



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**

July 8, 2008
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. R08-21
NEXT ORDINANCE NO. 08-687

CALL TO ORDER

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

- **Matters of Personnel**
Pursuant to Government Code Section 54957
Public Employee Performance Evaluation – City Manager

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.

CITY COUNCIL AGENDA
JULY 8, 2008

PLEDGE OF ALLEGIANCE (7:30 p.m.)

ROLL CALL

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. 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 June 24, 2008

Recommendation: Review and File.

2. Claim Rejection – Cynthia Ahearn

Recommendation: It is recommended that the City Council reject the claim of Cynthia Ahearn.

3. Two-Year Assignment Agreement with City of Torrance for the Exchange of Excess Proposition A Transit Funds

Recommendation: It is recommended that the City Council approve the two-year agreement with the City of Torrance to permit the exchange of Proposition A Transit funds in return for unrestricted general fund revenue at 70 cents on the dollar.

4. Resolution R08-18; Declaring that the City Public Works Director is Authorized to Execute Program Supplement Agreement No. N003 to Federal Master Agreement No. 07-5283R

Recommendation: It is recommended that the City Council adopt Resolution R08-18 to declare that the City Public Works Director is authorized to execute Program Supplement Agreement No. N003 to Federal Master Agreement No. 07-5283R.

5. PW-542-08; Award of Contract for the Fiscal Year 2008-09 Overlay Project and Adoption of Resolution R08-19; Adjusting the FY 2008-09 Budget

Recommendation: It is recommended that the City Council award a construction contract in the amount of \$536,999.28 to Hardy and Harper, Inc., for the completion of

the FY 08-09 City Overlay Project, and adopt Resolution R08-19, adjusting the FY 2008-09 budget.

6. PW-543-08; Award of Contract for the Fiscal Year 2008-09 Slurry Seal Project

Recommendation: It is recommended that the City Council award a construction contract in the amount of \$363,342.58 to American Asphalt South, Inc., for the completion of the FY 08-09 Slurry Seal Project.

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 HEARINGS

Appellants and/or applicants 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.

7. Request to Appeal Planning Commission Approval of NC-1151/GA-1346-04; Neighborhood Compatibility and Grading Applications for a New Single Family Residence Located at 2317 Via Acalones. Lot 19, Block 1638, Tract 7330

Appellant: Diana Gdowski
2320 Via Acalones
Palos Verdes Estates

Applicant: Ashai Design
21515 Hawthorne Blvd., #975
Torrance, CA 90503

Owner: Mike Aulert
1230 Rosecrans Ave., #402
Manhattan Beach, CA 90266

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

8. Introduction of Ordinance 08-684; an Ordinance of the City Council of the City of Palos Verdes Estates, Amending Section 18.36.043 of the Palos Verdes Estates Municipal Code Regarding the Requirements to Meet and Confer

Recommendation: It is recommended that the City Council open the public hearing, receive public input, close the public hearing, and introduce Ordinance 08-684, an ordinance of the City Council of the City of Palos Verdes Estates, amending Section 18.36.043 of the Palos Verdes Estates Municipal Code regarding the requirements to Meet and Confer.

9. Introduction of Ordinance 08-685; an Ordinance of the City Council of the City of Palos Verdes Estates, Adding Section 18.36.060 Relating to Changes to Neighborhood Compatibility Permits and Amending Sections 18.40.010 and 18.40.030 of the Palos Verdes Estates Municipal Code

Recommendation: It is recommended that the City Council open the public hearing, receive public input, close the public hearing, and introduce Ordinance 08-685, an ordinance of the City Council of the City of Palos Verdes Estates, adding Section 18.36.060 relating to changes to Neighborhood Compatibility permits and amending Sections 18.40.010 and 18.40.030 of the Palos Verdes Estates Municipal Code.

ORDINANCE

Actions to introduce or adopt an ordinance shall be deemed to have the title read and further reading waived.

10. Introduction of Ordinance No. 08-686; an Ordinance of the City Council of the City of Palos Verdes Estates Relating to Vending from Vehicles

Recommendation: It is recommended that the City Council introduce Ordinance 08-686, adding Chapter 10.42 to, and repealing Section 10.40.050 of, the Palos Verdes Estates Municipal Code relating to vending from vehicles.

OLD BUSINESS

11. Resolution R08-20; Implementing Parking Restrictions on Paseo Del Mar from Chiswick to Yarmouth Road

Recommendation: It is recommended that the City Council adopt Resolution R08-20 implementing a restricted parking plan immediately for Paseo Del Mar from Chiswick Road to Yarmouth Road, including adjacent Parkland areas. Restricted parking hours shall be 8:00 AM to 11:00 AM Monday-Friday, school days, on the west side of Paseo Del Mar and 11:00 AM to 2:00 PM Monday-Friday, school days, on the east side of Paseo Del Mar.

STAFF REPORTS

12. City Manager's Report

DEMANDS

13. a. Authorize Payment of Motion #1 – Payroll Warrant of June 27, 2008
- b. Authorize Payment of Motion #2a – Warrant Register of July 8, 2008 (FY07-08)
- c. Authorize Payment of Motion #2b – Warrant Register of July 8, 2008 (FY08-09)

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

MAYOR & CITY COUNCILMEMBERS' REPORTS

ADJOURNMENT TO TUESDAY, JULY 22, 2008, 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, Wednesday, July 9, 2008 at 7:30 p.m., and Wednesday, July 16, 2008, at 7:30 p.m.*

TO: JOSEPH HOEFGEN, CITY MANAGER
FROM: JUDY SMITH, ASSISTANT CITY MANAGER
SUBJECT: CLAIM REJECTION – CYNTHIA AHEARN

The Issue

Shall the City Council reject the claim of Cynthia Ahearn?

Analysis and Findings

Ms. Ahearn seeks damages, as stated, based upon alleged conduct by the City's Police Department. The City's contact with claimant, which gives rise to this claim, was initiated as a result of a call placed to the Police Department by a Yellow Cab driver who had transported passenger Ahearn to her residence in Palos Verdes Estates.

The City presented the claim to California Joint Powers Insurance Authority's (CJPIA) claims adjusters, Carl Warren and Company. The adjusters recommend that the City reject the claim.

Recommendation

It is recommended that the City Council reject the claim of Cynthia Ahearn.

TO: JOSEPH HOEFGEN, CITY MANAGER

FROM: JUDY SMITH, ASSISTANT CITY MANAGER

**SUBJECT: TWO-YEAR ASSIGNMENT AGREEMENT WITH CITY OF TORRANCE
 FOR THE EXCHANGE OF EXCESS PROPOSITION A TRANSIT FUNDS**

The Issue

Shall the City Council approve an assignment agreement with the City of Torrance to permit the exchange of excess Proposition A Transit funds in fiscal years 2008-09 and 2009-10?

Background and Analysis

For several years, the City has exchanged excess Proposition A Transit funds with the City of Torrance, in return for unrestricted general fund money. A two-year agreement for the exchange of Proposition A funds is again proposed for FY 2008-09 and 09-10, in the amounts of \$100,000 and \$200,000 respectively. Past exchange rates range from 65 cents to 69 cents on the dollar. The fund exchange rate for this agreement is 70 cents, which will provide \$70,000 and \$140,000 for the general fund in the respective years.

While the City has entered into one-time exchange agreements with other cities, most notably Santa Clarita in 2000, at the time the agreement with the City of Torrance was initiated; the Council believed there was value to our residents in supporting transit services of a neighboring jurisdiction, rather than providing funds to cities far removed from our area.

This exchange is possible because our total transit obligations to the Palos Verdes Peninsula Transit Authority (PVPTA) are paid with Proposition C Transit funds. Therefore, we have an accumulation of excess Proposition A money. Program guidelines permit the exchange of Proposition A transit money between cities, while Proposition C guidelines do not permit an exchange. The City of Torrance has approved the exchange agreement.

Alternatives Available to the City Council

1. Authorize the Mayor to execute the assignment agreement.
2. Decline to approve the agreement.

Budgetary Impact

The adopted FY 2008-09 and 2009-10 City budget assumes approval of the exchange of Proposition A funds at 69 cents per dollar. This agreement is for 70 cents, which will increase general fund revenue by \$1,000 in FY 08-09 and \$2,000 the following year, compared to budget.

After the exchange, the Prop A transit fund balance as of June 30, 2009 is projected at approximately \$522,000. As a result, staff may investigate interest in an additional one-time fund exchange with another jurisdiction during FY 08-09.

Recommendation

It is recommended that the City Council approve the two-year assignment agreement with the City of Torrance to permit the exchange of Proposition A Transit funds in return for unrestricted general fund revenue at 70 cents on the dollar.

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR

SUBJECT: ADOPTION OF RESOLUTION NO. R08-18, DECLARING THAT THE CITY PUBLIC WORKS DIRECTOR IS AUTHORIZED TO EXECUTE PROGRAM SUPPLEMENT AGREEMENT NO. N003 TO FEDERAL MASTER AGREEMENT NO. 07-5283R

DATE: JULY 8, 2008

The Issue

Should the City Council:

Adopt Resolution No. R08-18 to declare that the City Public Works Director is authorized to execute Program Supplement Agreement No. N003 to Federal Master Agreement No. 07-5283R?

Background and Analysis

In early 2007 staff applied for federal aid with Caltrans to construct an overlay street improvement project and a slurry seal street improvement project. The overlay project would occur on Via Campesina from Palos Verdes Drive North to the edge of the new pavement at the east golf course entrance, as well as in front of Via Zumaya next to 2564 Palos Verdes Drive West. The slurry seal project would occur on Via Valmonte from Palos Verdes Drive North to Via Azalea as well as on Palos Verdes Drive North from the triangle intersection at Palos Verdes Drive West to Paseo Del Campo.

In November, 2007, Caltrans informed staff that federal aid was approved for the overlay project. On January 12, 2008, staff received two copies of Master Agreement No. 07-5283R and two copies of Program Supplement Agreement No. N002 for the overlay project. Caltrans had requested that the signed agreements be returned to them along with a certified resolution identifying the official authorized to execute the agreements. On February 12, 2008, City Council identified the Director of Public Works as the official authorized to execute the Master Agreement No. 07-5283R and Program Supplement No. N002 and any other documents or instruments pertaining to the federal overlay project.

In April, 2008, Caltrans informed staff that federal aid was approved for the slurry seal project. On June 10, staff received two copies of Program Supplement Agreement No. N003 for this project. Caltrans requests that the signed program supplement agreements be returned to them along with a certified resolution identifying the official authorized to execute them. Staff recommends that the City Director of Public Works be identified again as the official authorized to execute the agreements and any other documents or instruments pertaining to this federal project.

Alternatives Available to Council

The following alternatives are available to the City Council:

1. Adopt Resolution No. R08-18 to declare that the City Public Works Director is authorized to execute Program Supplement Agreement No. N003 to Federal Master Agreement No. 07-5283R.
2. Adopt Resolution No. R08-18 with modifications.
3. Decline to adopt Resolution No. R08-18.

Recommendation from Staff

Staff recommends that the Council:

Adopt Resolution No. R08-18 to declare that the City Public Works Director is authorized to execute Program Supplement Agreement No. N003 to Federal Master Agreement No. 07-5283R.

Fiscal Impact

The cost estimate for this project is \$126,231 and staff requested \$62,355 of federal aid reimbursement. The City will have to ensure that adequate funding will be available to pay for project costs as they occur and must match at least 11.5% of the total funding spent; however, future fiscal savings would result from the City being reimbursed for a significant portion of those costs.

Staff report prepared by:
Floriza Rivera
Public Works Department

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR

SUBJECT: PW 542-08; AWARD OF CONTRACT FOR THE FISCAL YEAR 2008/09 OVERLAY PROJECT AND ADOPTION OF RESOLUTION R08-19, ADJUSTING THE FISCAL YEAR 2008/2009 BUDGET

DATE: JULY 8, 2008

Introduction

Should the City Council award a construction contract in the amount of \$536,999.28 to Hardy & Harper, Inc. for the completion of the FY 2008/09 City Overlay Project, and adopt Resolution R08-19, adjusting the Fiscal Year 2008/2009 Budget?

Background and Analysis

As part of the annual Capital Improvement Program, various streets receive an overlay treatment. The work consists of removing and replacing deteriorated asphalt, edge grinding, and overlaying the surface with new asphalt. The purpose of the work is to prevent any further deterioration of the roadway and restore the road to its original condition.

In April of 1996, the City Council approved a Pavement Management System report that inventoried the conditions of all the City streets. The PMS was updated in 2003 and streets were ranked and prioritized based on their conditions and need for repair. Using the rankings designated for each street as well as recent field observations, staff identified the following streets for this year's overlay project:

Street Name	From	To
Dolores Plaza	Via Coronel	Via Zurita
Noya Pl	Via Coronel	End
Via Andres	Via Castilla	End
Plaza Francisco	Via Asturias	Via Castilla
Via Andres n/o Plaza Andres	Via Castilla	Via Andres
Via Barcelona	Via Castilla	End
Via Castilla	Via Barcelona	Via Asturias (N)
Via Coronel	Lower Paseo La Cresta	Noya PL

Via Coronel e/o Plaza Blanca	Muros Place	Zorillo Pl
Via Coronel	Muros Place	Via Davalos
Via Davalos	Via Coronel	End
Via Galicia	Via Castilla	End
Via Landeta	Via Zurita	Via Estudillo
Via Margate	PVDW	Via Boronada
Via Romero	Via Castilla	Via Olivera
Via Romero	Via Carrillo	Via Zumaya
Via Zurita	Via Landeta	Via Coronel

In an effort to receive a number of competitive construction bids, staff advertised with Bid America, F. W. Dodge, and Reed Construction Data. Construction bids were received on June 12, at 10:30 a.m. The results are shown below:

	Base Bid	Alternative 1 Bid	Alternative 2 Bid
Hardy & Harper	\$506,999.28	\$30,000	\$22,400
Excel Paving Co.	\$507,992.04	\$29,991	\$10,625
Imperial Paving Co.	\$532,514.39	\$80,000	\$20,000
Ruiz Engineering Co.	\$549,678.66	\$12,500	\$13,125
All American Asphalt	\$562,000.00	\$34,500	\$22,500
Sully-Miller Contracting	\$583,578.13	\$32,000	\$22,500
Sequel Contractors	\$669,298.40	\$81,000	\$22,900

Alternative 1 bids are for the creation of a flowline down the street centerline of Via Navajo from just west of 3637 Navajo Place to the Via Navajo/Via La Selva intersection. The flowline will direct storm runoff away from several houses on the east side of the street which have flooding issues due to driveways sloping toward the homes. Alternative 2 bids are for the creation of a 2,500 square foot parking area on the Palos Verdes High School campus. The high school and the City would share the costs of the construction.

Staff recommends that the Alternative 1 bid be awarded with the base bid on this project, for a construction cost of \$506,999.28. Staff has not heard whether the school would like to move forward with Alternative 2 construction at the cost proposed.

Hardy & Harper, Inc. submitted the qualifying low bid for the project. They have completed many projects of similar size and scope, and City staff has also worked with them before, on the FY 2004/05, FY 2006/07, and FY 2007/08 Overlay Projects. Staff believes they are well equipped to satisfactorily complete the City's project.

The following schedule is anticipated:

- July 8 Contract awarded.
- July 25 Contract, insurance certificates signed by contractor & City.

- August 11 Work expected to begin.
- October 10 Work expected to be complete.

Alternatives Available to Council

The following alternatives are available to Council:

1. Award a construction contract in the amount of \$536,999.28 to Hardy & Harper, Inc., for the completion of the FY 2008/09 City Overlay Project, and adopt Resolution R08-19, adjusting the Fiscal Year 2008/2009 Budget.
2. Award a construction contract in the amount of \$506,999.28 to Hardy & Harper, Inc., for the completion of the FY 2008/09 City Overlay Project with no alternative work.
3. Decline to Act.

Conclusions and Recommendations

Staff recommends that the City Council award a construction contract in the amount of \$536,999.28 to Hardy & Harper, Inc., for the completion of the FY 2008/09 City Overlay Project, and adopt Resolution R08-19, adjusting the Fiscal Year 2008/2009 Budget.

Fiscal Impact

The FY 2008/09 budget contains \$559,000 for the overlay of City streets. Staff estimates the following costs for the Overlay Project:

Construction Subtotal	536,999.28
Inspection and Administration	\$52,000
Total	\$588,999.28

As a result, an additional \$30,000 is needed to cover the total project budget. There are sufficient funds in the slurry seal budget (\$457,000) to cover the total cost of that project and allow for the transfer of \$30,000 to the overlay budget. Resolution R08-19, which provides for the transfer, is attached.

Staff report prepared by:
 Floriza Rivera
 Public Works Department

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR

SUBJECT: PW 543-08; AWARD OF CONTRACT FOR THE FY 2008/2009 SLURRY SEAL PROJECT

DATE: JULY 8, 2008

Introduction

Should the City Council award a construction contract in the amount of \$363,342.58 to American Asphalt South, Inc., for the completion of the FY 2008/2009 Slurry Seal Project?

Background and Analysis

As part of the annual Capital Improvement Program, various streets receive a slurry seal treatment. Slurry seal is a liquid asphalt emulsion designed as a sealant to extend the useful life of a street. The seal will last approximately 5 to 7 years.

In April of 1996, the City Council approved a Pavement Management System (PMS) report that inventoried the conditions of all the City streets. Streets were ranked and prioritized based on their conditions and need for repair. The PMS was updated in 2003.

Using these rankings as well as recent field observations, staff chose the following streets to be slurried for FY 2008/2009:

Street Name	From	To
Muros Pl	Via Coronel	End
Rico Pl	Via Estudillo	End
Via Asturias	Via Castilla (S)	Via Castilla (N)
Via Boronada	Via Coronel	PVDW
Via Castilla	End	Via Asturias (S)
Via Castilla	Via Asturias	Via Barcelona
Via Castilla	Via Asturias (N)	Via Coronel
Via Coronel	Noya Pl	Muros Place

Street Name	From	To
Via Coronel	Via Davalos	PVDW
Via Descanso	Via Estudillo	End
Via Estudillo	Via Olivera	Dolores Plaza
Via Estudillo	Via Coronel	Rico Pl
Via Goleta	Via Romero	End
Via Landeta	Via Coronel	Via Zurita
Via Leon	Via Coronel	End
Via Lopez	Via Fernandez	Via Zurita
Via Martinez	Via Lopez	Via Zurita
Via Olivera	Via Zumaya	Via Coronel
Via Romero	Via Olivera	Via Zumaya
Via Sanchez	Via Olivera (S)	Via Olivera (N)
Via Valdes	Via Zumaya	Via Olivera
Via Zurita	Via Fernandez	Via Landeta
Zorillo Pl	Via Coronel	End

Staff advertised the FY 2008/2009 Slurry Seal Project with Bid America, F. W. Dodge, and Reed Construction Data. Construction bids were received on June 23, at 10:30 a.m. The results were as follows:

American Asphalt South	\$363,342.58
Pavement Coatings Co.	\$369,557.58

American Asphalt South, Inc., submitted the qualifying low bid for the project. City staff has worked with this company before, on the FY 2004/2005 Slurry Seal Project, the combined FY 2005/2006 and 2006/2007 Slurry Seal Project, and the 2007/2008 Slurry Seal Project. Staff believes they are well equipped to satisfactorily complete this year's project.

The following schedule is anticipated:

- July 8 Contract awarded.
- August 8 Contract, insurance certificates signed by contractor & City.
- September 8 Work expected to begin.
- October 31 Work expected to be complete.

Alternatives Available to Council

The following alternatives are available to Council:

1. Award a construction contract in the amount of \$363,342.58 to American Asphalt South, Inc., for the completion of the FY 2008/2009 Slurry Seal Project.
2. Decline to Act.

Conclusions and Recommendations

Staff recommends that the City Council award a construction contract in the amount of \$363,342.58 to American Asphalt South, Inc., for the completion of the FY 2008/2009 Slurry Seal Project.

Fiscal Impact

The FY 2008/2009 budget contains \$457,000 for the slurry sealing of City streets. Staff estimates the following costs for the Slurry Seal Project:

Construction	\$363,342.58
Inspection and Administration	\$36,000.00
Total	\$399,342.58

There are sufficient funds to cover the total construction cost of \$399,343 shown above.

Staff report prepared by:
Floriza Rivera
Public Works Department

TO: JOE HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PLANNING DIRECTOR

SUBJECT: REQUEST TO APPEAL PLANNING COMMISSION APPROVAL OF NC-1151/GA-1346-04; NEIGHBORHOOD COMPATIBILITY AND GRADING APPLICATIONS FOR A NEW SINGLE FAMILY RESIDENCE LOCATED AT 2317 VIA ACALONES. LOT 19, BLOCK 1638, TRACT 7330.

**APPELLANT: DIANA GDOWSKI
2320 VIA ACALONES
PALOS VERDES ESTATES, CA 90274**

**APPLICANT: ASHAI DESIGN
21515 HAWTHORNE BLVD. #975
TORRANCE, CA 90503**

**OWNER: MIKE AULERT
1230 ROSECRANS AVENUE #402
MANHATTAN BEACH, CA 90266**

DATE: JULY 8, 2008

The Issue

Should the City Council confirm the Planning Commission's decision to approve NC-1151/GA-1346-04; Neighborhood Compatibility and Grading applications for a new single-family residence located at 2317 Via Acalones, as conditioned?

Background and Analysis

This project consists of Neighborhood Compatibility and Grading applications for a new single family residence located at 2317 Via Acalones. The application proposes a 2108 sq. ft. first floor, a 1995 sq. ft. second floor and a 674 sq. ft. garage. The project also includes a cellar, however under section 18.04.140 of the PVE Municipal Code, it states that *the square footage of a cellar shall be excluded in calculating the floor area of the building*. Total proposed floor area is 4777 sq. ft. Maximum allowed floor area is 5497 sq. ft. on this 12,491 sq. ft. lot. Proposed grading is 2016 cu. yds. with a maximum cut depth of 18.5 ft. Building coverage and lot coverage

proposed are 25 % (30% maximum allowed) and 51.2 % (65% maximum allowed), respectively. Maximum building height proposed is 26.4 ft., which is within the maximum allowed height of 30 ft.

History

The project was reviewed by the Planning Commission on February 15, 2005. The project was approved (4-0, Commissioner Perkowitz recused) with standard conditions and the following additional conditions:

- 1) City standard curb and gutter shall be installed per construction plans prepared by a registered Civil Engineer and approved by the City Engineer; and
- 2) The entire cellar floor level shall be eliminated, including laundry room, wine cellar and crawl space.

The approval was appealed by Diana Gdowski, resident of 2320 Via Acalones. The appeal was denied, and the City Council imposed the following additional conditions:

- 1) The ridge height of the house and the garage shall be reduced by one foot without additional grading.
- 2) The swimming pool is not approved.
- 3) A drainage plan shall be prepared for review and approval by the City Engineer.
- 4) Chimney heights shall be limited to the minimum permitted by code.
- 5) Landscape screening shall be planted at the rear property line and maintained at approximately 15 feet in height.

Gdowski filed a lawsuit challenging the approval of the Neighborhood Compatibility permit on the grounds that she was not given an opportunity to respond to then-Mayor Abbott's comments and drawing regarding the project and on the grounds that there was no substantial evidence to support the City Council's findings in Resolution No. R05-11. As a result of that lawsuit, the City has been directed by the court to conduct a new hearing on Gdowski's appeal of the Planning Commission's decision.

Appeal

Gdowski contends that the proposed project does not comply with the Neighborhood Compatibility ordinance because the project will have an impact on the view from her home. The appeal lists modifications that would reduce the height of the proposed structure. The appeal states that the architect did not address neighbors' concerns and did not accurately present the issues that were involved with the project. The appellant also states that the Planning Commission approval did not address the concerns of the neighbors.

The appeal includes a photograph of the proposed project taken from the appellant's property, two sets of plans for the proposed project, a transcript of the February 15, 2005 Planning Commission meeting, and copies of correspondence from neighbors, the applicant and the architect that reviewed the project for modifications to reduce view impacts.

Correspondence Received

Before the February 15, 2005 Planning Commission meeting, four letters were received opposing the project.

At the February 15, 2005 Planning Commission meeting, two photographs were received.

Any additional items of correspondence received have been attached to the staff report.

Findings Required to Approve

PVEMC Section 18.36.045 states that in order to approve a Neighborhood Compatibility application, the following findings must be made by the City Council:

- A. That the proposed development is designed and will be developed to preserve the greatest extent practicable the natural features of the land, including the existing topography and landscaping;
- B. That the proposed development is designed and will be developed in a manner which will be reasonably compatible with the existing neighborhood character in terms of scale of development in relation to surrounding residences and other structures;
- C. That the proposed development is designed and will be developed in a manner which will preserve to the greatest extent practicable the privacy of persons residing on adjacent properties; and
- D. That the proposed development is designed and will be developed in a manner to the extent reasonably practicable so that it does not unreasonably interfere with neighbor's existing views.

PVEMC Section 18.24.065 states that a grading permit application shall not be approved if the Commission or Council finds:

1. The proposed grading will unreasonably change the natural contours of the land;
2. The proposed grading will create a hazard to the immediate or adjacent property; or
3. The proposed grading will unreasonably interfere with the use and enjoyment of property by other persons in the city.

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:

CITY COUNCIL AGENDA
JULY 8, 2008

1. Confirm the Planning Commission's decision to approve NC-1151/GA-1346-04; Neighborhood Compatibility and Grading applications for a new single-family residence located at 2317 Via Acalones, as conditioned by the Planning Commission.
2. Confirm the Planning Commission's decision to approve NC-1151/GA-1346-04; Neighborhood Compatibility and Grading applications for a new single-family residence located at 2317 Via Acalones, with modifications.
3. Overturn the Planning Commission's decision and deny NC-1151/GA-1346-04; Neighborhood Compatibility and Grading applications for a new single-family residence located at 2317 Via Acalones.

Recommendation from Staff

Staff recommends that the City Council confirm the Planning Commission's decision to approve NC-1151/GA-1346-04; Neighborhood Compatibility and Grading applications for a new single-family residence located at 2317 Via Acalones.

Staff report prepared by:
Stacey Kinsella
Planning Department

Agenda Item #: 8

Meeting Date: 7/8/08

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PLANNING DIRECTOR

SUBJECT: INTRODUCTION OF ORDINANCE NO. 08-684, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, AMENDING SECTION 18.36.043 OF THE PALOS VERDES ESTATES MUNICIPAL CODE REGARDING THE REQUIREMENTS TO MEET AND CONFER

DATE: JULY 8, 2008

The Issue

Should the City Council introduce Ordinance No. 08-684, an ordinance of the City Council of the City of Palos Verdes Estates, California, amending Section 18.36.043 of the Palos Verdes Estates Municipal Code regarding the requirements to Meet and Confer?

Background and Analysis

Per the Palos Verdes Estates Municipal Code Section 18.36.043, all Neighborhood Compatibility applicants are required to hold a neighborhood meeting at a reasonable time and a reasonable place at least 14 days prior to the Planning Commission meeting. On several occasions, neighbors have expressed their concern with the fact that the neighborhood meeting is held at an unreasonable time in a location that is not easily accessible. Some neighbors have expressed concern that they are not notified of the meeting early enough to make arrangements to attend. Moreover, holding the meeting only two weeks prior to the Planning Commission review means that the project design is mostly complete and changes to the plans cannot be easily made.

The proposed revisions to Section 18.36.043 include standards intended to address these wide-spread concerns:

- Firstly, the neighborhood meeting must be scheduled outside of business hours when there is daylight or during the day on a non-holiday weekend. This will make it easier for working neighbors to attend as well as avoid having the meeting while neighbors are on

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a holiday vacation. The ordinance also notes that the meeting is to be held during daylight hours so that the project site can be visible.

- Secondly, the meeting will be required to be held at the project site or, when this is not possible, at a location within city limits. It tends to be most beneficial when the meeting is held at the project site so that neighbors can better visualize the proposal. Often times, the current condition of the site is not suitable, but the meeting still needs to be held within the city to avoid remote locations.
- Thirdly, the ordinance states that neighbors are to be notified of the neighborhood meeting at least one week prior to the meeting. This will give neighbors seven days to make the appropriate arrangements versus one or two days. Please note that the designers can be contacted to make alternate arrangements for those neighbors who still cannot attend.
- Finally, the neighborhood meeting is to be scheduled at least four weeks prior to the Planning Commission meeting. In this way, the designer can make changes, if he/she so desires, to the plans and submit them to staff for review.

The proposed ordinance was reviewed and approved by the Planning Commission at their meeting on May 20, 2008.

Alternatives Available to the City Council

1. Open the public hearing, receive public input, close the public hearing and introduce Ordinance No. 08-684, an ordinance of the City Council of the City of Palos Verdes Estates, California, amending Section 18.36.043 of the Palos Verdes Estates Municipal Code regarding the requirements to Meet and Confer.
2. Open the public hearing, receive public input, close the public hearing and introduce Ordinance No. 08-684, an ordinance of the City Council of the City of Palos Verdes Estates, California, amending Section 18.36.043 of the Palos Verdes Estates Municipal Code regarding the requirements to Meet and Confer, with modifications.
3. Decline to act.

Recommendation from Staff

Staff recommends that the City Council open the public hearing, receive public input, close the public hearing and introduce Ordinance No. 08-684, an ordinance of the City Council of the City of Palos Verdes Estates, California, amending Section 18.36.043 of the Palos Verdes Estates Municipal Code regarding the requirements to Meet and Confer.

Staff report prepared by:
Stacey Kinsella
Planning Department
CITY COUNCIL AGENDA
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Agenda Item #: 9

Meeting Date: 7/8/08

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PLANNING DIRECTOR

SUBJECT: INTRODUCTION OF ORDINANCE NO. 08-685, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, ADDING SECTION 18.36.060 RELATING TO CHANGES TO NEIGHBORHOOD COMPATIBILITY PERMITS AND AMENDING SECTIONS 18.40.010 AND 18.40.030 OF THE PALOS VERDES ESTATES MUNICIPAL CODE

DATE: JULY 8, 2008

The Issue

Should the City Council introduce Ordinance No. 08-685, an ordinance of the City Council of the City of Palos Verdes Estates, California, adding Section 18.36.060 relating to changes to Neighborhood Compatibility permits and amending sections 18.40.010 and 18.40.030 of the Palos Verdes Estates Municipal Code?

Background and Analysis

Per the Palos Verdes Estates Municipal Code Section 18.40, the “Minor Modification” process was established to allow the Planning Director to approve changes to entitlements previously approved by the Planning Commission and City Council. To quote from the Code, “The modification procedure is intended to provide a method of reviewing and approving or disapproving minor or nonsubstantial changes to existing, previously approved development entitlements as provided for in this title and Title 17, without deviating from any standards required pursuant to this code.”

There have been various concerns over this process. First, staff is seeing a significant increase of Minor Modification submittals as an ever increasing number of homes in the City have some sort of entitlement granted by the Planning Commission, typically a Neighborhood Compatibility approval. These approvals run with the life of the approved structure. Under current regulations, all future changes to the structure and site must be reviewed and approved through the City either as a Minor Modification or a Revised Neighborhood Compatibility application to the Planning

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Commission. We have noted a significant increase in the number of these applications and expect it to increase even further over time. Second, the Code limits staff's ability to approve these applications and has forced many of these revisions to go before the Planning Commission, costing the applicant additional time and money, and clogging up the Commission's agenda. Approximately 50% of the projects in the most recent Planning Commission agendas have been revised Neighborhood Compatibility applications.

The Planning Department continually processes projects with changes such as new patios and walkways. While neither of these conditions will create a negative impact, the current code requires that these modifications be reviewed. Under the new ordinance, those patios and walkways would be exempted from review. Other minor changes that will be exempted include new landscape, changes to architectural features, and reductions in structure height or floor area. Keep in mind that if there is a condition of approval regarding an item that was listed as exempted, i.e. landscape, then the exemption no longer applies and the proposal will most likely need to be reviewed by the Planning Commission. Examples of modifications that would not be exempt, but could still be reviewed by staff through a Minor Modification application include increases in building lot coverage that total 200 sq. ft. or less, increases to the height of structures so long as it is no more than one foot, and relocation of walls outside the required setbacks. In this way, only the significant modifications would require Planning Commission review.

These concerns were discussed at the January 2008 Joint Dinner meeting. Staff was directed to research the issue and to bring back proposed changes to the Code to the Planning Commission and the City Council. Staff has worked with the Planning Commission and the City Attorney to develop an ordinance that mitigates the impacts of these increasing applications. Specifically, item B of proposed Section 18.36.060 includes a list of modifications that will now be exempt from any further review. Item C2 of proposed Section 18.36.060 includes a list of modifications that will still require further review with the Planning Department. Modifications not listed as exempt or capable of being reviewed by the Planning Department, would then require review with the Planning Commission. Due to the provisions set forth in Section 18.36.060, Section 18.40.010 and 18.40.030 were revised to no longer include neighborhood compatibility permits issued under Chapter 18.36.

The proposed ordinance was reviewed and approved by the Planning Commission at their meeting on June 17, 2008.

Alternatives Available to the City Council

1. Open the public hearing, receive public input, close the public hearing and introduce Ordinance No. 08-685, an ordinance of the City Council of the City of Palos Verdes Estates, California, adding Section 18.36.060 relating to changes to Neighborhood Compatibility permits and amending sections 18.40.010 and 18.40.030 of the Palos Verdes Estates Municipal Code.
2. Open the public hearing, receive public input, close the public hearing and introduce Ordinance No. 08-685, an ordinance of the City Council of the City of Palos Verdes

Estates, California, adding Section 18.36.060 relating to changes to Neighborhood Compatibility permits and amending sections 18.40.010 and 18.40.030 of the Palos Verdes Estates Municipal Code, with modifications.

3. Decline to act.

Recommendation from Staff

Staff recommends that the City Council open the public hearing, receive public input, close the public hearing and introduce Ordinance No. 08-685, an ordinance of the City Council of the City of Palos Verdes Estates, California, adding Section 18.36.060 relating to changes to Neighborhood Compatibility permits and amending sections 18.40.010 and 18.40.030 of the Palos Verdes Estates Municipal Code.

Staff report prepared by:
Stacey Kinsella
Planning Department

TO: JOSEPH HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PLANNING DIRECTOR

**SUBJECT: INTRODUCTION OF ORDINANCE NO. 08-686 AN ORDINANCE
 OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES
 ESTATES RELATING TO VENDING FROM VEHICLES**

DATE: JULY 8, 2008

The Issue

Should the City Council introduce Ordinance 08-686 relating to vending from vehicles?

Background and Analysis

City staff has been receiving complaints over the years regarding catering vehicles that park on City streets to sell food and beverages. Often times, these vehicles will park at the same location every day for many hours, creating a variety of problems for the local residents. These negative impacts include, but are not limited to: (i) an increase in the amount of litter; (ii) trampling down lawns when persons trespass upon or walk across private property; (iii) an increased risk of vehicle accidents and personal injury; (iv) invasion of personal privacy when motorized vehicles remain parked for long periods of time in front of a person's home or business; and (v) disruption of the peaceful repose of residents when catering trucks emit sounds to gain the attention of potential customers.

Over the years the catering vehicles have seemed to congregate along Granvia Altamira at our border with Rancho Palos Verdes. The location has become known to many as a location where a catering truck can always be found. Rancho Palos Verdes recently addressed this situation by modifying their regulations regarding catering vehicles, which seems to have an unintended consequence of relocating the vehicles across the border into our City. Accordingly, we believe we should modify our regulations to further reduce the negative impacts caused by the catering vehicles.

The City's existing regulations, within Section 10.40.050 of the Municipal Code, primarily consist of parking restrictions that limit the amount of time vendors may be parked at a particular location to 10 minutes and, upon the expiration of said 10-minute limit, require that each vendor relocate his/her vehicle. These regulations have proven ineffective in combating this problem as

they require constant monitoring by the City, the vendors have become adept at spotting City personnel, and the cost of a ticket is simply seen as a cost of doing business by the caterers.

Additionally, the City Manager has received correspondence from a number of PVE property owners expressing concern about the negative impacts of catering trucks. The City Manager met with the vendors who have been frequenting the Granvia Altamira in an effort to remedy the situation. The vendors initially agreed to comply with our existing Code. After a brief period of compliance, the vendors have fallen back into their past practices, which have generated renewed concerns from the residents.

Under the proposed ordinance, a permit will be required for all persons engaged in, conducting or carrying on “vending” on public property, with “vending” being defined as the sale or offering for sale of any goods or merchandise to the public from a vehicle. For those persons wanting to “vend”, a permit would be required from the City. Two types of permits would be issued – an “operators” permit for the main person conducting the business, and a “vendors” permit for anyone working for the “operator”.

In order to mitigate the negative impacts from vending, a list of vending regulations is within the proposed ordinance. A holder of a valid permit would be required to comply with each of these. A partial list is as follows:

C. Each operator of such vehicle shall possess and at all times display in conspicuous view upon each such vehicle a City business license issued pursuant to this code.

D. Each operator of such vehicle shall possess and at all times display in conspicuous view upon such vehicle an unexpired and unrevoked operator’s permit issued pursuant to Section 10.42.030 of this chapter.

E. It is unlawful for any vendor to sell or offer for sale any goods or merchandise from any vehicle pursuant to this section unless such person shall possess and at all times while conducting such vending maintain upon his or her person an unexpired and unrevoked vendor’s permit issued pursuant to Section 10.42.040 of this chapter.

H. No vending from such vehicle shall be permitted within sixty (60) feet of any intersection of two or more public streets nor within five hundred feet of any public or private elementary, junior high, or high school.

I. No vending from such vehicle shall be permitted for a period of time in excess of thirty (30) minutes in any one location and the vehicle must be moved a distance of not less than five hundred feet (500’) between consecutive stops at which vending occurs.

M. Each vendor shall pick up and deposit in the trash receptacle on the vehicle any paper, cups, wrapper, litter, or other refuse of any kind which were a part of the goods or merchandise supplied from the vehicle and which have been left or abandoned within twenty-five feet of such vehicle on any public property other than in a trash receptacle provided for such purposes. No vendor or operator shall dispose of any trash or refuse in any

such public or private trash receptacle other than a trash receptacle owned, operated, or otherwise provided by and under the control of such vendor or operator.

P. Except for vending from a vehicle on private property to provide meals for those living or working on such private property, no vending shall be permitted by any operator or conducted by any vendor except between the hours of nine (9:00) a.m. and five (5:00) p.m. Monday through Friday of each week.

Q. No amplified sound making devices shall be used to draw attention to, or announce the presence of, such vehicle upon any public street immediately contiguous to any residentially zoned property within the city. Nonamplified sound making devices shall be permitted for such purposes; provided, that (i) such sounds shall not be made while the vehicle is stopped, parking, or otherwise in a stationary position; and (ii) such sounds shall not be audible to a person with normal hearing for a distance of more than two hundred feet (200').

T. No vendor may sell or offer for sale any food or beverage for immediate consumption by a customer, unless the vendor and the vendor's customers have permission to use a permanent or temporary permitted sanitary toilet facility which is located within five hundred feet (500') from the location where the food or beverages are to be sold or offered for sale.

If the operator or vendor does not comply with any of the requirements for the respective permit, the permit can be revoked for a period of one year. There is an appeal procedure that can be availed by someone whose permit has been revoked.

There are exemptions to the permit requirements for both deliveries to a residence and for charitable solicitations.

The attached Ordinance implements these changes into the City's Code.

Alternatives Available to the City Council

1. Introduce Ordinance 08-686 relating to vending from vehicles.
2. Decline to introduce Ordinance 08-686 relating to vending from vehicles.

Recommendation from Staff

Staff recommends that the City Council introduce Ordinance 08-686, adding Chapter 10.42 to, and repealing Section 10.40.050 of, the Palos Verdes Estates Municipal Code relating to vending from vehicles.

Staff report prepared by:
Allan Rigg, Planning Department

TO: JOSEPH HOEGEN, CITY MANAGER

FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR

SUBJECT: RESOLUTION R08-20 IMPLEMENTING PARKING RESTRICTIONS ON PASEO DEL MAR FROM CHISWICK TO YARMOUTH ROAD

DATE: JULY 8, 2008

The Issue

Should the City Council adopt Resolution R08-20 immediately implementing parking restrictions on Paseo Del Mar from Chiswick to Yarmouth Road?

Background

The Residential Parking Permit Zone (RPZ) on the streets near the Palos Verdes High School (PVHS) campus went into effect on Monday April 7, 2008. At the Traffic Safety Committee's meeting on May 14, 2008, the Committee heard concerns from residents on Paseo Del Mar that parking had been relocated to Paseo Del Mar. The residents requested parking restrictions to minimize the parking related to the school and the Committee directed staff to "prepare a restricted parking plan for Paseo Del Mar to possibly be implemented in September". The hope was that School efforts, motivated by the possibility of further street parking constraints, could greatly reduce the relocated parking and potentially obviate the need for restrictions on Paseo del Mar. The City Council approved this recommendation at their meeting on May 27th, 2008.

At the June 11, 2008 meeting of the Traffic Safety Committee, the Committee reviewed a staff report that proposed the details of potential future parking restrictions along Paseo Del Mar. Staff proposed that the restrictions be: No Parking on the West side of Paseo Del Mar 8 am -11 am School Days and on the East side of Paseo Del Mar No Parking 11 am – 2 pm School Days. The limits proposed by staff were from Chiswick to Epping, and that the restrictions not be placed adjacent to City-owned parklands.

The Committee heard comments and concerns from residents of Paseo Del Mar. Many asked for the restrictions to be expanded south to either Yarmouth or to Rocky Point Road. Also, many asked the Committee to include the areas adjacent to City-owned parklands, and to implement the restrictions prior to September. The following is the final recommended action by the Traffic Safety Committee to the Council:

Recommended that staff implement a restricted parking plan immediately for Paseo Del Mar from Chiswick Rd to Yarmouth Rd including adjacent Parkland areas. Restricted parking hours shall be 8:00 AM to 11:00 AM M-F School Days on the west side of Paseo Del Mar and 11:00 AM to 2:00 PM M-F School Days on the east side of Paseo Del Mar.

The City Council reviewed this item at their meeting on June 24, 2008. Staff raised concerns that the boundary for the restrictions exceeded what was publicly noticed, and that the item should be delayed for proper notification. The scope of the hearing on the notice boards also did not reflect the immediate nature of the implementation of the restrictions. The City Council concurred and continued the matter to their meeting on July 8, 2008.

Staff has now posted signage along the entire length of the restrictions proposed by the Traffic Safety Committee. Staff has also modified the language on the notification boards to reflect that the implementation of the restrictions would be immediate.

Alternatives Available to the City Council

The following alternatives are available to the City Council:

1. Adopt Resolution R08-20 implementing restricted parking plan immediately for Paseo Del Mar from Chiswick Road to Yarmouth Road including adjacent Parkland areas. Restricted parking hours shall be 8:00 AM to 11:00 AM M-F School Days on the west side of Paseo Del Mar and 11:00 AM to 2:00 PM M-F School Days on the east side of Paseo Del Mar.
2. Approve the implementation of a restricted parking plan with modifications.
3. Deny the implementation of a restricted parking plan.

Recommendation from Staff

Staff recommends that the City Council adopt Resolution R08-20 implementing a restricted parking plan immediately for Paseo Del Mar from Chiswick Road to Yarmouth Road including adjacent Parkland areas. Restricted parking hours shall be 8:00 AM to 11:00 AM M-F School Days on the west side of Paseo Del Mar and 11:00 AM to 2:00 PM M-F School Days on the east side of Paseo Del Mar.

Attachments

Resolution R08-20

Staff report prepared by Allan Rigg