

RESOLUTION NO. R 02- 36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PALOS VERDES ESTATES, CALIFORNIA, DENYING AN
APPEAL OF THE ACTION OF THE PLANNING COMMISSION
GRANTING APPROVAL OF A MISCELLANEOUS APPLICATION
SUBJECT TO CONDITIONS AT 1602 ESPINOSA CIRCLE

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

Section 1. On May 20, 2002, a Miscellaneous Application to permit an outdoor pavilion with kitchen and chimney was submitted for the property located at Lot 6 of Block 1374 of Tract No. 6889 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 1602 Espinosa Circle, Palos Verdes Estates, California (the "Property").

Section 2. On June 19, 2002, a hearing on that project was held by the Planning Commission of the City of Palos Verdes Estates, which expressed concerns and continued the matter. The Property owner thereafter revised the plans to replace the pavilion and barbeque/chimney with an eight (8) foot high trellis and outdoor kitchen countertop (the "Application"). The Application was reviewed by the Planning Commission at a hearing held on July 16, 2002, at the conclusion of which the Planning Commission determined that the Application was categorically exempt from the California Environmental Quality Act ("CEQA"), and approved the Application.

Section 3. On July 30, 2002, an appeal of the possible foliage height on the trellis was filed by Grant and Cindy Ahearn (the "Appellant"). The Planning Commission's determination that the Application is categorically exempt was not appealed.

Section 4. On September 10, 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, including, but not limited to, site plans, a visual presentation, and minutes of the Planning Commission meeting, and received and considered oral testimony from the Appellant, the Property owner, and others. The City Council further received information and considered information regarding environmental review of the Application and the determination that the Project is categorically exempt from CEQA.

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

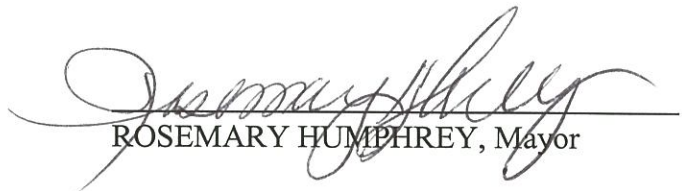
- a. Each fact set forth in Section 1 through 4 above is true and correct.

- b. Each fact set forth in the memorandum for Agenda Item No. 10, Meeting Date 9/10/02, from Allan Rigg to James B. Hendrickson, presented to the City Council on said date, is true and correct.
- c. The top of the trellis is below the height of the fence on the Appellant's property. Vegetation can be placed on top of the trellis to soften the view down on to it, but still have minimal impact on the Appellant.

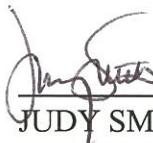
Section 6. Based upon the findings and determinations set forth herein, as supported by the evidence considered in connection therewith, the City Council finds and determines that the project proposed by the Application will not adversely affect any other property if subject to the conditions of approval attached hereto as Exhibit A. The appeal of the Planning Commission's approval of the Application is therefore denied, and the Application approved, subject to such conditions.

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 24th day of September, 2002.


ROSEMARY HUMPHREY, Mayor

ATTEST:



JUDY SMITH, City Clerk

APPROVED AS TO FORM:



STEPHANIE R. SCHER, City Attorney

EXHIBIT "A"

MISCELLANEOUS APPLICATION

M-512-01

Conditions of Approval

R-02-36

1. This approval is granted for the land or land use as described in the application and any attachments thereto.
2. Prior to obtaining a building permit and within 30 day hereof, the applicant and property owner shall file with the Secretary of the Planning Department written acknowledgment of the conditions stated herein on forms provided by the Planning Department.
3. All buildings, fences, signs, roadways, parking areas, and other facilities or features shall be located and maintained as shown on the approved plans.
4. All buildings and structures shall be of the design as shown on the approved plans.
5. 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.
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 applicant 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 applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.
9. The applicant shall defend, indemnify, and hold harmless the City and its officers, agents, and employees from any claim, action or proceeding against the City or its officers, agents or employees to attach, set aside, void, or annul approval of this application. The City shall

promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense.

10. An approval granted by the Planning Commission 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 pergola shall be no higher than 18 inches below that of the top rail of the adjoining property fence and any vegetation shall add no more than 6 inches in height.**
12. **The entire structure shall be moved 4 feet within the side-yard setback or approximately 3 ½ feet from the wall.**

CITY OF PALOS VERDES ESTATES

(310) 378-0383



CITY HALL

PALOS VERDES ESTATES
CALIFORNIA 90274-0283

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 **R02-36** 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 24th day of September, 2002, by the following vote:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None


Vickie Kroneberger, Deputy City Clerk