

RESOLUTION NO. R 02-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PALOS VERDES ESTATES, CALIFORNIA, DENYING AN
APPEAL OF THE DENIAL OF THE PLANNING COMMISSION
OF A MISCELLANEOUS APPLICATION FOR NONSTANDARD
ENCROACHMENTS IN THE PUBLIC RIGHT-OF-WAY
AT 1516 PASEO LA CRESTA

The City Council of the City of Palos Verdes Estates does resolve as follows:

Section 1. On April 19, 2002, a Miscellaneous Application (the "Application") to permit planters adjacent to a walkway in the City-owned right-of-way (the "Encroachments") on Lot 13 of Block 4 of Tract 8043 in the City of Palos Verdes Estates, County of Los Angeles, commonly referred to as 1516 Paseo La Cresta (the "Property") was submitted by Ali Hoss (the "Applicant").

Section 2. On June 19, 2002, a hearing on the Application was held by the Planning Commission of the City of Palos Verdes Estates, at the conclusion of which the Planning Commission denied the Application.

Section 3. On July 1, 2002, an appeal of the Planning Commission's denial was filed by the Applicant.

Section 4. On July 23, 2002, the City Council conducted a hearing on the appeal, which hearing was duly and properly noticed. At such hearing, the Council received and considered an oral staff report and documentary evidence, and received and considered oral testimony from the Applicant.

Section 5. Based upon the evidence presented, the City Council hereby finds and determines as follows:

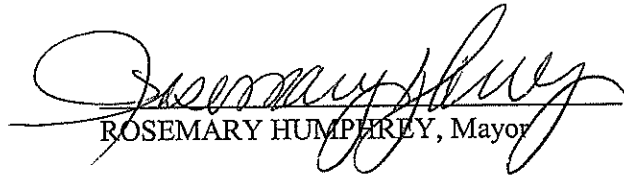
- a. Each fact set forth in Section 1 through 4 above is true and correct.
- b. Each fact set forth in the memorandum for Agenda Item No. 11, Meeting Date 7/23/02, from Allan Rigg to James B. Hendrickson, presented to the City Council on said date, is true and correct.
- c. The City Council has established policies regarding the permitted above-ground structures in the public right-of-way which are necessary to preserve the public health, safety and welfare.
- d. The Encroachments do not comply with the policies established, in that they reach up to 24 inches in height above adjacent grade.

- e. The Applicant proceeded with construction of the Encroachments without prior approval of the City. There is no record of an application for the planters or of any fees being paid for review of a planter plan. The plans which were approved for the Property did not show the planters as approved; instead, only the gas-line for the barbeque was approved by the Department of Building and Safety.

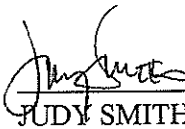
Section 6. Based upon the findings and determinations set forth herein, as supported by the evidence considered in connection therewith, the City Council finds and determines that the appeal of the Planning Commission's denial of the Application should be denied.

Section 7. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this 10th day of September, 2002.


ROSEMARY HUMPHREY, Mayor

ATTEST:



JUDY SMITH, City Clerk

APPROVED AS TO FORM:



STEPHANIE R. SCHER, City Attorney

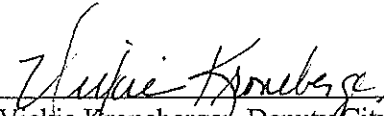
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF PALOS VERDES ESTATES)

I, Vickie Kroneberger, Deputy City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing **Resolution R02-28** 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 10th day of September 2002, by the following vote:

AYES: COUNCILMEMBERS: Humphrey, Flood, Mackenbach,
Sherwood, Turner

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None



Vickie Kroneberger, Deputy City Clerk