

RESOLUTION NO. R 03- 16

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 1556 VIA ZURITA

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

Section 1. On August 22, 2001, a neighborhood compatibility application was approved to permit construction of a new single family residence on the property located at Lot 3 of Block 6 of Tract No. 7334 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 1556 Via Zurita, Palos Verdes Estates, California (the "Property"). A specific condition of approval of that neighborhood compatibility application was that all walls, fences, and pilasters in the front yard setback area could not exceed 3.5 feet in height.

Section 2. On March 20, 2002, an application to revise that neighborhood compatibility approval to permit, among other things, a new six (6) foot high fence and pilasters along the front property line was denied. No appeal was taken.

Section 3. On January 24, 2003, another application to revise that neighborhood compatibility approval to permit a new fence and gate along the front property line exceeding the 3.5 foot height limit was submitted by the applicant (the "Application").

Section 4. The Planning Commission of the City of Palos Verdes Estates held a hearing on the Application on March 18, 2003, at the conclusion of which the Planning Commission denied the Application.

Section 5. On April 2, 2003, an appeal of the Planning Commission's denial of the Application was filed by the Property owner ("Appellant").

Section 6. On May 13, 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's 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. 9, Meeting Date 5/13/03 from Allan Rigg to James B. Hendrickson, presented to the City Council on said date, is true and correct.

- c. Because of the lay-out of the immediate area, including but not limited to the presence of the Zurita Ballfield which has been in existence for many years prior to the construction of the residence on the Property, the “neighborhood” for this Property consists of lots on the same side of Via Zurita and within the same block. There are fourteen (14) lots in that neighborhood, of which only five (5) have fences exceeding 3.5 feet in height.
- d. Even if the “neighborhood” was determined to consist of all lots surrounding the Zurita Ballfield, only approximately sixty percent (60%) of those lots have fences exceeding 3.5 feet in height. While that is a “majority” of lots, it is not a “preponderance” of lots with such fences, which is the standard adopted by the City Council.
- e. In order to provide the security from view by persons visiting the Zurita Ballfield which the Application seeks, the proposed fence would have to be opaque. Such a condition would be a substantial detriment to neighboring properties and to the City of Palos Verdes Estates in general in that it would create a walled-in look.
- f. The security of the Property will be enhanced by having a front yard accessible visually to police officers as they drive by the Property.
- g. 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 twice 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 Application should be denied, and the 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 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 27th day of May, 2003.


FRED W. MACKENBACH, 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 **R03-16** 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 27th day of May, 2003, by the following vote:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None


Vickie Kroneberger, Deputy City Clerk