

RESOLUTION NO. R20-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, APPROVING A MISCELLANEOUS APPLICATION AT 1608 CHELSEA ROAD.

WHEREAS, on January 30, 2020, an application was submitted for the property located at Lot 12, Tract 7140 of Block 1272 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 1608 CHELSEA ROAD ("the Property"). The application sought approval of a Miscellaneous application; and,

WHEREAS, on April 21, 2020, the Planning Commission conducted a hearing on the matter. At such hearing the Commission received and considered documentary evidence including, but not limited to, a staff report and site plans and received and considered oral testimony from the applicant and others. The Commission further received information and considered information regarding environmental review of the application and the determination that the project is categorically exempt from the California Environmental Quality Act; and,

WHEREAS, following the conclusion of the public discussion and through deliberation of the subject matter, the Planning Commission determined by a vote of 4 to 0, that Miscellaneous Application Number M-1370-20, should be denied with the condition that the accessory sports structure shall be removed within six months of the denial of the Miscellaneous Application (by the end of the day on October 21, 2020) but in the meantime may be utilized between the hours of 9:00 a.m. and 5:00 p.m. only; and,

WHEREAS, on April 28, 2020, an appeal was timely filed by Lynn and Eric Kim ("Appellant"), the property owner of 1608 Chelsea Road ("Appeal"); and,

WHEREAS, on May 19, 2020, the Planning Commission reviewed the resolution that confirmed the decision and, following the conclusion of the public discussion and thorough deliberation of the subject matter, the Planning Commission determined by a vote of 5 to 0, approving Resolution No. PCR-2020-1169; and,

WHEREAS, on May 26, 2020, the Appellant and the affected neighbor at 1601 Margate Road, Priscilla Adler, convened and came to a private agreement regarding terms of approval of the structure and shared the written terms with the City via email; and,

WHEREAS, on May 26, 2020, the City Council held a duly noticed public hearing on the Appeal. At the public hearing, the City Council received and considered the written staff report which included the Appeal, plans, and visual presentations; written and oral testimony of the Appellant and the affected neighbor at 1601 Margate Road, Priscilla Adler; and documentary evidence, including, but not limited to, a staff report and the minutes of the Planning Commission hearing; and,

WHEREAS, following the conclusion of the public discussion and through deliberation of the subject matter, the City Council determined by a vote of 4 to 1, that Miscellaneous Application Number M-1370-20, should be conditionally approved as set forth herein below.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

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Section 1. Based upon the evidence presented, the City Council hereby finds and determines as follows:

1. Each fact set forth in the recitals above is true and correct.
2. Each fact set forth in the memorandum for Agenda Item Number 2, Meeting Date, April 21, 2020, from Planning staff, presented to the Planning Commission on said date, is true and correct.
3. Each fact set forth in the memorandum for Agenda Item Number 1, Meeting Date, May 19, 2020, from Planning staff, presented to the Planning Commission on said date, is true and correct.
4. Each fact set forth in the memorandum for Agenda Item Number 8, Meeting Date, May 26, 2020, from Planning staff, presented to the City Council on said date, is true and correct.

Section 2. Pursuant to the foregoing recitations, the following findings are made:

1. Any wall, fence or accessory structure not located in a minimum required setback adjacent to a public street which exceeds eight feet in height does not unreasonably affect any other property.

Section 3. Pursuant to the foregoing recitations and findings, the City Council approves Miscellaneous Application Number M-1370-20, subject to the following conditions:

1. This approval is granted for the land or land use as described in the application and any attachments thereto.
2. All buildings, fences, signs, roadways, parking areas, and other facilities or features shall be located and maintained as shown on the approved plans.
3. All buildings and structures shall be of the design as shown on the approved plans.
4. Compliance with and execution of all conditions listed herein shall be necessary prior to obtaining final building inspection clearance and/or prior to obtaining any occupancy clearance. Deviation from this requirement shall be only by written consent of the Director of Planning.
5. Expiration of the Miscellaneous Application approval shall be governed by the provisions of the City of Palos Verdes Estates Municipal Code that are applicable to the expiration of the Neighborhood Compatibility approval.
6. All requirements of any law, ordinance, or regulation of the State of California, City of Palos Verdes Estates, and any other governmental entity shall be complied with.
7. This approval is subject to the applicant paying all fees and assessments to the City of Palos Verdes Estates, as required by Ordinance.
8. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the property owners, and their successors in interest, shall be required to pay any and all cost of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amiably resolved, unless the City should otherwise agree with the owners to waive

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said fees or any part thereof. The foregoing shall not apply if the property owner prevails in the enforcement proceeding.

9. The property owners, and their successors in interest, shall indemnify and defend the City of Palos Verdes Estates and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.
10. An approval granted by the City Council does not constitute a building permit or authorization to begin any construction. An appropriate permit issued by the Department of Building and Safety must be obtained prior to construction, enlargement, relocation, conversion, or demolition of any building or structure within the City.
11. **The vegetation north of the home at 1608 Chelsea Road shall be a maximum of 8' from existing grade.**
12. **No portion of the batting cage structure shall exceed 10 feet in height as measured from existing grade.**
13. **The batting cage structure may only be used for a maximum of 90 minutes per day and only between the hours of 9:00 a.m. and 8:00 p.m.**
14. **A pitching machine is not permitted.**
15. **The entire batting cage structure shall be removed permanently on or before May 26, 2028.**
16. **The application shall be reviewed by the Planning Commission on or about May 26, 2024 for compliance with the conditions of approval.**

Section 4. The City Council hereby upholds the appeal filed by Lynn and Eric Kim.

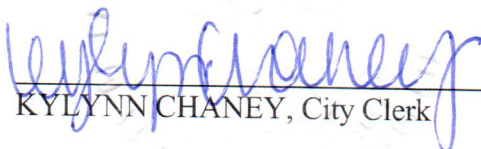
Section 5. The City Clerk shall certify to the passage and adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 26th DAY OF MAY, 2020.



DAVID MCGOWAN, Mayor

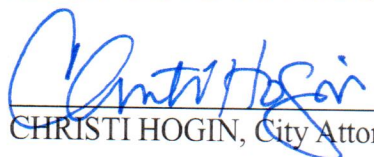
ATTEST:



KYLINN CHANEY, City Clerk

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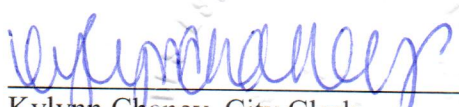
APPROVED AS TO FORM:


CHRISTI HOGIN, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF PALOS VERDES ESTATES)

I, Kylynn Chaney, City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R20-15** was duly and regularly approved and adopted by the City Council of the City of Palos Verdes Estates at its regular meeting of the City Council on the 26th day of May 2020, by the following vote:

| | | |
|----------|-----------------|--------------------------------|
| AYES: | COUNCILMEMBERS: | Kao, McGowan, Davidson, Kemps, |
| NOES: | COUNCILMEMBERS: | Lozzi |
| ABSENT: | COUNCILMEMBERS: | None |
| ABSTAIN: | COUNCILMEMBERS: | None |


Kylynn Chaney, City Clerk

(Faint circular stamp: PALOS VERDES ESTATES)