

RESOLUTION NO. R 03- 22

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 AFTER-THE-FACT
APPROVAL OF NONSTANDARD ENCROACHMENTS IN THE
PUBLIC RIGHT-OF-WAY AT 1637 VIA MACHADO

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

Section 1. On and prior to August 20, 2001, a low brick wall approximately nine (9) inches in height located in the public right-of-way adjacent to the paved portion of the street (the "Structure") was installed by the owner of the property at Lot 10 of Block 1376 of Tract 6889 in the City of Palos Verdes Estates, County of Los Angeles, commonly referred to as 1637 Via Machado (the "Property"). A stop work order was issued and the owner advised that the Structure must be removed or a permit issued for it pursuant to the established procedures of the City of Palos Verdes Estates.

Section 2. On May 3, 2002, the Property owner submitted a Miscellaneous Application (the "Application") to permit the Structure to remain on the Property. Documents required to render the Application complete were not submitted until February of 2003.

Section 3. On March 18, 2003, 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 4. On April 2, 2003, an appeal of the Planning Commission's denial was filed by the Applicant.

Section 5. On June 24, 2003, 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, a visual presentation, and documentary evidence, and received and considered oral testimony from the Applicant and Property owner and others.

Section 6. Based upon the evidence presented, the City Council hereby finds and determines as follows:

- a. Each fact set forth in Section 1 through 5 above is true and correct.
- b. Each fact set forth in the memorandum for Agenda Item No. 10, Meeting Date 6/24/03, from Allan Rigg to James B. Hendrickson, presented to the City Council on said date, is true and correct.
- c. The Applicant proceeded with construction of the over-height structures without prior approval of the City, although there is no indication this was intentional.

- d. The Structure is constructed of unreinforced brick. Brick is not a permitted material in the City for a curb in that it easily fractures and chips when struck by a car. When chipped, brick leaves a sharp edge which may damage tires.
- e. The Structure has, in fact, already been damaged at least twice, although said damage was repaired by the Property owner. The City will not repair damaged brick.

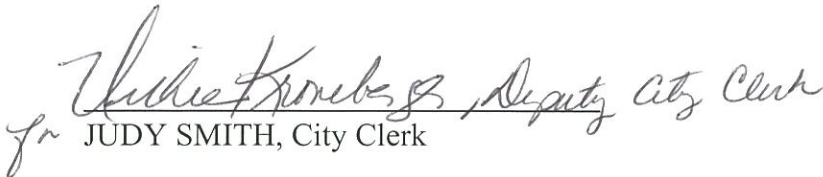
Section 7. Based upon the findings and determinations set forth herein, as supported by the evidence considered in connection therewith, the City Council finds and determines that the Structure would adversely affect the public health, safety, and welfare by potentially damaging property and even possibly causing loss of control of an automobile with such damaged tires. The appeal of the Planning Commission's denial of the Application is therefore denied.

Section 8. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

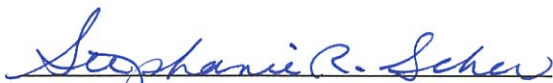
PASSED, APPROVED AND ADOPTED this 8th day of JULY, 2003.


FRED W. MACKENBACH, Mayor

ATTEST:


for JUDY SMITH, City Clerk

APPROVED AS TO FORM:


STEPHANIE R. SCHER, City Attorney

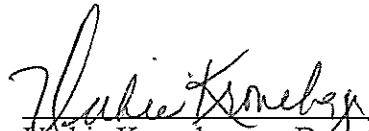
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF PALOS VERDES ESTATES)

I, Vickie Kroneberger, Deputy City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R03-22** 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 8th day of July, 2003, by the following vote:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None



Vickie Kroneberger, Deputy City Clerk