and File.

- a. **NC-1398/GA-1478-10;** Consideration of Neighborhood Compatibility and Grading Applications for a new single family residence located at 529 Via Media. Lots 14 & 15, Block 1510, Tract 6886.

Applicant: Jay H. Park
357 South Curson Ave., #3C
Los Angeles, CA 90036
Owner: Sung H. Lim & Soo Y. Ahn

Action: Approved (4-0, Vandever recused) with standard conditions and the following additional condition: 1) The existing non-standard walkway is to be removed.

- b. **M-794-10;** Consideration of a Miscellaneous Application for a structure exceeding the maximum allowable height at the single family residence located at 4117 Via Largavista. Lot 23, Block 6312, Tract 7143.

Applicant: Deborah Richie-Bray
2432 Via Amador
Palos Verdes Estates, CA 90274
Owner: John & Shannon Corsaro

**CITY COUNCIL AGENDA
JANUARY 12, 2011**

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.)

Applicant shall be provided five (5) minutes for presentation and rebuttal. All other persons addressing the City Council during public hearing shall be limited to three (3) minutes for comment.

4. Consideration of a Miscellaneous Application (M-787-10) for Nonstandard Structures Within the City Right-of-Way and a Structure Exceeding the Maximum Allowable Height at the Single Family Residence Located at 400 Via Almar. Lot 8, Block 1514, Tract 6886

Applicant/Owner: Annette Morris

Recommendation: It is recommended the City Council open the public hearing, receiving public input, close the public hearing and make a decision on the application.

OLD BUSINESS

NEW BUSINESS

5. Proposed Expenditure of Citizens Option for Public Safety (COPS) Funds for Fiscal Year 2010-11 and Adoption of Resolution R11-01

Recommendation: It is recommended that the City Council adopt Resolution R11-01, approving the use of FY 10-11 COPS funds as contained in the City's adopted budget, and approve the additional expenditure of \$29,000 from COPS funds to purchase an automatic license plate reader.

STAFF REPORTS

6. City Manager's Report

CITY COUNCIL AGENDA JANUARY 12, 2011

DEMANDS

7.
 - a. Authorize Payment of Motion #1 – Payroll Warrant of December 24, 2010
 - b. Authorize Payment of Motion #1a – Payroll Warrant of January 7, 2011
 - c. Authorize Payment of Motion #2 – Warrant Register of December 28, 2010
 - d. Authorize Payment of Motion #2a – Warrant Register of January 12, 2011

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

MAYOR & CITY COUNCILMEMBERS' REPORTS

ADJOURNMENT TO TUESDAY, JANUARY 25, 2011, IN COUNCIL CHAMBERS OF CITY HALL FOR THE PURPOSE OF A REGULAR MEETING.

- *This City Council meeting can be viewed on Cox Cable, Channel 35, Thursday, January 13, 2011 at 7:30 p.m., and Wednesday, January 19, 2011, at 7:30 p.m.*

TO: JOSEPH HOEFGEN, CITY MANAGER
FROM: JUDY SMITH, ASSISTANT CITY MANAGER
SUBJECT: TRAFFIC SAFETY COMMITTEE APPOINTMENT-BLAKE LAMAR

The Issue

Shall the City Council confirm the appointment of Blake LaMar to fill an unexpired term, ending June 30, 2011, on the City's Traffic Safety Committee?

Analysis and Findings

A vacancy was created on the Traffic Safety Committee with the resignation of committee member Robert Kennedy. In order to allow for the effective functioning of the Traffic Safety Committee, the City Council at their meeting of December 14, 2010 appointed Mr. Blake LaMar, former Traffic Safety Committee member and chair, to serve in an interim capacity, as it was anticipated at that time, the Traffic Safety Committee would meet before the Council next convened.

In accordance with the requirements of Government Code §54974, the City Clerk's Office prepared and posted the notice of vacancy. At the expiration of the required notice period, no candidates, other than Mr. LaMar, expressed interest in serving. As a result, the Council should confirm the appointment of Mr. LaMar to complete the unexpired term (6-30-11) on the Traffic Safety Committee.

Recommendation

It is recommended that the City Council confirm the appointment of Blake LaMar to fill an unexpired term, ending June 30, 2011, on the Traffic Safety Committee.

TO: JOSEPH HOEFGEN, CITY MANAGER
FROM: ALLAN RIGG, PLANNING DIRECTOR
DATE: JANUARY 12, 2011
SUBJECT: PLANNING COMMISSION ACTIONS OF DECEMBER 21, 2010

The items attached were acted upon by the Planning Commission on December 21, 2010.

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.

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PLANNING DIRECTOR

SUBJECT: CONSIDERATION OF A MISCELLANEOUS APPLICATION (M-787-10) FOR NONSTANDARD STRUCTURES WITHIN THE CITY RIGHT-OF-WAY AND A STRUCTURE EXCEEDING THE MAXIMUM ALLOWABLE HEIGHT AT THE SINGLE FAMILY RESIDENCE LOCATED AT 400 VIA ALMAR. LOT 8, BLOCK 1514, TRACT 6886.

**OWNER: ANNETTE MORRIS
400 VIA ALMAR
PALOS VERDES ESTATES, CA 90274**

DATE: JANUARY 12, 2011

The Issue

Should the City Council confirm the Planning Commission's decision to approve M-787-10, with conditions; Miscellaneous application for nonstandard structures within the City right-of-way and a structure exceeding the maximum allowable height at the single family residence located at 400 Via Almar?

Background and Analysis

This is a Miscellaneous application for nonstandard structures within the City right-of-way and a structure exceeding the maximum allowable height at the single family residence located at 400 Via Almar. The application requests various nonstandard structures as numbered on the attached Site Plan noted as Exhibit A. The applicant seeks approval for a nonstandard curved walkway (No. 1) and a nonstandard landing within the right-of-way (No. 2) adjacent to Via Almar. The walkway is not perpendicular to the street per the Public Works Department standards and it is 9 ft. in width which exceeds the 6 ft. maximum width allowed on City property. The landing adjacent to the driveway is also nonstandard. It has a 24" retaining wall and has already been constructed without proper permits. The application also requests the review of the 6 ft. high fence located within the 30 ft. setback adjacent to Palos Verdes Drive West (No. 3). The fence exceeds the 42 inch high maximum allowed and has been at the site since 2008.

History

A Miscellaneous application was originally processed for this site on February 17, 2009. The application requested after-the-fact approval for a fence exceeding 42 inches in height within the setback adjacent to the Palos Verdes Drive West. The fence was ultimately denied and has been in Code Enforcement since that review. The current application requests another look at the fence (No. 3) and also requests an extension of the fence along the eastern side yard (No. 4). The 6 ft. high fence is allowed once it is past the 30 ft. required setback; however, the portions within the setback are required to be 42 inches in height.

The Public Works Department discovered the nonstandard, non-permitted work on the landing (No. 2) and issued a Stop Work Order to cease the construction. When the Code Enforcement Officer discovered the work on the walkway (No. 1), the work on the landing had already been completed in violation of the previous order. The Code Enforcement Officer once again stopped the work at the site and instructed the owner to submit all encroachments for review.

The site was subsequently reviewed by the Planning Commission on November 16, 2010. The application included the review of the encroachments as well as another review of the previously denied fence. The application was approved (3-2, Vandever & King dissenting) with standard conditions and the following additional condition:

1. The two structures within the right-of-way are denied, specifically the mailbox and the walkway.

The City Council's past guidance to the Planning Commission has been for the Planning Commission to only approve fences with open-type construction above 42 inches within the setback adjacent to the street. The earliest written record we have of this is from an appeal in September 2002. Thus, in cases when it has been deemed appropriate to exceed the 42-inch maximum height requirement, fencing has consistently been conditioned to be open wrought iron or chain link. We cannot find record nor can recall any solid structures over 42 inches being approved since the approval of 384 Via Almar in 2002.

To further assist the Council in their review, staff prepared the following chronological history for sites reviewed by the Planning Commission near the subject property with structures above 42 inches in the setback adjacent to Palos Verdes Drive West:

2002 – 408 Via Almar is approved for an open wrought iron five feet tall
2002 – 412 Via Almar is approved for an open wrought iron five feet tall
2002 – 384 Via Almar is approved for a solid fence six feet tall
2005 – 416 Via Almar is approved for an open fence five feet in height – their request was for a block wall
2007 – 505 and 509 Palos Verdes Drive West is denied for solid walls six feet in height
2008 – 505 and 509 Palos Verdes Drive West is denied for solid walls six feet in height

On November 23, 2010, the Planning Commission actions were forwarded to the City Council for review. The Council consensus was to set this application for public hearing. The applicant was

**CITY COUNCIL AGENDA
JANUARY 12, 2011**

informed of the request and City Staff directed her to abstain from any work at the site until a final decision is reached.

The attachments include the staff report with all supporting documents as presented to planning Commission on November 16, 2010 and the minutes from the November Planning Commission meeting.

Correspondence Received

One letter was received by the owner and it is included for review.

Findings Required to Approve

Reference City of Palos Verdes Estates Municipal Code Chapter 15 and the Public Works Department Standards.

CEQA Status

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to California Administrative Code Title 14, Chapter 3, Section 15303.

Alternatives Available to Council

The following alternatives are available to the City Council:

1. Confirm the Planning Commission's decision to approve M-787-10; Miscellaneous application for nonstandard structures within the City right-of-way and a structure exceeding the maximum allowable height at the single family residence located at 400 Via Almar, as conditioned.
2. Confirm the Planning Commission's decision to approve M-787-10; Miscellaneous application for nonstandard structures within the City right-of-way and a structure exceeding the maximum allowable height at the single family residence located at 400 Via Almar, with modifications.
3. Overturn the Planning Commission's decision and deny M-787-10; Miscellaneous application for nonstandard structures within the City right-of-way and a structure exceeding the maximum allowable height at the single family residence located at 400 Via Almar.

Once a decision is made by the City Council, a final Resolution will be prepared and presented at the following meeting to confirm the City Council's decision.

**CITY COUNCIL AGENDA
JANUARY 12, 2011**

Recommendation from Staff

Staff recommends that the City Council open the public hearing, receive public input, close the public hearing, and make a decision on the application.

Staff report prepared by:
Stacey Kinsella
Planning Department

TO: JOSEPH M. HOEFGEN, CITY MANAGER
FROM: DANIEL DREILING, POLICE CHIEF
SUBJECT: CITIZEN'S OPTION FOR PUBLIC SAFETY (COPS) EXPENDITURE
DATE: JANUARY 12, 2011

The Issue

Shall the City Council adopt Resolution R11-01, approving the use of FY 10-11 COPS funds as contained in the City's adopted budget, and approving an additional expenditure of \$29,000 of COPS funds during FY 10-11 to purchase an automatic license plate reader?

Analysis and Findings

Citizen's Option for Public Safety (COPS) are funds provided by the state to cities to support front line police functions. Palos Verdes Estates receives the state-provided minimum allocation of \$100,000 per year. COPS regulations require a recommendation of the Police Chief on the use of the funds and adoption of a resolution confirming the same. The funds must supplement and not supplant existing funding for law enforcement services. In addition, funds must be spent within two years of receipt.

In 2002, City Council approved the establishment of a School Resource Officer (SRO) authorizing the assignment of a sworn police officer at the Palos Verdes High School to establish a Student and the Law program and at the Palos Verdes Intermediate School to teach D.A.R.E. It was mutually agreed that the schools would provide for half the officer's (Joe Hall) salary and the City, the other half. City funding was derived from the COPS funds. During FY 02-03 the City's portion was \$31,345, and in FY 03-04 \$34,065. Concurrently with the implementation of the SRO program, the City Council approved the addition of a 25th sworn officer position to maintain the department's ranks devoted to patrol. Although the SRO program was a success at the Intermediate School, the Student and the Law class was never offered at the High School and the High School decided to discontinue their funding. In June of 2004, it was decided by the City to end the SRO program and Officer Hall returned to patrol.

Since then the City has continued to use COPS funds to finance half of an officer's salary with the concept of funding a 25th police officer position, in accordance with the original plan. Any remaining balance has been designated, as needed, for capital equipment or capital projects for the Police Department. During the previous two fiscal years, the department completed a range soundproofing project (\$32,000) and locker room renovation project (\$43,574) with COPS funds.

**CITY COUNCIL AGENDA
JANUARY 12, 2011**

While it was our initial intention to use the COPS money to fund a 25th police officer position, we have never realized the benefits because we have never been fully staffed in the police officer ranks. After this fiscal year it is our intention to stop using COPS funds to pay for a police officer position.

The purpose of this report and resolution is to approve the use of COPS funds for FY 10-11 as contained in the City's adopted budget. There is a beginning fund balance of \$14,210 and anticipated receipt of the \$100,000 annual allocation for total available funding of \$114,210. The Police Department's FY 10-11 budget includes the use of \$53,070 of COPS funds to finance half the cost of a sworn police officer position. Additionally, the Police Department would like to spend \$29,000 to purchase an automatic license plate reader. The Police Chief recommends that the residual balance of \$32,140 remain unobligated at this time.

An automatic license plate reader (ALR) consists of a system of cameras, mounted to a police vehicle that is connected to an in-car computer. The cameras automatically scan for vehicle license plates and run the plates through DMV and other State databases. The ALR will notify the officer if there is a "hit" on a particular vehicle, such as if the vehicle has been reported stolen, or if there is a warrant associated with the vehicle. There are several advantages to deploying an ALR system in the City. For example, the ALR can be parked in a neighborhood experiencing a particular crime, and the ALR will scan, run, and record every vehicle that passes. Additionally, when an officer takes the ALR on patrol, it will run hundreds of vehicles with no officer effort. Finally, if a particular crime occurs in the City, the ALR can be positioned at the most likely escape route and record the license plate of every car that passes, which can be analyzed at a later date. The cost of outfitting a police vehicle with the ALR is approximately \$29,000. This equipment is now commonly used in the South Bay police agencies.

Recommendation

It is recommended that the City Council adopt Resolution R11-01, approving the use of FY 10-11 COPS funds as contained in the City's adopted budget, and approve the additional expenditure of \$29,000 from COPS funds to purchase an automatic license plate reader.