

RESOLUTION NO. R17-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, APPROVING ON APPEAL FROM THE PLANNING COMMISSION NC-1578/G-1584/M-1162-16; NEIGHBORHOOD COMPATIBILITY, GRADING, AND MISCELLANEOUS APPLICATIONS FOR A NEW SINGLE FAMILY RESIDENCE LOCATED AT 4072 VIA VALMONTE, 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 September 29, 2016, Douglas Leach submitted applications for Neighborhood Compatibility, Grading, and Miscellaneous for the property located at Lot 17 of Block 6321 of Tract 7143 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 4072 Via Valmonte, Palos Verdes Estates, California (“the Property”). The applications sought approval of a new 4,461 sq. ft. single family residence (the “Project”).

B. On December 20, 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 regarding the floor area ratio, building height, privacy impacts, the looming appearance, and massing. Following the conclusion of the public testimony and thorough deliberation of the subject matter, the Planning Commission continued the Project to the January 17, 2017 Planning Commission meeting. The Project was not submitted in time for the January meeting and the Project was re-noticed for the February 23, 2017 Planning Commission meeting.

C. On February 23, 2017, 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 regarding the building height, privacy impacts, and massing particularly towards the rear of the residence and to the north of the residence. Following the conclusion of the public testimony and thorough deliberation of the subject matter, the Planning Commission continued the Project to the March 20, 2017 Planning Commission meeting.

D. On March 20, 2017, 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. Several changes were made to the plans, which included reducing the size of the second floor, providing greater second story setbacks from the northerly side property line, reducing the size of the second story deck, providing translucent glass for the bottom halves of four windows along the south elevation, and lowering the building height to address the concerns raised at the February 23, 2017 meeting. Following the conclusion of the public testimony

and thorough deliberation of the subject matter, the Planning Commission approved the Project, subject to conditions.

E. On April 4, 2017, an appeal was timely filed by Eric and Leslie Anderson (“Appellants”), the property owner of 4068 Via Valmonte (“Appeal”). The Appellants emphasized their home’s open floor plan and architectural style, the orientation of their home facing the Project, and the location of their home sitting above the applicant’s residence. The Appellants raised concerns with privacy, the looming effect of the project over their home, and the restriction of air and light to their home. The Appellants requested the City Council consider a significant reduction of the second floor square footage at the south end of the residence to facilitate a more transitional roof line.

F. On May 9, 2017, 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 reasonable privacy impacts caused by the Project to the Appellant’s property that cannot be practically avoided due to the orientation and open space of the Appellant’s home being located towards the side of the property facing the Project, the topography of both lots, and the large required setbacks for the subject property located on a corner lot. In addition, the evidence demonstrates there is a reasonable privacy impact caused by the Project to the Appellants’ property at 4068 Via Valmonte, which can be further mitigated through the use of plantings and by potentially moving the building 5 ft. towards Via Valmonte.

C. Modifications to address the privacy 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 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 generally preserves the existing topography at the subject site as the proposed project includes a minimal amount of grading. In addition, to the extent allowed by the Fire Department, several existing trees 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. There are several other two-story homes in the area that are comparable in size to the proposed residence. The floor area ratio of the residence is 39.1%, which is comparable to the floor area ratio of the surrounding residences. In addition, the massing of the project is designed sensitively to reduce impacts and be compatible with 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 second story is designed sensitively to reduce privacy impacts to surrounding neighbors, specifically, the second story provides greater setbacks than the minimum required at both the side and rear yards. In addition, all second story windows along the northwest side elevation provide translucent glass on the bottom half of the windows. Project plans also show new hedges between the subject property and the Appellants' property to provide a buffer between both properties. Lastly, a condition of approval has been added requiring a landscape plan be submitted to preserve to the greatest extent practicable the privacy of the Appellants.

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 single family residence does not unreasonably interfere with neighbors' existing views given the location of the proposed residence and surrounding residences.

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 for a 6 ft. high wall and fence combination

within the setback along Via Gorrion. The proposed wall and fence combination does not unreasonably affect the neighboring properties as the fence will enclose the applicant's rear yard area. The appeal did not specifically relate to the Miscellaneous application of the proposed fencing.

Section 4. The City Council hereby approves Neighborhood Compatibility Application Number NC-1578-16, Grading Application Number G-1584-16, and Miscellaneous Application Numbers M-1162-16, 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 November 3, 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 applicant, in consultation with the Appellants, shall submit a landscape plan for review and approval by the Director.
19. The applicant shall explore a setback modification with the Palos Verdes Homes Association in order to move the proposed residence 5 feet forward towards Via Valmonte.

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

PASSED, APPROVED AND ADOPTED this 23rd day of May 2017.



JAMES VANDEVER, 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 **R17-15** 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 23rd day of May, 2017, by the following vote:

AYES: COUNCILMEMBERS: Vandever, Peterson, King, Davidson

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

RECUSED: COUNCILMEMBER: Kao


Vickie Kroneberger, City Clerk