

## RESOLUTION NO. R09-20

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, DENYING AN APPEAL OF ONE CONDITION OF APPROVAL IMPOSED BY THE PLANNING COMMISSION IN CONNECTION WITH AN APPLICATION FOR NEIGHBORHOOD COMPATIBILITY, GRADING AND MISCELLANEOUS PERMITS AT 2228 VIA GUADALANA

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

Section 1. Applications (the "Applications") for neighborhood compatibility determination and grading and miscellaneous permits for the construction of a new single family residence (the "Project") were submitted for the property located at Lot 13, Block 1632, Tract No. 7330 in the City of Palos Verdes Estates, County of Los Angeles, State of California, known as 228 Via Guadalana, Palos Verdes Estates, California (the "Property"). The Applications were approved by the Planning Commission on April 21, 2009, and the portion of the Applications related to neighborhood compatibility was made subject to an additional condition for the ridge height to be no greater than an elevation of 856.25 feet (the "Appealed Condition").

Section 2. On May 5, 2009, an appeal of the Planning Commission action was filed by the owner, seeking reversal of the decision regarding the Appealed Condition.

Section 3. On June 9, 2009, the City Council conducted a public hearing on the appeal of the Appealed Condition, which hearing was duly and properly noticed. At such hearing, the Council received and considered an oral staff report and documentary evidence, including, but not limited to, site plans, minutes of the Planning Commission meeting, and photographic presentations, and received and considered oral testimony from the owner and others. The City Council further received information and considered information regarding environmental review of the Application and the determination that the project is categorically exempt from the California Environmental Quality Act.

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 6/09/09, from Allan Rigg to Joseph M. Hoefgen, presented to the City Council on said date, is true and correct.
- c. The Appealed Conditions was necessary to reduce the massing of the Project and for the Planning Commission to determine the Project is reasonably compatible with the

existing neighborhood character in terms of scale of development and relating to surrounding residences and other structures.

Section 5. Based upon the findings set forth herein, the City Council finds the Appealed Condition is necessary for the public health, safety and welfare and to support all the finding of the Project being reasonably compatible with the existing neighborhood character in terms of scale of development in relation to surrounding residences and other structures, the appeal of the Appealed Condition shall be denied, and the Project shall be approved subject to each and every one of the conditions included in the Planning Commission's approval.

Section 6. Based upon the findings set forth herein, the City Council finds the proposed development on the Property as conditioned in the conditions of approval included in the Planning Commission's approval:

- 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 as determined by the Planning Commission;
- 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 as the Appealed Condition reduces the massing 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, as determined by the Planning Commission and as no issue regarding privacy has been raised relating to the Appealed Conditions; and
- d. Is designed and will be developed in a manner to the extent reasonably practicable so that it does not unreasonably interfere with neighbors' existing views, as determined by the Planning Commission and as no issue regarding view impacts has been raised relating to the Appealed Conditions.

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 23<sup>rd</sup> day of June, 2009.

  
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ELLEN PERKINS, Mayor

ATTEST:

APPROVED AS TO FORM:

  
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JUDY SMITH, City Clerk

  
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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-1350/GA-1449/M-705-09

Conditions of Approval  
R09-20

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. **The maximum ridge height shall be at elevation 856.25 ft.**
18. **There shall be no features above the tower.**
19. **There shall be no landscaping that exceeds the maximum roof ridge height.**
20. **City standard curb and gutter shall be installed per construction plans prepared by a registered Civil Engineer and approved by the City Engineer.**
21. **A licensed survey of the building coverage shall be completed and submitted to the City to verify compliance with the approved coverage 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 **R09-20** 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

  
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Vickie Kroneberger, Deputy City Clerk