

RESOLUTION NO. R 02-35

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 NEIGHBORHOOD COMPATIBILITY AND
GRADING APPLICATIONS AT 986 PASEO LA CRESTA

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

Section 1. On May 24, 2002, applications for grading and neighborhood compatibility permits to permit construction of a new single family residence (the "Application") was submitted for the property located at Lot 2 of Tract No. 31329 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 986 Paseo La Cresta, Palos Verdes Estates, California (the "Property").

Section 2. The Application was heard by the Planning Commission at its June 18, 2002, and July 16, 2002, meetings. At the conclusion of the hearing, the Planning Commission denied the Application.

Section 3. On July 30, 2002, an appeal of the Planning Commission's denial was filed by the architect on behalf of the owner of the Property.

Section 4. On September 10, 2002, 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. 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 9/10/02, from Allan Rigg to James B. Hendrickson, presented to the City Council on said date, is true and correct.
- c. The sports court on the Property is a legal nonconforming use. In its present

configuration it cannot be seen from the street. The only residence impacted by the sports court is located at 990 Paseo La Cresta, which is owned by the same persons who own the Property.

- d. Provided that the Property is legally “tied” to the neighboring site at 990 Paseo La Cresta, the sports court has no adverse impact to any third party.


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. 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;
- 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;
- 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;
- e. Will not unreasonably change the natural contours of the land;
- f. Will not create a hazard to the immediate or adjacent property;
- g. Will not unreasonably interfere with the use or enjoyment of property by other persons in the City; and
- h. Complies with all requirements of Palos Verdes Municipal Code Section 8.05.060.

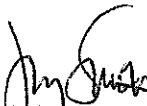
Section 7. Based upon the findings and determinations set forth herein, as supported by the evidence considered in connection therewith, the City Council finds and determines that the appeal of the Planning Commission's denial of the Application should be granted, and the neighborhood compatibility and grading permits 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 24th day of September, 2002.

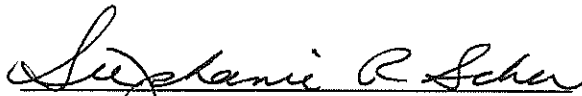

ROSEMARY HUMPHREY, Mayor

ATTEST:



JUDY SMITH, City Clerk

APPROVED AS TO FORM:



STEPHANIE R. SCHER, City Attorney

CITY OF PALOS VERDES ESTATES

(310) 378-0383



CITY HALL

PALOS VERDES ESTATES
CALIFORNIA 90274-0283

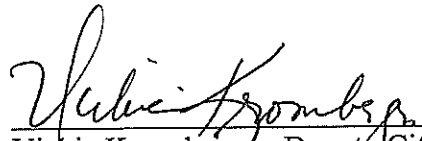
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF PALOS VERDES ESTATES)

I, Vickie Kroneberger, Deputy City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R02-35** 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 24th day of September, 2002, by the following vote:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None


Vickie Kroneberger, Deputy City Clerk