

## RESOLUTION NO. R19-01

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, APPROVING ON APPEAL FROM THE PLANNING COMMISSION NC-1626-18; NEIGHBORHOOD COMPATIBILITY APPLICATION FOR A NEW SINGLE FAMILY RESIDENCE LOCATED AT 1509 ESPINOSA CIRCLE

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

#### Section 1. Recitals.

A. On March 9, 2018, Mark Payne submitted an application for Neighborhood Compatibility for the property located at Lot 20 of Block 1376 of Tract 6889 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 1509 Espinosa Circle, Palos Verdes Estates, California (“the Property”). The applications sought approval of a new single family residence (the “Project”).

B. On July 17, 2018, 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 August 21, 2018 Planning Commission meeting.

C. On August 21, 2018, 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 voted to approve the application with standard conditions and the special conditions.

D. On September 5, 2018, an appeal was timely filed by John and Pat Willett (“Appellant”), the property owner of 1637 Via Machado (“Appeal”). The reasons for the appeal included the following:

1. Findings for the Neighborhood Compatibility process were not properly made.
2. The height of this project can be reasonable and practicably lowered.
3. The project was not held to the same standards as similar projects approved in the past by the Planning Commission.

E. On October 23, 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 the height of the structure, particularly as viewed from the Appellant’s home. After the conclusion of the hearing, the City Council determined that the project should be continued to the December 11, 2018 City Council

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meeting to allow the applicant to remove and trim trees in the front and back yard and decrease the massing of the second floor of the proposed structure.

F. On December 11, 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 remodel the existing single-family residence and construct a new second story addition 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 massing of the structure was determined to be appropriate for the two-story home and consistent with other homes in the area.

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 will be located on the existing foundation. Although several trees on the subject property have been removed to allow for the development of the new single family home, the mature tree in the front yard of the property will be preserved.

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 floor area ratio of the residence is 41.3%, which is comparable to the floor area ratio of the surrounding residences.

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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 windows located on the southern face of the second story shall be frosted to allow for greater privacy.

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-1626-18, 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.
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

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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.
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. A landscape plan and certification are required for all projects proposing new or altered landscaping that is 500 sq. ft. or more.
17. Windows located on the southern face of the second story shall be frosted to allow for greater privacy.
18. The pepper tree located in the northern corner of the property shall be removed, subject to review and approval by the PVHA.
19. The pine tree located in the southern corner of the property shall be thinned by the applicant.
20. The roof pitch shall be modified to a 2:12 slope.
21. The plate height for the ground floor of the residence shall be 9' 6".
22. The highest ridgeline not exceed an elevation of 123 feet.
23. The chimney shall be removed.

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24. The City Pepper Tree shall be removed.

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

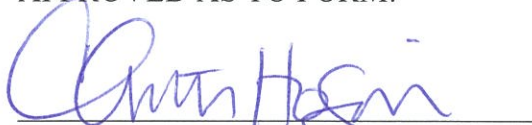
PASSED, APPROVED AND ADOPTED this 9<sup>th</sup> DAY OF JANUARY 2019.

  
BETTY LIN PETERSON, Mayor

ATTEST:

  
LAUREN PETTIT, 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, City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R19-01** 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 9th day of January, 2019, by the following vote:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

RECUSED: COUNCILMEMBER: None

  
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Lauren Pettit, City Clerk