

RESOLUTION NO. R 07-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
PALOS VERDES ESTATES, CALIFORNIA, ADOPTING AMENDED  
GUIDELINES FOR SINGLE FAMILY RESIDENTIAL DEVELOPMENT; AND  
RESCINDING RESOLUTION R00-47

WHEREAS, the City of Palos Verdes Estates (the "City") adopted the Neighborhood Compatibility Ordinance, codified as Chapter 18.36 of the Palos Verdes Estates Municipal Code in 1988,

WHEREAS, in order to provide guidance to residents and their architects with regard to the Neighborhood Compatibility permit application process, the City Council approved the Single Family Residential Development Guidelines ("Guidelines") by the adoption of Resolution No. R00-47,

WHEREAS, it is the assessment of the Planning Commission and the City Council that the Guidelines have generally proven useful to residents and their architects in formulating projects that are likely to be approved by the Planning Commission without major modification,

WHEREAS, after amendments to the Municipal Code provisions that changed what types of projects are subject to the requirement of a Neighborhood Compatibility permit, and after several years' experience with the Guidelines, the Planning Commission has recommended that the Guidelines be revised,

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

SECTION 1. The Guidelines are hereby revised to read as set forth in Exhibit A attached hereto and incorporated herein by this reference.

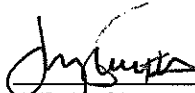
SECTION 2. Resolution R00-47 is hereby rescinded.

SECTION 3. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

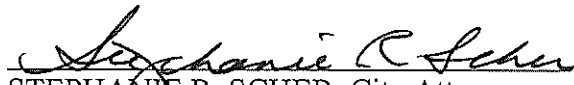
PASSED, APPROVED AND ADOPTED this 11<sup>th</sup> day of September, 2007.

  
JAMES F. GOODHART, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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

## CITY OF PALOS VERDES ESTATES

### SINGLE FAMILY RESIDENTIAL DEVELOPMENT

#### GUIDELINES AND INFORMATION

The City of Palos Verdes Estates is a unique community with the advantage of two organizations dedicated to protecting and preserving the unique character and the high standards for development.

The Palos Verdes Homes Association, a private corporation established in 1923, has the responsibility for enforcing the deed restrictions and providing architectural review and control through its Art Jury. Exterior design review is the Art Jury's primary responsibility. The Art Jury also considers compatibility with existing structures, site planning, building coverage, height, color and materials.

The City government has the normal responsibility for protecting the health, safety and the public welfare of its citizens. The City also reviews building development of new structures, and expansion and modification of existing structures to monitor that the development conforms to all City ordinances and is compatible with other structures in its neighborhood. Whether control is by deed restrictions or by City ordinance, the more restrictive prevails.

#### **1. Neighborhood Compatibility Ordinance (with Commentary)**

To help both new and current residents of the City and their architects understand and navigate the process through the City, the following section sets forth verbatim portions of the Neighborhood Compatibility Ordinance (indented and in quotation marks), accompanied by a Commentary intended to assist better understanding of the Ordinance and to help expedite the approval process. The Commentary is not binding and does not supersede the Ordinance or policies of the City Council and Planning Commission.

To quote section 18.36.010 of the Neighborhood Compatibility ordinance entitled:

**“Purpose and intent”** -- “The purpose of this chapter is to preserve the natural scenic character of the city by establishing minimum standards related to the siting and massing of either a new structure or a remodeled structure in an existing neighborhood to assure to the greatest extent practicable that the resulting structures are compatible with the neighborhood within which they are located. The intent of this chapter is to regulate the development or redevelopment of each building site with respect to adjacent land, public or private, and existing structures so as to maximize visually pleasant relationships, assure a bright, open neighborhood with a maximum of light and air, and avoid the unpleasant appearance of crowding one structure against another, or of one structure towering over another, insofar as is reasonable and practical. It is not the intent to unreasonably restrict or regulate the right of an individual property owner to determine the type of structure or addition he may wish to place or modify on his property. It is the intent, however, to assure that the new or modified structure does not unreasonably impact on adjacent property owners and the compatibility of structures in the neighborhood. The regulations in this

chapter are in addition to the requirements of other regulations or ordinances of the city, and, where in conflict, the more restrictive regulations shall apply."

**Commentary:** In accomplishing the Purpose and Intent of the Neighborhood Compatibility Ordinance, four broad factors are considered: natural amenities, neighborhood character, views, and privacy.

(1) **"Natural Amenities.** Improvements to residential property shall respect and preserve to the greatest extent practicable the natural features of the land, including the existing topography and landscaping."

**Commentary:** To encourage this, the grading ordinance requires approval by the Planning Commission if, among other things, more than 250 cu. yds. of cut or fill are graded. The fee for grading may include a road impact fee which may increase substantially if a large amount of soil is exported off or brought on to the site. Designs which flow with the land instead of reshaping the land to conform with the design are more acceptable. It is recognized, however, that increased grading and export may be desirable to lower the proposed structure in order to favor views of neighbors or reduce the feeling of massiveness.

(2) **"Neighborhood Character.** Proposals shall be reasonably compatible with the existing neighborhood character in terms of the scale of development of surrounding residences, particularly those within three hundred feet of the proposed development parcel boundaries. While many elements can contribute to the scale of a residential structure, designs should minimize the appearance of over- or excessive building substantially in excess of existing structures in the neighborhood. The square footage of the structure and the total lot coverage should reflect the uncrowded character of the City and the respective neighborhood. The height of the structures shall maintain to the extent reasonably practicable, some consistency with the height of structures on neighboring properties."

**Commentary:** The Neighborhood Compatibility Ordinance does not define "neighborhood." While the Ordinance does emphasize the importance of compatibility between a proposed development and those properties within the area to which formal notice is required to be given (300 feet of the proposed development parcel boundaries), traditionally, the City has not interpreted "neighborhood" to be limited to that area. In general, "neighborhood" will also include all properties within the area of the project which are logically affected by the proposed development, typically, a minimum of 20 of the closest properties on the same street. When appropriate, the Planning Director or the Planning Commission may add or subtract properties contiguous to the defined neighborhood which may relate to the consideration of the application.

Consideration will be given to the "floor area ratio" (the ratio of the floor area of the proposed structure to lot area, as compared to other homes in the neighborhood). In a "transitional neighborhood" (defined as one undergoing change due to extensive remodeling or tear-down and rebuilding), one no more than 50% larger than the average on a similar size lot is preferred. If the proposed structure is more than twice the size of the average home in the neighborhood on a comparable size lot, it will receive added attention. Consideration will also be given to the "gross floor area" of a proposed structure, which may add to the apparent size and mass of a structure.

The presence of eaves in the setbacks (front or side) will also be carefully evaluated as to their effect upon the appearance of crowding and massing.

Each application will be considered on its own merits and will be judged by how it fits within the neighborhood. The fact that the deed restrictions permit certain types of development may be considered, but there is no vested right to develop in a particular way simply because such development is permitted by the deed restrictions. Conversely, the fact that development in a neighborhood has historically been only of one particular type, such as single story homes, does not mandate denial of an application for a different type of development, such as a two-story home, which is otherwise reasonably compatible. A transitional height from adjacent single-story homes is encouraged in preference to a maximum permitted height.

It should be recognized that, particularly in an area of smaller homes on smaller lots, all architectural styles may not be appropriate. To quote an Art Jury guideline, "The design of a building must, in the opinion of the Art Jury, be reasonably appropriate to its site." Two-story elements and high ceilings which effectively increase the bulk are discouraged. A second story addition is unlikely to be approved if the existing first floor height is substantially above the level which would have been approved for an original two-story home in a single story neighborhood unless reasonable attempts are made to mitigate the mass and/or reduce the view impact on the neighbors.

The Neighborhood Compatibility Ordinance takes precedence over other ordinances if more restrictive, such that the floor area limitation formula in the zoning ordinance is a maximum and not an entitlement.

(3) "**Privacy.** Design proposals shall respect the existing privacy of adjacent properties by maintaining an adequate amount of separation between the proposed structure and adjacent properties, and the design of balconies, decks and windows should respect the existing privacy of adjacent properties."

**Commentary:** The privacy impact of encroachments of incidental architectural elements such as eaves, balconies, trash yards, chimneys, and BBQ's into side setbacks of record may be a factor considered and addressed in a neighborhood compatibility application. Screen planting to enhance privacy of adjacent homes is encouraged so long as the screen planting at maturity does not exceed the height of the roof line in view areas or create significant view impacts.

(4) "**Views.** Designs should consider to the extent reasonably practicable neighbors' existing views."

**Commentary:** To aid in assessing impacts on neighborhood character, privacy, and views, the City requires construction of a silhouette in accordance with City standards. While views cannot be guaranteed, reasonable efforts should be made to minimize the impact on the neighbors' existing views when a new development is proposed. When existing views will be impacted by the addition of a second story the matter will be carefully reviewed.

It is recognized that because of the wide diversity of terrain and layout of lots, many adjacent properties will have no view or limited views depending on whether a proposed development is of limited or not unreasonable height or if the new development is situated substantially below existing structures. It is further recognized that view obstruction by a proposed project tends to create the greatest animosity toward the applicant. Neighbors and applicants should recognize what is required and what is permitted under City ordinances including Neighborhood Compatibility, Zoning and Grading and try to work with each other to maximize mutual benefit.

Maturing trees in a view neighborhood have a significant influence on the retention of

views. Disputes concerning privately-owned trees blocking views should be addressed to the Homes Association.

## 2. When Applications are Required

The Palos Verdes Homes Association requires that the plans for all new homes and all changes to the exterior of an existing property be approved by the Art Jury. An application for submitting plans for approval may be obtained from the Homes Association office. While all applications must comply with applicable City ordinances, the City requires that an application for a proposed project be submitted for Planning Commission (and possibly City Council) review and determination of compliance with the Neighborhood Compatibility and Grading Ordinances in the following instances:

### A. For Neighborhood Compatibility determination if:

- (1) Any new structure of one thousand square feet or more of gross floor area.
- (2) Addition of one thousand square feet or more of gross floor area to any existing structure.
- (3) Additions of gross floor area in the form of a second story whether in whole or in part to any existing structure.
- (4) Addition to an existing building of a second story deck or balcony eighty or more square feet in area and/or projecting more than six feet from the existing building.
- (5) Addition to an existing building of a second story deck or balcony which is located in a required side yard setback.
- (6) Addition of a mezzanine, whether in whole or in part to any existing structure, that changes the exterior of the building or structure.
- (7) Any increase in the roof ridge elevation of any portion of an existing building, unless the increase is only a result of utilizing an alternate roofing material.

### B. For Grading applications if:

- (1) The building official has required an engineering geology report.
- (2) The project results in a cut or fill in excess of ten (10) feet in depth or height.
- (3) Any lot where the quantity of cut and fill exceeds two hundred fifty (250) cubic yards.
- (4) Any lot where the quantity of cut and fill exceeds one hundred (100) cubic yards for grading exterior to the dwelling unit foundation, garage and driveway.
- (5) There has been grading or a grading application on the property within twenty-four (24) months preceding the date of the current application which would, when combined with the current application, require grading permit approval.

For projects where neither A nor B above are triggered, Planning Commission approval of plans is not required. Sec. 18.36.040 provides for exemptions to the Neighborhood Compatibility process. For those projects not exempted, the following process in Section 3 below will apply:

### **3. City Review Process**

For an application to be accepted by the Planning Department for submission to the Planning Commission to determine Neighborhood Compatibility, it must be accompanied, at a minimum, by a preliminary plot plan and floor plan, cross sections including adjacent homes or land on all four sides, and preliminary elevations in sufficient detail to permit evaluation of the appearance in the defined neighborhood. It is recommended that accurate data concerning the square footage of the house and the ratio of floor area to lot area of the proposed structure compared to the average ratio in the neighborhood be included with the application. In order to minimize architectural expenses, it is recommended that detail drawings not be submitted because of the possibility of recommended changes by the Commission. If the application is for a new home, for a second or higher story addition, or for effectively a tear-down and rebuilding resulting in a two-story structure where a one-story existed, it is strongly recommended that included with the application on forms furnished by the Planning Department, shall be an affidavit executed by the applicant indicating that property owners within three hundred feet of the proposed development parcel boundaries have been contacted by certified mail, have been given the opportunity to review the preliminary plans, and have been given the opportunity to state whether they favor or oppose the project. Neighborhood meetings at which plans and explanations are available for review are strongly advised and should be conducted as early in the process as possible prior to the hearing before the Planning Commission. Those who oppose the project may state their concerns, preferably on forms provided by the Planning Department, and made available to the neighbors by the applicant. The concerns or objections should be accompanied by supporting data, such as cross sections, sight lines and relative size, substantiating the reasons for concern or objection. Individual documentation of concerns or objections will take precedence over petitions with multiple names. Legitimate and substantiated comments by neighbors will be thoroughly evaluated, as will comments provided by the applicant and supporters of the project. However, the final determination of approval rests with the Planning Commission and City Council.

After a completed application accompanied by the application fee and two sets of drawings is accepted by the Planning department, it will be reviewed by the planning staff, and the applicant will be notified when planning corrections, if any, are available. After corrections, if any, have been made, 10 sets of complete and corrected preliminary plans must be forwarded to the City for placing on the next available Planning Commission agenda. Every effort will be made to expedite placing a completed application on the Planning Commission agenda, but there can be no guarantee as to which meeting because of the unpredictable volume of applications. However, processing will be accomplished within the time period specified by State law. After review in the public hearing by the Commission, changes may be required. To minimize additional application fees, it may be preferable for the applicant to request that the matter be held over to the next meeting while consideration of suggested changes is accomplished. If the changes suggested are the result of last minute public input or protest after having had the opportunity to provide input before the application was submitted to the Planning Commission, it will be the responsibility of the protesting individual to furnish written justification accompanied by supporting data, for the change to be considered by the Commission. The action of the Planning Commission is final unless the City Council takes affirmative action to bring the matter before itself off the consent agenda, or unless an appeal is filed.

### **4. Art Jury Review Process**

The Art Jury, which reports to the Board of Directors of the Palos Verdes Homes Association, reviews plans for all new homes and all changes to existing properties. The Art Jury makes certain that the project not only meets its standards of architectural style and design, but also

considers compatibility with existing structures, site planning, building coverage, height, color and materials. Since the Art Jury has the primary responsibility for architectural design review and control dating back to 1923, it is strongly recommended that the application process for approval of a new or modified structure begin by submitting preliminary plans, clearly depicting the proposed project, to the Homes Association for preliminary approval. While an application can be submitted concurrently to the City for preliminary neighborhood compatibility approval, there may be less overall time consumed and less architect cost for changes if preliminary Art Jury approval is obtained before submitting plans to the City.

Upon receipt of approval of preliminary plans by the Art Jury, and receipt of approval from the Planning Commission, confirmed by the City Council, the applicant can submit working drawings to the Art Jury for approval. Upon final approval by the Art Jury, if there are no changes in basic design found by the Planning Department affecting Neighborhood Compatibility and other Planning Commission issues, the working drawings may be submitted to the Building and Safety Department for plan check and issuance of permits without further consideration by the Planning Commission.

## **5. Summary**

In summary, the above explanations and guidelines are intended to provide a greater understanding of the objectives and the methods of reaching those objectives in creating and protecting the unique jewel called Palos Verdes Estates. To quote from the original Protective Restrictions, "...every possible protection has been established, to make sure that the neighborhoods in Palos Verdes can never be spoiled, that every man who builds a fine home or other building here need not fear that a thoughtless or unsympathetic neighbor would put in a kind of building next to him so unattractive or inappropriate as to be ruinous." Both the Homes Association since 1923 and the City since incorporation in 1939 share the same objectives. In adopting the Neighborhood Compatibility concept by the City in 1988, the objectives are the same with an additional opportunity to provide oversight, if needed, and to provide an opportunity for public input. Again, it is not the intent of the City to unreasonably restrict or regulate the right of an individual property owner to determine the type of structure or addition he may wish to place or modify on his property. It is the intent, however, to assure that the new or modified structure does not unreasonably impact adjacent property owners and the compatibility of structures in the neighborhood. It is the hope that applicants and neighbors can resolve concerns and objections amicably for their mutual benefit. Remember, the applicant may be your new neighbor.

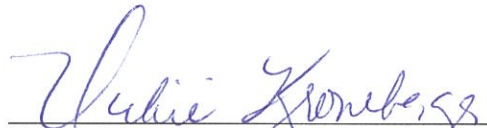
STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) SS:  
CITY OF PALOS VERDES ESTATES )

I, Vickie Kroneberger, Deputy City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R07-29** 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 11th day of September, 2007, by the following vote:

AYES: COUNCILMEMBERS: Goodhart, Sherwood, Humphrey, Rea and Perkins

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

  
Vickie Kroneberger, Deputy City Clerk