

Council Meeting of
March 6, 2007

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

PUBLIC HEARING

Members of the Council:

SUBJECT: City Council consideration of an appeal of a Planning Commission denial of a Precise Plan of Development to allow second story additions to an existing two story multiple family residence and a new detached garage and laundry room on property located in the Hillside Overlay District in the R-3 zone at 336 Paseo De La Playa.

PRE06-00031: Charles Belak-Berger (Suzanne Butler)

RECOMMENDATION

The Planning Commission and the Community Development Director recommend that the City Council deny the appeal and adopt a **RESOLUTION** denying a Precise Plan of Development to allow the construction of second story additions to an existing two story multiple family residence and the construction of a new detached garage and laundry room on property located in the Hillside Overlay District, in the R-3 zone at 336 Paseo De La Playa.

FUNDING: Not applicable

BACKGROUND

The applicant requests approval to allow the construction of second story additions to an existing two story multiple family residence, a new detached garage and laundry facilities on property located in the Hillside Overlay in the R-3 Zone. A Precise Plan is required because the property is located within the Hillside Overlay District and the new construction is over fourteen feet in height. On September 21st, 2005, the applicant presented a request to allow the construction of second-story additions to an existing two-story multiple-family residence and the construction of a new detached garage and laundry room on the rear of the property. After receiving testimony from the applicants and the public, the Planning Commission voted to deny without prejudice PRE05-00021 by a vote of 6-0, with Commissioner Drevno absent. The applicant brought forward a revised plan for the Commission's consideration on the hearing date of December 6, 2006. The Planning Commission voted 7-0 to deny the project.

PRIOR HEARINGS AND PUBLICATIONS

A Public Hearing was scheduled for December 6, 2006. On November 22, 2006 the site was posted and 76 notices were mailed to property owners within a 500-foot radius and to the Riviera Homeowners Association. On November 25, 2006 a legal advertisement was published in the newspaper.

On February 23, 2007, 76 notices of the City Council Public Hearing were mailed to property owners within a 500-foot radius and to the Riviera Homeowners Association, a notice of public hearing was posted at the site on February 23, 2007 and a legal advertisement was published in the newspaper on February 24, 2007. (see Attachment E).

ENVIRONMENTAL FINDINGS

Additions to multiple-family residential properties are Categorically Exempted by the Guidelines for Implementation of the California Environmental Quality Act; Article 19, Section 15301(e).

ANALYSIS

The lot is 10,050 square feet in area, is rectangular in shape and complies with all setback requirements. Unit 5 makes up the entire second floor with two bedrooms, two bathrooms, a dining room, living room and a kitchen. The additions will enlarge one of the bedrooms, change the second bedroom to a master bedroom with a bathroom and walk in closet, and add a great room. The proposed construction will also add two sun decks on the north and south side of the residence and a spa accessed from the entry porch. The existing first floor contains four units two are one bedroom units and two units have two bedrooms. The total height of the proposed additions will not exceed the existing height of the structure of 25 feet six inches from the highest ridge of 130.17 to the lowest adjacent grade of 104.67 as represented on the certified silhouette and based on a benchmark elevation of 101.44 located at the north westerly corner. The lowest adjacent grade of 104.67 is located at the south westerly corner of the residence. The lot coverage is 50% and floor area ratio is .56. A project summary is provided below:

Statistical Information

◆ Lot Area	10,050 square feet
◆ Units 1-4	3,190 square feet
◆ Unit 5 Existing	1,365 square feet
◆ Unit 5 Proposed Addition	1,116 square feet
◆ Total Unit 5	2,481 square feet
◆ Existing Garage	1,100 square feet
◆ Proposed Garage addition	460 square feet
◆ Total Floor Area (excluding garages)	5,671 square feet
◆ Total Floor Area (including garages)	7,231 square feet
◆ Floor Area Ratio (excluding garages)	0.56 to 1.0
Maximum Floor Area Allowed (excluding garages)	6,030 square feet @ 0.6

The applicant has prepared a plan that complies with the R-3 standards and incorporates architectural finishes that are compatible with the surrounding homes and it is of a traditional design. Staff made a field observation from 163 Paseo De La Concha Unit 5 which will lose a view of white water and ocean from the living areas and enclosed balcony and Unit 6 which will lose an ocean view from the living areas and enclosed balcony. This property is a multiple family residential building with garages on the ground floor and two floors of living above. Units 5 and 6 are located on the first floor of living area and the views from these units are almost exclusively the result of separation between the project site and the neighboring multiple family residences to

the south and the north. Staff also made field observations from 157 Paseo De La Concha Unit 4 which will lose ocean view from a second floor dining area and Unit 5 which has ocean and white water views that will be impacted from third floor bedrooms and second floor living area. This property also has garages on the ground floor with two floors of living area above. The proposed project does appear to cause adverse impacts to the views of adjacent properties by expanding the living area on the north and south sides. Due to the impacts on the views from surrounding properties, Staff recommends denial of this request.

PLANNING COMMISSION RECOMMENDATION

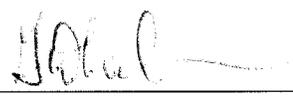
The Planning Commission reviewed the proposal on December 6, 2006. The applicants gave presentations to the Commission regarding the design modifications and current proposal. During the Public Hearing, property owners from 163 Paseo De La Concha #6, #8 and #12, and the property owners from 157 Paseo De La Concha #3, and #4 expressed concerns due to view impacts from the proposed construction. Additionally, the residents of 336 Paseo De La Playa #B, the property owners of 328 Paseo De La Playa, the applicant's son and a member of the public from 2235 Sepulveda Blvd expressed support of the project. The Planning Commission voted 7-0 to deny the project.

Respectfully submitted,

Jeffery W. Gibson
Community Development Director

CONCUR:


Jeffery W. Gibson
Community Development Director

By 
Gregg Lodan, AICP
Planning Manager

NOTED:


LeRoy J. Jackson
City Manager

- Attachments:
- A. Resolution
 - B. Silhouette Certification
 - C. Location and Zoning Map
 - D. Letter of Appeal
 - E. Additional Correspondence from Opponent
 - F. Correspondence from Larry Petersen
 - G. Planning Commission hearing Minutes Excerpt 12/06/06
 - H. Previous Planning Commission Staff report and Supplemental
 - I. Proofs of Publication and Notification
 - J. Correspondence from Larry Petersen (color Limited Distribution)
 - K. Plot Plan, Floor Plan and Exterior Elevations (Limited Distribution)
 - L. Mayor's Script (Limited Distribution)

RESOLUTION NO. 2007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, DENYING A PRECISE PLAN OF DEVELOPMENT AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW SECOND STORY ADDITIONS TO AN EXISTING TWO STORY MULTIPLE FAMILY RESIDENCE IN THE HILLSIDE OVERLAY DISTRICT IN THE R-3 ZONE AT 336 PASEO DE LA PLAYA.

PRE06-00031: CHARLES BELAK-BERGER (SUZANNE BUTLER)

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on December 6th, 2006, to consider an application for a Precise Plan of Development filed by Charles Belak-Berger (Suzanne Butler) to allow the construction of second story additions to an existing two-story multiple-family residence on property located in the Hillside Overlay District in the R-3 Zone at 336 Paseo De La Playa; and

WHEREAS, the City Council of the City of Torrance conducted a public hearing on March 6, 2007, to consider an appeal of a Planning Commission denial of an application for a Precise Plan of Development filed by Charles Belak-Berger (Suzanne Butler) to allow second story additions on an existing two-story multiple-family residence on property located in the Hillside Overlay District in the R-3 Zone at 336 Paseo De La Playa; and

WHEREAS, due and legal publication of notice was given to owners of property in the vicinity thereof and due and legal hearings have been held, all in accordance with the provisions of Division 9, Chapter 6, Article 2 of the Torrance Municipal Code; and

WHEREAS, additions to multiple family residential properties are Categorically Exempted by the Guidelines for Implementation of the California Environmental Quality Act; Article 19, Section 15301(e); and

WHEREAS, the City Council of the City of Torrance does hereby find and determine as follows:

- a) That the property is located at 336 Paseo De La Playa.
- b) That the property is identified as Lot 21 of Block D in Tract 10303.
- c) That the proposed addition will have an adverse impact upon the view of other properties in the vicinity because the second story addition is proposed to expand the north and south sides of the building and will adversely impact the views from properties to the east of the subject site;
- d) That the proposed addition has been located, planned and designed in a manner that creates intrusions on the views of other properties in the vicinity because the

proposed additions are located on the northern and southern portions of the existing two story multiple family residence, and the views from properties to the east are the result of open space between residential buildings to the north and south;

- e) That the design of the proposed addition does not provide an orderly development in the vicinity because the proposed addition includes areas on the westerly elevation extensions one with a front gable roof and a hipped roof that create view impacts for the neighborhood;
- f) That the design may have a harmful impact upon the land values and investment of other properties in the vicinity because enlarging the current residence will negatively impact surrounding properties;
- g) That the proposed residence would cause or result in an adverse cumulative impact on other properties in the vicinity because the proposed new construction adversely impacts views from the surrounding residential structures;
- h) That granting the application would be materially detrimental to the public welfare and to other properties in the vicinity because the proposed additions cause view impacts to the properties adjacent to the east and south; and

NOW, THEREFORE, BE IT RESOLVED that PRE06-00031, filed by Charles Belak-Berger (Suzanne Butler) to allow the construction of second-story additions to an existing two-story multiple family residence on property located in the Hillside Overlay District in the R-3 Zone at 336 Paseo De La Playa, on file in the Community Development Department of the City of Torrance, is hereby DENIED;

Introduced, denied and adopted this 6th day of March, 2007.

MAYOR, of the City of Torrance

ATTEST:

City Clerk of the City of Torrance

APPROVED AS TO FORM:

JOHN FELLOWS III, City Attorney

By _____



City of Torrance, Planning Department
3031 Torrance Blvd., Torrance, CA 90503 (310) 618-5990 FAX (310) 618-5829

Jeffrey W. Gibson, Planning Director

Height and Location Certification

SEP 25 2006

The survey must be performed by a licensed land surveyor or civil engineer and should be accompanied by a map which shows the location of the bench mark and the locations where the measurements were taken. The map should also show the location of existing and proposed structures.

SILHOUETTE CERTIFICATION

I have surveyed the silhouette located at 336 PASADENA DE LA PLAYA
(address)

on 9-19-06, based on plans submitted to the City of Torrance
(date)

by CBB ARCHITECTS on _____, The survey was taken
(applicant/architect) (date)

from a bench mark located at N.W. PC L&T "RCE 25407"
(address)

(attach map) which established a base elevation of 101.44.

The ridge line/highest point of the roof was determined to have an elevation of 130.17.

The plans indicate that the elevation should be 130.08 (TO MATCH EXISTING)

I certify that I have measured the location of pertinent features located on the subject property. Based on the plans submitted to the Planning Department, I have verified that the silhouette/construction accurately represents the proposed structure in terms of height, building envelope, location on the site, and all setbacks.

NAME (please print) GARY J. ROEHL

RCE 30826
LS/RCE#

SIGNATURE [Handwritten Signature]

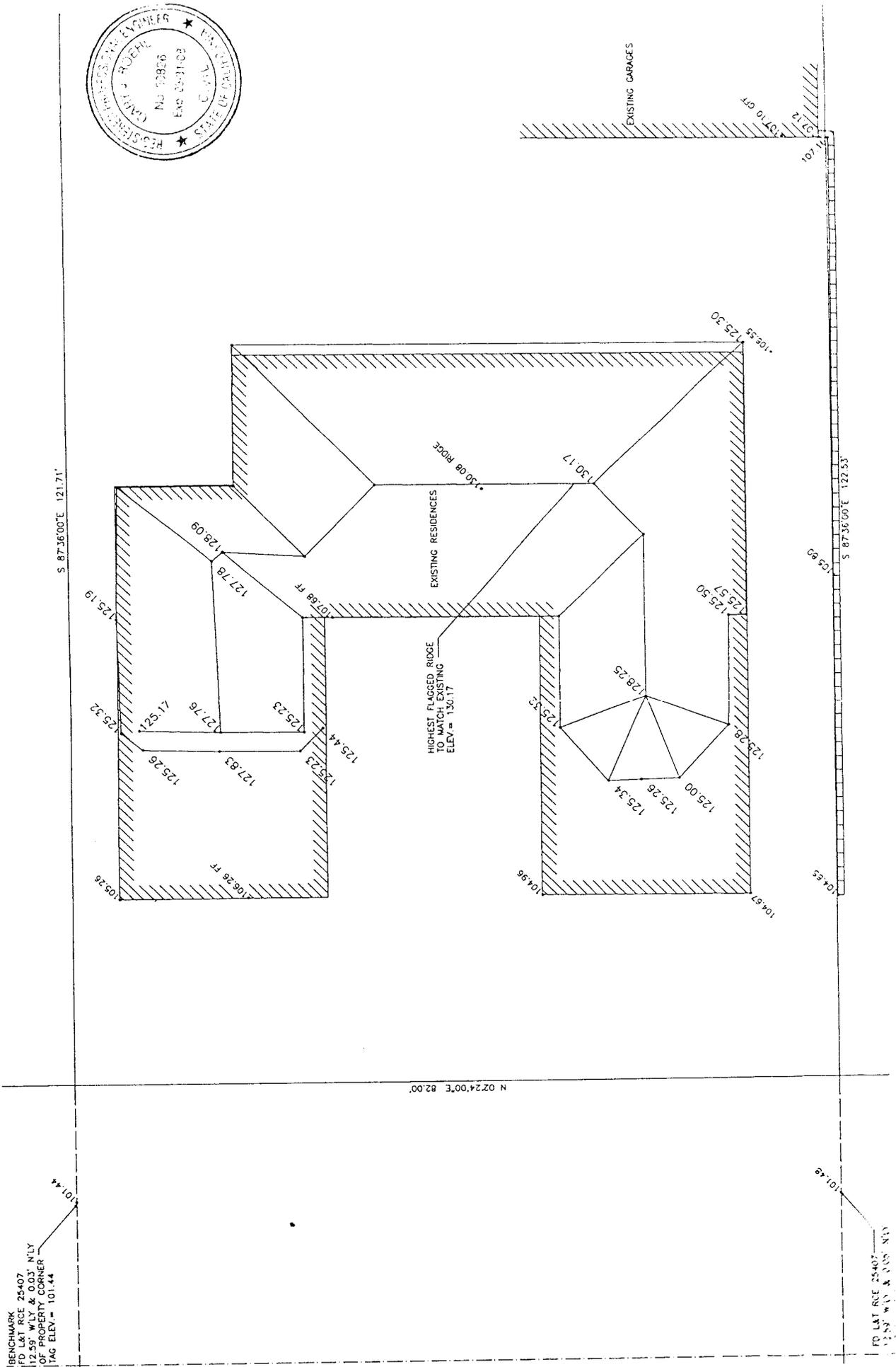
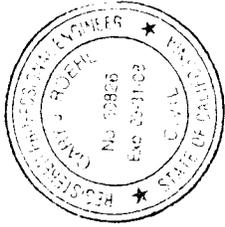
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PHONE

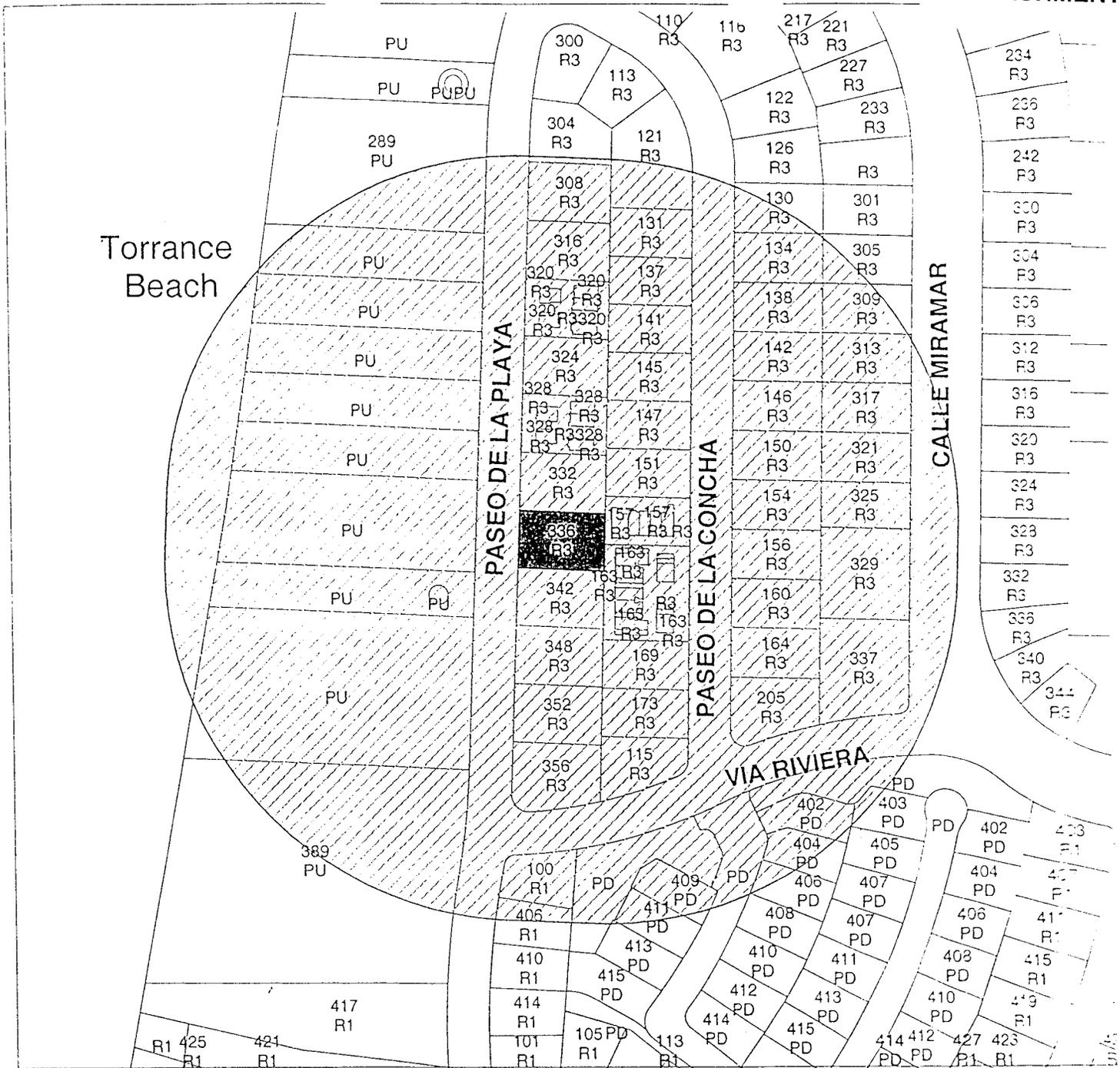
9-21-06
DATE



Notes: _____

06-510





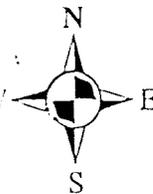
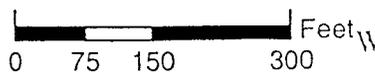
LOCATION AND ZONING MAP

336 Paseo De La Playa
PRE05-00021



LEGEND

-  336 Paseo De La Playa
-  500-foot Notification Area



CITY OF TORRANCE**INTEROFFICE COMMUNICATION****DATE: December 20, 2006**

TO: Jeffery Gibson, Community Development
FROM: City Clerk's Office
SUBJECT: Appeal 2006-15

Attached is Appeal 2006-15 received in this office on December 20, 2006 from Suzanne Butler, 336 Paseo de la Playa #E, Redondo Beach, CA 90277. This appeal is of the Planning Commission's denial on December 6, 2006 regarding PRE06-00031: CHARLES BELAK-BERGER (SUZANNE BUTLER) located at 336 Paseo de la Playa, Redondo Beach, CA 90277. SEE ATTACHMENT.

The appeal fee of \$160.00, paid by check, was accepted by the City Clerk.

TMC SECTION 11.5.3. PROCEDURE AFTER FILING.

- a) Upon receipt of the notice of appeal, and the appeal fee, the City Clerk shall notify the concerned City officials, bodies or departments that an appeal has been filed and shall transmit a copy of the appeal documents to such officials, bodies or departments.
- b) The concerned City officials, bodies or departments shall prepare the necessary reports for the City Council, provide public notices, posting, mailing or advertising in the same manner as provided for the original hearing or decision making process, request the appeal be placed on the agenda for hearing before the City Council within thirty (30) days of receipt of the said notice of appeal, and notify the applicant in writing of the time, date and place of the hearing not less than five (5) days before the Council hearing.


Sue Herbers
City Clerk

cc: City Council
Building and Safety



CITY OF TORRANCE

APPEAL FORM

REC'D CITY CLERK

2006 DEC 20 PM 3: 28

AN APPEAL TO:

- City Council
- Planning Commission
- _____

RETURN TO:

Office of the City Clerk
 3031 Torrance Boulevard
 Torrance CA 90509-2970
 310/618-2870

CITY OF TORRANCE

lc

RE: PRE 06 - 00031 CHARLES BELAK-BERGER - SUZANNE BUTLER
(Case Number and Name)

Address/Location of Subject Property 336 PASEO DE LA PLAYA
(If applicable)

Decision of:

- | | |
|---|---|
| <input type="checkbox"/> Administrative Hearing Board | <input type="checkbox"/> License Review Board |
| <input type="checkbox"/> Airport Commission | <input checked="" type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Civil Service Commission | <input type="checkbox"/> Community Development Director |
| <input type="checkbox"/> Environmental Quality & Energy Conservation Commission | <input type="checkbox"/> Special Development Permit |
| | <input type="checkbox"/> Other _____ |

Date of decision: 12/6/06 Appealing: APPROVAL DENIAL

Reason for Appeal: *Be as detailed as necessary. Additional information can be presented at the hearing. Attach pages as required with additional information and/or signatures.*

See attached

Name of Appellant Suzanne Butler

Address of Appellant 336 Paseo de la Playa #E

Telephone Number (310) 350-1903 R.B. 90277

Signature Suzanne Butler

For office use only:
 Appeal Fee paid \$ 160.00 Date 12-20-06 Received by lc
check # 2254

- Notice to: Community Development Department: Planning Building & Safety
- City Council City Manager City Attorney Other Department(s) _____

City of Torrance Appeal Form Attachment

REC'D CITY CLERK

RE: Suzanne Butler

2006 DEC 20 PM 3: 28

336 Paseo De La Playa, Redondo

PRE06-00031 Charles Belak-Berger (Suzanne Butler)

CITY OF TORRANCE

Commission Hearing Dated 12/6/06

fe

Reason for Appeal:

1. The Hillside Overlay Ordinance is unconstitutionally vague and therefore is not enforceable.
2. The Planning Commission's own "as applied" interpretation of the Hillside Ordinance was ignored in this remodel request. Specifically, the views impacted were of neighbors with "later acquired" views.
3. The Appellant party (Suzanne Butler) has suffered significant "economic loss" by not being allowed to remodel her home.
4. The Appellant party (Suzanne Butler) meets all of the objective requirements of the Hillside Overlay Ordinance.
5. Many of the complaining neighbors are themselves in violation of the Hillside Ordinance and thus lack "standing" to object due to their own "unclean hands".

Suzanne Butler

Community Development Department
City Hall
3031 Torrance Blvd
Torrance CA 90503

From:
Dr. Keith & Mucii Arnold
163 Paseo de la Concha, #1
Redondo Beach CA 90277

ATTACHMENT E

December 2nd, 2006

Dear Sirs/Madams,

We are the owners and residents of condominium
13 in 163 Paseo de la Concha.

Both of us are in our 60's and bought our
retirement home here 6 years ago. Most important in
our decision was the beautiful, relatively unobstructed
view of the ocean and white water rolling on
the sand.

The project to build by Suzanne Butler at
336 Paseo de la Playa seriously impinges on our
view and we strongly object to her selfishness and
inconsideration for her neighbors. The proposed
changes do not alter the part of the construction
which obstructs our view. We hope you vote as
before to not allow her project to proceed.

Yours respectfully,
Keith & Mucii Arnold.

Keith Arnold (M)

Mucii Arnold (M)

**Submitted by
Opponent**

12/02/06 submitted after hearing

06 December '06

Community Development Department
3031 Torrance Boulevard
Torrance, Ca. 90503

Attention: City of Torrance Planning Commission

my name is Treva Merritt. I am 75 years old and a widow. I have lived in my condo at 163 Paseo de la Concha for over 30 years and I consider it my retirement home.

The planned construction at 336 and 332 on Paseo de la Playa greatly alters my view. It will also alter the air and light that I get now.

I have already lost my view of the harbor and the city lights because of previous construction on Paseo de la Playa. I would truly like to keep what view I have now.

I will lose approximately 70% of my view related to the 336 Pascode la Playa planned construction and approximately 40-50% of my view related to the planned construction at 332 Paseo de la Playa.

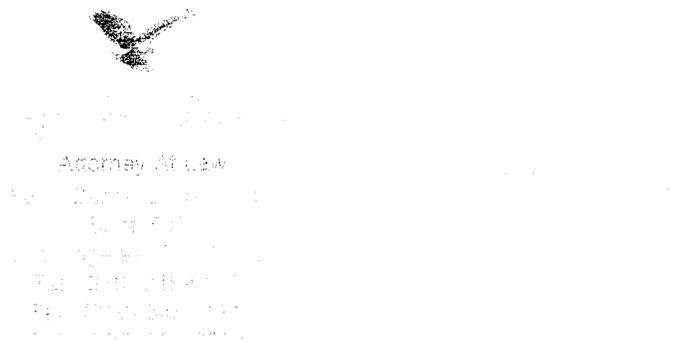
I sincerely hope that I will continue to have my view and that my property will not be devalued by construction on Paseo de la Playa.

Sincerely,

Treva E. Merritt



Submitted by
Opponent



DATE: March 6, 2007

TO: Members of the City Council of the City of Torrance

FROM: Larry Peterson – Attorney-at-Law (On behalf of Suzanne Butler)

SUBJECT: APPEAL OF THE PLANNING COMMISSION'S DENIAL OF SUZANNE BUTLER'S REMODEL REQUEST AT 336 PASEO DE LA PLAYA

This appeal is based upon the following six reasons:

1. The Hillside Overlay Ordinance is unconstitutionally vague and is therefore not enforceable.
2. The Planning Commission's own "as applied" interpretation of the Hillside Ordinance was not followed in this remodel request.
 - a) The Commission failed to demonstrate that the remodel request would have a "significant" impact on the views of the Appellant's neighbors. Further, the Commission's own guidelines are unconstitutionally vague.
 - b) The Commission failed to distinguish between "primary views" and "secondary view".
 - c) The views impacted were of neighbors with "later acquired" views and therefore lack "standing" to complain.
3. The Appellant has suffered significant "economic loss" by not being allowed to remodel.
4. The Appellant meets all of the objective requirements of the Hillside Overlay Ordinance.
5. The Appellant has made a good faith effort to accommodate the concerns of her neighbors by making significant compromises from her original proposal.
6. Many of the complaining neighbors are themselves in violation of the Hillside Ordinance and other City Development Standards and thus lack "standing" to object due to their own "unclean hands".

**Submitted by
Applicant**

FACTUAL BACKGROUND

- In 1954 the five unit multi-family residence at 336 Paseo De La Playa was built. (The subject site of Suzanne Butler's remodel request).
- In 1960 a sixteen unit apartment building was built at 163 Paseo De La Concha in the City of Torrance.
- In March of 1977 the City of Torrance adopted Article 41 of the Torrance Municipal Code which sets forth the Hillside Overlay Ordinance in which a special overlay district was created in the hillside area of the City. The Ordinance was designed to acknowledge the particular development difficulties due to the topography of the area. Under the ordinance, development in the Hillside Overlay Area is subject to special review criteria based on view, light, air, and privacy concerns. (See Exhibit 3: Hillside Overlay Ordinance).
- In 1977 an apartment building was built at 157 Paseo De La Concha in the City of Torrance. In 1981 the apartment building was converted into condominiums. The building at 157 Paseo De La Concha is a five unit condominium with a Floor Area Ratio (FAR) of 1.2 or more than two times the allowable FAR under the Hillside Ordinance. The "primary views" are to the North and East. From the front side of the second and third floors the units enjoy views from Malibu to LA down town. Further, the Homeowners Association has illegally installed a parking space on the front lawn (complete with bumper) that needs to be removed.
- In 1988 the apartment building at 163 Paseo De La Concha was converted into condominiums. The building at 163 Paseo De La Concha is a 16 unit condominium conversion with a Floor Area Ratio (FAR) of 1.1 or more than two times the allowable FAR under the Hillside Ordinance. In addition, most of the units have added balcony enclosures that only recently were granted permits by the City. These enclosures to the balconies added to the living areas and increased the FAR even beyond the already excessive FAR of 1.1. In permitting this, the City failed to follow its own code requirements for private open space. Further, the condominium units do not have proper gutters on the building and the land has been sloped toward the Appellants property rather than toward the street as required by the Hillside Overlay Ordinance which creates a drainage problem to the Applicant. Finally, the building failed to

meet several development standards at the time that it was converted to a condominium.

- At some unknown date a five unit building at 342 Paseo De La Playa in the City of Torrance was illegally converted into eight units. The entire top floor was build as one large unit. It has since been divided into four units creating three substandard sized units in violation of Code requirements.
- On September 21, 2005 the Planning Commission of the City of Torrance denied the Appellant's application to allow the construction of second-story addition to an existing two-story multiple-family residence and the construction of a new detached garage on property located in the Hillside Overlay District at 336 Paseo De La Playa. The existing first floor contains four units. Unit 5 makes up the entire second floor. The additions to Unit 5 will enlarge one of the bedrooms, change the second bedroom to a master bedroom with a bathroom and walk in closet, add a guest room and a laundry room. The proposed construction will also add two sun decks on the north and south side of the residence and a spa accessed from the entry porch. As currently developed, the subject property does not meet current parking requirements. **The Proposed detached two car garage will conform to code required dimensions and with the R-3 standards, exceed the open space requirements and area within the allowable lot coverage.** However, the application was denied based upon the following findings: (See Exhibit 2: Planning Commission Resolution No. 05-136).
 1. That the proposed addition will have an adverse impact upon the view of other properties in the vicinity because the second story roof change (from hip to gable) will adversely impact views from properties to the east of the subject site.
 2. That the proposed addition creates intrusions on the views of other properties in the vicinity.
 3. That the proposed addition does not provide an orderly development in the vicinity because of the proposed gable roofs.
 4. That the proposed addition may have a harmful impact upon the land values and investment of other properties in the vicinity.
 5. That the proposed addition would cause or result in an adverse cumulative impact on other properties in the vicinity.

6. That the proposed addition would be materially detrimental to the public welfare and to other properties in the vicinity because of view impacts.

I. THE HILLSIDE OVERLAY ORDINANCE IS UNCONSTITUTIONALLY VAGUE AND IS THEREFORE NOT ENFORCEABLE

The Appellant does not argue that consideration of aesthetics and neighborhood character, such as view impairment and the “towering effect” that would be caused by a proposed development are a valid exercise of a City’s police power. See Saad v. City of Berkeley (1994) 24 CA3d 1206, 30 CR2d 95. See also Ross v. City of Rolling Hills Estates (1987) 192 CA3d 370, 38 CR 561 in which a view protection ordinance designed to protect the rural character of the area was upheld that denied a homeowner’s application to build a two-story addition to his home. However, the City must adopt an ordinance that is not unconstitutionally vague.

In Ross the homeowners challenged the City’s view impairment ordinance on the basis that the language of the ordinance was unconstitutionally vague and therefore a denial of the applicant’s due process rights. Specifically, the homeowner challenged the use of such words in the ordinance as “needless,” “discourage”, “view,” “impairment” and “significantly obstructed” appearing in various portions of the text did not provide sufficient guidance to potential applicants.

Although the court upheld the ordinance it discussed the criteria which the courts have applied when a statute or ordinance is challenged for vagueness. The court stated that a statute which either forbids or requires the doing of an act so vague that men of common intelligence must necessarily guess as to its meaning and differ as to its application violates the first essential of due process law. Accordingly, the language used in such legislation must be definite enough to provide a clear standard of what conduct or activities are required as well as a standard by which the agencies called upon to apply those standards can determine if compliance with the standards or requirements have been met.

In Section 91.41.6 of the Torrance Hillside Overlay Ordinance, which sets forth the standards or requirements that an applicant for a building permit in the overlay zone must meet, there are several words that appear to be vague and fail to provide sufficient guidance to applicants such as “adverse impact,” “least intrusion,” “in harmony,” “harmful impact,” “unreasonable hardship,” “materially detrimental,” and “adverse cumulative impact”. Only if these words are interpreted in a consistent manner that meets the original intent of the ordinance can the ordinance be saved from a claim of “vagueness.”

In the present case the Planning Commission has attempted to interpret the Ordinance in a fair manner. However, as discussed in Section 2 below, the Commission failed to apply the ordinance in a consistent manner when it came to the Appellant's remodel request.

The Planning Commission at its April 14, 1976 meeting made a finding that the Hillside Ordinance does not attempt to prevent development. Further at its January 12, 1977 meeting the Planning Commission approved guidelines for Hillside Development that included the provision that any development on a hillside lot which "significantly" affects views and compatibility with neighboring development will require review. Thus, it is clear that from the beginning the word "significant" view impact was meant to be implied in the ordinance.

2. THE PLANNING COMMISSIONS OWN "AS APPLIED" INTERPRETATION WAS NOT FOLLOWED IN THIS REMODEL REQUEST

A clear, consistent, and fair interpretation, of the Hillside Overlay Ordinance by the Planning Commission might have "saved" the ordinance. But even if "saved", the ordinance would be limited to its "as applied" meaning. Accordingly, reference will be made to comments made by Planning Commissioners and their legal representatives in order to obtain a fair interpretation of the Planning Commissions attempt to "save" the ordinance. For example, the Commission has made efforts to explain its interpretation of "adverse impact" and "significant view impact" – and to articulate a policy regarding the meaning of the concept of "acquired view" – a concept which is not mentioned in the ordinance but which has been consistently used by the Planning Commission (and City Council) in their decisions to grant or deny a building in the Hillside Overlay District (See Exhibit 4: Summary of Planning Commission Minutes Relating to the Hillside Ordinance).

- a) The Commission failed to demonstrate that the remodel request would have a "significant" impact on the views of the Applicant's neighbors. Further, the Commissions own guidelines are unconstitutionally vague.**

At the April 16, 2003 Planning Commission meeting Commissioner Bothell noted that the terms "significant view impairment" and "acquired view" do not appear in Section 91.41.6 of the Torrance Municipal Code. He questioned whether the Commission was misapplying the Hillside Ordinance. Deputy City Attorney Whitham advised the Commission that it should rely on the words set out in the ordinance. However, she later clarified her interpretation by stating at the May 7, 2003 Planning Commission that the words "adverse impact" contained in the Hillside Ordinance does not state that a project shall have no impact on view, lighting, air, and privacy, Rather, the Commissioners must make a subjective evaluation as to whether the impact rises to the level that would be "adverse."

At the May 7, 2003 Planning Commission meeting Commissioner Muratsuchi voiced his opinion that although the word “significant” does not appear in the Hillside Ordinance, the ordinance allows those charged with applying it to fill in the gaps with a sense of what is fair for the entire neighborhood, which boils down to whether there is a “significant enough impact” to counter balance a property owner’s right to develop as he sees fit. He indicated that he did not see a “significant view loss” in this case and then noted his agreement with Commissioner Muratsuchi’s remarks.

It is this “subjective evaluation” that the Applicant finds objectionable. Due to the ambiguity of the ordinance, neither the Commission, City staff, nor the Office of the City Attorney is able to provide clear guidelines regarding what is required to obtain approval or a remodel request. For example, a better drafted ordinance could have defined “significant” view loss in terms of a percentage of view loss; it could have defined and distinguished between “primary” and “secondary” views; and it could have defined and indicated what weight to give to after “acquired views”.

At the May 7, 2003 Planning Commission meeting a discussion of the percentage of view loss was discussed. Ms. Susan Lilly maintained that a proposed project did not comply with the Hillside Overlay Ordinance because it would obscure **25%** of the panoramic view from her property. Ms. Mary Kelting estimated that the project would take away **30%** of her downstairs view, but conceded that the view was acquired when she remodeled in 1995. At a December 3, 2003 Planning Commission meeting Commissioner Horwich asserted that he did not support the proposal if **50%** of Mr. Keller’s view would be lost and Mr. Bondanelli clarified that was not the case. Despite past discussions by the Planning Commission, the City Staff report relating to the Appellant’s Remodel request makes no mention of the percentage of view loss. (See Exhibit 1: City Staff Report of Appellant’s Remodel Request).

b) The Commission failed to distinguish between “primary views” and “secondary view”.

The Planning Commission has also struggled with the concept of what is a “significant view loss” by distinguishing between a “primary view” and by inference a “secondary view.” Thus, at the August 6, 2003 Planning Commission meeting Commissioner Uchima indicated that he visited Ms. Caesar’s home and did not observe that the project would have a “significant” impact. He noted that the Caesars’ enjoy a view down Via Colusa, Calle Miramar and Paseo de Granda and stated that he did not believe the view toward the Dubes’ home was a “primary view”. Vice Chairman Murasuchi noted that every project has some impact on the view, light, air and privacy of neighbors; however, in this case he

did not believe the impact was “significant” enough to deprive the Dubes of the right to develop their property in accordance with the standards of the Hillside Overlay Ordinance. Commissioner Faulk stated he also visited the site and concurred with his colleagues’ comments.

In the Applicant’s remodel request there was no discussion in the staff report that indicates which neighbor’s views were “primary” and which were “secondary”.

1) 157 De La Concha (5 Units)

This condominium building is located behind (East) and slightly to the north of the Appellant’s building. (See Exhibit 7: Height Comparison of Appellant’s Property and Buildings 157 and 163 Paseo De La Concha).

Primary View – Parking units are on the ground floor. All of the units have two floors. With the difference of grade between the properties, anything on the third floor is almost TWO floors above the proposed remodel. (See Exhibit: Exhibit 7: Height Comparison of Appellant’s Property and Buildings at 157 and 163 Paseo De La Concha). The primary views from the third floor are spectacular. (See Exhibit 7A & B & C: Balcony View of 157 Paseo De La Concha).

Secondary View. From both the 2nd and 3rd floor west facing windows – ocean view between 2 properties and over the current roof of subject property. (See Exhibit 7: Height Comparison of Appellant’s Property and Buildings at 157 and 163 Paseo De La Concha; Exhibit 8 from inside unit#5 163 Paseo de La Concha).

2) 163 Paseo De La Concha (16 Units)

This condominium building is located to the rear and south of the Appellant’s building. (See Exhibit 5: Map of Affected Neighborhood).

Primary View – Parking units are on the ground floor. Occupants reside on the 2nd and 3rd floor. With the difference of grade between the properties, anything on the third floor is almost TWO floors above the proposed remodel. (See Exhibit 7: Height Comparison of Appellant’s Property and Buildings at 157 and 163 Paseo De La Concha).

3) 342 Paseo De La Playa (5-8 Units)

This apartment building is located to the south and is adjacent to the Appellant's building. (See Exhibit 5: Map of Affected Neighborhood).

Primary View – The primary views are to the west to the ocean. They are not affected by the proposed remodel. (See Exhibit 17 and 17A: View interior of units 342 Paseo De La Playa Street Depicting 100% View to beach

c) **The views impacted were of neighbors with “later acquired” views and therefore lack “standing” to complain.**

As evidenced by the Planning Commission's own minutes, the concept of an “acquired view” has been consistently applied by the Planning Commission (and City Council). Specifically, the Planning Commission has consistently adopted the concept that a neighbor's view that is “significantly” impacted by a proposed remodel request is not in a position to complain (i.e. lacks “standing”) if that property was build or expanded to acquire the view after the Hillside Ordinance was adopted in 1977. **It has argued that it would be unfair to prevent a property owner from developing his property (within the existing size and height limitations of the code) because of some future development when that new development should have anticipated that the existing property owner might wish to expand; and when it is likely that the new development would not have been approved in the first place if the developer had thought they were granting an exclusive right to the view he obtained by building it and that the developer intended to object to any future development of the existing properties in the neighborhood.**

Accordingly, the failure by the Planning Commission to apply such a rationale to the Appellant was a clear abuse of the Commission's discretion since it would be grossly unfair for the applicant to rely upon such an interpretation of the ordinance and then not be afforded the same fairness that other applicants have been granted.

At the April 16, 2003 Planning Commission meeting Chairman Horwich offered his clarification of the concept of an “acquired view” by noting that although acquired views are not mentioned in the Hillside Ordinance in his opinion when someone acquires a view through the remodeling of their home, they do not gain an exclusive right to that view. He stated that he thought acquired views should be protected to whatever degree possible, he would not vote to deny a project solely on that basis. Deputy City Attorney Whitham advised that the Commission should rely on the words set out in the ordinance

and confirmed that Hillside Ordinance makes no distinction between the original and acquired views. **Yet she noted that the City Council has had a pattern and practice of affording original views a higher degree of protection even though they are not codified anywhere in the ordinance.**

At the June 16, 2004 Planning Commission meeting, Commissioner Botello questioned whether it was the applicants' position that when he built his second story in 1986, he acquired a propriety right over his neighbor's property. **Commissioner Botello suggested that the Planning Commission would have never approved the applicant's addition if they thought they were granting him an exclusive right to the view obtained by building it.** Commissioner Botello further voiced his opinion that the acquired view concept is covered under TMC Section 91.41.6(d) which requires that the proposed project shall not have a "harmful impact" on other property values in the vicinity.

Based upon the Planning Commission's stated rationale in applying the acquired view" concept to the Hillside Ordinance it is apparent that the date that a condominium conversion is granted should be treated as the "acquired view" date since a condominium requires a discretionary approval by the Planning Commission. Another example of the Commission's stated "acquired view" rationale was given at the June 16, 2004 meeting by Commissioner Muratsuchi. In this meeting he indicated that he subscribes to the concept that views acquired after the adoption of the Hillside Ordinance are not protected because it would be unfair to deprive someone of an opportunity to build just because someone else did it first. Commissioner Muratsuchi had previously stated at the March 3, 2004 Planning Commission meeting that **the Hillside Ordinance was not intended to impose strict limitations on what a person may do with his/her property but rather to strike a balance between the interest of neighbors and the rights of property owners.**

1) The neighbors at 157 Paseo De La Concha have an "acquired view" and thus lack "standing" to object to the remodel request.

In December of 1977 an apartment building was built at 157 Paseo De La Concha. Earlier that same year, the Hillside Ordinance was adopted. Thus, the neighbors at 157 Paseo De La Concha lack standing to complain since they acquired their view after the Hillside Ordinance was adopted.

2) The neighbors at 163 Paseo De La Concha have an "acquired view" and thus lack "standing" to object to the remodel request.

In 1960 a sixteen unit apartment was built at 163 Paseo De La Concha. In 1988, eleven years after the passage of the Hillside Ordinance, discretionary approval was granted to convert the apartments into condominiums. In receiving

discretionary City approval in 1988 the condominium conversion failed to comply with parking, FAR, and open space requirements. Thus, the occupants at 163 Paseo De La Concha lack standing to complain about any view loss to their properties because their views were acquired after the date of the ordinance.

3. THE APPELLANT HAS SUFFERED SIGNIFICANT “ECONOMIC LOSS” BY NOT BEING ALLOWED TO REMODEL.

The Commission has recognized that Hillside cases are difficult when one person's dream home seems to detract from the dream homes of others. Thus, the Commission has attempted to balance the property rights of the person making a remodel request with the aesthetic and view rights of neighboring property owners. The Appellant strongly disagrees with the commission finding that the proposed addition may have a harmful impact upon the land values and investments of other properties in the vicinity. Property values decrease when older buildings are allowed to deteriorate. By providing an improved building and conforming with current parking regulations, all of the neighbor properties values would benefit. It is the Appellant who will suffer a measurable economic loss (loss of property value) by being denied the right to increase the size of their building to the otherwise allowable 50% Floor Area Ratio (FAR) to accommodate view corridors for the neighbors. In contrast, the potential loss of property values due to the loss of a view corridor is much more difficult to measure and would be merely a speculative guess. The existing building of the Appellant has been appraised at a value of approximately \$2 million dollars; while if the remodel request is approved the value will be appraised at approximately \$4 million dollars. Thus, the Planning Commission's denial (if not reversed by City Council) has resulted in an economic loss of approximately \$2 million dollars.

3. THE APPELLANT MEETS ALL OF THE OBJECTIVE REQUIREMENTS OF THE HILLSIDE OVERLAY ORDINANCE.

It is significant to recognize that the remodel request of the Appellant meets all of the “objective” requirements of the Hillside Overlay Ordinance. The only basis for the Commission's denial of Ms. Butler's remodel request was their alleged negative impact on the view of the neighbors and the alleged economic loss of the neighbors. The findings raised no other concerns. The staff report specifically states that the proposed detached two car garage will conform to code required dimensions and will improve the parking situation, and that the submitted plans comply with R-3 standards, exceed the open space requirements and are within the allowable lot coverage. However, the staff report still recommended that the application be denied because the proposed remodel would allegedly have an adverse impact on views of other properties in the vicinity. **(In making this finding, no mention is made of the distinction between “primary” and “secondary” views; or of the principal of after**

“acquired views; or what “percentage” of view had been affected by the remodel request).

4. THE APPELLANT HAS MADE A GOOD FAITH EFFORT TO ACCOMMODATE THE CONCERNS OF HER NEIGHBORS BY MAKING SIGNIFICANT COMPROMISES FROM HER ORIGINAL PROPOSAL

The Appellant has attempted to accommodate the concerns of her neighbors by making architectural modifications from her original plans in order to mitigate potential view impacts. Specifically, the Appellant lowered the height of the roof, changed the roof from gabled to hip which reduced angle of the roof, and moved the exterior wall on the north side wall forward by 8 feet.

5. MANY OF THE COMPLAINING NEIGHBORS ARE THEMSELVES IN VIOLATION OF THE HILLSIDE ORDINANCE AND OTHER CITY DEVELOPMENT STANDARDS AND THEREFORE LACK “STANDING” TO OBJECT DUE TO THEIR OWN “UNCLEAN HANDS.”

Historically, the Planning Commission has attempted to strike a “fair” balance between the property rights of a person wishing to remodel her home and the neighbors whose views might be significantly impacted by the remodel request. However, one of the most fundamental principles of “fairness” is the doctrine of “unclean hands.” Under this doctrine it is said that “he who comes into equity (i.e. asking for “fairness”) must come with “clean hands” (i.e. he must not have done anything related to the subject matter of the dispute that is itself illegal or “unfair”).

- a) The neighbors at 157 Paseo De La Concha exceed the allowable FAR standards, provides inadequate drainage, and have installed an illegal parking space.**

The building at 157 Paseo De La Concha is a five unit condominium with a Floor Area Ratio (FAR) of 1.2 or more than two times the allowable FAR under the Hillside Ordinance. In addition, the property does not have proper drainage to the front of the building. Finally, the Homeowner’s Association has installed a parking space on the front lawn (complete with bumper) that needs to be removed. Therefore, since these neighbors have “unclean hands” they lack “standing” to object to the remodel request.

- b) The building at 163 Paseo De La Concha exceeds allowable FAR standards, provides inadequate drainage, lacks fully enclosed parking, and significantly failed to meet required development standards at the time of its condominium conversion.**

The building at 163 Paseo De La Concha is a 16 unit condominium conversion with a Floor Area Ratio (FAR) of 1.1 or more than two times the allowable FAR under the Hillside Ordinance. In addition, most of the units have added balcony enclosures that only recently were granted permits by the City. This has resulted in increasing the living areas and increasing the FAR even beyond the already excessive FAR of 1.1. Further, the condominium units do not have proper drainage gutters on the building and the land has been sloped toward the Appellants property rather than toward the street as required by the Hillside Overlay Ordinance which creates a drainage problem to the Applicant. Also, the granting of permits to enclosure balconies was a violation of the City's own ordinances requiring "private open space". Further, the units lack fully enclosed parking.

An excellent opportunity for a City to insure that a building complex is brought up to current development standards is when the owner requests the discretionary approval of a conversion from an apartment to a condominium. Unfortunately, in 1988 when the apartment complex at 163 Paseo Del La Concha was granted a condominium conversion permit this did not happen. Sections 91.36.6 through 91.36.9 of the Torrance Municipal Code sets forth a number of development standards that apparently were either not required or not followed at 163 Paseo De La Concha including the following: easily accessible secured storage area (91.36.6(d)(C)(2); more units than approved for occupancy (91.36(d)(c)(7); open space (91.36.7(a)(3); effect on the health, safety and welfare of the community – insufficient parking (91.36.9(a); and the overall effect of the proposed conversion on the development of the City, considering the size of the conversion, the age and condition of the structure, the aesthetic factors and the safety to residents (91.36.9(c).

Because of the above referenced code violations, the neighbors at 163 Paseo De La Concha have "unclean hands" and therefore lack "standing" to object to the remodel request.

c) The building at 342 Paseo De La Playa has eight units – only five or six units were approved by the City

At some unknown date the 5 or 6 unit building at 342 Paseo De La Playa was illegally converted to eight units. The entire top floor was built as one large unit. It has since been divided into four units creating three substandard sized units. Therefore, since these neighbors have "unclean hands" they lack "standing" to object to the remodel request.

CONCLUSION

The aim of any statute is to provide reasonable definiteness and certainty in its language to prevent trapping citizens who are attempting to follow the City's regulations. It is inherently unfair for the Appellant to expend substantial time, effort, and monies in a futile effort to "guess" what is required by the ordinance. The interpretation of the Ordinance by the Planning Commission failed to meet the original intent of the statute by attempting to stop a proposed development that met all objective code requirements; and mitigated potential view impacts to a level of "insignificant".

The Planning Commission erred in denying Ms. Butler's remodel request in several ways.. First, the Hillside Overlay Ordinance is unenforceable due to the "vagueness" of the language contained in the ordinance. Secondly, even if the ordinance has been "saved" by applying an "as applied" interpretation to include the concepts of "significant view impact" and later "acquired views" the Commission erred in giving undue weight to the complaining neighbors who lacked 'standing" to object to the request. These neighbors acquired their views after the passage of the Hillside Overlay Ordinance; and they do not come to the Commission with "clean hands."

LIST OF EXHIBITS

- Exhibit 1: City Staff Report of Appellant's Remodel Request before the Planning Commission (December 06, 2006)
- Exhibit 1A: City Staff Report of Appellant's Remodel Request before the Planning Commission (September 21, 2005)
- Exhibit 2: Planning Commission Resolution No. 05-136 (September 21, 2005)
- Exhibit 2 A: Planning Commission Resolution No. 06-131 (December 06, 2006)
- Exhibit 3: Hillside Overlay Ordinance
- Exhibit 4: Summary of Planning Commission Minutes Relating to the Hillside Overlay Ordinance
- Exhibit 5: Map of Affected Neighborhood
- Exhibit 6: Overview of Affected Neighborhood
- Exhibit 7: Height Comparison of Appellant's Property and Buildings to 157 and 163 Paseo De La Concha
- Exhibit 7A View from #5 157 Balcony West
- Exhibit 7B View from #5 157 inside showing North views.
- Exhibit 7C View from #5 157 Balcony East
- Exhibit 8: View from Inside # 5 157 Paseo De La Concha over 336 Paseo De La Playa to parking lot and beach
- Exhibit 9: View of 157 Paseo De La Concha From Street
- Exhibit 10: Unauthorized Cement Parking Spot with Bumper at 157 Paseo De La Concha
- Exhibit 11: 163 Paseo de La Concha Front side, North side, West side
- Exhibit 12: 163 Paseo de La Concha Original Balcony as Originally Built at Unit 8; and Recently Permitted Balcony Enclosures for Units 7 and 9
- Exhibit 13: 163 Paseo de La Concha West side with unit numbers and 157 La Concha
- Exhibit 14: View from Interior of 163 Paseo De La Concha (Unit 6) – **To be supplied by City Staff due to Appellant's Inability to Gain Access**
- Exhibit 14A View from Interior of 163 Paseo De La Concha (Unit 5) – **To be supplied by City Staff due to Appellant's Inability to Gain Access**
- Exhibit 15: Parking Stalls on Ground Floor at 163 Paseo De La Concha
- Exhibit 16: View from Paseo De La Playa Street of 342 Paseo De La Playa, unit 1-8
- Exhibit 17: 342 Paseo De La Playa, unit 7 Sample of West facing Beach views
- Exhibit 17 A 342 Paseo De La Playa, unit 8 Sample of West facing Beach views
- Exhibit 18: Gas Meter at 342 Paseo De La Playa Depicting only 5 Units and a Laundry room

AGENDA ITEM NO. 10C**CASE TYPE & NUMBER:** Precise Plan of Development – PRE06-00031;**NAME:** Charles Belak-Berger (Suzanne Butler)**PURPOSE OF APPLICATION:** Request for approval of a Precise Plan of Development to allow the construction of second-story additions to an existing two-story multiple-family residence and the construction of a new detached garage and laundry room on property located in the Hillside Overlay District.**LOCATION:** 336 Paseo De La Playa**ZONING:** R-3, Single-Family Residential District (Hillside Overlay District)**ADJACENT ZONING AND LAND USE:**

NORTH:	R-3	Hillside Overlay District, One and Two-Story Multiple Family Residences
SOUTH:	R-3	Hillside Overlay District, One-Story and Two-Story Multiple Family Residence
EAST:	R-3	Hillside Overlay District, Two and Three-Story Multiple Family Residences
WEST:	P-U	Public Parking Lot

GENERAL PLAN DESIGNATION: Medium-Density Residential**COMPLIANCE WITH GENERAL PLAN:** This site has a General Plan Land Use Designation of Medium Density Residential, which are areas characterized by townhouse and low-rise apartment developments. This designation is implemented by the R-3, RR-3, R3-3, and R-P zones. The density range for this category is from 18 to 28 dwelling units per net acre. The R-3 zoning is in conformance with the Medium Density Residential category.

The existing five-unit apartment complex complies with the Medium Density Residential land use designation and allowable density of 18 to 28 dwelling units per acre. The existing density of 21.7 dwelling units per acre is consistent with the allowable R-3 density standard.

EXISTING IMPROVEMENTS AND /OR NATURAL FEATURES: The subject property contains a two-story, multiple-family residence with five units and a six car detached garage constructed in 1954.**ENVIRONMENTAL FINDINGS:** Additions to multiple-family residential properties are Categorically Exempted by the Guidelines for Implementation of the California Environmental Quality Act; Article 19, Section 15301(e).**BACKGROUND**

On September 21st, 2005, the applicant presented a request to allow the construction of second-story additions to an existing two-story multiple-family residence and the construction

of a new detached garage and laundry room on the rear of the property. After receiving testimony from the applicants and the public, the Planning Commission voted to deny without prejudice PRE05-00021 by a vote of 6-0, with Commissioner Drevno absent. The applicant is presently bringing forward a revised plan for the Commission's consideration.

ANALYSIS:

Since the September 21st, 2005 denial of the subject request, the applicants have modified their proposal to address concerns raised by the neighboring property owners to the rear. The first proposal included a second story addition of 1,263 square feet and a 460 square foot detached garage with laundry facilities. The revised plans show the removal of 147 square feet at the north easterly corner of the second story addition and the proposed roof structured has been modified from a gable to a hipped roof.

The applicant continues to request approval to construct second story additions to an existing two story multiple family residence, a new two car detached garage and laundry facilities on site. The additions are proposed for the second level Unit 5. A Precise Plan is required because the property is located within the Hillside Overlay District and the new construction is over fourteen feet in height.

The lot is 10,050 square feet in area and is rectangular in shape. All existing setbacks will be maintained and provide for 20 feet in the front yard, 29 feet in the rear yard at the closest point, five feet on the northerly side yard and nine feet six inches on the southerly side yard. Staff notes that the site plan does not reflect the proposed second story.

The existing first floor contains four units. Unit 1 and Unit 4 each contain one bedroom, a bathroom, kitchen, living room and dinning room. Unit 2 and Unit 3 each contain two bedrooms, a bathroom, kitchen, dining area and a living room. Unit 5 makes up the entire second floor with two bedrooms, two bathrooms, a dinning room, living room and a kitchen. The additions will enlarge one of the bedrooms, change the second bedroom to a master bedroom with a bathroom and walk in closet, and add a great room. The proposed construction will also add two sun decks on the north and south side of the residence and a spa accessed from the entry porch.

In the current state, the subject property does not meet code parking requirements. In the R-3 zone, a multiple-family residence is required to provide two parking spaces per every unit that has two or fewer bedrooms and one guest parking space per every five units. There are currently three two car garages providing six total parking spaces. The proposed detached two car garage will conform to code required dimensions and it will improve the parking situation. The detached garages are located one foot away from the rear property line and only provide a 23 foot one inch drive aisle. The addition will also provide additional space for laundry facilities.

The total height of the proposed additions will not exceed the existing height of the complex of 25 feet six inches from the highest ridge of 130.17 to the lowest adjacent grade of 104.67 as represented on the certified silhouette and based on a benchmark elevation of 101.44 located at the north westerly corner. The lowest adjacent grade of 104.67 is located at the south westerly corner of the residence.

The lot coverage is 50% and floor area ratio is .56. A project summary is provided below:

Statistical Information

◆ Lot Area	10,050 square feet
◆ Unit 1	670 square feet
◆ Unit 2	925 square feet
◆ Unit 3	925 square feet
◆ Unit 4	670 square feet
◆ Unit 5 Existing	1,365 square feet
◆ Unit 5 Proposed	1,116 square feet
◆ Total Unit 5	2,481 square feet
◆ Existing Garage	1,100 square feet
◆ Proposed Garage addition	460 square feet
◆ Total Floor Area (excluding garages)	5,671 square feet
◆ Total Floor Area (including garages)	7,231 square feet
◆ Floor Area Ratio (excluding garages)	0.56 to 1.0
Maximum Floor Area Allowed	6,030 square feet @ 0.6

The Hillside Ordinance requires that the Planning Commission make a series of findings relating to the design of the project and its potential impact on the view, light, air and/or privacy of properties in the vicinity. The applicant has responded to this requirement in the Hillside Ordinance Criteria Response Sheet (Attachment #3). The applicant was required to construct a silhouette to demonstrate potential impacts (Attachment #4). A licensed engineer has verified the height of the silhouette and staff made a field inspection.

Staff made field observations of the proposed additions, the constructed silhouette and the impacts to surrounding properties. In the judgment of staff, based on the aforementioned items, there does appear to be significant view impairments to surrounding properties. Staff made a field observation from 163 Paseo De La Concha unit 5 which will lose a view of white water and ocean. This property is a two story multiple family residential building and the views from this unit are almost exclusively the result of separation between the project site and the neighboring multiple family residences to the south and the north. The previous proposal featured a gabled roof which projected into the open space between the buildings. This proposal features a hipped roof which decreases the impacts on the southerly portion of the project. The removal of square footage on the northerly side of the project has also decreased the impacts; however, the property at 163 Paseo De La Concha will still experience significant view impacts by the project by proposed additions. The complex to the south of the subject property at 342 Paseo De La Playa will experience view loss of white water, ocean and city lights should the proposal be approved. Staff recommends eliminating or minimizing any additions to the sides and reconfiguring the front additions so that they do not extend as far in a westerly direction.

The proposed additions and final residence will use materials that are in harmony with the surrounding properties and the neighborhood. The materials include stucco and roof

shingles. The proposed additions are articulated with a hipped roof and eave overhangs to create an attractive project. The proposed master suite and great room feature balconies that face west on Paseo De La Playa.

The applicant has prepared a plan that complies with the R-3 standards with the exception of the off-street parking requirements, exceeds the open space requirements and is within the allowable lot coverage. The residence incorporates architectural finishes that are compatible with the surrounding homes and it is of a traditional design. This project however, does appear to cause an adverse impact on the views of adjacent properties by expanding the living area on the north and south sides. For view impact reasons, Staff recommends denial of this request.

The applicant is advised that Code requirements have been included as an attachment to the staff report, and are not subject to modification.

PROJECT RECOMMENDATION: DENIAL

FINDINGS OF FACT IN SUPPORT OF DENIAL OF THE PRECISE PLAN:

Findings of fact in support of denial of the Precise Plan are set forth in the attached Resolution.

RECOMMENDED CONDITIONS:

A list of recommended conditions for the project is set forth in Attachment #2 should the Commission consider approval of the subject request.

Prepared By,



Aquilla Hurd
Planning Assistant

Respectfully submitted,



Gregg Lodan, AICP
Planning Manager

ATTACHMENTS:

1. Planning Commission Resolution
2. Recommended Conditions If Approved
3. Hillside Ordinance Criteria Response
4. Silhouette Verification
5. Correspondence
6. Code Requirements
7. Minutes and Prior agenda item
8. Site Plan, Floor Plans, & Elevations

AGENDA ITEM NO. 10C

CASE TYPE & NUMBER: Precise Plan of Development – PRE05-00021;

NAME: Suzanne Butler (Charles Belak-Berger)

PURPOSE OF APPLICATION: Request for approval of a Precise Plan of Development to allow the construction of second-story additions to an existing two-story multiple-family residence and the construction of a new detached garage and laundry room on property located in the Hillside Overlay District.

LOCATION: 336 Paseo De La Playa

ZONING: R-3, Single-Family Residential District (Hillside Overlay District)

ADJACENT ZONING AND LAND USE:

NORTH:	R-3	Hillside Overlay District, One and Two-Story Multiple Family Residences
SOUTH:	R-3	Hillside Overlay District, One-Story and Two-Story Multiple Family Residence
EAST:	R-3	Hillside Overlay District, Two and Three-Story Multiple Family Residences
WEST:	P-U	Public Parking Lot

GENERAL PLAN DESIGNATION: Medium-Density Residential

COMPLIANCE WITH GENERAL PLAN: This site has a General Plan Land Use Designation of Medium Density Residential, which are areas characterized by townhouse and low-rise apartment developments. This designation is implemented by the R-3, RR-3, R3-3, and R-P zones. The density range for this category is from 18 to 28 dwelling units per net acre. The R-3 zoning is in conformance with the Medium Density Residential category.

The existing five-unit condominium complies with the Medium Density Residential land use designation and allowable density of 18 to 28 dwelling units per acre. The existing density of 21.7 dwelling units per acre is consistent with the allowable R-3 density standard.

EXISTING IMPROVEMENTS AND /OR NATURAL FEATURES: The subject property contains a two-story, multiple family residence with five units and a six car detached garage constructed in 1954.

ENVIRONMENTAL FINDINGS: Additions to multiple family residential properties are Categorically Exempted by the Guidelines for Implementation of the California Environmental Quality Act; Article 19, Section 15301 (e).

BACKGROUND AND ANALYSIS:

The applicant requests approval to construct second story additions to an existing two story multiple family residence, a new two car detached garage and laundry facilities on site. The additions are proposed for the second level Unit 5. A Precise Plan is required because the property is located within the Hillside Overlay District and the new construction is over fourteen feet in height.

The lot is 10,050 square feet in area and is rectangular in shape. All setbacks are existing and provide for 31 feet in the front yard, 20 feet in the rear yard, five feet on the northerly side yard and nine feet six inches on the southerly side yard. The proposed second story additions will maintain the front, rear and southerly side yard setbacks, however, the northerly side yard setback on the exiting first story and the proposed second story encroach into the required side yard. Staff recommends that any addition meets the northerly side yard setback requirement. The existing first story northerly side yard setback may remain upon Planning Commission approval of a Waiver.

The existing first floor contains four units. Unit 1 and Unit 4 each contain one bedroom, a bathroom, kitchen, living room and dinning room. Unit 2 and Unit 3 each contain two bedrooms, a bathroom, kitchen, dining area and a living room. Unit 5 makes up the entire second floor with two bedrooms, two bathrooms, a dining room, living room and a kitchen. The additions to Unit 5 will increase the current residence by 92 percent (1,263 square feet). The additions will enlarge one of the bedrooms, change the second bedroom to a master bedroom with a bathroom and walk in closet, add a great room and a laundry room. The proposed construction will also add two sun decks on the north and south side of the residence and a spa accessed from the entry porch.

As currently developed, the subject property does not meet code parking requirements. In the R-3 zone, a multiple-family residence is required to provide two parking spaces per every unit that has two or fewer bedrooms. There are currently three two car garages providing six total parking spaces. The proposed detached two car garage will conform to code required dimensions and it will improve the parking situation. The addition will also provide additional space for laundry facilities.

The total height of the proposed additions will not exceed the existing height of the residence which is 23 feet and eight inches based on the plans. The certified silhouette indicates that the highest ridge is at an elevation of 128.7 based on a lowest adjacent grade of 105.05 resulting in an overall height of 23 feet and eight inches. This grade is located along the rear southerly portion of the building.

The lot coverage is 47% and floor area ratio is .57. A project summary is provided below:

Statistical Information

◆ Lot Area	10,050 square feet
◆ Existing First Floor	3,190 square feet
◆ Existing Second Floor	1,365 square feet
◆ Proposed Second Floor addition	1,263 square feet
◆ Existing Garage	1,100 square feet
◆ Proposed Garage addition	460 square feet
◆ Total Floor Area (excluding garages)	5,818 square feet
◆ Total Floor Area (including garages)	7,378 square feet
◆ Floor Area Ratio (excluding garages)	0.58 to 1.0
Maximum Floor Area Allowed	6,030 square feet @ 0.6

The Hillside Ordinance requires that the Planning Commission make a series of findings relating to the design of the project and its potential impact on the view, light, air and/or privacy of properties in the vicinity. The applicant has responded to this requirement in the Hillside Ordinance Criteria Response Sheet (Attachment #3). The applicant was required to construct a silhouette to demonstrate potential impacts (Attachment #4). A licensed engineer has verified the height of the silhouette and staff made a field inspection.

Staff made a field observation of the proposed additions and based on the silhouette, it appears to cause significant impacts for surrounding properties. The properties located directly behind the project to the east, 163 Paso De La Concha, will experience view loss from this proposed project. This property is a two story multiple family residential building. Staff made field observations from two first level units #5 and #6 and two second level units #12 and #14. The first level units have the greatest view impacts based on the certified silhouette. The views from these two units are, almost exclusively, the result of open space between the project site and the neighboring multiple family residences to the south and the north. The proposed additions will

#5
extend the living area on the north and south sides and accordingly the roof will change from a hipped roof to a gable. The units from the second level will also be effected by the proposed additions and the gable roof. Staff made additional field observations from the multiple family residential building to the south of the subject property. The views from units #5 and #6 at 342 Paseo De La Playa will be affected by the proposed front, westerly, additions one of which will have a front facing gable roof and the other a hipped roof. Letters of concern have been submitted to the Community Development Department. Furthermore the applicant, Ms. Butler, has responded to those letters. Additionally letters of support have also been submitted. All correspondence has been attached for your review. Staff recommends eliminating or minimizing any additions to the sides and reconfiguring the front additions so that they do not extend as far forward.

The proposed additions and final residence will use materials that are in harmony with the surrounding properties and the neighborhood. The materials include stucco and roof shingles. The proposed additions are articulated with a gable roof and a hipped roof and eave overhangs to create an attractive project. The proposed master suite and great room feature balconies that face west on Paseo De La Playa.

The applicant has prepared a plan that complies with the R-3 standards, exceeds the open space requirements and is within the allowable lot coverage. The residence incorporates architectural finishes that are compatible with the surrounding homes and it is of a traditional design. This project does appear to cause an adverse impact on the views of adjacent properties by expanding the living area on the north and south sides and changing the roof from a hip to a gable. For view impact reasons, Staff recommends denial of this request.

The applicant is advised that Code requirements have been included as an attachment to the staff report, and are not subject to modification.

PLANNING COMMISSION RESOLUTION NO. 05-136

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TORRANCE, CALIFORNIA, DENYING WITHOUT PREJUDICE A PRECISE PLAN OF DEVELOPMENT AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE CONSTRUCTION OF SECOND STORY ADDITIONS TO AN EXISTING MULTIPLE-FAMILY RESIDENCE IN THE R-3 ZONE WITHIN THE HILLSIDE OVERLAY DISTRICT AT 336 PASEO DE LA PLAYA.

PRE05-00021: SUZANNE BUTLER (CHARLES BELAK-BERGER)

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on September 21, 2005, to consider an application for a Precise Plan of Development filed by Suzanne Butler (Charles Belak-Berger) to allow the construction of second story additions to an existing two-story single-family residence on property located in the R-1 Zone within the Hillside Overlay District at 336 Paseo De La Playa; and

WHEREAS, due and legal publication of notice was given to owners of property in the vicinity thereof and due and legal hearings have been held, all in accordance with the provisions of Division 9, Chapter 6, Article 2 of the Torrance Municipal Code; and

WHEREAS, additions to single family residential properties are Categorically Exempted by the Guidelines for Implementation of the California Environmental Quality Act; Article 19, Section 15301 (e); and

WHEREAS, the Planning Commission of the City of Torrance does hereby find and determine as follows:

- a) That the property is located at 336 Paseo De La Playa.
- b) That the property is identified as Lot 21 of Block D in Tract 10303.
- c) That the proposed addition will have an adverse impact upon the view of other properties in the vicinity because the second story addition is proposes to expand the north and south sides of the building and this will be accomplished by changing the roof from a hip to a gable. This expansion and roof change will adversely impact the views from properties to the east of the subject site; ✓
- d) That the proposed addition has been located, planned and designed in a manner that creates intrusions on the views of other properties in the vicinity because the proposed additions are located on the northern and southern portions of the existing

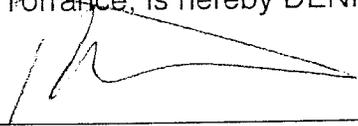
two story multiple family residence, and the views from properties to the east are the result of open space between residential buildings to the north and south;

- e) That the design of the proposed additions does not provide an orderly development in the vicinity because the proposed addition is articulated with a gable roof and two westerly facing room extensions one with a front gable roof and a hipped roof that create view impacts for the neighborhood; ✓
- f) That the design may have a harmful impact upon the land values and investment of other properties in the vicinity because enlarging the current residence will negatively impact surrounding properties; *wrong*
- g) That the proposed residence would cause or result in an adverse cumulative impact on other properties in the vicinity because the proposed new construction adversely impacts views from the surrounding residential structures;
- h) That granting the application would be materially detrimental to the public welfare and to other properties in the vicinity because the proposed additions cause view impacts to the properties adjacent to the east and south; and

WHEREAS, the Planning Commission by the following roll call votes DENIED PRE05-00021:

AYES:	COMMISSIONERS:	NONE
NOES:	COMMISSIONERS	FAUK, HORWICH, GUYTON, LABOUFF, MURATSUCHI, UCHIMA
ABSENT:	COMMISSIONERS:	NONE
ABSTAIN:	COMMISSIONERS:	NONE

NOW, THEREFORE, BE IT RESOLVED that PRE05-00021, filed by Suzanne Butler (Charles Belak-Berger) to allow the construction of second-story additions to an existing two-story multiple family residence on property located in the R-3 Zone within the Hillside Overlay District at 336 Paseo De La Playa, on file in the Community Development Department of the City of Torrance, is hereby DENIED;



 Chairman, Torrance Planning Commission

ATTEST:



 Secretary, Torrance Planning Commission

STATE OF CALIFORNIA)
 COUNTY OF LOS ANGELES) ss
 CITY OF TORRANCE)

I, Jane Isomoto, Secretary to the Planning Commission of the City of Torrance, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the Planning Commission of the City of Torrance at a regular meeting of said Commission held on the 21st day of September 2005, by the following roll call vote:

AYES: COMMISSIONERS: NONE

NOES: COMMISSIONERS: FAUK, HORWICH, GUTYON, LABOUFF,
 MURATSUCHI, UCHIMA

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE



 Secretary, Torrance Planning Commission

PLANNING COMMISSION RESOLUTION NO. 06-131

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TORRANCE, CALIFORNIA, DENYING WITHOUT PREJUDICE A PRECISE PLAN OF DEVELOPMENT AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE CONSTRUCTION OF SECOND STORY ADDITIONS TO AN EXISTING MULTIPLE-FAMILY RESIDENCE ON PROPERTY LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN R-3 ZONE AT 336 PASEO DE LA PLAYA.

PRE06-00031: CHARLES BELAK-BERGER (SUZANNE BUTLER)

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on December 6th, 2006, to consider an application for a Precise Plan of Development filed by Charles Belak-Berger (Suzanne Butler) to allow the construction of second story additions to an existing two-story single-family residence on property located in the R-1 Zone within the Hillside Overlay District at 336 Paseo De La Playa; and

WHEREAS, due and legal publication of notice was given to owners of property in the vicinity thereof and due and legal hearings have been held, all in accordance with the provisions of Division 9, Chapter 6, Article 2 of the Torrance Municipal Code; and

WHEREAS, additions to multiple family residential properties are Categorically Exempted by the Guidelines for Implementation of the California Environmental Quality Act; Article 19, Section 15301(e); and

WHEREAS, the Planning Commission of the City of Torrance does hereby find and determine as follows:

- a) That the property is located at 336 Paseo De La Playa.
- b) That the property is identified as Lot 21 of Block D in Tract 10303.
- c) That the proposed addition will have an adverse impact upon the view of other properties in the vicinity because the second story addition is proposes to expand the north and south sides of the building and will adversely impact the views from properties to the east of the subject site;
- d) That the proposed addition has been located, planned and designed in a manner that creates intrusions on the views of other properties in the vicinity because the proposed additions are located on the northern and southern portions of the existing two story multiple family residence, and the views from properties to the east are the result of open space between residential buildings to the north and south;

- e) That the design of the proposed additions does not provide an orderly development in the vicinity because the proposed addition includes areas on the westerly elevation extensions one with a front gable roof and a hipped roof that create view impacts for the neighborhood;
- f) That the design may have a harmful impact upon the land values and investment of other properties in the vicinity because enlarging the current residence will negatively impact surrounding properties;
- g) That the proposed residence would cause or result in an adverse cumulative impact on other properties in the vicinity because the proposed new construction adversely impacts views from the surrounding residential structures;
- h) That granting the application would be materially detrimental to the public welfare and to other properties in the vicinity because the proposed additions cause view impacts to the properties adjacent to the east and south; and

WHEREAS, the Planning Commission by the following roll call votes
DENIED PRE06-00031:

AYES:	COMMISSIONERS:	BROWNING; BUSCH; GIBSON; HORWICH; UCHIMA; WEIDEMAN CHAIRPERSON FAUK
NOES:	COMMISSIONERS	NONE
ABSENT:	COMMISSIONERS:	NONE
ABSTAIN:	COMMISSIONERS:	NONE

NOW, THEREFORE, BE IT RESOLVED that PRE06-00031, filed by Charles Belak-Berger (Suzanne Butler) to allow the construction of second-story additions to an existing two-story multiple family residence on property located in the R-3 Zone within the Hillside Overlay District at 336 Paseo De La Playa, on file in the Community Development Department of the City of Torrance, is hereby DENIED;



Chairman, Torrance Planning Commission

ATTEST:

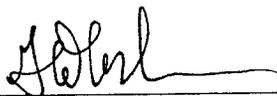


Secretary, Torrance Planning Commission

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF TORRANCE)

I, Gregg Lodan, Secretary to the Planning Commission of the City of Torrance, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the Planning Commission of the City of Torrance at a regular meeting of said Commission held on the 6th day of December, by the following roll call vote:

AYES:	COMMISSIONERS:	BROWNING; BUSCH; GIBSON; HORWICH; UCHIMA WEIDEMAN; CHAIRPERSON FAUK
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE
ABSTAIN:	COMMISSIONERS:	NONE



Secretary, Torrance Planning Commission



Government : City Departments : Community Development : Permits & Applications : **Hillside Area**

COMMUNITY DEVELOPMENT

- Current Events & Projects
- City Council
- Redevelopment Agency
- Energy Conservation
- Environmental Quality & Energy Conservation Commission
- Planning Commission
- Traffic Commission
- Permits & Applications
- Standards, Details & Plans
- GIS, Mapping & Survey
- Fee Schedule
- Assisted Housing
- Code Enforcement
- Transportation & Traffic
- Reports & Information
- Related Links
- Contact Us

PERMITS & APPLICATIONS

- Development Impact Fee Notification
- General (MS) Update Information Party/Street
- NPDES Stormwater (MS) Update Information Party/Street
- Hillside Area Temporary Street Closures in the Occupation
- Plan Check Downtown Right-of-Way Per
- Torrance WTF Application

THE HILLSIDE OVERLAY AREA

In 1977, a special overlay district was created in the hillside area of the city. The Hillside Overlay to acknowledge the particular development difficulties due to the topography of the area. Development in the hillside is subject to special review criteria based on view, light, air, and privacy concerns. For a determination to determine if a specific property is located in the Hillside Overlay Area please contact the Planning Department at (310) 618-5990. The following excerpt is from the Torrance Municipal Code.

ARTICLE 41 - R-H HILLSIDE AND LOCAL COASTAL OVERLAY ZONE

(Added by O-2747; Amended by O-2760; O-2961; O-2982; O-3027; O-3110; O-3126; O-3144)

Section 91.41.1. - Hillside and Coastal Zone

- a. The Hillside and Local Coastal Overlay Zone shall consist of the area designated in the map following this Article, marked Exhibits A, B and C to this section, which are incorporated in this reference.
- b. The provisions of this Article shall apply to all properties within the Overlay Zone in addition to the requirements of the underlying zone, except as provided in this Article. No permits shall be issued for development in the Hillside and Coastal Zone unless the requirements of this Article have been satisfied.

Section 91.41.2. - Application of Preexisting Zone

Nothing contained in this Article shall be deemed to repeal any provision of this Code, and the requirements of all preexisting zones in existence in the area encompassed by this Overlay Zone shall remain in full force and effect in addition to the requirements of the Overlay Zone, except where the requirements of the Overlay Zone shall be applied where the requirements and standards therein are more restrictive than those of the preexisting underlying zones.

Section 91.41.3. - Lot Dimensions (Amended by O-3283)

Residential lots within the Overlay Zone shall provide a minimum lot width of fifty (50) feet or sixty (60) feet for exterior lots, plus one (1) foot for each one percent (1%) slope in excess of one percent (15%) based on existing grade or finished grade, whichever is more restrictive.

Section 91.41.4. - Public Hearing

- a. Upon receipt of the complete application, the Planning Director shall set a date, time and place for a public hearing thereon as soon as practicable and shall send notice thereof to the owners of the property within a three hundred (300) foot radius of the exterior boundaries of the land for which the application is submitted.

sought as shown on the last equalized assessment roll. The Planning Commission may conduct a hearing in an informal manner. The rules of evidence shall not apply. The hearing may be held at a future time at the discretion of the Planning Commission without the giving of further notice. The announcement by the Commission of the date, time and place of such adjourned meeting shall constitute said adjournment.

- b. The applicant shall have the burden of proving that all the requirements of this Article have been met.
- c. The Planning Commission may consider all measures which are proposed by the project to be included in the project and other measures that are not included but could reasonably reduce the adverse impacts of the project, if required as conditions.

Section 91.41.5. - Precise Plan

- a. Any development on a lot within the Hillside and Coastal Zone shall be subject to approval by the Planning Commission of a Precise Plan in accordance with Chapter 6 of this Division 9, as provided in Sections 91.41.7, 91.41.8, and 91.41.14 of this Article.
- b. Nothing in this chapter shall be construed to permit the restrictions which are less restrictive than those established in this Code, or in the California Coastal Act as to those properties lying westerly of Palos Verdes Boulevard in the Coastal Zone as defined by the California Coastal Act.
- c. Nothing in this Article shall be construed to authorize the Planning Commission to impose more restrictive than the express provisions of this Code or the California Coastal Act as to those properties lying westerly of Palos Verdes Boulevard in the Coastal Zone as defined in the California Coastal Act when so doing would render construction on any lot impossible where such construction would be possible in accordance with the Code as written.
- d. The requirements, restrictions and conditions of the California Coastal Act, commencing with Section 15000 of the Public Resources Code of the State of California and any implementing regulations or local law, are incorporated by this reference as to the properties lying westerly of Palos Verdes Boulevard in the Coastal Zone as defined in the California Coastal Act.

Section 91.41.6. - Planning and Design

No construction and no remodeling or enlargement of a building or structure shall be permitted unless the Planning Commission (or the City Council on appeal) shall find that the location and size of the building or structure, or the location and size of the remodeled or enlarged portions of the building or structure, have been planned and designed in such a manner as to comply with the following provisions:

- a. The proposed development will not have an adverse impact upon the view, light, air and privacy of other properties in the vicinity;
- b. The development has been located, planned and designed so as to cause the least intrusion upon the views, light, air and privacy of other properties in the vicinity;
- c. The design provides an orderly and attractive development in harmony with other properties in the vicinity;
- d. The design will not have a harmful impact upon the land values and investment of other properties in the vicinity;
- e. Denial of such an application would constitute an unreasonable hardship to the applicant. In this Section, and hereinafter in this Article, the term "hardship" shall mean that because of special circumstances applicable to the property, including size, shape, topography, soil conditions, and surroundings, the strict application of this Article deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification;
- f. Granting such application would not be materially detrimental to the public welfare and to the health, safety and general welfare of the vicinity;
- g. The proposed development will not cause or result in an adverse cumulative impact on the health, safety and general welfare of the vicinity.

Section 91.41.7. Permitted Development - Residential

Notwithstanding the provisions of this Article, no Precise Plan shall be required if the proposed development within the Hillside and Coastal Overlay Zone is for the purpose of constructing or enlarging a dwelling, provided the following requirements are met:

- The net interior area of the completed dwelling, whether it is new construction or remodeled (including the area of the garage, whether attached or detached, will not exceed fifty percent of the area of the lot or parcel on which the dwelling is located;
- The dwelling (or in the case of remodeling or enlargement, will be one (1) story; and provided no portion of the roof of the dwelling (or in the case of remodeling or enlargement, no portion of or enlarged roof) will be used as a deck, sun-deck or patio, nor will any equipment or appurtenances mounted on the roof or protrude through the roof (except for ordinary plumbing or heater vents above the roof eave line; provided further that a chimney will be permitted if the portion extending above the roof eave line is no larger than the minimum dimensions required by the Torrance Building Code;
- Except as provided in this subsection, no portion of the dwelling, in the case of new construction shall exceed fourteen (14) feet in height, measured from the ground at finished grade, but not including any berm. In the case of remodeling or enlargement, the portion remodeled or enlarged shall not exceed the height of the lowest portion of the remainder of the dwelling, or fourteen (14) feet measured from the ground at finished grade, but not including any berm, whichever is less. In the case of a down-sloping lot, no portion of the dwelling shall exceed fourteen (14) feet in height, measured from the top of the curb at the corner of the front property line. Vents and a chimney, as provided in subsection b) of this section, shall be considered in the height measurements.
- The Planning Director has determined that the proposed development will not have an adverse effect on other properties in the vicinity, and there is no significant public controversy thereon.

Section 91.41.8. Permitted Development - Commercial

Notwithstanding the provisions of this Article, no Precise Plan shall be required if the proposed development within the Hillside and Coastal Overlay zone is for the purpose of constructing, remodeling or enlarging a commercial building, located in a commercial zone, if the following requirements are met:

- a. In the case of remodeling or enlargement of a building, the net interior area of the resulting building shall not be increased by more than fifty percent (50%) as a result of the remodeling or enlargement;
- b. The commercial building (or in the case of remodeling or enlargement, the portion remodeled or enlarged) will be one (1) story; and provided, further, that in the event the commercially zoned lot is also used for residential purposes, no portion of the roof (or in the event of remodeling or enlargement, no portion of the remodeled or enlarged roof) will be used as a deck, sun-deck or patio, nor will any equipment or appurtenances be mounted on the roof, protrude through the roof, or extend above the roof eave line (except for ordinary plumbing or heating vents);
- c. No portion of the building, in the case of new construction, shall exceed fourteen (14) feet in height measured from the ground at finished grade, but not including any berm. In the case of remodeling or enlargement, the portion remodeled or enlarged shall not exceed fourteen (14) feet in height measured from finished grade, but not including any berm, or shall not exceed the height of the lowest portion of the remainder of the building, whichever is less. Ordinary plumbing or heating vents, as provided in subsection b) of this section shall not be considered in the height measurement;
- d. The Planning Director has determined that the proposed development will not have an adverse effect on other properties in the vicinity, and there is no significant public controversy thereon.

Section 91.41.9. Development Standards

- a. For slope control:
 1. All structures shall have roof drainage directed to the street or other approved drainage approved methods;

2. All excavations, paving, hillside and slope earthwork construction, landscaping and including fills and embankments, shall meet building and grading Code requirements.
- b. For safety, general welfare, aesthetic control, and to help stabilize land values and invest
 1. Stilt-type structures shall be constructed in such a way that there is no exposure to plumbing, electrical, mechanical equipment, ducts, pipes or other construction app normally associated with a residential or commercial structure;
 2. Swing-in garages and circular driveway are encouraged on wide lots to allow vehic public way in a forward manner when such drives are landscaped appropriately;
 3. There shall be a level setback of not less than five (5) feet on that portion of a hillside the wall of any structure on such lot and any adjacent slope of greater than 15% of
 4. The proposed development will not result in a substantial change in the physical conditions exist in the area affected by the proposed project.

Section 91.41.10. Limitation on Increases in Height

No enlargement in any building or structure, or any remodeling of any building or structure permitted which causes the height of such building or structure or any part thereof, to be increased before the remodeling or enlargement, unless the Planning Commission (or City Council) shall find that:

- a. It is not feasible to increase the size of or rearrange the space within the existing building for the purposes intended except by increasing the height;
- b. If such lack of feasibility is proved:
 1. Denial of such application would result in an unreasonable hardship to the applicant;
 2. Granting the application would not be materially detrimental to the public welfare at properties in the vicinity.

Section 91.41.11. - Limitation on Increases in Building Space Lot Coverage

- a. No remodeling or enlargement shall be made to any building or structure, except for commercial zone, which remodeling or addition increases the net interior floor area of the structure so that it exceeds fifty percent (50%) of the number of square feet in the lot or portion upon which the building or structure is located unless the Planning Commission (or the Council on appeal) shall find that:
 1. Denial of such application would constitute an unreasonable hardship to the applicant;
 2. Granting of such application would not be materially detrimental to the public welfare at property in the vicinity.
- b. For purposes of this section, the term "commercial zone" shall mean any zone in which commercial uses are permitted, or are permitted with a Conditional Use Permit.

Section 91.41.12. - Waivers

Waivers may be granted pursuant to the provisions of Chapter 4, Article 2, of this Division; however, that the building height requirements of this Article may be changed only pursuant to a Precise Plan. Where both a Waiver and a Precise Plan are necessary, both may be processed as

Section 91.41.13. - Guidelines For Review Of Coastal Development

- a. The following factors, in addition to the California Coastal Act, related State regulations and provisions of this Article, shall be considered by the Planning Commission when reviewing development regardless of zone as to those properties lying westerly of Palos Verdes Beach Coastal Zone as defined in the California Coastal Act:
 1. Multiple-family dwellings should not exceed thirty-five (35) feet above existing grade;
 2. Roof signs should not be permitted; and

3. Ground signs should be limited to monument-type signs with a maximum height of above the front property line.
- b. The following factors should be considered during review of any development proposed for bluffs or adjacent to the sandy beach areas:
 1. No improvements will be allowed west of the safe building line established by the Department of Building and Safety for Lots 184 through 164, Tract 18379;
 2. No construction will be allowed between the safe building line and the west side of Playa, or on any lots north of Lot 184, Tract 18379, without a soils and geologic investigation filed with the Department of Building and Safety;
 3. No development will be allowed without supporting data showing proof of bluff and stability being filed with the Department of Building and Safety;
 4. Whether the proposed development impairs access to the beach areas for use by the public;
 5. Whether the proposed development is incompatible with recreational usage by the public and
 6. Whether the proposed development will result in blockage of coastal views from public way.

Section 91.41.14. - Exemptions

- a. Unless in the opinion of the Director of Building and Safety, based upon the criteria of Sections 91.41.9, 91.41.10, 91.41.11 and 91.41.13 of this Article, such improvements may have an adverse effect on surrounding properties, the following shall be exempt from review under Section 91.41.9 of this Code, regardless of the valuation of improvements: retaining walls three (3) feet in height, interior modifications, maintenance or replacement of existing improvements, fences less in height, grade walls, architectural appurtenances and nonoccupied areas, including patios, uncovered decks, swimming pools, jacuzzis and open patios and those developments exempted by the California Coastal Act where applicable.
- b. The Planning Director may exempt the following from review under Section 91.41.5 of this Article, if determining that there is no significant public controversy thereon unless in the opinion of the Director or the Director of Building and Safety, based upon the criteria of Sections 91.41.9, 91.41.10, 91.41.11 and 91.41.13 of this Article, the improvements may have a significant adverse effect on such surrounding properties, regardless of the value of such improvements: retaining walls (3) feet in height, balconies, patios, covered decks or any other occupied areas or solar panel developments exempted by the California Coastal Act where applicable.

EXHIBIT 4

SUMMARY OF PLANNING COMMISSION MINUTES RELATING TO THE
HILLSIDE OVERLAY ORDINANCE

- April 14, 1976 The Planning Commission made **findings** (among others) regarding the existing Hillside Ordinance that the ordinance was designed in response to specific problems of traffic and geologic safety, aesthetics and, to a degree open space. **The ordinance does not attempt to prevent development.**
- January 12, 1977 The Planning Commission approved the following **guidelines** (among others) for the Hillside Development: 1) In no case shall a structure exceed 35 feet from existing grade, 2) **Any development on a hillside lot which significantly affects slope stability, drainage, circulation safety, views and compatibility with neighboring development will require review**, 3) Efforts should be made to retain as much natural vegetation as possible, 4) The aesthetics in the individual development should be considered as relates to the natural terrain and site features, as well as the overall character to the hillside and the relationship to neighboring development and open space, and 5) Large trees and shrubs should be placed so as not to block views. It was also the consensus of the Commission (as recommended by staff) that decisions made under the Hillside Ordinance be reviewed on an annual basis for the purpose of establishing future policies and guidelines regarding hillside development.
- April 16, 2003 (Consideration of a Precise Plan of Development to allow the construction of a new single-story, single family residence on property located in the Hillside Overlay District in R-1 Zone at 113 Calle de Arboles). Ms. Mary Kelting, 114 Calle de Arboles, expressed her concerns that the project would negatively impact the view corridor of her property. Chairman Horwich stated that he observed the projects impact on the Kelting's view corridor, but his opinion has been somewhat colored by the realization that it is an acquired view related to the 1995 remodel. Ms. Kelting asked for clarification of the concept of "acquired views." Chairman Horwich offered his personal philosophy on this subject, noting that acquired views are not mentioned in the Hillside Ordinance. He voiced his opinion that when someone acquires a view through the remodeling of their home, they do not gain an exclusive right to that view and it was not unreasonable to deny a neighbor the same opportunity. He stated that he thought acquired views should

be protected to whatever degree possible, however, he would not vote to deny a project solely on that basis.

Commission Botello noted that two terms frequently come up when considering Hillside cases, "significant view impairment" and "acquired view," but those terms do not appear in Section 91.41.6 of the Torrance Municipal Code and questioned whether the Commission was misapplying the Hillside Ordinance. Deputy City Attorney Whitham advised that the Commission should rely on the words set out in the ordinance and confirmed that the Hillside Ordinance makes no distinction between original and acquired views. **She noted that the City Council has had a pattern and practice of affording original views a higher degree of protection but that it is not codified anywhere in the ordinance.** (The Hearing was continued to May 2, 2003).

May 7, 2003

Continuation of Public Hearing of April 16, 2003 regarding construction of a new one-story single family residence located in the Hillside Overlay District in the R-1 Zone at 113 Calle de Arboles). The Applicant (owner) briefly described the revisions made to reduce the impact on his neighbor's views, but noted that when he met with his neighbors he was unable to resolve all of their concerns. Ms. Susan Lilly, 117 Call de Arboles, maintained that the project does not comply with the Hillside Overlay Ordinance because it would obscure **25%** of the panoramic view from her property for which she and her husband recently invested \$750,000. Ms. Mary Kelting, 114 Calle de Arboles (See discussion of April 16, 2003), estimated that the project would take away **30%** of her downstairs view, but conceded that the view was acquired when the view was acquired when she remodeled in 1955.

Commissioner Muratsuchi commented on the subjectivity of the Hillside Overlay Ordinance and voiced his opinion that the impact of the Lilly's view does not rise to the level that would infringe on Mr. Georgouses' right to develop his property. He stated that he could not support Ms. Kelting's position because hers is an acquired view. (The Project was approved: AYES – Drevno, Faulk, LaBouff, Muratsuchi and Chairman Horwich; NOES – Botello and Uchima). Chairman Horwich stated that he found this to be a difficult case, noting that the question of how significant a view loss is, is a highly subjective and that it must be balanced against a property owner's right to develop his property. He indicated that he voted in favor of the project because the majority of the Lilly's view would remain intact, estimating they would lose **10-15%**.

Consideration of 524 Paseo de la Playa – Ms. Sander, applicant and Owner). Chairman Horwich noted that he viewed the project from several homes and observed that a tree on Ms. Sander’s property has more of an impact on views than the proposed expansion. Ms. Sander’s reported that the tree is a City tree and that she often has to call to have it trimmed. Mr. Ronald Smith stated that at the April 26, 2003 meeting that Deputy City Attorney Whitman has advised the Planning Commission that they should rely on the language set out in the Hillside Ordinance, and pointed out that the word “significant” does not appear in the ordinance; and maintained that projects that impact views should be rejected.

Deputy City Attorney Whitman clarified that the Hillside Ordinance does not state that a project shall have no impact on view, light, air, and privacy and that Commissioners must make a subjective evaluation as to whether the impact rises to a level that would be termed “adverse.” Commissioner Muratsuchi voiced his opinion that although the word “significant” does not appear in the Hillside Ordinance, the ordinance allows those charged with applying it to fill the gaps with a sense of what is fair for the entire neighborhood, which boils down to whether there is a significant enough impact that would counter balance a property owner’s right to develop as he sees fit. He indicated that he did not see a significant view loss in this case and he would support the project as proposed.

Commissioner Faulk noted his agreement with Commissioner Muratsuchi’s remarks and stated that he also did not observe significant view impairment. Commissioner Botello stated he was opposed to the modifications of the previously approved addition because it would adversely impact the view of two properties and voiced the opinion that Commissioners should apply the Hillside Overlay Ordinance as written and not add words such as “significant” and “acquired view.” He noted that the Hillside Ordinance specifically mentions **cumulative impact** and the results could be dramatic if each new project takes a small slice of the panoramic view.

August 6, 03 August 6, 03 Commissioner Uchima indicated that he visited Ms. Ceasar’s home and did not observe that the project would have a significant impact. He noted that the Ceasars enjoy a view down Via Colusa, Calle Miramar and Paseo de Granda and stated that he did not believe the view toward the Dubes’ home was a **primary view**. Vice Chairman Murasuchi noted that every project has some impact on the view, light, air and privacy of neighbors; however, in

this case he did not believe the impact was significant enough to deprive the Dubes of the right to develop their property in accordance with the standards of the Hillside Overlay Ordinance. Commissioner Faulk stated that he also visited the site and concurred with his colleagues' comments.

- October 1, 03 Commissioner Muratsuchi stated that he did not believe that there was enough of an impact to deprive the applicants of the right to build the house they want especially since the project complies with **Code requirements**.
- Dec. 3, 03 Commissioner Horwich (page 4) asserted that he did not support the proposal if **50%** of Mr. Keller's view would be lost and Mr. Bondanelli clarified that was not the case. Commissioner Botello pointed out that this was a large home asking for **57%** lot coverage without an explanation as to why it is necessary to **exceed the guidelines** of the Ordinance.
- March 3, 04 (RE: 131 Camino de la Colinas). Commissioner Muratsuchi stated that he recognized that neighbors had raised some valid concerns; however, he believed Dr. Allen had captured the spirit of the Hillside Overlay Ordinance and made significant compromises. He voiced his opinion that the ordinance was not intended to impose strict limitations on what a person may do with his/her own property but rather to strike a **balance** between the interest of neighbors and rights of property owners.
- June 16, 04 In response to Commissioner Horwich's inquiry, Mr. Jonquieres confirmed that the view impairment would be limited to his second-story **acquired view** addition built in 1986. Commissioner Horwich noted that it is the position of some Commissioners that a view acquired after the adoption of the Hillside Ordinance is not protected by it. Mr. Jonquieres stated that he was aware of this rationale but noted that is not a unanimous view and there is nothing in the Hillside Ordinance that indicates that an acquired view is less valuable than an original view. Commissioner Botello questioned **whether** it was Mr. Jonquieres' position that when he built his second story in 1986, he **acquired a proprietary right over his neighbor's property**. Commissioner Botello suggested that the Planning Commission would have never approved Mr. Jonquieres' addition if they thought they were granting him an exclusive right to the view he obtained by building it.

Commissioner Muratsuchi indicated that he subscribes to the concept that views acquired after the adoption of the Hillside Ordinance are not protected because it would be unfair to deprive

someone of an opportunity to build just because someone else did it first. Commissioner Botello voiced his opinion that the acquired view concept is covered under TMC Section 91.41.6(d) which requires that the proposed project shall not have a **harmful impact** on other property values in the vicinity.

August 18, 04 Commissioner Uchima (page 4) commented that Hillside cases are very difficult to decide because both neighbors and property owners have rights and it often comes down to a question of **reasonableness**. He voiced the opinion that the applicants had made an effort to work with neighbors, had followed suggestions given at the previous hearing and have clearly made **compromises**. He felt that the impact had been reduced to such an extent that it would no longer be significant.

Chairman Muratsuchi requested a legal interpretation of the hardship provision in the Hillside Ordinance. Deputy City Attorney Whitham advised that there is no definition of hardship so it is subject to the interpretation of those who administer the Code. She added that staff believes it can be interpreted more broadly to include issues other than just the topography of a lot. Chairman Muratsuchi (page 5) stated that Hillside cases are difficult, especially when someone's dream house seems to detract from the dream house of others, therefore he relies on the rules in the Hillside Ordinance, which clearly state that a Floor Area Ratio (FAR) of .50 shall not be exceeded unless there is a demonstration of hardship.

EXHIBIT A**SUMMARY OF HILLSIDE OVERLAY ORDINANCE**

In 1977 the City of Torrance adopted Article 41 of the Torrance Municipal Code which sets forth the Hillside Overlay Ordinance in which a special overlay district is created in the hillside area of the City. The Ordinance was designed to acknowledge the particular development difficulties due to the topography of the area. Under the ordinance, development in the Hillside Overlay Area was subject to special review criteria based on view, light, air, and privacy concerns.

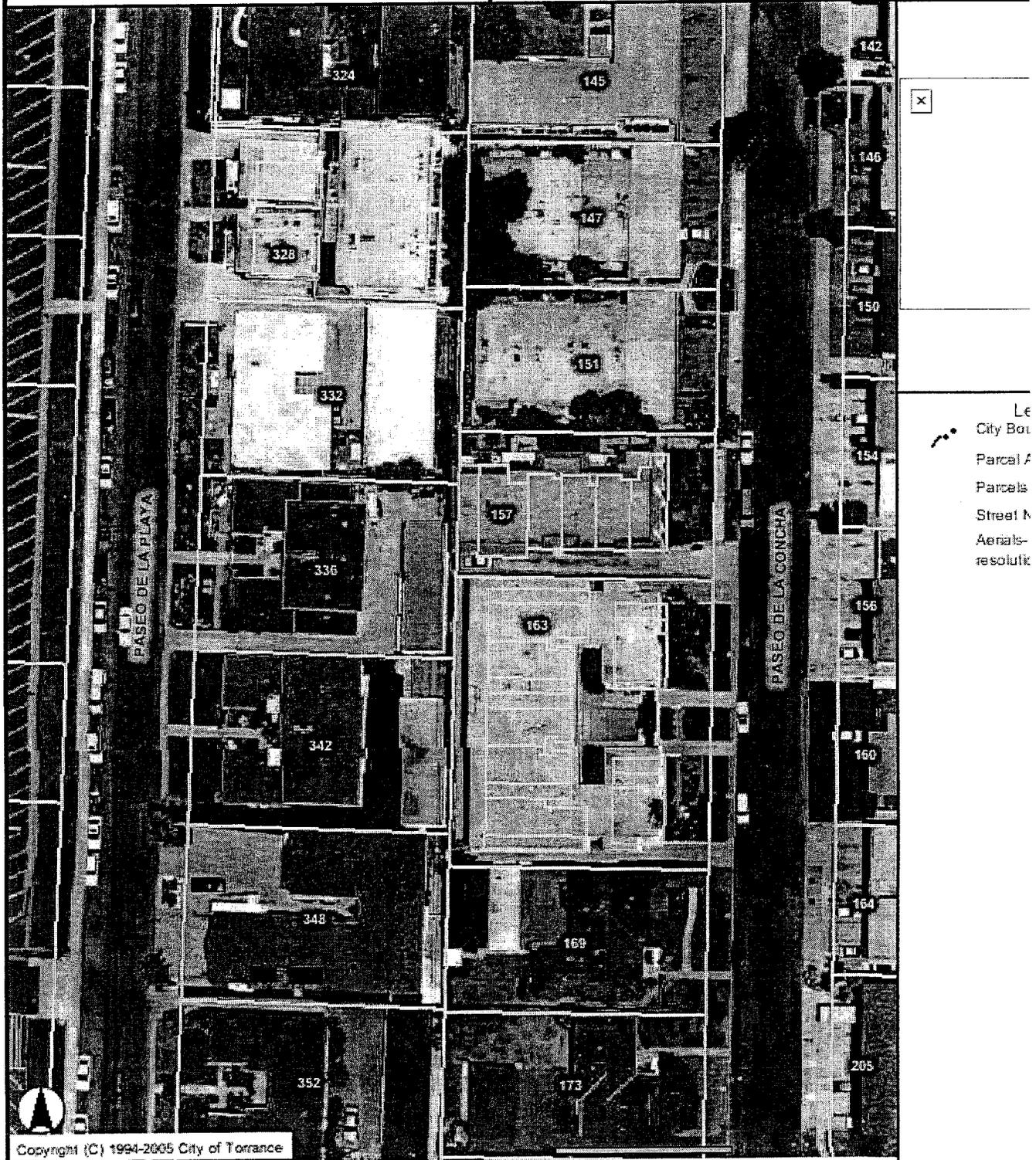
A key section of the ordinance is Section 91.41.6 which provides that no construction, remodeling, or enlargement of a building or structure is permitted unless the proposed development complies with the following provisions:

“(a) the proposed development will not have an adverse impact upon the view, light, air, and privacy of other properties in the vicinity, (b) the development has been located, planned and designed so as to cause the least intrusion on the views, light, air, and privacy of other properties in the vicinity, (c) the design provides an orderly and attractive development in harmony with other properties in the vicinity, (d) the design will not have a harmful impact upon the land values and investment of other properties in the vicinity, (e) denial of such an application would constitute an unreasonable hardship to the applicant...”hardship” shall mean that because of special circumstances applicable to the property, including size, shape, topography, soil conditions, location or surroundings, the strict application of this Article deprives such property of privileges enjoyed by other properties in the vicinity and under an identical zoning classification, (f) granting such application would not be materially detrimental to the public welfare and to other properties in the vicinity, and (g) the proposed development will not cause or result in an adverse cumulative impact on other properties in the vicinity.

Other key sections of the Hillside Overlay Ordinance are as follows: (1) Section 91.41.2 which provides that the requirements of the Overlay Zone shall be applied where its requirements are more restrictive than those of the preexisting underlying zones, (2) Section 91.41.4 which provides for a public hearing upon the completion of a construction or remodel application in the overlay zone, (3) Section 91.41.10 which prohibits an increase in the height of any remodel unless it is not feasible to increase the size of or rearrange the space within the existing building or structure for the purposes intended except by increasing the building height and the denial of such an increase in height would result in an unreasonable hardship to the applicant and granting the application would not be materially detrimental to the public welfare and other property in the vicinity; (4) Section 91.41.11 which prohibits an increase in the net interior floor area so that it exceeds fifty percent (50%) of the square footage of the applicant’s lot unless denial of such an increase would result in an unreasonable hardship to the applicant and granting the application would not be materially detrimental to the public

welfare and other property in the vicinity; and (5) Section 91.41.13 which limits the height of multiple-family dwellings to thirty-five (35) feet above the existing grade elevations.

City of Torrance GIS Map



Lines and photos are approximate, not to be used for establishing absolute or relative positions



169 Paseo de la Playa

163 Paseo de la Concha

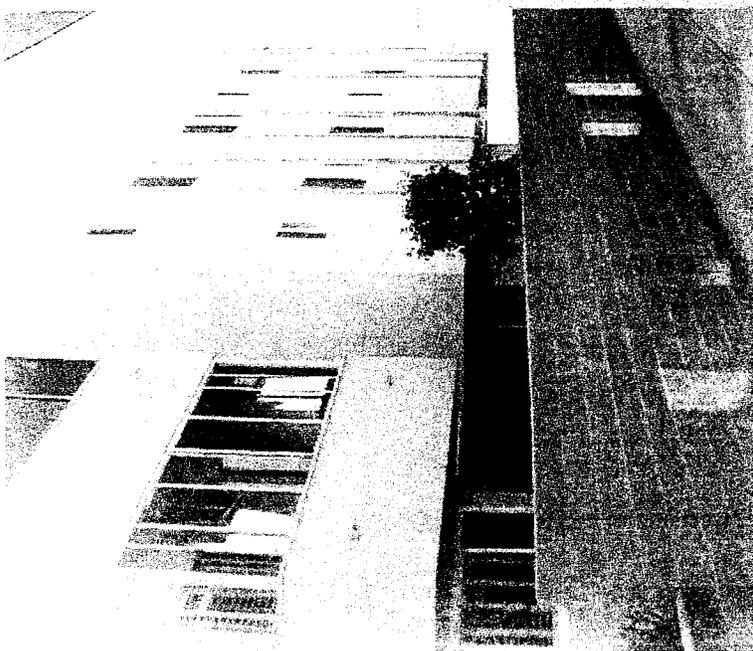
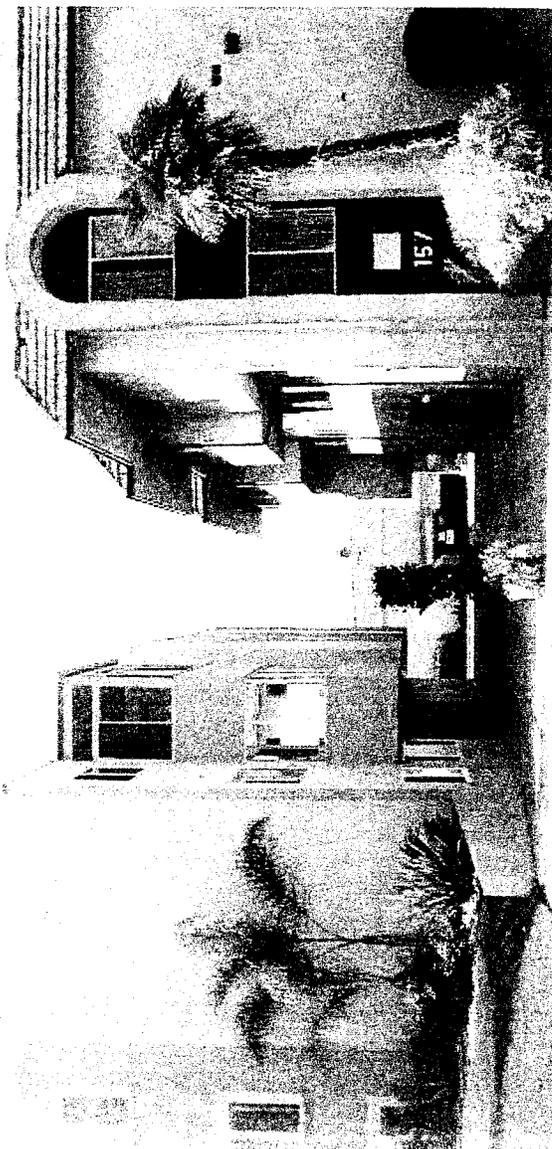
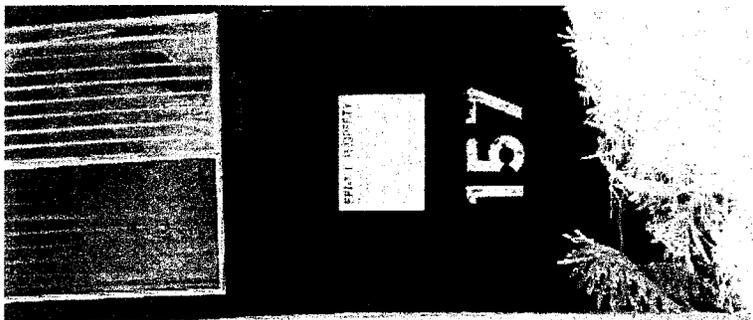
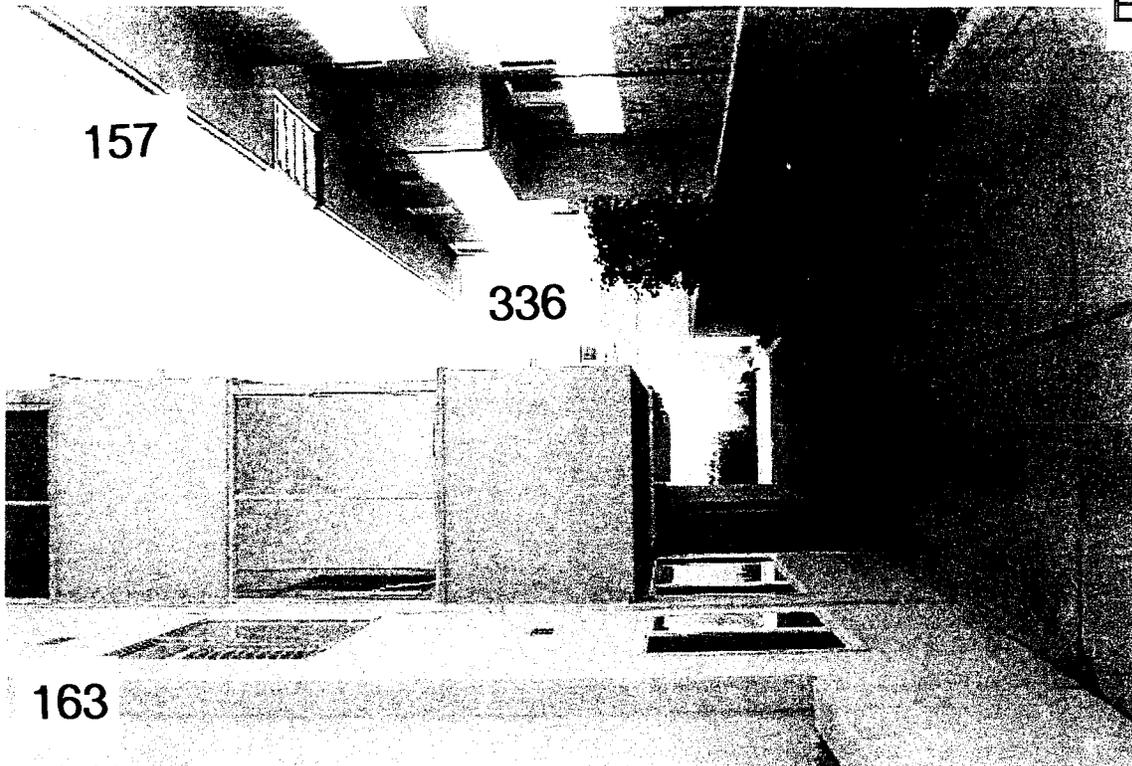
167 Paseo de la Concha

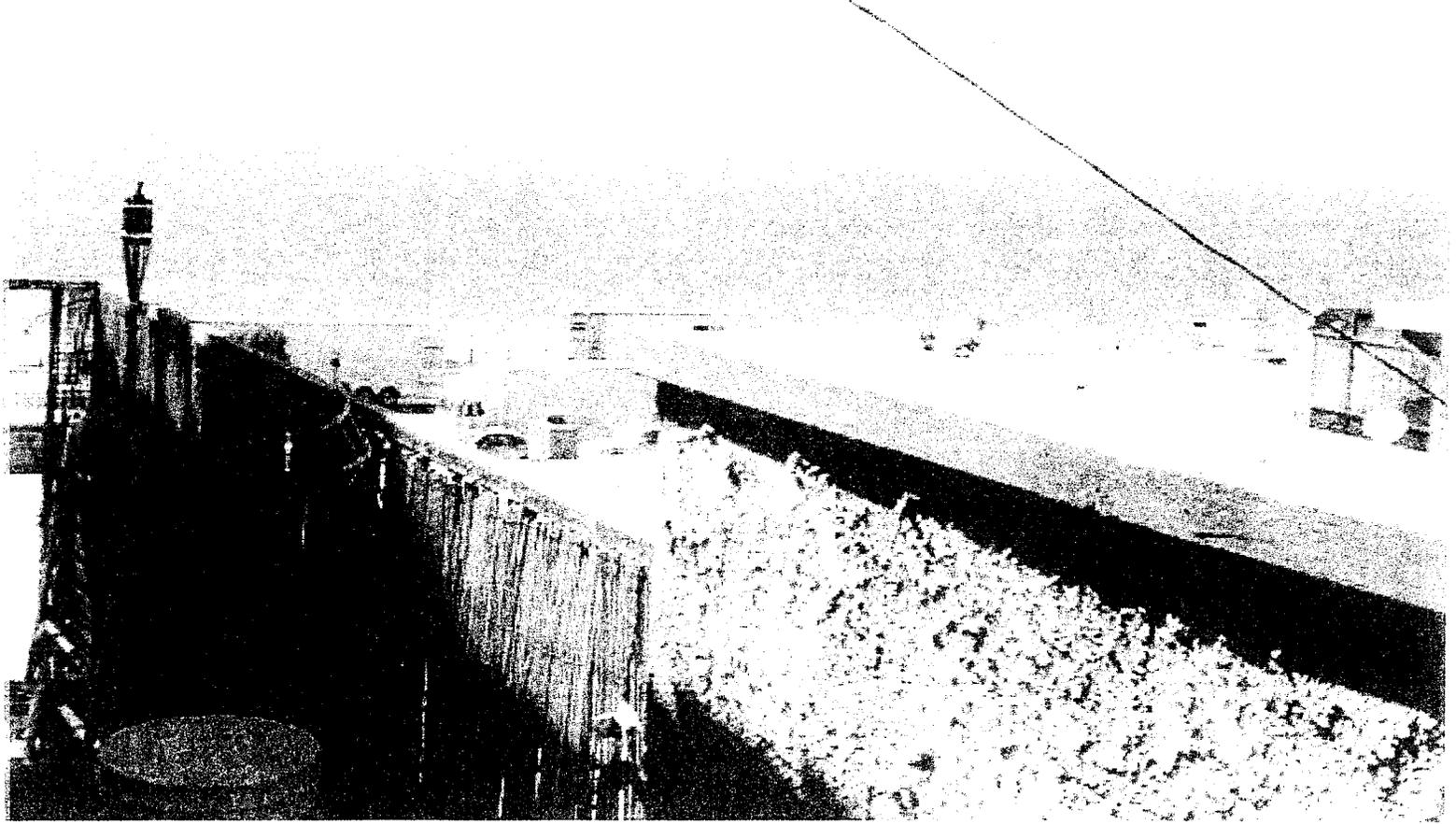
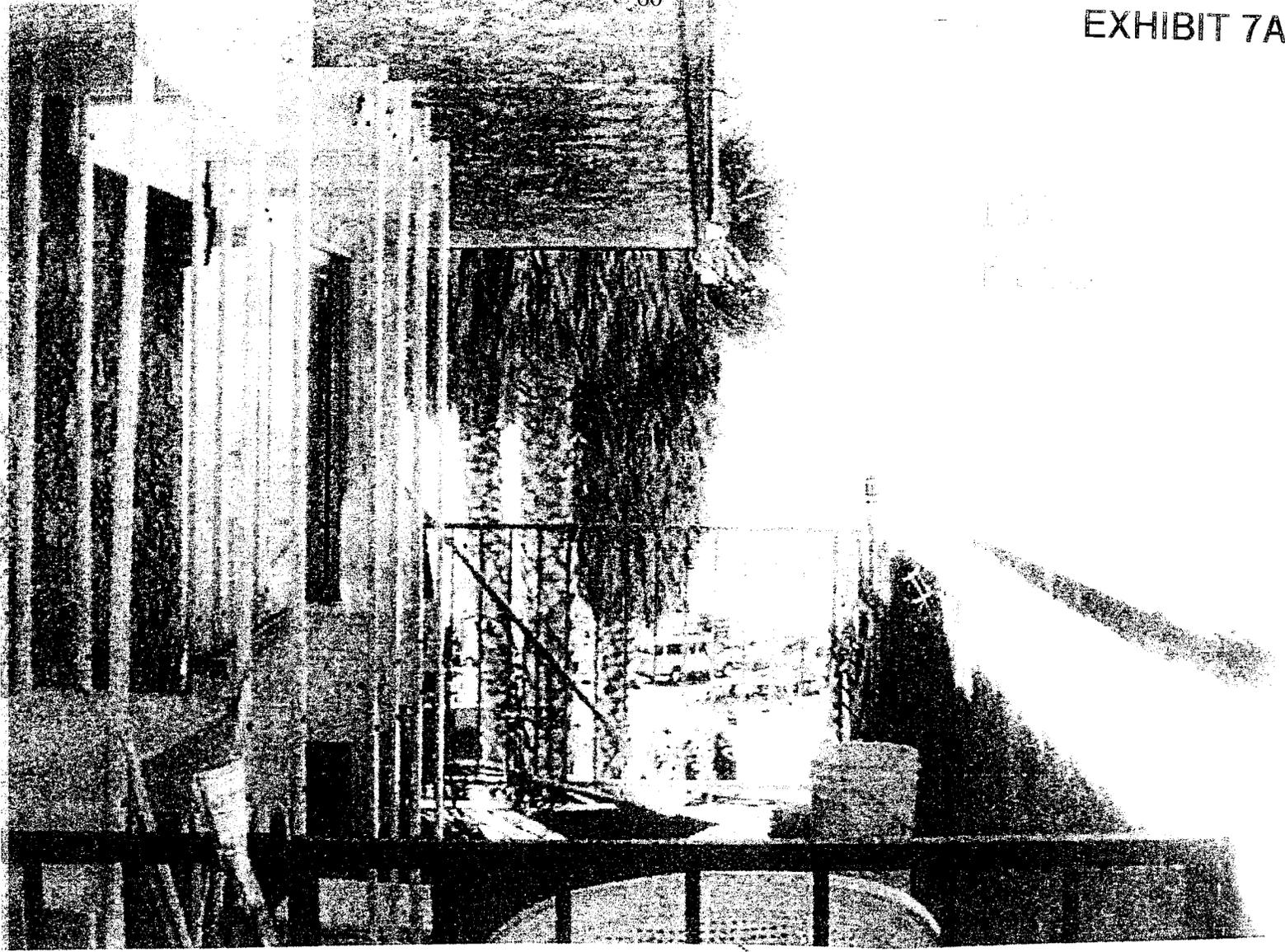
© 2007 Europa Technobitica

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Streaming

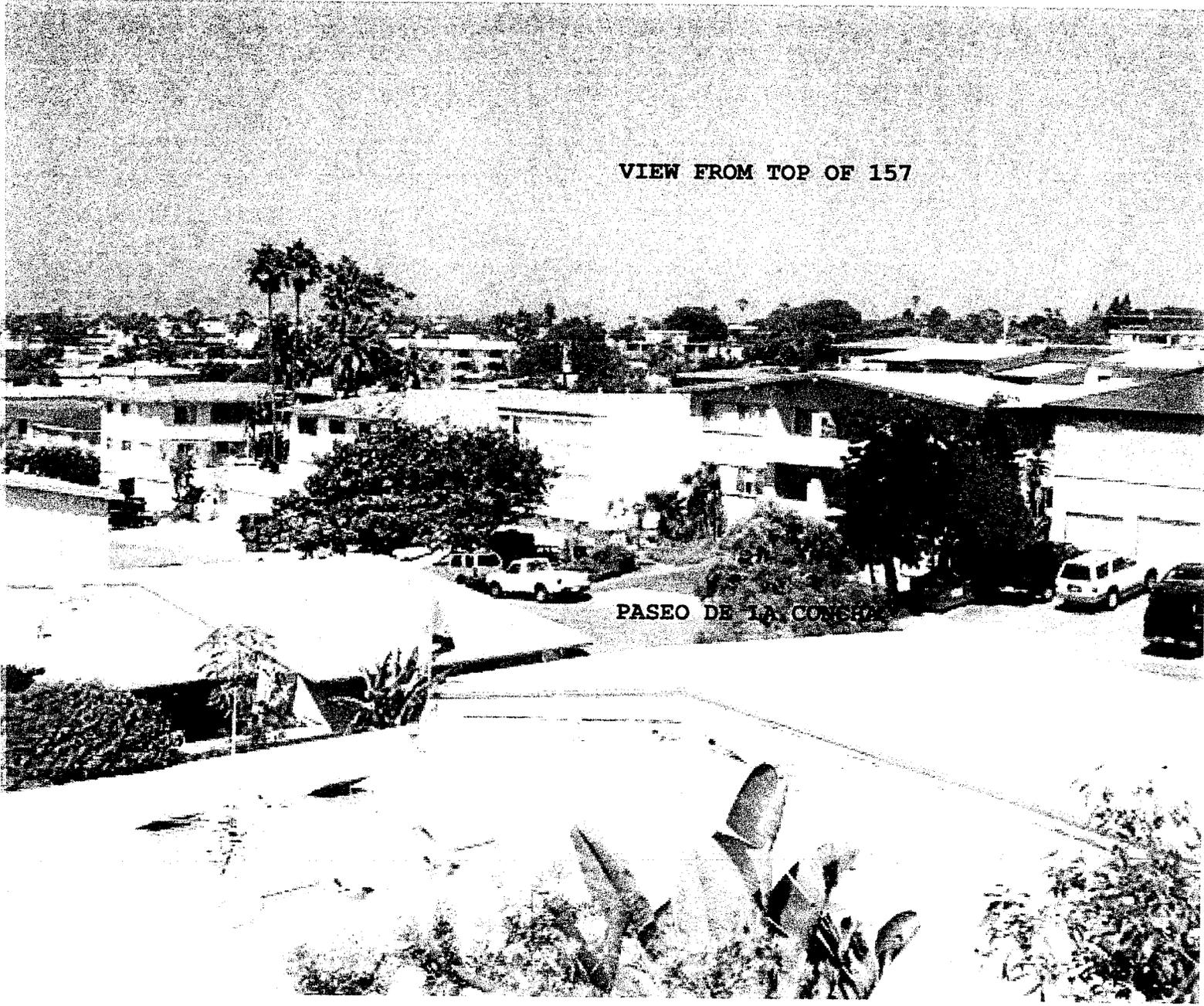
EYEall 2070







VIEW FROM TOP OF 157



PASEO DE LA CONCHA

12



157

1

2

3

4

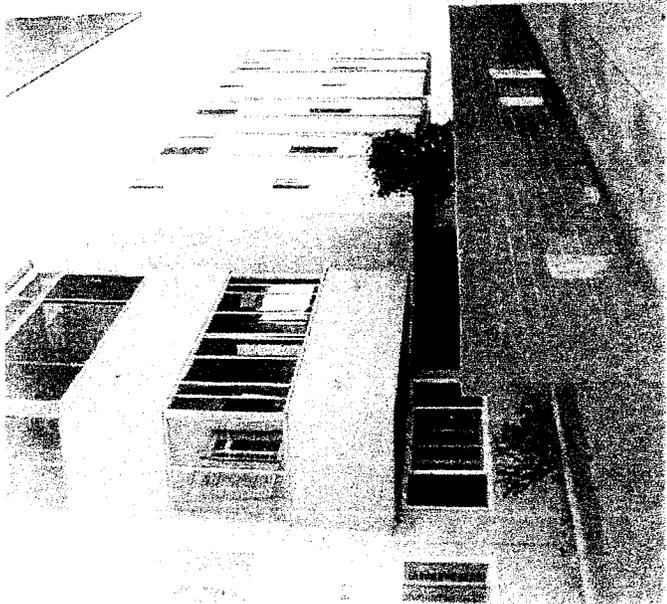
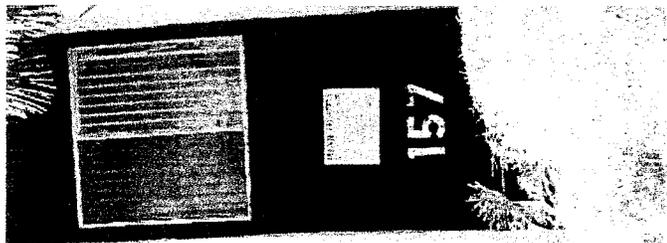
5

Paseo De La Concha

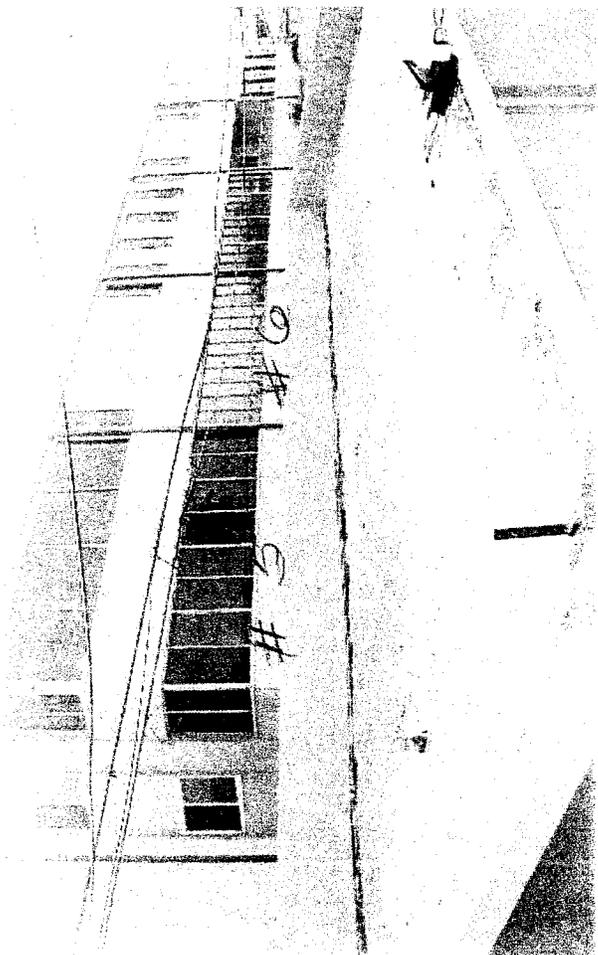




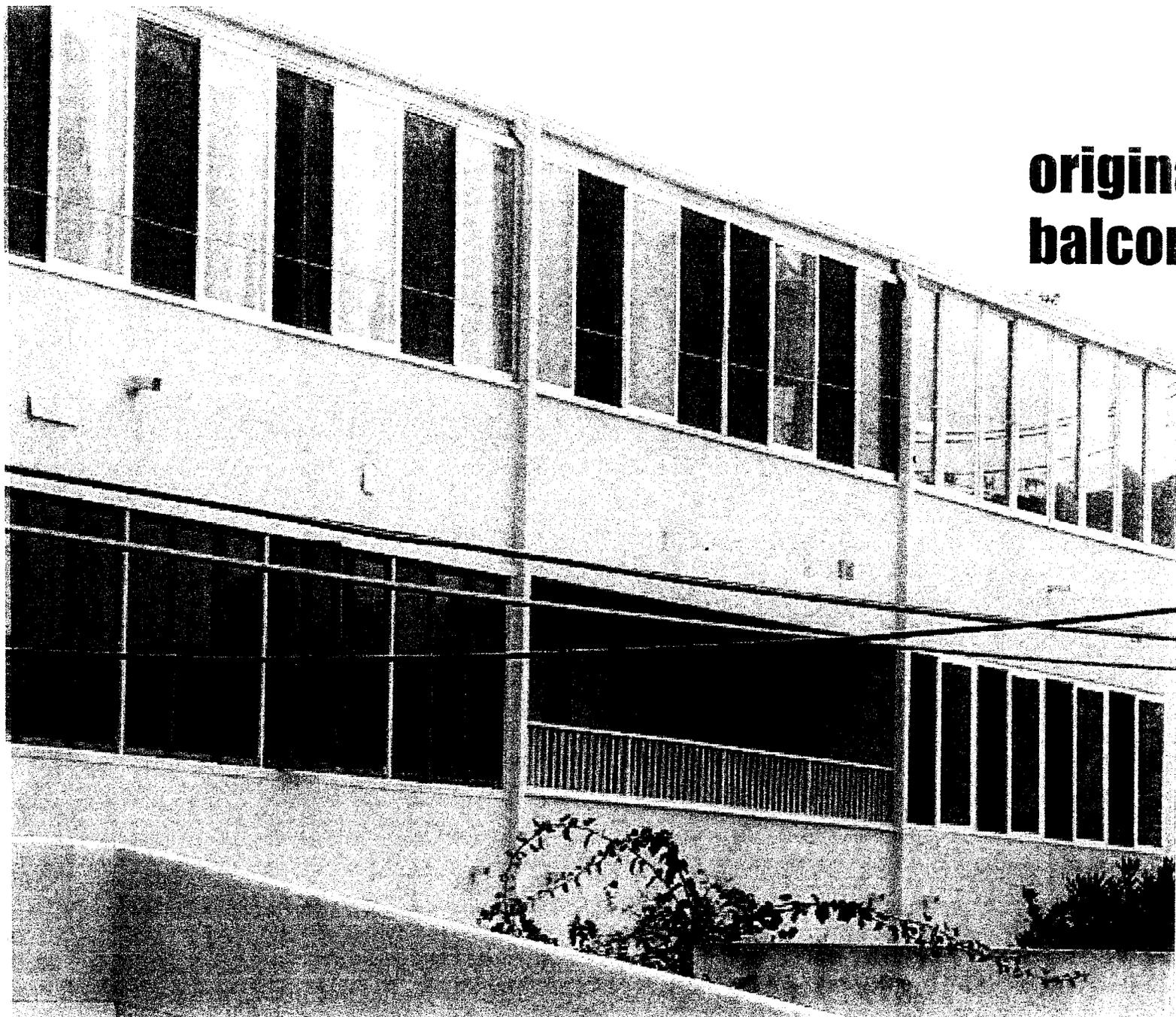
163



163



**original
balcon**



5

1603 LA Concha

#12

157

#13

#14 #15 #16

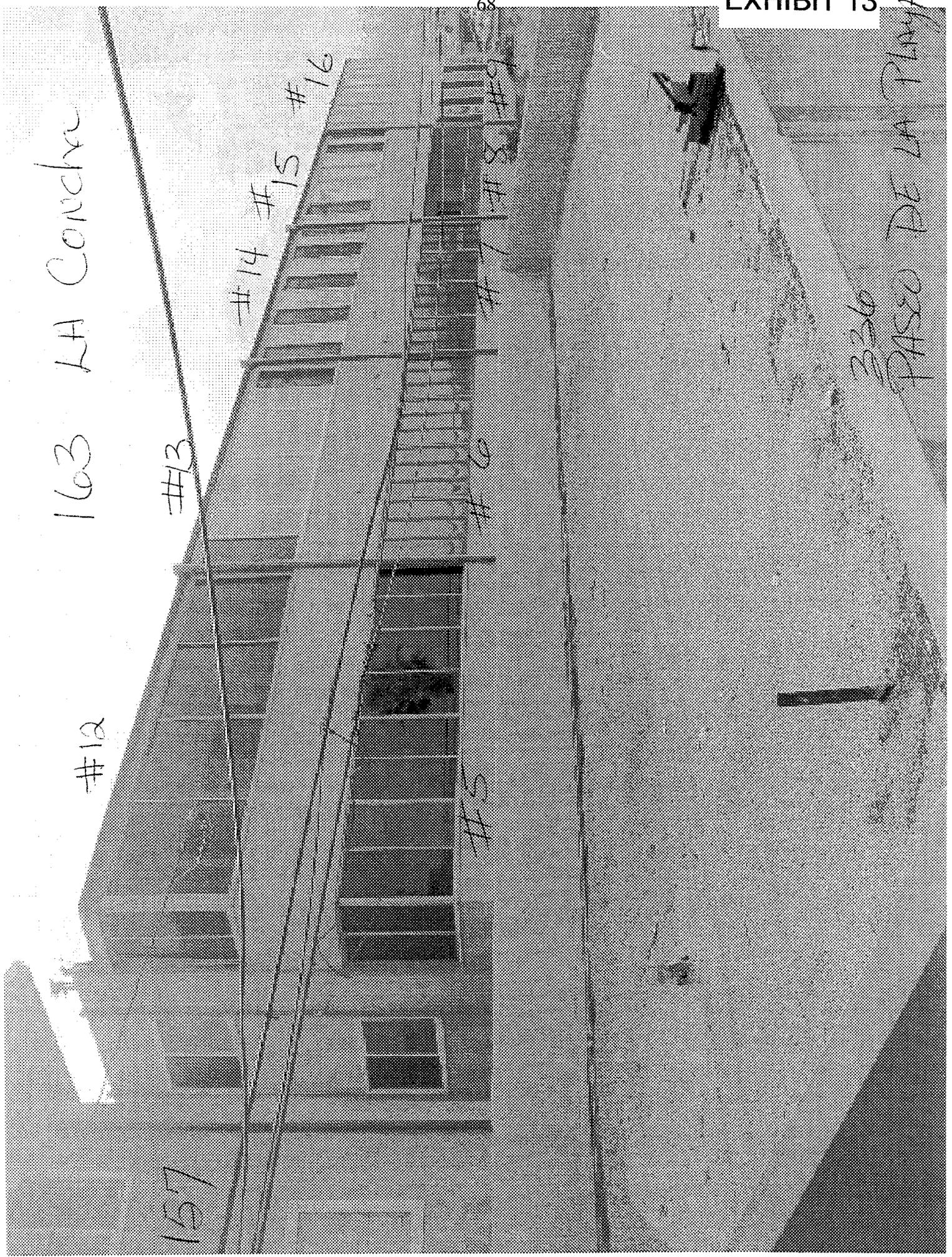
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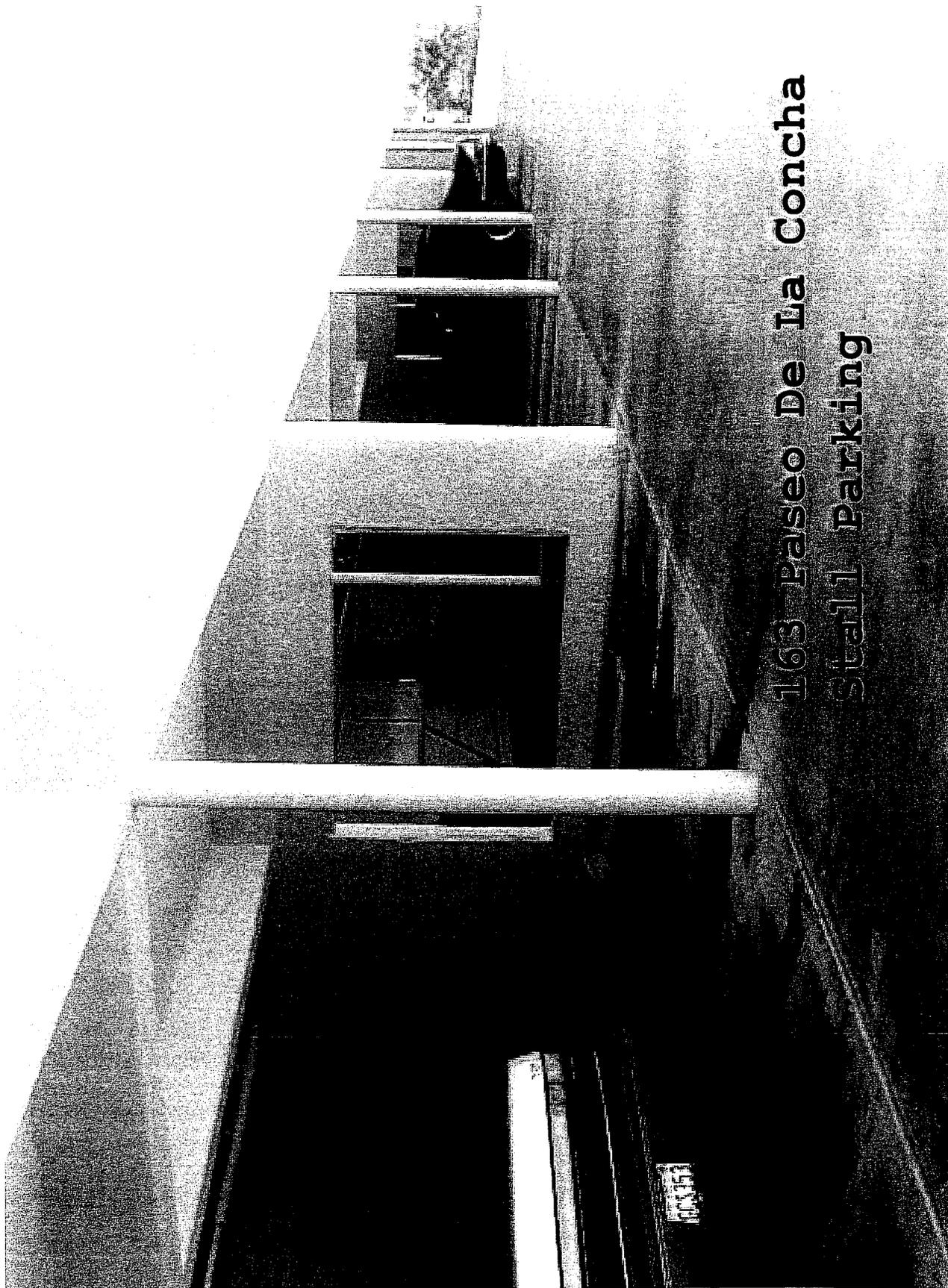
#6

#7 #8 #9

3360

PASEO DE LA PLAYA





163 Paseo De La Concha
Stall 1 Parking

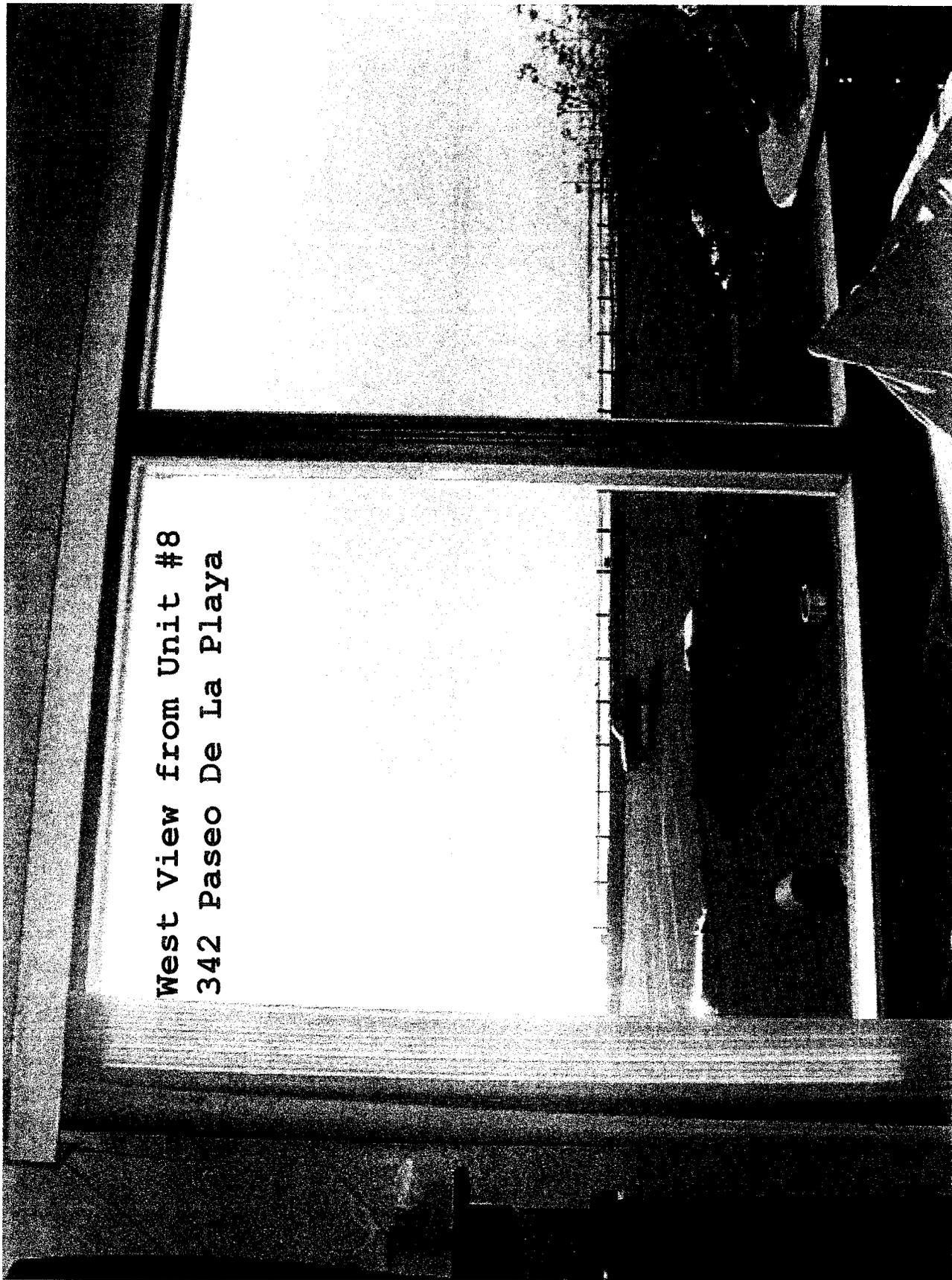


342 Paseo de la Playa



West View # 7
342 Paseo De La Playa

West View from Unit #8
342 Paseo De La Playa



laundry Meter

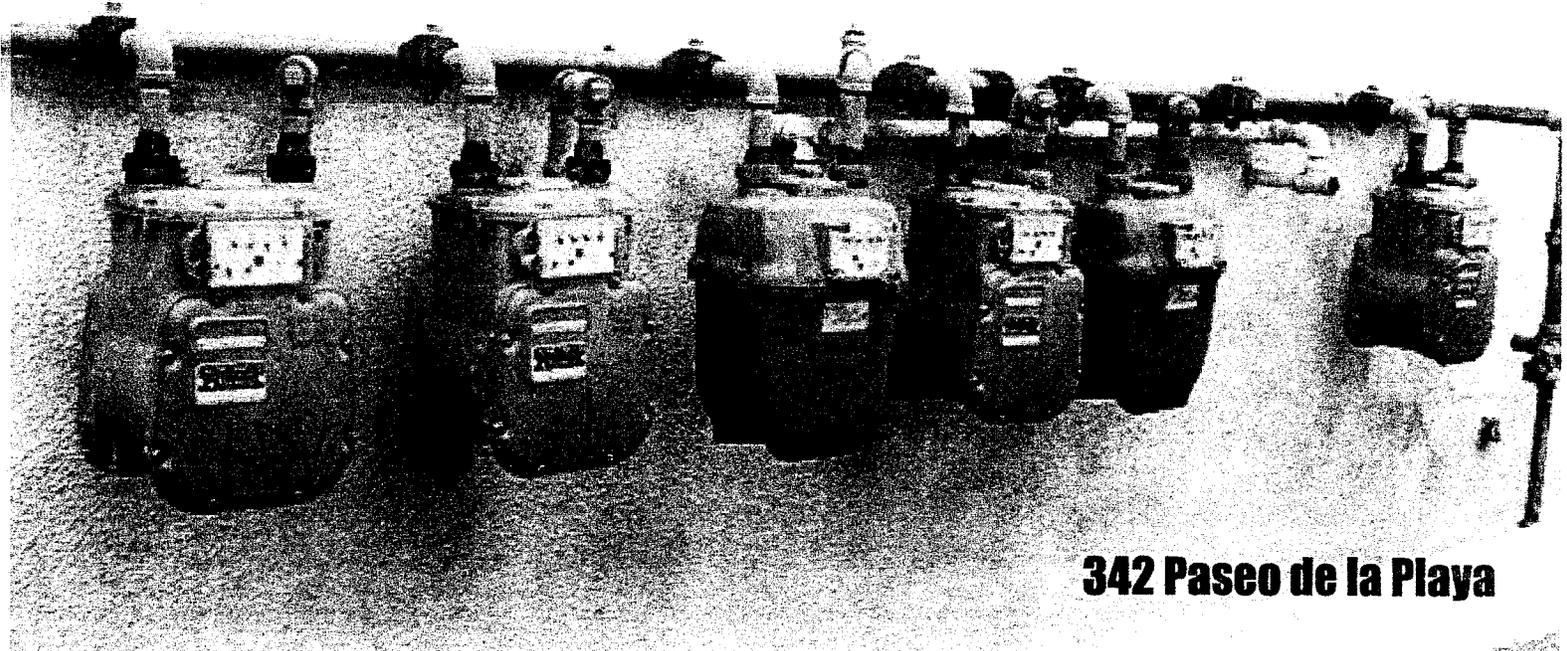
Unit #4

Unit #5

Unit # 2

Unit #3

Unit #1



342 Paseo de la Playa

EXCERPT OF MINUTES

√ Minutes Approved
 Minutes Subject to Approval

December 6, 2006

**MINUTES OF A REGULAR MEETING OF
THE TORRANCE PLANNING COMMISSION****1. CALL TO ORDER**

The Torrance Planning Commission convened in a regular session at 7:00 p.m. on Wednesday, December 6, 2006, in City Council Chambers at Torrance City Hall.

3. ROLL CALL

Present: Commissioners Browning, Busch, Gibson, Horwich, Uchima, Weideman and Chairperson Faulk.

Absent: None.

Also Present: Sr. Planning Associate Santana, Planning Assistant Hurd, Plans Examiner Noh, Associate Civil Engineer Symons, Fire Marshal Kazandjian and Deputy City Attorney Whitham.

10. FORMAL HEARINGS**10C. PRE06-00031: CHARLES BELAK BERGER (SUZANNE BUTLER)**

Planning Commission consideration for approval of a Precise Plan of Development to allow a second-story addition to an existing two-story, multiple-family residence on property located in the Hillside Overlay District in the R-3 Zone at 336 Paseo de la Playa.

Recommendation

Denial.

Planning Assistant Hurd introduced the request and noted supplemental material available at the meeting consisting of correspondence received subsequent to the preparation of the agenda item.

Suzanne Butler, 336 Paseo de la Playa, owner of the subject property, stated that she would like to enlarge her residence, which encompasses the second floor of the five-unit apartment building, so that she will have room for her extended family when they come to visit. She explained that the building is tiered like a wedding cake and the proposed addition would square off the building as this is the safest and least expensive way to expand. She reviewed the revisions made to address neighbors' concerns about earlier plans, including eliminating 147 square feet on the north side of the addition and changing from a gable to a hipped roof. She noted that the project meets all requirements and that it is 10 feet under the maximum height allowed.

Ms. Butler reported that her efforts to meet with neighbors to discuss their concerns were met with hostility and several neighbors prohibited her from entering their

units, however, she was able to look at a vacant unit with a realtor and subsequently made revisions to the project to mitigate the view impact.

Richard Knickerbocker, applicant's legal counsel, stated that property owners have no view rights except for those granted under the Hillside Ordinance and stressed the need to balance those rights against a property owner's right to develop his or her property. He maintained that the neighbors who are most impacted by the project live in condominium units that were illegally enlarged by enclosing balconies and now have double the allowable FAR and suggested that it was unfair to deny Ms. Butler an opportunity to remodel her unit just because someone else has "gotten away with murder."

Ina Elminoufi, owner of 163 Paseo de la Concha, #12, voiced objections to the project because it would totally obstruct the view from Unit #5. She reported that balconies in this condominium project were enclosed some time ago and maintained that whether or not they were permitted was not relevant to this discussion.

Nicole Adams, owner of 157 Paseo de la Concha, #3 and #4, stated that the proposed project would completely take away the view from the dining room of Unit #3.

Treva Merritt, 163 Paseo de la Concha, #6, reported that she has owned and lived in this unit for over 30 years and the balconies were already enclosed when she moved there. She expressed concerns that the proposed project would devalue her home and undermine her financial security because it would take away approximately 70% of her view.

Mary Colin, South Bay Management Services, property manager for 163 Paseo de la Concha, reported that Unit #5 was on the market and sold for \$759,000, however, once the silhouette went up, the buyers were reluctant to complete the purchase and the price was subsequently reduced to \$699,000. She contended that this loss of value was indicative of what would happen throughout the development should the proposed project be approved. She suggested that Ms. Butler could obtain the space she needs without impacting the view by taking over another unit in her building.

Commissioner Browning noted that he attempted to gain entry to the 163 Paseo de la Concha property several times but was unable to do so, therefore, he had to find another way to assess the view impact.

Ms. Colin advised that commissioners simply needed to press "management office" on the intercom system and someone in the office would have released the latch on the gate.

Commissioner Busch reported that he did what Ms. Colin suggested and was denied access.

Rex Farnsworth, 163 Paseo de la Concha, #8, voiced objections to the project, explaining that he has three "peek-a-boo" views and one would be blocked by the proposed addition.

Raymond Bailey, 157 Paseo de la Concha, #3, reported that the view from his dining room window would be obliterated by the project.

Eli Cohen, 336 Paseo de la Playa, #B, expressed support for the project, noting that he lives in Ms. Butler's building and found her to be a generous and caring woman.

Mike Adli, owner of 328 Paseo de la Playa, also voiced support for the project, stating that properties on this street are in need of improvement and this project would only increase the value of everyone's property.

Paul Buono, Ms. Butler's son, wanted to make clear that this project is not motivated by greed and his mother's sole purpose for expanding her home is to enhance the time spent with her family. He stated that his mother has tried very hard to accommodate neighbors and urged approval of the project as submitted.

Zoltan Katinszky, 2235 Sepulveda Boulevard, reported that he and Ms. Butler operate a business in Torrance, which employs approximately 20 people, and that she is an active member of this community. He contended that the project's impact on views would be relatively minor and commented on the considerable amount of time and money Ms. Butler has spent trying to get it approved. He noted that it would be more profitable for Ms. Butler to demolish the apartment complex and build condominiums but she has elected not to do so.

MOTION: Commissioner Browning moved to close the public hearing. The motion was seconded by Commissioner Busch and passed by unanimous roll call vote.

Commissioner Browning reported that he viewed the silhouette from several vantage points and observed some minor and some major impacts on view, therefore, he could not support the project. He cited the fact that he was able to watch dolphins swim in the ocean through the silhouette when he visited 157 Paseo de la Concha.

Commissioner Weideman stated that he also could not support the project because he observed that it would have an undeniable adverse impact on the view of properties in the vicinity.

Commissioner Busch indicated that he also observed significant view blockage and could not support the project.

MOTION: Commissioner Browning moved to deny PRE06-00031 without prejudice. The motion was seconded by Commissioner Busch and passed by unanimous roll call vote.

Planning Assistant Hurd read aloud the number and title of Planning Commission Resolution No. 06-131.

MOTION: Commissioner Busch moved for the adoption of Planning Commission Resolution No. 06-131. The motion was seconded by Commissioner Browning and passed by unanimous roll call vote.

###

SUPPLEMENTAL #1 TO AGENDA ITEM NO. 10C

TO: Members of the Planning Commission

FROM: Development Review Division

SUBJECT: PRE06-00031; Charles Belak Burger (Suzanne Butler)

LOCATION: 336 Paseo De La Playa

The attached correspondence was received subsequent to the preparation of the agenda item.

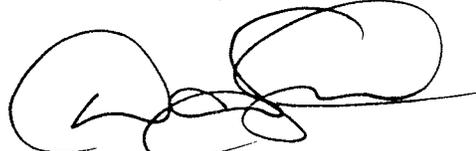
Staff continues to recommend denial of the proposed project.

Prepared by,



Aquilla Hurd
Planning Assistant

Respectfully submitted,



For: Gregg Lodan, AICP
Planning Manager

Attachments:

1. Correspondence

Ruth A. Hindman
336 Paseo De La Playa, #A
Redondo Beach, CA 90277

December 5, 2006
Mr. Jeffrey Gibson
Planning Department
City of Torrance

Re: Letter of Support For Construction Project at 336 Paseo De La Playa

Dear Mr. Gibson:

As a 64-year-old single native Californian who was forced to move after more than 20 years in the same residence, finding affordable housing at the beach was more than I could have expected, *i.e.*, I am moving into #A at Paseo De La Playa.

I work full time at Law Offices in Los Angeles, and I have known Ms. Butler since I was eight years old. I believe that her pending construction project wherein she intends to expand her residential space, rather than raising the premises and building condominiums, benefits both her pre-existing tenants and those of us who could not afford to purchase a condominium at the beach. Certainly it is an asset to the reputation of any municipality to offer affordable housing to seniors that is not simply limited to the less desirable locales. Conversely, for a municipality to thwart attempts by the owner of a multiple dwelling to improve her property, while, at the same time, attempting to maintain the *status quo* for her existing tenants, would appear to be an arbitrary and unconscionable act.

I therefore support the pending construction project at 336 Paseo De La Playa and know that the City of Torrance will make the right decision with regard thereto to protect the rights of senior citizens and/or those who live on a modest income.

Thank you for your attention to this matter.

Ruth A. Hindman

DEC 05 2006

Douglas Hoffman
 336 Paseo De La Playa, #C
 Redondo Beach, CA 90277

December 6, 2006

Mr. Jeffrey Gibson
 Planning Department City of Torrance



Re: Letter of Support for Construction Project at 336 Paseo De La Playa

Dear Mr. Gibson:

First of all, I regret that I can not be present tonight to support Ms. Butler with regard to the above matter as I have in the past; however, my new work schedule makes such attendance impossible.

Second, I am deeply concerned that the City has given credence, without seeking any verification, to the malicious and unfounded statements of individuals, some of whom don't even live in the allegedly affected buildings, claiming that Ms. Butler's intended construction will ruin their lives and/or their views and that her only motivation in doing so is greed. That is completely untrue: Ms. Butler wishes to expand her own residence so that she has more room to accommodate her relatives when they visit, most particularly her grandchildren and the grandchildren of her siblings. The welfare of her tenants is also very important to her, and she has not chosen to subdivide her units into even smaller units (as some of her neighbors have done illegally) so she can have more tenants and charge more rent; she wants to keep the *status quo*. She is not proposing to evict her existing tenants, raise the property and build condominiums, which would certainly be a much more lucrative endeavor for her if her primary interest was in making more money.

Also, Ms. Butler has made changes to her proposed construction project, in good faith, in an attempt to placate some of the unverified complaints of her neighbors; yet, said individuals continue to denigrate her character with

accusations that have no factual basis—one wonders how the owners of the buildings behind Ms. Butler's property have managed to alter their property without the proper building permits, notifications, etc. for many years and yet have the audacity to complain when Ms. Butler seeks to improve her property by obtaining the proper permits!

With regard to the City failing to verify the statements of those who have already testified against Ms. Butler's proposed project, it should be noted that one of the women who testified that she bought her third floor condominium (behind Ms. Butler's property) so she could wheel her handicapped husband in his wheelchair out to look at the sunset, has never lived on said property; she is a real estate agent who resides in a large house in Palos Verdes, and it is unlikely that, even if she had a husband in a wheelchair, she would have purchased a condominium for him on the third floor of a building that does not have an elevator! I sincerely hope that the City will make an informed decision in this matter, and not succumb to the "don't confuse me with the facts" approach.

Further, were the City to actually investigate the statements made by the allegedly affected neighbors, it would discover that many of the so-called affected views do not exist or are covered by blinds or sheets 100% of the time and/or are not primary views at all. And, how can the views of individuals who live on the top floor of a building that is 45 feet high (equivalent to 4 stories) be affected by a construction project involving a height of 25'?

In conclusion, I wholly support the proposed construction project at 336 Paseo De La Playa, and I would ask the City to make an informed decision with regard thereto, a decision that is not based on the unverified and slanderous statements of disgruntled individuals, who have no standing to allege they will be deprived of something that they did not have *ab initio*: a primary unobstructed view of the ocean, or who don't even live in the allegedly affected properties.

Thank you for your consideration in this matter.

Douglas Hoffman

Hurd, Aquilla

From: jim gallagher [jtgallagher@msn.com]
Sent: Wednesday, December 06, 2006 2:55 PM
To: Ahurd@torrnet.com
Subject: 336 Paseo De La Playa

Aquilla,
I am in support of the above project.

JIM GALLAGHER
Vice President
Remax Commercial
& Investment Realty
23740 Hawthorne Blvd.
Torrance, CA 90505
310/802-2522
310/802-2560 Fax
310/543-0518 Satellite
310/717-4359 Cell

DEC 06 2006

320-B Paseo De La Playa
Redondo Beach, CA 90277-5733
Phone & Fax: (310) 375-6755
e-mail: blc33973@adl.com

11/28/06

To whom It may concern,

I will offer 100% support to the effort of changing the structure that Mr. And Ms. Adli wish to change at 334 Paseo De La Playa. Similarly I support Ms. Susan Butler's project for 336 Paseo De La Playa. I feel that It would not interfere with any surroundings area. It would certainly enhance the area and any cut to the view from the ocean will be minimal. The 334 project will actually add to the view of the buildings behind it. It would not interfere with any other structures of other buildings and I believe it would increase property values. I fully support both projects.

Thank you,



Jalleh Doty

DEC 04 2006

Pari Adli
320-B Paseo De La Playa
Redondo Beach, CA 90277-5728
Phone & Fax (310) 375-8759
Pgadli@aol.com

11/28/06

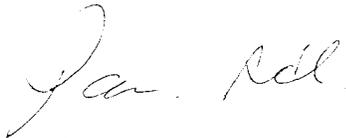
Mr. Jeffrey Gibson
City of Torrance
Community Development Department
3031 Torrance Blvd.
Torrance, CA 90503

To whom It may concern,

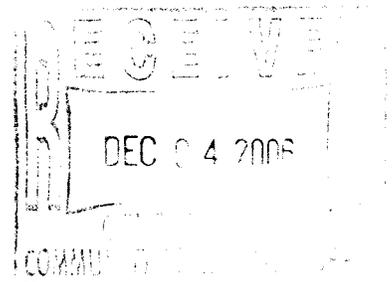
I am very much in favor of the improvements proposed for both buildings located at 334, and 336 Paseo De La Playa. I believe that to stop or delay the conversion of any old building into a new and more modern one would be to stop progress. The two buildings are old and unattractive and practically a hazard to the tenants. From what I understand the new buildings are in compliance with the building codes and in some instances they exceed those requirements with respect to view and height restrictions.

I would urge the city to allow the projects to go forward as soon as possible so that they could be replaced by safer more attractive buildings. These improvements would make our block more harmonious with the new buildings that are being built, on a regular basis, on the neighboring block. I strongly support both improvements.

Sincerely,



Pari Adli



December 4, 2006

EC 0 4 2006

Don Whitehurst
157 Paseo de la Concha, #5
Redondo Beach, Ca. 90277

Ms. Aquilla Hurd
City of Torrance
Community Development Department

RE: Proposed project at 336 Paseo de la Playa; Butler and Adli application

Dear Ms. Hurd:

As you know, we have been suffering through this process for over two years now. We have had to endure flags flying in front of our property, blocking our views of the Ocean for this entire period. But more importantly, the mental anguish this has brought on is very hard on us. We have all worked very hard to purchase our homes with beautiful ocean views in the South Torrance Beach area. This project, proposed by neighbors who want to maximize profit and enrich themselves at the expense of many other home owners, is an abomination to the neighborhood.

We have always believed that the hillside overlay district rules would protect our views forever. These projects will wipe out almost all of our ocean views from all floors of our residence. We once again ask that the planning commission put a final end to this attack on our property values, ocean views, and peace of mind by our greedy neighbors, Butler and Adli. They claim that only new buildings that are much higher and larger with many more units can improve the neighborhood. This is patently not true. They can easily fix up their existing buildings to look beautiful for much less cost. They simply want to fill their pockets at our expense.

PLEASE DO NOT ALLOW THIS TO OCCUR. PLEASE PROTECT OUR PROPERTY VALUES AND OUR OCEAN VIEWS, WE ARE RELYING ON YOU!

Sincerely,


Don Whitehurst

DEC 05 2006

Dec 4, 2006

Dear City of Torrance,

My name is Nicole Adams own both 157 Paseo de la Concha #3 and #4. I reside in #4. I am writing in reference to the proposed projects at 332 & 336 Paseo de la Playa.

332 Paseo de la Playa completely takes away the oceanview from my dining room.

336 Paseo de la Playa completely takes away the all the ocean views from my living room. The whole first floor of the common ground to the whole building would loose it's ocean view, and light. The outline of this proposed project also completely blocks the whitewater views from the upstairs bedroom, and most of the ocean. This leaves me with no other views. Both proposed projects would basically wipe them out.

What I do not understand, from being at the last hearing for 336, why the outline for the proposed structures are much, much larger than they were before, if the suggestion was to come up with a design that wouldn't block so many peoples views?

I am against both projects, for protection of my oceanviews, and light. I did not include photos this time, for the City has been out and took them themselves, thank you,

Sincerely,



Dec 4, 2006

DEC 05 2006

Dear City of Torrance,

My name is Raymond Bailey and I reside and own 157 Paseo de la Concha #3. Any ocean views that I now have are being affected by both proposed projects on Paseo de la Playa (336 & 332) which are directly in front of me on each side. 332 takes away the complete view from the downstairs (kitchen and dining room), and 336 takes away all the whitewater and most of the water view from the upstairs.

I am against the proposed projects, and living within the Hillside overlay district, I am hopeful that my views are protected.

Sincerely,

A handwritten signature in cursive script that reads "Raymond Bailey". The signature is written in dark ink and is positioned below the word "Sincerely,".

AGENDA ITEM NO. 10C**CASE TYPE & NUMBER:** Precise Plan of Development – PRE06-00031;**NAME:** Charles Belak-Berger (Suzanne Butler)**PURPOSE OF APPLICATION:** Request for approval of a Precise Plan of Development to allow the construction of second-story additions to an existing two-story multiple-family residence and the construction of a new detached garage and laundry room on property located in the Hillside Overlay District.**LOCATION:** 336 Paseo De La Playa**ZONING:** R-3, Single-Family Residential District (Hillside Overlay District)**ADJACENT ZONING AND LAND USE:**

NORTH:	R-3	Hillside Overlay District, One and Two-Story Multiple Family Residences
SOUTH:	R-3	Hillside Overlay District, One-Story and Two-Story Multiple Family Residence
EAST:	R-3	Hillside Overlay District, Two and Three-Story Multiple Family Residences
WEST:	P-U	Public Parking Lot

GENERAL PLAN DESIGNATION: Medium-Density Residential**COMPLIANCE WITH GENERAL PLAN:** This site has a General Plan Land Use Designation of Medium Density Residential, which are areas characterized by townhouse and low-rise apartment developments. This designation is implemented by the R-3, RR-3, R3-3, and R-P zones. The density range for this category is from 18 to 28 dwelling units per net acre. The R-3 zoning is in conformance with the Medium Density Residential category.

The existing five-unit apartment complex complies with the Medium Density Residential land use designation and allowable density of 18 to 28 dwelling units per acre. The existing density of 21.7 dwelling units per acre is consistent with the allowable R-3 density standard.

EXISTING IMPROVEMENTS AND /OR NATURAL FEATURES: The subject property contains a two-story, multiple-family residence with five units and a six car detached garage constructed in 1954.**ENVIRONMENTAL FINDINGS:** Additions to multiple-family residential properties are Categorically Exempted by the Guidelines for Implementation of the California Environmental Quality Act; Article 19, Section 15301(e).**BACKGROUND**

On September 21st, 2005, the applicant presented a request to allow the construction of second-story additions to an existing two-story multiple-family residence and the construction

of a new detached garage and laundry room on the rear of the property. After receiving testimony from the applicants and the public, the Planning Commission voted to deny without prejudice PRE05-00021 by a vote of 6-0, with Commissioner Drevno absent. The applicant is presently bringing forward a revised plan for the Commission's consideration.

ANALYSIS:

Since the September 21st, 2005 denial of the subject request, the applicants have modified their proposal to address concerns raised by the neighboring property owners to the rear. The first proposal included a second story addition of 1,263 square feet and a 460 square foot detached garage with laundry facilities. The revised plans show the removal of 147 square feet at the north easterly corner of the second story addition and the proposed roof structured has been modified from a gable to a hipped roof.

The applicant continues to request approval to construct second story additions to an existing two story multiple family residence, a new two car detached garage and laundry facilities on site. The additions are proposed for the second level Unit 5. A Precise Plan is required because the property is located within the Hillside Overlay District and the new construction is over fourteen feet in height.

The lot is 10,050 square feet in area and is rectangular in shape. All existing setbacks will be maintained and provide for 20 feet in the front yard, 29 feet in the rear yard at the closest point, five feet on the northerly side yard and nine feet six inches on the southerly side yard. Staff notes that the site plan does not reflect the proposed second story.

The existing first floor contains four units. Unit 1 and Unit 4 each contain one bedroom, a bathroom, kitchen, living room and dining room. Unit 2 and Unit 3 each contain two bedrooms, a bathroom, kitchen, dining area and a living room. Unit 5 makes up the entire second floor with two bedrooms, two bathrooms, a dining room, living room and a kitchen. The additions will enlarge one of the bedrooms, change the second bedroom to a master bedroom with a bathroom and walk in closet, and add a great room. The proposed construction will also add two sun decks on the north and south side of the residence and a spa accessed from the entry porch.

In the current state, the subject property does not meet code parking requirements. In the R-3 zone, a multiple-family residence is required to provide two parking spaces per every unit that has two or fewer bedrooms and one guest parking space per every five units. There are currently three two car garages providing six total parking spaces. The proposed detached two car garage will conform to code required dimensions and it will improve the parking situation. The detached garages are located one foot away from the rear property line and only provide a 23 foot one inch drive aisle. The addition will also provide additional space for laundry facilities.

The total height of the proposed additions will not exceed the existing height of the complex of 25 feet six inches from the highest ridge of 130.17 to the lowest adjacent grade of 104.67 as represented on the certified silhouette and based on a benchmark elevation of 101.44 located at the north westerly corner. The lowest adjacent grade of 104.67 is located at the south westerly corner of the residence.

The lot coverage is 50% and floor area ratio is .56. A project summary is provided below:

Statistical Information

◆ Lot Area	10,050 square feet
◆ Unit 1	670 square feet
◆ Unit 2	925 square feet
◆ Unit 3	925 square feet
◆ Unit 4	670 square feet
◆ Unit 5 Existing	1,365 square feet
◆ Unit 5 Proposed	1,116 square feet
◆ Total Unit 5	2,481 square feet
◆ Existing Garage	1,100 square feet
◆ Proposed Garage addition	460 square feet
◆ Total Floor Area (excluding garages)	5,671 square feet
◆ Total Floor Area (including garages)	7,231 square feet
◆ Floor Area Ratio (excluding garages)	0.56 to 1.0
Maximum Floor Area Allowed	6,030 square feet @ 0.6

The Hillside Ordinance requires that the Planning Commission make a series of findings relating to the design of the project and its potential impact on the view, light, air and/or privacy of properties in the vicinity. The applicant has responded to this requirement in the Hillside Ordinance Criteria Response Sheet (Attachment #3). The applicant was required to construct a silhouette to demonstrate potential impacts (Attachment #4). A licensed engineer has verified the height of the silhouette and staff made a field inspection.

Staff made field observations of the proposed additions, the constructed silhouette and the impacts to surrounding properties. In the judgment of staff, based on the aforementioned items, there does appear to be significant view impairments to surrounding properties. Staff made a field observation from 163 Paseo De La Concha unit 5 which will lose a view of white water and ocean. This property is a two story multiple family residential building and the views from this unit are almost exclusively the result of separation between the project site and the neighboring multiple family residences to the south and the north. The previous proposal featured a gabled roof which projected into the open space between the buildings. This proposal features a hipped roof which decreases the impacts on the southerly portion of the project. The removal of square footage on the northerly side of the project has also decreased the impacts; however, the property at 163 Paseo De La Concha will still experience significant view impacts by the project by proposed additions. The complex to the south of the subject property at 342 Paseo De La Playa will experience view loss of white water, ocean and city lights should the proposal be approved. Staff recommends eliminating or minimizing any additions to the sides and reconfiguring the front additions so that they do not extend as far in a westerly direction.

The proposed additions and final residence will use materials that are in harmony with the surrounding properties and the neighborhood. The materials include stucco and roof

shingles. The proposed additions are articulated with a hipped roof and eave overhangs to create an attractive project. The proposed master suite and great room feature balconies that face west on Paseo De La Playa.

The applicant has prepared a plan that complies with the R-3 standards with the exception of the off-street parking requirements, exceeds the open space requirements and is within the allowable lot coverage. The residence incorporates architectural finishes that are compatible with the surrounding homes and it is of a traditional design. This project however, does appear to cause an adverse impact on the views of adjacent properties by expanding the living area on the north and south sides. For view impact reasons, Staff recommends denial of this request.

The applicant is advised that Code requirements have been included as an attachment to the staff report, and are not subject to modification.

PROJECT RECOMMENDATION: DENIAL

FINDINGS OF FACT IN SUPPORT OF DENIAL OF THE PRECISE PLAN:

Findings of fact in support of denial of the Precise Plan are set forth in the attached Resolution.

RECOMMENDED CONDITIONS:

A list of recommended conditions for the project is set forth in Attachment #2 should the Commission consider approval of the subject request.

Prepared By,



Aquilla Hurd
Planning Assistant

Respectfully submitted,



Gregg Lodan, AICP
Planning Manager

ATTACHMENTS:

1. Planning Commission Resolution
2. Recommended Conditions If Approved
3. Hillside Ordinance Criteria Response
4. Silhouette Verification
5. Correspondence
6. Code Requirements
7. Minutes and Prior agenda item
8. Site Plan, Floor Plans, & Elevations

RECOMMENDED CONDITIONS IF APPROVED-

1. That the use of the subject property for a multiple-family residence shall be subject to all conditions imposed in Precise Plan of Development 06-00031 and any amendments thereto or modifications thereof as may be approved from time to time pursuant to Section 92.28.1 et seq. of the Torrance Municipal Code on file in the office of the Community Development Director of the City of Torrance; and further, that the said use shall be established or constructed and shall be maintained in conformance with such maps, plans, specifications, drawings, applications or other documents presented by the applicant to the Community Development Department and upon which the Planning Commission relied in granting approval;
2. That if this Precise Plan of Development 06-00031 is not used within one year after granting of the permit, it shall expire and become null and void unless extended by the Community Development Director for an additional period as provided for in Section 92.27.1;
3. That the maximum height of the remodeled residence at the highest point of the roof shall not exceed a height of 25 feet six inches as represented by the elevation of 130.17 on the plans and lowest adjacent grade of 104.67 based on a benchmark elevation of 101.44 located at the northwesterly corner of the lot as shown on the official survey map on file in the Community Development Department; (Development Review)
4. That the height of the remodeled residence shall be certified by a licensed surveyor/engineer prior to requesting a framing or roof-sheathing inspection and shall not exceed 25 feet six inches based on the elevation of 130.17 as indicated on Certified Silhouette and based on the lowest grade elevation of 104.67 as shown on the survey map and based on a benchmark elevation of 101.92 on file in the Community Development Department; (Development Review)
5. That the within 30 days of the final public hearing, the applicant shall remove the silhouette of the proposed structure to the satisfaction of the Community Development Director; (Development Review)
6. That within 30 days of the final public hearing, the applicant shall remove the City's "Public Notice" sign to the satisfaction of the Community Development Director; (Development Review)
7. That the garage shall be provided with automatic, roll-up doors; (Environmental)
8. That exterior color and material samples shall be submitted to the Community Development Department for approval prior to the issuance of any building permits; (Development Review)

DEC 01 2006 CITY OF TORRANCE - COMMUNITY DEVELOPMENT DEPARTMENT

TO BE SUBMITTED WITH HILLSIDE PRECISE PLAN APPLICATION PRE _____

GIVE FACTS TO SUBSTANTIATE THE FOLLOWING CRITERIA BY WHICH THE PLANNING COMMISSION MAY GRANT THIS HILLSIDE PRECISE PLAN. IT IS MANDATORY THAT THESE CRITERIA BE MET BEFORE THE CITY MAY LEGALLY GRANT A HILLSIDE PRECISE PLAN; AND, IT IS INCUMBENT UPON THE APPLICANT TO PROVE TO THE SATISFACTION OF THE CITY THAT THE CRITERIA ARE MET (To be completed by all applicants)

1. Planning and Design (91.41.6)

- a. The following facts demonstrate that the proposed development will not have an adverse impact upon the view, light, air and privacy of other properties in the vicinity:

We have opened our side yard view corridors by removing the roof 'rake' condition & replacing it with hips, which slope away. We have also removed building mass (floor area) from the north side of the building @ the rear, to open further view corridor width for the building units behind.

- b. The following planning, design and locational considerations will insure that the proposed development will cause the least intrusion on the views, light, air, and privacy of other properties in the vicinity:

The second story as proposed is set back well beyond the front setbacks - as required and are separated from the units presently behind our project by 40'. We have opened view corridors on each side of the building per item 1a above, to allow for greater view potential from the effected condominium units behind us, whose views may have been somewhat impacted by this proposed development.

01/2004

- c. The following design elements have been employed to provide an orderly and attractive development in harmony with other properties in the vicinity:

As discussed before - we have replaced ~~rake roof~~ ^{mitigated} conditions with hip roofs & have ~~added~~ to the potential view impact for the units which presently enjoy the corridor view available on either side of the existing and proposed building.

- d. The following aspects of the design insure that the development will not have a harmful impact upon the land values and investment of other properties in the vicinity:

The proposed development (addition to the second floor) will assuredly add to the value of the land through careful development and aesthetic enhancement of the existing project (5 UNIT APARTMENT BLDG w/ Penthouse suite above.)

- e. Granting this application would not be materially detrimental to the public welfare and to other properties in the vicinity for the following reason (s).

The impact with respect to the existing projects around us can not be considered detrimental, in that we are not increasing the number of units, nor the number of bedrooms. We are proposing the addition of another 2 car enclosed garage @ the property rear end.

- f. The proposed development will not cause or result in an adverse cumulative impact on other properties in the vicinity, for the following reasons:

Again we are not preparing an increase in the way the property is currently used. We are only requesting that the owner occupied 2nd story unit be enlarged, so that the owner can enjoy her apartment more fully.

2. LIMITATION IN INCREASES IN HEIGHT (91.41.10) (To be completed by applicant for a Precise Plan that would increase the height of any part of the building to a height greater than that of the existing building)

- a. It is not feasible to increase the size of or rearrange the space within the existing building or structure for the purposes intended except by increasing the height, demonstrated by the following facts:

We are not increasing the existing height of the project. At no point will the building ridge height exceed the existing ridge height; additions to the front shall have ridge heights below the existing max ridge height.

- b. Denial of this application would constitute an unreasonable hardship for the following reason (s):

The building owner who resides in the top unit is in need of the additional floor area requested by way of this application for the enjoyment of her living conditions and needs

- c. Granting this application would not be materially detrimental to the public welfare and to other properties in the vicinity for the following reason (s):

Note that the area (addition), combined with the existing first floor area is still far below the recommended F.A.R. for this R-3 development, that the height of the project is substantially below the max. height allowed - and will not be increased, that we shall be providing additional parking, while not increasing the number of bedrooms, or the unit density. All we are asking for is equity under the laws & planning development criteria/standards. What we are proposing should be deemed 'reasonable' in that all building & code requirements & standards have been addressed with reference to the R-3 zone and ~~the~~ provisions have been made to comply with the intent of the 'overlay' area.

3. LIMITATION IN INCREASE IN BUILDING SPACE LOT COVERAGE (91.41.11)

(To be completed by applicant for a Precise Plan that would increase the interior floor area of the building to more than 50% of the area of the lot.)

- a. Denial of this application would constitute an unreasonable hardship for the following reason (s):

The property owner, residing on her property should be entitled to develop her property to the extent permitted by codes, local ordinances and the Torrance general plan. We are only asking what should be our right to ask for. Please note that we

- b. Granting this application would not be materially detrimental to the public welfare and to other properties in the vicinity for the following reason (s):

IT WOULD BE DETRIMENTAL NOT TO GRANT THIS APPLICATION BECAUSE THIS WOULD ~~KEEP THE~~ ^{FOR THE} ~~PREVIOUS~~ ~~SET~~ THE PRECEDENCE THAT NEAREST PROPERTIES ~~AND~~ DEVELOPMENTS COULD 'BULLY' ANY FUTURE PROJECT, RESULTING IN 'HISTORICAL' DAMAGE TO ANYONE WHO WISHES TO DEVELOPE ANYTHING ALONG THE STREET FRONTAGE OF PASEO DE LA PUSYA, ONE OF THE CITY OF TORRANCE - COMMUNITY DEVELOPMENT DEPARTMENT
CITY'S' PREMIER STREETS.

- a) CONTINUED; ARE BELOW ALL STANDARDS/CONDITIONS IMPOSED BY THE R3 DEVELOPMENT CODE WITH REGARD TO;

BUILDING HEIGHT, MASS
FLOOR AREA UP TO F.A.R
COVERAGE

& WE EXCEED PLANNING REQUIREMENTS WITH RESPECT TO OPEN SPACE, PRIVATE & PUBLIC.

RE: Request to Remodel 2nd Floor
336 Paseo De La Playa, Redondo Beach- R3 Property

I live in the Hillside Overlay District. Last September 2005, I was denied (without prejudice) my request to remodel the top floor apartment unit to accommodate my visiting family members. I have three Grandchildren, a son and daughter-in-law who like to visit.

During this meeting I was told by most of the Commissioners and the attending Deputy City Attorney that I had asked several questions that no one had asked before. I stated that since 157 Paseo De La Concha was built **AFTER** the Hillside Overlay Ordinance, I didn't believe that they had any standing. I raised issues such as not receiving Equity and brought up the issue of "clean hands" and Acquired views. I also believe this maybe the first case of existing R3 vs. R3.

Several months ago, I meet with the City Attorney and raised some of the same issues. His suggestion was to hire an attorney.

I would like you to consider: EQUITY & CLEAN HANDS

How can I get Equity when the TWO buildings to the east of me are so massive in size that it doesn't allow me to add to my structure without affecting some of their views and thus is in violation of the Hillside Overlay Ordinance? A 65% Floor Area Ratio (FAR) is the standard and both of these buildings exceed it by more than double that amount and are at maximum height. My request is for **62% FAR** with a height of approximately **24 feet**.

Doesn't the fact that these buildings are so out of balance with the code cause them to lose standing? What credit do I receive? What Equity in Law should I be given?

163 Paseo De La Concha was built as a 16 unit apartment building before the Hillside Overlay and after my building. At some point it was changed to Own Your Own Apartments and in **1988** was changed to Condominiums. During all these changes, I am assuming that there must have been Commission meetings, public notices, City Council meetings, hearings, staff reports, etc., but since the City Clerks' office has been unable to find ANY RECORDS, I don't have a clear understanding what transpired, but I am assuming that the City reviewed their requests and signed off on the status of this building. Allowing this HUGE building, without sufficient parking, and twice the FA R, has severely impacted not just my property but also the entire neighborhood. If this building were built to 65% FAR, how many units would have been built? 8-9? How many enclosed parking garages?

How does a building change status from apartments to Own Your Owns, to Condominium's and not have to comply with the then current codes? When the city authorized the change from apartments to Own Your Owns and again when they approved the filing of the Sub Division Map with the State to provide Condominium Status, shouldn't the violations and infractions of the Hillside Overlay have been enough to prohibit this action? When the City signed off their new status **EACH** time, this building had many violations, including inadequate parking (both in type and in number) and was twice the FAR listed in the Hillside Overlay Ordinance. How do I receive Equity now?

Does a building that exceeds the FAR and creates such a HUGE mass, lose it's standing to complain about a slight view loss?

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Page 2

336 Paseo De La Playa

The Hillside Overlay provides for privacy, air, views, as well as other items. Both buildings block my "sunrise" view with their MASSIVE 3 story structure. The owners look out their **back** windows right into my units, right into bedrooms, baths, kitchens, and dining rooms. In researching all the many years of minutes, I found that even one window that is remodeled (to a second story) that looks into the back yard or into neighboring structures must be made non-opening and made with obscured glass. Can I require my neighbors to have obscure film added to their windows in order to provide me privacy? How do I receive Equity?

If I can't receive any benefit from the Hillside Overly Ordinance, why am I burdened by it? I don't understand how these buildings continually violate the "spirit" of the Hillside Overlay and the actual building codes

During my first presentation I spoke of the un-permitted enclosing of the balconies at 163 Paseo De La Concha. Since that time and within the last few months (2006), I understand they were given permits- without any hearing. Now the question is how were they allowed to enclose these balconies thus eliminating all of their "Private Open Space"?

During my last presentation I spoke of the \$350,000 un-permitted improvements, including French drains. How is it that they still flood my property?

I don't understand how 163 Paseo De La Concha was able to build a fence that exceeds the height limit for front fences in the Overlay and it is on **Public Right Away** without a hearing? (2005)

Since the last hearing I have worked with my architect, reviewing several options and as a result of these meeting I have lowered the height on the building, changed the roof from a gable to a hip and recessed in the northeast corner.

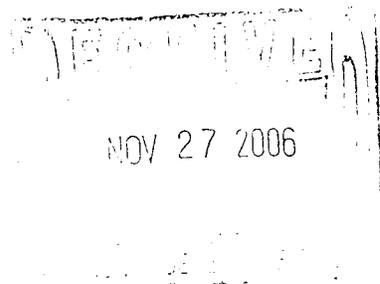
If this hearing is NOT the correct venue to receive Equity would you please let me know what channels I should take to proceed with my quest.

I did these changes in the "spirit" of the ordinance. I am not asking for a variance, and I do not exceed the FAR and have excessive Open Space. I just want a little more room to enjoy my dream house.

I would appreciate your vote to approve my plans as submitted. I want to thank you for your consideration.

Sincerely,

Susan Butler 
336 Paseo De La Playa #E
Redondo Beach, Ca. 90277



P.S. Both my neighbor & myself will be hosting an "open house" on Saturday-12/2/2006 11:00 a.m. to 1:00p.m. We are trying to make it easy for you to view our projects. If this date and time are not convenient please contact me and I will reschedule a special time for you.

OPEN HOUSE

INVITATION TO: Planning Commissioners
& City staff

VIEW:
336 Paseo De La Playa #E (First*)
332 Paseo De La Playa

DATE: Saturday, December 2, 2006

TIME: Between 11:00 a.m. 1:00 p.m.

We know how busy everyone's schedule is during the holidays. We hope to make it easier for you to view our projects by having this Open House. If you are unable to come by on Saturday, please call either one of us and we will arrange a showing time to accommodate your schedules.

See you soon!

Suzanne Butler 310-350-1903

Mike Adli 310-373-0263

* Refreshments

NOV 27 2006

CODE REQUIREMENTS

The following is a partial list of code requirements applicable to the proposed project. All possible code requirements are not provided here and the applicant is strongly advised to contact each individual department for further clarification. The Planning Commission may not waive or alter the code requirements. They are provided for information purposes only.

Environmental:

- Unit #5 codes:
 - At the top of the stairway to the 2nd floor provide a self-latching/ closing gate.
 - The railing on the second floor should be five feet high.

Building & Safety

- Comply with state energy requirements

Fire Prevention

- Provide a 1-hour fire rated separation between units/ tenants.

Engineering

- A construction and excavation permit is required from the Community Development Department for any work in the public right-of-way.
- Install Sidewalk: Construct new sidewalk to public standards for the width of the property frontage
- Install a street tree in the City parkway every 50' for the width of this lot. (City code sec. 74.3.2) Contact the Torrance Public Works Dept. (Streetscape) at 310-781-6900 for information on the type and size of tree for your area.

10C. PRE05-00021: SUZANNE BUTLER (CBB ARCHITECTS – CHARLES BELAK-BERGER)

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of a second-story addition to an existing two-story, multiple-family residential structure and the construction of a detached garage and laundry room on property located in the Hillside Overlay District in the R-3 Zone at 336 Paseo de la Playa.

Recommendation

Denial.

Planning Associate Santana introduced the request and noted supplemental material available at the meeting consisting of correspondence received after the agenda item was prepared.

Suzanne Butler, applicant, submitted a report containing written material and photographs detailing the basis for her remarks. With regard to the view impact at 163 Paseo de la Concha, she stated that this 16-unit condominium complex has a Floor Area Ratio (FAR) in excess of 1.3 and most of the views are un-permitted, acquired views created after the Hillside Overlay Ordinance was passed in 1977. She explained that this development was originally built as an apartment complex and was converted to condominiums in 1988, therefore, these homeowners have no legal standing. Additionally, she noted that most of the units have un-permitted balcony enclosures, approximately 25 feet by 8 feet, increasing the already high FAR, and enhancing the view by pushing windows out to the edge of the building. She called for the Building and Safety Department to take action on these un-permitted remodels. She reported that this property also has a terrible drainage problem as it does not drain out to the street.

Referring to minutes from past Commission meetings, Ms. Butler noted that Commissioners have tended not to afford protection to views acquired after the Hillside Overlay Ordinance was enacted and have recognized the need to strike a balance between the interests of neighbors and the rights of property owners. She reported that her neighbors have shown no willingness to compromise and have instead maintained that she has no right to block any portion of their view. She stated that she felt she has already compromised by limiting the height and size of her addition and expressed frustration that despite her efforts to contact every neighbor who has lodged objections, they have offered no suggestions other than "don't build."

With regard to the building at 342 Paseo de la Playa, she explained that this 6-unit apartment building has been illegally converted into 8 units by dividing the unit on the top floor into sub-standard sized units and contended the view impact would not have been so great if the unit had not been divided because only a small portion of the panoramic view would be affected. She suggested that the photograph submitted to demonstrate view obstruction from Unit 6 might have been taken when standing on a chair because the sill height of the north-facing window is at least 5 feet above the floor level and the ceiling is clearly visible in the photograph.

Addressing 157 Paseo de la Concha, she reported that this building was built in 1977, the same year as the Hillside Overlay Ordinance was adopted, however, it was

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September 21, 2005

converted into condominiums in 1981, therefore, homeowners do not have legal standing. She related her observation that the primary views from these three-story, townhouse-style units are to the north and to the east, although there is a partial ocean view over rooftops from some of the units. She stated that Unit No. 5 has an acquired view due to remodeling, but she was unable to locate permits for the remodel so she was not sure what the original view was and that Unit No. 3 has an acquired "peak-a-boo" view from a remodel, which is in progress. She disputed the claim that the project would impact the view from Unit No. 2.

Commenting on claims of economic loss, Ms. Butler maintained that the condition of a property sometimes has a greater influence on its sales price than views and noted that Unit No. 5 at 163 Paseo de la Concha, which is currently in escrow, has been a rental unit for a number of years and failed to sell when it was listed in 2004.

Commissioner Muratsuchi asked about Ms. Butler's claim that views from properties converted to condominiums after the Hillside Overlay Ordinance was enacted should be considered acquired views.

Deputy City Attorney Whitham advised that this was the first time someone has raised this issue; that she was not particularly persuaded that a change in the form of ownership would somehow restart the clock; and that it would be up to Commissioners to decide whether they agreed with this argument.

Commissioner Horwich related his understanding that un-permitted balcony enclosures could be permitted after the fact assuming that everything has been built to Code.

Assistant City Attorney Whitham advised that City staff would have to investigate each case because some may be "grandfathered in" depending on when they were built.

Commissioner Faulk voiced his opinion that whether or not the balconies have been enclosed is irrelevant because adding glass does not change the view.

Jennifer Jones, representing her family, the owner of apartments at 342 Paseo de la Playa, contended that the project would greatly diminish natural lighting to three apartments, obstruct the northern coastline view from balconies, and negatively affect the value of the property. She proposed that the project be scaled down by eliminating the bay window, which would result in a reduction of only 150-200 square feet while preserving tenants' views and sunlight.

Don Whitehurst, 157 Paseo de la Concha, #5, voiced objections to the compromise proposed by the previous speaker, stating that project would still block 60% of the view from his living room.

Nicole Adams, 157 Paseo de la Concha, # 3, stated that the proposed project would take away 100% of her view and that it was unfair for someone who has an ocean front property to take away the view of so many other people.

Michael Duffy, prospective buyer of 163 Paseo de la Concha, #5, expressed concerns about the effect the proposed project would have on the view from this unit, voicing his opinion that it would significantly affect the value of the property.

Treva Merritt, 163 Paseo de la Concha, #6, reported that she has lived at this location since 1972 and the balcony was already enclosed at the time she purchased it. She maintained that the proposed project would obstruct 50% of her view to the west and 30% of her view to the north and greatly diminish the value of her property.

Betty Harrigan, 146 Via Pasqual, indicated that she was not directly affected by the proposed project but wanted to applaud Ms. Butler's efforts to keep the quaint beach community spirit intact rather than razing the property and building condominiums.

Bruce Scher, 157 Paseo de la Concha, #5, contended that the proposed project would significantly impair his view. He reported that Ms. Butler visited his property and observed the impact, but rather than being conciliatory, threatened to unite with adjacent property owner to build a huge condominium complex should this project not be approved.

Ina Elminoufi, 163 Paseo de la Concha, #12, stated that the proposed project would take away 50% of the view from two windows.

Dana Crawford, president of 163 Paseo de la Concha Homeowners Association, maintained that there would be a substantial impact on property taxes should this project go forward due to the devaluation of properties with views. She reported that the balconies have been enclosed for a long time and residents were not opposed to the City's investigating them.

Charles Belak-Berger, project architect, suggested that the best use for this site would be to build condominiums, however, Ms. Butler was not proposing anything near what could be built on this site, noting that a 35-foot tall building would be allowed according to the zoning. He explained that Ms. Butler would simply like to have more living space to house her children and grandchildren when they visit and he did not believe this request was unreasonable. He reported that he investigated the original plans for 163 Paseo de la Concha, which is comprised of small apartment-sized units with balconies that over the years have been converted into living space, resulting in an FAR almost twice what is currently allowed. He asked for direction from the Commission, expressing his frustration that there are no clearly defined rules as to what is permitted.

Commissioner Muratsuchi related his observation that the proposed project would significantly obstruct the ocean view from Units 5 and 6 at 163 Paseo de la Concha, thereby decreasing the value of these properties.

Mr. Belak-Berger maintained that 163 Paseo de la Concha is so massive and out of conformance with any standards that it was unfair to deprive Ms. Butler of the right to improve her property in a reasonable manner based on the impact on these units.

Chairperson Uchima suggested that the applicant might wish to meet with neighbors to try to arrive at a compromise. Mr. Belak-Berger stated that Ms. Butler has made every effort to work with neighbors, but they have been unwilling to compromise.

Voicing support for the project, Manoucher Adli, 328 Paseo de la Playa, stated that very little has been done to buildings on this street and they are getting old and tired looking, possibly because there are too many restrictions, and suggested that it should

be the jewel of Torrance and merits upgrading. He further stated that people pay a lot of money for properties with ocean views that cannot be obstructed, while people who live behind pay substantially less and should expect that their views could be blocked in the future.

Commissioner Faulk disputed the idea that people who live behind those with unobstructed views should expect that their views will be blocked.

Kavon Adli, representing his grandfather who owns 332 and 334 Paseo de la Playa, expressed concerns that this was becoming a majority rule situation and maintained that the proposed project was a reasonable expansion necessary to support the modernization of the beach area. He stated that if this project is not approved, he could not envision any expansion of beachfront property.

The Commission recessed at 8:50 p.m., and Chairperson Uchima encouraged Ms. Butler and Mr. Belak-Berger to meet with neighbors during the break to discuss possible ways to mitigate their concerns.

The Commission resumed the hearing at 9:00 p.m.

Darryl Boyd, representing Aylin Salem, the owner of 163 Paseo de la Concha, #5, noted that Ms. Salem submitted a letter (of record) explaining that the pending sale of her property has been in limbo since June, due to the proposed project. He estimated that the project would obstruct 50% of the view from her living room.

Virginia Levanas, owner of 147-153 Paseo de la Concha, reported that her units are the only one-story apartments on this street and thanked the Commission for doing a good job of preserving views in this area.

Patricia Acone, 163 Paseo de la Concha, #14, received confirmation that her letter dated September 15, 2005 was included in the agenda material.

Allen Schanhaar, 145 Via Pasqual, expressed the hope that a compromise could be reached that would satisfy both neighbors and the property owner.

Doug Hoffman, 336 Paseo de la Playa, stated that his landlord, Ms. Butler, is a very caring and giving person who deserves an opportunity to improve her property. He reported that most of the homes facing the beach are rundown and in need of updating.

Ms. Butler clarified that while balconies at 163 Paseo de la Concha may have been enclosed for some time, more recently people have been removing sliding glass doors and exterior walls and turning the balcony area into living space, and this is what she objects to. She noted that she met with neighbors during the break and was unable to arrive at a compromise because each neighbor has a different idea as to how she should expand.

Commissioner Horwich commended Ms. Butler for doing a remarkable job of gathering information, but indicated that he was not persuaded that the conversion of an apartment unit to a condominium changes the date the view originated or that enclosing a balcony, permitted or not, actually changes the view. He stated that he does not respond favorably to threats about building condominiums, noting that any project built

on this site would be subject to the same criteria. Offering direction to the applicant, he indicated that he personally thought a view loss of 25% or less would be acceptable.

Commissioner Muratsuchi stated that he also appreciated all the research Ms. Butler had done and thought she had raised an interesting argument in terms of acquired view. He wanted to make it clear that he was basing his decision on TMC Section 91.41.6, which states that the project shall not have a harmful impact on the land values and investment of other properties in the vicinity, and reported that the view impact he observed in Units 5 and 6 at 163 Paseo de la Concha alone was significant enough to deny the project. He suggested that the applicant investigate each claim of view blockage and try to reach a compromise.

Ms. Butler commented on the difficulty of trying to please all of her neighbors.

Commissioner Fauk questioned whether Ms. Butler's unit has always been one unit. Ms. Butler explained that at one time it might have been partitioned, creating a second bootlegged unit, noting that the unit is poorly designed, that's why she would like to remodel it.

Mr. Belak-Berger stated that he did not believe it would possible to arrive at a feasible design by conferring with the various neighbors, however, he would like to explore reducing the view blockage to 25% or less per Commissioner Horwich's suggestion by opening up view corridors.

Chairperson Uchima stressed the need for those impacted to allow the architect to view the project from their perspective in order to arrive at a compromise.

Commissioner Guyton commended Ms. Butler for the information she provided, but indicated that he could not support the project because he observed that it would have a significant impact on views. He stated that he couldn't offer an exact percentage of view loss that he would find acceptable and would have to see the revised silhouette before making a decision. He noted that supporters have suggested that properties on this street are almost blighted and he wanted to make clear that no one was objecting to the remodeling of the structure, but rather to the view impact caused by the additional square footage.

Chairperson Uchima asked if Ms. Butler would like to continue the hearing so the project could be redesigned. Ms. Butler stated that she was willing to compromise, but she was not willing to take the time or spend the money to re-silhouette.

Chairperson Uchima explained that the project must be re-silhouetted in order for Commissioners to gauge the impact of revisions. Ms. Butler related her preference that the Commission vote on the project this evening.

MOTION: Commissioner Horwich, seconded by Commissioner Fauk, moved to close the public hearing; voice vote reflected unanimous approval.

Commissioner Fauk wanted to clarify that Commissioners base their decisions on the merits of each case and it has nothing to do with the number of people for or against a project. He noted that some unique arguments were raised in this case, however, he did not believe issues, such as un-permitted remodels, buildings with

excessive FARs and condominium conversions, were particularly relevant. He stated that the Hillside Ordinance is primarily concerned with view impairment and the impact on views is undeniable in this case. He related his observation that both beach and white water views would be affected and the view from one unit would be completely blocked. He expressed surprise at some of Mr. Belak-Berger's comments, stating that there is no reason to believe a large condominium complex would be approved on this site.

Commissioner Muratsuchi stated that he would vote to deny the project based on TMC Section 91.41.6 and these rules apply to everyone and provide clear guidance for anyone who wishes to build in the Hillside area. He explained that he did not consider the view from 163 Paseo de la Concha to be an acquired view because this structure remains as originally constructed and it was not a matter of someone who has added a second story trying to prevent a neighbor from doing the same thing.

MOTION: Commissioner Horwich moved to deny PRE05-00021 without prejudice. The motion was seconded by Commissioner Guyton and passed by unanimous roll call vote (absent Commissioner Drevno).

Planning Associate Santana read aloud the number and title of Planning Commission Resolution No. 05-136.

MOTION: Commissioner Guyton moved for the adoption of Planning Commission Resolution No. 05-136. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote (absent Commissioner Drevno).

For the benefit of the applicant, Chairperson Uchima reviewed the process for filing an appeal.

AGENDA ITEM NO. 10C

CASE TYPE & NUMBER: Precise Plan of Development – PRE05-00021;

NAME: Suzanne Butler (Charles Belak-Berger)

PURPOSE OF APPLICATION: Request for approval of a Precise Plan of Development to allow the construction of second-story additions to an existing two-story multiple-family residence and the construction of a new detached garage and laundry room on property located in the Hillside Overlay District.

LOCATION: 336 Paseo De La Playa

ZONING: R-3, Single-Family Residential District (Hillside Overlay District)

ADJACENT ZONING AND LAND USE:

NORTH:	R-3	Hillside Overlay District, One and Two-Story Multiple Family Residences
SOUTH:	R-3	Hillside Overlay District, One-Story and Two-Story Multiple Family Residence
EAST:	R-3	Hillside Overlay District, Two and Three-Story Multiple Family Residences
WEST:	P-U	Public Parking Lot

GENERAL PLAN DESIGNATION: Medium-Density Residential

COMPLIANCE WITH GENERAL PLAN: This site has a General Plan Land Use Designation of Medium Density Residential, which are areas characterized by townhouse and low-rise apartment developments. This designation is implemented by the R-3, RR-3, R3-3, and R-P zones. The density range for this category is from 18 to 28 dwelling units per net acre. The R-3 zoning is in conformance with the Medium Density Residential category.

The existing five-unit condominium complies with the Medium Density Residential land use designation and allowable density of 18 to 28 dwelling units per acre. The existing density of 21.7 dwelling units per acre is consistent with the allowable R-3 density standard.

EXISTING IMPROVEMENTS AND /OR NATURAL FEATURES: The subject property contains a two-story, multiple family residence with five units and a six car detached garage constructed in 1954.

ENVIRONMENTAL FINDINGS: Additions to multiple family residential properties are Categorically Exempted by the Guidelines for Implementation of the California Environmental Quality Act; Article 19, Section 15301 (e).

BACKGROUND AND ANALYSIS:

The applicant requests approval to construct second story additions to an existing two story multiple family residence, a new two car detached garage and laundry facilities on site. The additions are proposed for the second level Unit 5. A Precise Plan is required because the property is located within the Hillside Overlay District and the new construction is over fourteen feet in height.

The lot is 10,050 square feet in area and is rectangular in shape. All setbacks are existing and provide for 31 feet in the front yard, 20 feet in the rear yard, five feet on the northerly side yard and nine feet six inches on the southerly side yard. The proposed second story additions will maintain the front, rear and southerly side yard setbacks. however, the northerly side yard setback on the exiting first story and the proposed second story encroach into the required side yard. Staff recommends that any addition meets the northerly side yard setback requirement. The existing first story northerly side yard setback may remain upon Planning Commission approval of a Waiver.

The existing first floor contains four units. Unit 1 and Unit 4 each contain one bedroom, a bathroom, kitchen, living room and dinning room. Unit 2 and Unit 3 each contain two bedrooms, a bathroom, kitchen, dining area and a living room. Unit 5 makes up the entire second floor with two bedrooms, two bathrooms, a dining room, living room and a kitchen. The additions to Unit 5 will increase the current residence by 92 percent (1,263 square feet). The additions will enlarge one of the bedrooms, change the second bedroom to a master bedroom with a bathroom and walk in closet, add a great room and a laundry room. The proposed construction will also add two sun decks on the north and south side of the residence and a spa accessed from the entry porch.

As currently developed, the subject property does not meet code parking requirements. In the R-3 zone, a multiple-family residence is required to provide two parking spaces per every unit that has two or fewer bedrooms. There are currently three two car garages providing six total parking spaces. The proposed detached two car garage will conform to code required dimensions and it will improve the parking situation. The addition will also provide additional space for laundry facilities.

The total height of the proposed additions will not exceed the existing height of the residence which is 23 feet and eight inches based on the plans. The certified silhouette indicates that the highest ridge is at an elevation of 128.7 based on a lowest adjacent grade of 105.05 resulting in an overall height of 23 feet and eight inches. This grade is located along the rear southerly portion of the building.

The lot coverage is 47% and floor area ratio is .57. A project summary is provided below:

Statistical Information

◆ Lot Area	10,050 square feet
◆ Existing First Floor	3,190 square feet
◆ Existing Second Floor	1,365 square feet
◆ Proposed Second Floor addition	1,263 square feet
◆ Existing Garage	1,100 square feet
◆ Proposed Garage addition	460 square feet
◆ Total Floor Area (excluding garages)	5,818 square feet
◆ Total Floor Area (including garages)	7,378 square feet
◆ Floor Area Ratio (excluding garages)	0.58 to 1.0
Maximum Floor Area Allowed	6,030 square feet @ 0.6

The Hillside Ordinance requires that the Planning Commission make a series of findings relating to the design of the project and its potential impact on the view, light, air and/or privacy of properties in the vicinity. The applicant has responded to this requirement in the Hillside Ordinance Criteria Response Sheet (Attachment #3). The applicant was required to construct a silhouette to demonstrate potential impacts (Attachment #4). A licensed engineer has verified the height of the silhouette and staff made a field inspection.

Staff made a field observation of the proposed additions and based on the silhouette, it appears to cause significant impacts for surrounding properties. The properties located directly behind the project to the east, 163 Paso De La Concha, will experience view loss from this proposed project. This property is a two story multiple family residential building. Staff made field observations from two first level units #5 and #6 and two second level units #12 and #14. The first level units have the greatest view impacts based on the certified silhouette. The views from these two units are, almost exclusively, the result of open space between the project site and the neighboring multiple family residences to the south and the north. The proposed additions will

extend the living area on the north and south sides and accordingly the roof will change from a hipped roof to a gable. The units from the second level will also be effected by the proposed additions and the gable roof. Staff made additional field observations from the multiple family residential building to the south of the subject property. The views from units #5 and #6 at 342 Paseo De La Playa will be affected by the proposed front, westerly, additions one of which will have a front facing gable roof and the other a hipped roof. Letters of concern have been submitted to the Community Development Department. Furthermore the applicant, Ms. Butler, has responded to those letters. Additionally letters of support have also been submitted. All correspondence has been attached for your review. Staff recommends eliminating or minimizing any additions to the sides and reconfiguring the front additions so that they do not extend as far forward.

The proposed additions and final residence will use materials that are in harmony with the surrounding properties and the neighborhood. The materials include stucco and roof shingles. The proposed additions are articulated with a gable roof and a hipped roof and eave overhangs to create an attractive project. The proposed master suite and great room feature balconies that face west on Paseo De La Playa.

The applicant has prepared a plan that complies with the R-3 standards, exceeds the open space requirements and is within the allowable lot coverage. The residence incorporates architectural finishes that are compatible with the surrounding homes and it is of a traditional design. This project does appear to cause an adverse impact on the views of adjacent properties by expanding the living area on the north and south sides and changing the roof from a hip to a gable. For view impact reasons, Staff recommends denial of this request.

The applicant is advised that Code requirements have been included as an attachment to the staff report, and are not subject to modification.

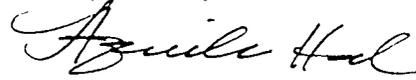
PROJECT RECOMMENDATION: DENIAL**FINDINGS OF FACT IN SUPPORT OF DENIAL OF THE PRECISE PLAN:**

Findings of fact in support of denial of the precise plan and waiver are set forth in the attached Resolution.

RECOMMENDED CONDITIONS:

Recommended conditions of the proposed project have not been set forth in the attached Resolution as the recommendation is for denial.

Prepared By,



Aquilla Hurd
Planning Assistant

Respectfully submitted,


for Jane Isomoto
Planning Manager

ATTACHMENTS:

1. Planning Commission Resolution
2. Location and Zoning Map
3. Hillside Ordinance Criteria Response
4. Silhouette Verification
5. Correspondence
6. Code Requirements
7. Site Plan, Floor Plans, & Elevations

CITY OF TORRANCE – COMMUNITY DEVELOPMENT DEPARTMENT

TO BE SUBMITTED WITH HILLSIDE PRECISE PLAN APPLICATION PRE _____

GIVE FACTS TO SUBSTANTIATE THE FOLLOWING CRITERIA BY WHICH THE PLANNING COMMISSION MAY GRANT THIS HILLSIDE PRECISE PLAN. IT IS MANDATORY THAT THESE CRITERIA BE MET BEFORE THE CITY MAY LEGALLY GRANT A HILLSIDE PRECISE PLAN: AND, IT IS INCUMBENT UPON THE APPLICANT TO PROVE TO THE SATISFACTION OF THE CITY THAT THE CRITERIA ARE MET:
(To be completed by all applicants)

1. Planning and Design (91.41.6)

- a. The following facts demonstrate that the proposed development will not have an adverse impact upon the view, light, air and privacy of other properties in the vicinity:

The project as proposed will not impact adjacent properties with regard to view, light air & privacy, since the proposed 2nd story forward projections have been minimized and are not maximizing allowable coverage area consistent with development in the R-3 zone.

- b. The following planning, design and locational considerations will insure that the proposed development will cause the least intrusion on the views, light, air, and privacy of other properties in the vicinity:

The second story addition as proposed is set back well beyond the front setback requirements, allowing for better cross views from adjacent properties, more light between adjacent buildings while not impacting privacy concerns.

- c. The following design elements have been employed to provide an orderly and attractive development in harmony with other properties in the vicinity:

The project retains its open courtyard design by extending only the wing units as shown on the plans. Architectural designs employing bays and recessed glazing make for a quiet and agreeable addition resulting in a non-intrusive massing of building elements.

- d. The following aspects of the design insure that the development will not have a harmful impact upon the land values and investment of other properties in the vicinity:

The proposed addition will add to the value of land and development in the project vicinity in that the appearance of the project (building) is enhanced and the concept of a second story penthouse suite is addressed.

- e. Granting this application would not be materially detrimental to the public welfare and to other properties in the vicinity for the following reason (s):

There can not be such an impact with respect to the proposed project. We are not changing to number of existing apartments, the existing rental base, the number of bedrooms, but actually are adding a new 2-car garage to the existing 6, which may help alleviate carparking shortages.

- f. The proposed development will not cause or result in an adverse cumulative impact on other properties in the vicinity, for the following reasons:

Again - we are not proposing an increase in property use - the number of units shall remain unchanged - so will the number of bedrooms. Only the size of the second story shall be increased without adding any more bedrooms. We are also adding a new 2-car enclosed garage.

2. LIMITATION IN INCREASES IN HEIGHT (91.41.10) (To be completed by applicant for a Precise Plan that would increase the height of any part of the building to a height greater than that of the existing building)

- a. It is not feasible to increase the size of or rearrange the space within the existing building or structure for the purposes intended except by increasing the height, demonstrated by the following facts:

WE ARE NOT EXCEEDING THE ESTABLISHED, "EXISTING" BUILDING HEIGHT @ ANY POINT OF THE PROPOSED ADDITION & ARE ADDING FLOOR AREA OVER EXISTING SINGLE STORY APARTMENTS ONLY. TO INCREASE THE SIZE OF THE TOP UNIT (APARTMENT #5) IS NOT FEASIBLE ELSEWHERE.

- b. Denial of this application would constitute an unreasonable hardship for the following reason (s):

THE BUILDING OWNER WHO RESIDES IN THE TOP UNIT NEEDS THE ADDITIONAL FLOOR AREA AS REQUESTED BY WAY OF THE PROPOSED DESIGN FOR THE ENJOYMENT OF HER LIVING CONDITIONS.

- c. Granting this application would not be materially detrimental to the public welfare and to other properties in the vicinity for the following reason (s):

GRANTING THIS APPLICATION HAS NO IMPACT UPON THE PUBLIC WELFARE OR OTHER PROPERTIES FOR THE SIMPLE REASON THAT THE OWNER IS ASKING PERMISSION TO ADD SOME FLOOR AREA TO HER SUITE RESULTING IN NO CHANGES TO OCCUPANCY, # OF BEDROOMS OR ANY MAJOR BLOCKAGE OF EXISTING VIEWS — ETC.

336 PASEO DE LA LUSYA

3. LIMITATION IN INCREASE IN BUILDING SPACE LOT COVERAGE (91.41.11)
 (To be completed by applicant for a Precise Plan that would increase the interior floor area of the building to more than 50% of the area of the lot.)

- a. Denial of this application would constitute an unreasonable hardship for the following reason (s):

The Property owner is entitled to develop his/her property to the extent permitted by the established local codes, ordinances and the local Coastal plan. The development of this property or addition thereon is the same height that has been exercised by owners of all surrounding properties.

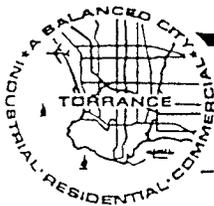
- b. Granting this application would not be materially detrimental to the public welfare and to other properties in the vicinity for the following reason (s):

Other properties in the immediate vicinity & neighborhood have been developed with two and even three stories - most are higher than our proposed addition, which is tied in height to the existing (low ridge.) We are under the allowable FAR as recommended for this R-3 zone and are in compliance with all local ordinances (development). Other properties have been developed with FAR values exceeding the .60, with inadequate parking, inadequate drainage, excessive heights, mass, density, reduced open space etc.

Our project meets and in many cases exceeds the recommended development standards which results, or should result in an increase ⁱⁿ property values with respect to adjacent & marginally affected sites.

fax to: 310 618 5829
 DR. AQUILA HURD

01/2004



City of Torrance, Planning Department

3031 Torrance Blvd., Torrance, CA 90503 (310) 618-5990 FAX (310) 618-5829

Height and Location Certification

David S. Feren, Planning Director

The survey must be performed by a licensed land surveyor or civil engineer and should be accompanied by a map which shows the location of the bench mark and the locations where the measurements were taken. The map should also show the location of existing and proposed structures.

SILHOUETTE CERTIFICATION

I have surveyed the silhouette located at # 336 Paseo De La Playa, Torrance (address)

California on Aug. 5, 2005 (date), based on plans submitted to the City of Torrance

by C.B.B. Architects (applicant/architect) on (date). The survey was taken

from a bench mark located at Top of Exist. Conc. Curb, 8' Wily of the S.E'ly Corner (address)

(attach map) which established a base elevation of 100.00 ft (Fd. L&T. P.C.E.)

The ridge line/highest point of the roof was determined to have an elevation of 128.7 ft.

The plans indicate that the elevation should be 128.75 ft.

I certify that I have measured the location of pertinent features located on the subject property. Based on the plans submitted to the Planning Department, I have verified that the silhouette/construction accurately represents the proposed structure in terms of height, building envelope, location on the site, and all setbacks.

John H. Riahi NAME (please print)

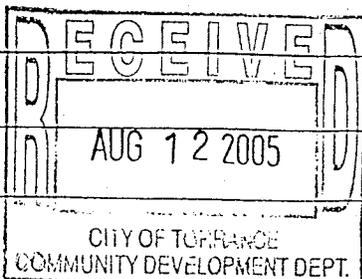
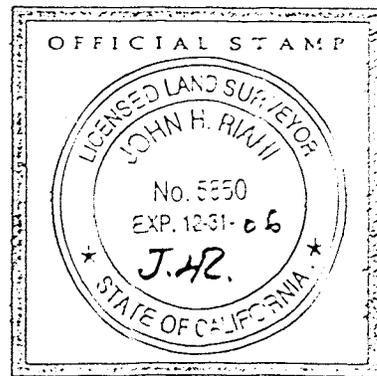
L.S. # 5850 LS/RCE#

[Signature] SIGNATURE

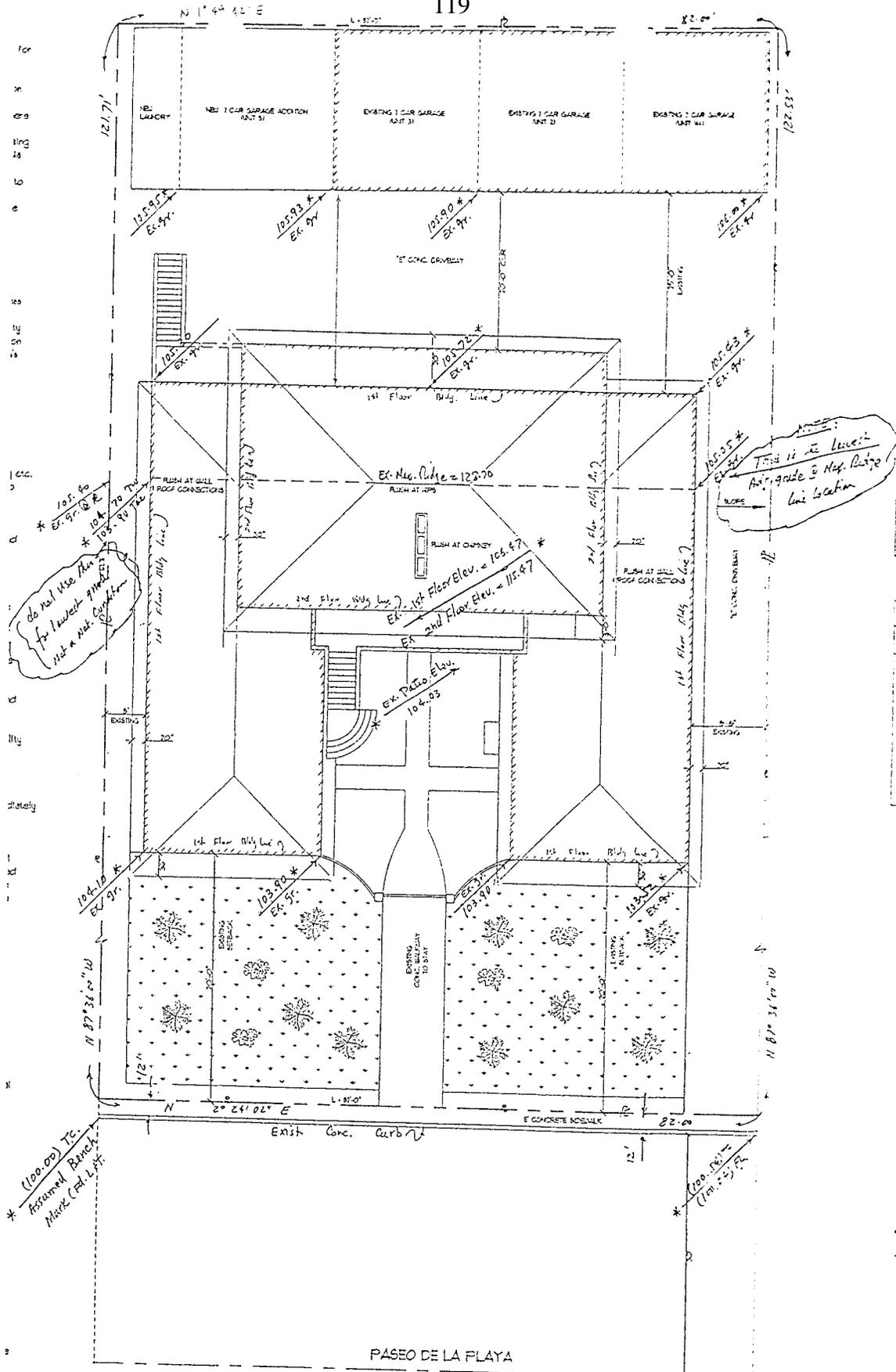
(310) 375-0404 PHONE

[Signature]

Aug. 9, 2005 DATE



Notes:



do not use this for layout of site - see a site engineer

Top of the levee - Air-grade & Hdy. Bridge line location

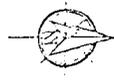
(100.00) TC Assessment Boundary Note (CAL L.P.C.)

(100.00) TC (100.00) TC

Note:

This is a site plan prepared by the Architect. Information with green ink & * are field survey data, determined by John H. Rahn L.S. # 5850

SITE PLAN



10/11/11

Mrs. Alicia Collins
352 Paseo De La Playa #7
Redondo Beach, Ca. 90277

September 9, 2005

Aquilla Hurd,
City of Torrance Community Development Department
3031 Torrance Blvd.
Torrance, Ca. 90505



Dear Ms. Hurd,

RE: Addition to 336 Paseo De La Playa, Redondo Beach

As the owner of the apartment building at 352 Paseo De La Playa I am writing this letter to support the proposed plans for my neighbor at 336 Paseo De La Playa.

I believe that this new project will not only enhance the area, and upgrade the neighborhood but also will attract good tenants.

This area of Torrance is a wonderful place to live and the owner of 336 Paseo de La Playa, Ms. Butler, shouldn't have to move to get a little extra square footage.

If you need to contact me you may do so at my residence (310) 373-6694.

Best regards,

Alicia Collins

Alicia Collins

Fereidoon Adli
P.O. Box 372266
Satellite Beach FL 32937
(321) 779-9016

8/25/2005

City of Torrance
Community Development Department
3031 Torrance Blvd.
Torrance, CA 90503

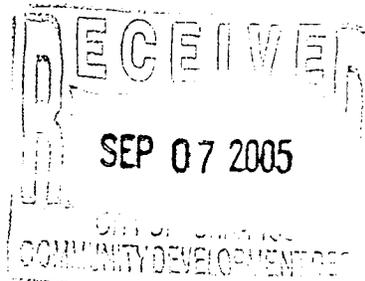
RE: 336 Paseo De La Playa

To whom it may concern:

My name is Fereidoon Adli and I own 2 condos on Paseo De La Playa. I am very happy to hear that after a long time there will be a newer looking building in our neighborhood. I visit Torrance Beach several times a year and am planning to move back and live there in the near future. Seems like every time I visit the area, it looks older and more run down, especially one particular building that is totally neglected and is an eyesore. I think a change & upgrade to my old neighborhood would be wonderful. And if anyone else in our street wants to remodel, modernize and improve their property, they have my blessing.

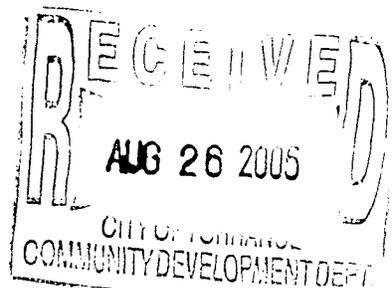
Sincerely,


Fereidoon Adli



Manoucher Adli
328-F Paseo De La Playa
Redondo Beach, CA 90277

August 23, 2005



City of Torrance
Community Development Department
3031 Torrance Blvd.
Torrance, CA 90503

Re: 336 Paseo De La Playa

Dear Sirs,

I have lived in the City of Torrance at the above address for over 30 years. I have seen very little development or remodeling in close proximity of my residence. The buildings in our street are aging and tired looking. We need new development and remodeling in this street.

I welcome the remodel/re-development of the above building and I hope more people take steps to improve our neighborhood.

Sincerely,

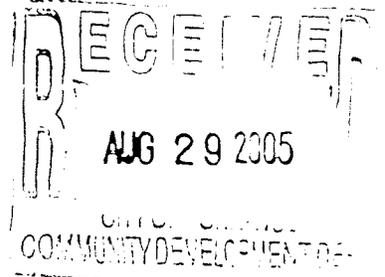
Manoucher Adli

PARICHER ADLI

320-B Paseo De La playa
Redondo Beach, CA 90277-5783
Phone & Fax (310) 375-8759
Pgadli@aol.com

August 25th 2005

City of Torrance
Community Development Department
3031 Torrance Boulevard
Torrance, CA 90503



To Whom It May Concern,

I am a residence of Torrance and have lived at the above address since 1983. I love this area but after living here for over 20 years I must admit the area is looking very old and run down. It is time to modernize and renovate this area specially concerning the fact that it is probably the most prime property in the whole of Torrance.

On that note, I welcome and support the renovation and remodeling of 336 Paseo De La Playa, in Torrance, and I am sure it would do much good for the upgrading, and improving the appearance in this area. I value the effort that the property owners are making to upgrade their properties, which in turn will upgrade this whole neighborhood.

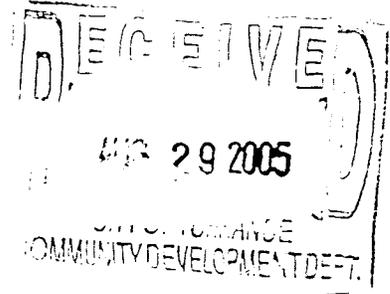
Sincerely,

Paricher Adli

Minoo Hart
411 Paseo De La Concha
Redondo Beach, CA 90277

August 24, 2005

City of Torrance
Community Development Department
3031 Torrance Blvd.
Torrance, CA 90503



Regarding: Remodeling of 336 Paseo De La Playa

I lived at 328-C Paseo De La playa for 20 years and now for almost 10 years live on my current address, which is very close to Paseo De la Playa. I also own 2 condominiums on 328 Paseo De la playa.

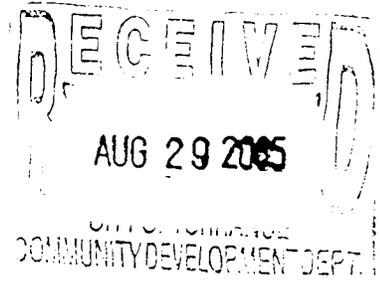
For all the 30 years that I have lived here, not much has been done to upgrade our area, which is one of the most beautiful and desirable areas in the world. Most of the buildings are very old and shabby looking. I totally favor any remodel to any of the buildings that would make our street and neighborhood more upgraded and attractive.

Sincerely,

Minoo Hart

Reza Adli
320-C Paseo De La Playa
Redondo Beach, CA 90277

8/24/2005



City of Torrance
Community Development Department
3031 Torrance Blvd.
Torrance, CA 90503

Re: 336 Paseo De La Playa

Dear Sirs,

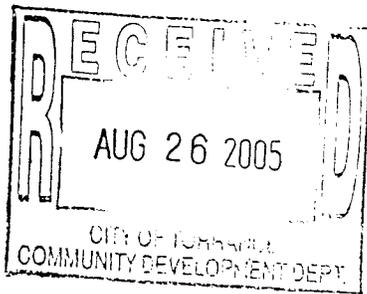
My wife and I own the property at 332 Paseo De La Playa adjacent to the above property. Currently we don't live at our property but we live in close proximity and planning to move to our property next year.

We support the remodeling at 336 Paseo De La Playa and we are in favor of it. Thank you for your consideration.

Sincerely,

Reza Adli

Reza Adli



Cecelia Carraher
336 Paseo De La Playa #D
Redondo Beach, Ca. 90277

August 24, 2005

Aquila Hurd, City of Torrance
Community Development Department
3031 Torrance Blvd.
Torrance, Ca. 90505

RE: Approval of plans
336 Paseo De La Playa, Redondo Beach

Dear Ms. Hurd,

I have been fortunate to reside at 336 Paseo De La Playa for the past five years. Prior to that I lived near by and had the opportunity to observe the condition of the property, which in no way resembles it as it is today, thanks to Ms. Butler becoming a residing owner.

She has very creative ideas and the remodel she proposes will be an attractive addition to the community.

We tenants are all family by choice and are hoping you will consider her plans, which will enable her to accommodate her grandchildren who love to "Am-mah" at the beach.

Thank you,

Cecelia Carraher
310-373-7430

SUZANNE E. BUTLER

336 Paseo De La Playa #E
Redondo Beach, Ca. 90277
(310) 350-1903 Mobile
(310) 378-6414
(310) 972-9988 fax

August 9, 2005

Earl & Judith Moses
163 Paseo de La Concha, Apt 16
Redondo Beach, Ca. 90277

RE: Letter to the Community Development City of Torrance
Dated July 21, 2005 RE: 336 Paseo De La Playa #E

Dear Earl & Judith Moses,

I am in receipt of your letter dated July 21, 2005 in which you oppose the addition to my residence on Paseo De La Playa unit #E. I stopped by 163 Paseo De La Concha and attempted to contact you from the front directory call box. The answering machine said "Mathew" wasn't home so I don't know if you received the message I left. I will attempt another visit if I we don't make contact beforehand.

While I was at the property I walked to the third floor to locate your unit and found that it is located at the most southern corner of the building on the third floor. I would like to understand how your panoramic views of the peninsula and Pacific Ocean view would be affected by my improvements.

I would love to meet with you and show my plans for a new master bedroom & bath and living room. It is not my intent to lower anyone's property values and I don't believe my small addition would do so in anyway.

Perhaps you can contact me at the number above at your earliest convenience and we can meet to discuss your concerns.

Sincerely,


Susan Butler

CC: Aquila Hurd, Community Development Dept. City of Torrance
Mayor Dan Walker, City of Torrance

SUZANNE E. BUTLER

336 Paseo De La Playa #E
Redondo Beach, Ca. 90277
(310) 350-1903 Mobile
(310) 378-6414
(310) 972-9988 fax

August 9, 2005

Ms. Doris Bissaillon
104 Vista Del Mar
Redondo Beach, Ca. 90277

RE: Letter to the Community Development Department August 9, 2005

RE: 336 Paseo De La Playa, Redondo Beach
126-128 Paseo De La Concha, Redondo Beach

Dear Ms. Bissaillon,

I am receipt of your letter to the City of Torrance opposing my proposed addition due to the possibility of blocking anyone's view and possible impact to the parking. I also share the same concerns you have about property values and this neighborhood. We are fortunate to live in the best area of Torrance.

First, I would like to address your concerns regarding parking. I am not adding a new unit or even additional bedrooms. My proposed plans include adding a living room and enlarging my own bedroom and adding a new master bath. These improvements will not affect the parking.

As to the view issue, I don't think this improvement will impact your properties but I would be happy to meet and discuss with you any concerns you may have. I also would like you to know that I am not a developer, but a long time resident/owner who loves living at the beach.

If you have any interest in viewing my plans or want to meet to discuss your concerns, please feel free to contact me at the numbers above.

Regards,



Susan Butler

CC: Aquila Hurd, Community Development Dept. City of Torrance
Mayor Dan Walker, City of Torrance

SUZANNE E. BUTLER

336 Paseo De La Playa #E
Redondo Beach, Ca. 90277
(310) 350-1903 Mobile
(310) 378-6414
(310) 972-9988 fax

August 9, 2005

Leon & Frieda Kuczynski
154 Paseo De La Concha
Redondo Beach, Ca. 90277

RE: Letter Dated July 25, 2005 to the City of Torrance
RE: 336 Paseo De La Playa, Redondo Beach

Dear Mr. Kuczynski,

It was a pleasure talking with you on the telephone today. I appreciate that you are willing to drive to your Redondo Beach property to personally observe my building flags. I think you will find that my description of the view of my flags will represent a significantly less effect on your property than what was stated in the attached letter. I also share the same concerns you have about property values, parking and this neighborhood. We are indeed fortunate to live in the *best* area of Torrance.

As I agreed, I have enclosed a copy of the letter that was sent to the City of Torrance under your and your wife's signature. As you say you know nothing of this letter and my proposed addition, I would appreciate knowing if you find out who the author was so I may contact them to discuss their concerns.

Please feel free to contact me at the numbers above. I would love to meet with you and show my plans for a new master bedroom & bath and living room.

Thanks for your help in this matter.

Sincerely,



Susan Butler
Enclosure

CC: Aquila Hurd, Community Development Dept. City of Torrance
Mayor Dan Walker, City of Torrance

SUZANNE E. BUTLER

336 Paseo De La Playa #E
Redondo Beach, Ca. 90277
(310) 350-1903 Mobile
(310) 378-6414
(310) 972-9988 fax

August 9, 2005

Ms. Yun Hang Lee
10720 Lakewood Blvd. Unit #211
Downey, Ca. 90241

RE: Letter to the Community Development
Dated July 22, 2005 re: 336 Paseo De La Playa
157 Paseo De La Concha # 2, Redondo Beach

Dear Ms. Lee,

I am receipt of your letter to the City of Torrance regarding your opposition to my proposed improvements building improvements at Paseo De La Playa #E. I visited your property today in an attempt to contact you or obtain a telephone number to call you. While I was there I walked to the second and third floor and was surprised to note that I was unable to see the flags from your unit and don't understand how the proposed addition to my building would affect you.

I don't think this improvement will impact your property but I would be happy to meet and discuss with you any concerns you may have. I also would like you to know that I am not a developer, but a long time resident/owner who loves living at the beach.

If you have any interest in viewing my plans, please contact me at your earliest convenience and we can meet to discuss any concerns you may have about my improvements.

Sincerely,



Susan Butler

CC: Aquila Hurd, Community Development Dept. City of Torrance
Mayor Dan Walker, City of Torrance

SUZANNE E. BUTLER

336 Paseo De La Playa #E
Redondo Beach, Ca. 90277
(310) 350-1903 Mobile
(310) 378-6414
(310) 972-9988 fax

August 18, 2005

Darryl Boyd Broker/Owner
King Harbor Realtors/Mortgage
811 N Catalina Avenue, Ste 2016
Redondo Beach, Ca. 90277

Dear Mr. Boyd,

I am enclosing a letter to your client, would you please forward it to her?

I also received your letter and a letter from the proposed buyer. I do not think it is appropriate for me to respond to the buyer.

Perhaps the only immediate help I can offer is a timetable for this process. I have been working on the plans and city approval for the last 6 -7 months. I just submitted a certification of the silhouette to the Community Development Department. The next step is to be placed on the Planning Commission Agenda. This can take anywhere from 3-8 weeks. At the hearing everyone will be given time to discuss their concerns, including me. What I am requesting is approval to enlarge my master bedroom and add a master bath, add laundry facilities and increased area for a living room. I know this is a balancing act between one-property owners rights vs. another's, but since I am not requesting any variances and the numbers are well below the maximum, I should receive a building permit. If I am unsuccessful, I will pursue my other options.

As you may have noted, I am committed to this project and will stay the course. This letter may not be what you wanted to hear, but if time is of the essence for this seller, at least you have some additional information that may be helpful.

Regards,


Susan Butler

CC: Community Development Dept. City of Torrance
Mayor Dan Walker, City of Torrance

SUZANNE E. BUTLER

336 Paseo De La Playa #E
Redondo Beach, Ca. 90277
(310) 350-1903 Mobile
(310) 378-6414
(310) 972-9988 fax

August 19, 2005

Aylin Pick Salem
c/o Darryl Boyd Broker/Owner
King Harbor Realtors/Mortgage
811 N Catalina Avenue, Ste 2016
Redondo Beach, Ca. 90277

Dear Ms. Salem,

I am in receipt of your letter sent to the City of Torrance Planning Commission dated July 15, 2005. I just want to express my sorrow regarding your health issues.

I am sorry that my impending remodel has caused you any stress. Perhaps it may help to let you know that I am not a developer and I'm not trying to make any money from these improvements. The biggest impetuses to this project are my three grandchildren along with my son and daughter-in-law. I currently have a small two-bedroom unit and when they come to visit I just don't have enough space. It has only recently been viable for me to consider a remodel.

I don't want to go on and on about my dreams with your health being so fragile. I end this letter with prayers for your strength and improved health.

Best Wishes,



Susan Butler

Sept. 12, 2005

City of Torrance
Community Development Department
3031 Torrance Blvd.
Torrance, CA 90503
Attn.: Aquila Hurd

I'm writing to oppose the current plan to remodel the property at 336 Paseo de la Playa. I live at 157 Paseo de la Concha, which is one street inland from the site, and the plan will affect my view of the ocean. On the south, it will block approximately one-third of the ocean view from my unit, including all of the whitewater view. It will also obstruct part of the view from my balcony on the north.

This is not just a matter of aesthetics and enjoyment for myself. The ocean view from my condominium is an intrinsic part of the property's value. The current plan to build at 336 Paseo de la Playa could adversely affect the resale value of the property, as well as the values of those properties surrounding my residence.

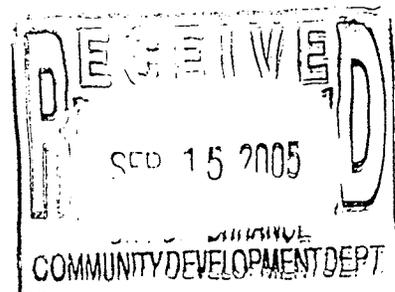
I would suggest that, if the owners of 336 Paseo de la Playa would like to expand their house, they should find an alternative plan that would not obstruct the view of their neighbors.

Thank you for your consideration of this letter.

Sincerely,



Scott Sandell
157 Paseo de la Concha, #4
Redondo Beach, CA 90277



Dear City of Torrance,

This letter is in regards to the flags around the property 336 Paseo de la Playa. If they move forward with the extension on the left side of that building, you couldn't block our ocean view more perfectly! It will take away our entire view from our bottom level, which is now from our kitchen and dining area. So, I guess, if we are able to "oppose", we do.

Maybe it would be better for everyone in the area that this building "extension" will effect to maybe extend forward, not out to the sides.

Thank you for your time.

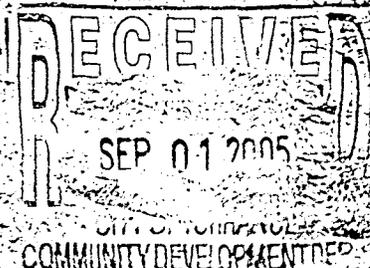
Sincerely,

Nicole Adams
Ray Bailey

Nicole Adams

Raymond Bailey

Property Owners of 157 Paseo de la Concha # 3



08 August '05



City of Torrance MIG 18 2005
 Community Development Dept.
 3031 Torrance Boulevard
 Torrance, California 90503

Torrance City Council:

Re: Proposed construction at
 336 Paseo de la Playa

I live in a Condo, which I own, behind the 336 address on Paseo de la Playa and will be greatly impacted by the planned construction, which would leave me a narrow view of the ocean, the width of 336's driveway, and some view to the north.

I will lose a view as well as light and air with this

2-

Proposed Construction and
The Value of my Property will
Drop.

I am a 74 year old widow,
retired and on a fixed income.
The value of my property is
important to me. I have
lived in The Riviera since
1957 and at my current
address since the early 1970s.
I love my condo and had
hoped to live here for the rest
of my life.

I had hoped to provide photos
of the effect on my property
but the constant haze has
not given me the opportunity.
Our condo at 163 Paseo de la
Concha and our next door
neighbor to the west (a Condo

3-

also) will all be impacted by the proposed construction and will lose value.

I feel that approving the proposed construction at 336 will set a precedent that will allow only those on Paseo de la Playa to have a view, while those further back will be very limited or lost completely.

We sincerely hope that the Community Development Department will consider our loss of view and the loss of value to our property and reject the proposed development project at 336 Paseo de la Playa.

Sincerely,

Treva E. Merritt
(310) 378-5096

Treva Merritt
163 Paseo De La Concha, 6
Redondo Beach, CA 90277-6223

City Of Torrance,
Community Development Dept.,
3031 Torrance Blvd.,
Torrance CA 90503

AUG 18 2005
COMMUNITY DEVELOPMENT

August 14th 2005

Dear Sir/Madam,

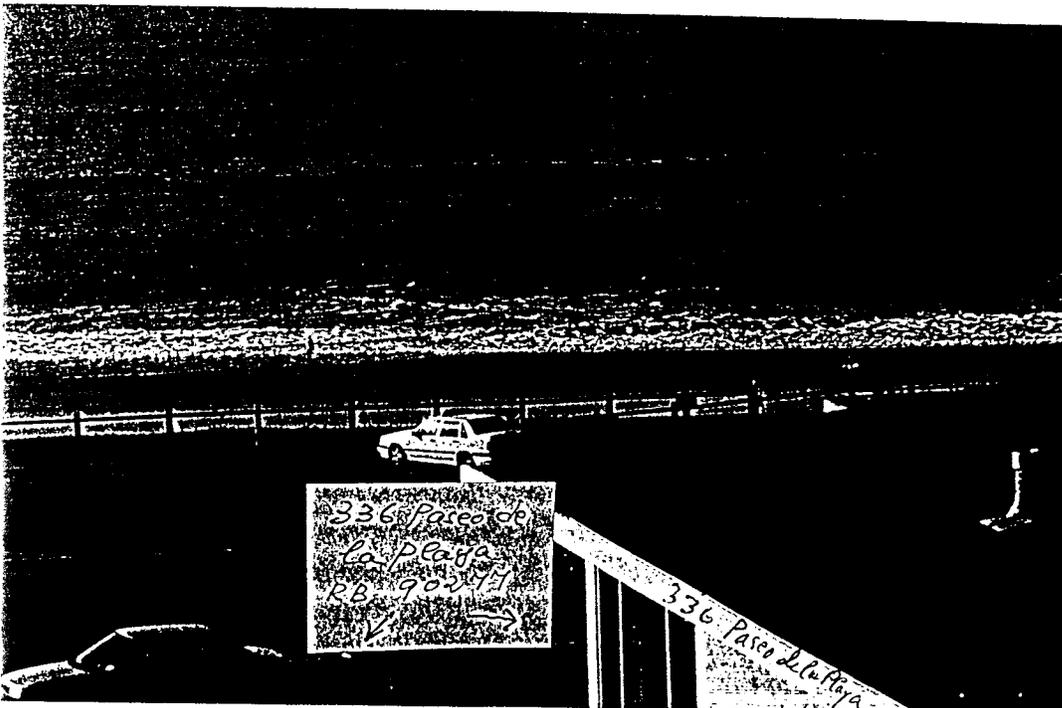
I am writing regarding the building project submitted by Ms Susan Butler for 336 Paseo de La Playa, Redondo Beach. I respectfully request that permission to build be denied. Our view, as seen in the enclosed photo, will be compromised and of course our property value will consequently be seriously affected. In addition a precedent will be established for any or all property owners closest to the ocean to obstruct the view and diminish property values of all the homes behind them. This is against the concept of established fairness in being able to appreciate the beauty of the ocean view for as many people as possible. The front homes already enjoy the best position and views why should they be selfish by taking away the joy of such views from their neighbors? The pleasure of ocean views is limited at best and should not be limited even further.

Yours Sincerely,

Keith Arnold MD

Muoi Arnold MD

163 Paseo De La Concha, # 13,
Redondo beach CA 90277



JANE
AUG 18 2005
COMMUNITY DEVELOPMENT

This message has been scanned for known viruses.

From: MsSmudge

To: Glodan@Torrnet.com

Cc: JGibson@Torrnet.com, JIsomoto@Torrnet.com, DWalker@Torrnet.com

Subject: Remodel at 336 Paseo de la Playa

Date: Thu, 11 Aug 2005 9:24:29 AM Eastern Daylight Time

Dear Mr. Lodan,

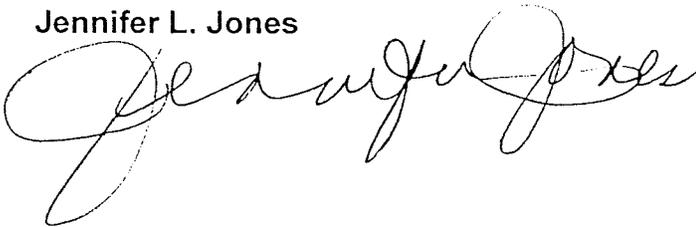
I am writing to voice my dismay and concern in regard to the proposed remodeling of the apartment building at 336 Paseo de la Playa. My family has owned the adjacent apartment building for over forty years (342 Paseo de la Playa). This would definitely effect my apartment, in that my tenant in apartment number 6 would have most of his ocean view taken from him. This, too, would effect any future tenants. I sincerely hope that you will look into this matter. I find it hard to believe that someone would be allowed to do something that would have such an effect on the surrounding buildings. This includes not only mine, but the condos directly behind 336 and 342,

I would appreciate hearing back from you. I would most definitely like to know how this plan is proceeding. I can be reached at 310-791-6282, or you can write to me at 645 Paseo de la Playa, #207, Redondo Beach 90277.

Thank you kindly. I appreciate any assistance that you are able to offer.

Sincerely,

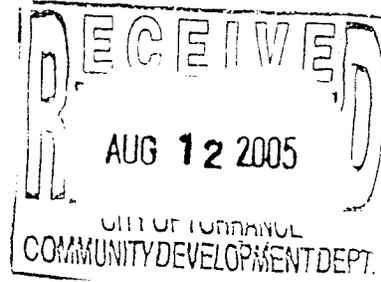
Jennifer L. Jones



August 10, 2005

Don Whitehurst
157 Paseo de la Concha, #5
Redondo Beach, Ca. 90277

Aquila Hurd
City of Torrance
Community Development Department
3031 Torrance Blvd.
Torrance, CA. 90503



RE: Permit Request from property owner of 336 Paseo de la Playa, Torrance, Ca.

Dear Ms. Hurd:

We have recently noticed the flagging marking the proposed addition to the property located at 336 Paseo de la Playa. I want you to know that we strenuously object to this proposed addition. I live directly behind the subject property. The views from my home would be extremely compromised by this proposed addition. I have owned my home for over ten years. When I bought my home ten years ago it was because of the beautiful ocean views from the main living area of the home. We will lose our ocean views if this addition is built. This proposed addition will also greatly affect our property's value in a negative way.

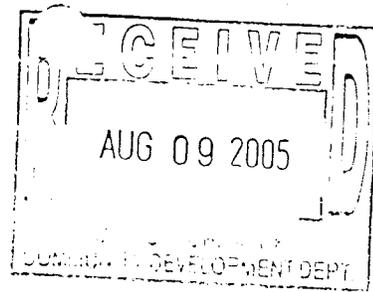
Please do not allow this addition to be built. Please do not let the forces of greed continue to negatively impact our neighborhood. I trust in my city officials to protect my ocean views and my property value. Thank you for your consideration in this very important and precedent setting matter.

Sincerely,

Don Whitehurst
310-722-9207

CC: Mayor Dan Walker

TO: CITY OF TORRANCE
 Com DEV DEPT,

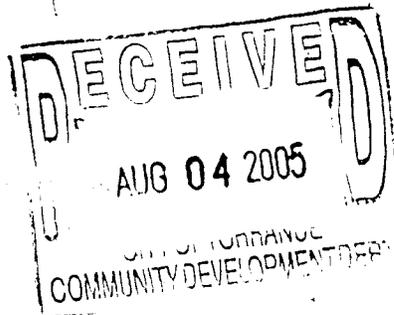


SUBJECT: RE DEVELOPMENT OF 336 PASEO DE LA Playa

I OWN A BLDG ON PASEO DE LA CONCHA
 (126-128) I DO NOT BELIEVE they should build
 any buildings on Paseo De La Playa that block
 the view of the existing bldgs on Paseo De La Concha.
 In addition, there is a major parking problem on
 both of these streets and to build a large unit
 would only escalate the parking problem.
 Please don't make Torrance like Redondo Beach, when
 they built the tall bldgs along the Esplanade they
 blocked everyone's view on Catalina. When the
 people bought their bldgs they had a view and now
 no more. The developer should be building
 inland where there are no views to block out.

Respectfully
 Davis Russell

cc: Mayor Dan Walker



Yun Hang Lee
 10720 Lakewood Blvd
 Unit# 211
 Downey, CA 90241

July 22nd, 2005

Aquila Hurd
 Community Development Dept
 City of Torrance
 3031 Torrance Blvd
 Torrance, CA 90503

Re: Opposition To Building Plan at 336 Paseo De La Playa Torrance CA:

Dear Aquila:

In connection with the above subject, I, Ms Yun Hang Lee, the owner of the townhouse at 157 Paseo De La Concha Unit# 2, Torrance, CA 90277, please, be advised that I am definitely against the plan at 336 Paseo De La Playa, Torrance, CA 90277.

For your further reference, I am enclosing a copy of the property file.

Currently, I am residing at 10720 Lakewood Blvd Unit# 211, Downey CA 90241.

Thanking you in advance for your kind consideration in this matter, I am,

Very truly yours


 Yun Hang Lee

YHL/ch

cc: Dan Walker, Mayor City of Torrance, Torrance, CA
 Encl: A Copy of the property file of my townhouse.

Property Profile

Description of the Subject Property

Ownership Information

Primary Owner : YUN H LEE
Secondary Owner :
Ownership Description :
Site Address : 157 PASEO DE LA CONCHA UNIT# 2 REDONDO BEACH 902
Mailing Address : 10720 LAKEWOOD BLVD UNIT# 211 DOWNEY, CA
 90241-3596
Telephone :
Assessors Parcel No. : 7511-018-043
Census Tract : 6513-014
Map Page Grid : 67 D6 **New Page Grid :** 792 H2
Legal Description : P M 116-69 LOT 1 CONDOMINIUM UNIT 2 N
Housing Tract : 0-

Property Details

Use Code : SINGLE RESIDENCE/CONDO CONVERSN
Zoning : TOR3 **Bedrooms :** 2
Number of Units : 1 **Bathrooms :** 2.0
Year Built : 1977 **Parking :** Unknown
Lot Size : 1638 sqft / 0.038 Acres **View :** N/A
Square Feet : 1077 **Pool :** N/A
Total Rooms : N/A **FirePlace :** N/A
GeoQuality : 0

Tax Information

Assessed Total : \$222,496 **Tax Amount :** \$2,394.55
Land Total : \$106,576 **Tax Status :** Current
Improvement : \$115,920 **Year Delinquent :** N/A
% Improvement : 52% **Tax Rate Area :** 9359
Exemption : N/A

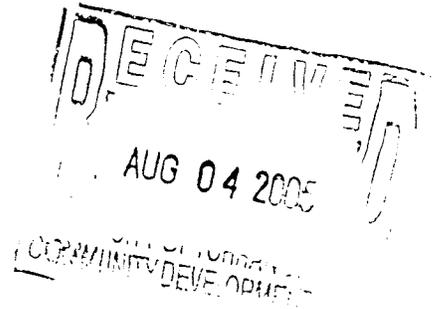
Sale Information

Last Sale Date : October 14 1998 **Lender :** N/A
Document No. : 1881289 **1st Loan Amount :** N/A
Sale Amount : \$119,054 **First Loan Type :** N/A
Last Trans W/O \$: N/A **2nd Loan Amount :** N/A
Last Doc W/O \$: **Cost / Square Feet :** 110

Michael T. Duffy, M.D.

9400 Brighton Way
Suite 201
Beverly Hills, CA 90210
310-271-6229

7/23/2005



Re: Proposed building addition at 336 Paseo De La Playa

To Whom it May Concern:

We are prospective buyers of a condo at 163 Paseo De La Concha and are greatly concerned about the proposed building at 336 Paseo De La Playa. The primary reason we became interested in this unit was for the ocean view. The proposed building addition would devastate our view and substantially devalue our property. We fervently urge you to disallow the proposed addition to the building at 336 Paseo De La Playa.

Thank you for your consideration.

Sincerely,


Michael T. Duffy, M.D.

RECEIVED
AUG 01 2005
COMMUNITY DEVELOPMENT DE

July 28, 2005

To: City of Torrance Community Development
Department

From: Brooke and Jon Crabb of 136 Paseo de la Concha
#4

Date: ~~August~~ July 28, 2005

RE: 336 Paseo de la Playa

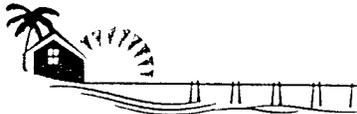
cc: Mayor Dan Walker

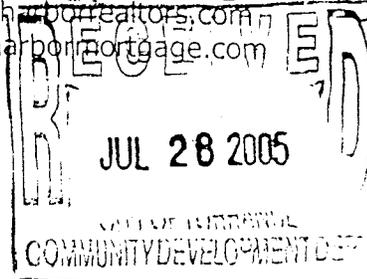
Please do not allow the 336 Paseo de
la Playa building plan to go through.

Sincerely,

Brooke and Jon Crabb
(owners of 136 Paseo de la Concha #4)

King Harbor Realtors
 King Harbor Mortgage
 Darryl Boyd - Broker/Owner
 811 N. Catalina Ave. Suite #2016
 Redondo Beach, CA 90277
 (310) 318-9506 Direct
 (310) 490-0139 Cell
 homes@dbre.com
 www.dbre.com


King Harbor Realtors
King Harbor Mortgage
 www.kingharborrealtors.com
 www.kingharbormortgage.com



July 26, 2005

CITY OF TORRANCE
Community Development Department
 3031 Torrance Blvd.
 Torrance, CA 90505

Re: 336 Paseo De La Playa, Redondo Beach
 163 Paseo De La Concha #5, Redondo Beach

To Whom It May Concern:

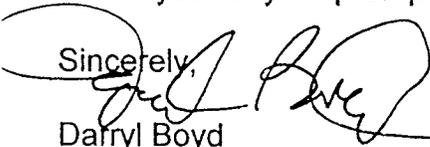
I represent a property owner who is in the process of selling her condo at 163 Paseo De La Playa #5 in Redondo Beach. My seller's name is Aylin Pick Salem and she is a cancer patient who desperately needs the proceeds from the sale of her property for her very expensive cancer treatment.

The property at 163 Paseo De La Concha #5 is in escrow and we were getting ready to close the transaction when flags and silhouette appeared at 336 Paseo De La Playa, Redondo Beach. Obviously this has caused the buyers of the Paseo De La Concha condo Michael and Donna Duffy great concern as they were purchasing an ocean view condo. If the property at 336 Paseo De La Playa is allowed to build up, this will block the view of the unit they are purchasing as well as decreasing the value of the unit significantly.

At this point the buyers Mr. And Mrs. Duffy do not wish to proceed with closing the transaction until they are assured that their ocean view will not be blocked. This leaves Mrs. Salem in the terrible position of not being able to get the money she needs so desperately now for her cancer treatment. We ask that you please carefully consider the ramifications of allowing the owner of the property at 336 Paseo De La Playa to build up. This not only affects Mrs. Salem and the Duffy's at present, but possibly other property owners on Paseo De La Concha.

Thank you for your prompt attention to this matter.

Sincerely,

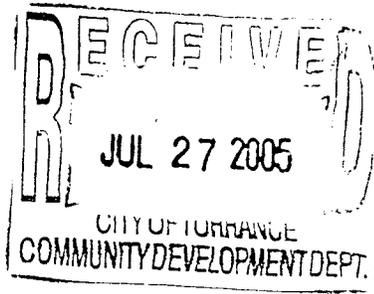

 Darryl Boyd

cc: Mayor Dan Walker

King Harbor Realtors - King Harbor Mortgage
 811 N. Catalina Ave. Suite #2016 Redondo Beach, CA 90277
 www.kingharborrealtors.com
 www.kingharbormortgage.com

July 25, 2005

City of Torrance
Community Development Department
3031 Torrance Blvd.
Torrance, Ca 90503
Attn: Aquila Hurd



Dear Sirs,

I am writing you as a property owner on Paseo de la Concha to voice my strong opposition against the proposed multi-story building under consideration at 336 Paseo de la Playa. If approved, this project would adversely impact upon our already overcrowded streets where minimal parking is available. Most importantly, the value and desirability of our property is directly contingent upon the fact that we have a good view of the ocean. The prospect of losing this valuable asset is quite distressing, particularly in view of the fact that our property is an apartment building and we would no longer be able to rent our units at their current value. This potential loss of income is more than a simple inconvenience; it amounts to nothing less than the theft of a valuable commodity that we paid good money for.

Please do not approve this project as it sets a dangerous precedent for our community and is strongly opposed by every one with the exception of the builder that simply wants to profit from us by stealing that which we have worked so hard to obtain.

Sincerely,

Leon and Frieda Kuczynski
154 and 156 Paseo De La Concha,
Redondo Beach, Ca 90277

CC: Mayor Dan Walker

City of Torrance
 Planning Commission
 3031 Torrance Blvd.
 Torrance, CA 90509



Re: 163 Paseo de la Concha
 336 Paseo de la Playa

7/15/05

In regard to the proposed construction on the property at 336 Paseo de la Playa, I would like to express my concerns about the effects of this issue.

I listed my property on Paseo de la Concha with a local Real Estate Broker. Upon receipt of an acceptable offer, I flew in from Turkey to finalize the sale which is currently in the final stages of escrow and was scheduled to close on June 30. At the time the property was shown and the offer made, there was no knowledge nor evidence of upcoming construction. Of course the ocean view was a key factor in the buyer's decision to make the offer.

My situation is this... I am a cancer patient and presently very ill. I am in immediate need of treatment and the sale of my condo would allow me to return to Turkey and obtain such treatment.. Now, as a result of the Paseo de la Playa project (obstruction of the view, not to mention the huge drop in property value,) the buyers are reluctant to complete the purchase transaction which is already weeks behind the scheduled closing date.

This has caused me severe emotional and financial hardship. Basically, my survival depends on treatment, and I am depending on the proceeds from this sale to obtain it.

I oppose any construction/development on Paseo de la Playa and ask that you give serious consideration to the negative effects this project will have on not only myself, but the other citizens and property owners in the neighborhood. If this plan is approved, it will have a negative impact on existing ocean views and property values.

Sincerely,

A handwritten signature in black ink, appearing to read "Aylin Pick Salem". The signature is stylized with a large, sweeping flourish.

Aylin Pick Salem

cc: Mayor Dan Walker
 Seacrest Homeowner Association

CODE REQUIREMENTS

The following is a partial list of code requirements applicable to the proposed project. All possible code requirements are not provided here and the applicant is strongly advised to contact each individual department for further clarification. The Planning Commission may not waive or alter the code requirements. They are provided for information purposes only.

Environmental:

- Unit #5 codes:
 - The wall at the front of the must be five feet high minimum with self latching/ closing gates.
 - The glass railing on the 2nd floor must be at least five feet high.
 - At the top of the stairway to the 2nd floor provide with a self-latching/ closing gate.

Transportation Planning

- That the applicant shall upgrade the existing overhead fed utility and street lighting system with an underground serviced marbelite utility and street lighting system along property boundaries.

Building & Safety

- Comply with state energy requirements
- Provide a one hour fire rated separation between units/ tenants
- Provide underground utilities

Engineering

- A construction and excavation permit is required from the Community Development Department for any work in the public right-of-way.
- Install Sidewalk: Construct new sidewalk to public standards for the width of the property frontage
- Install a street tree in the City parkway every 50' for the width of this lot. (City code sec. 74.3.2) Contact the Torrance Public Works Dept. (Streetscape) at 310-781-6900 for information on the type and size of tree for your area.



CITY OF TORRANCE

NOTICE

Of Public Hearing

PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the _____

will hear a request for approval of a Precise Plan of Development to allow a second story

addition to an existing two story multiple-family residence on property located in the

Hillside Overlay District in the R-3 Zone.

Applicant: Charles Belak Berger (Suzanne Butler) Case Type & Case no. (s): PRE06-00031

Location: 336 Paseo De La Playa

Hearing date: December 6, 2006 Time: 7:00 PM

Place of hearing: Council Chambers, City Hall, 3031 Torrance Boulevard

FOR INFORMATION CALL THE COMMUNITY DEVELOPMENT DEPARTMENT AT (310) 618-5990

Daily Breeze

5215 TORRANCE BLVD * TORRANCE CALIFORNIA 90503-4077
(310) 543-6635 * (310) 540-5511 Ext. 396

This space is for the County Clerk's Filing Stamp

REC'D CITY CLERK

PROOF OF PUBLICATION

(201 5.5 C.C.P.)

2006 DEC -1 AM 11: 53

STATE OF CALIFORNIA

CITY OF TORRANCE

County of Los Angeles,

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the THE DAILY BREEZE

a newspaper of general circulation, printed and published

in the City of Torrance County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of County of Los Angeles, State of California, under the date of

June 10, 1974

Case Number SWC7146

that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit

Nov. 25,

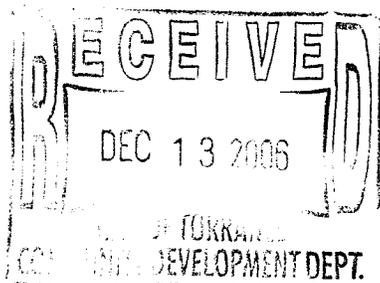
all in the year 2006

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Torrance

California, this 25 Day of Nov. 2006

Signature



Proof of Publication

DB

DB 11-149

NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BEFORE THE CITY OF TORRANCE PLANNING COMMISSION AT 7:00 P.M., DECEMBER 6, 2006, IN THE CITY COUNCIL CHAMBERS OF CITY HALL, 3031 TORRANCE BOULEVARD, TORRANCE, CALIFORNIA, ON THE FOLLOWING MATTERS:

DIV06-00014: Petition of DON WILSON BUILDERS for approval of a Division of Lot to allow a flag lot subdivision of one parcel into two parcels on property located in the R-1 Zone at 2144 237th Street.

PRE-00027: Petition of APEX BUILDERS, RICHARD BACK (DENNIS PELTZ) for approval of a Precise Plan of Development to allow the construction of a second story addition to an existing one story single-family residence on property located in the Hillside Overlay District in the R-1 Zone at 2529 Ridgeland Road.

CUP06-00004, DIV06-00005, PRE06-00011: Petition of MIKE ADLI (REZA AND AKRAM ADLI) for approval of a Conditional Use Permit to allow a four unit condominium development, a Division of Lot for condominium purposes and a Precise Plan of Development to allow the construction of four two story units with semi-subterranean parking on property located in the Hillside Overlay District in the R-3 Zone at 332 Paseo De La Playa.

PRE06-00031: Petition of CHARLES BELAK BERGER (SUZANNE BUTLER) for approval of Precise Plan of Development to allow a second story addition to an existing two story multiple-family residence on property located in the Hillside Overlay District in the R-3 Zone at 336 Paseo De La Playa.

Material can be reviewed in the Community Development Department. All persons interested in the above matter are requested to be present at the hearing or to submit their comments to the Community Development Department, City Hall, 3031 Torrance, CA 90503.

If you challenge any of the above matters in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Community Development Department or the office of the City Clerk, prior to the public hearing and further, by the terms of Resolution No. 88-19, you may be limited to ninety (90) days in which to commence such legal action pursuant to Section 1094.6 of the Code of Civil Procedure.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at 310.618.5990. If you need a special hearing device to participate in this meeting, please contact the City Clerks office at 310.618.2870. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28CFR35.102-35.104 ADA Title II]

JEFFERY W. GIBSON
Community Development Director
Pub.: November 25, 2006.

CITY OF TORRANCE

NOTICE

Of Public Hearing

CITY COUNCIL

NOTICE IS HEREBY GIVEN that the _____ will hear a request for an appeal of a Planning Commission denial of a Precise Plan of Development to allow second story additions to an existing two-story multiple family residence and a new detached garage and laundry room on property located in the Hillside Overlay District in the R-1 Zone.

Applicant: Charles Belak-Berger (Suzanne Butler) Case Type & Case no.(s): PRE06-00031

Location: 336 Paseo De La Playa

Hearing date: March 6, 2007 Time: 7:00 PM

Place of hearing: Council Chambers, City Hall, 3031 Torrance Boulevard

FOR INFORMATION CALL THE COMMUNITY DEVELOPMENT DEPARTMENT AT (310) 618-5990



Daily Breeze

5215 TORRANCE BLVD * TORRANCE CALIFORNIA 90503-4077
(310) 543-6635 * (310) 540-5511 Ext. 396

PROOF OF PUBLICATION
(201 5.5 C.C.P.)

STATE OF CALIFORNIA

County of Los Angeles,

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the THE DAILY BREEZE

a newspaper of general circulation, printed and published

in the City of Torrance
County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of County of Los Angeles, State of California, under the date of

June 10, 1974

Case Number SWC7146
that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement there of on the following dates, to-wit

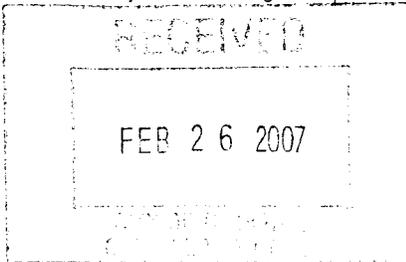
Feb. 23,

all in the year 2007
I certify (or declare) under penalty of perjury that the foregoing is true and correct.
Dated at Torrance

California, this 23 Day of Feb. 2007

Signature

This space is for the County Clerk's Filing Stamp



Proof of Publication of _____

DB _____

DB 2-153

NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Torrance City Council at 7:00 p.m., **March 6, 2007**, in the City Council Chambers of City Hall, 3031 Torrance Boulevard, Torrance, California, on the following matter:

PRE06-00031, Charles Belak-Berger (Suzanne Butler): City Council Consideration of an appeal of a Planning Commission denial of a Precise Plan of Development to allow second story additions to an existing two story multiple family residence and a new detached garage and laundry room on property located in the Hillside Overlay District in the R-1 Zone at 336 Paseo De La Playa.

Material can be reviewed in the Community Development Department. All persons interested in the above matter are requested to be present at the hearing or to submit their comments to the City Clerk, City Hall, 3031 Torrance Boulevard, Torrance, CA 90503, prior to the public hearing.

If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Community Development Department or the office of the City Clerk prior to the public hearing, and further, by the terms of Resolution No. 88-19, you may be limited to ninety (90) days in which to commence such legal action pursuant to Section 1094.6 of the Code of Civil Procedure. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at (310) 618-5990. If you need a special hearing device to participate in this meeting, please contact the City Clerk's Office at (310) 618-2870. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II].

For further information, contact the **DEVELOPMENT REVIEW DIVISION** of the Community Development Department at (310) 618-5990.

SUE HERBERS
CITY CLERK

Pub.: February 23, 2007.

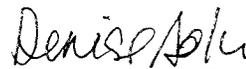
PROOF OF SERVICE BY MAIL

I, the undersigned, am a resident of the County of Los Angeles, State of California, over the age of eighteen years, and not a party to the within action. I am employed by the City of Torrance, 3031 Torrance Boulevard, Torrance California 90503.

On **February 23, 2007**, I caused to be mailed 71 copies of the within notification for City Council **PRE06-00031: CHARLES BELAK-BERGER (SUZANNE BUTLER)** to the interested parties in said action by causing true copies thereof to be placed in the United States mail at Torrance California.

I declare under penalty of perjury that the foregoing is true and correct.

Executed **February 23, 2007**, at Torrance California.



(signature)

CITY OF TORRANCE
Community Development Department
3031 Torrance Boulevard
Torrance, CA 90503

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Torrance City Council at 7:00 p.m., March 6, 2007, in the City Council Chambers of City Hall, 3031 Torrance Boulevard, Torrance, California, on the following matter:

PRE06-00031, Charles Belak-Berger (Suzanne Butler): City Council consideration of an appeal of a Planning Commission denial of a Precise Plan of Development to allow second story additions to an existing two story multiple family residence and a new detached garage and laundry room on property located in the Hillside Overlay District in the R-1 Zone at 336 Paseo De La Playa.

Material can be reviewed in the Community Development Department. All persons interested in the above matter are requested to be present at the hearing or to submit their comments to the City Clerk, City Hall, 3031 Torrance Boulevard, Torrance, CA 90503, prior to the public hearing.

If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Community Development Department or the office of the City Clerk prior to the public hearing, and further, by the terms of Resolution No. 88-19, you may be limited to ninety (90) days in which to commence such legal action pursuant to Section 1094.6 of the Code of Civil Procedure.

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For further information, contact the **DEVELOPMENT REVIEW DIVISION** of the Community Development Department at (310) 618-5990.

Publish: February 23, 2007

SUE HERBERS
CITY CLERK

