

RESOLUTION NO. R13-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, AFFIRMING PLANNING COMMISSION DENIAL OF NC-1449/GA-1500/M-887-12, NEIGHBORHOOD COMPATIBILITY, GRADING, AND MISCELLANEOUS APPLICATIONS FOR A NEW SINGLE FAMILY RESIDENCE LOCATED AT 2854 VIA VICTORIA.

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

Section 1. On July 17, 2012, applications for Neighborhood Compatibility, Grading, and Miscellaneous were submitted for the property located at Lot 6, Block 2343 of Tract 7332 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 2854 Via Victoria, Palos Verdes Estates, California ("the Property"). The applications sought approval of a new 8,329 sq. ft. single family residence with 513 cu. yds. of earth movement, miscellaneous detached structures, and a retaining walls exceeding the allowable height.

Section 2. On December 18, 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, site plans and received and considered oral testimony from the applicant and others. Concerns were raised regarding the view impacts and the applicant indicated that there was already an agreement with the neighbor at 2848 Via Victoria to reduce the southern wing. The project was continued.

Section 3. On January 15, 2013, 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, site plans and received and considered oral testimony from the applicant and others. Concerns were raised regarding the view impacts. There was also discussion regarding privacy impacts in relationship to the second story deck. The project was continued.

Section 4. On February 19, 2013, 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, site plans and received and considered oral testimony from the applicant and others. Concerns were raised regarding the view impacts from the deck extension on the southern wing and the large eaves. The project was continued.

Section 5. On March 19, 2013, the Planning Commission felt the project was still large, still aggressive, and there were still impacts to the view of the neighbor at 2848 Via Victoria. The Planning Commission voted (3-1, Chang dissenting) to deny the project.

Section 6. On April 3, 2013, an appeal was filed by the Applicant (“Appeal”). The Appeal indicates that several modifications were made to the project in response to the concerns expressed and the project should have been approved.

Section 7. On April 23, 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 8. Based on the evidence presented, the City Council finds and determines as follows:

a. That the proposed development is not designed 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. The proposed residence is significantly larger than other residences in the neighborhood, both in terms of floor area and floor area ratio;

b. That the proposed development is not designed in a manner which will minimize to the greatest extent practicable the privacy and view impacts of persons residing on adjacent properties. The design and massing of the proposed residence significantly impacts the privacy and view of the residents at 2848 Via Victoria as well as the light, privacy, and air to the residents at 2860 Via Victoria. Specifically, the large eaves and additional proposed massing towards 2848 Via Victoria significantly impacts their views and the applicant has not taken reasonably practicable measures to eliminate or reduce such impact.

Section 9. 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 § 19.02. 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 10. 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 14th day of May, 2013.

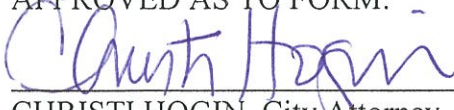

ELLEN PERKINS, Mayor Pro Tempore

ATTEST:



VICKIE KRONEBERGER, Deputy 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)

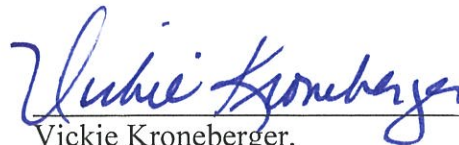
I, Vickie Kroneberger, Executive Assistant/Deputy City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R13-13** was duly and regularly approved and adopted by the City Council of the City of Palos Verdes Estates at its regular meeting of the City Council on the 14th day of May, 2013, by the following vote:

AYES: COUNCILMEMBERS: Perkins, Bird, Humphrey

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Goodhart

RECUSED: COUNCILMEMBER: Rea



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 May 22, 2013, in the course of my duties as Executive Assistant/Deputy City Clerk, I placed a true copy or copies of Resolution No. R13-13 in a sealed envelope or envelopes addressed as follows:

Owner
2854 Via Victoria
Palos Verdes, CA 90274

Albro L. Lundy III
Baker, Burton, & Lundy
515 Pier Avenue
Hermosa Beach, CA 90254

Joseph Spierer
707 Torrance Blvd., Suite 100
Redondo Beach, CA 90277

Anderson Da Silva
102-A Paseo De La Playa
Redondo Beach, CA 90277

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 May 22, 2013 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)