

RESOLUTION NO. R 04-30

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 IN PART APPROVAL OF A REVISED NEIGHBORHOOD
COMPATIBILITY APPLICATION AT 800 GATOS PLACE

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

Section 1. On August 22, 2001, neighborhood compatibility and grading applications were approved to permit construction of a additions to an existing single family residence on the property located at Lot 5 of Block 1541 of Tract No. 6884 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 800 Gatos Place, Palos Verdes Estates, California (the "Property"). A specific condition of approval of that neighborhood compatibility application was that all walls, fences, pilasters and railings in the front yard setback area could not exceed 3.5 feet in height.

Section 2. On January 15, 2002, an application to revise that neighborhood compatibility approval was approved, along with minor modifications approved by the Planning Director on October 23, 2002, November 15, 2002, and July 17, 2003, and at no time was a permission given for walls in excess of 3.5 feet in the front yard setback.

Section 3. On June 8, 2004, a final inspection of the Property revealed 16 items not consistent with the approvals. In response, the Property owner submitted a second revised neighborhood compatibility application to legalize certain of the as-built conditions (the "Application").

Section 4. The Planning Commission of the City of Palos Verdes Estates held a hearing on the Application on August 18, 2004, at the conclusion of which the Planning Commission granted certain parts of the Application but denied the part of the Application seeking approval for walls and gates in the front yard setback not shown on approved plan and lights and pilasters not shown on the approved plan (the "Wall Application").

Section 5. On September 1, 2004, an appeal of the Planning Commission's denial of the Wall Application was filed by the Property owners ("Appellants").

Section 6. On September 28, 2004, 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 Appellants' representative and others.

Section 7. Based upon the evidence presented, the City Council hereby finds and determines as follows:

- a. Each fact set forth in Section 1 through 6 above is true and correct.
- b. Each fact set forth in the memorandum for Agenda Item No. 11, Meeting Date 9/28/04 from Allan Rigg to James B. Hendrickson, presented to the City Council on said date, is true and correct.
- c. The visual evidence demonstrates that any pilasters or gates existing prior to approval of the Application have been replaced and the over-sized structures presently in place are not a continuation of such pre-existing structure.
- d. No evidence was presented that a preponderance of fences within the neighborhood of the Property have over-sized fences or walls in the front yard setback.
- e. The request for a fence or wall in the front yard setback in excess of 3.5 feet in height has been considered and denied before. No new facts exist to change that determination.

Section 8. Based upon the findings set forth in Section 7 above, the City Council finds that the Application:

- a. Is not designed and has not been developed to preserve to the greatest extent practicable the natural features of the land, including the existing topography and landscaping, in that the structures sought would lead to a walled-in look on the Property.
- b. Is not designed and has not been 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 surrounding residences with walls or fences in excess of 3.5 feet in height in the front setback area.

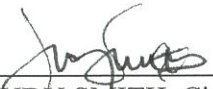
Section 9. Based upon the findings and determinations set forth herein, as supported by the evidence considered in connection therewith, the City Council finds and determines that the Appeal of the Planning Commission's denial of the Wall Application should be denied, and the Wall Application shall be denied. The City Council further finds and determines that each finding set forth in Section 8, above, would alone be sufficient to require the denial of the Wall Application.

Section 10. 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 12th day of OCTOBER, 2004.


 JOSEPH C. SHERWOOD, JR., Mayor

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, Vickie Kroneberger, Deputy City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R04-30** 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 12th of October, 2004, by the following vote:

AYES: COUNCILMEMBERS: Sherwood, Abbott, Mackenbach,
Humphrey

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Flood



Vickie Kroneberger, Deputy City Clerk