

CITY OF PALOS VERDES ESTATES

NEIGHBORHOOD COMPATIBILITY APPLICATION GUIDELINES

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 Protective Restrictions and providing architectural review and control through an independent Art Jury. Exterior design review is the Art Jury's primary responsibility. The Palos Verdes Homes Association and Art Jury also considers compatibility with existing structures, site planning, building coverage, height, hardscape, landscape, color and materials.

The City government has the 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 assure that the development conforms to all City ordinances and is compatible with other structures in its neighborhood. Whether control is by the Palos Verdes Homes Association Protective Restrictions or by City ordinance, the more restrictive prevails.

To help residents of the City and their architects understand and navigate the neighborhood compatibility application process, these guidelines are intended to assist in better understanding of the City's neighborhood compatibility ordinance (Palos Verdes Estates Municipal Code ["PVEMC"] Chapter 18.36). The PVEMC can be accessed at the City's website www.pvestates.org.

The City Planning Commission considers the application on its merits, to determine whether the findings necessary for approval are established, as set forth in the neighborhood compatibility ordinance. Extraneous or irrelevant issues are not considered. For instance, the motives, subjective beliefs and partisan opinions of the applicant or neighbors are not relevant, nor are the number of people supporting or opposing a project. It is not the vote of the neighborhood.

These guidelines are not binding and do not supersede the City ordinances, or the policies or practices of the City Council or Planning Commission. These guidelines are not comprehensive and do not address every issue nor every municipal code section which may apply to a particular application.

1. The Purpose and Intent of Neighborhood Compatibility

As explained by PVEMC section 18.36.010:

“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.”

2. The Four Neighborhood Compatibility Objectives

According to PVEMC section 18.36.030:

“To maintain neighborhood compatibility, residential proposals shall address the following objectives:

“A. 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.

“B. 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.

“C. 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.

“D. Views. Designs should consider to the extent reasonably practicable neighbors’ existing views.”

These four objectives echo the four findings set forth in PVEMC section 18.36.045, which are necessary for approval of the application.

In a particular application, two or more of these factors may be in conflict, and in this circumstance the Planning Commission will strive to reach a reasonable balance among the factors in determining whether the application is approvable. The Planning Commission may impose special conditions on the approval of an application, in addition to the standard conditions.

The following commentary addresses each of these objectives.

A. Natural Amenities.

Since grading will change the existing topography, adequate justification must be shown. Grading may be desirable under a proposed house in order to mitigate a view impact or to reduce the apparent massiveness of the structure. Designs which flow with the land, instead of reshaping the land to conform to the design, are favored. It is also recognized that grading can be an effective tool to mitigate impacts to views, massing, and privacy.

The natural amenities of a parcel include existing foliage and trees.

B. Neighborhood Character.

For the purpose of a neighborhood compatibility application, the City considers the “neighborhood” to include properties within 300 feet of the proposed development’s parcel boundaries, and any other properties within the area of the project which are logically affected by the proposed development.

Numerical data is useful to the Planning Commission as a tool in assessing neighborhood compatibility. Consideration will be given to the “floor area ratio” (the ratio of the floor area of all structures 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 scrutiny. Consideration will also be given to the “gross floor area” (PVEMC section 17.08.196) of a proposed structure, which may add to the apparent size and mass of a structure.

A house should fit in with the neighborhood. A primary focus is to avoid a structure which would have a massive or looming appearance compared to the neighborhood. A transitional height from adjacent single-story homes is encouraged in preference to a maximum permitted height. The Planning Commission may impose certain conditions of approval, including but not limited to lowering the roof ridge by reducing the plate height, additional grading, and flattening the roof pitch; moving second floor features away from setbacks; or, reducing the actual and/or gross floor area.

While City ordinances permit certain specified intrusions or encroachments into setbacks by incidental architectural features such as eaves, balconies, trash enclosures, bay windows, chimneys and BBQ's (see, *e.g.*, PVEMC sections 18.04.080, 18.04.145, 18.32.020), these intrusions are a common focus of the Planning Commission because of the possible adverse impacts which may include the appearance of crowding, massing or privacy impacts.

Applicants should be prepared to justify to the Planning Commission why the construction of any features in the setbacks would be acceptable and in compliance with neighborhood compatibility.

Eaves proposed in the setbacks will be carefully evaluated. There may be concerns raised for any house on a larger lot where the house is so large that the eaves would extend into side- or rear-yard setbacks. This may be an indication that the lot is being over-built giving the appearance of massing and crowding, and the applicant may have a burden to justify the encroachment. In this situation, the Planning Commission may require that the side(s) of the proposed house be moved inward and farther away from the setback line.

On a smaller lot, the applicant may have little choice but to place an incidental architectural feature into a setback. But on a larger lot, the applicant will have greater ability to locate these features outside the setbacks thereby possibly mitigating an adverse impact on the neighborhood.

PVHA Protective Restrictions permit two-story houses except in specified areas of the City. Many neighborhoods are experiencing a transition from one-story to two-story houses. Through the neighborhood compatibility process, two-story houses are generally determined to meet the findings necessary for approval. However, if the house is large but does not use its full 30% lot coverage, there may still be concerns that the house appears too massive or looming because of the amount of square footage on the second floor. The Planning Commission may consider modifications that shift the mass to the first floor from the second floor, essentially building outward before building upward.

Each application will be considered on its own merits and will be judged by how it fits within the neighborhood. The fact that the protective 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 a denial by the City of an application for a different type of development, such as a two-story home.

C. Privacy.

The Planning Commission typically does not impose landscape conditions on approval of applications, due to the pragmatic difficulty of City enforcement, and acknowledges that residents can resolve most privacy issues informally. Screen planting by the applicant and neighbors 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. Disputes concerning privately-owned trees blocking views should be addressed to the Homes Association.

The impact of incidental architectural features in the setbacks is discussed above in connection with neighborhood character.

D. Views

The City does not have a view preservation ordinance, and the Homes Association's Protective Restrictions do not guarantee scenic views.

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.

The Planning Commission may consider modifications to mitigate significant impacts on scenic views (which include not only ocean views but also other vistas such as city lights, golf course and pastoral views) from the main viewing areas of impacted neighboring homes.

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.

2. When Applications are Required

The Palos Verdes Homes Association requires that the plans for all new structures, changes to the exterior of an existing property, hardscape and landscape be approved by the Art Jury. An application for submitting plans for approval may be obtained from the Homes Association office or via its website PVHA.org. 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. PVEMC section 18.36.040 provides for exemptions to the neighborhood compatibility process. For those projects that are not exempt, the following is an overview of the applicable process.

3. Overview of the City Process

For a neighborhood compatibility review 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, with cross sections including adjacent homes or land on all four sides; the construction of a silhouette, if required, and a surveyor's certification to the accuracy of the silhouette as well as the distances and heights shown on the plans (see, Silhouetting Policy); and elevations in sufficient detail to permit evaluation of the appearance in the defined neighborhood. 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 must be included with the application. In order to minimize architectural expenses, it is recommended that detailed drawings not be submitted at this time because of the possibility of recommended changes by the Planning Commission.

The application will not be processed unless written notice has been given to all owners of real property located within 300' of the subject property of the pending application, accompanied by a copy of the preliminary plans and a copy of these guidelines. See PVEMC section 18.36.043(A)(1).

The applicant must host a neighborhood meeting and invite all those to whom notice is required. This meeting must occur at least 4 weeks prior to the Planning Commission meeting at which the application will be heard, and written invitations shall be sent at least 1 week prior to the neighborhood meeting and filed with the Planning

Department. Any required silhouette must be constructed prior to the meeting. See PVEMC section 18.36.043(A)(2). The purpose of the neighborhood meeting is informational, in order to facilitate the application process. Applicants and neighbors are encouraged, but not required, to discuss any concerns with the proposed project and potential resolutions.

Communications from the public concerning an application may be stated verbally at the Planning Commission meeting and/or in writing. Written communications should be delivered to the Planning Department no later than the Thursday prior to the Planning Commission meeting so that they may be reviewed and included in the agenda materials provided to the planning commissioners. Correspondence from the public should include proper documentation, such as photos or illustrations, justifying their position on the project. Correspondence should be submitted in a timely manner for the Planning Commission to consider. If correspondence is submitted in an untimely manner, it may be difficult for the Planning Commission to consider such correspondence.

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. It may be preferable for the applicant to request that the matter be continued to the next meeting while consideration of suggested changes is accomplished. 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 reviews plans for all new homes, structures, and all changes to existing properties. The Art Jury makes certain that the project not only meets its standards of architectural type 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 first for Art Jury 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 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.