

RESOLUTION NO. R 01- 50

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PALOS VERDES ESTATES, CALIFORNIA, DENYING AN APPEAL OF
CONDITIONS OF APPROVAL IMPOSED BY THE PLANNING
COMMISSION IN CONNECTION WITH AN APPLICATION FOR
NEIGHBORHOOD COMPATIBILITY PERMIT AT 1204 VIA ZUMAYA

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

Section 1. An application for a neighborhood compatibility approval and a variance to permit construction of additions to a single family home was submitted for the property located at Lot 4 of Block 2415 of Tract No. 6890 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 1204 Via Zumaya, Palos Verdes Estates, California (the "Property").

Section 2. At its July 17, 2001, meeting, the Planning Commission considered the application as then submitted, and continued consideration of the matter to August 21, 2001. Prior to the continued consideration of the matter, the applicant submitted revised plans (the "Application") which, among other things, removed the necessity for a variance.

Section 3. At its meeting of August 21, 2001, the Planning Commission approved the Application, subject to various conditions including the following: the ridge elevation of the garage addition shall be reduced by one (1) foot; the length of the garage addition shall be reduced by eighteen (18) feet; and the front wall shall not be extended (collectively, the "Appealed Conditions").

Section 4. On September 11, 2001, an appeal of the Planning Commission action was filed by the applicant. The applicant subsequently specified that the Appealed Conditions were the subject of the appeal.

Section 5. On October 23, 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, minutes of the Planning Commission meeting, and photographic presentations, and received and considered oral testimony from the applicant 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 6. Based upon the evidence presented, the City Council hereby finds and determines as follows:

- a. Each fact set forth in Sections 1 through 5 above is true and correct.

- b. Each fact set forth in the memorandum for Agenda Item No. 9 Meeting Date October 23, 2001, from Allan Rigg to James B. Hendrickson, presented to the City Council on said date, is true and correct.
- c. Reduction of the garage length and ridge height will preserve some view for the neighbors, but permit a new garage with adequate width for three (3) cars on the Property.
- d. The existing structures on the Property encroach into the setback areas mandated by the Palos Verdes Estates Municipal Code. Although the City could have mandated removal of such encroachments, it did not, but effected a compromise through the Appealed Conditions, particularly the limitation on the front wall extension.
- e. No conditions exist to alter the decision of the Planning Commission as to the Appealed Conditions. A special condition imposed by the Planning Commission regarding screen planting, however, should be revised to state the policy of the City that the City Forester rather than a private property owner is the ultimate decision-maker in such matters.


Section 7. Based upon the findings set forth herein, the City Council finds that the Appealed Conditions are necessary for the public health, safety and welfare, and that the appeal of the Application shall be denied and the neighborhood compatibility permit 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 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 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, as the project has been reduced in scale from the original proposal and such reduction, together with the limitation on extending the front wall, minimize its inconsistency in scale with neighboring properties;
- 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, as landscaping is required to preserve the privacy of the neighbors; 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, as the garage, which otherwise would completely obscure the view corridor, has been reduced in both ridge height and length.

Section 9. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

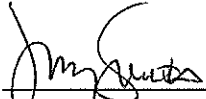
PASSED, APPROVED AND ADOPTED this 13 day of November, 2001.



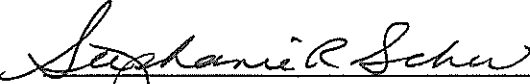
JOHN FLOOD, Mayor

ATTEST:

APPROVED AS TO FORM:



JUDY SMITH, City Clerk



STEPHANIE R. SCHER, City Attorney

EXHIBIT "A"

REVISED NEIGHBORHOOD COMPATIBILITY APPLICATION

NC-937-01

Conditions of Approval

R-01-50

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. **Ridge elevation of garage addition shall be reduced by one foot.**
17. **Length of garage addition shall be reduced by 18 feet.**
18. **Spa shall be removed from setback.**
19. **Front wall shall not be extended.**
20. **Screen planting shall be installed and maintained to the satisfaction of the City Forester.**


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

I, Jeannie Hougland, Deputy City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution R01-50 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 13th day of November, 2001 by the following vote:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None


Jeannie Hougland, Deputy City Clerk