

## RESOLUTION NO. R09-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES APPROVING VESTING TENTATIVE PARCEL MAP NO. 70848 FOR DIVISION OF THE VACANT LOT AT 3000 PASEO DEL MAR

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

Section 1. On November 21, 2008, an application for a Vesting Tentative Parcel Map was submitted for the property located at Lot 1, Block 2252, Tract 7144 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 3000 Paseo Del Mar, Palos Verdes Estates, California (the "Property") to divide the Property into 2 Parcels (the "Application");

Section 2. On August 18, 2009, the Planning Commission conducted a public hearing to review and for recommendation on a Mitigated Negative Declaration (the MND") and the Vesting Tentative Map Number 70848 (the "Vesting Tentative Parcel Map"), which hearing was duly and properly noticed. During and at the conclusion of such hearing, the Commission received and considered oral testimony from the Applicant and others and recommended the City Council approve the MND and conditionally approve the Vesting Tentative Parcel; and

Section 3. A public hearing was advertised and scheduled to be held before the City Council on September 22, 2009 to review and consider the Application and at the Applicant's request was continued to October 13, 2009;

Section 4. On October 13, 2009, the City Council conducted the continued public hearing for review and consideration of an Initial Study and the MND and the Vesting Tentative Parcel Map, which hearing was duly and properly noticed. During and at the conclusion of such hearing, the City Council considered oral and written testimony from the Applicant and others and adopted Resolution No. 09-31 approving the MND and after considering the MND and that testimony conditionally approved the Vesting Tentative Parcel Map.

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

- a. Each fact set forth in Sections 1 through 4, above, is true and correct.
- b. Each fact set forth in the memorandum for Agenda Item No. 2, Meeting Date 10/13/09, from Allan Rigg to Joe Hoefgen, presented to the City Council on said date, is true and correct.

Section 6. Pursuant to the foregoing recitations and the evidence presented at the public hearing, the following findings are made:

- a. The Vesting Tentative Parcel Map is consistent with the City's General Plan and there is no applicable specific plan;

- b. The design or improvement of the subdivision proposed by the Application and Vesting Tentative Parcel Map is consistent with the City's General Plan;
- c. The Property is physically suitable for the type of development proposed;
- d. The Property is physically suitable for the proposed density of development;
- e. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially or avoidably injure fish or wildlife or their habitat; and
- f. The design of the division and the proposed improvements set forth in the Application are not likely to cause serious public health problems; and
- g. The design of the division 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.

Section 7. Based upon the findings set forth herein, the City Council approves the Vesting Tentative Parcel Map subject to the following conditions:

- a. Approval of the Vesting Tentative Parcel Map is granted for the land and 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. Compliance with and execution of all conditions listed herein shall be necessary prior to obtaining final building inspection clearance and prior to obtaining any occupancy clearance. Deviation from this requirement shall be only by written consent of the Director of Planning.
- c. The Applicant shall comply with all the mitigation measures set forth in the MND as approved by Resolution No. 09-31.
- 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 Vesting Tentative Parcel Map is subject to the Applicant paying all fees and assessments to the City of Palos Verdes Estates, as required by ordinance, resolution, rule or regulation.
- f. In the event the City determines 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 division 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.
- i. All conditions provided by the City Geotechnical Engineer and City Surveyor shall be addressed by the Applicant prior to final approval.
- j. The Applicant shall install individual water and sewer services for each lot.
- k. A Parklands in-lieu fee of \$28,407 shall be paid to the City.

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 13<sup>th</sup> day of October, 2009.

  
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ELLEN PERKINS, Mayor

ATTEST:

APPROVED AS TO FORM:

  
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JUDY SMITH, City Clerk

  
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JOSEPH W. PANNONE, City Attorney

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

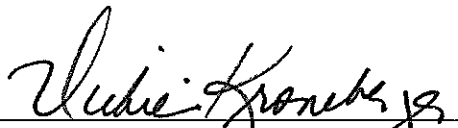
STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) SS:  
CITY OF PALOS VERDES ESTATES )

I, Vickie Kroneberger, Deputy City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R09-32** 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 day of October, 2009, by the following vote:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

  
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Vickie Kroneberger, Deputy City Clerk