

## RESOLUTION NO. R16-17

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, APPROVING ON APPEAL FROM THE PLANNING COMMISSION NC-1541/G-1559/M-1053/M-1066-15; NEIGHBORHOOD COMPATIBILITY, GRADING AND MISCELLANEOUS APPLICATIONS FOR A NEW SINGLE FAMILY RESIDENCE LOCATED AT 2812 VICTORIA PLACE, 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 August 13, 2015, Rosa Velazquez submitted applications for Neighborhood Compatibility, Grading and Miscellaneous for the property located at Lot 16 of Block 2450 of Tract 7332 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 2812 Victoria Place, Palos Verdes Estates, California (“the Property”). The applications sought approval of a new 5,390 sq. ft. single family residence with 798 cu. yds. of grading, an accessory structure exceeding 8 ft. in height, and non-standard encroachments within the City right-of-way such as a 28 ft. wide driveway and curved walkway (the “Project”).

B. On October 20, 2015, the Planning Commission conducted a hearing on the matter. 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 Planning Commission raised concerns with the privacy and noise impacts of the project. Following the conclusion of the public testimony and thorough deliberation of the subject matter, the Planning Commission continued the Project to the November 17, 2015 Planning Commission meeting. The applicant did not submit revised plans in time for the November 17, 2015 meeting nor the December 15, 2015 meeting and the project was continued to the January 19, 2016 Planning Commission meeting.

C. On January 16, 2016, the Planning 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 Planning Commission raised concerns with privacy impacts and the massing of the project. Following the conclusion of the public testimony and thorough deliberation of the subject matter, the Planning Commission continued the Project to the February 16, 2016 Planning Commission meeting.

D. On February 16, 2016, 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. The Planning Commission raised concerns with privacy impacts from the outdoor patio area and raised deck at the rear yard. Following the conclusion of the public testimony and thorough deliberation of the subject matter, the Planning Commission approved, in part, NC-1543/G-1560/M-1064/M-1065-15 as it relates to the proposed single family residence, grading for

the proposed residence, and the non-standard encroachments of the Project, subject to conditions. The outdoor patio area and raised deck at the rear yard were denied.

E. On March 1, 2016, an appeal was timely filed by Rebecca Wery (“Appellant”), the property owner of 2806 Victoria Place (“Appeal”). The Appellant indicates with the proposed Project, all privacy on the Appellant’s property will be lost with a straight view into the Appellant’s kitchen, dining area, and back deck. The Appeal also requested that the upper level be moved to the center of the property, that the ridgeline be brought back down to the existing ridge height of 236.5, and that the south facing privacy wall of the second story deck be raised to 6 ft.

F. On April 26, 2016, 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 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.

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 to demolish the existing single-family residence and construct a new single-family residence 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 privacy and massing impacts caused by the Project; in particular, the addition of a second story creates massing along the north and south elevations and the placement of windows along the south elevation creates privacy concerns to the southerly neighbor, which both can be feasibly avoided.

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

D. Appropriate conditions may be imposed to address the privacy and massing impacts of the proposed Project.

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 residence in the same approximate location of the existing single family residence. In addition, to the extent allowed by the Fire Department, existing landscaping on the subject property will remain;

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 north and south side neighbors. In addition, the floor area ratio of the residence is 23.9%, 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. The project, as conditioned, includes a second story deck in the center of the residence with proposed privacy walls on each side of the deck. In addition, the side facing second story windows, as conditioned, are placed high in the playroom and study room; 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. Neighbors' existing views are to the west. The Project will be located in the same approximate location of the existing residence on the east side of the subject Project, thus preserving the views from surrounding neighbors.

B. 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.

C. MISCELLANEOUS APPLICATIONS:

1. A Miscellaneous application was requested pursuant to PVEMC Section 12.04.090 to request approval of non-standard encroachments in the City right-of-way. The non-standard encroachment consists of a 28 ft. wide driveway and a curved walkway. The appeal did not specifically relate to the Miscellaneous application of the non-standard encroachments.

2. A Miscellaneous application was also requested for an accessory structure, which consists of a detached trellis, exceeding 8 ft. in height at the rear of the subject property. Based on the revised plans submitted for review at the February 16, 2016 Planning Commission meeting, the detached trellis was no longer proposed as part of the Project.

Section 4. The City Council hereby approves Neighborhood Compatibility Application Number NC-1541-15, Grading Permit Application Number G-1559-15, and Miscellaneous Application Numbers M-1053-15 and M-1066-15, subject to the following additional 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, attached hereto as Exhibit A.
2. All buildings, fences, signs, roadways, parking areas, and other facilities or features shall be located and maintained as shown on the approved plans dated February 4, 2016.
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 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.
9. 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.

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 500 sq. ft. or more.
18. A license agreement shall be submitted to defend, indemnify, and hold harmless the city, its officers, agents and employees from and against any and all loss, damage, liability, claims, demands, costs, charges, and expenses, including attorney's fees, and causes of action of whatsoever character which the City may incur, sustain or be subjected to on account of loss or damage to property or loss of use thereof, or for bodily injury to or death of any person arising out of or in any way connected to the encroachment.
19. A license agreement shall be submitted to reimburse the City for any costs incurred by the City to repair damage, restore premises, or satisfy claims incurred by reason of the encroachment.

20. The entire outdoor patio area and deck are denied. The applicant shall submit a Revised Neighborhood Compatibility application and new Grading Permit application for any proposed outdoor patio/deck improvements.
21. The south side window sill of the second story playroom shall be raised from 5 ft. to 6 ft.
22. The south side privacy wall of the second story deck shall be raised from 5 ft. to 6 ft.
23. The ridgeline of the entire residence shall not exceed a ridge elevation of 241.
24. All eaves of the residence and exterior stairs shall be removed outside of the setbacks.

Section 5. The City Clerk shall certify to the passage and adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 24<sup>th</sup> day of May, 2016.

  
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JENNIFER L. KING, Mayor

ATTEST:

  
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VICKIE KRONEBERGER, City Clerk

APPROVED AS TO FORM:

  
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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 **R16-17** 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 24<sup>th</sup> day of May, 2016, by the following vote:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

RECUSED: COUNCILMEMBER: None

  
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Vickie Kroneberger, City Clerk