

RESOLUTION NO. R 03-03

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 1509 LOWER PASEO LA CRESTA

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

Section 1. On November 22, 2002, an application for revisions to a previously approved neighborhood compatibility approval for a single family residence to permit addition of a previously-built 692 square foot recreation room under an existing covered terrace (the "Application") was submitted for the property located at Lot 8 of Block 7 of Tract No. 8043 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 1509 Lower Paseo La Cresta, 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 December 17, 2002, at the conclusion of which the Planning Commission denied the Application.

Section 3. On December 31, 2002, an appeal of the Planning Commission's denial of the Application was filed by the Property owner's representative ("Appellant").

Section 4. On January 15, 2003, 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.

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. 11, Meeting Date 1/15/03 from Allan Rigg to James B. Hendrickson, presented to the City Council on said date, is true and correct.
- c. The inclusion of an additional 692 square feet of floor area places the structure on the Property almost at the maximum permitted. In addition, the structure on the Property already has the effect of being of larger mass than would be indicated by its square footage, since there is a two-story volume area which is not included in the total floor area, but affects apparent volume.

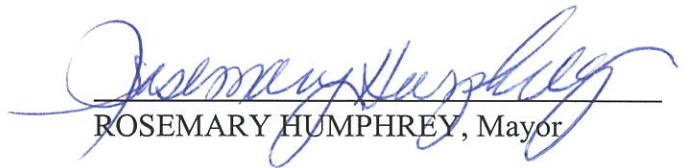
Section 6. Based upon the findings set forth herein, the City Council finds that the Application:

- 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 additional structure leads 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 the project is at the extreme end of size allows.
- c. Seeks after-the-fact approval, in that the construction sought to be approved was added illegally. Policy considerations require denial of such applications unless the subject construction addresses conditions affecting the public health, safety or welfare, and no such conditions are addressed in this Application.

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 28th day of January, 2003.


ROSEMARY HUMPHREY, Mayor

ATTEST:

APPROVED AS TO FORM:



JUDY SMITH, City Clerk



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 **R03-03** 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 28th day of January, 2003, by the following vote:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None


Vickie Kroneberger, Deputy City Clerk