

RESOLUTION NO. R09-19

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 NEIGHBORHOOD COMPATIBILITY, GRADING AND MISCELLANEOUS APPLICATIONS AT 1916 VIA CORONEL AND ADDING ONE CONDITION

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

Section 1. Applications (the “Applications”) for neighborhood compatibility and grading and miscellaneous permits for the construction of a new single family residence (the “Project”) were submitted for the property located at Lot 1, Block 3, Tract No. 8043 in the City of Palos Verdes Estates, County of Los Angeles, State of California, known as 1916 Via Coronel, Palos Verdes Estates, California (the “Property”). The Applications were approved by the Planning Commission on April 21, 2009, subject to certain conditions, including a condition the ridge height of the second story be lowered by 1.5 feet.

Section 2. On May 6, 2009, an appeal of the Planning Commission’s approval was filed by Sanford Davidson. Such appeal raised only the issue of the Project not being reasonably compatible with the existing neighborhood character in terms of scale of development in relation to surrounding residences and other structures, especially due to the Project being for a two-story structure.

Section 3. On June 9, 2009, 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, the public and staff. The City Council further received information and considered information regarding environmental review of the Application and the determination the project is categorically exempt from the California Environmental Quality Act.

Section 4. Based upon the evidence presented, the City Council being 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. 3, Meeting Date 6/9/09 from Allan Rigg to Joseph M. Hoefgen, presented to the City Council on said date, is true and correct.

- c. The building coverage, lot coverage and building height of the Project will be less than permitted.
- d. The Project is located on a large corner lot and has been designed to reduce its massing. The Project lot is approximately three times larger than surrounding lots.
- e. Although the Project is between 170% and 200% larger than others in the surrounding area, that is not determinative of neighborhood compatibility because the Project's lot is so much larger than the surrounding lots.
- f. The surrounding neighborhood has residences with mixed massing.
- g. A one-story structure could have massing similar to or greater than the Project.
- h. The Applicant has revised the Project so as to decrease the impact on the neighborhood. The Planning Commission's condition for ridge heights to be reduced by an additional 1.5 feet will further mitigate that massing. Appellant's request the Project be limited to one story or lowered by additional grading is not feasible. Also, additional grading could result in non-compliance with subsection 18.36.045 A. of the Palos Verdes Estates Municipal Code.
- i. To additionally ameliorate the Project's massing, the City Council hereby directs an additional condition be added to the Project approval requiring the Project's ridge line be lowered an additional 1.5 feet so the Project ridge height would be no greater than an elevation of 1033.34 feet.
- j. No facts were provided to support a reversal of the Planning Commission's process or decision.

Section 5. Based upon the findings set forth herein, the City Council finds the Application, as conditioned in the conditions of approval included in the Planning Commission's approval and as stated herein:

- 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 the Project has a building coverage and lot coverage within that permitted and a roof line well within the permitted height requirements and the additional lowering of those ridge lines.
- 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.

- 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 in light of modifications made to the Project by the applicant, the condition imposed by the Planning Commission regarding ridge heights and the additional reduction hereby imposed by the City Council.

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 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 in the Planning Commission's approval, as well as 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 23rd day of June, 2009.



ELLEN PERKINS, Mayor

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.

EXHIBIT "A"

**NEIGHBORHOOD COMPATIBILITY, GRADING, & MISCELLANEOUS
APPLICATIONS**

NC-1334/GA-1438/M-708-08

Conditions of Approval
R09-19

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. Expiration of the Miscellaneous Application approval shall be governed by the provisions of the City of Palos Verdes Estates Municipal Code that are applicable to the expiration of the Neighborhood Compatibility approval.
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 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. 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".
17. **All nonstandard encroachments are to be removed, including, but not limited to the nonstandard walkways and boulders.**
18. **The portion of the curb and gutter in disrepair along Via Arco is to be replaced.**
19. **All structures within the setback adjacent to the right-of-way are not to exceed 42 inches in height.**
20. **That the maximum ridge height shall not exceed 1033.34 feet.**

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 **R09-19** 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 23rd day of June, 2009, by the following vote:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None



Vickie Kroneberger, Deputy City Clerk