

RESOLUTION NO. R 00-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PALOS VERDES ESTATES, CALIFORNIA, GRANTING
AN APPEAL OF A DECISION OF THE PLANNING COMMISSION
TO DENY AN APPLICATION FOR A NEIGHBORHOOD
COMPATIBILITY PERMIT AT 4008 VIA LARGAVISTA

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

Section 1. On November 5, 1999, an application for a neighborhood compatibility permit to permit construction of a new single family residence and an addition to an existing detached garage (the "Preliminary Application") was accepted as complete for the property located at Lot 3 of Block 6313 of Tract No. 7143 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 4008 Via Largavista, Palos Verdes Estates, California (the "Property"). The Preliminary Application was considered by the Planning Commission on November 16, 1999, and the matter was continued at the request of the Planning Commission. Thereafter, the applicant submitted revisions to the Preliminary Application ("the Application"). The Application was considered by the Planning Commission on December 21, 1999, and, at the request of the applicant, the matter was held over to January 18, 2000.

Section 2. At its January 18, 2000, meeting, the Planning Commission denied the Application.

Section 3. On February 1, 2000, an appeal of the Planning Commission's denial was filed by the applicant.

Section 4. On March 28, 2000, the City Council conducted a public hearing on the matter, 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 received and considered oral testimony from the appellant 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 the California Environmental Quality Act.

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. 14, Meeting Date 3/28/00, from Tim D'Zmura to James B. Hendrickson, presented to the City Council on said date is true and correct.

- c. Because of the topography of the Property, accommodation of the floor area desired by the Owners, which results in the total square footage of the structure on the Property still being below the maximum permitted by the Palos Verdes Estates Municipal Code, can reasonably be accommodated without imposing visual or other impacts on neighboring properties.
- d. Two story buildings are permitted both by the Palos Verdes Estates Municipal Code and CC&Rs recorded on the Property. Other buildings of such type are found in the neighborhood of the Property and have been approved by the City.
- e. The applicant has reduced the roof height from that proposed in the Preliminary Application to the maximum extent possible to reduce the overall roof height but still develop a two story structure. In addition, the upper level of the proposed structure has a stepped effect which reduces impacts of the project.
- d. The Property is one of the larger ones in the neighborhood, and the Application has increased the side yard and front yard setbacks so as minimize impacts from the proposed new structure.
- e. The mature landscaping on the Property will be maintained to preserve privacy and balance the aesthetic impact of the proposed new structure.
- f. The total square footage of the project may be reduced by decreasing the size of the proposed additions to the garage, to increase the compatibility of the project with the neighborhood.

Section 6. Based upon the findings set forth herein, the City Council finds that the proposed development on the Property as conditioned in the conditions of approval attached hereto as Exhibit A, which conditions are hereby incorporated by this reference:


- a. Is designed and will be developed to preserve to the greatest extent practicable the natural features of the land, including the existing topography and landscaping. The project will not result in any significant land form alterations or any significant change in the existing landscaping.
- b. Is designed and will be developed in a manner which will be reasonably compatible with the existing neighborhood character in terms of scale of development and relating to surrounding residences and other structures because (1) two story buildings are permitted both by the Palos Verdes Estates Municipal Code and CC&Rs recorded on the Property; (2) other projects of similar size and height are found in the neighborhood of the Property; and (3) the proposed height and lot coverage are considerably less than the maximums permitted by law.

- c. Is designed and will be developed in a manner which will preserve to the greatest extent practicable the privacy of persons residing on adjacent properties because any impacts on the privacy of neighbors is mitigated by the project's increased setbacks from the street and the maintenance of mature landscaping on the Property.
- d. Is designed and will be developed in a manner to the extent reasonably practicable so that it does not unreasonably interfere with neighbors' views, as no comment was received from any neighbor regarding any such possible impact.

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 project is categorically exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines, and further finds and determines that the appeal of the Planning Commission's denial of the neighborhood compatibility permit should be granted, and the permit shall be approved subject to the conditions contained herein.

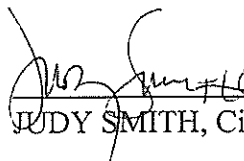
Section 8. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this 11 day of April, 2000.



CHAD R. TURNER, Mayor

ATTEST:



JUDY SMITH, City Clerk

APPROVED AS TO FORM:



STEPHANIE R. SCHER, City Attorney

EXHIBIT "A"

NEIGHBORHOOD COMPATIBILITY APPLICATION
NC-818-99

Conditions of Approval
R-00-19

1. This approval is granted for the land or land use as described in the application and any attachments thereto, and as shown on the plot plan submitted, Exhibit B.
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.
 - a. The applicant shall have a maximum of one year, after approval of a Neighborhood Compatibility Application, within which to apply for and be issued a grading or building permit. The approval shall expire in the event such grading or building permit has not been issued within the prescribed one-year time period, or in the event such grading or building permit terminates or expires under any other provision of this Code or of the law of this State.
 - b. The Planning Director may approve a six month extension to the approval if an application for extension is filed prior to the expiration of the initial one year time period. Such an extension cannot be transferred to a new owner. Any subsequent extension applications must be made with the City Council.
7. 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.
8. This approval is subject to the applicant paying all fees and assessments to the City of Palos Verdes Estates, as required by Ordinance.

9. 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.
10. 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.
11. 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.
12. The owner shall provide for the planting of trees in the parkway adjacent to the site of the building in accordance with the regulations of Chapter 12.16 of the City Code and subject to the review of the Parklands Committee.
13. The owner shall provide for the improvement of streets, alleys, walks, and drainage courses adjacent to the site of the building in conformance with standards and specifications of the City and plans approved by the City Engineer.
14. **That the garage not exceed its current size of 484 square feet.**
15. **That prior to any construction the applicant submit to City staff a landscape maintenance and removal plan that demonstrates construction will not adversely impact the mature vegetation.**

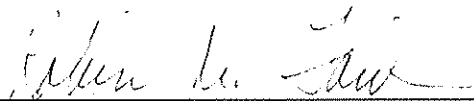
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF PALOS VERDES ESTATES)

I, Robin Ford, Deputy City Clerk for the City of Palos Verdes Estate, California, do hereby certify that the foregoing Resolution **R00-19** 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 11th day of April, 2000, by the following vote:

AYES: COUNCILMEMBERS: Thompson, Turner, Flood, Humphrey,

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS: Mackenbach



Robin M. Ford, Deputy City Clerk