

RESOLUTION NO. R22-30

A RESOLUTION OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION DECISION TO APPROVE NEIGHBORHOOD COMPATIBILITY AND GRADING PERMIT APPLICATIONS AT 2012 VIA PACHECO AND FINDING THE SAME EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

WHEREAS, on October 27, 2021 an application was submitted for the property located at Portion of Lot 15/ Lot 18, Block 1290, of Tract Number 7331 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 2012Via Pacheco, Palos Verdes Estates, California ("the Property"). The application sought approval of a Neighborhood Compatibility and Grading Permit applications; and,

WHEREAS, on May 17, 2022 and June 21, 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 has made the determination that the project is categorically exempt from the California Environmental Quality Act; and,

WHEREAS, following the conclusion of the public discussion and through deliberation of the subject matter, the Planning Commission determined by vote of 4 to 0 , that Neighborhood Compatibility Application Number NC-1729-21 and Grading Permit Application Number G-1669-21, should be conditionally approved and as set forth herein below; and

WHEREAS, on July 6, 2022 , Marian Fukuda, appellant file an appeal of the Planning Commission decision; and

WHEREAS, on July 26, 2022 the City Council held a duly noticed public hearing. At the public hearing, the City Council received and considered the written staff report which included the plans and visual presentation; written and oral testimony and others; and documentary evidence, including but not limited to, a staff report and 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 vote of 4 to 1 , that Neighborhood Compatibility Application Number NC-1729-21 and Grading Permit Application Number G-1669-21 , should be conditionally approved and as set forth herein below; and

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.
2. Each fact set forth in the memorandum for Agenda Item Number 9, Meeting Date, July 26, 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.

CEQA

1. Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the City Council has analyzed the proposed project. The City Council found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Section 15303 (e) - New Construction or Conversion of Small Structures. The City Council has further determined that none of the six (6) exceptions to use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

Section 3. Pursuant to the foregoing recitations and findings, the City Council approves Neighborhood Compatibility Application Number NC-1729-21 and Grading Permit Application Number G-1669-21, subject to the following conditions.

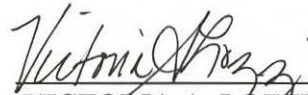
1. This approval is granted for the land or land use as described in the application, within this resolution, and any attachments thereto, and as shown on the plot plan submitted.
2. All buildings, fences, signs, roadways, parking areas, and other facilities or features shall be located and maintained 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 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.

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 any Neighborhood Compatibility approval.
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 planting of street trees adjacent to the site of the building in accordance with the recommendation of the Public Works Director or authorized designee. 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.
13. 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.
14. All nonstandard encroachments shall be removed from any Parkland adjacent to the subject property.
15. All nonstandard encroachments approved by the Planning Commission 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.
16. 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.

17. 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.
18. 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".
19. **The second story and associated balcony of the garage shall be eliminated.**
20. **The garage plate height shall not exceed 9 feet with an appropriate roof pitch consistent with the residence.**
21. **The pizza oven chimney shall be lowered by one and one-half (1 ½') foot.**
22. **The north side of the outdoor patio room screening shall include a solid wall and solid core wood door per slide #17 and slide #18 identified as Exhibit B.**
23. **The north wall mitigation shall be designed per slide #15 identified as Exhibit A.**
24. **The second story balcony depth shall be reduced from 12ft to 9ft.**

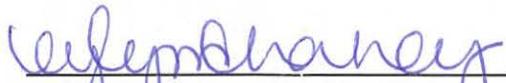
Section 3. The City clerk shall certify the passage and adoption of this Resolution.

APPROVED AND ADOPTED this 26th day of JULY, 2022.



VICTORIA A. LOZZI, Mayor

ATTEST:



KYLINN CHANEY, City Clerk

APPROVED AS TO FORM:



TREVOR RUSIN, Interim 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 **R22-30** 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 26th day of July, 2022, by the following vote:

AYES: COUNCILMEMBERS: Lozzi, Roos, Murdock, Kemps

NOES: COUNCILMEMBERS: McGowan

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBER: None


Kylynn Chaney, City Clerk