

RESOLUTION NO. R20-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, APPROVING A NEIGHBORHOOD COMPATIBILITY APPLICATION, GRADING PERMIT APPLICATION, AND MISCELLANEOUS APPLICATION AT 2321 VIA ACALONES.

WHEREAS, on October 11, 2019, an application was submitted for the property located at Lot 20, Block 1638 of Tract Number 7330 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 2321 Via Acalones, Palos Verdes Estates, California ("the Property"). The application sought approval of Neighborhood Compatibility, Grading, and Miscellaneous applications; and,

WHEREAS, on December 17, 2019, the Planning Commission conducted a public hearing on the matter, which hearing was duly and properly noticed. At such hearing the Commission received and considered documentary evidence including, but not limited to, a staff report and site plans and received and considered oral testimony from the applicant and others. The application was continued; and,

WHEREAS, on April 21, 2019, the Planning Commission conducted a public hearing on the matter, which hearing was duly and properly noticed. At such hearing the Commission received and considered documentary evidence including, but not limited to, a staff report and site plans and received and considered oral testimony from the applicant and others. The application was continued; and,

WHEREAS, on June 16, 2020, the Planning Commission conducted a public hearing on the matter, which hearing was duly and properly noticed. At such hearing the Commission received and considered documentary evidence including, but not limited to, a staff report and site plans and received and considered oral testimony from the applicant and others. The Commission 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; and,

WHEREAS, following the conclusion of the public discussion and thorough deliberation of the subject matter, the Planning Commission determined by a vote of 4 to 1, that Neighborhood Compatibility Application Number NC-1660-19, Grading Permit Number G-1632-19, and Miscellaneous Application Number M-1354-19 should be conditionally approved as set forth herein below; and,

WHEREAS, on July 1, 2020, an appeal was timely filed by Diana Gdowski ("Appellant"), the property owner of 2320 Via Acalones ("Appeal"); and,

WHEREAS, on July 28, 2020, the City Council held a duly noticed public hearing on the Appeal. At the public hearing, the City Council received and considered the written staff report which included the Appeal, plans, and visual presentations; written and oral testimony of the Appellant and others; and documentary evidence, including, but not limited to, a staff report and the minutes of the Planning Commission hearing.

WHEREAS, following the conclusion of the public discussion and through deliberation of the subject matter, the City Council determined by a vote of 5 to 0, that Neighborhood

RESOLUTION NO. R20-25

Compatibility Application Number NC-1660-19, Grading Permit Number G-1632-19, and Miscellaneous Application Number M-1354-19 should be conditionally approved as set forth herein below.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, DOES HEREBY RESOLVE, AS FOLLOWS:

Section 1. Based upon the evidence presented, the City Council hereby finds and determines as follows:

1. Each fact set forth in the recitals above is true and correct.
3. Each fact set forth in the memorandum for Agenda Item Number 9, Meeting Date, July 28, 2020, from Planning staff, presented to the City Council on said date, is true and correct.

Section 2. Pursuant to the foregoing recitations, the following findings are made:

NEIGHBORHOOD COMPATIBILITY:

1. That the proposed development 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;
2. That the proposed development 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 relation to surrounding residences and other structures;
3. That the proposed development 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; and,
4. That the proposed development 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.

GRADING:

1. The proposed grading will not unreasonably change the natural contours of the land;
2. The proposed grading will not create a hazard to the immediate or adjacent property; and
3. The proposed grading will not unreasonably interfere with the use and enjoyment of property by other persons in the City.

RESOLUTION NO. R20-25

MISCELLANEOUS APPLICATION:

1. Any wall, fence, or accessory structure not located in a minimum required setback adjacent to a public street which exceeds eight feet in height does not unreasonably affect any other property.

Section 3. Pursuant to the foregoing recitations and findings, the City Council approves Neighborhood Compatibility Application Number NC-1660-19, Grading Permit Number G-1632-19, and Miscellaneous Application Number M-1354-19, subject to the following conditions:

1. This approval is granted for the land or land use as described in the application, within this resolution, and any attachments thereto, and as shown on the plot plan submitted.
2. All buildings, fences, signs, roadways, parking areas, and other facilities or features shall be located and maintained as shown on the approved plans **presented at the June 16, 2020 Planning Commission hearing**.
3. All buildings and structures shall be of the design as shown on the approved plans **presented at the June 16, 2020 Planning Commission hearing**.
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. 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 property owners, and their successors in interest, 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 owners to waive said fees or any part thereof. The foregoing shall not apply if the property owner prevails in the enforcement proceeding.
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. An approval granted by the City Council 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.
9. Expiration of any 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.

RESOLUTION NO. R20-25

10. The property owners, and their successors in interest, shall indemnify and defend the City of Palos Verdes Estates and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.
11. A landscape plan and certification are required for compliance with the State Model Water Efficiency Landscape Ordinance.
12. The owner shall provide for the improvement of streets, alleys, walks, and drainage facilities adjacent to the site of the building in conformance with Public Works Standards and specifications of the City and plans approved by the City Engineer. This includes the removal of any nonstandard encroachments.
13. All nonstandard encroachments shall be removed from any Parkland adjacent to the subject property.
14. All nonstandard encroachments approved by the City Council by way of a Miscellaneous Application require the property owners to execute a license agreement allowing the nonstandard encroachment(s), which shall be notarized, submitted for recordation at the Los Angeles County Registrar-Recorder office, and required insurance certificates submitted to the City prior to finalizing permits.
15. If an existing sewer easement is found on or adjacent to the subject property, the developer shall determine the actual location, alignment, and condition of the sewer mainline, confirmed by video surveillance and report, and the easement shall be shown on the plan. No object, whether a permanent structure, temporary structure, or any object which is difficult to remove are allowed within sewer easements. Any grading within the sewer easement shall be reviewed and approved by the City Engineer prior to issuance of any building permits.
16. 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.
17. 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".
18. **The civil drainage design shall comply with low impact development guidelines. The design shall address the increase in post development flow. Runoff shall be diverted to vegetated areas before discharge. The runoff from the project boundaries shall be conveyed to the street or an approved drainage easement.**
19. **The owner shall locate and accurately plot sewer lines for plan check/acceptance and subsequent recordation and shall confirm integrity before construction starts. The City shall have the right to maintain ingress and egress across the property to access the gated sewer cleanout for sewer maintenance and/or construction. The owner shall**

RESOLUTION NO. R20-25

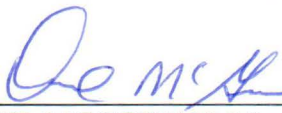
provide full gate code access to the City for sewer maintenance and/or construction purposes.

20. Any vegetation between the house and the northwestern property line shall be restricted to no higher than two feet above adjacent approved fence elevations. On the remainder of the site, vegetation shall be restricted to no higher than adjacent approved retaining wall/fence elevations. The homeowner shall not plant street trees and shall pay the in lieu fee to the Tree Bank.
21. The garage shall be shifted 6' laterally in the southeastern direction.
22. The chimney shall be removed.
23. The maximum pool elevation (including pool water, spillway, and coping) shall be no higher than the rear patio elevation.

Section 4. The City Council hereby denies the appeal filed by Diana Gdowski.

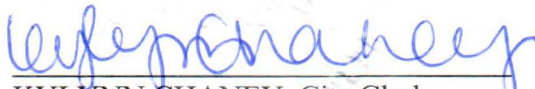
Section 5. The City Clerk shall certify to the passage and adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 28th DAY OF JULY, 2020.



DAVID MCGOWAN, Mayor

ATTEST:



KYLINN CHANEY, City Clerk

APPROVED AS TO FORM:



CHRISTI HUGIN, City Attorney

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

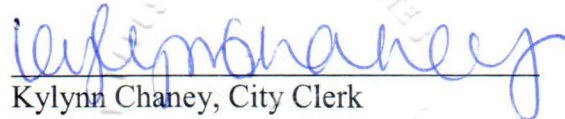
I, Kylynn Chaney, City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R20-25** was duly and regularly approved and adopted by the City Council of the City of Palos Verdes Estates at its regular meeting of the City Council on the 28th day of July, 2020, by the following vote:

AYES: COUNCILMEMBERS: McGowan, Kemp, Davidson, Lozzi, Kao

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBER: None


Kylynn Chaney, City Clerk