

RESOLUTION NO. R22-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA UPHOLDING THE PLANNING COMMISSION DECISION TO APPROVE NEIGHBORHOOD COMPATIBILITY AND GRADING APPLICATIONS FOR A NEW SINGLE-FAMILY RESIDENCE AND TO DENY A MISCELLANEOUS APPLICATION FOR STRUCTURES EXCEEDING 42" WITHIN THE SETBACK ADJACENT TO THE STREET AND NONSTANDARD ENCROACHMENTS WITHIN CITY RIGHT-OF-WAY LOCATED AT 2812 VIA CAMEPSINA.

WHEREAS, on August 12, 2021 an application was submitted for the property located at Lot 14, Block 44 of Tract Number 3095 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 2812 Via Campesina, Palos Verdes Estates, California ("the Property"). The application sought approval of Neighborhood Compatibility, Grading, and Miscellaneous applications; and,

WHEREAS, on October 19, 2021, 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 November 16, 2021, 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 2 to 1, that Neighborhood Compatibility Application Number NC-1718-21 and Grading Permit Number G-1660-21 should be conditionally approved; and that Miscellaneous Application Number M-1482-21 should be denied as set forth herein below; and,

WHEREAS, on November 29, 2021, an appeal was timely filed by Wen Chung Lin ("Appellant"), the property owner of 605 Via Horquilla ("Appeal"); and,

WHEREAS, on January 25, 2022, 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, to uphold the Planning Commission decision to approve Neighborhood Compatibility Application Number NC-1718-21 and

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Grading Permit Number G-1660-21 with conditions as set forth herein below and deny Miscellaneous Application Number M-1482-21.

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 14, Meeting Date, January 25, 2022, 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.

MISCELLANEOUS APPLICATION:

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1. The structures proposed within the minimum required setback adjacent to the public street exceeding three feet, six inches in height and the proposed nonstandard encroachments unreasonably affect other properties by impeding upon traveler sightlines at the adjacent intersection, which constitutes a safety hazard.

Section 3. Pursuant to the foregoing recitations and findings, the City Council upholds the Planning Commission decision and approves Neighborhood Compatibility Application Number NC-1718-21 and Grading Permit Number G-1660-21 and denies Miscellaneous Application Number M-1482-21, 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.
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. 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. 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

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reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.

10. A landscape plan and certification are required for compliance with the State Model Water Efficiency Landscape Ordinance.
11. The owner shall provide for the planting of street trees adjacent to the site of the building in accordance with the recommendation of the Public Works Director or authorized designee. There shall be no street tree required in the location furthest east in the right-of-way adjacent to the property where the Parklands Committee previously approved removal. Two street trees flanking the driveway shall instead be required. Any property owner requesting to deviate from this condition shall file an application to be reviewed by the Parklands Committee, including requests to plant a different tree or a request to not plant a tree as required by this condition.
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. **No structures shall be constructed along the easements located within the property.**
19. **A new driveway approach shall be constructed per City Standards. The driveway area located along the right-of-way shall be perpendicular to the street.**

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20. **The nonstandard sidewalks shall be removed. The storm drain inlet structure shall be protected in place.**
21. **The walkway shall be constructed per City standards. The first 5 ft of the walkway from back of curb towards the property shall not exceed a slope of 2% in any direction.**
22. **A license agreement shall be submitted to defend, indemnify, and hold harmless the city, its officers, agents and employees from and against any and all loss, damage, liability, claims, demands, costs, charges, and expenses, including attorney's fees, and causes of action of whatsoever character which the City may incur, sustain or be subjected to on account of loss or damage to property or loss of use thereof, or for bodily injury to or death of any person arising out of or in any way connected to the encroachment.**
23. **A license agreement shall be submitted to reimburse the City for any cost incurred by the City to repair damage, restore premises, or satisfy claims incurred by reason of the encroachment.**
24. **The project shall comply with Low Impact Development requirements as outlined in the Low Impact Development Guidelines.**
25. **The building pad elevation shall further reduce 18", resulting in a 18" reduction of the height of the entire building structure at all points, relative to the plans reviewed at the November 16, 2021 Planning Commission hearing, for a total maximum height reduction of 5'.**
26. **Any building elevation increase may not be approved through a Minor Modification.**
27. **The primary chimney shall reduce 18" in height and the shorter chimney shall be removed relative to the plans reviewed at the November 16, 2021 Planning Commission hearing.**
28. **The rear-most balcony shall extend no more than 2' from the attached façade.**
29. **There shall be no structures within the setback adjacent to the street which exceed 42" without approval of a Miscellaneous application.**
30. **There shall be no nonstandard encroachments without approval of a Miscellaneous application.**
31. **The tree on the northeast corner of the subject property shall be replaced with a slow to moderate growing, mature height tree not to exceed 25 feet and mature width not to exceed 20 feet, and maintained at the maximum height of 25 feet.**
32. **Provide direction to City staff that the California pepper tree directly across the street from the subject property located on city/golf course property be reduced in height and laced for view improvement.**

Section 4. The City Council hereby denies the appeal filed by Wen Chung Lin.

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

PASSED, APPROVED, AND ADOPTED this 25th DAY OF JANUARY, 2022.



VICTORIA LOZZI, Mayor

ATTEST:



KYLINN CHANEY, City Clerk

APPROVED AS TO FORM:



JOHN COTTI, 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 **R22-01** 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 25th day of January 2022, by the following vote:

AYES: COUNCILMEMBERS: Murdock, Kemps, McGowan, Roos, Lozzi

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBER: None


Kylynn Chaney, City Clerk