

RESOLUTION NO. R07-14

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 SUBJECT TO CONDITIONS OF A NEIGHBORHOOD COMPATIBILITY APPLICATION AND A GRADING PERMIT APPLICATION AT 2936 VIA DE LA GUERRA

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

Section 1. Applications (the "Applications") for neighborhood compatibility and a grading permit for additions to a single family residence (the "Project") were submitted for the property located at Lot 3 of Block 2339 of Tract No. 7332 in the City of Palos Verdes Estates, County of Los Angeles, State of California, known as 2936 Via De La Guerra, Palos Verdes Estates, California (the "Property"). The Applications were approved by the Planning Commission on March 20, 2007, subject to certain conditions, including a condition that the solid roof overhang at the rear patio be eliminated (the "Covered Porch Condition").

Section 2. On April 4, 2007, an appeal of the Planning Commission's approval was filed by Chris Crocker ("Appellant") requesting deletion of the Covered Porch Condition. Appellant did not appeal the determination that the Applications are categorically exempt from the California Environmental Quality Act.

Section 3. On April 24, 2007, 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's representative and from City 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. 6, Meeting Date 4/24/07 from Allan Rigg to James B. Hendrickson, presented to the City Council on said date, is true and correct.
- c. The gross floor area of the Project as originally proposed, which includes the square footage created by such areas as stairways and the partially enclosed rear patio, exceeds the allowable square footage on the Property. Although such excess gross

floor area does not mandate that the project be denied, it is an appropriate consideration in determining if the Project is consistent with the neighborhood character in terms of the scale of development, notwithstanding that such additional area is generated, in part, by development at the rear of the proposed structure.

- e. The massing of the proposed Project as designed is close to being inconsistent with the neighborhood, in that the actual floor areas is 96.2% of the maximum allowable, a size considerably larger than the average of the neighboring properties. When the footage which is included in the gross floor area calculation is added, the massing becomes inconsistent with the neighborhood in terms of scale of development. The Covered Porch Condition eliminates this inconsistency.

Section 5. Based upon the findings set forth herein, the City Council finds the Application, as conditioned in the conditions of approval imposed by the Planning Commission, which conditions are attached hereto as Exhibit A:

- a. Is designed and will be developed to preserve to the greatest extent practicable the natural features of the land, including the existing topography;
- 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 with such conditions of approval, the massing of the Project will be of a scale closer to the existing neighboring properties;
- 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; and
- 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.

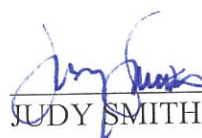
Section 6. Based upon the findings and determinations set forth herein, as supported by the evidence considered in connection therewith, the City Council finds and determines that the appeal of the Planning Commission's approval of the Application and the imposition in connection therewith of the Covered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

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 8<sup>th</sup> day of May, 2007.

  
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JAMES F. GOODHART, Mayor

ATTEST:

  
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JUDY SMITH, City Clerk

APPROVED AS TO FORM:

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

EXHIBIT "A"

**NEIGHBORHOOD COMPATIBILITY AND GRADING APPLICATION**  
NC-1272/GA-1403-07

Conditions of Approval  
R07-14

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, attached hereto as Exhibit A.
2. All buildings, fences, signs, roadways, parking areas, and other facilities or features shall be located and maintained as shown on the approved plans.
3. All buildings and structures shall be of the design as shown on the approved plans.
4. 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.
5. 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.
6. This approval is subject to the applicant paying all fees and assessments to the City of Palos Verdes Estates, as required by Ordinance.
7. 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.
8. The applicant shall defend, indemnify, and hold harmless the City and its officers, agents, and employees 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.
9. 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.

10. 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.
11. 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.
12. All pool/spa equipment and air conditioning units shall be contained in sound attenuating structures, subject to the approval of the City Engineer.
13. 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.
14. All non-standard encroachments shall be removed from any Parkland adjacent to the subject property, unless specifically approved otherwise by the Planning Commission.
15. The height of all new fireplace chimneys shall be the minimum allowable per the Building Code and the height of the chimney cap shall not exceed 30".
16. **The guest house is to be 8'-0" from the southwest property line.**
17. **The solid roof overhang at the rear patio is to be eliminated.**
18. **A licensed survey of the floor area shall be completed and submitted to the City to verify compliance with the approved floor area for the subject lot.**

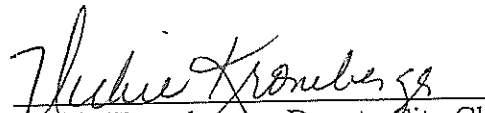
STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) SS:  
CITY OF PALOS VERDES ESTATES )

I, Vickie Kroneberger, Deputy City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R07-14** 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 day of May, 2007, by the following vote:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

  
Vickie Kroneberger, Deputy City Clerk