

RESOLUTION NO. R13-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, AFFIRMING PLANNING COMMISSION APPROVAL OF CDP-78R/GA-1463R-12, REVISED COASTAL DEVELOPMENT PERMIT AND GRADING APPLICATIONS FOR THE NEW SINGLE FAMILY RESIDENCE LOCATED AT 2717 PASEO DEL MAR

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

Section 1. On October 16, 2012, applications for Revised Coastal Development Permit and Grading were submitted for the property located at Lot 6 of Tract 19787 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 2717 Paseo Del Mar, Palos Verdes Estates, California ("the Property"). The applications sought approval of hardscape improvements to the rear yard including a new barbecue, new fountain, a new planter wall, and a new central stairway resulting in 416 cu. yds. of grading.

Section 2. On January 15, 2013, 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 lack of silhouetting and it was requested that the structures be moved out of the building setbacks, and that the outline of the adjacent homes be shown on the site plan. The project was continued.

Section 3. On March 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, having proposed structures within the building setbacks, and the amount of grading. The project was continued.

Section 4. On April 16, 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 barbecue element and the hardscape located within the building setback areas. The project was continued.

Section 5. On May 21, 2013, Since the April review, the barbecue had been eliminated, the lower retaining wall had been moved out of the southern side yard setback, the amount of hardscape had been reduced, and some of the proposed trees had been eliminated. The overall grading had also been reduced by 14 cu. yds. The Planning Commission accepted the various

modifications made to reduce impacts and voted (4-0) to approve the project as revised and subject to certain conditions.

Section 6. On June 5, 2013, an appeal was filed by the Neighbor at 2721 Paseo Del Mar ("Appeal"). The Appeal indicates that the proposed revisions do not meet the findings required for approval set forth by the Coastal Development Permit and Grading Permit sections of the Municipal Code.

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

- a. The development is sited on the least visible portion of the site as seen from public view points;
- b. The development conforms to the scale of existing surrounding development as similar grading has been done on adjacent lots, lowering these lots to a similar elevation as proposed on the Property;
- c. The development incorporates landscaping to soften and screen structures as the majority of the development will be landscaped, including vegetation in front of the new walls;
- d. The development incorporates materials, colors, and/or designs which are compatible with natural surroundings, specifically the materials utilizing earth tones and screening vegetation, as detailed in the plan dated May 9, 2013.
- e. The proposed grading will not unreasonably change the natural contours of the land as similar grading has been done on adjacent lots, lowering these lots to a similar elevation as proposed on the Property, such that the amount of grading is reasonable in order to develop the lot compatibly with the neighborhood in which it is situated;
- f. The proposed grading will not create a hazard to the immediate or adjacent property as the project has received preliminary approval from the City's Geologist.
- g. The proposed grading will not unreasonably interfere with the use and enjoyment of property by other persons in the city.

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 is categorically exempt from CEQA pursuant to California Administrative Code Title 14, Chapter 3, Section 15303 and complies with the requirements of PVEMC § 19.02. The City Council denies the appeal of the Planning Commission's determination and determines that the Project shall be approved.

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 23rd day of July, 2013.



JAMES F. GOODHART, Mayor

ATTEST:



VICKIE KRONEBERGER, Deputy 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)

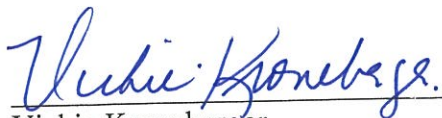
I, Vickie Kroneberger, Executive Assistant/Deputy City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R13-22** was duly and regularly approved and adopted by the City Council of the City of Palos Verdes Estates at its regular meeting of the City Council on the 23rd day of July, 2013, by the following vote:

AYES: COUNCILMEMBERS: Goodhart, Humphrey, Rea, Bird

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

RECUSED: COUNCILMEMBER: Perkins



Vickie Kroneberger,
Executive Assistant/Deputy City Clerk