

## RESOLUTION NO. R17-23

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, AFFIRMING THE DECISION OF THE PLANNING COMMISSION TO APPROVE AN APPLICATION FOR NEIGHBORHOOD COMPATIBILITY, A GRADING PERMIT APPLICATION, AND A MISCELLANEOUS APPLICATION AT 2004 MUROS PLACE WITH MODIFICATION

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

#### Section 1. Recitals.

A. On December 12, 2016 an application was submitted for the property located at Lot 56 of Tract Number 30905 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 2004 Muros Place, Palos Verdes Estates, California ("the Property"). The application sought approval of Neighborhood Compatibility, Grading, and Miscellaneous applications; and,

B. On February 23, 2017, the Planning Commission conducted a public hearing on the matter, which hearing was duly and properly noticed. 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 Commission further received information and considered information regarding environmental review of the application and the determination that the project is categorically exempt from the California Environmental Quality Act. The Planning Commission raised concern regarding the building size, the floor area ratio, the gross floor area, massing, and view impacts. Following the conclusion of the public testimony and thorough deliberation of the subject matter, the Planning Commission continued the Project to the April 18, 2017 Planning Commission meeting;

C. On April 18, 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 first and second floors, removal of the second floor deck, lowering the building height by approximately 2 ft., and increasing grading from 1,388 cubic yards to 2,226 cubic yards 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;

D. On May 3, 2017, an appeal was timely filed by William Messori ("Appellant"), the property owner of 2004 Muros Place ("Appeal"). The Appellant raised concern with the Planning Commission condition of approval requiring the ridge height of the residence to be reduced by three feet. The Appellant requested that the City Council consider the need for additional grading, retaining walls, removal of bedrock and reduction in the floor plate heights to 8 feet. Projected added costs were noted to be in excess of \$200,000 and stated to create an undue hardship;

E. On July 11, 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; 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 view impacts caused by the Project to adjacent properties that can be practically avoided with a 3 ft. reduction in ridge height. In addition, the evidence demonstrates that the proposed wall adjacent to 2002 Muros Place is excessive in height causing an unnecessary aesthetic impact.

C. Appropriate conditions may be imposed to address the massing and view 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;

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;

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; 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.

B. GRADING PERMIT:

1. The proposed grading will not unreasonably change the natural contours of the land;
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 APPLICATION:

1. The Miscellaneous applications proposes walls and accessory structures exceeding 8 ft. The wall and fence combination along the easterly property line varies in height up to a maximum of 9.9 ft. A 10.5 ft. high fireplace and a 9.5 ft. high detached trellis are proposed in the rear yard. The fireplace is setback approximately 6.1 ft. from the easterly property line and the trellis is setback approximately 5 ft. from the easterly and northerly property lines. Any wall, fence or accessory structure not located in a minimum required setback adjacent to a public street which exceeds eight feet in height does not unreasonably affect any other property.

2. Any wall, fence or accessory structure located in a minimum required setback adjacent to a public street which exceeds three feet, six inches in height does not unreasonably affect any other property.

Section 4. Pursuant to the foregoing recitations and findings, the City Council approves Neighborhood Compatibility Application Number NC-1584-16, Grading Permit Number G-1590-16, and Miscellaneous Application Number M-1171-16, subject to the following 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.
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 project creates, adds or replaces more than 10,000 square feet of impervious surface; thus, the project shall comply with the City's municipal NPDES permit and requirements set forth in Municipal Code 13.08.060, Section C.**

19. The far right chimney shall be removed.

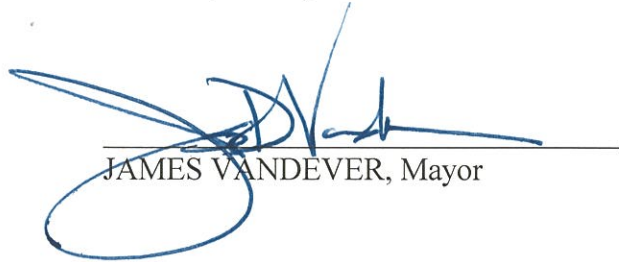
20. The two remaining chimneys shall be reduced in height and shall not exceed a height of 1 ft. above the ridgeline.

21. Both of the primary ridgelines shall be reduced by 3 ft.

22. The southerly wall adjacent to 2002 Muros Place shall be a maximum of 8 ft. in height.

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

PASSED, APPROVED AND ADOPTED this 25th day of July 2017.



JAMES VANDEVER, Mayor

ATTEST:



LAUREN PETTIT, Interim Deputy City Clerk

APPROVED AS TO FORM:



CHRISTI HOGIN, City Attorney

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

I, Lauren Pettit, Interim Deputy City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R17-23** 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 25th day of July, 2017, by the following vote:

AYES: COUNCILMEMBERS: Vandever, Peterson, King, Davidson, Kao

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

RECUSED: COUNCILMEMBER: None

  
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Lauren Pettit, Interim Deputy City Clerk