

RESOLUTION NO. R 09-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, DENYING AN APPEAL OF THE PLANNING COMMISSION'S DENIAL OF A MISCELLANEOUS APPLICATION AT 1809 PALOS VERDES DRIVE WEST (M-717-09)

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

Section 1. On May 28, 2009, a Miscellaneous Application (the "Application") for nonstandard improvements in the public right-of-way (the "Project") was submitted for the property located at Lot 18 of Block 1276 of Tract No. 7140 in the City of Palos Verdes Estates, County of Los Angeles, State of California, known as 1809 Palos Verdes Drive West, Palos Verdes Estates, California (the "Property"). The Application was denied by the Planning Commission on July 21, 2009.

Section 2. On August 5, 2009, an appeal of the Planning Commission's denial was filed by David and Carolyn Armitage ("Appellant").

Section 3. On September 8, 2009, the City Council conducted a public hearing on the appeal, which hearing was duly and properly noticed. At such hearing, the Council received and considered the written appeal of Appellant, oral and written staff reports, and documentary evidence, including, but not limited to, site plans, the documents from and minutes of the Planning Commission meeting, and a photographic presentation, and received and considered oral testimony from and on behalf of the Appellant and others.

Section 4. Based upon the evidence presented, the City Council hereby finds and determines as follows:


- a. Each fact set forth in Sections 1 through 3, above, is true and correct.
- b. Each fact set forth in the memorandum for Agenda Item No. 10, Meeting Date 9/08/09 from Allan Rigg to Joseph M. Hoefgen, presented to the City Council on that date is true and correct.
- c. The proposed Project is not in conformance with the City's current rules regarding improvements in the public right-of-way.
- d. The Planning Commission's process for reviewing and making a decision on the Application followed the proper procedure and no new facts were presented during the City Council public hearing that required any change in the Planning Commission's decision.

- e. Based on the evidence presented during the public hearing and reviewed by the City Council, granting the appeal could set a precedence if similar facts are presented by other property owners which would make it difficult for the City to ensure improvements in the public right-of-way comply with the City's standards.
- f. Even though there may be other properties in the City that do not meet the City's standards for improvements in the public right-of-way, those nonconforming improvements do not support approval of the Project and its non-standard characteristics.
- g. There are other reasonable methods for Appellant to achieve the goal of preventing dirt from entering the public walkway or street other than the Project.
- h. The Project does not comply with the City standards for improvements in the public right-of-way and no facts have been presented to support a deviance for those standards.

Section 5. Based upon the findings and determinations set forth herein, as supported by the evidence considered in connection therewith, the City Council finds and determines the appeal of the Planning Commission's denial of the Application should be denied and the Application is hereby denied.

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 22nd day of September, 2009.

  
 ELLEN PERKINS, Mayor

ATTEST:

APPROVED AS TO FORM:

  
 JUDY SMITH, City Clerk

  
 JOSEPH W. PANNONE, City Attorney

**NOTICE IS HEREBY GIVEN:** IF YOU DESIRE TO CHALLENGE THE COUNCIL'S DENIAL OF YOUR APPEAL YOU MUST FILE A COURT ACTION WITHIN NINETY (90) DAYS FOLLOWING THE DATE THIS RESOLUTION IS MAILED TO YOU.

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 **R09-30** 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 22nd day of September, 2009, by the following vote:

AYES: COUNCILMEMBERS: Perkins, Humphrey, Goodhart,  
Rea, and Bird

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

  
\_\_\_\_\_  
Vickie Kroneberger, Deputy City Clerk

CERTIFICATE OF MAILING

I, Vickie Kroneberger, am employed by the City of Palos Verdes Estates as Deputy City Clerk. On September 23, 2009, in the course of my duties as Deputy City Clerk, I placed a true copy or copies of Resolution No. R09-30 in a sealed envelope or envelopes addressed as follows:

**Mr. and Mrs. David Armitage  
1809 Palos Verdes Drive West  
Palos Verdes Estates, CA 90274**

I placed each such envelope for collection and mailing following ordinary business practices. I am readily familiar with the City's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence would be deposited with the United States Postal Service on that same day, with adequate postage thereon fully prepaid at Palos Verdes Estates, California, in the ordinary course of business.

Executed on September 23, 2009, at Palos Verdes Estates, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

\_\_\_\_\_  
Vickie Kroneberger  
(Type or print name)

  
\_\_\_\_\_  
(Signature)