

RESOLUTION NO. R 01- 46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PALOS VERDES ESTATES, CALIFORNIA, DENYING AN
APPEAL OF THE ACTION OF THE PLANNING COMMISSION
GRANTING APPROVAL OF GRADING AND NEIGHBORHOOD
COMPATIBILITY APPLICATIONS AT 3425 LA SELVA PLACE

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

Section 1. Applications for grading and neighborhood compatibility permits for a new single family residence (the "Application") were submitted for the property located at Lot 7 of Block 6102 of Tract No. 6887 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 3425 La Selva Place, Palos Verdes Estates, California (the "Property").

Section 2. The Application was considered by the Planning Commission on June 20, 2001, and held over. Revised plans were submitted and the Application as modified was considered by the Planning Commission on August 21, 2001. At the conclusion of said hearing, the Planning Commission determined that the Application was categorically exempt from the California Environmental Quality Act ("CEQA"), and approved the Application, subject to specified conditions attached hereto as Exhibit A.

Section 3. On September 5, 2001, an appeal of the Planning Commission's approval of the Application was filed by Dale W. Cox (the "Appellant"). The determination that the Application is categorically exempt from CEQA was not appealed.

Section 4. On September 25, 2001, the City Council conducted a public hearing on the appeal, 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, a photographic presentation, and minutes of the Planning Commission meeting, and received and considered oral testimony from the Appellant, the Property owners and others. The City Council further received and considered information regarding environmental review of the Application and the determination that the Application is categorically exempt from the CEQA.

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. 11, Meeting Date September 25, 2001, from Allan Rigg to James B. Hendrickson, presented to the City Council on said date, is true and correct.
- c. The project is on a lot which is twenty eight percent (28%) larger than the average size of lots in its neighborhood and a larger sized house is appropriate for a larger sized lot. This project is well below the maximum permitted under the zoning code; will be within ten percent (10%) of the size of the property immediately adjacent to the Property; and there are eight (8) nearby houses which exceed it in size.
- d. The project is located on its lot and designed in the manner least likely to affect the privacy of the neighboring properties. In particular, the structure has been moved away from one neighboring property, and the portion of the structure adjacent to appellant's property, the other neighboring property, is one story.

Section 6. Based upon the findings set forth herein, the City Council finds that the Application, as conditioned in the conditions of approval attached hereto as Exhibit A, which conditions are incorporated herein by this reference:

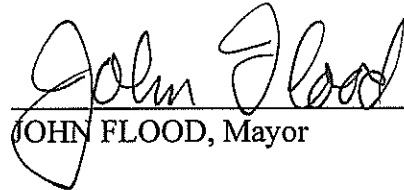
- a. Is designed and will be developed to preserve to the greatest extent practicable the natural features of the land, including the existing topography and landscaping, since the amount of grading is the minimum required to effect the project;
- b. Is designed and will be developed in a manner which will be reasonably compatible with the existing neighborhood character in terms of scale of development and relation to surrounding residences and other structures, since other two story structures of similar size are located in the immediate neighborhood;
- 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 since the project has been moved away from one neighboring property and limited to one story in the area adjacent to the other neighboring property;
- 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, since the neighbors do not have ocean or city light views which will be affected by the project;
- e. Will not unreasonably change the natural contours of the land since the changes are required to effectuate the project;
- f. Will not create a hazard to the immediate or adjacent property since no information regarding the potential for such a hazard has been presented to the City and the grading will be done in accordance with accepted standards;

- g. Will not unreasonably interfere with the use or enjoyment of property by other persons in the City through its proposed grading since no information of the potential for such interference was presented to the City; and
- h. Complies with all requirements of Palos Verdes Municipal Code Section 8.05.060.

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 approval of the Application should be denied and the grading permit and neighborhood compatibility application shall be approved subject to the conditions of approval imposed by the Planning Commission on August 21, 2001, attached hereto as Exhibit A.

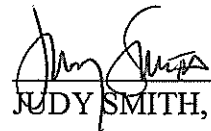
Section 8. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this 9th day of October, 2001.



JOHN FLOOD, Mayor

ATTEST:



JUDY SMITH, City Clerk

APPROVED AS TO FORM:



STEPHANIE R. SCHER, City Attorney

EXHIBIT "A"

NEIGHBORHOOD COMPATIBILITY AND GRADING APPLICATION

NC-954/GA-1253-01

Conditions of Approval

R-01-46

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 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 permit or building permit terminates or expires under any other provision of this Code or of the law of this State.

The applicant shall have a maximum of one year, after approval of a Grading Application, within which to apply for and be issued a grading or building permit. The approval shall expire in the event such grading 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 of the Grading Application 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, 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. **The entire house shall be shifted one foot to the east.**
17. **Any parkland encroachments shall be removed.**

