

## RESOLUTION NO. R12-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, AFFIRMING PLANNING COMMISSION APPROVAL AND DENYING THE APPEAL OF NC-1440/GA-1492-12; NEIGHBORHOOD COMPATIBILITY AND GRADING APPLICATIONS FOR A NEW SINGLE FAMILY RESIDENCE LOCATED AT 968 VIA RINCON.

The City Council of the City of Palos Verdes Estates does hereby find, order and resolve as follows:

Section 1. On February 21, 2012, an application (the "Application") for a new Single Family Residence (the "Project") was submitted for the property located at Lot 5 of Block 1731 of Tract No. 7142 in the City of Palos Verdes Estates, County of Los Angeles, State of California, known as 968 Via Rincon, Palos Verdes Estates, California (the "Property"). The Application requested a new 5,705 sq. ft. residence with 1,152 cubic yards of grading. The Application was approved with conditions by the Planning Commission on May 15, 2012.

Section 2. On May 30, 2012, an appeal was filed by John and Lenore DeLuca at 976 Via Rincon ("Appeal"). The Appeal asserts that the project is not compatible with the neighborhood and is not designed to minimize view impacts, primarily in relationship to the two chimneys and the garage.

Section 3. On July 10, 2012, the City Council opened the public hearing on the Appeal, which hearing was duly and properly noticed. At the public hearing, the Council received and considered the written and oral testimony provided by the applicant, the appellant and others, oral and written staff reports, and documentary evidence, including, but not limited to, site plans, minutes of the Planning Commission meeting, and a photographic presentation.

Section 4. Based upon the evidence presented, the City Council hereby finds and determines as follows:

- a. The Project consists of a new Single Family Residence and is exempt from the California Environmental Quality Act pursuant to California Administrative Code Title 14, Chapter 3, Section 15303.
- b. The Project 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, and will not unreasonably change the natural contours of the land. The Project is located in a similar location as the existing structure. Grading is primarily intended to limit the Project's height impact on adjacent neighbors.

- c. The Project 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 in relation to surrounding residences and other structures. The project is similar in size to several other single family residences in the area and includes significantly less building and lot coverage than that permitted by code. Modifications to the Project design, including shifting the location of the proposed garage, have also reduced the prominence of the Project as compared to other adjacent residences.
- d. The Project 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. The proposed balconies are located so as to preserve the privacy of adjacent properties.
- e. The Project is designed and will be developed in a manner to the extent reasonably practicable so that it does not unreasonably interfere with the neighbors' existing views. The proposed chimney heights have been significantly reduced, thereby preserving existing views to the extent feasible.
- f. The grading will not create a hazard to the immediate or adjacent property.
- g. The grading will not unreasonably interfere with the use and enjoyment of property by other persons in the city.

Section 5. The City Council hereby affirms the Planning Commission approval and denies the Appeal of the Application, subject to the following conditions:

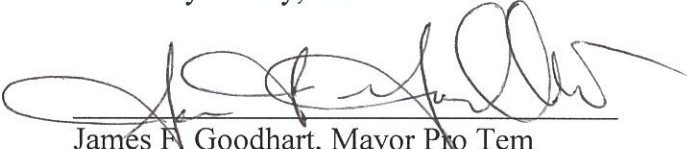
- 1. This approval is granted for the land or land use as described in the Application and any attachments thereto, and as shown on the plot plan submitted with the Application.
- 2. All buildings, fences, signs, roadways, parking areas, and other facilities or features shall be located and maintained 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. A landscape plan is required for all projects proposing new or altered landscaping that is 5,000 sq. ft. or more.
17. City standard Hollywood berm shall be installed per construction plans prepared by a registered Civil Engineer and approved by the City Engineer.

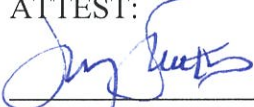
18. All non-standard encroachments including, but not limited to, the existing non-standard parking pad and driveway shall be removed.
19. A standard urban stormwater mitigation plan, approved by the City Engineer shall be prepared and implemented for the project.
20. That the North Chimney, previously approved at 2 feet 10 inches x 5 feet 7 inches shall be modified to 2 feet 6 inches x 3 feet 6 inches and the South Chimney, previously approved at 3 feet 10 inches x 5 feet 6 inches shall be modified to 2 feet 6 inches x 3 feet 6 inches.

Section 6. 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 24<sup>th</sup> day of July, 2012.

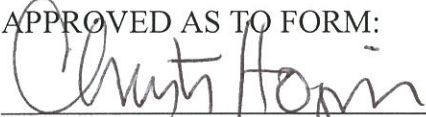
  
James F. Goodhart, Mayor Pro Tem

ATTEST:



JUDY SMITH, City Clerk

APPROVED AS TO FORM:



CHRISTI HUGIN, City Attorney

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the applicable time limits set forth in the Palos Verdes Estates Municipal Code and Code of Civil Procedure.

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

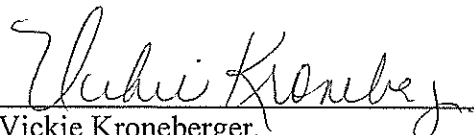
I, Vickie Kroneberger, Executive Assistant/Deputy City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R12-19** was duly and regularly approved and adopted by the City Council of the City of Palos Verdes Estates at its regular meeting of the City Council on the 24th day of July, 2012, by the following vote:

AYES:            COUNCILMEMBERS:        Goodhart, Rea, Perkins

NOES:           COUNCILMEMBERS:        None

RECUSED:       COUNCILMEMBERS:        Bird

ABSENT:        COUNCILMEMBERS:        Humphrey

  
Vickie Kroneberger,  
Executive Assistant/Deputy City Clerk

CERTIFICATE OF MAILING

I, Vickie Kroneberger, am employed by the City of Palos Verdes Estates as Executive Assistant/Deputy City Clerk. On July 26, 2012, in the course of my duties as Executive Assistant/Deputy City Clerk, I placed a true copy or copies of Resolution No. R12-19 in a sealed envelope or envelopes addressed as follows:

**John & Lenore Deluca**  
**976 Via Rincon**  
**Palos Verdes Estates, CA 90274**

**Tomaro Architecture**  
**2617 N. Sepulveda Blvd., Ste. 100**  
**Manhattan Beach, CA 90266**

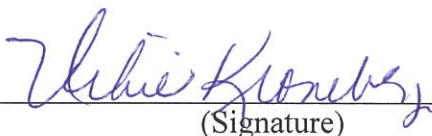
**Darren Moore**  
**2229 Via Fernandez**  
**Palos Verdes Estates, CA 90274**

I placed each such envelope for collection and mailing following ordinary business practices. I am readily familiar with the City's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence would be deposited with the United States Postal Service on that same day, with adequate postage thereon fully prepaid at Palos Verdes Estates, California, in the ordinary course of business.

Executed on July 26, 2012, at Palos Verdes Estates, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

\_\_\_\_\_  
Vickie Kroneberger  
(Type or print name)

\_\_\_\_\_  
  
(Signature)