

MINUTES

CITY COUNCIL MEETING

APRIL 22, 2003

A regular meeting of the City Council of the City of Rolling Hills Estates was called to order at 7:34 p.m. in the City Council Chambers, 4045 Palos Verdes Drive North, by MAYOR RAUCH.

PLEDGE OF ALLEGIANCE

MAYOR RAUCH led the assembly in the Pledge of Allegiance to the Flag.

ROLL CALL

City Council Members Present: Addleman, Mitchell, Rauch, Zuckerman

City Council Member Absent: Seamans

City Staff Present: City Manager Doug Prichard

City Attorney Richard Terzian

Assistant City Manager Sam Wise

Planning Director David Wahba

Community Services Director Andy Clark

Assistant Planner Hanh Tran

Others Present: Lou Persichina, Park and Activities Commission

Richard Somers, Planning Commission

CEREMONIAL ITEMS

NONE

ROUTINE MATTERS

A. CITY COUNCIL MINUTES – MEETING OF APRIL 8, 2003

COUNCILMAN ZUCKERMAN requested a correction on Page 4 (b):

"Additionally, he noted that results from the MTA ballot to increase representation of the MTA by two was defeated and that the City of Los Angeles and Los Angeles County will continue to have a disproportionate presence on that board."

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILMAN ADDLEMAN

TO APPROVE THE CITY COUNCIL MINUTES OF APRIL 8, 2003 AS AMENDED.

THERE BEING NO OBJECTION, MAYOR RAUCH SO ORDERED.

B. DEMANDS AND WARRANTS – MONTH OF APRIL

COUNCILMAN ADDLEMAN moved, seconded by MAYOR PRO TEM MITCHELL

TO APPROVE WARRANTS 33509 THROUGH 33573 FOR A GRAND TOTAL AMOUNT OF \$214,204.30 WITH PROPER AUDIT.

AYES: Addleman, Mitchell, Rauch, Zuckerman

ABSENT: Seamans

CONSENT CALENDAR

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILMAN ADDLEMAN

TO APPROVE ITEMS A-D.

A. READING OF ORDINANCES AND RESOLUTIONS

APPROVED. B. MARCH 2003 SCHEDULE OF INVESTMENTS

Recommendation: That the City Council receive and file the Schedule of Investments Report for the month of March, 2003.

RECEIVED AND FILED.

C. CLAIM AGAINST THE CITY – KAUFMAN

Recommendation: That the City Council send the standard letter of rejection to claimant.

REJECTED.

D. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED APRIL 4, 2003

RECEIVED AND FILED.

THERE BEING NO OBJECTION, MAYOR RAUCH SO ORDERED.

AUDIENCE ITEMS NOT ON THE AGENDA/Written AND ORAL COMMUNICATIONS

NONE

NEW BUSINESS

A. PLANNING COMMISSION MINUTES – MEETING OF APRIL 14, 2003

COUNCILMAN ADDLEMAN moved, seconded by MAYOR PRO TEM MITCHELL

TO RECEIVE AND FILE THE PLANNING COMMISSION MINUTES OF APRIL 14, 2003.

THERE BEING NO OBJECTION, MAYOR RAUCH SO ORDERED.

B. CAYMAN TRACT STORM DRAIN TRANSFER

Recommendation: That the City Council approve Resolution No. 2012 and authorize execution of the Quitclaim of Easement documents transferring and conveying various storm drain improvements known as Miscellaneous Transfer Drain No. 1519 to the Los Angeles County Flood Control District.

Assistant City Manager Wise provided a staff report (as per agenda material).

1. RESOLUTION NO. 2012 FOR ADOPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES REQUESTING

THE BOARD OF SUPERVISORS OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT OF THE STATE OF CALIFORNIA TO ACCEPT ON BEHALF OF SAID DISTRICT THE TRANSFER AND CONVEYANCE OF THE STORM DRAIN IMPROVEMENTS KNOWN AS MISCELLANEOUS TRANSFER DRAIN NO. 1519 IN THE CITY OF ROLLING HILLS ESTATES FOR FUTURE OPERATION, MAINTENANCE, REPAIR AND IMPROVEMENT, AND AUTHORIZE THE TRANSFER AND CONVEYANCE THEREOF.

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILMAN ADDLEMAN

TO ADOPT RESOLUTION NO. 2012.

City Manager Prichard read Resolution No. 2012 by title only.

AYES: Addleman, Mitchell, Rauch, Zuckerman

ABSENT: Seamans

OLD BUSINESS

A. THREE-RAIL FENCE BID RESULTS

Recommendation: That the City Council approve the Agreement with Peninsula Landscaping for replacement of three-rail fencing in the City's rights-of-way in the amount of \$20,829.

Community Services Director Clark provided a staff report (as per agenda material).

COUNCILMAN ADDLEMAN inquired if the homeowners' associations have been notified of this project. Community Services Director Clark noted they were, but that he would inform them once again to determine their interest in participating.

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILMAN ADDLEMAN

TO APPROVE THE AGREEMENT WITH PENINSULA LANDSCAPING FOR REPLACEMENT OF THREE-RAIL FENCING IN THE CITY'S RIGHTS-OF-WAY IN THE AMOUNT OF \$20,829.

AYES: Addleman, Mitchell, Rauch, Zuckerman

ABSENT: Seamans

B. ERNIE HOWLETT PARK RESTROOMS ADA IMPROVEMENTS CONSULTING SERVICES PROPOSAL

Recommendation: That the City Council approve V2C Group's proposal to provide design, construction documents, contract administration and inspection services for ADA improvements to two restroom buildings in Ernie Howlett park at a cost not to exceed \$8,890.

Community Services Director Clark provided a staff report (as per agenda material).

MAYOR PRO TEM MITCHELL inquired as to when the restrooms at City Hall will be scheduled for improvements. Community Services Director Clark noted this will be reflected in the next funding cycle.

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILMAN ADDLEMAN

TO APPROVE V2C GROUP'S PROPOSAL TO PROVIDE DESIGN, CONSTRUCTION DOCUMENTS, CONTRACT ADMINISTRATION AND INSPECTION SERVICES FOR ADA IMPROVEMENTS TO TWO RESTROOM BUILDINGS IN ERNIE HOWLETT PARK AT A COST NOT TO EXCEED \$8,890.

AYES: Addleman, Mitchell, Rauch, Zuckerman

ABSENT: Seamans

C. RESOLUTION NO. 2017 FOR ADOPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES APPROVING A CONDITIONAL USE PERMIT APPLICATION (PA-04-03) TO PERMIT WINE-TASTING AND WINE CLASSES THAT ARE INCIDENTAL TO AN EXISTING WINE-SELLING ESTABLISHMENT; APPLICANT: THE CONNOISSEUR; LOCATION: 627 SILVER SPUR ROAD.

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILMAN ADDLEMAN

TO ADOPT RESOLUTION NO. 2017.

City Manager Prichard read Resolution No. 2017 by title only.

AYES: Addleman, Mitchell, Rauch, Zuckerman

ABSENT: Seamans

CITY ATTORNEY ITEMS

NONE

CITY COUNCIL/REGIONAL COMMITTEE REPORTS: This item provides the opportunity for Members of the City Council to provide information and reports to other Members of the City Council and/or the public on any issues or activities of currently active Council Committees, ad hoc committees, regional or state-wide governmental associations, special districts and/or joint powers authorities and their various committees on which Members of the City Council might serve or have an interest, which are not otherwise agendized.

A. MAYOR PRO TEM MITCHELL mentioned that the Los Angeles County Division of the League of California Cities supports SB 1652 (Nakano) regarding make-up of the Metropolitan Transportation Authority Board membership.

After brief discussion, it was the consensus of the COUNCIL to support SB 1652.

B. COUNCILMAN ZUCKERMAN reported he attended the Annual Business Session of the California Contract Cities Association. He stated that John McTaggart (retiring President of the CCCA and long-time Rancho Palos Verdes Councilman) has been actively involved in various local issues of importance for many years and noted the City's appreciation for the work he has done.

C. MAYOR RAUCH announced that the Mayor's Breakfast Ride is scheduled for May 3 and will finish up at Ernie Howlett Park where a Scout Pancake Breakfast will be served. She invited everyone to attend this event.

D. MAYOR RAUCH reported that a Household Hazardous Waste Round-Up will be held on May 17 at Rancho Palos Verdes City Hall.

MAYOR AND COUNCIL ITEMS: This item provides the opportunity for Members of the City Council to request information on currently pending projects and/or issues of public concern, direct that an item be agendized for future consideration and/or make announcements of interest to the public.

A. DESIGNATION OF VOTING DELEGATE FOR A SPECIAL MEETING OF MAY 15, 2003 OF THE LEAGUE OF CALIFORNIA CITIES GENERAL ASSEMBLY RESPONSE REQUIRED BY MAY 9, 2003

COUNCILMAN ZUCKERMAN nominated MAYOR PRO TEM MITCHELL as Delegate and MAYOR RAUCH as alternate for this meeting to be held in Sacramento.

It was the consensus of the COUNCIL to approve these appointments.

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At 7:52 p.m., MAYOR RAUCH called for a brief recess.

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At 8:06 p.m., the CITY COUNCIL reconvened with MAYOR RAUCH, MAYOR PRO TEM MITCHELL, COUNCILMAN ADDLEMAN and COUNCILMAN ZUCKERMAN present.

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## PUBLIC HEARINGS/MEETINGS

A. CONTINUED PUBLIC HEARING – PLANNING APPLICATION NO. 43-02; APPLICANT: AJIM BAKSH; LOCATION: 4 HILLCREST MANOR

Recommendation: That the City Council: 1) Take public testimony; 2) Close the public hearing; 3) Discuss the issues; and 4) Direct staff to prepare a Resolution upholding the Planning Commission's decision denying a Neighborhood Compatibility Determination application and a Variance application to allow a block wall that exceeds 24" in height in the front yard area.

Assistant City Planner Tran provided a staff report (as per agenda material).

Stanley Lamport, 2049 Century Park East, Los Angeles, Attorney for the Applicant, distributed additional information to the COUNCIL for their review. He urged the COUNCIL to approve a Variance due to what he believed are unique circumstances to the property. He then referred to the surrounding residences noting that the Applicant's request does not adversely affect the streetscape as the wall is set further back than the adjacent properties.

MAYOR RAUCH inquired if this new information was provided to the Planning Commission. Mr. Lamport indicated it was not available at that time.

COUNCILMAN ADDLEMAN inquired as to the reasoning behind this new information not being given to the COUNCIL in a timely manner. Mr. Lamport responded that he was not aware of Planning Director Wahba being on vacation, and therefore, was not able to speak to him until the day before the COUNCIL meeting.

Mr. Lamport noted that letters of support have been submitted as well. He reiterated that the configuration of the properties creates the appearance of a large front yard that seems out of proportion.

COUNCILMAN ADDLEMAN noted that the wall was actually constructed in September of 2002 and reported as a code violation. He then inquired why it was built without a permit and why the Hillcrest Homeowners' Association was not informed prior to construction.

Mr. Lamport stated that he believed the Building and Safety Department provided misinformation with regards to construction of the wall. He noted that the Homeowners' Association did meet on this project, but did not formally decide to oppose it. Additionally, he stated that the CC&Rs did not lead him to the conclusion that this project would not be permitted.

COUNCILMAN ADDLEMAN then commented that a stop work order was issued, but was virtually ignored as construction continued. Additionally, COUNCILMAN ADDLEMAN noted he drove through the area and did not see any walls over 24" except for the Applicant's property. Mr. Lamport countered that, even though the code prohibits walls or fence-type structures, they are visible throughout the neighborhood.

Karl Pearson, 11 Hillcrest Manor, noted his support and stated this has only improved the property. He

felt the wall would be preferable because of motorists' speed along that street.

Gunther Merli, 6 Hillcrest Manor, expressed his support for the granting of a Variance. He noted that the style of the wall matches the house and believed the height was reasonable and thanked the COUNCIL for considering this application.

Zolton Kortinszky, representing the Hillcrest Manor HOA, noted he met with the Applicant and informed him to stop construction on the wall and submit an application to the HOA. He noted that four certified letters were sent to the Applicant, but was ignored as he continued to build the wall. He was told this is against HOA policy and it was his responsibility to abide by the CC&Rs. Additionally, he noted that he informed the Applicant to submit any changes to the Board and has not received anything to date.

COUNCILMAN ZUCKERMAN inquired as to how far along the project had gone before he was notified. Mr. Kortinszky noted that the wall was already completed by the time they became aware of it.

Lois Dack, 3 Hillcrest Manor, noted her frustration as she sees this wall everyday. She stated that she brought this before the Board for their review and they attempted to notify the Applicant in order to resolve this issue, but he hurriedly had construction work completed prior to City inspection. She objected vehemently to the Applicant not going through the proper channels as other homeowners in their neighborhood have had to obtain approval for various projects.

Mr. Lamport clarified that the Applicant purchased this property in September of 2002 and that the violation appeared two weeks later. He noted that the Applicant was attempting to determine what steps needed to be taken for Variance approval.

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILMAN ADDLEMAN

TO CLOSE THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR RAUCH SO ORDERED.

Extensive discussion ensued with COUNCILMAN ZUCKERMAN noting he was not in favor of granting a Variance. He then inquired if any testimony was received from the Building and Safety Department as to their representation in this alleged miscommunication. Planning Director Wahba noted that, while a block wall does not require a building permit, it does require zoning approval through the City. COUNCILMAN ZUCKERMAN commented that there was nothing to indicate this message was not given to the Applicant. He continued on stating that the Applicant is familiar with this type of work and should have known to follow the City's codes and ordinances. He noted that the representations made to the Planning Commission was one of safety and that this argument should have been made prior to the wall being built. He reiterated that the homeowners' association is an important element in this community and that homeowners have a responsibility to follow their CC&Rs. He concurred with the Planning Commission's decision to deny this application.

COUNCILMAN ADDLEMAN noted his agreement with this recommendation as well.

MAYOR PRO TEM MITCHELL stated she could not make the findings for a Variance as the wall does not meet the City's neighborhood compatibility standards and that she could not justify exceptional or extraordinary circumstances. She noted that when she served on the Planning Commission, many applications have come before them where they denied an applicant's request to build walls that exceed 24" in the front yard. She noted she would uphold the Planning Commission's decision and encouraged the Applicant to work with Planning Department to ensure compliance with the Neighborhood Compatibility and Zoning Ordinances.

MAYOR RAUCH noted that she was driving through the neighborhood and stated that if every property owner had a wall in front of their house, it would destroy the beauty of the neighborhood. She also noted that she could not make any findings to grant the Variance.

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILMAN ADDLEMAN

TO DIRECT STAFF TO PREPARE A RESOLUTION UPHOLDING THE PLANNING COMMISSION'S DECISION DENYING A NEIGHBORHOOD COMPATIBILITY DETERMINATION APPLICATION AND A VARIANCE APPLICATION TO ALLOW A BLOCK WALL THAT EXCEEDS 24" IN HEIGHT IN THE FRONT YARD AREA.

THERE BEING NO OBJECTION, MAYOR RAUCH SO ORDERED.

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At 9:04 p.m., the CITY COUNCIL convened in closed session. At 9:47 p.m., the CITY COUNCIL reconvened in open session with MAYOR RAUCH, MAYOR PRO TEM MITCHELL, COUNCILMAN ADDLEMAN and COUNCILMAN ZUCKERMAN present

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CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL – THREATENED LITIGATION

NO ACTION WAS TAKEN.

ADJOURNMENT

At 9:47 p.m., MAYOR RAUCH formally adjourned the City Council meeting to May 13, 2003 at 7:30 p.m. in the City Hall Council Chambers.

Submitted by, Approved by,

Hope J. Nolan Douglas R. Prichard

Deputy City Clerk City Clerk