

March 8, 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. R11-08
NEXT ORDINANCE NO. 11-699**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MAYOR'S REPORT – Matters of Community Interest

**CITY COUNCIL AGENDA
MARCH 8, 2011**

- Announcement of Ribbon Cutting Ceremonies for Disaster District Program emergency containers at Palos Verdes High School (10:00 am) and Montemalaga Elementary School (12 Noon) on Saturday, March 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 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. Adjourned Regular Meeting of February 15, 2011
 - b. Regular Meeting of February 22, 2011

Recommendation: Review and File.

2. Resolution R11-07; Affirming the Planning Commission Approval of NC-1400/GA-1479/M-791-10; Neighborhood Compatibility, Grading, and Miscellaneous Applications for a New Single Family Residence Located at 700 Via Horcada; Lot 12, Block, 1426, Tract 8523

Recommendation: It is recommended the City Council adopt Resolution R11-07; a Resolution of the City Council of the City of Palos Verdes Estates, California, affirming the Planning Commission’s approval of NC-1400/GA-1479/M-791-10; Neighborhood Compatibility, Grading, and Miscellaneous applications for a new single family residence located at 700 Via Horcada, with additional conditions.

3. Special Event Application for the American Diabetes Association to Hold Cycling Event “Tour de Cure” on Sunday, May 1, 2011

Recommendation: It is recommended that the City Council approve the Special Event Application for the American Diabetes Association “Tour de Cure” to be held on Sunday, May 1, 2011, from 7:00 a.m. to 12:30 p.m.

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.

**CITY COUNCIL AGENDA
MARCH 8, 2011**

OLD BUSINESS

NEW BUSINESS

4. Review of City Policy Regarding Posting of Promotional and Directional Signs on Public Property

Recommendation: It is recommended that the City Council review the existing Policy Regarding Posting Promotional and Directional Signs on Public Property and provide direction as appropriate.

STAFF REPORTS

5. City Manager's Report

DEMANDS

6.
 - a. Authorize Payment of Motion #1 – Payroll Warrant of March 4, 2011
 - b. Authorize Payment of Motion #2 – Warrant Register of March 8, 2011

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

MAYOR & CITY COUNCILMEMBERS' REPORTS

ADJOURNMENT TO TUESDAY, MARCH 16, 2011, 7:00 P.M. IN COUNCIL CHAMBERS OF CITY HALL FOR THE PURPOSE OF AN ADJOURNED REGULAR MEETING.

- *This City Council meeting can be viewed on Cox Cable, Channel 35, Thursday, March 9, 2011 at 7:30 p.m., and Wednesday, March 16, 2011, at 7:30 p.m.*

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PLANNING DIRECTOR

SUBJECT: RESOLUTION R11-07; AFFIRMING THE PLANNING COMMISSION APPROVAL OF NC-1400/GA-1479/M-791-10; NEIGHBORHOOD COMPATIBILITY, GRADING, AND MISCELLANEOUS APPLICATIONS FOR A NEW SINGLE FAMILY RESIDENCE LOCATED AT 700 VIA HORCADA. LOT 12, BLOCK 1426, TRACT 8523.

DATE: MARCH 8, 2011

The Issue

Should the City Council adopt Resolution 11-07 affirming the Planning Commission approval of NC-1400/GA-1479/M-791-10; Neighborhood Compatibility, Grading, and Miscellaneous applications for a new single family residence located at 700 Via Horcada?

Background and Analysis

On January 25, 2011, the City Council conducted a public hearing to consider the appeal of the Planning Commission's approval of NC-1400/GA-1479/M-791-10; Neighborhood Compatibility, Grading, and Miscellaneous applications for a new single family residence located at 700 Via Horcada. After considering the facts and testimony, the City Council voted (4-0) to continue the public hearing to the appellant's site at 702 Via Horcada.

The site visit was held on February 15, 2011 and focused on Section D of Neighborhood Compatibility Chapter 18.36.030 which states that "designs should consider to the extent reasonably practicable neighbors' existing views". Following the site visit, the City Council immediately reconvened at City Hall for a formal discussion.

After considering the facts and testimony, the City Council voted (5-0) to affirm the Planning Commission approval of NC-1400/GA-1479/M-791-10; Neighborhood Compatibility, Grading, and Miscellaneous applications for a new single family residence located at 700 Via Horcada, with the following additional conditions:

1. The roof ridge shall be reduced by 1.5 ft.
2. The trees on the eastern property line shall be removed.
3. Vegetation along the eastern property line shall not exceed the height of the approved roof ridge line.

**CITY COUNCIL AGENDA
MARCH 8, 2011**

4. The barbecue and trellis shall be constructed outside of the side yard setback.

Please note that the original condition for a standard urban stormwater mitigation plan still applies and is noted in the attached resolution.

This resolution confirms that decision.

Alternatives Available to Council

The following alternatives are available to the City Council:

1. Adopt resolution R11-07; affirming the Planning Commission approval of NC-1400/GA-1479/M-791-10; Neighborhood Compatibility, Grading, and Miscellaneous applications for a new single family residence located at 700 Via Horcada, with additional conditions.
2. Decline to act.

Recommendation from Staff

It is recommended that the City Council adopt Resolution R11-07; a Resolution of the City Council of the City of Palos Verdes Estates, California, affirming the Planning Commission approval of NC-1400/GA-1479/M-791-10; Neighborhood Compatibility, Grading, and Miscellaneous applications for a new single family residence located at 700 Via Horcada, with additional conditions.

Staff report prepared by:
Stacey Kinsella
Planning Department

TO: JOSEPH M. HOEFGEN, CITY MANAGER
FROM: ALEXA D. DAVIS, ADMINISTRATIVE ANALYST
SUBJECT: SPECIAL EVENT APPLICATION FOR THE AMERICAN DIABETES ASSOCIATION TO HOLD CYCLING EVENT, "TOUR DE CURE," SUNDAY, MAY 1, 2011
DATE: MARCH 8, 2011

THE ISSUE

Shall the City Council approve a Special Event Application by the American Diabetes Association to hold its "Tour de Cure" Cycling Event on Sunday, May 1, 2011 from 7:00 a.m. to 12:30 p.m.?

BACKGROUND AND ANALYSIS

The American Diabetes Association is requesting permission to hold a portion of their "Tour de Cure" ride through Palos Verdes Estates. This event raises funds for the American Diabetes Association's diabetes research, education and advocacy programs. It has previously been held successfully in the City four times with minimal disruption.

The "Tour de Cure" will begin and end in Long Beach. The Palos Verdes leg enters through Via Campesina to Via Corta. The route continues south on Palos Verdes Drive West exiting right onto Paseo del Mar beyond Bluff Cove and continuing south until exiting east on Paseo Lunado and south onto Palos Verdes Drive West. Tour maps are attached for your review.

An estimated 400 riders are expected to enter and exit the city in a staggered manner over a four-hour period. The Police Department requires that the cyclists obey all traffic laws. Safety and monitoring of riders' progress is also provided by the American Diabetes Association staff and volunteers. Based on the success of prior events by this organization, the traffic impact should be minor.

The Special Event Application has been preliminarily approved by all departments. All fees have been paid and the Certificate of Insurance and Indemnification Agreement have been received.

ALTERNATIVES AVAILABLE TO THE CITY COUNCIL

1. Council may approve the Special Event Application for the American Diabetes Association's "Tour de Cure" Cycling Event.

**CITY COUNCIL AGENDA
MARCH 8, 2011**

2. Council may choose not to approve the Special Event Application.
3. Council may impose additional conditions or restrictions on the sponsors of the event.

RECOMMENDATION

It is recommended that the City Council approve the Special Event Application for the American Diabetes Association “Tour de Cure” to be held on Sunday, May 1, 2011 from 7:00 a.m. – 12:30 p.m.

TO: JOSEPH M. HOEFGEN, CITY MANAGER
FROM: ALEXA D. DAVIS, ADMINISTRATIVE ANALYST
SUBJECT: REVIEW OF CITY POLICY REGARDING POSTING OF PROMOTIONAL AND DIRECTIONAL SIGNS ON PUBLIC PROPERTY
DATE: MARCH 8, 2011

ISSUE

Review of City Policy Regarding Posting Promotional and Directional Signs on Public Property in Palos Verdes Estates.

BACKGROUND

Throughout the course of the year, the City of Palos Verdes Estates receives numerous requests from organizations wishing to post promotional signs at the two pre-designated median strips adjacent to (1) Malaga Cove Plaza at Via Corta and (2) across from the Lunada Bay Fountain area. In any given year, the City receives an estimated 30 requests for the posting of signs, and over the past three years, the number of signs actually posted has ranged from 18 to 21 each year with each sign posted for a maximum of one week. In addition to the “once per year events”, the Malaga Cove site has been used for the placement of a library book sale sign which is posted monthly for two days at a time. A five-year history showing prior year postings of signs is provided as Attachment A to this report.

There is a substantial history associated with the City of Palos Verdes Estates’ efforts to craft a policy intended to preserve the unique ambience of the City by limiting the posting of signs on public property. A policy regarding posting promotional and directional signs on public property was first adopted in 1993 to supplement the Palos Verdes Estates Municipal Code Chapter 8.20.050 (see Attachment B). The 1993 policy only permitted signs to be posted for City sponsored and City recreational club events, and those benefiting the Palos Verdes Peninsula Unified School District’s (PVUSD) educational program and the Peninsula Public Library. A copy of the 1993 policy is provided as Attachment C.

Thirteen years later, in July and October 2006, the City Council received reports and provided direction resulting in a revised sign policy, which was formally approved by the Council on October 10, 2006. In addition to the posting of signs for City, PVUSD, and Palos Verdes Library District events, the 2006 policy provided a way for events sponsored by non-profit entities (where all

**CITY COUNCIL AGENDA
MARCH 8, 2011**

members were residents and/or property owners of the City) to seek City-sponsorship through the Special Event Application process in order to gain approval to post signs. Additionally, the 2006 policy reduced the time of posting from two weeks to one week and established a first-come, first-served priority for posting of signs. Attachment D includes a copy of the 2006 policy and the associated minutes from the Council discussion/adoption at that time. Additionally, Attachment E shows a redline version of the 1993 policy versus the 2006 policy.

As previously referenced, there are, on average, approximately 19 signs approved for posting for one week in a given year. Additionally, there are approximately 12 signs promoting the Friends of the Library Book Sale posted 2 days each month. In 4+ years since the 2006 policy was put in place, the number of sign requests have increased. Several recent requests have presented challenges to determine whether the organization making the sign request falls within the purview of the current sign policy. Over the past few months, the City received five such requests – prompting the need to generate this staff report and to seek Council direction regarding the existing sign policy.

ANALYSIS

Staff recently reviewed the sign policy with the City Attorney's office and sought input on available course of action for the City. The City Attorney's office has raised concerns with the City maintaining its existing policy as is and suggests that the City enact one of the following possible options:

1. *Modify the policy to enact a time, place and manner regulation that would be Constitutionally permissible and place a responsible limit on the number of signs permitted.* While the City can specify that commercial signs are prohibited in the right of way, the options are limited for how the City is able to regulate non-commercial signage. For example, the City may not limit the content (what is promoted) or speaker (organization). In doing so, the City may impose objective standards limiting size and height, the number of days an individual sign may be posted at a particular location, and limit the total number of signs permitted each year. These types of restrictions are known as time, place, and manner restrictions; or
2. *Discontinue the City Policy Regarding Posting Promotional and Directional Signs on Public Property.* This option would completely ban the placement of signs within the public right-of-way for all organizations -- including City sponsored events.

One other factor that Council may wish to consider is whether the need really exists today (as compared to prior years) for organizations to use public property to post promotional signs for special events. Unlike just a few years ago, it is commonplace for organizations to publicize events through e-mail announcements, web page advertising, and direct mailing to the target audience. These direct marketing methods would seem much more effective in reaching individuals and would have a greater likelihood of maximizing attendance as opposed to the posting of signs for a one-week period at the two intersections.

Staff is seeking direction on whether to amend the policy by implementing a “time, place, and manner” restriction or to simply end the practice of allowing signs in the median strips.

ALTERNATIVES AVAILABLE TO THE CITY COUNCIL

1. Review the existing policy and provide staff direction for specific revisions to implement time, place, and manner restrictions on the placement of signs on public property.
2. Discontinue the City Policy and prohibit the posting of promotional and directional signs on public property.

RECOMMENDATION

It is recommended that the City Council review the existing policy regarding posting of promotional and directional signs on public property and provide direction as appropriate.