

RESOLUTION NO. R 06-07

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 2220 VIA ACALONES AND DELETING ONE OF THE CONDITIONS OF THE PLANNING COMMISSION APPROVAL

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

Section 1. An application (the "Application") for neighborhood compatibility for an addition to an existing single family residence (the "Project") was submitted for the property located at Lot 4 of Block 1635 of Tract No. 7330 in the City of Palos Verdes Estates, County of Los Angeles, State of California, known as 2220 Via Acalones, Palos Verdes Estates, California (the "Property"). The Application was approved by the Planning commission on January 17, 2006, subject to certain conditions including a requirement for landscape screening to be planted along the rear property line and to be maintained at an elevation of 118 feet (the "Landscape Condition").

Section 2. On January 30, 2006, an appeal of the Planning Commission's approval was filed by the Tom and Barbara Belcher ("Appellants"). Appellants did not appeal the determination the Application is categorically exempt from the California Environmental Quality Act.

Section 3. On February 14, 2006, 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 Appellants, 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 Appellants, the applicant for the Application, and staff.

Section 4. Based upon the evidence presented, the City Council hereby finds and determines as follows:

- a. Each fact set forth in Sections 1 through 3, above, is true and correct.
- b. Each fact set forth in the memorandum for Agenda Item No. 9, Meeting Date 2/14/06 from Allan Rigg to James B. Hendrickson, presented to the City Council on said date, is true and correct.
- c. The southerly facing rear bedroom window of the Project is about 150 feet from the Applicant's second story deck.
- d. The building coverage, lot coverage and building height of Project will be less than permitted.

- f. The massing of the Project blends well with others in the neighborhood, and the Project is not significantly different from other houses in the area.
- g. Any view Appellants currently enjoy is somewhat diminished by existing privately and publicly owned trees.
- h. The Appellants provided no evidence of any invasion of privacy or view blockage from the Project as shown in the Application.
- i. The Landscape Condition will not add significantly to the protection of privacy of the Appellants, but will be impractical to meet over the years and may become a point of contention between neighbors in the future.

Section 5. Based upon the findings set forth herein, the City Council finds the Application, as conditioned in the conditions of approval attached hereto as Exhibit A, with the exception of the Landscape Condition which is hereby deleted, which conditions are incorporated herein by reference:

- a. Is designed and will be developed to preserve to the greatest extent practicable the privacy and views of the neighbors.
- 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 Project is two-story with a building coverage and lot coverage with that permitted and a roof line well within the permitted height requirements.
- 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 height is the minimum necessary to effectuate a two story structure, and the Project has been designed and conditioned to assure privacy to the greatest extent practicable.
- d. Is designed and will be developed in a manner to the extent reasonably practicable so it does not unreasonably interfere with neighbors' existing views, in that the Project will not interfere significantly with views, since the view of Appellants' is affected only minimally and is somewhat diminished by existing privately and publicly owned trees.

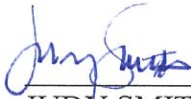
Section 6. Based upon the findings and determinations set forth herein, as supported by the evidence considered in connection therewith, the City Council finds and determines that the appeal of the Planning Commission's approval of the Application should be denied and the Application is hereby approved subject to the conditions contained herein as revised hereby.

Section 7. 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 28th day of FEBRUARY, 2006.


A. DWIGHT ABBOTT, Mayor

ATTEST:


JUDY SMITH, City Clerk

APPROVED AS TO FORM:


STEPHANIE R. SCHER, City Attorney

EXHIBIT "A"

NEIGHBORHOOD COMPATIBILITY APPLICATION

NC-1218-05

Conditions of Approval

R-06-07

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. **Side window in master bedroom #5, shown on East elevation, shall be removed.**
17. **All ridge heights shall be reduced by 1 foot.**

