

RESOLUTION NO. R 01- 18

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 PERMIT AT 4001 VIA CAMPESINA

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

Section 1. On December 21, 2001, an application for a neighborhood compatibility application to permit construction of additions to a single family home (the "Application") was submitted for the property located at Lot 29 of Block 6233 of Tract No. 6887 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 4001 Via Campesina, Palos Verdes Estates, California (the "Property").

Section 2. At its February 20, 2001, meeting, the Planning Commission approved the Application, subject to various conditions including conditions related to the existing hedge in the City right-of-way (the "Hedge Condition").

Section 3. On March 2, 2001, an appeal of the Hedge Condition was filed by the applicant, Shaila Bodiwala (the "Appellant").

Section 4. On March 27, 2001, 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. 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 March 27, 2001, 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 as to the Hedge Condition, provided, however, that the Hedge Condition shall be administered by not requiring removal of the existing hedge until the certificate of occupancy for the

project is issued, and thereafter, requiring such portion(s) of the existing hedge to be removed over such period of time as the City Forester determines appropriate, with the goal being to permit a replacement hedge located solely on the Property to provide the privacy currently assured by the hedge in the City right-of-way.

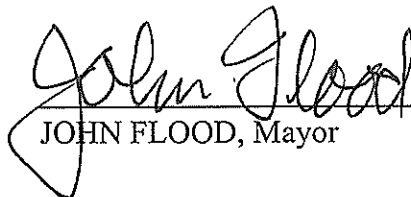
Section 6. Based upon the findings set forth herein, the City Council finds that the Hedge Condition is necessary for the public health, safety and welfare, and that the appeal of the Hedge Condition shall be denied and the neighborhood compatibility permit and grading application shall be approved subject 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; 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 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 10 day of April, 2001.

  
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JOHN FLOOD, Mayor

ATTEST:

APPROVED AS TO FORM:

  
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JUDY SMITH, City Clerk

  
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STEPHANIE R. SCHER, City Attorney

EXHIBIT "A"

NEIGHBORHOOD COMPATIBILITY APPLICATION

NC-918-00

Conditions of Approval

R-01-18

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 recommendation of the Public Works Director or authorized designee.
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. All pool/spa equipment and air conditioning units shall be contained in sound attenuating structures, subject to the approval of the City Engineer.
15. The owner shall provide a "Knox box" universal gate lock, if applicable, accessible to the police and fire departments. Applicants are advised to contact 1-800-552-5669 with any questions.
16. **That the existing curb be removed and replaced with City standard curb and gutter.**
17. **The City Forester shall work with the applicant to ensure that the removal of the hedge in the City right-of-way shall coincide with the maturing of newly planted landscape located outside the right-of-way.**

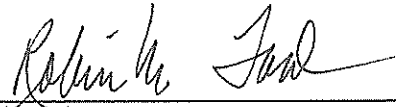
STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) SS:  
CITY OF PALOS VERDES ESTATES )

I, Robin Ford, Deputy City Clerk for the City of Palos Verdes Estate, California, do hereby certify that the foregoing Resolution **R01-18** 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 10th day of April, 2001, by the following vote:

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

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:



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Robin M. Ford, Deputy City Clerk