

RESOLUTION NO. R13-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, AFFIRMING PLANNING COMMISSION DENIAL OF NC-1464/GA-1505/M-906-13; 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 February 11, 2013, application 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 7,558 sq. ft. single family residence with a 56 sq. ft. detached pool bath, a nonstandard driveway, a nonstandard walkway, and various tall retaining walls.

Section 2. On May 21, 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 height and safety of the driveway element as well as its proximity to the property line adjacent to 1995 Paseo Del Sol. There was also discussion regarding the size and massing of the structure. The project was continued.

Section 3. On June 18, 2013, the Planning Commission conducted a continued 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 driveway and retaining wall design unreasonably impacting the neighbors on Paseo Del Sol and utilizing towering walls. There were also concerns regarding the massing and looming impacts to the properties on Via Somonte. The Planning Commission ultimately voted to deny the applications.

Section 4. On July 3, 2013, an appeal was filed by the owners (“Appeal”), Memet and Muge Kocarlan. The appeal contends that the project is compatible with the surrounding neighborhood in respect to size, coverage, and the general City guidelines.

Section 5. On September 10, 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. That the proposed development is designed in a manner which will not be compatible with the existing neighborhood character in terms of scale of development and relation to surrounding residences and other structures. Due to the topography and down sloping nature of the lot, the driveway is designed to ramp upward several feet to the street level. This increase in elevation coupled with the driveway turning radius creates tall retaining walls within the side yard setback. Thus, project driveway and related wall are large and tower over adjacent properties, particularly 1995 Paseo Del Sol;

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 driveway and related wall impact existing privacy and views, specifically that the structure encroaches into the side yard and crowds the adjacent property;

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 24th day of September, 2013.


JAMES R. GOODHART, Mayor

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 **R13-28** 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 September, 2013, by the following vote:

AYES: COUNCILMEMBERS: Goodhart, Perkins, Humphrey, Rea, Bird
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
RECUSED: COUNCILMEMBER: None



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 September 26, 2013, in the course of my duties as Executive Assistant/Deputy City Clerk, I placed a true copy or copies of Resolution No. R13-28 in a sealed envelope or envelopes addressed as follows:

Memet & Muge Kocarslan
372 Via Almar
Palos Verdes Estates, CA 90274

Steve Kuykendall
400 W. Ocean
Long Beach, CA 90802

George M. Sweeney & Assoc.
3 Malaga Cove Plaza #201
Palos Verdes Estates, CA 90274

Greenberg, Whitcombe & Takeuchi, LLP
21515 Hawthorne Blvd., Suite #450
Torrance, CA 90503

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 September 26, 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)