

RESOLUTION NO. R17-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, APPROVING ON APPEAL FROM THE PLANNING COMMISSION CDP-107-17; COASTAL DEVELOPMENT PERMIT APPLICATION FOR A NEW WROUGHT IRON FENCE, GATE, AND LANDSCAPING AT THE SINGLE FAMILY RESIDENCE LOCATED AT 2801 VIA SEGOVIA

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

Section 1. Recitals.

A. On July 11, 2017 and July 14, 2017, Rainville Design Studio submitted for Neighborhood Compatibility and Miscellaneous applications for the property located at Lot 1 of Tract 23062 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 2801 Via Segovia, Palos Verdes Estates, California (“the Property”). The applications sought approval of a new wrought iron fence, gate, and landscaping at the single family residence (the “Project”).

B. On October 17, 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 with some view impacts of the proposed fencing and landscaping within the setback adjacent to Paseo Del Mar and noted that if the fencing was within the setback, the height of the fencing should be limited to the height allowable by the Code. The Planning Commission indicated that the impacts were not unreasonable for the fence and landscaping located outside of the setback adjacent to Paseo Del Mar and that the proposed location was the last visible portion of the property. Following the conclusion of the public testimony and thorough deliberation of the subject matter, the Planning Commission approved the Coastal Development Permit and denied the Miscellaneous application, subject to conditions. The Planning Commission adopted Resolution No. PCR-2017-1038 approving Coastal Development Permit No. 107-17.

C. On November 1, 2017, an appeal was timely filed by Scott and Sue Kidman (“Appellants”), the property owners of 2808 Paseo Del Mar (“Appeal”). The Appellants indicated the project obstructs their ocean view and obstructs views from Paseo Del Mar. The Appellants contested the Planning Commission’s apparent finding that the height of the entire fence was not subject to the 42” height limit and contested the Commission’s finding that the entire fence did not require a Coastal Development Permit. In addition, the Appellants raised concerns with due process.

D. On November 21, 2017, the Planning Commission adopted Resolution No. PCR-2017-1050 confirming the Planning Commission’s decision to deny the Miscellaneous application.

E. On November 22, 2017, the applicant withdrew the Miscellaneous application request for a 6'-6" high fence within the required 20 ft. setback adjacent to Paseo Del Mar and declined the Planning Commission authorization to extend the proposed fence along the bluff edge.

F. On November 28, 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 new wrought iron fencing and landscaping at the rear of the property to enclose the backyard area on a lot zoned for single family residences.

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 and safety concerns of the Applicants given that the property is adjacent to City Parklands and the bluff and the rear yard currently is not enclosed. The request by the Applicants is not unreasonable and the view impacts to the Appellants property and along Paseo Del Mar are not of substantial issue.

C. Appropriate conditions have been imposed to address the 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. COASTAL DEVELOPMENT PERMIT:

1. The project is located in the R-1 zone and the Coastal Zone Overlay on the seaward side of Paseo Del Mar. There is a designated parkway, approximately 62 feet in depth, which abuts the subject property and is adjacent and parallel to Paseo Del Mar. The plans for the proposed development and the Coastal Development Permit comply with all of the requirements of Title 19 of the Municipal Code and other relevant City ordinances and development standards;

2. The proposed use is consistent with the certified local coastal plan, the General Plan, any applicable specific plan, and the applicable zoning ordinance(s);

3. The proposed use will not be visually intrusive from public view points. The undeveloped bluff top and City Parklands are located north and northeast of the subject property. The

public generally views the ocean at the bluff top within City Parklands and there is an expansive ocean view from the bluff. There will be no substantial issue associated with public view from Paseo Del Mar as a result of the project. In addition, the wrought iron fencing, as conditioned, is located on the least visible portion of the site in that given that the City parkway is approximately 62 ft. in depth along Paseo Del Mar and the wrought iron fence is situated 20 ft. from the property line. In addition, landscaping will soften the appearance of proposed fencing. Conditions have been included to require that the hedge located adjacent to the fence is maintained at six feet and six inches in height. The proposed location of the fence and hedge is on the least visible portion of the property and avoids or substantially lessens any significant impacts to views;

4. The required reports and plans demonstrate to the satisfaction of the City, in its sole discretion, that the proposed use can be supported by the bluff and that the proponent has demonstrated that proposed use will not increase any existing geologic hazards. The City Geologist conducted a preliminary site review and determined that the improvements constituted a waiver of a preliminary soil report given the nature of the project. The project only consists of an open wrought iron fence with landscaping hedges; and,

5. The proposed development, when located between the sea and the first public road inland from the sea, is in conformance with the public access and recreation policies of the California Coastal Act as contained in Chapter 3, Sections 30200 through 30224 of the California Public Resources Code, the applicable sections of the California Administrative Code and the local coastal plan. The proposed fencing and landscaping will be located entirely on private property and does not restrict public access to the bluff top and City Parklands.

Section 4. The City Council hereby approves Coastal Development Permit Application Number **CDP-107-17**, 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 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 inspection clearance. Deviation from this requirement shall be only by written consent of the Director of Planning.
5. The Miscellaneous Application is deemed withdrawn.
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 permittee 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 or City Council 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 improvement of 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.
12. Non-standard encroachments shall be prohibited from any Parkland adjacent to the subject property, unless specifically approved otherwise by the Planning Commission.
13. Irrigation and the use of fertilizers and other landscaping chemicals shall be minimized through the use of low-maintenance landscaping and efficient irrigation technology or systems
14. A landscape plan and certification are required for all projects proposing new or altered landscaping that is 500 sq. ft. or more.
15. Any hedge adjacent to the proposed fencing shall not exceed 6.5 ft.
16. A 6.5 ft. high fence shall be allowed along the 20 ft. setback line along Paseo Del Mar.

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

PASSED, APPROVED AND ADOPTED this 28th day of November 2017.




JAMES VANDEVER, Mayor

ATTEST:



LAUREN PETTIT, Deputy City Clerk

APPROVED AS TO FORM:



CHRISTI HUGIN, City Attorney

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

PASSED, APPROVED AND ADOPTED this 28th day of November 2017.

JAMES VANDEVER, Mayor

ATTEST:

LAUREN PETTIT, 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, Deputy City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R17-41** 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 28th day of November, 2017, by the following vote:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

RECUSED: COUNCILMEMBER: None


Lauren Pettit, Deputy City Clerk