

## RESOLUTION NO. R13-03

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, DENYING NC-1452/GA-1497/M-884-12, NEIGHBORHOOD COMPATIBILITY, GRADING, AND MISCELLANEOUS APPLICATIONS FOR A NEW SINGLE FAMILY RESIDENCE LOCATED AT 844 VIA DEL MONTE.**

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

Section 1. On September 7, 2012, applications for Neighborhood Compatibility, Grading, and Miscellaneous were submitted for the property located at Lot 10, Block 1540 of Tract 6884 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 844 Via Del Monte, Palos Verdes Estates, California (“the Property”). The applications sought approval of a new 8,889 sq. ft. single family residence with 1,528 cu. yds. of earth movement, nonstandard encroachments, and various retaining walls exceeding the allowable height.

Section 2. On October 16, 2012, 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. Concerns were raised regarding the overall massing, the size, the looming nature over Via Somonte, the driveway location as it relates to traffic safety, and the construction safety. The project was continued.

Section 3. On November 20, 2012, the Planning Commission conducted another 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. Concerns were raised regarding the massing, particularly as viewed by Via Somonte, the location of the driveway in relationship to traffic safety, and the construction safety. It was also discussed that the project design did not result in meaningful changes following the October review and, given the unique characteristics of the project site, the project design cannot be easily modified to create an approvable project. Following the conclusion of the public discussion and thorough deliberation of the subject matter, the Planning Commission denied NC-1452/GA-1497/M-884-12; Neighborhood Compatibility, Grading, and Miscellaneous applications for a new single family residence located at 844 Via Del Monte.

Section 4. On December 5, 2012, an appeal was filed by the Applicant (“Appeal”). The Appeal alleged that the owners should have been granted a continuance so as to have the opportunity to revise the project. The appeal did not seek approval of the project; rather it requested that the matter be remanded to the Planning Commission for further consideration by the Commission.

Section 5. On January 9, 2013, the City Council opened a public hearing on the Appeal, which was duly and properly noticed. 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 applicant/appellant; and documentary evidence, including the minutes of the Planning Commission hearing. The City Council received and considered information regarding environmental review of the Project and the determination that the Project is categorically exempt from CEQA.

Section 6. Based on the evidence presented, the City Council finds and determines as follows:

a. The Project is not designed in a manner reasonably compatible with the existing neighborhood character in terms of scale of development and relation to surrounding residences and other structures. The project design results in significant massing concerns, particularly as viewed from Via Somonte, and is significantly larger than almost all other residences in the surrounding community. The project's massing and height create a "looming" effect over residences located on Via Somonte.

b. The project design results in significant construction and traffic safety concerns, which were not properly mitigated during the review process. The location of the proposed driveway creates a potential traffic safety hazard due to its location adjacent to a curve where vehicles frequently travel at high speeds. Further, given the significant slope of the project site, the project may result in significant construction hazards without a detailed construction management and mitigation plan that provides how the project applicant will mitigate such hazards, such as falling rocks and slides.

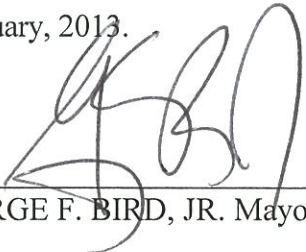
c. The project design did not result in meaningful changes following the first Planning Commission review on October 16, 2012 and the project design cannot be easily modified to create an approvable project. Therefore, the project is not proper for remand to the Planning Commission for further consideration, as substantial changes will be required for resubmission.

d. The proposed development is not designed and will not be developed in a manner which will preserve to the greatest extent practicable the privacy of persons residing on adjacent properties, as the massive scale of the project and location on a hill above several residences creates significant privacy impacts.

Section 7. Based on the findings and determinations set forth herein, as supported in connection therewith, the City Council finds and determines that the Project does not comply with the requirements of PVEMC § 18.36. Further, the City Council finds and determines that the Project is not proper for remand to the Planning Commission. The City Council denies the Applicant's appeal of the Planning Commission's determination and determines that the Project shall not be approved. The City Council hereby finds that each finding in Section 6 above, when considered alone, would be sufficient to support its determination in this matter to deny the appeal, and that it would have made the same determination had only one of such findings been present in this situation.

Section 8. The City Clerk shall certify as to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

APPROVED AND ADOPTED this 22<sup>nd</sup> day of January, 2013.

  
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GEORGE F. BIRD, JR. Mayor

ATTEST:

  
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JUDY SMITH, City Clerk

APPROVED AS TO FORM:

  
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CHRISTI HOGIN, 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 **R13-03** 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 22nd day of January, 2013, by the following vote:

AYES:            COUNCILMEMBERS:        Bird, Goodhart, Rea, Perkins, Humphrey

NOES:           COUNCILMEMBERS:        None

ABSENT:        COUNCILMEMBERS:        None

  
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Vickie Kroneberger,  
Executive Assistant/Deputy City Clerk