

RESOLUTION NO. R18-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, APPROVING ON APPEAL FROM THE PLANNING COMMISSION NC-1601-17; NEIGHBORHOOD COMPATIBILITY APPLICATION FOR A NEW SINGLE FAMILY RESIDENCE LOCATED AT 701 MEXICO PLACE

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

Section 1. Recitals.

A. On May 15, 2017, Tomaro Architecture submitted applications for Neighborhood Compatibility, Grading, and Miscellaneous for the property located at Lot 3 of Block 1430 of Tract 6886 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 701 Mexico Place, Palos Verdes Estates, California (“the Property”). The applications sought approval of a new single family residence (the “Project”).

B. On July 18, 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, the building size, 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 August 15, 2017 Planning Commission meeting.

C. On August 15, 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, view impacts, and two separate driveways proposed for Lots 3 and 4. Following the conclusion of the public testimony and thorough deliberation of the subject matter, the Planning Commission continued the Project to the September 19, 2017 Planning Commission meeting.

D. On September 19, 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 view impacts. Following the conclusion of the public testimony and thorough deliberation of the subject matter, the Planning Commission continued the Project to the October 17, 2017 Planning Commission meeting.

E. On October 17, 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. The Planning Commission discussed that the project does create some view impacts, but the impacts were not unreasonable given the expansive views of the surrounding neighbors. The Commission noted the high walls within the setback along Mexico Place and walls at the rear of the property, which could be viewed when driving along Palos Verdes Drive West. The Commission noted vegetation on the property could impact views to the neighboring

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properties if not properly maintained. Following the conclusion of the public testimony and thorough deliberation of the subject matter, the Planning Commission unanimously continued the Miscellaneous application as it relates to the walls within the setbacks to the November 21, 2017 meeting and approved the Neighborhood Compatibility and Grading applications, subject to conditions.

F. On November 1, 2017, an appeal was timely filed by Steven Underberger (“Appellant”), the property owner of 708 Mexico Place (“Appeal”). The reasons for the appeal included the following:

1. Actual size of the proposed house is not appropriate for this neighborhood.
2. The height of this project can be reasonable and practicably lowered.
3. Chimneys should be consolidated and reduced since wood burning fireplaces are no longer allowed.
4. All perimeter walls should be no taller than the city codes allow.
5. The current driveway condition is not complete.

G. On November 21, 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 for the Miscellaneous application as it relates to the walls within the setbacks adjacent to the street. Following the conclusion of the public testimony and thorough deliberation of the subject matter, the Planning Commission denied the Miscellaneous application by a vote of 5 to 0 for a 6 ft. high block wall and 6.5 high pilasters within the setback adjacent to the street.

H. On December 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 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 raised concerns with the chimneys, the overall gross floor area, and the overall mass of the structure, particularly as viewed from below on Palos Verdes Drive West. After the conclusion of the hearing, the City Council determined that the project should be remanded back to the Planning Commission for further review to reduce the gross floor area and overall mass of the structure and to address the chimneys on the structure. The City Council did not request that the building height or the configuration of the driveway be further reviewed by the Planning Commission.

I. On January 16, 2018, 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 applicant revised the plans to eliminate the master bedroom chimney and reduced the size of the covered patios. The Commission noted that the massing was reasonable, that the first floor was buried into the grade, and that the height increase was modest. The Commission indicated it was not unreasonable for the gross floor area to exceed the maximum allowable floor area. In addition, the Commissioner noted the chimneys added to the character of the home and do not create a material impact to surrounding properties. Following the conclusion of the public testimony and thorough deliberation of the subject matter, the Planning Commission determined by a vote of 4 to 1, that the Neighborhood Compatibility and Grading applications be approved, subject to conditions.

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J. On January 31, 2018, an appeal was timely filed by Steven Underberger (“Appellant”), the property owner of 708 Mexico Place (“Appeal

K. On February 13, 2018, 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 raised concerns with the massing, the width of the building as viewed from Palos Verdes Drive West, and the overall gross floor area. Following the conclusion of the public testimony and thorough deliberation of the subject matter, the Council continued the Project to the March 13, 2018 City Council meeting.

L. On March 13, 2018, 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 raised concerns with the overall size of the structure, the lineal footage fronting Palos Verdes Drive West, and the potential view impacts from the Danna residence at 1617 Via Arriba. Following the conclusion of the public testimony and thorough deliberation of the subject matter, the Council continued the Project to the March 27, 2018 City Council meeting. Subsequently, on March 27, 2018, the City Council continued the Project to the April 24, 2018 City Council meeting.

M. On April 24, 2018, 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 view impacts caused by the Project to the adjacent properties. The main roof ridgeline of the home will only be approximately 1.5 ft. higher than the existing roof ridgeline. In addition, the massing of the structure was determined to be appropriate for the two-story home and consistent with other homes in the area. The chimneys do not create a material impact to surrounding properties.

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D. Appropriate conditions have been imposed to address the maintenance of landscaping on the subject site to mitigate view impacts of the proposed Project.

Section 3. The City Council makes the additional following statutory findings:

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 from the front of the property appears as one-story and towards the rear of the property where the grade drops, consists of two-stories. Although several trees on the subject property will be removed to allow for the development of the new single family home, the mature trees in the City right-of-way in the rear of the property will be preserved. In addition, the trees that are to remain on the property help screen the proposed building from adjacent neighbors.

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 size and orientation of the residence is compatible with the surrounding area. There are several other two-story homes in the area. The proposed project consists of the lowest level being partially buried into the grade, to reduce massing and mitigate view impacts to surrounding residences. The floor area ratio of the residence is 31.4%, 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. The subject property is currently surrounded by City right-of-way to the rear of the property, a single family home to the side of the property, and a vacant lot to the other side (south) of the property. The Project is designed so that the lowest level is partially buried into the grade, which reduces the height of the building and protects privacy to the adjacent neighbors.

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 design and location of the proposed residence and surrounding residences.

Section 4. The City Council hereby approves the Neighborhood Compatibility Application Number NC-1601-17, 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.
3. All buildings and structures shall be of the design as shown on the approved plans.

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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 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 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.

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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 existing asphalt concrete curb along the frontage of 701 Mexico Place (Lot 3) and the lot the south of 701 Mexico Place (Lot 4) shall be removed and concrete curb and gutter constructed. The curb and gutter shall be extended to join existing curb and gutter at the rear property line of 1617 Via Arriba. Separate street plans, including plan and profile, shall be prepared by a registered civil engineer and submitted for review and approval by the City Engineer.
19. The project creates, adds or replaces more than 10,000 square feet of impervious surface on Lot 3. Thus, it shall comply with the City’s municipal NPDES permit and requirements set forth in Municipal Code 13.08.060, Section C.
20. Portions of the existing wall and pilasters that lie along the southerly property line of Lot 4 encroach into City Parklands shall be removed as non-standard encroachments in Parklands.
21. The existing chainlink fencing at the rear of the property behind Lots 3 and 4 within the right-of-way along Palos Verdes Drive West shall be removed.
22. A reciprocal ingress/egress easement to the public road right-of-way across Lot 4 benefitting Lot 3 shall be prepared and submitted for review and approval by the City Engineer. The final approved easement document shall be recorded at the County Recorder’s Office prior to issuance of Certificate of Occupancy.
23. Should the Palos Verdes Homes Association and/or Art Jury not approve the shared driveway design, as shown on the site plan, the project shall be redesigned to have two separate driveways for Lots 3 and 4.
24. A lot line adjustment is proposed to move the property line between Lots 3 and 4. A Certificate of Compliance Lot Line Adjustment application shall be submitted to the City and processed in accordance with Chapter 16.24 of the City’s Municipal Code. The final approved Certificate of Compliance Lot Line Adjustment shall be recorded at the County Recorder’s Office prior to issuance of Certificate of Occupancy.

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- 25. The walls and pilasters within the setbacks adjacent to the street shall not exceed 3.5 ft. in height.
- 26. Landscape vegetation shall be limited to the ridge height of the adjacent building, except, to the extent reasonably feasible as determined by the Director, landscape within the side yards shall be maintained at 8 ft. in height if such landscape will substantially impact the ocean views of surrounding properties. The large private trees shall be trimmed utilizing acceptable arboricultural standards to provide view restoration.
- 27. The 20-inch and 24-inch box trees adjacent to the driveway on Lot 4 shall be removed.
- 28. The two trees identified as Tree C and Tree D on Lot 4 as Exhibit B to this resolution shall be removed subject to Palos Verdes Estates Homes Association approval.
- 29. No minor modifications shall be allowed with the exception of design elements that do not affect the envelope of the building.

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

PASSED, APPROVED AND ADOPTED this 24th day of April 2018.


BETTY LIN PETERSON, Mayor

ATTEST:


LAUREN PETTIT, 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 time limits set forth in Section 17.36.010 of the PVEMC and the California Code of Civil Procedure. Any person wishing to challenge the above action in Superior Court may be limited to raising only those issues raised at the public hearing, or in written correspondence delivered to the City at or prior to the public hearing.

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

I, Lauren Pettit, City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution R18-18 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 24th day of April, 2018, by the following vote:

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

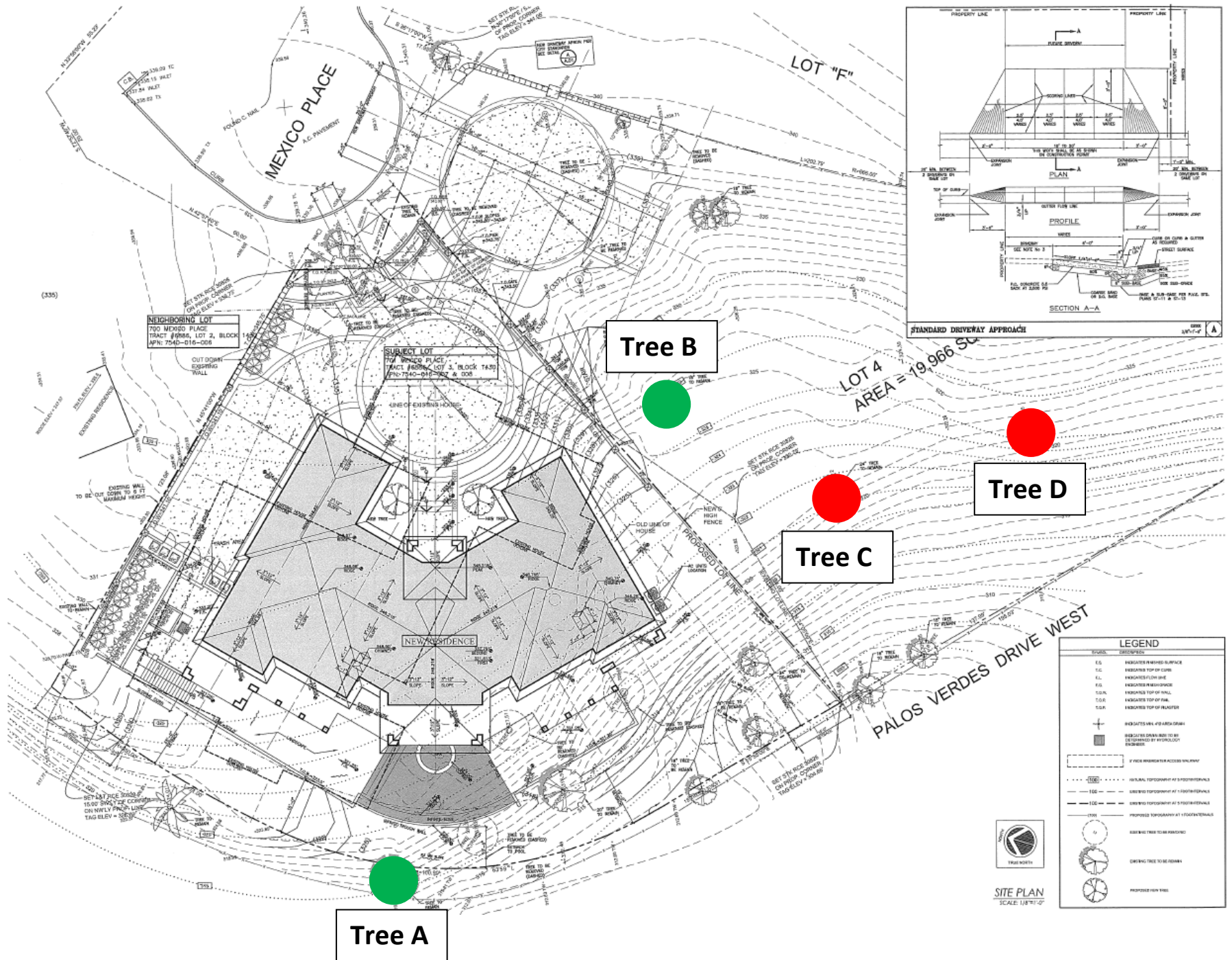
NOES: COUNCILMEMBERS: None

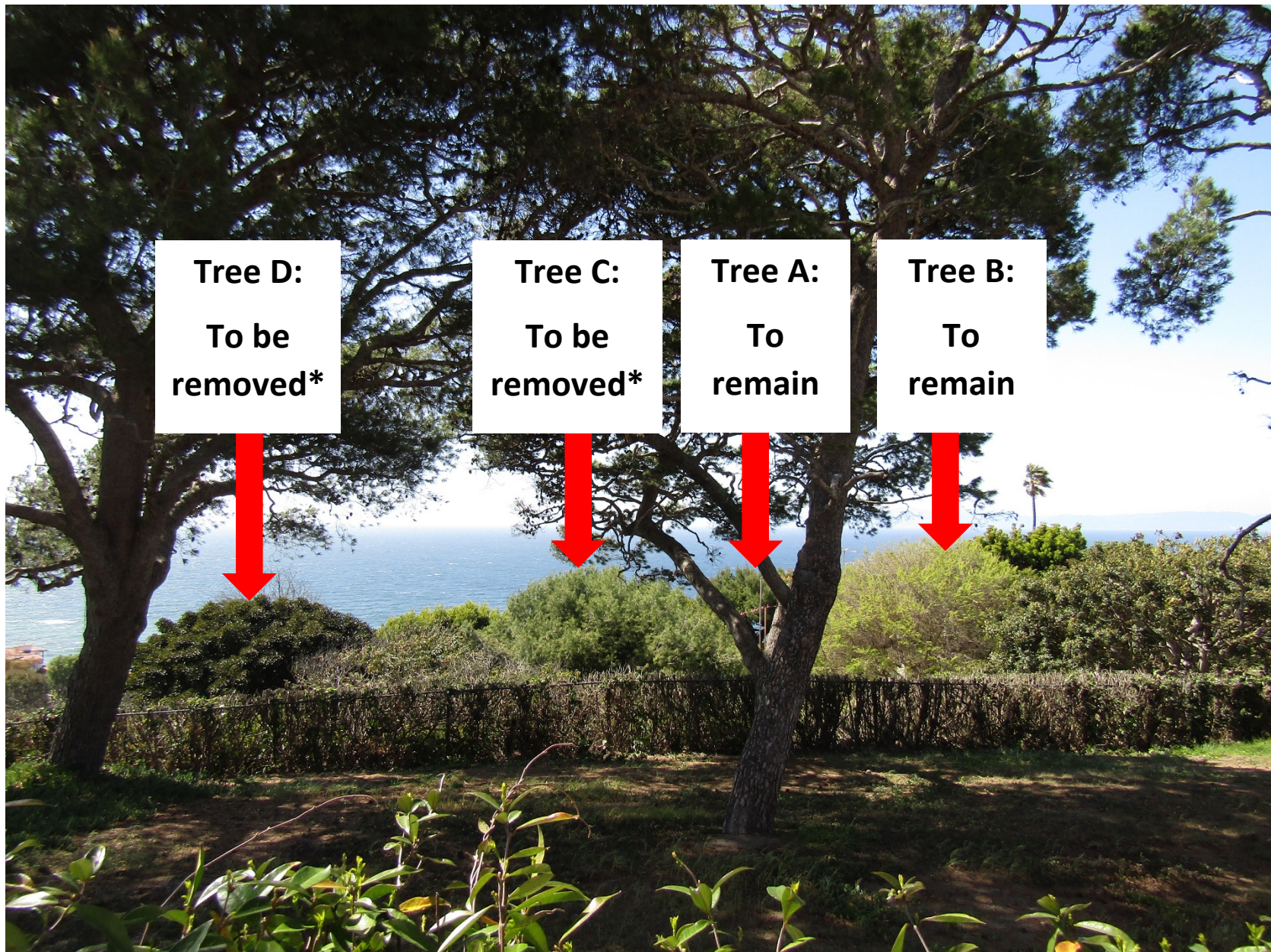
ABSENT: COUNCILMEMBERS: None

RECUSED: COUNCILMEMBER: None



Lauren Pettit, City Clerk





**Tree D:
To be
removed***

**Tree C:
To be
removed***

**Tree A:
To
remain**

**Tree B:
To
remain**

***Subject to PVHA approval**