

RESOLUTION NO. R13-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, DENYING NC-1453/GA-1498-12; NEIGHBORHOOD COMPATIBILITY AND GRADING APPLICATIONS FOR A NEW SINGLE FAMILY RESIDENCE LOCATED AT 1609 VIA GARFIAS.

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

Section 1. On September 11, 2012, applications for Neighborhood Compatibility and Grading were submitted for the property located at Lot 3, Block 1375 of Tract 6889 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 1609 Via Garfias, Palos Verdes Estates, California (“the Property”). The applications sought approval of a new 3,023 sq. ft. single family residence with 354 cu. yds. of earth movement.

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 height, size, and privacy impacts. 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 view impacts and the height. Following the conclusion of the public discussion and thorough deliberation of the subject matter, the Planning Commission denied NC-1453/GA-1498-12; Neighborhood Compatibility and Grading applications for a new single family residence located at 1609 Via Garfias.

Section 4. On December 5, 2012, an appeal was filed by the Applicant (“Appeal”). The Appeal alleged that the proposal is compatible with the neighborhood and the ridge height reduction requested by the Planning Commission is inconsistent with the principles of Neighborhood Compatibility.

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 proposed development is not designed and will not be developed in a manner to the extent reasonably practicable so that it does not unreasonably interfere with neighbor's existing views. Specifically, the height and massing of the proposed development significantly impacts the views at 1605 Via Garfias.

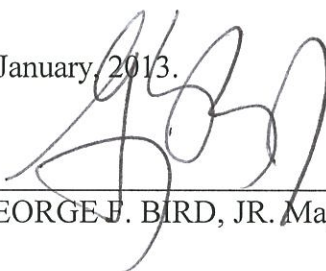
b. The proposed development requires significant reductions, specifically in relationship to height, to mitigate the view impacts. This may be achieved through additional grading or reducing the proposed square footage of the project.

c. The proposed development is not designed and will not 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 development as proposed is too large for the neighborhood, which is characterized with mostly smaller residences, as it is near the maximum permitted building and lot coverage and has a substantially greater Floor Area Ratio (FAR) than the neighborhood average.

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. 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.

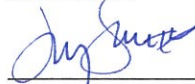
Section 8. The City Clerk shall certify as to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

APPROVED AND ADOPTED this 22nd day of January, 2013.



GEORGE J. BIRD, JR. Mayor

ATTEST:



JUDY SMITH, City Clerk

APPROVED AS TO FORM:



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)

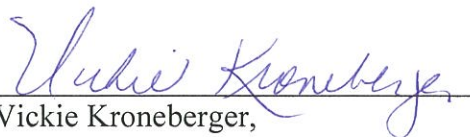
I, Vickie Kroneberger, Executive Assistant/Deputy City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R13-04** was duly and regularly approved and adopted by the City Council of the City of Palos Verdes Estates at its regular meeting of the City Council on the 22nd day of January, 2013, by the following vote:

AYES: COUNCILMEMBERS: Bird, Goodhart, Rea, Humphrey

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

RECUSED: COUNCILMEMBER: Perkins



Vickie Kroneberger,
Executive Assistant/Deputy City Clerk