

RESOLUTION NO. R00-39

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 A MODIFICATION TO A NEIGHBORHOOD COMPATIBILITY APPLICATION AT 1132 GRANVIA ALTAMIRA SUBJECT TO SPECIFIED CONDITIONS

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

Section 1. On June 16, 1998, an application for a neighborhood compatibility permit to permit construction of a new single family residence 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") was approved by the Planning Commission of the City of Palos Verdes Estates. Said application was subsequently revised through a minor revision approved by City staff on February 10, 1999, and through a formal revision approved by the City Council on November 9, 1999.

Section 2. On April 18, 2000, an application for a second formal revision to the neighborhood compatibility permit (the "Application") was considered by the Planning Commission, and approved subject to specific conditions. Certain conditions of that approval were appealed by the Property owner. The City Council upheld that portion of that appeal which challenged the requirement that air conditioning units on the Property be located forty (40) feet from any property line, and remanded the issue of exactly what conditions of approval should be placed on air conditioning units to the Planning Commission for further study.

Section 3. At its June 20, 2000 meeting, the Planning Commission considered the issues relating to the air conditioning units and affirmed its grant of the Application subject to the specific condition of approval that the air conditioning units be placed in a sound attenuating structure and visually unobtrusive (the "Condition").

Section 4. Within the time permitted by law, an appeal of the Condition was filed by Wilbur R. Mathews (the "Appellant").

Section 5. On July 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's representatives and others. The City Council further received 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 6. Based upon the evidence presented, the City Council hereby finds and determines as follows:

- a. Each fact set forth in Section 1 through 5 above is true and correct.
- b. Each fact set forth in memorandum for Agenda Item No. 7, Meeting Date 7/11/00, from Allan Rigg to James B. Hendrickson, presented to the City Council on said date, is true and correct.
- c. A specific standard to measure the noise from the air conditioning units on the Property at the nearest wall of Appellant's house will provide stability to the decision making.

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 Planning Commission's grant of the Application subject to the Condition shall be granted by modifying said Condition to provide a specific measurement as set forth in the conditions of approval attached hereto as Exhibit A, which conditions are hereby incorporated by this reference.

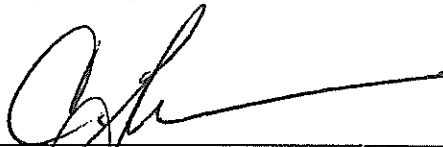
Section 8. Based upon the findings set forth herein, the City Council finds that the proposed development on the Property as conditioned in the conditions of approval attached hereto:

- 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; and
- 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.

Section 9. The Application shall be approved subject to the conditions contained herein.

Section 10. 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 25th day of July, 2000.



CHAD FURNER, Mayor

ATTEST:



JUDY SMITH, City Clerk

APPROVED AS TO FORM:



STEPHANIE R. SCHER, City Attorney

EXHIBIT "A"

NEIGHBORHOOD COMPATIBILITY APPLICATION
NC-703RII-00

Conditions of Approval
R-00-39

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. **Eliminate trellis in rear yard (along west property line).**
15. **That all air conditioning units be placed in a sound attenuating structure and be visually unobtrusive. Also, that at any time the noise created by the air conditioning units shall not exceed the ambient noise level plus three (3) decibels measured at the exterior wall of 1136 Granvia Altamira located closest to and in the most direct line from the units.**
16. **That engineered drainage improvements (including but not limited to curbs, gutters, swales, storm drains, etc.) be provided as required by the City Engineer to safely conduct storm water run-off from the subject property to a drainage system.**
17. **That all structures in the front yard setback be limited to 3'-6" in height.**
18. **That no eaves be located in the setback area.**

19. That the roof height be lowered to 28 feet.
20. That mature landscaping be placed along the southwestern property line for screening.
21. That the bar and pool equipment be moved out of the setback to the north side of the pool.
22. That the retaining walls along the entire south property line, including the southeast corner and replacement planter, be built to match the elevation of the adjacent property at 1136 Granvia Altamira, and backfilled as required to preserve the existing elevation of the adjacent property.
23. That any landscaping along the south property line be planted and maintained at a level not to exceed 6.5 feet above the grade level of 1136 Granvia Altamira, for a distance of 74.5 feet westward, from the southeast corner (view corridor from windows at 1136 Granvia Altamira).

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 R00-39 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 25th day of July, 2000, by the following vote:

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

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:



Robin M. Ford, Deputy City Clerk