

RESOLUTION NO. R08-03

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 2421 VIA PINALE

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

Section 1. An application (the “Application”) for a neighborhood compatibility permit for the construction of additions to a single family residence (the “Project”) was submitted for the property located at Lot 9 of Block 1621 of Tract No. 6885 in the City of Palos Verdes Estates, County of Los Angeles, State of California, known as 2421 Via Pinale, Palos Verdes Estates, California (the “Property”). The Application was approved by the Planning Commission on December 18, 2007, subject to certain conditions.

Section 2. A timely appeal of the Planning Commission’s approval was filed by Mr. and Mrs. Philip H. Huff (collectively, “Appellant”). Appellant did not appeal the determination that the Application is categorically exempt from the California Environmental Quality Act.

Section 3. On January 22, 2008, 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 and a power point presentation from the Appellant, and testimony from the applicant for the Application (the “Applicant”), and others.

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. 10, Meeting Date 1/22/08 from Allan Rigg to Joseph M. Hoefgen, presented to the City Council on said date, is true and correct.
- c. With the proposed Project included, the total allowable floor area, building coverage, lot coverage and building height of the structures on the Property will still be less

than the maximum permitted under the zoning ordinance. The gross floor area will exceed the maximum allowable floor area, but the excess floor area does not contribute to the mass of the Project. The Palos Verdes Estates Municipal Code (“PVEMC”) does not establish a limitation on gross floor area, but, instead, uses the concept as a trigger for neighborhood compatibility and to aid in discussion of the issue of apparent mass.

- d. The Project will have no impact on the main view from the Appellant’s property, which is a view of the ocean. The City has not in the past considered an oblique view of a building as within the scope of the Neighborhood Compatibility Ordinance.
- e. The Applicant revised the Project so as to reduce the total floor area of the Project and address concerns about views and privacy expressed at the Planning Commission meeting of November 20, 2007.

Section 5. Based upon the findings set forth herein, the City Council finds the Project, as conditioned in the conditions of approval 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 and landscaping since the Project does not require any grading or removal of major vegetation;
- 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 in relation to surrounding residences and other structures, in that the Project is consistent with all zoning code requirements and is only approximately 24% larger than the homes within the 300 foot radius of the Project;
- 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 only new window facing the neighbors will be translucent glass; 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, in that the Project will not interfere with the primary view from Appellant’s property.

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.

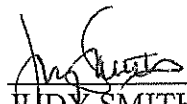
Section 7. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this 12th day of February, 2008.



JAMES F. GOODHART, Mayor

ATTEST:



JUDY SMITH, City Clerk

APPROVED AS TO FORM:



JOSEPH W. PANNONE, City Attorney

EXHIBIT "A"

NEIGHBORHOOD COMPATIBILITY APPLICATION

NC-1306-07

Conditions of Approval

R08-03

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. All non-standard encroachments are to be removed.**
 - 17. A survey provided by a licensed surveyor is to be submitted to the City to verify building lot coverage.**
 - 18. The east facing window in the kitchen is to be of translucent glass.**
 - 19. The north facing elements of the roof are to be hipped on both the first and second story.**

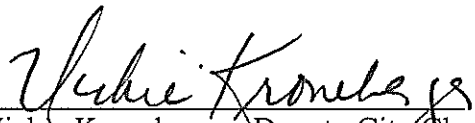
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF PALOS VERDES ESTATES)

I, Vickie Kroneberger, Deputy City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R08-03** 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 12th day of February, 2008, by the following vote:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None


Vickie Kroneberger, Deputy City Clerk