

RESOLUTION R00-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, DENYING AN APPEAL OF A CONDITION OF APPROVAL IMPOSED BY THE PLANNING COMMISSION IN CONNECTION WITH AN APPLICATION FOR NEIGHBORHOOD COMPATIBILITY AND GRADING APPLICATIONS AT 925 VIA PANORAMA

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

Section 1. On May 12, 2000, a revised application for a neighborhood compatibility permit and grading application to permit construction of a new single family home (the "Application") was submitted for the property located at Lot 3 of Block 1732 of Tract No. 8652 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 925 Via Panorama, Palos Verdes Estates, California (the "Property").

Section 2. At its June 20, 2000, meeting the Planning Commission approved the Application, subject to various conditions including conditions related to the existing and proposed walls and fences (the "Wall Condition").

Section 3. On July 5, 2000, an appeal of the Wall Condition was filed by the owner David L. Bauer (the "Appellant").

Section 4. On July 25, 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 Section 1 through 4 above is true and correct.
- b. Each fact set forth in the memorandum for Agenda Item No. 14, Meeting Date July 25, 2000, from Allan Rigg to James B. Hendrickson, presented to the City Council on said date, is true and correct.
- c. No conditions exist to alter the decision of the Planning Commission.


Section 6. Based upon the findings set forth herein, the City Council finds that the Wall Condition is necessary for the public health, safety and welfare, and that the appeal of the Wall Condition shall be denied and the neighborhood compatibility permit and grading application shall be approved subject to each and every one of the conditions set forth in Exhibit A, attached hereto and incorporated herein by this reference.

Section 7. 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:

- 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 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 8th day of August, 2000.


CHAD TURNER, Mayor

ATTEST:

APPROVED AS TO FORM:


JUDY SMITH, City Clerk


STEPHANIE SCHER, City Attorney

EXHIBIT "A"

NEIGHBORHOOD COMPATIBILITY AND GRADING APPLICATION

NC-857/GA-1202-00

Conditions of Approval

R-00-42

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 no walls, fences or guardrails shall exceed 3'-6" within the front yard setback.**

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 R00-42 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 8th day of August, 2000, by the following vote:

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

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:



Robin M. Ford, Deputy City Clerk