

RESOLUTION NO. R 00-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PALOS VERDES ESTATES, CALIFORNIA, DENYING AN APPEAL OF
CONDITIONS OF APPROVAL IMPOSED BY THE PLANNING COMMISSION AND
REMANDING A MATTER TO THE PLANNING COMMISSION IN CONNECTION WITH
AN APPLICATION FOR A NEIGHBORHOOD COMPATIBILITY PERMIT
AT 1132 GRANVIA ALTAMIRA

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

Section 1. On March 24, 2000 an application for a neighborhood compatibility permit to permit changes in the construction of a new single family home (the "Application") was submitted for the property located at Lot 11 of Block 1750 of Tract No. 8652 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 1132 Granvia Altamira, Palos Verdes Estates, California (the "Property").

Section 2. At its April 18, 2000, meeting, the Planning Commission approved the Application, subject to various conditions and denying certain other requested approvals, as follows:

- a. That proposed air conditioning units be placed 40 feet from any property line, in a sound attenuating structure and be visually unobtrusive;
- b. That a proposed trellis in the rear yard along the west property line be denied and;
- c. That a request to raise the front fence and gate to 6 feet in height be denied.

Section 3. On May 1, 2000, an appeal of the decisions set forth in Section 2 herein was filed by the applicants, Mr. and Mrs. Deepak Chopra (the "Appellant").

Section 4. On May 23, 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's representative 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 Sections 1 through 4 above is true and correct.

- b. Each fact set forth in the memorandum for Agenda Item No. 9, Meeting Date 5/23/00, from Allan Rigg to James B. Hendrickson, presented to the City Council on said date, is true and correct.
- c. The applicants proposed to locate a trellis in a rear yard on an extremely large lot. Given the size of the lot, and in order to avoid a crowded feeling, as many structures as possible should be kept out of the setbacks.
- d. The wall in the front yard setback (as well as structures therein) was previously approved to be no greater than 3'6" in height in order to avoid a walled-in look. The applicants proposal to build a 6' high wall in the front yard setback will contribute to such a walled-in look.
- e. The proposed location of the air conditioning units is within the line of sight of the neighbors and the noise from the number of units proposed is likely to adversely impact the neighbors. However, these factors can be mitigated if the units are located a reasonable distance from the property line.

Section 6. Based upon the findings set forth herein, the City Council finds that elimination of the trellis and the restriction of the wall height to 3'6" are necessary for the public health, safety and welfare, and that any alternative arrangement would adversely affect the health, safety and welfare of the public. With respect to the placement of the air conditioning units, the 40 foot distance from the property line imposed by the Planning Commission is too great, although the location requested by the applicant of 20-22 feet from the property line will adversely impact the neighboring property.

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 requesting a trellis in the rear yard setback and the raising of the front yard wall shall be denied. The matter of the placement of the air conditioning units shall be remanded to the Planning Commission for further consideration.

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

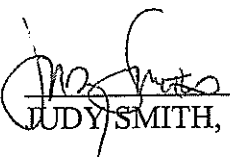
PASSED, APPROVED and ADOPTED this 13th day of June, 2000.



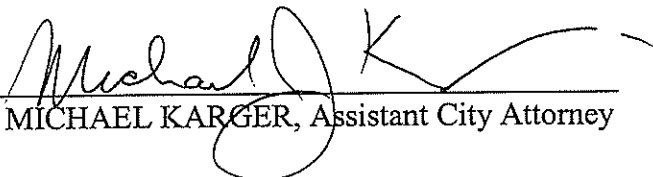
 CHAD TURNER, Mayor

ATTEST:

APPROVED AS TO FORM:



 JUDY SMITH, City Clerk



 MICHAEL KARGER, Assistant City Attorney

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 R00-31 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 June, 2000, by the following vote:

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

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:



Robin M. Ford, Deputy City Clerk