

RESOLUTION NO. R06-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
PALOS VERDES ESTATES, CALIFORNIA, DENYING AN  
APPEAL OF THE DENIAL OF THE PLANNING COMMISSION  
OF A MISCELLANEOUS APPLICATION FOR AFTER-THE-FACT  
APPROVAL OF A FENCE EXCEEDING THE MAXIMUM  
ALLOWED HEIGHT AT 1564 VIA ZURITA EXCEPT FOR THAT  
PORTION REQUIRED BY LAW FOR SAFETY PURPOSES

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

Section 1. On or prior to 2004, a ten (10) foot high fence around a sports court was installed by the owner of the property at Lot 16 of Block 1272 of Tract 7140 in the City of Palos Verdes Estates, County of Los Angeles, commonly referred to as 1564 Via Zurita (the "Property"), although the May 14, 2001, approval of applications for neighborhood compatibility, grading and a sport court for the Property, and a minor modification to such applications approved December 5, 2001, both showed the fence at eight (8) feet in height, the maximum permitted. On March 15, 2005, the Property owner submitted a Miscellaneous Application to permit the fence to reach ten (10) feet in height, but the height was again limited to eight (8) feet. On June 22, 2005, the Property owner submitted a revised Sports Court Application seeking additional landscaping, which showed the fence at eight (8) feet, but did not reduce the height of the built-out fence.

Section 2. Multiple contacts were made by the City's Code Enforcement Officer to obtain compliance. On October 5, 2005, the Property owner submitted another Miscellaneous Application (the "Application") to permit the fence to remain at the ten (10) foot height.

Section 3. On November 15, 2005, 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 denied the Application.

Section 4. On November 29, 2005, an appeal of the Planning Commission's denial was filed by the Property owner.

Section 5. On January 11, 2006, the City Council conducted a hearing on the appeal, which hearing was duly and properly noticed. At such hearing, the Council received and considered an oral staff report, a visual presentation, and documentary evidence, and received and considered oral testimony from the Property owner.

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. 7, Meeting Date 1/11/06, from Allan Rigg to James B. Hendrickson, presented to the City Council on said date, is true and correct.
- c. The Applicant proceeded with construction of the over-height fence without prior approval of the City and in violation of clear direction as to the permitted height, both under the law and under the approved plans.
- d. The plans for the Property show that in the location set forth on the diagram attached hereto as Exhibit A (the "Walkway Location"), the fence abuts a span of walkway where it acts as a barrier to a six (6) foot drop to the concrete court below. Otherwise, the excess height of the fence was intended only to serve the convenience of the Property owner.

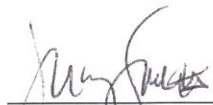
Section 7. Based upon the findings and determinations set forth herein, as supported by the evidence considered in connection therewith, the City Council finds and determines that the excess height for the fence adversely affects the public welfare by conflicting with the uniform aesthetic standards established by ordinance. Notwithstanding the foregoing, in the Walkway Location, an additional rail or fence system, measured from the floor level of the walkway, is required to assure the safety of persons using the Property. The appeal of the Planning Commission's denial of the Application is therefore denied, except for the portion of the fence adjacent to the Walkway Location as shown on Exhibit A. In that location, the fence may exceed eight (8) feet in height as necessary to meet the City requirements for railings on walkways, as determined by the City's building department.

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 24th day of January, 2006.

  
A. DWIGHT ABBOTT, Mayor

ATTEST:

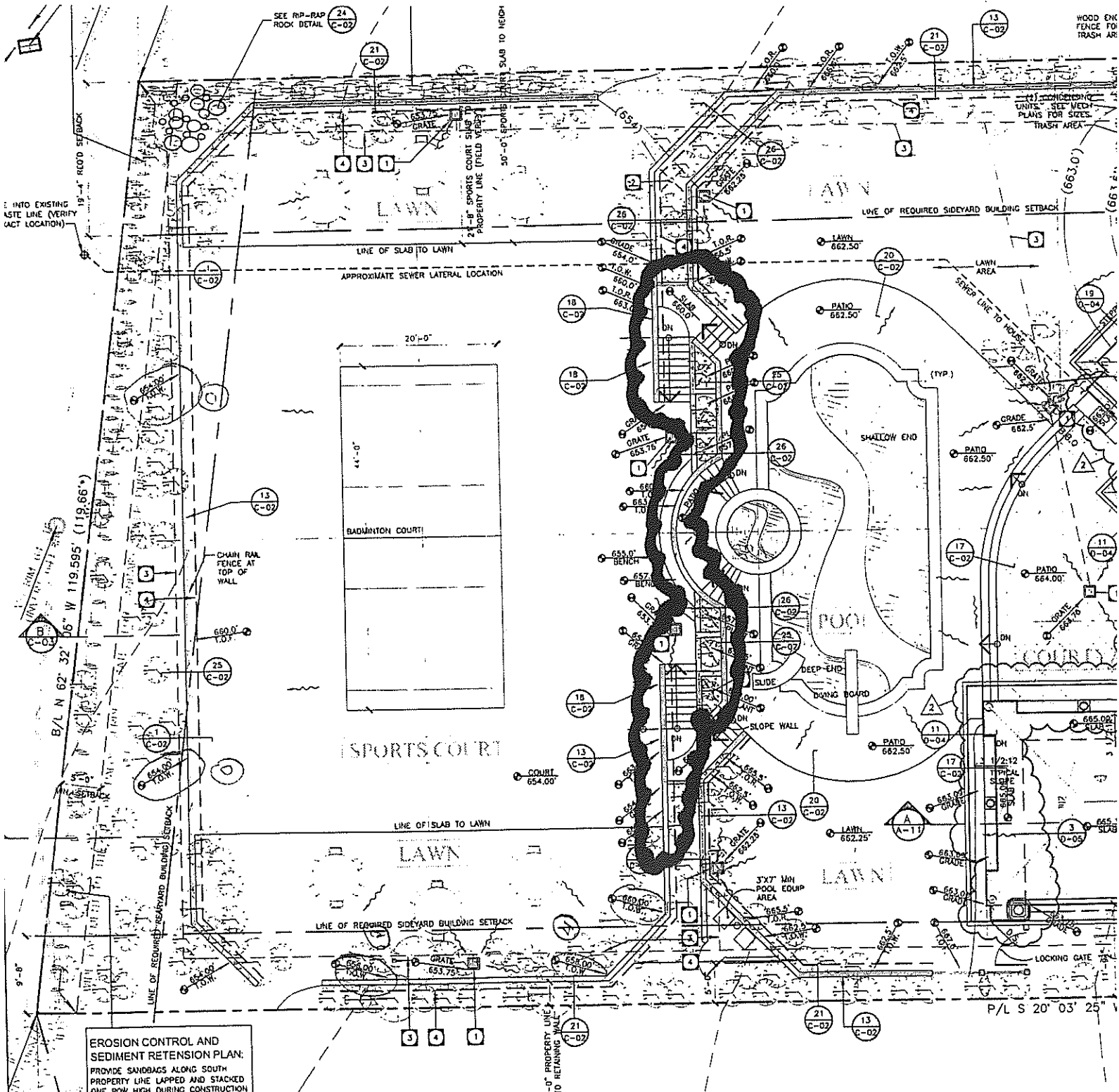
  
\_\_\_\_\_  
JUDY SMITH, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
STEPHANIE R. SCHER, City Attorney

# Exhibit "A"

Showing Areas Where Fence Height Can Exceed 8 Feet Above the Court Surface in Order to Provide a 36 Inch Guardrail For Walkways Adjacent to and Above the Court



**EROSION CONTROL AND SEDIMENT RETENTION PLAN:**  
 PROVIDE SANDBAGS ALONG SOUTH PROPERTY LINE LAPPED AND STACKED ONE ROW HIGH DURING CONSTRUCTION

1'-0" PROPERTY LINE TO RETAINING WALL

WOOD ENC FENCE FOR TRASH AREA

CONDENSING UNITS - SEE MECH PLANS FOR SIZES TRASH AREA

INTO EXISTING SITE LINE (VERIFY ACT LOCATION)

19'-4" REED SETBACK

B/L N 62° 32' 56" W 119.595' (119.66")

P/L S 20° 03' 25" W

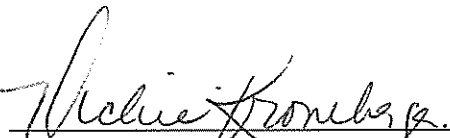
STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) SS:  
CITY OF PALOS VERDES ESTATES )

I, Vickie Kroneberger, Deputy City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R06-02** 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 24<sup>th</sup> of January, 2006, by the following vote:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

  
\_\_\_\_\_  
Vickie Kroneberger, Deputy City Clerk