

RESOLUTION NO. R19-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, APPROVING ON APPEAL FROM THE PLANNING COMMISSION NC-1624-18 / G-1617-18 / M-1258/18; NEIGHBORHOOD COMPATIBILITY APPLICATION, GRADING PERMIT APPLICATION, AND MISCELLANEOUS APPLICATION FOR A REMODEL AND ADDITIONS TO AN EXISTING SINGLE-FAMILY RESIDENCE LOCATED AT 421 VIA MEDIA

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

Section 1. Recitals.

A. On March 7, 2018, Pritzkat & Johnson Architects, Inc. submitted Neighborhood Compatibility, Grading, and Miscellaneous applications for the property located at Lots 12 & 13, Block 1511, of Tract Number 6886 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 421 Via Media, Palos Verdes Estates, California (“the Property”). The applications sought approval of a remodel and additions to an existing single-family residence (the “Project”).

B. On May 15, 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, the width of the second floor, and massing. Following the conclusion of the public testimony and thorough deliberation of the subject matter, the Planning Commission continued the Project to the June 19, 2018 Planning Commission meeting.

C. On June 19, 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 and the width of the second floor. Following the conclusion of the public testimony and thorough deliberation of the subject matter, the Planning Commission continued the Project to the July 17, 2018 Planning Commission meeting.

D. 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 and the width of the second floor. 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.

E. 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

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others. The Planning Commission voted to approve the application with standard conditions and following additional conditions:

1. The elevations of the driveway approaches shall be plotted with the proposed design elevations based on City standards to verify that vehicles can maneuver grades, and street flood control capacity is maintained.
2. Reconstruct/repave portions of alley in public right-of-way adjacent to the rear driveway based on limits as determined by the City Engineer.
3. Per the City's Low Impact Development guidelines, the following measures shall be implemented for the design and construction of the project:
 - a. Divert roof runoff and surface flow to vegetated areas before discharge unless the diversion would result in slope instability.
 - b. Direct surface flow to vegetated areas before discharge.
4. All future vegetation shall be limited to the ridge height of the primary structure.

F. On September 5, 2018, an appeal was timely filed by Valerie Gorsuch ("Appellant"), the property owner of 420 Via Media ("Appeal"). The reasons for the appeal included the following:

1. The home does not flow from the land and instead looms over the natural topography;
2. The project is excessively massive, with an excessive amount of decks and excessively high vegetation; and
3. The circular driveway will create dangerous movements on Via Media.

G. 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 over the height of the project and its impact on neighbors' views, the excessive amount of roof deck, the placement of the house on the site, and the use of grading on the site's topography. The City Council determined that the project should be continued to the November 27, 2018 City Council meeting to allow the applicant the opportunity to address these concerns, to which the applicant accepted.

H. On November 27, 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 continued the appeal to the January 22, 2019 City Council meeting with direction given to the applicant to modify the plans to address the grading in the back yard, decrease the impact on neighbors' views, and decrease the steepness of the driveway.

I. On January 22, 2019, the City Council continued the item to the February 12, 2019 meeting at the request of the Appellant.

J. On February 12, 2019, the City Council continued the item to the February 26, 2019 meeting to allow time for the applicant and appellant to prepare a mutually acceptable agreement

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consistent with the Planning Commission's conditions.

K. On February 26, 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 hearings. 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 basement, garage additions, first floor additions, a new second story, and walls 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 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.

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.

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.

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3. The proposed grading will not unreasonably interfere with the use and enjoyment of property by other persons in the City.

4. The proposed grading will not result in substantial erosion or substantial uncontrolled water runoff.

C. MISCELLANEOUS APPLICATION:

1. 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. The City Council hereby approves the Neighborhood Compatibility Application Number NC-1624-18, Grading Permit Number G-1617-18, and Miscellaneous Application Number M-1258-18, 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 **received by the City of Palos Verdes Estates on February 19, 2019.**
3. All buildings and structures shall be of the design as shown on the approved plans **received by the City of Palos Verdes Estates on February 19, 2019.**
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.

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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 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.
12. All pool/spa equipment and air conditioning units shall be contained in sound attenuating structures, subject to the approval of the City Engineer.
13. 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.
14. All nonstandard encroachments shall be removed from any Parkland adjacent to the subject property, unless specifically approved otherwise by the Planning Commission.
15. 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".
16. A landscape plan and related certification are required for all projects proposing new or altered landscaping that is 500 sq. ft. or more.
17. **The elevations of the driveway approaches shall be plotted with the proposed design elevations based on City standards to verify that vehicles can maneuver grades and that street flood control capacity is maintained.**

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18. Reconstruct/repave portions of alley in public right-of-way adjacent to the rear driveway based on limits as determined by the City Engineer.
19. Per the City's Low Impact Development guidelines, the following measures shall be implemented for the design and construction of the project:
 - a. Divert roof runoff and surface flow to vegetated areas before discharge unless the diversion would result in slope instability.
 - b. Direct surface flow to vegetated areas before discharge.
20. All vegetation outside of the side yard setbacks shall be limited to the ridge height of the primary structure, except the existing palm tree in the northwest side of the rear yard may remain.
21. All vegetation in the side yard setbacks shall be limited to 8 feet in height.
22. No street trees shall be planted.
23. No over-the-counter Minor Modifications to the building envelope shall be approved.
24. A licensed land surveyor or registered civil engineer shall certify building elevation and floor area prior to obtaining final building inspection clearance.

Section 5. The City Council hereby denies the appeal filed by Valerie Gorsuch.

Section 6. The City Clerk shall certify to the passage and adoption of this Resolution.

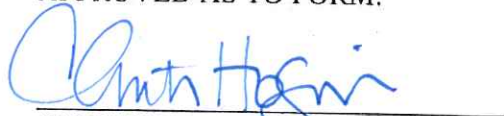
PASSED, APPROVED, AND ADOPTED this 26th DAY OF FEBRUARY 2019.


BETTY LIN PETERSON, Mayor

ATTEST:


LAUREN PETTIT, City Clerk

APPROVED AS TO FORM:


CHRISTI HUGIN, City Attorney

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

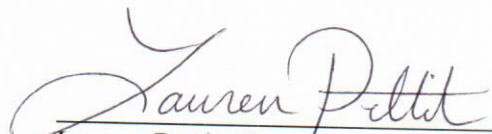
I, Lauren Pettit, City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R19-06** was duly and regularly approved and adopted by the City Council of the City of Palos Verdes Estates at its regular meeting of the City Council on the 26th day of February, 2019, by the following vote:

AYES: COUNCILMEMBERS: Kao, Davidson, King, Vandever

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Peterson

RECUSED: COUNCILMEMBER: None



Lauren Pettit, City Clerk