

RESOLUTION NO. R 02-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
PALOS VERDES ESTATES, CALIFORNIA, DENYING AN  
APPEAL OF THE ACTION OF THE PLANNING COMMISSION  
DENYING APPROVAL OF A REVISED NEIGHBORHOOD  
COMPATIBILITY APPLICATION AT 1561 VIA LOPEZ

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

Section 1. On February 22, 2002, an application for revisions to a previously approved neighborhood compatibility approval for a new single family residence to permit a new six (6) foot wrought iron fence within the required front yard setback (the "Application") was submitted for the property located at Lot 2 of Block 8 of Tract No. 7334 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 1561 Via Lopez, Palos Verdes Estates, California (the "Property").

Section 2. The Planning Commission of the City of Palos Verdes Estates held a hearing on the Application on March 20, 2002, at the conclusion of which the Planning Commission denied the Application.

Section 3. On April 2, 2002, an appeal of the Planning Commission's denial of the Application was filed by the Property owner.

Section 4. On April 23, 2002, 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 oral staff reports and documentary evidence, including, but not limited to, site plans, visual presentations, and minutes of the Planning Commission meeting, and received and considered oral testimony from the appellant's representative and others.

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. 10, Meeting Date 4/23/02 from Allan Rigg to James B. Hendrickson, presented to the City Council on said date, is true and correct.
- c. In the immediate neighborhood of the Property, fifty percent (50%) or less of the properties located within six properties of the Property have fences exceeding forty two (42) inches in height within the front yard setback.

- d. The elevations on the Property and its location on a corner are such that a fence at the property line would have the appearance of being even higher than it actually is.

Section 6. Based upon the findings set forth herein, the City Council finds that the Application:

- a. Is not designed and could not be developed to preserve to the greatest extent practicable the natural features of the land, including the existing topography and landscaping in that it could lead to a walled-in look for the Property.
- b. Is not designed and could not 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 in that there is not a preponderance of neighboring properties with fences of the size proposed.
- c. Will unreasonably interfere with the use or enjoyment of property by other persons in the City, in that it would result in interference with the open, uncrowded appearance of the area surrounding the Property.

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 denied, and the Application shall be denied. The City Council further finds and determines that each finding set forth in Section 6, above, would alone be sufficient to require the denial of the Application.

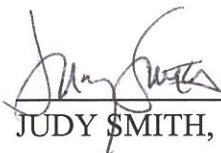
Section 8. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this 14<sup>th</sup> day of May, 2002.

  
ROSEMARY HUMPHREY, Mayor

APPROVED AS TO FORM:

ATTEST:

  
\_\_\_\_\_  
JUDY SMITH, City Clerk

  
\_\_\_\_\_  
STEPHANIE R. SCHER, City Attorney

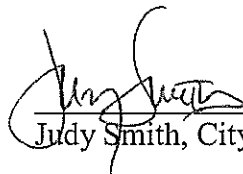
STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) SS:  
CITY OF PALOS VERDES ESTATES )

I, Judy Smith, City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R02-16** 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 May 2002, by the following vote:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

  
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Judy Smith, City Clerk