

RESOLUTION NO. R 03-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
PALOS VERDES ESTATES, CALIFORNIA, DENYING AN  
APPEAL OF THE ACTION OF THE PLANNING COMMISSION  
GRANTING APPROVAL OF A NEIGHBORHOOD  
COMPATIBILITY APPLICATION AT 2501 VIA RIVERA

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

Section 1. An application for neighborhood compatibility for construction of additions to a single family residence was submitted for the property located at Lot 5 of Block 2 of Tract No. 16945 in the City of Palos Verdes Estates, County of Los Angeles, State of California, known as 2501 Via Rivera, Palos Verdes Estates, California (the "Application").

Section 2. On January 21, 2003, 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 approved the Application, subject to specified conditions.

Section 3. On February 5, 2003, an appeal of the Planning Commission's approval was filed by Monique and Haru Sugimoto (the "Appellants"). The Appellants did not appeal the determination of the Planning Commission that the Application is categorically exempt from the California Environmental Quality Act.

Section 4. Subsequently thereto, the Property owner submitted a proposed revision to additional condition number 3, regarding the height of the hedge along the rear property line, based upon a survey of such hedge and adjacent fence.

Section 5. On February 25, 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 an oral staff report and documentary evidence, including, but not limited to, the survey referred to in Section 4, above, site plans, minutes of the Planning Commission meeting, and a photographic presentation, and received and considered oral testimony from the Appellants and others.

Section 6. Based upon the evidence presented, the City Council hereby finds and determines as follows:

- a. Each fact set forth in Section 1 through 5 above is true and correct.

- b. Each fact set forth in the memorandum for Agenda Item No. 6, Meeting Date 2/25/03 from Allan Rigg to James B. Hendrickson, presented to the City Council on said date, is true and correct.
- c. The proposed second story window will be approximately 130 feet from the windows on Appellants' property. A line-of-sight analysis shows that a view into the Appellants' window will not be possible unless a person's eye level is at six feet and the person is standing directly next to the proposed window on the Property because the hedge on the Property which will be enhanced and maintained under the conditions of approval, imposed pursuant to Section 7 below, which have been recast in light of the information from the survey.

Section 7. Based upon the findings set forth herein, the City Council finds that the Application, as conditioned in the conditions of approval attached hereto as Exhibit A, which conditions are incorporated herein by 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, in that only eighty (80) cubic yards of grading is required for this project and the landscaping changes required by the conditions of approval will enhance the privacy of adjacent properties.
- 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, in that the project is significantly smaller than permitted on this lot, being only slightly larger than 150% of the average floor area in the neighborhood. In addition, the project has lower building coverage and lot coverage, and a substantially lower maximum height than are permitted on this lot.
- 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, in that the conditions of approval will require landscaping to be planted and/or maintained to minimize view intrusion of a downhill property which by its nature may be subject to view impacts from uphill 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, in that no complaint was received from any party that any such views are affected.

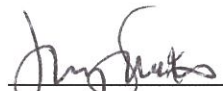
Section 8. Based upon the findings and determinations set forth herein, as supported by the evidence considered in connection therewith, the City Council finds and determines that the appeal of the Planning Commission's approval of the Application should be denied and the neighborhood compatibility application shall be approved subject to the conditions contained herein.

Section 9. 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 11<sup>th</sup> day of MARCH, 2003.

  
FRED MACKENBACH, Mayor

ATTEST:

  
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JUDY SMITH, City Clerk

APPROVED AS TO FORM:

  
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STEPHANIE R. SCHER, City Attorney

EXHIBIT "A"

**REVISED NEIGHBORHOOD COMPATIBILITY APPLICATION**

NC-1041-02

Conditions of Approval

R-03-09

1. This approval is granted for the land or land use as described in the application and any attachments thereto, and as shown on the plot plan submitted, Exhibit B.
2. Prior to obtaining a building permit and within 30 day hereof, the applicant and property owner shall file with the Secretary of the Planning Department written acknowledgment of the conditions stated herein on forms provided by the Planning Department.
3. All buildings, fences, signs, roadways, parking areas, and other facilities or features shall be located and maintained as shown on the approved plans.
4. All buildings and structures shall be of the design as shown on the approved plans.
5. Compliance with and execution of all conditions listed herein shall be necessary prior to obtaining final building inspection clearance and/or prior to obtaining any occupancy clearance. Deviation from this requirement shall be only by written consent of the Director of Planning.
6. All requirements of any law, ordinance, or regulation of the State of California, City of Palos Verdes Estates, and any other governmental entity shall be complied with.
7. This approval is subject to the applicant paying all fees and assessments to the City of Palos Verdes Estates, as required by Ordinance.
8. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant shall be required to pay any and all cost of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amiably resolved, unless the City should otherwise agree with the applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.
9. The applicant shall defend, indemnify, and hold harmless the City and its officers, agents, and employees, and the officers and employees of the firm, Charles Abbott Associates, from any claim, action or proceeding against the City or its officers, agents or employees to attach, set aside, void, or annul approval of this application. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense.
10. An approval granted by the Planning Commission does not constitute a building permit or authorization to begin any construction. An appropriate permit issued by the Department of

Building and Safety must be obtained prior to construction, enlargement, relocation, conversion, or demolition of any building or structure within the City.

11. The owner shall provide for the planting of trees in the parkway adjacent to the site of the building in accordance with the recommendation of the Public Works Director or authorized designee.
12. The owner shall provide for the improvement of streets, alleys, walks, and drainage courses adjacent to the site of the building in conformance with standards and specifications of the City and plans approved by the City Engineer.
13. All pool/spa equipment and air conditioning units shall be contained in sound attenuating structures, subject to the approval of the City Engineer.
14. The owner shall provide a “Knox box” universal gate lock, if applicable, accessible to the police and fire departments. Applicants are advised to contact 1-800-552-5669 with any questions.
15. All non-standard encroachments shall be removed from any Parkland adjacent to the subject property, unless specifically approved otherwise, by the Planning Commission.
16. **City standard curb and gutter shall be installed per construction plans prepared by a registered Civil Engineer and approved by the City Engineer.**
17. **All vegetation within the City right-of-way shall comply with City standards.**
18. **The hedge shall be extended to run along the entire rear property line and shall be maintained at an elevation of 100.65 feet with this condition to be recorded and run with the land.**

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 **R03-09** 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 11th day of March, 2003, by the following vote:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

  
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Vickie Kroneberger, Deputy City Clerk