

RESOLUTION NO. R 05- 02

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 NEIGHBORHOOD
COMPATIBILITY APPLICATION AT 4025 VIA GAVILAN

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

Section 1. On May 28, 2004, a neighborhood compatibility application (the "Original Application") was submitted to permit construction of additions to a single family residence on the property located at Lot 7 of Block 6310 of Tract No. 7143 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 4025 Via Gavilan, Palos Verdes Estates, California (the "Property").

Section 2. The Original Application was considered by the Planning Commission on July 20, 2004, and held over. The project was subsequently revised and an amended application submitted (the "Revised Application"), which was considered by the Planning Commission on August 17, 2004, and again held over. The project was revised once again (the "Application") and the Application was considered by the Planning Commission on November 16, 2004. At the conclusion of said hearing, the Planning Commission denied the Application.

Section 3. On December 1, 2004, an appeal of the Planning Commission's denial of the Application was filed by the Property owners ("Appellants").

Section 4. On December 14, 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 and others.

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. 15, Meeting Date 12/14/04 from Allan Rigg to James B. Hendrickson (the "Memorandum"), presented to the City Council on said date, is true and correct.
- c. The structure proposed by the project is approximately twice the size of structures in the area as determined by the analysis within the Memorandum. Even if the analysis

is restricted to lots in the neighborhood which are of equivalent size to the Property, the structure remains within that 200% range.

- d. The floor area ratio of the project is 29.8%, while the average in the neighborhood is 19.2%. The floor area ratio of the project is also twice that of the largest existing house in the neighborhood. The size and floor area ratio of structures not within the neighborhood of the Property, as has been defined by law, are not relevant to the consideration of this Application.
- e. The proposed project would create the first two story structure on Via Gavilan. As such, it is particularly important for the project to be generally consistent with the character of the other structures on that street. Those structures are generally smaller houses, compared to others within the City of Palos Verdes Estates.
- f. The east elevation of the propose project reflects a massive, block-like approach and was not changed significantly from the Original Application to the Revised Application or to the final Application considered by the Planning Commission.
- g. The elimination of a guesthouse during consideration of the project had no effect on the issue of the massiveness of the main house.

Section 6. Based upon the findings set forth in Section 5 above, the City Council finds that the Application:

- a. 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 relation to surrounding residences and other structures, since the size and floor area ratio of the proposed structure are twice that of neighboring properties, even after the changes made in the application. These are not consistent with the character of the structures on other properties located on Via Gavilan.
- b. Is not designed and has not been developed in a manner which will preserve to the greatest extent practicable the privacy of persons residing on adjacent properties, since the east elevation of the proposed structure on the Property has not been designed to minimize such impacts on the adjacent property.

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 12th day of JANUARY, 2005.



JOSEPH C. SHERWOOD, Mayor

ATTEST:



JUDY SMITH, City Clerk

APPROVED AS TO FORM:



STEPHANIE R. SCHER, City Attorney

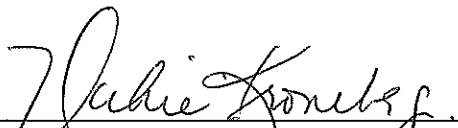
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF PALOS VERDES ESTATES)

I, Vickie Kroneberger, Deputy City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R05-02** 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 January, 2005, by the following vote:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None



Vickie Kroneberger, Deputy City Clerk