

RESOLUTION NO. R 02- 17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PALOS VERDES ESTATES, CALIFORNIA, DENYING AN
APPEAL OF THE DENIAL OF THE PLANNING COMMISSION
OF A MISCELLANEOUS APPLICATION FOR STRUCTURES
EXCEEDING THE MAXIMUM HEIGHT IN THE FRONT
YARD SETBACK AT 2428 VIA SONOMA

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

Section 1. On March 22, 2002, a Miscellaneous Application to permit structures exceeding the maximum height permitted by the Palos Verdes Estates Municipal Code in the front yard setback area (the "Application") on Lot 3 of Block 5 of Tract 7538 in the City of Palos Verdes Estates, County of Los Angeles, commonly referred to as 2428 Via Sonoma (the "Property") was submitted by Stephen Lampe (the "Applicant").

Section 2. On April 17, 2002, a hearing on the Application was held by the Planning Commission of the City of Palos Verdes Estates, at the conclusion of which the Planning Commission denied the Application.

Section 3. On April 29, 2002, an appeal of the Planning Commission's denial was filed by the Applicant.

Section 4. On May 14, 2002, the City Council conducted a 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, minutes of the Planning Commission meeting, a visual presentation by staff, and received and considered oral testimony from the Applicant.

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 5/14/02, from Allan Rigg to James B. Hendrickson, presented to the City Council on said date, is true and correct.
- c. In the neighborhood surrounding the Property there is not a preponderance of walls, fences, or other structures exceeding the 3.5 foot maximum permitted by the Palos Verdes Estates Municipal Code.

- d. On this Property, if a structure which is in excess of the maximum permitted by the Palos Verdes Estates Municipal Code were permitted in the front yard set-back, it would create a walled-in look which would have an adverse effect on all other properties in the City.
- e. The concurrence of the immediate neighbors for a structure in excess of the height permitted by the Palos Verdes Estates Municipal Code is not sufficient to determine that the proposed structure would have no adverse effect.

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 appeal of the Planning Commission's denial of the Application should be denied.

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 28th day of May, 2002.


ROSEMARY HUMPHREY, Mayor

ATTEST:

APPROVED AS TO FORM:



JUDY SMITH, City Clerk



STEPHANIE R. SCHER, City Attorney

