

## RESOLUTION NO. R19-05

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, APPROVING ON APPEAL FROM THE PLANNING COMMISSION NC-1528R-18; REVISED NEIGHBORHOOD COMPATIBILITY APPLICATION FOR STRUCTURES EXCEEDING ALLOWABLE HEIGHT AT THE SINGLE-FAMILY RESIDENCE LOCATED AT 521 & 525 VIA ALMAR

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

#### Section 1. Recitals.

A. On December 5, 2018, Steven and Helen Lundblad submitted a Revised neighborhood Compatibility application for the property located at Lots 6 & 7 of Block 1512 of Tract 6886 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 521 & 525 Via Almar, Palos Verdes Estates, California (“the Property”). The applications sought approval of structures exceeding the allowable height (the “Project”).

B. On January 15, 2019, 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.

C. On January 30, 2019, an appeal was timely filed by John and Janine Nendick (“Appellant”), the property owner of 508 Via Media (“Appeal”). The reasons for the appeal included the following:

1. The applicant submitted inaccurate and misleading plans to the Planning Commission and the City Council, who relied on those plans for approval of the project in 2015 and therefore the validity of the permit issued is in question.
2. Municipal code procedures were not followed for special permits: minor modifications and the minor modification revision, affecting the validity of the approvals.
3. The Planning Commission failed to make findings explicitly required by the NCO: Natural Amenities (preserving the natural features of the land), and the resulting effect on Neighborhood Character and Privacy.

D. On February 12, 2019, 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.

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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 seeks approval for walls and structures exceeding the allowable height on a lot zoned for that use and surrounded by properties developed with single-family homes.

B. Appropriate conditions have been imposed to address the maintenance of landscaping on the subject site to mitigate privacy and massing 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. Compared to the topography originally approved through Neighborhood Compatibility, the proposed topography follows similar general contours as displayed in the attached exhibit. Additionally, the proposed terracing minimizes the elevation drop off compared to the originally approved wall, improving safety.

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. Similar walls exist immediately to the west and along the common property line with 529 Via Almar to create level yard space.

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. The privacy impacts are reasonable due to the terraced geography of the neighborhood. In addition, the structures do not extend the privacy impact from what was approved with the original Neighborhood Compatibility application.

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 structures do 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 Revised Neighborhood Compatibility Application Number NC-1528R-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.

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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.
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.

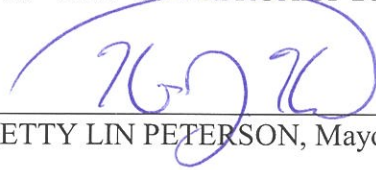
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12. The owner shall provide for the improvement of streets, alleys, walks, and drainage courses adjacent to the site of the building in conformance with standards and specifications of the City and plans approved by the City Engineer.
13. All pool/spa 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. A privacy hedge shall be planted on the east side of the property (as shown on Exhibit A) and maintained at a minimum height of elevation 136.25 feet or the height of the firepit seating area.
18. Landscape hedging shall be planted within the area on the east and north sides of the fire pit (as shown on Exhibit A).
19. There shall be no additions or increases in height to any of the fences or walls on the property.
20. There shall be no over-the-counter modifications to the property.
21. Cable rail fence shall be allowed along the top of the wall along the easterly and northerly property lines (as shown on Exhibit A), not to exceed the height of the fire pit seating wall (Elevation 136.25 feet).

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

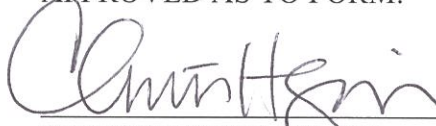
PASSED, APPROVED AND ADOPTED this 26<sup>th</sup> DAY OF FEBRUARY 2019.

for  MPT  
BETTY LIN PETERSON, Mayor

ATTEST:

  
LAUREN PETTIT, City Clerk

APPROVED AS TO FORM:

  
CHRISTI HUGIN, City Attorney

# LUNDBLAD RESIDENCE

## 525 Via Almar, Palos Verdes Estates

OWNER: Eric & Helen Lundblad  
525 Via Almar  
Palos Verdes Estates, CA 90274 (916) 752-7940

ARCHITECT: Jeffrey A. Durr / Architect  
12801 Alhambra Lane  
Houston, Texas, CA 77045 (713) 752-7940

PROJECT ADDRESS: 525 Via Almar  
Lot 683, Block 102, Tract 6245

LOT SIZE: 0.38114

ALLOWABLE FLOOR AREA: 3,675 sq ft (net area) - 1,375 sq ft (gross area)

EXISTING LOT COVERAGE: 100% (existing building is to be removed)

PROPOSED LOT COVERAGE: 100%

TOTAL LOT COVERAGE: 100%

EXISTING FLOOR AREA: 0 sq ft (to be removed)

PROPOSED FLOOR AREA: 3,675 sq ft

NET FLOOR AREA: 3,675 sq ft

GROSS FLOOR AREA: 3,675 sq ft

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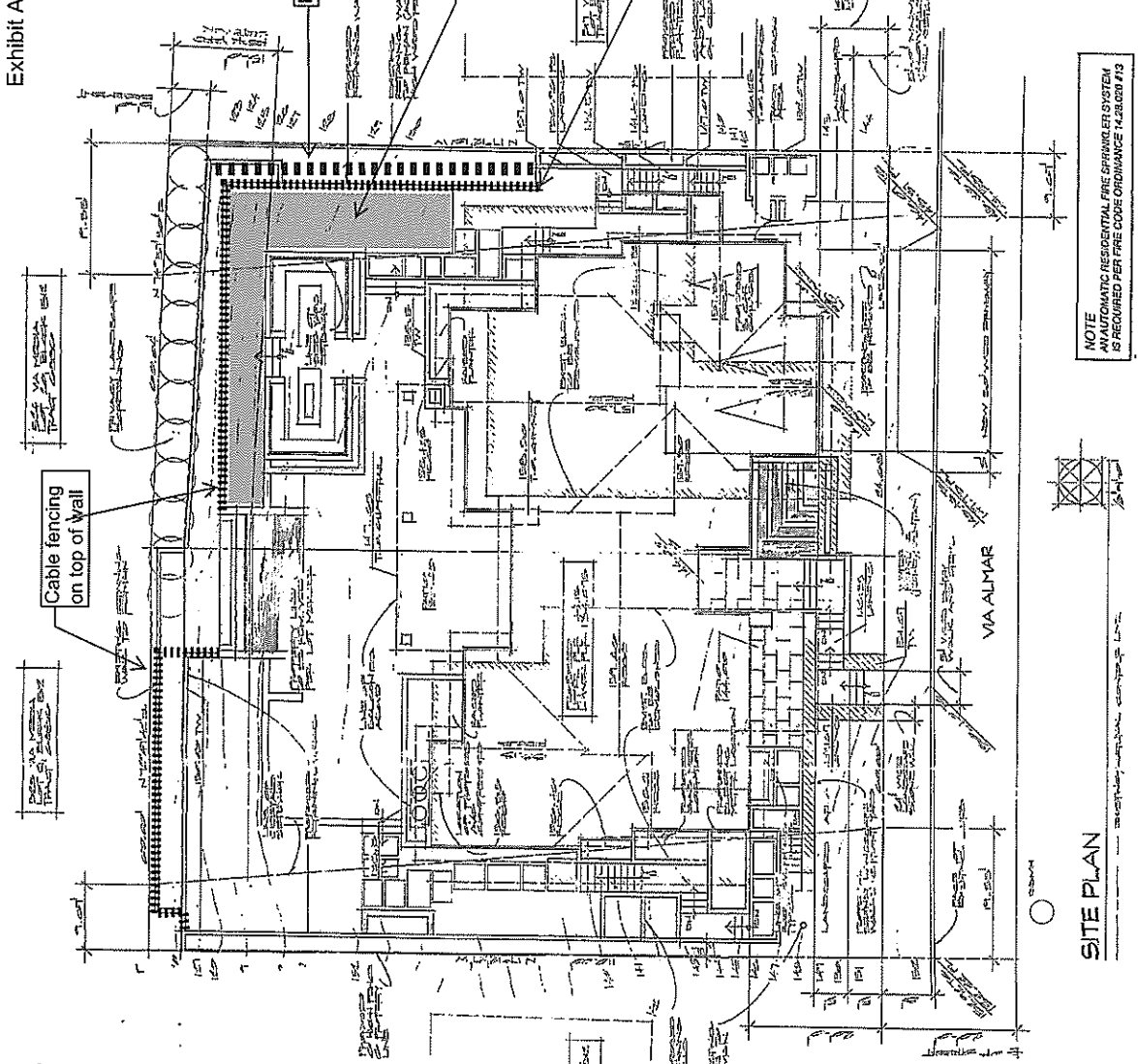
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NET FLOOR AREA: 3,675 sq ft

GROSS FLOOR AREA: 3,675 sq ft

NET FLOOR AREA: 3,675 sq ft



NOTE: AN AUTOMATIC RESIDENTIAL FIRE SPRINKLER SYSTEM IS REQUIRED PER FIRE CODE ORDINANCE 14.28.029 F13

SITE PLAN

JEREMY A. DURR  
ARCHITECT  
12801 ALHAMBRA LANE  
HOUSTON, TEXAS 77045  
713.752.7940

- CONSULTANTS**
- ARCHITECT: JEFFREY A. DURR ARCHITECT, 12801 ALHAMBRA LANE, HOUSTON, TEXAS 77045, (713) 752-7940
  - STRUCTURAL: ENGINEERING INC., 12801 ALHAMBRA LANE, HOUSTON, TEXAS 77045, (713) 752-7940
  - MECHANICAL: ENGINEERING INC., 12801 ALHAMBRA LANE, HOUSTON, TEXAS 77045, (713) 752-7940
  - ELECTRICAL: ENGINEERING INC., 12801 ALHAMBRA LANE, HOUSTON, TEXAS 77045, (713) 752-7940
  - PLUMBING: ENGINEERING INC., 12801 ALHAMBRA LANE, HOUSTON, TEXAS 77045, (713) 752-7940
  - LANDSCAPE ARCHITECT: JEFFREY A. DURR ARCHITECT, 12801 ALHAMBRA LANE, HOUSTON, TEXAS 77045, (713) 752-7940
- COUNTY OF LOS ANGELES FIRE DEPARTMENT NOTES**
1. This plan is prepared in accordance with the requirements of the Fire Code, Chapter 14.28, and the Fire Department's Fire Code Ordinance 14.28.029 F13.
  2. The Fire Department requires that the fire sprinkler system be installed in accordance with the requirements of the Fire Code, Chapter 14.28, and the Fire Department's Fire Code Ordinance 14.28.029 F13.
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STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) SS:  
CITY OF PALOS VERDES ESTATES )

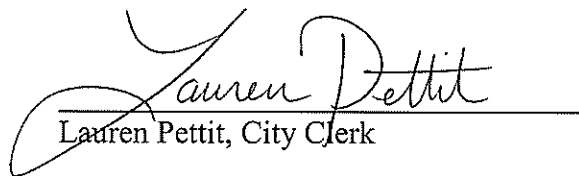
I, Lauren Pettit, City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R19-05** was duly and regularly approved and adopted by the City Council of the City of Palos Verdes Estates at its regular meeting of the City Council on the 26th day of February, 2019, by the following vote:

AYES: COUNCILMEMBERS: Kao, Davidson, King, Vandever

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Peterson

RECUSED: COUNCILMEMBER: None

  
Lauren Pettit, City Clerk