

RESOLUTION NO. R16-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, AFFIRMING THE PLANNING COMMISSION APPROVAL OF NC-1551/M-1084/M-1085-15; NEIGHBORHOOD COMPATIBILITY AND MISCELLANEOUS APPLICATIONS FOR ADDITIONS AND REMODELING TO THE SINGLE FAMILY RESIDENCE LOCATED AT 1417 VIA ZUMAYA, 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 December 15, 2015, Tom Wooge submitted Neighborhood Compatibility and Miscellaneous application for the property located at Lot 69 of Tract 27438 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 1417 Via Zumaya, Palos Verdes Estates, California (“the Property”). The applications sought approval of a second floor addition consisting of a new 680 sq. ft. three-car garage and 177 sq. ft. of additional living area, a new 171 sq. ft. second story deck, accessory structure exceeding 8 ft. in height, and non-standard encroachments in the City right-of-way consisting of a 30 ft. wide driveway (the “Project”).

B. On February 16, 2016, 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 looming appearance of the addition, and the massing and privacy 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 March 15, 2016 Planning Commission meeting.

C. On March 15, 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. Following the conclusion of the public testimony and thorough deliberation of the subject matter, the Planning Commission approved NC-1551/M-1084/M-1085-15 the Project, subject to standard conditions.

D. On March 29, 2016, an appeal was timely filed by Roger Chen (“Appellant”), the property owner of 1413 Via Zumaya (“Appeal”). The Appellant indicates the new addition impacts privacy to his pool area, the new garage will block sunlight into his pool area, additional structural block walls and fence for the trash area will have an inappropriate height, and the use of materials to cover the deck posts and piles will not conform with the surrounding area.

E. On May 24, 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 add to an existing two-story single-family residence on a lot zoned for single-family residences 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 location and design of the trash yard enclosure and the second story windows in the studio and bathroom creates massing and privacy concerns to the northerly 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 includes adding additional square footage to the existing single family residence and no grading is proposed. In addition, to the extent allowed by the Fire Department, existing landscaping on the subject property, except the existing trees where the new driveway will be located, 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 proposed height of the new addition is consistent with the existing building height of the residence and is compatible with surrounding residences. In addition, the floor area ratio of the residence is 25.8%, 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. Existing landscaping provides screening of the proposed deck extension and second story addition to surrounding neighbors. In addition, the second story windows of the bathroom and studio, as conditioned, will be partially translucent; 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. The proposed height of the addition will not be higher than the main roof ridge of the existing residence, thus preserving the views from surrounding neighbors.

B. 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 30 ft. wide driveway to provide vehicular access to the proposed three-car garage. The appeal did not specifically relate to the Miscellaneous application of the non-standard encroachment.

2. A Miscellaneous application was also requested for an accessory structure, which consists of a deck extension, exceeding 8 ft. in height at the rear of the subject property. The proposed deck extension does not unreasonably affect the neighboring properties as there is existing landscaping that provide screening to adjacent properties. The appeal did not specifically relate to the Miscellaneous application of the proposed height of the deck extension.

Section 4. The City Council hereby approves Neighborhood Compatibility Application Number NC-1551-15, and Miscellaneous Application Numbers M-1084-15 and M-1085-15, 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 March 3, 2016 and the Minor Modification plans dated April 13, 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. The trash yard shall be eliminated from the side yard setback.
19. The proposed modifications in the applicant’s April 13, 2016 Minor Modification Application and as outlined in the staff report are approved as part of the project. The modifications include the following:
 - a. New privacy screen on the north side of the rear deck
 - b. Reduction in the trash enclosure length
 - c. New window privacy shutters
 - d. New landscape screening
 - e. New driveway grass rittering pavers (i.e. grasscrete)
 - f. Removal of the front trellis
 - g. Removal of the stucco masonry block wall underneath the proposed trash area, which will result in the floor slab of the trash enclosure cantilevering over the existing grade
20. The second story studio and bathroom windows shall be translucent for up to 5’-6” of the window height.

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

PASSED, APPROVED AND ADOPTED this 14th day of June, 2016.



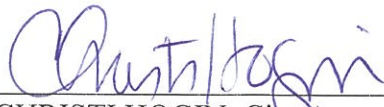
JENNIFER L. KING, Mayor

ATTEST:



VICKIE KRONEBERGER, City Clerk

APPROVED AS TO FORM:



CHRISTI HOGIN, 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 **R16-18** 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 14th day of June, 2016, by the following vote:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

RECUSED: COUNCILMEMBER: None


Vickie Kroneberger, City Clerk