

RESOLUTION NO. R 05-07

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 1609 VIA LAZO

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

Section 1. An application for neighborhood compatibility for additions to a single family residence was submitted for the property located at Lot 6 of Block 1433 of Tract No. 6884 in the City of Palos Verdes Estates, County of Los Angeles, State of California, known as 1609 Via Lazo, Palos Verdes Estates, California (the "Property").

Section 2. On December 21, 2004, a hearing on the Application was held by the Planning Commission of the City of Palos Verdes Estates. At that time, the matter was carried over, and subsequently revised plans were submitted. (The application as revised is herein the "Application.") A hearing on the Application was held by the Planning Commission on January 18, 2005. At the conclusion of the hearing, the Planning Commission approved the Application, subject to specified conditions.

Section 3. On February 2, 2005, an appeal of the Planning Commission's approval was filed by the William and Jeannette Egan (collectively, "Appellant"). Appellant did not appeal the determination that the Application is categorically exempt from the California Environmental Quality Act.

Section 4. February 22, 2005, 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 the written appeal of Appellant, oral and written staff reports, and documentary evidence, including, but not limited to, site plans, minutes of the Planning Commission meeting, and a photographic presentation, and received and considered oral testimony from the Appellant, the applicant for the Application, 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. 8, Meeting Date 2/22/05 from Allan Rigg to James B. Hendrickson, presented to the City Council on said date, is true and correct.

- c. The size and mass of the project are well within the parameters for approvable projects, being less than twenty percent (20%) greater than the average in the neighborhood.
- d. The massing of the house is located in the back and does not show from the street.
- e. Existing houses in the neighborhood have similar decks to those proposed for the project. The deck and railing of the project will not be located within the Appellant's view corridor. The Appellant's and other neighbors' views are only minimally altered by the project.
- f. There is no issue of privacy, as the project will be more than seventeen (17) feet from the Appellant's house, and would require a person looking backwards instead of outward for there to be any impacts.

Section 6. 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 there is no or only limited grading required for this project.
- 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 within the permissible extension of the average floor area in the neighborhood and is not an overly large house, has lower building coverage, lot coverage, and height than are permitted on the Property under the City's codes, and the massing is located at the back of the 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 locations of the decks is relatively distant from the neighbors, and in a area where other decks are already located.
- 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 the project will not interfere significantly with views, since the views of Appellant and others are affected only minimally.

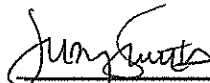
Section 7. Based upon the findings and determinations set forth herein, as supported by the evidence considered in connection therewith, the City Council finds and determines that the appeal of the Planning Commission's approval of the Application should be denied and the neighborhood compatibility application shall be approved subject to the conditions contained herein.

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 8th day of March, 2005.


A. DWIGHT ABBOTT, Mayor

ATTEST:


JUDY SMITH, City Clerk

APPROVED AS TO FORM:

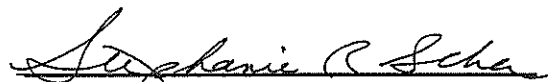

STEPHANIE R. SCHER, City Attorney

EXHIBIT "A"

NEIGHBORHOOD COMPATIBILITY APPLICATION

NC-1153-04

Conditions of Approval

R-05-07

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 non-standard encroachments shall be removed.**
18. **Licensed surveys of the total apparent floor area and total lot coverage shall be prepared by a registered civil engineer and submitted to the City to verify compliance with the approved quantities.**
19. **No structures over 48 inches in height are allowed within the front yard setback.**
20. **Living room deck and loggia below shall be reduced in width by 5 ft. at the south end.**
21. **The master bedroom window at the west end of the north wall on the second floor shall be translucent glass.**
22. **Air conditioning units shall be located in the vicinity of the pool equipment.**
23. **The two new trees at the southwest end of the property shall be maintained at the finished floor elevation of the deck.**
24. **The height of the new fireplace chimney shall be the minimum allowable per the Building Code.**

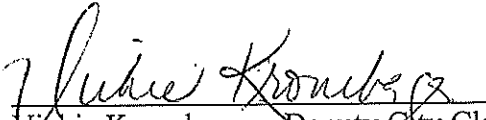
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF PALOS VERDES ESTATES)

I, Vickie Kroneberger, Deputy City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R05-07** 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 8th of March, 2005, by the following vote:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None


Vickie Kroneberger, Deputy City Clerk