

RESOLUTION NO. R16-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, DENYING NC-1552/G-1568/M-1090-16; NEIGHBORHOOD COMPATIBILITY, GRADING, AND MISCELLANEOUS APPLICATIONS FOR ADDITIONS AND REMODELING TO THE SINGLE FAMILY RESIDENCE LOCATED AT 421 VIA MEDIA.

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

Section 1. On February 9, 2016, applications for Neighborhood Compatibility, Grading, and Miscellaneous were submitted for the property located at Lots 12 & 13, Block 1511 of Tract 6886 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 421 Via Media, Palos Verdes Estates, California (“the Property”). The applications sought approval of a 1,111 sq. ft. basement, a 847 sq. ft. first floor addition, a 1,676 sq. ft. second floor, an accessory structure exceeding 8 ft. in height, and nonstandard encroachments, such as a non-standard driveway, stairs, and walls, within the City right-of-way (the “Project”).

Section 2. On March 15, 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 massing, view impacts and the building height of the proposed Project. Square footage could be removed from the second floor to reduce massing, chimneys could be reduced in height, larger view corridors could be provided to reduce view impacts and additional grading could be done to reduce the overall building height. Following the conclusion of the public testimony and thorough deliberation of the subject matter, the Planning Commission continued the Project to the April 19, 2016 Planning Commission meeting. The applicant did not submit revised plans in time for the April 19, 2016 meeting nor the May 17, 2016 meeting and the Project was continued to the June 20, 2016 Planning Commission meeting.

Section 3. On June 20, 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 applications were revised from the March 15, 2016 meeting and no longer proposed non-standard encroachments within the City right-of-way. The Planning Commission raised concerns with massing, view impacts and the ridge height of the proposed project. Volume area above the stairs could be reduced or removed to reduce massing, the ceiling heights could be reduced, the second floor could be narrower to reduce view impacts, and additional grading could be done to reduce the overall building height. Following the conclusion of the public testimony and thorough deliberation of the subject matter, the Planning Commission continued the Project to the July 19, 2016 Planning Commission meeting.

Section 4. On July 19, 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 view impacts and the qualification of the basement level. Viewpoints regarding whether the view impacts were reasonable and practicable were divided among the Commissioners. Following the conclusion of the public testimony and thorough deliberation of the subject matter, the Planning Commission vote on the applications ended in a tie.

Section 5. Pursuant to Palos Verdes Estates Municipal Code Section 17.04.100(C), a tie vote of the Planning Commission requires the project be scheduled for the first available regular meeting of the City Council for consideration after proper notice of the hearing has been provided.

Section 6. On September 13, 2016, the City Council held a duly noticed public hearing. At the public hearing, the City Council received and considered the written staff report, plans, and visual presentations; written and oral testimony of the Applicant and others; and documentary evidence, including but not limited to, a staff report, minutes and recordings of the Planning Commission hearings. 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 7. Based on the evidence presented and in light of the whole record, the City Council finds and determines as follows:

A. The proposed development is not designed in a manner which will be reasonably compatible with the existing neighborhood character in terms of scale of development in relation to surrounding residences and other structures. The proposed development consists of a two-story residence on a double lot and is massive in size compared to surrounding residences. In addition, the proposed development includes various encroachments within the setbacks, including, but not limited to roof eaves, which contribute to the overall massing of the project.

B. The proposed development is not designed in a manner which will preserve to the greatest extent practicable the privacy of persons residing on adjacent properties. There are privacy impacts to the residence to the north, more specifically with the proposed roof top deck that have not been mitigated to the greatest extent practicable.

C. The proposed development is not designed in a manner to the extent reasonably practicable so that it does not unreasonably interfere with neighbors' existing views. The addition of the second story impacts both first-story and second-story views as well as primary views to the neighbors on the south side of Via Media. The proposed impacts on neighbors' existing views has not been mitigated to the extent reasonably practicable in that ocean and white water views are dramatically impacted.

Section 10. 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 applications and determines that the Project shall not be approved. The City Council hereby finds that each finding in Section 7 above, when considered alone, would be sufficient to support its determination in this matter to deny the Project, and that it would have made the same determination had only one of such findings been present in this situation.

Section 11. The City Clerk shall certify as to the passage and adoption of this Resolution.

APPROVED AND ADOPTED this 27th day of September, 2016.



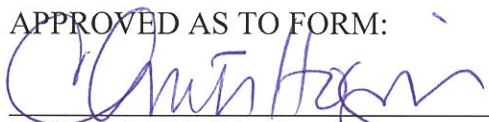
JENNIFER L. KING, Mayor

ATTEST:



VICKIE KRONEBERGER, 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, City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R16-30** 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 27th day of September, 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