

RESOLUTION NO. R25-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION DECISION TO APPROVE NEIGHBORHOOD COMPATIBILITY, GRADING , AND MISCELLANEOUS, APPLICATIONS FOR A NEW SINGLE-FAMILY RESIDENCE AT 1241 VIA LANDETA, DENYING THE APPEAL TO THAT APPROVAL, APPROVING THE PROJECT, AND FINDING THE SAME EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

WHEREAS, on October 1, 2024 an application was submitted for the property located at Lot 6 and a portion of Lots 14 and 16, Block 1490, of Tract Number 6889 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 1241 Via Landeta, Palos Verdes Estates, California ("the Property"). The application sought approval of Neighborhood Compatibility, Grading, and Miscellaneous applications; and,

WHEREAS, on March 18, 2025 , the Planning Commission conducted a public hearing on the matter, which hearing was duly and properly noticed. 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 Commission further received information and considered information regarding environmental review of the application and has made the determination that the project is categorically exempt from the California Environmental Quality Act; and,

WHEREAS, following the conclusion of the public discussion and through deliberation of the subject matter, the Planning Commission determined by vote of 5 to 0, that Neighborhood Compatibility Application Number NC-019-24, Grading Permit Number G-017-24, and Miscellaneous Application Number M-050-24, should be conditionally approved as set forth herein below; and

WHEREAS, on March 31, 2025 , Parvin and Steve Jensen, appellant file an appeal of the Planning Commission decision ("Appeal"); and

WHEREAS, on April 22, 2025 the City Council held a duly noticed public hearing. At the public hearing, the City Council received and considered the written staff report which included the plans and visual presentation; written and oral testimony and others; and documentary evidence, including but not limited to, a staff report and minutes of the Planning Commission hearing.

WHEREAS, following the conclusion of the public discussion and through deliberation of the subject matter, the City Council determined by vote of 3 to 1, that Neighborhood Compatibility Application Number NC-019-24, Grading Number G-017-24, and Miscellaneous

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Application Number M-050-24, should be conditionally approved and as set forth herein below; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, DOES HEREBY RESOLVE, AS FOLLOWS:

Section 1. Based upon the evidence presented, the City Council hereby finds and determines as follows:

1. Each fact set forth in the recitals above is true and correct.
2. Each fact set forth in the memorandum for Agenda Item Number 5, Meeting Date, April 22, 2025, from planning staff, presented to the City Council on said date, is true and correct.

Section 2. Pursuant to the foregoing recitations, the following findings are made:

APPEAL

The appeal claims that a number of items were improperly located within the required setbacks for the Property. These claims are incorrect. The alleged encroachments into the setback are the following, along with the Council's findings that these items do not encroach improperly into the required setbacks.

1. North Side setback: Pool deck and corner of bedroom #2. The pool deck and corner of bedroom #2 do not encroach into the setback because the pool deck is not prohibited in setbacks so long as they do not exceed 6'-6" as measured from the lower of natural or existing grade, per Palos Verdes Estates Municipal Code (PVEMC) section 18.32.010 and bedroom #2 does not encroach within the north side yard setback.

2. South Side setback: Living area, concrete steps that run along the property line and the eaves. The "eaves" do not encroach into the setback because PVEMC sections 18.04.070, 18.04.080, and 18.04.090 allows architectural features, such as eaves, to intrude 40% of the required setback distance or five feet, whichever is less, the concrete steps is not prohibited in setbacks so long as they do not exceed 6'-6" as measured from the lower of natural or existing grade, per Palos Verdes Estates Municipal Code (PVEMC) section 18.32.010, and the living area maintains the 7-foot side yard setback per PVEMC section 18.04.080.

3. Front setback: The garage does not encroach into the setback because it is remaining in the same location as the original and the original garage location was permitted because the lot had a greater than a 1:6 slope which still exists today and the balcony located in the front of the residence has been further conditioned to mitigate privacy issues.

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The appeal also may be trying to assert that the primary bedroom balcony needs to be reduced due to massing and privacy concerns in order for the neighborhood compatibility findings to be made. The appellant did not list a legal basis or identify any findings that could not be made related to the balcony, and thus has failed to carry their burden of proof in this appeal.

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; and,

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.

GRADING:

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;

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

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

MISCELLANEOUS:

1. The proposed wall, fence or accessory structure proposed shall not adversely affect any other property

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CEQA


1. Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the City Council has analyzed the proposed project. The City Council found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Section 15303 (e) - New Construction or Conversion of Small Structures. The City Council has further determined that none of the six (6) exceptions to use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

Section 3. Pursuant to the foregoing recitations and findings, the City Council approves Neighborhood Compatibility Application Number NC-019-24, Grading Permit Number G-017-24, and Miscellaneous Application Number M-050-24, subject to the conditions outlined in Exhibit A.

Section 4. The City Clerk shall certify the passage and adoption of this Resolution.

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APPROVED AND ADOPTED this 22nd day of APRIL, 2025.

Signed by:

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VICTORIA LOZZI, Mayor

ATTEST:


Tameka Cook, City Clerk

APPROVED AS TO FORM:


TREVOR RUSIN, City Attorney

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

I, Tameka Cook, City Clerk of the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution No. **R25-10** was regularly approved and adopted at the regular meeting of the City Council on the 22nd day of April, 2025, by the following vote:

AYES: COUNCILMEMBERS: Quinn, Kemp, and Lozzi
NOES: COUNCILMEMBERS: McGowan
ABSENT: COUNCILMEMBERS: Lazzaro
RECUSED: COUNCILMEMBERS: None


Tameka Cook, City Clerk

Exhibit A
Conditions of Approval
1241 Via Landeta / NC-019-24, G-017-24, M-050-24

Check if applicable	Conditions of Approval
	Community Development Department
X	1. This approval is granted for the land or land use as described in the application, within this resolution, and any attachments thereto, and as shown on the plot plan or site plan.
X	2. The development of the property shall be in substantial conformance to the plans approved by the Planning Commission, unless otherwise designated in these conditions.
X	3. A copy of the final Planning Commission resolution shall be incorporated on the building plans submitted to the Community Development Department Building Division prior to issuance of a building permit.
X	4. Construction plans submitted to the Community Development Department Building Division shall be stamped by the Palos Verdes Homes Association (PVHA) prior to the City's issuance of a building permit.
X	5. Unauthorized walls, fences, or similar structures shall not be placed within easements. and nothing within this resolution should be construed as Planning Commission approval of the same. Any and all walls, fences, or similar structures located within an easement shall be approved by the City and PVHA prior to the City's issuance of a building permit.
X	6. This approval is subject to the applicant paying all required fees and assessments to the City of Palos Verdes Estates.
X	7. 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 Community Development Department Building Division must be obtained prior to construction, enlargement, relocation, conversion, or demolition of any building or structure within the City.

X	8. The applicant must comply at all times with all requirements of any law, ordinance, code or regulation of the State of California, City of Palos Verdes Estates, and any other governmental entity.
X	9. Landscaping is not part of this approval and shall require a separate permit. A landscape plan and certification are required and shall be in compliance with Palos Verdes Estates Municipal Chapter 18.50. The applicant shall obtain approval of a landscape plan prior to issuance of a building permit, if applicable.
X	10. 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.
X	11. Failure to comply with the conditions of this approval shall cause the approval to be voided and may be cause for the City's issuance of administrative citations.
X	12. The applicant shall remove all project public notice signs on the property within five (5) days after Planning Commission decision.
X	13. The applicant shall remove all silhouettes on the property within fifteen (15) days after Planning Commission decision, unless appealed.
X	14. This approval will expire two (2) years from date of approval or, in the event a grading permit or building permit has been issued, this approval will expire if and when the grading permit or building permit is terminated or expires.
X	15. 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.
X	16. 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.
	17. If this resolution includes the granting of a Conditional Use Permit (CUP), the CUP must be utilized within 180-days from the date of approval. If the CUP privileges are not utilized or if a building permit has been issued and construction work has not begun and diligently carried on within the required time, the CUP shall become void. Upon the written request of the applicant filed with the City prior to the CUP's expiration, the Planning Commission may extend the time limit upon a finding of unavoidable delay.
	<u>Specific Conditions of Approval – Community Development Department</u>
X	18. The balcony located in the front of the residence off the master bedroom shall be pulled back to not exceed 12” from the facade of the house.
X	19. The main building ridgeline shall be lowered to 552.12 feet.
X	20. The pool equipment structure shall be relocated outside the side yard setback area.
X	21. Prior to receiving certificate of occupancy, the property owner must provide a survey from a licensed professional certifying that the building height and square footage are constructed in conformance with the City approved construction plans and that the measurements are taken in accordance with City requirements.
X	22. Any changes to the building envelope shall not be approved administratively via a Minor Modification.
	<u>Public Works Department</u>
X	1. When Survey monuments exist, such monuments shall be protected or shall be referenced and reset pursuant to Business and Professional Code Section 8700 to 8805 (Land Surveyors Act).
X	2. Property lines shall be identified on a boundary survey plan prepared by a registered Civil Engineer and/or licensed Land Surveyor prior to the issuance of permits for any walls or fences at the property line to confirm the location of the property lines.

X	3. Civil improvement plans shall be updated to show the changes approved by the Planning Commission and be subject to review and approval from the Public Works Director.
X	4. If grading and/or drainage improvements are required offsite on private property, the applicant shall obtain written notarized letter of permission from the property owner(s) to grade as necessary and provide a copy to the Public Works Department. It shall be the sole responsibility of the applicant to obtain any and all proposed or required easements and/or permission necessary to perform grading and/or drainage improvements shown on the site plan and grading exhibits.
X	5. The applicant shall provide a current (within six (6) months of submitting plans) title report to provide confirmation regarding the existence of any easements. No improvements (temporary or permanent) are allowed to be constructed within the easement. Applicant shall provide written proof and authorization from easement holders (if any) for work proposed over easements.
X	6. All easements of record and proposed shall be shown on the grading plan.
X	7. Prior to approval of the grading and drainage plan, the applicant shall prepare a geotechnical/soils report for the proposed grading, infrastructure, and LID improvements for review and approval of the Public Works Director.
X	8. The grading and drainage plan shall be prepared under the supervision of a civil engineer licensed in the state of California and he/she must sign the plan. The printed name and contact information of the Engineer shall be included on the face of the grading plan. The grading plan shall be approved by the Public Works Director.
X	9. Grading and drainage design is subject to Public Works/City Engineer review and approval. Any design changes required due to the plan check review are required to be addressed by the applicant prior to final plan approval. Separate application, review, and permitting fees apply.
X	10. The grading plan shall provide for acceptance and proper disposal of all off-site drainage flowing onto or through the site. Should the quantities of flow exceed the capacity of the conveyance facility, the applicant shall provide adequate drainage facilities and/or appropriate easement(s), if necessary, as approved by the Public Works Director.
X	11. Prior to approval of the grading plan the applicant shall prepare a detailed hydrology and hydraulics report corresponding with the detailed plans for grading, site development, storm drain improvements, and street improvements, including analysis of offsite drainage tributary to the site, for approval of the Public Works Director.

X	12. Temporary erosion control measures shall be implemented immediately following grading to prevent transport and deposition of earthen materials onto downstream/downwind properties, public rights-of-way, or other drainage facilities. Erosion Control Plans showing these measures shall be submitted along with the grading plan for approval by the Public Works Director. If required, 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.
X	13. Plans shall retain or mitigate storm water runoff onsite, thereby lessening adverse downstream water quality and flooding impacts associated with the scope of work, to the approval and direction of the Public Works Director.
X	14. The owner shall provide for the improvement of streets, alleys, walks, and drainage facilities adjacent to the site of the building in conformance with Public Works Standards and specifications of the City and plans approved by the City Engineer. This includes the removal of any nonstandard encroachments.
X	15. If an existing sewer easement is found on or adjacent to the subject property, the developer shall determine the actual location, alignment, and condition of the sewer mainline, confirmed by video investigation with a report provided to the Public Works Director. The easement shall be shown on the plan based upon legal description. No improvements (temporary or permanent) are allowed to be constructed within the sewer easement. Any grading within the sewer easement shall be reviewed and approved by the Public Works Director prior to issuance of any building permits.
X	16. Non-standard encroachments into City right of way are not permitted. If the applicant wishes to request approval of a non-standard encroachment into City right of way, the non-standard encroachment must be approved by the Planning Commission and subsequently, a license agreement is required between the property owners and the City. Separate fees apply. The license agreement allowing the non-standard encroachment is required to be approved by the City Council and recorded with the Los Angeles County Registrar-Recorder prior to finalizing and obtaining any City permits. The required bonds included in the license agreement shall be procured and provided to the City prior to the City's execution of the license agreement and submission to Los Angeles County for recordation. Plans showing the non-standard encroachments cannot be finalized and encroachment permits for the associated work cannot be issued until after the License Agreement is recorded by Los Angeles County.

X	17. All non-standard encroachments in the Parklands and City right-of-way originating from the applicant's property shall be removed, except as allowed per the City's municipal code.
X	18. All work in and encroachments on the public right-of-way, including equipment and access, shall comply with City Standards and are subject to Public Works review and requires a separate application for an encroachment permit. Separate fees apply. Any design changes required due to the City's review of the encroachment permit application are the responsibility of the applicant.
X	19. If a non-standard walkway is approved, the first five (5) feet of the walkway shall not exceed a 2% slope.
X	20. Groundcover in the public right-of-way shall be maintained at a maximum of 30 inches.
X	21. Tree removals and tree trimming in and adjacent to the public right-of-way are not approved with this application and require a separate application for Parklands Committee review and consideration. If tree trimmings and/or removals are recommended for approval by the Parklands Committee and subsequently approved by the City Council, a separate application for a tree removal or trimming permit is required. Separate fees apply. Any design changes required due to denial or approval of the tree removal or tree trimming request are the responsibility of the applicant.
X	22. Cutting of tree roots of public trees is not permitted. In the event that cutting of tree roots of a public tree is required for the construction of approved structures, the applicant shall submit a request to the Public Works Department. The request is subject to review and approval from the City Urban Forester. Any design changes required due to the City's review of the request are the responsibility of the applicant. If cutting tree roots will result in irreputable harm or damage to the tree(s) a separate application to the Parkland Committee and the associated fees may be required.
X	23. Any property line walls or fences shall not impact a City tree and must be setback from the City tree at a distance specified by the City Urban Forester.
X	24. Any excavation within 16 feet from a public tree requires review and approval from the City Urban Forester. Any design changes required due to the City's review of excavation within 16 feet of a City-owned tree are the responsibility of the applicant.
X	25. Any trees or landscaping within fifteen (15) feet of the property line are subject to Public Works review and approval. Any design changes due to the City review are the responsibility of the applicant.