


MEMORANDUM



RANCHO PALOS VERDES

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM: DIRECTOR OF PLANNING, BUILDING AND CODE ENFORCEMENT
DATE: NOVEMBER 10, 2007
SUBJECT: ORDINANCE NO. 464, A ZONE CHANGE FOR A PORTION OF 3324 SEACLAIRE DRIVE FROM OH TO RS-3 (Applicant – Gulian Design, Landowner – Jovan & Lisa Vavic; Property Address – 3324 Seaclaire Drive).

Staff Coordinator: So Kim, Assistant Planner 

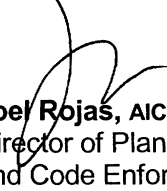
RECOMMENDATION

Adopt Ordinance No. 464, an ordinance of the City of Rancho Palos Verdes approving a zone change (Case No. ZON2007-00134) for 3324 Seaclaire Drive (the existing building pad portion of the property) from Open Space Hazard (OH) to Single-Family Residential (RS-3).

DISCUSSION

On October 16, 2007, the City Council approved a General Plan Amendment, Zone Change, Environmental Assessment, Height Variation and Site Plan Review to allow the relocation of the hazard area designation to accommodate the construction of a new larger replacement residence at 3324 Seaclaire Drive. At that time, the City Council adopted Resolution 2007-110 approving the CEQA determination and adopted Resolution 2007-111 approving the General Plan, Height Variation and Site Plan Review. In addition, the City Council introduced Ordinance No. 464, approving the zone change from OH (Open Space Hazard) to RS-3 (Single-Family Residential). The ordinance is now being presented to the City Council for second reading and final adoption. Once adopted, the effective date of the ordinance and related entitlements will be December 10th, 2007, which is thirty (30) days from the adoption date.

Respectfully submitted:


Joe Rojas, AICP,
 Director of Planning, Building
 and Code Enforcement

Reviewed by:


Carolyn Lehr,
 City Manager

ORDINANCE NO. 464

AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES APPROVING A ZONE CHANGE (CASE NO. ZON2007-00134) FOR 3324 SEACLAIRE DRIVE (THE EXISTING BUILDING PAD PORTION OF THE PROPERTY) FROM OPEN SPACE HAZARD (OH) TO SINGLE FAMILY RESIDENTIAL (RS-3).

WHEREAS, on March 22, 2007, the property owners at 3324 Seaclaire Drive submitted a General Plan Amendment Initiation Request (GPAIR) to relocate the General Plan boundary line on their property; and,

WHEREAS, on May 15, 2007, the City Council conducted a public hearing on a GPAIR for the subject property and allowed the applicant to submit the necessary applications and proceed through the review process for a proposed change in the General Plan Land Use and Zoning Designation for a portion of the subject site; and

WHEREAS, on June 19, 2007, the applicants submitted applications for a General Plan Amendment, Zone Change, Environmental Assessment, Height Variation and Site Plan Review requesting to relocate the existing boundary line that separates two distinct General Plan land use and Zoning designation and to replace the existing 2,721ft² single-story residence with a 3,720ft² two-story residence; and,

WHEREAS, on July 11, 2007, the applications for a General Plan Amendment, Environmental Assessment, Height Variation, and Site Plan Review were deemed complete; and,

WHEREAS, on August 14, 2007, the Planning Commission conducted a public hearing on a General Plan Amendment, Environmental Assessment, Height Variation and Site Plan Review and continued the meeting to September 25, 2007 based on concerns in regards to silhouette accuracy, unclear horizon line and compatibility; and,

WHEREAS, on September 25, 2007, the Planning Commission adopted P.C. Resolution No. 2007-61, recommending that the City Council certify a Negative Declaration and approve the General Plan Amendment, Zone Change, Height Variation and Site Plan Review applications; and,

WHEREAS, on October 16, 2007, the City Council adopted Resolution No. 2007-110, thereby certifying a Negative Declaration pursuant to the California Environmental Quality Act; introduced Ordinance No. 464 amending the zoning map of the City of Rancho Palos Verdes; and adopted Resolution No. 2007-111, thereby approving the General Plan Amendment, Height Variation, and Site Plan Review; and,

WHEREAS, after notice issued pursuant to the requirements of the Rancho Palos Verdes Development Code, the City Council held a duly noticed public hearing on November 10, 2007, at which time all interested parties were given an opportunity to be heard and present evidence; and,

WHEREAS, pursuant to the provisions of the California Environmental Quality Act, Public Resources Code Sections 21000 *et. seq.* ("CEQA"), the State's CEQA Guidelines, California Code of Regulations, Title 14, Section 15000 *et. seq.*, the City's Local CEQA Guidelines, and Government Code Section 65962.5(f) (Hazardous Waste and Substances Statement), the City of Rancho Palos Verdes has prepared an Initial Study and determined that there is no substantial evidence that the approval for the General Plan Amendment, Height Variation and Site Plan Review would result in a significant adverse effect on the environment and, therefore, a Negative Declaration has been prepared and notice of same was given in the manner required by law; and,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: This approval is for a change in zoning designation for the flat portion of 3324 Seaclaire Drive from the existing Zoning Use Designation of Open Space Hazard (OH) to a new Zoning Designation of Residential (RS-3), as set forth in 'Exhibit A', which is attached hereto and incorporated by reference. Specifically, the building pad area with existing residential improvements are to be located entirely within the RS-3 boundary so that the new OH boundary follows the top of the slope in the rear yard and the OH zone will remain entirely over the subject property's extreme slope. The resulting change in zoning designation will be consistent with the Rancho Palos Verdes General Plan.

Section 2: The City Council finds that the proposed zone change would not result in any significant adverse environmental impacts in addition to or beyond those already associated with the existing use of the sites since the zone change reflects existing conditions on the subject property, and therefore has adopted Resolution No. 2007-110, certifying a Negative Declaration for the Zone Change. (Case No. ZON2007-00134).

Section 3: The City Council finds that the approval of the Zone Change will not result in significant adverse environmental impacts because the zoning designations would be consistent with the existing use and topography of the sites, which currently maintain residential structures that were approved prior to the City's incorporation. Furthermore, the City's geotechnical consultant has reviewed and approved a geology report in relation to the proposed project.

Section 4: The City Council finds that the approval of the Zone Change is in the interest of the property owners within the project area because this would enable them to construct improvement projects that can be constructed by other property owners with residences that are within a Residential Land Use Designation, which are in the immediate vicinity.

Section 5: Based upon the facts contained in this Ordinance, in the Staff Report and other components of the legislative record, in the certified Negative Declaration, and in the public comments received by the Planning Commission and the City Council, the City Council hereby approves the Zone Change of Case No. ZON2007-00134 to change the zoning designation for the flat portions of 3324 Seaclaire Drive from the existing Zoning Use Designation of Open Space Hazard (OH) to a new Zoning Designation of Residential, RS-3, such that the new OH boundary flows the top of the extreme slope in the rear yard as illustrated in Exhibit B attached hereto, which are incorporated herein by this reference.

Section 6: The time within which the judicial review of the decision reflected in this Ordinance, if available, must be sought is governed by Section 1094.6 of the California Code of Civil Procedure and other applicable short periods of limitation.

Section 7: Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 8: The City Clerk shall cause this Ordinance to be posted in three (3) public places in the City within fifteen (15) days after its passage, in accordance with the provisions of Section 36933 of the Government Code. The City Clerk shall further certify to the adoption and posting of this

Ordinance, and shall cause this Ordinance and its certification, together with proof of posting, to be entered in the Book of Ordinances of the Council of this City.

Section 9: This Ordinance shall go into effect and be in full force and effect at 12:01 AM on the thirty-first (31st) day after its passage.

PASSED, APPROVED, and ADOPTED this 10th day of November 2007.

Mayor

Attest:

City Clerk

State of California)
County of Los Angeles) ss
City of Rancho Palos Verdes)

I, Carla Morreale, City Clerk of the City of Rancho Palos Verdes, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. 464 passed first reading on October 22, 2007, was duly and regularly adopted by the City Council of said City at a regular meeting thereof held on November 10, 2007, and that the same was passed and adopted by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

City Clerk

Exhibit 'A'

