

RESOLUTION NO. R 00- 21

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 GRANT NEIGHBORHOOD COMPATIBILITY AND GRADING
APPLICATIONS AT 1521 VIA MARTINEZ
SUBJECT TO SPECIFIED CONDITIONS

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

Section 1. On November 8, 1999, an application (the "Application") was submitted for neighborhood compatibility and grading permit to permit construction of a new single family residence for the property located at Lot 18 of Block 3 of Tract No. 7334 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 1520 Via Martinez, Palos Verdes Estates, California (the "Property").

Section 2. At its meetings of December 21, 1999, January 18, 2000, and February 15, 2000, the Planning Commission conducted a hearing on the Application. At its February 15, 2000, meeting, the Planning Commission granted the Application, subject to specific conditions of approval.

Section 3. Within the time permitted by law, an appeal of condition number 5 of the Planning Commission's conditions of approval (the "Chimney Condition") was filed by Bill and Liz Messor (the "Appellant").

Section 4. On April 11, 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. 9, Meeting Date 4/11/00, from Allan Rigg to James B. Hendrickson, presented to the City Council on said date, is true and correct.

- c. The Chimney Condition was added by the Planning Commission after the close of public comment on the Application and therefore did not receive full scrutiny to determine its benefits as compared to its impacts.
- d. The information received by the City Council at its public hearing on the matter demonstrates that the Chimney Condition would affect neighborhood compatibility only marginally at most, but would substantially affect the otherwise approved design of the proposed project.


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;
- 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;
- 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;
- d. Is designed and will be developed in a manner to the extent reasonably practicable so that it does not unreasonably interfere with neighbors' existing views;
- e. Will not unreasonably change the natural contours of the land;
- f. Will not create a hazard to the immediate or adjacent property;
- g. Will not unreasonably interfere with the use or enjoyment of property by other persons in the City; and
- h. Complies with all requirements of Palos Verdes Municipal Code Section 8.05.060.

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 appeal of the Chimney Condition should be granted by eliminating said condition, and the neighborhood compatibility and grading permits shall be approved subject to the conditions of approval attached hereto as Exhibit A.

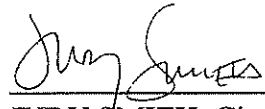
Section 8. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this 25 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 AND GRADING APPLICATION

NC-821/GA-1187-99

Conditions of Approval

R-00-21

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 and Grading 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. Grading shall be imported/exported in quantity and type of vehicle as approved by the City Engineer and Chief of Police.
15. **That a licensed survey of the floor area be prepared by a registered civil engineer or land surveyor and submitted to the City Engineer to verify compliance with the approved floor area for the subject lot.**
16. **That chimney not exceed 4.5' from maximum ridge height.**
17. **That landscaping not exceed the maximum ridge height.**
18. **That rear masonry property line wall be built first.**
19. **That the trellis presented at Commission meeting be approved.**

