

RESOLUTION NO. R15-40

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, APPROVING ON APPEAL FROM THE PLANNING COMMISSION NC-1528/G-1551/M-1057-15; NEIGHBORHOOD COMPATIBILITY, GRADING AND MISCELLANEOUS APPLICATIONS FOR A NEW SINGLE FAMILY RESIDENCE LOCATED AT 521 & 525 VIA ALMAR, WITH ADDITIONAL MODIFICATIONS.

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

Section 1. Recitals.

A. On May 20, 2015, Jeffrey A. Dahl submitted applications for Neighborhood Compatibility, Grading and Miscellaneous for the property located at Lots 6 & 7 of Block 1512 of Tract 6886 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 521 & 525 Via Almar, Palos Verdes Estates, California (“the Property”). The applications sought approval of a new 5,642 sq. ft. single family residence with 285 cu. yds. of grading and a non-standard driveway (the “Project”).

B. On September 15, 2015, the Planning Commission conducted a duly noticed public hearing on the matter. At the 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. Neighbors raised concerns regarding view impacts of the proposed residence. Following the conclusion of the public testimony and thorough deliberation of the subject matter, the Planning Commission approved NC-1528/G-1528/M-1057-15; Neighborhood Compatibility, Grading, and Miscellaneous applications for a new single family residence located on the Property.

C. On September 30, 2015, an appeal was timely filed by Roger and Linda Mercier (“Appellants”), neighbors who live at 520 Via Almar (“Appeal”). The Appeal stated that the project materially damages the view from their property, the project raises the roofline at 521 Via Almar by 5 ft., and the Commission failed to impose reasonable modifications to provide protection of existing views.

D. On September 30, 2015, an appeal was also timely filed by Ralph and Kathleen Lettieri, neighbors who live at 524 Via Almar. Prior to the hearing on the Lettieris’ appeal, Applicant and the Lettieris entered into a compromise agreement which reduced certain ridge heights and the height of a chimney, and also confirmed that there would be no increases of height related to the project. The City Council referenced the Lettieri/Lundblad binding compromise at the hearing on the Mercier appeal, and confirmed its understanding that the Lettieri/Lundblad compromise would also limit the development going forward.

E. On October 27, 2015, the City Council held a duly noticed public hearing on the Appeal. 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, the applicant and others; and documentary evidence, including, but not limited to, a staff report and 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.

F. On November 10, 2015 the City Council continued consideration of the resolution in order for staff to evaluate the potential changes resulting from the City Council direction to lower certain ridge lines.

Section 2. Based on the evidence presented and in light of the whole record, the City Council hereby finds and determines as follows:

A. 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). The project proposes the replacement of two existing single-family houses with a new single-family house on a lot zoned for that use and surrounded by properties developed with single-family homes.

B. As proposed, the evidence, including without limitation a number of photographs submitted for City Council review and observation of the silhouette erected to evaluate the impact, demonstrates that there are adverse view impacts caused by the Project as approved by the Planning Commission that can be feasibly avoided; in particular, the roofline increases in height by 5 ft. at 521 Via Almar unnecessarily intrude on an existing view corridor.

C. Modifications to address the view impacts caused by the Project are feasible according to examination of the plans and the testimony of both City staff and the Project architect.

Section 3. The City Council makes the additional following statutory findings with respect to each of the applications for approval submitted for the Project:

A. 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. The proposed project is generally designed to follow the existing topography at the subject site and includes a minimal amount of grading since the new residence will replace the existing two residences in the same approximate location. In addition, there is no major landscaping on the subject property;

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. The project as conditioned, will have a building height that is consistent with the west and east side neighbors. In addition, the

floor area ratio of the residence is 37.7%, which is comparable to the floor area ratio of the surrounding residences;

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. Although the proposed project includes a second story balcony, the balcony is centered in the middle of the property maximizing the setback from the west and east side neighbors. In addition, the second story side windows are kept to a minimum; 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. Although the originally proposed project increased the roofline of the existing structure by 5 feet, the project conditions require that the roofline be lowered to a height that results in an approximate 3 foot increase, thus preserving the view from 520 Via Almar.

GRADING PERMIT:

1. The proposed grading will not unreasonably change the natural contours of the land because this project replaces existing structures. The grading proposed will result in a structure that is in keeping with the size, height and placement on the lot as homes in the neighborhood;

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.

MISCELLANEOUS APPLICATION:

1. A Miscellaneous application was requested pursuant to PVEMC Section 12.04.090 to request approval of a non-standard encroachment in the City right-of-way. The non-standard encroachment consists of a non-standard driveway design that is 30 ft. wide with 3 ft. wings on each side in order to align and provide access to a three-car garage. Currently, there are two separate two-car garages on the lots, which are proposed to be removed and replaced one three-car garage. The appeal did not specifically relate to the Miscellaneous application of the non-standard encroachment.

Section 4. The City Council hereby adopts the Planning Commission's findings and approves Neighborhood Compatibility Application Number NC-1528-15, Grading Permit Application Number G-1551-15, and Miscellaneous Application Number M-1057-15, subject to the following additional conditions:

A. 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, attached hereto as Exhibit A.

B. All buildings, fences, signs, roadways, parking areas, and other facilities or features shall be located and maintained as shown on the approved plans dated September 1, 2015.

C. All buildings and structures shall be of the design as shown on the approved plans dated September 1, 2015, as modified by this resolution.

D. 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.

E. 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.

F. 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.

G. This approval is subject to the applicant paying all fees and assessments to the City of Palos Verdes Estates, as required by Ordinance.

H. 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 property owners, and their successors in interest, 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 owners to waive said fees or any part thereof. The foregoing shall not apply if the property owner prevails in the enforcement proceeding.

I. The property owners, and their successors in interest, shall indemnify and defend the City of Palos Verdes Estates and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.

J. An approval of planning applications 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.

K. 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.

L. 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.

M. All pool/spa equipment and air conditioning units shall be contained in sound attenuating structures, subject to the approval of the City Engineer.

N. 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.

O. All non-standard encroachments shall be removed from any Parkland adjacent to the subject property, unless specifically approved otherwise by the Planning Commission.

P. 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”.

Q. A landscape plan is required for all projects proposing 500 sq. ft or more of new or altered landscaping.

R. A licensed survey of the total floor area shall be completed and submitted to the City to verify compliance with the approved floor area for the subject lot.

S. The street tree within the City right-of-way shall be replaced, subject to the review and approval of the City Forester, or payment in an amount of \$500 to the City treebank shall be required.

T. Prior to issuance of building permits, the property owners shall:

1. Execute a Covenant and Agreement to Hold Property as One Parcel in a form approved by the City Attorney; and
2. File for and obtain a “lot tie” from the Los Angeles County Assessor’s Office.

U. Drainage to Via Media shall be within a dedicated drainage easement.

V. The north-south ridgeline perpendicular to the street on the eastern side of the property with an elevation of 159.2 shall be reduced not to exceed an elevation of 157.3.

Section 5. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this 8th day of December, 2015.


JAMES F. GOODHART, Mayor

ATTEST:


VICKIE KRONEBERGER, City Clerk

APPROVED AS TO FORM:


CHRISTI HUGIN, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF PALOS VERDES ESTATES)

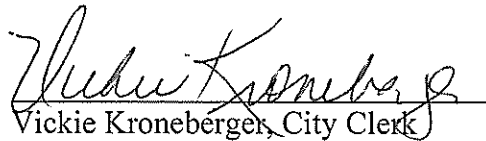
I, Vickie Kroneberger, City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R15-40** was duly and regularly approved and adopted by the City Council of the City of Palos Verdes Estates at its regular meeting of the City Council on the 8th day of December, 2015, by the following vote:

AYES: COUNCILMEMBERS: Goodhart, King, Peterson, Rea, Vandever

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

RECUSED: COUNCILMEMBER: None


Vickie Kroneberger, City Clerk