

Council Meeting of
November 14, 2006

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: Determination of whether to reconsider approval of two precise plans of development allowing construction of two single family residences at 3874 Newton Street

RECOMMENDATION

The City Manager recommends that City Council:

- 1) Determine whether or not to reconsider the two precise plans of development allowing for the construction of two single family residences in the Hillside Overlay District in the R-1 Zone at 3874 Newton Street.
- 2) If Council votes to reconsider, direction is required to have the item re-noticed, re-advertised, and re-posted.

PRE06-00008 and PRE06-00009: Jeffrey A. Dahl (Steve & Deidre Nordel)

BACKGROUND / ANALYSIS

On October 10th, 2006, City Council voted to approve PRE06-00008 and PRE06-00009 by a vote of 4-2. This item was a consideration of a proposal to allow the demolition of an existing single family residence located on two existing lots, and the development of a new two story single family residence on each lot on property located at 3874 Newton Street.

On October 24, 2006, City Council subsequently voted to have a reconsideration item presented. At this time, it is requested that City Council determine whether they want to reconsider their approvals previously granted. Should the Council vote to reconsider the project, Council shall direct staff when to

have the item re-noticed, re-advertised, and re-posted to ensure that all interested parties receive proper notification.

Respectfully submitted,

LeROY J. JACKSON
CITY MANAGER

By 

Fran Fulton
Management Associate

CONCUR:



LeRoy J. Jackson
City Manager

Attachments: A) City Council Item 13A for 10/10/06 (No Attachments)
 B) Written Public Comment

Council Meeting of
October 10, 2006

Honorable Mayor and Members
 of the City Council
 City Hall
 Torrance California

PUBLIC HEARING

Members of the Council:

SUBJECT: Community Development - City Council consideration of a proposal to allow the demolition of an existing single family residence located on two existing lots, and the development of a new two story single family residence on each lot on property located in the Hillside Overlay District in the R-1 Zone at 3874 Newton Street.

PRE06-00008 and PRE06-00009: Jeffrey A. Dahl (Steve & Deidre Nordel)

Expenditure: None

RECOMMENDATION

The Planning Commission and the Community Development Director recommend that the City Council deny the appeal and adopt RESOLUTIONS to approve Precise Plan of Development (PRE06-00008) and Precise Plan of Development (PRE06-00009) for the construction of two new two-story residences on two existing lots on property located in the Hillside Overlay District in the R-1 zone at 3874 Newton Street.

Funding: Not applicable

BACKGROUND

The applicant requests approval of two Precise Plans of Development to allow the removal of an existing residence and accessory structure to allow the construction of two new two-story residences on the two existing lots on property located in the Hillside Overlay District in the R-1 zone. A Precise Plan of Development is required because the applicants propose construction over 14 feet in height.

Prior Hearings and Publications

A Planning Commission Public Hearing was scheduled for May 3, 2006. On April 21, 2006 a legal advertisement was published in the newspaper and 135 notices were mailed out to property owners within the 500 foot radius and to the Riviera and WALTERIA Homeowners Association. The item was continued indefinitely. On May 25, 2006 the site was posted and 135 notices were mailed to property owners within a 500 foot radius and to the Riviera and WALTERIA Homeowners Association. On May 26, 2006 a

legal advertisement was published in the newspaper. On July 6, 2006, the site was posted and 132 notices were mailed to property owners within a 500 foot radius and to the Riviera and Walteria Homeowners Association. On September 28, 2006, 131 notices of the City Council Public Hearing were mailed to property owners within a 500-foot radius and to the Riviera and Walteria Homeowners Association. On September 29, 2006 a legal advertisement was published in the newspaper and on October 2, 2006 a notice of public hearing was posted at the site.

Environmental Findings

Additions to single family residential properties are Categorically Exempted by the Guidelines for Implementation of the California Environmental Quality Act, Article 19, Class 1, section 15303 (a).

ANALYSIS

The existing property consists of two existing legal lots located along the south side of Newton Street, between Ocean Avenue and Los Codona Avenue. The existing residence is one story in height and was constructed in the 1950s. The detached accessory structure was constructed in the 1940s. Each lot has a width of 50 feet, however, the southeasterly lot has a depth of 122.5 feet for a total area of 6,125 square feet, while the northwesterly lot has a depth of 117.5 feet for a total area of 5,875 square feet. The proposed residences have each provided Code required setbacks for the front and side yards and provide rear yard setbacks between 39 and 44 feet.

The first floors will be comprised of a large front porch or a covered entry, a living room, a dining room, a kitchen, a family room, one bedroom, and one bathroom. The second floors will feature a utility room, two bedrooms, one bathroom and the master suite. The southeasterly residence would also contain a 1,010 square foot basement. A summary of the project statistics follows:

Statistical Information	Southeasterly Lot	Northwesterly Lot
Lot Size	6,125.00 sq. ft.	5,875.00 sq. ft.
Proposed First Floor	1,576.00 sq. ft.	1,576.00 sq. ft.
Proposed Second Floor	1,192.00 sq. ft.	1,204.00 sq. ft.
Volume Area	94.00 sq. ft.	94.00 sq. ft.
Proposed Total Living Area	2,862.00 sq. ft.	2,874.00 sq. ft.
Proposed Garage	427.00 sq. ft.	427.00 sq. ft.
New Residence w/ Garage	3,289.00 sq. ft.	3,301.00 sq. ft.
Proposed Basement	(1,010.00) sq. ft.	0.00 sq. ft.
Calculations		
Lot Coverage	33%	34%
Floor Area Ratio w/ Garage	0.54	0.56
Maximum Building Height	23.28 ft	25.12 ft

The applicants have revised the silhouettes for both structures to reflect the Planning Commission's approval including the conditions added by the Commission (Attachment

The applicants have revised the silhouettes for both structures to reflect the Planning Commission's approval including the conditions added by the Commission (Attachment B). The further reduction in second floor plate heights and roof pitches resulted in a 1.7 foot reduction in height for the southeasterly residence and 1.5 feet for the northwesterly residence.

Both applicants and appellants have submitted information regarding Floor Area Ratios for the area. Both represent figures based on information obtained from the County Assessor. Whereas, the applicants' submittal is focused specifically on residences within the notification area constructed within the last thirty years, the appellants submittal covers a greater number of residences within the notification area and has included a 400 square foot estimate for each residence to account for garages. This was done since the County Assessor does not include garage square footages in their property tax information.

In the judgment of the Community Development Department, the proposed structures, as conditioned, will not have a significant impact on the view, light, air or privacy of the surrounding properties. They are well below the maximum height allowed by the zone and have met or exceeded all setback requirements, including rear setbacks that are nearly twice the minimum required. The applicants have justified the proposed FARs of 0.54 and 0.56. The proposals conform to the 0.60 FAR requirement for the R-1 zone. Therefore, staff recommends denial of the appeal and approval of the project.

PLANNING COMMISSION RECOMMENDATION

This matter was first considered by the Planning Commission on June 7, 2006. During the Public Hearing, members of the public expressed concern with the impacts of view, light, air and privacy of the proposed plan. After receiving testimony, the Planning Commission denied the project. At the same meeting, upon request by the applicant under orals, the Planning Commission decided to reconsider the item at a future date. On June 21, 2006, the Planning Commission voted that the reconsideration of the subject items be re-noticed and re-advertised so that the items could be presented before the Planning Commission on July 19, 2006. On July 19, 2006, the Planning Commission reconsidered a revised proposal that was submitted by the applicants to address concerns raised by surrounding property owners during the June 7, 2006 Planning Commission hearing. The applicants modified their proposal by eliminating the roof decks previously proposed over both residences to address privacy concerns. The applicants also reduced the grade for the northwesterly residence by 1.5 feet to reduce the scale and mass of the structure and reduced and reconfigured the basement proposed for the southeasterly residence to allow for greater separation from 3868 Newton Street and address slope stability concerns. After receiving public testimony from neighbors that continued to raise concerns relating to privacy, view, and floor area ratio, the Planning Commission voted 6-0 (abstaining Commissioner Faulk) to approve the project with additional conditions. The several conditions added included a roof-pitch reduction from 4 in 12 to 3½ in 12 for both residences, a floor plate reduction from 9 feet to 8 feet in both residences, a 2 foot building pad reduction for the southeasterly

residence, the elimination of the second-floor deck proposed for the northwesterly residence and that the 2 trees at the southeast corner of the property shall be retained. The matter comes before the City Council on appeal by a neighbor to the south.

Respectfully submitted,

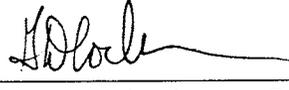
Jeffery W. Gibson
Community Development Director

CONCUR:



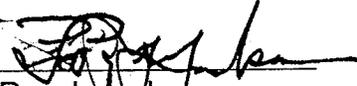
Jeffery W. Gibson
Community Development Director

By



Gregg D. Lodan, AICP
Planning Manager

NOTED:



LeRoy J. Jackson
City Manager

- Attachments:
- A. Resolutions
 - B. Revised Silhouette Certifications
 - C. Letter of Appeal
 - D. Additional Correspondence
 - E. Planning Commission hearing Minutes Excerpt 05/03/06, 06/07/06, 06/21/06 and 07/19/06
 - F. Previous Planning Commission staff reports and Supplementals
 - G. Proofs of Publication and Notification
 - H. Plot Plan, Floor Plan and Exterior Elevations (Limited Distribution)
 - I. Mayor's Script (Limited Distribution)

November 5, 2006

VIA E-MAIL ONLY

Hon. Frank Scotto, Mayor
 City of Torrance
 City Hall
 3031 Torrance Boulevard
 Torrance, California 90503

Re: Proposed Development at 3874 Newton Street
 PRE06-00008 and PRE06-00009

Dear Mr. Mayor:

My name is John Heuer and I reside with my wife, Heidi, and our four year old daughter, Isabella, at 3855 Bluff Street here in Torrance. I write this letter in opposition to the above-referenced development that is being proposed for 3874 Newton Street. In summary, I do not believe that the applicant has met his burden of proof under the Torrance Municipal Code (§ 91.41.4) and, in particular, the provisions of the Hillside and Local Coastal Overlay Zone (hereinafter, "Hillside Overlay") that prohibit a remodeling or enlargement of a residential structure that exceeds 50% of lot area (Torr. Mun. Code § 91.41.7) unless there is a finding by the Planning Commission (or the City Council on appeal) that denial would constitute "an unreasonable hardship" and that granting the application would "not be materially detrimental to the public welfare, and to the other property in the vicinity" (see, Torr. Mun. Code § 91.41.11). Since each of the new residential structures to be erected under the applicant's planned development exceed 50% of the lot area for each respective lot, it was incumbent upon the applicant to demonstrate, by a preponderance of the evidence, that both of the elements stated in § 91.41.11 had been met. Based on my observations when I attended and participated in the meeting of the Torrance Planning Commission on July 19, 2006 (at which time the Precise Plans of Development were considered) and based upon my review of the minutes of that meeting, as adopted by the Planning Commission, it is clear that the applicant failed to meet his burden of proof. In fact, as I will discuss further in this letter, it is my feeling (which I believe is shared by many of my neighbors here on Bluff Street) that the opponents have presented a much greater case for denial of the proposed development.

As set forth above, an applicant seeking to remodel or enlarge a residential structure within the Hillside Overlay bears the burden of proof on at least two elements: (a) that denial would constitute "an unreasonable hardship" and, (2) that granting the application would "not be materially detrimental to the public welfare, and to the other property in the vicinity" (See, Torr. Mun. Code § 91.41.11). With respect to the "unreasonable hardship" element, the applicant failed to demonstrate any "unreasonable hardship" that would arise if the 50% of lot area requirement was imposed on his development. In fact, the applicant and homeowner have acknowledged that one of the houses was being developed for sale (probably to finance the construction of the homeowner's residence.) During the Planning Commission hearing, the applicant and homeowner argued against a reduction in ceiling heights (thereby lowering the roof elevation) because it would detract from the value of the

3855 BLUFF STREET
 TORRANCE, CALIFORNIA 90505

homes. Clearly, the applicant's argument is that restricting the area of the new structure to 50% of the lot size will have economic ramifications on the sale price of the "spec" house and will result in a lower value home for the homeowner. Unfortunately, I don't believe that this argument qualifies as "unreasonable hardship." All of us who reside within the Hillside Overlay are affected by more restrictive building requirements. These requirements serve multiple purposes, two of which are safety and quality of life. If residents or developer were permitted to do with their land what they wanted, many others would likely face problems such as slope failure or impeded views – leading to disputes between residents and an overall decay in neighborliness and harmony which makes living in the Hillside Overlay zone such a pleasure. Even though heightened regulation typically restricts economic gain and land speculation, the enforcement of those regulations is not, in and of itself "unreasonable hardship." Again, but for impacts to the value of the "spec" house and the value of the homeowner's proposed residence, neither the applicant nor the homeowner have demonstrated in any way how an "unreasonable hardship" would result by the enforcement of building size requirements in the Hillside Overlay. Should the applicant's argument on this subject prevail, the City will be hard pressed to deny other applicants who propose to overdevelop their property for economic gain. Because the applicant failed to demonstrate an acceptable "unreasonable hardship", the application should have been denied by the Planning Commission. Since this matter is now before the Council, the appropriate action is to reject the proposed Precise Plan.

In addition to the applicant's failure to meet his burden on the "unreasonable hardship" element, there was significant public comment by neighbors of the proposed project that it will be "materially detrimental" to the public welfare and other property in the vicinity. The Planning Commission meeting minutes reflect that none of those public comments were contradicted by people residing in the vicinity of the project. Moreover, despite required changes to roof pitch, elimination of decks and other modifications required by the Planning Commission, the profile of the proposed buildings will be much different than any of the surrounding structures. These changes are significant because they not only affect views but alter the appearance of the neighborhood. Second, the proposed structures will be unusually larger than other structures in the vicinity. One of the Commissioners actually noted that the project "stands out tremendously" when approaching the site from the west based on his observation of the silhouettes that were erected pursuant to the Code.

The Code provides that structures in a particular zone are to "conform in size, type or construction or location . . . and to the general character of the buildings or structures in the particular zone in which the same is to be located." (See, Tort. Mun. Code § 92.21.4). The unusually large structures being proposed do not conform with the "general character of the buildings or structures" in the immediate vicinity nor within the zone as a whole. In fact permitting these structures to be built threatens the entire character of our neighborhood and will have a potential "adverse cumulative impact" on the neighborhood and the properties in their vicinity. (See, Tort. Mun. Code § 91.41.6). What is the "adverse cumulative impact"? It is the relaxation of enforcement of the Hillside Overlay that results by permitting an applicant to obtain a waiver of the lot coverage requirement without meeting the burden of proof required by § 91.41.4 of the Code. It is the numerous other proposed projects reflecting further mansionization of our neighborhoods that will be able to point to the precedent established by this project. Finally, it is the manner in which the pending application sailed through the Planning Commission in spite of numerous adverse

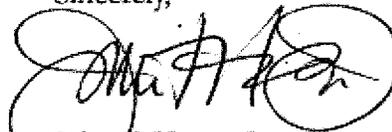
- 3 -

November 5, 2001

Code provisions (some of which have been cited in this letter) and despite the applicant's failure to meet his burden of proof on the pertinent elements that must be shown to obtain the relief he has requested.

In summary, it is my belief that the applicant and the homeowner have simply failed to comply with the applicable provisions of the Code and have failed to meet the burden of proof required by §§ 91.41.4 and 91.41.6, among others, and, therefore, the application for a waiver of the 50% requirement of the Hillside Overlay for the proposed project should not be approved. We are hopeful that you and the Council will uphold Code and the burdens of proof that it requires by denying the Precise Plan for this development. Thank you for your consideration.

Sincerely,


John F. Heuer, Jr.

cc: Mr. Tom Brewer, Councilman (via e-mail)
Ms. Gene Drevno, Councilwoman (via e-mail)
Ms. Pat McIntyre, Councilwoman (via e-mail)
Mr. Paul M. Nowatka, Councilman (via e-mail)
Mr. Bill Sutherland, Councilman (via e-mail)
Ms. Hope Witkowsky, Councilwoman (via e-mail)
Mrs. Cheryl Gutierrez (via e-mail)

November 8, 2006

Mayor & Council
2006 NOV -9 PM 1:57

Honorable Mayor and Torrance City Council Members
City Hall
3031 Torrance Blvd.
Torrance, CA 90503

Subject: PRE-00008- & PRE-00009 /Jeffrey A. Dahl (Steve & Deidre Nordel)

Dear Mayor and City Council Members,

I am writing to urge you to vote for the Motion for Reconsideration of the appeal relating to the two precise plans of development at 3874 Newton Street that will be discussed on November 14, 2006.

We believe that there are a number of factors in the plans themselves and aspects of the appeal process that need to be revisited. This is our contention, as we believe that the council may not have had a clear understanding or view of the project and the impacts to a number of the surrounding properties. We believe that it was important during the appeal process for some of the council members to view the silhouette from the interior of the surrounding homes. Since the staff report only listed our home as filing the appeal, that possibly was the reason that the council attempted to visit our home. . It was unfortunate that we were not at home at the time two of the council members tried to visit our home. However, it would have been difficult to fully determine the impacts to privacy at that time due to the dense foliage.

At the City Council meeting on October 10, 2006 when the appeal was denied, photos were presented by the staff of the Community Development Department taken from windows in our bedroom, living room, and from the deck. One of the council members had difficulty seeing the silhouette and Mr. Lodan stated that the silhouette could be seen just above the "accessory structure" in one of the photos. In actuality, the flags that were visible were not the flags of the roofline as the "accessory structure" is only a one-story building and the precise plans are for two story structures. In the other two photos the silhouette was not visible at all. There were no other photos from the interiors of other surrounding homes. They too

The trees that were formerly on the property, that were cut down on October 11-October 29, obscured almost completely the silhouette of the southeasterly home and to some extent the northwesterly home. This was evident in all the photos shown by the Community Development staff.

My husband and I would appreciate another opportunity for any council members who are able to visit the interior of the surrounding homes to see the potential impact of these two planned structures.

Sincerely,



Cheryl and Hector Gutierrez
3869 Bluff Street
Torrance, CA 90505



11-08-2006

Attention: Florence City Council

With Reference to Reconsideration of the two plans of Development at 3874 Newton St.

Approval should be carefully Reconsidered. If Approved, it would greatly add to the Density of this area.

Look at the development of the four (4) monstrous New units on a small lot North of Newton. This is NOT compatible with the Neighborhood. It is "over-built", with no consideration to view, light, air or privacy to other Neighbors. Newton Street already has a tremendous traffic problem.

This area is comprised of Family units — NOT Mansions. If that is what 3874 Desires, try P.V. A 4,300 sq. ft. Home is out of "sync" with the surrounding area. It would take away the charm of the surrounding Family units which Walteria is known for. Recently, there have been too — too many Homes built without consideration of other property owners.

please - Reconsider to reduce to the 50% FFR.

Respectfully,

Norma } Terry Oliver
3928 Bluff St
Florence, IL

2006 NOV -9 PM 1:50

OFFICE OF THE
MAYOR & COUNCIL

Mayor Scott

3888 Bluff Street
Torrance, CA 90505
November 8, 2006

OFFICE OF THE
MAYOR & COUNCIL

2006 NOV -9 PM 1:52

Honorable Mayor and City Council Members
3031 Torrance Boulevard
Torrance, CA 90503

Dear Torrance City Council:

I am writing to ask you to reconsider two previously approved Precise Plans, PRE06-00008 and PRE06-00009, Dahl (Nordels). The Newton-Bluff Street appeal of the two Plans may not have been given the attention it merited because of the belief that it was filed by just one person rather than by a goodly number of us. Another reason for reconsideration is that closing statements made by Mr. Nordel and by the Community Development Department raised important issues about which we had no opportunity to respond. I shall limit myself to mentioning only one such issue, the FAR.

The Community Development Department supported the Nordels' initial, greater-than-.50- FAR Plans (which the Planning Commission then rejected}, and their initially revised, but still--greater-than-.50-FAR Plans, which the Nordels revised again when it appeared that their Plans might be rejected again. Community Development argued for the initially revised Plans on the grounds that precedents for a greater-than-.50-FAR had been set when a significant number of nearby Newton-Bluff Street homes had been approved despite their greater-than-.50-FAR. At the October 10 Council meeting, Community Development opposed the Newton-Bluff Street petition, making the point that home sizes had simply increased over the years (which was indeed the case).

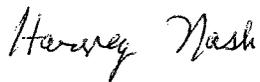
The implication of the latter argument seems to be that increasing home size, if not a "natural" development, should at least be expected. This argument, taken together with Community Development's previous support of a greater-than-.50 -FA R, seems to suggest that, while home size shall not interfere with view, privacy, etc., we should be wary of limiting home size per se. Since FAR is a precise, numerical Hillside Overlay Ordinance measure of relative home size, and since the Ordinance's FAR requirement has been waived for a significant number of Newton-Bluff Street homes, Community Development's argument appears to suggest that the FAR should be null and void, or at least not taken too seriously, in our immediate neighborhood.

If the Council wants to repeal or modify the Ordinance's .50 FAR limit, either for our immediate neighborhood or for the entire Hillside Overlay Zone, that is the Council's prerogative. But in the present instance (which is governed by the Ordinance as it is now written), the Council should enforce the FAR (which is still exceeded in the latest Nordel Plans), and not allow these Plans to become two more FAR-waiver precedents. The Council should not simply allow the FAR to become a dead letter.

At the October 10 Council meeting, prior to the Council's consideration of the Newton-Bluff Street petition, two women who lived outside the Hillside Overlay Zone asked the Council to allow the the City of Torrance as a whole to have a FAR as strict as the Hillside Ordinance's FAR. Had these two Torrance citizens stayed at the meeting after making their request, they might well have concluded that the Hillside's FAR was in danger of becoming a farce.

The Nordel Plans raise issues which are of general interst and importance, issues which are not limited to these Plans. We look forward to hearing the Council's consideration of the FAR issue,

Sincerely yours,

A handwritten signature in cursive script that reads "Harvey Nash".

Harvey Nash

November 9, 2006

Dear City Council Members,

I live at 3889 Bluff St. Directly behind and above to the Northwesterly side of the Nordels property, our corners connect .I have voiced my previous concerns about privacy and noise issues in regards to the house which is closest to me that would be for resale. I am thankful for elimination of roof top deck and 2nd story deck. I do appreciate the changes that have been made.

But I am very worried, prior there were so many trees you could barley the silhouette now that the clearing of the land has begun trees etc. and the flag silhouette is gone I find it hard to judge the height whether or not my privacy will or will not be impacted my den and our lower bedroom. Any of the council members are welcome to my home. To review the situation.

I do believe that we need to look at the big picture clearly new homes in our neighborhood seem to get bigger and bigger. An average two-story home looks like a one story next to these over-scaled Mansions, impacting the value of neighboring property I do know that there are some cases on the Hillside Overlay of houses over .50% FAR. But we just can't keep using this as justification to build over scale homes. Let us try to comply with the existing Hillside Overlay standards we see this is becoming a city and statewide dilemma, Let's preserve the balance in our neighborhoods.

Sincerely,
Gina Stunkard
3889 Bluff St
Torrance, Ca. 90505

REC'D CITY CLERK
2006 NOV -9 PM 12: 50
CITY OF TORRANCE

*dropped off @
counter (le)*

2006 NOV -9 PM 1:49
OFFICE OF THE
MAYOR & COUNCIL

per Jeffrey Gibson in
Community Development he
said there would be an agenda
item for Tuesday, Nov 14 and
that neighbors could submit
comment to the City Clerk's Office
to be included in the package to
be provided to the Mayor and

City Council that they
will receive this week.

Cheryl Gutierrez

(310) 791-7038

(310) 621-3532

OFFICE OF THE
MAYOR & COUNCIL

2006 NOV -9 PM 1:52

