

RESOLUTION NO. R07-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES,  
CALIFORNIA, GRANTING APPROVAL OF AN APPLICATION FOR A VESTING  
TENTATIVE PARCEL MAP FOR THE SUBDIVISION OF 716 YARMOUTH ROAD

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

Section 1. On December 19, 2006, the Planning Commission considered an application (the "Application") for a vesting tentative parcel map (MAP-103-06) for the subdivision of the property located at Lot 3, Block 2205, Tract 6888 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 716 Yarmouth Road, Palos Verdes Estates, California (the "Property"), to subdivide the Property into nineteen (19) business condominium units. The Planning Commission approved MAP-103-06 subject to specified conditions of approval.

Section 2. On February 13, 2007, the City Council conducted a public hearing on the map pursuant to Palos Verdes Municipal Code Section 16.08.080, 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 and minutes of the Planning Commission meeting, and a parking demand study performed by Katz, Okitsu & Associates, and received and considered oral testimony from the Applicant and others.

Section 3. Based upon the evidence presented, the City Council hereby finds and determines as follows:

- a. Each fact set forth in Sections 1 and 2 above is true and correct.
- b. Each fact set forth in the memorandum for Agenda Item No. 6, Meeting Date 2/13/07, from Allan Rigg to James B. Hendrickson, presented to the City Council on said date, is true and correct.
- c. Prior to the proposed project, a twenty (20) unit for-lease commercial building was located on the Property. As a result of the proposed project, the number of units in the building will be decreased to nineteen (19) and the units will be converted to for-sale business condominium units. The proposed project will not affect the parking demand generated by the Property.

Section 4. Based upon the evidence presented and the findings set forth herein, the City Council finds and determines:

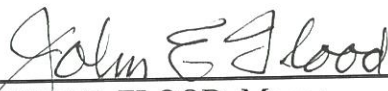
- a. That the map proposed by the Application is consistent with the applicable general plan and there is no applicable specific plan;

- b. That the design or improvement of the subdivision proposed by the Application is consistent with the applicable general plan;
- c. That the Property is physically suitable for the type of development proposed;
- d. That the Property is physically suitable for the proposed density of development;
- e. That the design of the subdivision and the proposed improvements set forth in the Application are not likely to cause substantial environmental damage or substantially or avoidable to injure fish or wildlife or their habitat;
- f. That the design of the subdivision and the proposed improvements set forth in the Application are not likely to cause serious public health problems; and
- g. That the design of the subdivision and the proposed improvements set forth in the Application will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision; and
- h. That the proposed project is exempt from the California Environmental Quality Act pursuant to California Administrative Code, Title 14, Chapter 3, Section 15301.

Section 5. Based upon the findings set forth herein, the City Council finds and determines that vesting tentative parcel map (MAP-103-06) shall be approved subject to the conditions of approval attached hereto as Exhibit A, which conditions are hereby incorporated by this reference.


Section 6. 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 13<sup>th</sup> day of February, 2007.

  
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 JOHN E. FLOOD, Mayor

ATTEST:

APPROVED AS TO FORM:

  
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 JUDY SMITH, City Clerk

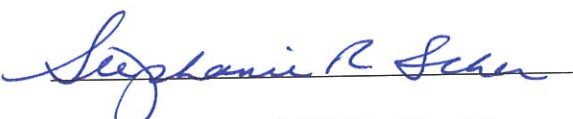
  
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 STEPHANIE R. SCHER, City Attorney

EXHIBIT "A"

**VESTING TENTATIVE PARCEL MAP FOR THE SUBDIVISION OF  
716 YARMOUTH ROAD  
MAP-103-06**

Conditions of Approval  
R-07-09

- a. Approval of the Tentative Parcel Map is granted for the land or land use as described in the Application and any attachments thereto, as shown on the plot plan submitted with the Application and on file with the City.
- b. Prior to obtaining a building permit and within 30 days 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.
- c. 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.
- d. 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.
- e. Approval of the Tentative Parcel Map is subject to the Applicant paying all fees and assessments to the City of Palos Verdes Estates, as required by ordinance.
- f. 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 costs 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 amicably 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 Applicant prevails in the enforcement proceeding.

- g. The Applicant shall defend, indemnify, and hold harmless the City and its officers, agents, and employees, and the officers and employees of the firm Charles Abbott Associates, from any claim, action, or proceeding against the City, Charles Abbot Associates or their officers, agents, or employees to attack, 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.
- h. Approval of the subdivision 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.

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 **R07-09** 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 13th of February, 2007, by the following vote:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

  
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Vickie Kroneberger, Deputy City Clerk