

RESOLUTION NO. R14-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, CONFIRMING THE PLANNING COMMISSION'S APPROVAL OF CDP-92/NC-173/GA-1511-13; COASTAL DEVELOPMENT PERMIT, NEIGHBORHOOD COMPATIBILITY AND GRADING APPLICATIONS FOR A NEW SINGLE FAMILY RESIDENCE LOCATED AT 715 PASEO DEL MAR, WITH CERTAIN MODIFICATIONS

WHEREAS, on May 14, 2013, applications for Coastal Development Permit, Neighborhood Compatibility, Grading and Miscellaneous were submitted for the property located at Lot 5, Block 1432 of Tract 6886 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 715 Paseo Del Mar, Palos Verdes Estates, California ("the Property"). The applications sought approval of a new 7,054 sq. ft. single family residence and a 1,477 sq. ft. two story accessory structure, with 742 cu. yds. of earth movement (the "Project").

WHEREAS, on September 17, 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 and site plans and received and considered oral testimony from the applicant and others. Concerns were raised regarding size, and privacy impacts mainly due to the proposed accessory structure. The Project was continued.

WHEREAS, on October 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 and site plans and received and considered oral testimony from the applicant and others. Concerns regarding size and privacy remained. The Project was continued.

WHEREAS, on December 17, 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 and site plans and received and considered oral testimony from the applicant and others. The Project was modified to eliminate the previously proposed two story accessory structure. Concerns were raised regarding size and privacy. Following the conclusion of the public discussion and thorough deliberation of the subject matter, the Planning Commission approved CDP-92/NC-1473/GA-1511-13; Coastal Development Permit, Neighborhood Compatibility and Grading applications for a new single family residence located on the Property.

WHEREAS, on December 30, 2013, an appeal was timely filed by Ms. Katina Torino ("Appellant"), a neighbor at 709 Paseo Del Mar ("Appeal"). The Appeal stated that a portion of the addition to the home should be considered an accessory structure and hence not be approvable

because it adversely affects the neighboring properties. The Appeal also expressed concern about privacy and the size of the Project.

WHEREAS, on February 11, 2014, 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 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.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, DOES HEREBY RESOLVE, AS FOLLOWS:

Section 1. Based on the evidence presented, the City Council hereby finds and determines as follows:

1. Each fact set forth in the recitals above is true and correct.
2. Each fact set forth in the memorandum for Agenda Item Number 6, Meeting Date: February 11, 2014, from Planning staff, presented to the City Council on said date, is true and correct.
3. This Project is exempt from the California Environmental Quality Act (CEQA) pursuant to California Administrative Code Title 14, Chapter 3, Section 15303 (New construction or conversion of small structures).
4. That there are legitimate privacy concerns caused by the Project as approved by the Planning Commission, in particular: the eaves in the proposed Project extend into the side yard setbacks; currently, an existing outdoor shower and pool equipment are located in the setbacks; two second story windows on the west elevation of the proposed secondary structure at the rear of the property, along with an outdoor deck on the secondary structure, provide a view onto the Appellant's tennis courts and private patio.
5. The City Council desires to approve the Project but with certain modifications to address the privacy concerns caused by the Project.

Section 2. Pursuant to the foregoing, the City Council makes the additional following findings:

COASTAL DEVELOPMENT PERMIT:

1. The plans for the proposed development and the Coastal Development Permit comply with all of the requirements of Title 19 of the Municipal Code and other relevant City ordinances and development standards;
2. The proposed use is consistent with the certified local coastal plan, the General Plan, any applicable specific plan, and the applicable zoning ordinance(s);
3. The proposed use will not be visually intrusive from public view points;
4. The required reports and plans demonstrate to the satisfaction of the City , in its sole discretion, that the proposed use can be supported by the bluff and that the proponent has demonstrated that proposed use will not increase any existing geologic hazards; and,
5. The proposed development, when located between the sea and the first public road inland from the sea, is in conformance with the public access and recreation policies of the California Coastal Act as contained in Chapter 3, Sections 30200 through 30224 of the California Public Resources Code, the applicable sections of the California Administrative Code and the local coastal plan.

NEIGHBORHOOD COMPATIBILITY:

1. That the proposed development is designed and will be developed to preserve to the greatest extent practicable the natural features of the land, including the existing topography and landscaping;
2. That the proposed development is designed and will be developed 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;
3. That the proposed development is designed and will be developed in a manner which will preserve to the greatest extent practicable the privacy of persons residing on adjacent properties; and,
4. That the proposed development is designed and will be developed in a manner to the extent reasonably practicable so that it does not unreasonably interfere with neighbors' existing views.

GRADING PERMIT:

1. The proposed grading will not unreasonably change the natural contours of the land;

2. The proposed grading will not create a hazard to the immediate or adjacent property; and
3. The proposed grading will not unreasonably interfere with the use and enjoyment of property by other persons in the City.

Section 3. Pursuant to the foregoing, the City Council hereby confirms the Planning Commission's decision to approve Coastal Development Permit Number CDP-92-13, Neighborhood Compatibility Application Number NC-1473-13, and Grading Permit Number GA-1511-13, subject to the following conditions:

1. This approval is granted for the land or land use as described in the application and any attachments thereto, and as shown on the plot plan submitted and reviewed.
2. All buildings, fences, signs, roadways, parking areas, and other facilities or features shall be located and maintained as shown on the approved plans.
3. All buildings and structures shall be of the design as shown on the approved plans.
4. Compliance with and execution of all conditions listed herein shall be necessary prior to obtaining final building inspection clearance and/or prior to obtaining any occupancy clearance. Deviation from this requirement shall be only by written consent of the Director of Planning.
5. Expiration of the Miscellaneous Application approval shall be governed by the provisions of the City of Palos Verdes Estates Municipal Code that are applicable to the expiration of the Neighborhood Compatibility approval.
6. All requirements of any law, ordinance, or regulation of the State of California, City of Palos Verdes Estates, and any other governmental entity shall be complied with.
7. This approval is subject to the applicant paying all fees and assessments to the City of Palos Verdes Estates, as required by Ordinance.
8. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant shall be required to pay any and all cost of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amiably resolved, unless the City should otherwise agree with the applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.

9. The applicant shall defend, indemnify, and hold harmless the City and its officers, agents, and employees from any claim, action or proceeding against the City or its officers, agents or employees to attach, set aside, void, or annul approval of this application. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense.
10. An approval granted by the Planning Commission does not constitute a building permit or authorization to begin any construction. An appropriate permit issued by the Department of Building and Safety must be obtained prior to construction, enlargement, relocation, conversion, or demolition of any building or structure within the City.
11. The owner shall provide for the planting of trees in the parkway adjacent to the site of the building in accordance with the recommendation of the Public Works Director or authorized designee.
12. The owner shall provide for the improvement of streets, alleys, walks, and drainage courses adjacent to the site of the building in conformance with standards and specifications of the City and plans approved by the City Engineer.
13. All pool/spa equipment and air conditioning units shall be contained in sound attenuating structures, subject to the approval of the City Engineer.
14. The owner shall provide a “Knox box” universal gate lock, if applicable, accessible to the police and fire departments. Applicants are advised to contact 1-800-552-5669 with any questions.
15. All non-standard encroachments shall be removed from any Parkland adjacent to the subject property, unless specifically approved otherwise by the Planning Commission.
16. The height of all new fireplace chimneys shall be the minimum allowable per the Building Code and the height of the chimney cap shall not exceed 30”.
17. A landscape plan and certification are required for all projects proposing new or altered landscaping that is 5,000 sq. ft. or more.
18. A standard urban stormwater mitigation plan, approved by the City Engineer shall be prepared and implemented for the Project.
19. The proposed window on the second floor in the area closest to and facing the property of 717 Paseo Del Mar, shall be removed from the design.

20. That all eaves in the Project shall be removed from the setbacks; if necessary to remove the eaves, the size of the structure in the rear of the Property shall be reduced in size, so to that there are no additional impacts to other neighbors based on the removal of the eaves from the setbacks.
21. Any and all structures currently in the setback, including the existing outdoor shower and pool equipment, shall be removed from the setback.
22. The two second story windows on the west elevation of the secondary structure at the rear of the property shall be translucent windows only.
23. The outdoor deck on the secondary structure in the Project shall be eliminated from the design.

Section 4. The Deputy 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 **25th** day of **February**, 2014.



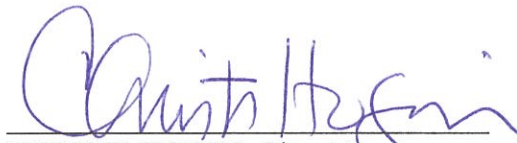
JAMES GOODHART, Mayor

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 **R14-15** 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 25th day of February, 2014, by the following vote:

AYES: COUNCILMEMBERS: Goodhart, Bird, Humphrey, Rea

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

RECUSED: COUNCILMEMBER: Perkins


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 February 28, 2014, in the course of my duties as Executive Assistant/Deputy City Clerk, I placed a true copy or copies of Resolution No. R14-15 in a sealed envelope or envelopes addressed as follows:

Katina Torino
709 Paseo Del Mar
Palos Verdes Estates, CA 90274

Henry H. Oh
550 South Hope Street #1050
Los Angeles, CA 90071

Tomaro Architecture
2617 N. Sepulveda Blvd.
Manhattan Beach, CA 90266

Joseph A. Schwar
Peterson Law Group
633 W. 5th Street, Ste. #2800
Los Angeles, CA 90071

Greg Geiger
715 Paseo Del Mar
Palos Verdes Estates, CA 90274

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 February 28, 2014, 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)