

**RESOLUTION NO. R08-09**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
PALOS VERDES ESTATES, CALIFORNIA, DENYING AN APPEAL  
OF THE ACTION OF THE PLANNING COMMISSION'S DENIAL  
OF A NEIGHBORHOOD COMPATIBILITY APPLICATION AT 3929  
VIA SOLANO**

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

Section 1. An application (the "Application") for neighborhood compatibility for the construction of a new single-family residence (the "Project") was submitted for the property located at Lot 8 of Block 6201 of Tract No. 6887 in the City of Palos Verdes Estates, County of Los Angeles, State of California, known as 3929 Via Solano, Palos Verdes Estates, California (the "Property"). The Application was denied by the Planning Commission on February 19, 2008.

Section 2. On March 5, 2008, an appeal of the Planning Commission's denial was filed by Henry Hymes ("Appellant").

Section 3. On April 8, 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, the documents from and minutes of the Planning Commission meeting, and a photographic presentation, and received and considered oral testimony from and on behalf of the Appellant 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. 4, Meeting Date 4/08/08 from Allan Rigg to Joseph M. Hoefgen, presented to the City Council on that date is true and correct.
- c. The proposed height of the Project is not needed to have scenic views.
- d. The massing of the building is not in relationship with the neighboring residences, including the twenty-eight (28) smaller residences in the area.
- e. The proposed building will project forward toward the street.

- f. The Applicant made no efforts to mitigate the effects of the Project on any of the neighbors' and instead relied on the maximum allowable development standards in the Zoning Code.
- g. The Project as designed was too incompatible for the Council to be able to suggest conditions to modify the Project to a more acceptable design.
- h. The Appellant alleged he received insufficient information or misinformation from City staff prior to his decision to purchase the Property. Even if such an allegation were true, it is not relevant to the issues before the Council on this appeal.

Section 5. Based upon the findings set forth herein, the City Council finds the Project:

- a. was not designed and would not 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 the Project is larger than many of the nearby residences and the massing of the structure would be highly visible from public view areas and nearby residences;
- b. was not designed and would not be developed in a manner which will preserve to the greatest extent practicable the privacy of persons residing on adjacent properties in that the Project creates privacy issues in relation to abutting properties and no attempt to alleviate those issues was made; and
- c. was designed and would be developed in an unreasonably impracticable manner so it would unreasonably interfere with neighbors' existing views, in that the Project has been situated without any attempt to mitigate impacts on views from the nearby property and would interfere with the primary views from some or all of those properties.

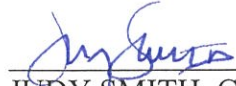
Section 6. Based upon the findings and determinations set forth herein, as supported by the evidence considered in connection therewith, the City Council cannot make all of the findings required by Palos Verdes Estates Municipal Code section 18.36.045, and, therefore, finds and determines the appeal of the Planning Commission's denial of the Application should be denied and the Application is hereby denied.

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 22<sup>ND</sup> day of APRIL, 2008.

  
ELLEN PERKINS, Mayor Pro Tempore

ATTEST:

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JOSEPH W. PANNONE, City Attorney

**NOTICE IS HEREBY GIVEN:** IF YOU DESIRE TO CHALLENGE THE COUNCIL'S DENIAL OF YOUR APPEAL YOU MUST FILE A COURT ACTION WITHIN NINETY (90) DAYS FOLLOWING THE DATE THIS RESOLUTION IS MAILED TO YOU.

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 **R08-09** 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 22nd day of April, 2008, by the following vote:

AYES: COUNCILMEMBERS: Perkins, Humphrey, and Rea

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Sherwood, Goodhart

  
Vickie Kroneberger, Deputy City Clerk

**CERTIFICATE OF MAILING**

I, Vickie Kroneberger, am employed by the City of Palos Verdes Estates as Deputy City Clerk. On April 23, 2008, in the course of my duties as Deputy City Clerk, I placed a true copy or copies of Resolution No. R08-09 in a sealed envelope or envelopes addressed as follows:

Mr. Henry Hymes, 3929 Via Solano, Palos Verdes Estates, CA 90274

Mr. Henry Hymes, 3952 Oakfield Dr., Sherman Oaks, CA 91423-4400

Mr. Peter Audelo, 4612 Allende Avenue, Oceanside, CA 92057

I placed each such envelope for collection and mailing following ordinary business practices. I am readily familiar with the City's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence would be deposited with the United States Postal Service on that same day, with adequate postage thereon fully prepaid at Palos Verdes Estates, California, in the ordinary course of business.

Executed on **April 23, 2008**, at Palos Verdes Estates, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Vickie Kroneberger, Deputy City Clerk  
(Type or print name)

  
(Signature)