

RESOLUTION NO. R 03- 12

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 GRANT NEIGHBORHOOD COMPATIBILITY AND
GRADING APPLICATIONS AT 2508 NOVATO PLACE

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

Section 1. On December 17, 2002, an application for neighborhood compatibility and grading permits to permit construction of a new single family residence (the "Application") was submitted for the property located at Lot 17 of Block 1756 of Tract No. 8652 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 2508 Novato Place, Palos Verdes Estates, California (the "Property").

Section 2. The Application was heard by the Planning Commission at its February 18, 2003, meeting, at which time the matter was carried over. Revised plans were submitted on March 5, 2003 (hereafter deemed to be part of the Application), and a hearing thereon held by the Planning Commission on March 18, 2003. At the conclusion of the hearing, the Planning Commission granted the Application, subject to conditions.

Section 3. On April 2, 2003, an appeal of the Planning Commission's grant of the Application was filed by John and Naomi McKissock (the "Appellant").

Section 4. On April 22, 2003, the City Council conducted a public hearing on the matter, which hearing was duly and properly noticed. At that 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 Property owner and others. 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. 7, Meeting Date 4/22/03, from Allan Rigg to James B. Hendrickson, presented to the City Council on said date, is true and correct.
- c. The ridgeline of the proposed project is more than seven (7) feet above the ridgeline of the structure currently on the Property. The proposed structure is approximately three (3) times the height of the structure on the neighboring property. The need for additional height for the proposed structure, intended to maximize its view, was created, in part, by a previous project developed on another lot by this applicant.
- d. The proposed project is significantly larger than the average size of the houses on similarly sized lots in the neighborhood of the Property. Its floor area ratio is almost two (2) times the average for properties in the neighborhood, being 32.5%, whereas the average is 16.4%.
- e. The excess size of the proposed project is exacerbated by its layout, which includes a covered motor court and veranda within the envelope of the house. These areas could easily be converted to interior space, and add to the perceived massiveness of the project. If they are included in the calculation of the square footage of the project, it exceeds the amount permitted by the zoning ordinance.
- f. The proposed grading will require approximately 191 truck loads of earth to be moved from the Property. The location of the house at the back of the Property increases the amount of grading over what would otherwise be required.
- g. The project will significantly interfere with existing views of the Appellant, although an alternative design could eliminate such interference.

Section 6. Based upon the findings set forth herein, the City Council finds that the proposed development on the Property:

- a. Is not designed and could not be developed to preserve to the greatest extent practicable the natural features of the land, including the existing topography and landscaping, since the existing contours of the land are being disrupted by the placement of the project on the rear of the Property which also interferes with the neighbors' views;
- b. Is not designed and could not be developed in a manner which will be reasonably compatible with the existing neighborhood character in terms of scale of development and relation to surrounding residences and other structures, since the floor area ratio of the project is more than twice that of other properties in the neighborhood, and the project includes a covered motor court and veranda which add

to the appearance of massing, and which would, in fact, render the project above the maximum allowed by law if those covered areas were enclosed;

- c. Is not designed and could not be developed in a manner to the extent reasonably practicable so that it does not unreasonably interfere with neighbors' existing views, in that the project has been designed to maximize its own views without sufficiently accounting for the view from the Appellant's property, with which it interferes;
- d. Will unreasonably change the natural contours of the land since the changes required to effectuate the project are the result of the development of an over-sized project; and
- e. Will unreasonably interfere with the use or enjoyment of property by other persons in the City through its proposed grading since more than 191 truckloads of dirt will have to be moved to effectuate the project.

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 grant of the Application should be granted, and the neighborhood compatibility and grading permits shall be denied.

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 13th day of MAY, 2003.

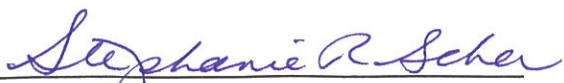

FRED W. MACKENBACH, Mayor

ATTEST:



JUDY SMITH, City Clerk

APPROVED AS TO FORM:



STEPHANIE R. SCHER, City Attorney

