

RESOLUTION NO. R 01- 56

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 A COASTAL DEVELOPMENT PERMIT AND NEIGHBORHOOD
COMPATIBILITY APPLICATION AT 509 PASEO DEL MAR

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

Section 1. On January 4, 2001, an application for a coastal development permit, neighborhood compatibility approval, and grading permit to permit construction of a new single family residence was submitted for the property located at Lot 2 of Block 1500 of Tract No. 6886 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 509 Paseo Del Mar, Palos Verdes Estates, California (the "Property"). The application was subsequently revised by the applicant to eliminate the requirement for a grading permit. The Planning Commission considered the application on August 21, 2001, and the applicant agreed to hold it over. Subsequently, the applicant again revised the application. (The application as so revised is hereafter referred to as the "Application").

Section 2. At its October 16, 2001, meeting, the Planning Commission considered the Application. The Planning Commission indicated its primary concern was with the height of the towers, but the applicant did not agree to reduce that height. The Planning Commission therefore denied the Application.

Section 3. On October 31, 2001, an appeal of the Planning Commission's denial was filed by the owners of the Property.

Section 4. On November 13, 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, a visual presentation, and minutes of the Planning Commission meeting, and received and considered oral testimony from the appellant 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. 9, Meeting Date November 13, 2001, from Allan Rigg to James B. Hendrickson, presented to the City Council on said date, is true and correct.

- c. The height of the proposed structure is within that permitted on the Property both under the zoning and the applicable CC&Rs.
- d. The portion of the Property on which the existing house lies is below the street level and expansion of the structure has only a minimal effect on neighboring properties.
- e. The ridge of the proposed project is lower than the highest ridge of the structure on the neighboring property, and any effect on views which the tower elements impose may be made reasonable by reducing the height of the towers. The Property owners consented to such reduction at the hearing.
- f. A soils and geology report was submitted by the applicant and approved by the City Geologist and Soils Engineer (for planning purposes only) demonstrating stability of the Property, and no other issues regarding the coastal development permit were raised by any person.

Section 6. 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 are hereby incorporated by this reference:

- a. Complies with all requirements of Palos Verdes Estates Municipal Code Chapter 19.02 and other relevant city ordinances and development standards;
- b. Is consistent with the City's certified Local Coastal Program, the City's General Plan, and the applicable zoning ordinance (including the neighborhood compatibility approval granted herein), and no applicable specific plan exists;
- c. Will not be visually intrusive from public view points as the only public view points are the City streets and the structure is lowered therefrom;
- d. Can be supported by the bluff and will not increase any existing geologic hazards as demonstrated by soils and geology reports submitted by the applicant;
- e. Is in conformance with the public access and recreation policies of the California Coastal Act (Public Resources Code §§ 30200 through 30224), the applicable sections of the California Code of Regulations, and the City's Local Coastal Program, as the Property is on a bluff and no direct access to the ocean is appropriate for the public;
- f. 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, as minimal grading is required for the project;
- g. 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 since both the size and architecture will be compatible;

- h 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 the structure is effectively below street level, and the nearest houses are several hundred feet away; and
- i 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 portions of the project which may affect views have been reduced by conditions of approval adopted herewith.

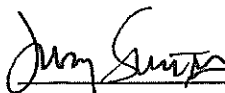
Section 7. Based upon the findings and determinations set forth herein, as supported by the evidence considered in connection therewith, the City Council finds and determines that the appeal of the Planning Commission's denial of the Application should be granted, and the coastal development permit and neighborhood compatibility permit shall be approved subject to the conditions contained herein.

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 27th day of November, 2001.


ROSEMARY HUMPHREY, Mayor Pro Tem

ATTEST:



JUDY SMITH, City Clerk

APPROVED AS TO FORM:



STEPHANIE R. SCHER, City Attorney

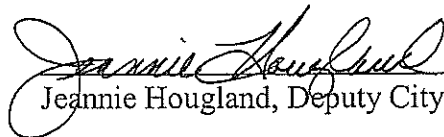
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF PALOS VERDES ESTATES)

I, Jeannie Hougland, Deputy City Clerk for the City of Palos Verdes Estate, California, do hereby certify that the foregoing Resolution **R01-56** 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 27th day of November, 2001, by the following vote:

AYES: COUNCILMEMBERS: Humphrey, Mackenbach, Turner,
Sherwood

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: Flood


Jeannie Hougland, Deputy City Clerk