

RESOLUTION NO. R 01-37

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 DENY AN APPLICATION FOR A REVISED NEIGHBORHOOD
COMPATIBILITY PERMIT AT 4209 VIA VALMONTE

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

Section 1. On November 20, 2000, an application for a neighborhood compatibility permit to permit construction of additions to a single family residence (the "Preliminary Application") was approved for the property located at Lot 19 of Block 6320 of Tract No. 7143 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 4209 Via Valmonte, Palos Verdes Estates, California (the "Property"). Thereafter, the Property owner ("Applicant") submitted an application to make revisions to the Preliminary Application (the "Application") which was considered by the Planning Commission on June 20, 2001, and denied.

Section 2. On July 5, 2001, an appeal of the Planning Commission's denial was filed by the Applicant.

Section 3. On July 24, 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 Applicant, a neighboring property owner, 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 4. Based upon the evidence presented, the City Council hereby finds and determines as follows:

- a. Each fact set forth in Section 1 through 3 above is true and correct.
- b. Each fact set forth in the memorandum for Agenda Item No. 7, Meeting Date July 24, 2001, from Allan Rigg to James B. Hendrickson, presented to the City Council on said date is true and correct.
- c. The Applicant and the only neighbor affected by the changes in the Preliminary Application which are effected by the Application met after the Planning Commission hearing and agreed on landscaping to be installed in connection with the Application which obviates the concerns of the neighbor.

Section 5. 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

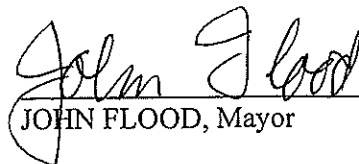
as Exhibit A, which conditions include the agreed-upon landscaping among others, and which are hereby incorporated by this reference:

- 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 since the changes effected by the Application to the Preliminary Application do not change the topography, and enhance the existing 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 because the changes effected by the Application do not change the scale of the project, and the landscaping condition will render the project compatible with surrounding residences;
- 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 because the landscaping will shield views from the balcony area proposed by the Application; 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' views, as the changes effected by the Application have no impact on any neighbor's view.

Section 6. 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 project is categorically exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines, and further finds and determines that the appeal of the Planning Commission's denial of the revised neighborhood compatibility permit should be granted, and the permit shall be approved subject to the conditions contained herein.

Section 7. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

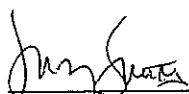
PASSED, APPROVED AND ADOPTED this 14 day of August, 2001.



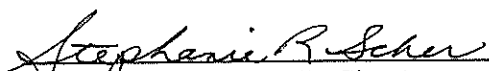
JOHN FLOOD, Mayor

APPROVED AS TO FORM:

ATTEST:



JUDY SMITH, City Clerk



STEPHANIE R. SCHER, City Attorney

EXHIBIT "A"

REVISED NEIGHBORHOOD COMPATIBILITY APPLICATION

NC-877R-01

Conditions of Approval

R-01-37

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. The applicant shall have a maximum of two years, 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 two-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.
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, and the officers and employees of the firm, Charles Abbott Associates, 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 applicant shall plant vegetation on the westerly side of the common property line with 4213 Via Valmonte; such plantings to be spaced at same intervals as the existing Pittosporum and maintained in perpetuity at a height not less than 10 feet.**

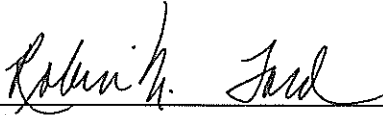
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF PALOS VERDES ESTATES)

I, Robin Ford, Deputy City Clerk for the City of Palos Verdes Estate, California, do hereby certify that the foregoing Resolution R01-37 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 14th day of August, 2001, by the following vote:

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

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:



Robin M. Ford, Deputy City Clerk