

Council Meeting of
July 17, 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 Waiver to allow a reduction in the rear yard setback requirements in conjunction with the addition of a storage room to the rear of an existing attached two-car garage on property located in the Hillside Overlay District in the R-1 Zone at 438 Calle de Aragon.

WAV07-00002: Asako and Shuji Noguchi

Expenditure: None

RECOMMENDATION

The Planning Commission and Community Development Director recommend that the City Council deny the appeal and take the following action on property located in the Hillside Overlay District in the R-1 Zone at 438 Calle de Aragon.

- Adopt a Resolution denying a Waiver (WAV07-00002) to allow a reduction in the rear yard setback requirements.

Funding: Not applicable

BACKGROUND

The subject property is located on the south side of Calle de Aragon between Via Monte D'Oro and Via Sevilla, and is currently developed with two-story single family residence with attached two-car garage. The lot is 6,440 square feet in area and is predominately rectangular except that it narrows about two feet in width from the front to back. On May 2nd, 2007, the Planning Commission denied without prejudice WAV07-00002 by a vote of 4-3. On May 14th, 2007, Asako and Shuji Noguchi appealed the decision citing the need for the storage shed.

Prior Hearings and Publications

A Planning Commission Public Hearing was scheduled for May 2, 2007. On April 20, 2007, 11 notices were mailed to surrounding property owners. On July 5, 2007, 11 notices of the City Council Public Hearing were mailed to surrounding property owners. A notice of public hearing was posted at the site and a legal advertisement was published in the newspaper on July 5, 2007.

Environmental Findings

Setback Waivers are Categorically Exempted by the 2007 California Environmental Quality Act Guidelines, Article 19, Class 5, Section 15305 (a).

ANALYSIS

A previous Setback Waiver (WAV05-00020) was approved in September 2005 to allow a reduction in the required rear yard setbacks to allow the attachment of the then-detached garage to the residence. The now-attached garage resulted in a rear yard setback average of 17.2 feet and 10 foot minimum.

The applicants are requesting approval of a Waiver to allow a reduction in the rear yard setback requirements in conjunction with the addition of a storage room to the rear of the existing attached garage on property located in the Hillside Overlay District. The storage has already been constructed and was brought to the attention of Development Review through a complaint investigated by Code Enforcement. Another Setback Waiver is needed because the addition would further reduce the required rear yard setbacks.

The existing 3,445 square foot two-story home features 2,060 square feet of living area on the first floor, 965 square feet on the second floor and a 420 square foot garage, and features an average front yard setback that exceeds 20 feet, side yard setbacks of 5 feet, and an average rear yard setback of 17.2 feet, with 10 feet at the closest point. The applicants are proposing a 77 square foot addition to the rear of the garage to be used as a storage shed. The proposed addition would increase the total square footage to 3,522 square feet, resulting in a Floor Area Ratio (FAR) of 0.547 and a lot coverage of 39.7%. The addition would be approximately nine feet tall at its highest point.

As previously stated, a Setback Waiver was approved to allow a reduction in the required rear yard setbacks to allow the attachment of the then-detached garage to the residence which resulted in a rear yard setback average of 17.2 feet and a 10 foot minimum. Another Setback Waiver is needed because the proposed storage room addition would further reduce the setbacks and provide a 3 foot minimum rear yard setback and an average of 15.55 feet.

In the judgment of staff, the Waiver request does not satisfy the hardship criteria for approving a Waiver. The property does not conform to either the required rear yard setback minimum or to the required rear yard setback average for the R-1 zone and already had a previous Setback Waiver approved. The subject property does not exhibit any substantial physical hardships and would not create unreasonable difficulties for the applicants. The lot is not substandard in size, does not have an irregular shape and there does not appear to be any topography issues that are significant in nature. For these reasons, staff recommends denial of the request.

PLANNING COMMISSION RECOMMENDATION

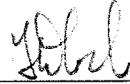
The Planning Commission reviewed the Waiver request on May 2, 2007. The applicant described the proposed project, stating that the storage shed was for her son's medical equipment and home business related material, and that it was located to minimize the intrusion on neighbors. The applicant indicated that they did not realize that the shed needed a building permit. The Commissioners questioned the use for the storage, the applicant's awareness of the development process, why the storage was built without permits, and whether it could be located elsewhere. There was some discussion addressing these concerns. One Commissioner commented that he was not convinced that the applicants knew that a building permit was required and deliberately tried to avoid the process, and that he saw no harm to the City by allowing the shed to remain. The Planning Commission voted to deny without prejudice the project by a vote of 4-3.

Respectfully submitted,

Jeffery W. Gibson
Community Development Director

CONCUR:

Jeffery W. Gibson
Community Development Director
by Linda Cessna

By 

Gregg D. Lodan, AICP
Planning Manager

NOTED:



LeRoy J. Jackson
City Manager

- Attachments:
- A. Resolution
 - B. Location and Zoning Map
 - C. Letter of Appeal
 - D. Planning Commission hearing Minutes Excerpt 5/2/07
 - E. Previous Planning Commission Staff Report
 - F. Proofs of Publication and Notification
 - G. Plot Plan, Floor Plan and Exterior Elevations (Limited Distribution)
 - H. Mayor's Script (Limited Distribution)

RESOLUTION NO. 2007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, DENYING WITHOUT PREJUDICE A WAIVER AS PROVIDED FOR IN DIVISION 9, CHAPTER 4, ARTICLE 2 OF THE TORRANCE MUNICIPAL CODE TO ALLOW A REDUCTION IN THE REAR YARD SETBACK REQUIREMENTS IN CONJUNCTION WITH THE ADDITION OF A STORAGE ROOM TO THE REAR OF THE EXISTING GARAGE ON PROPERTY LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 438 CALLE DE ARAGON.

WAV07-00002: ASAKO AND SHUJI NOGUCHI

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on May 2, 2007, to consider an application for a Waiver filed by Asako and Shuji Noguchi to allow a reduction in the rear yard setback requirements in conjunction with the addition of a storage room to the rear of the existing garage on property located in the Hillside Overlay District in the R-1 Zone at 438 Calle de Aragon; and

WHEREAS, the Planning Commission denied without prejudice the Waiver request; and

WHEREAS, the City Council of the City of Torrance conducted a public hearing on July 17, 2007 to consider an appeal of a Planning Commission denial of a Waiver filed by Asako and Shuji Noguchi to allow a reduction in the rear yard setback requirements on property located in the Hillside Overlay District in the R-1 Zone at 438 Calle de Aragon; 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, Setback Waivers are categorically exempted by the 2007 California Environmental Quality Act Guidelines in Article 19, Class 5, Section 15305 (a).

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

- a) That the property address is 438 Calle de Aragon;
- b) That the property is located on Lot 30 of Block A of Tract 14898 as per map recorded in the Office of the Los Angeles County Recorder, State of California;

- c) That the project is in compliance with the Low-Density General Plan Designation;
- d) That there are no unreasonable difficulties resulting from the strict enforcement of the rear yard setback requirements because there exist other areas in which the storage addition can be accomplished and avoid the request of a Setback Waiver;
- e) That the approval of the proposed Setback Waiver may be materially detrimental to the public and may interfere with the orderly development of the City because the resulting rear yard setback would be 12 feet less than the minimum required by the Torrance Municipal Code.

NOW, THEREFORE, BE IT RESOLVED that WAV07-00002 filed by Asako and Shuji Noguchi to allow a reduction in the rear yard setback requirements in conjunction with the addition of a storage room to the rear of the existing garage on property located in the Hillside Overlay District in the R-1 Zone at 438 Calle de Aragon, on file in the Community Development Department of the City of Torrance, is hereby DENIED WITHOUT PREJUDICE.

Introduced, denied and adopted this 17th day of July, 2007.

MAYOR, of the City of Torrance

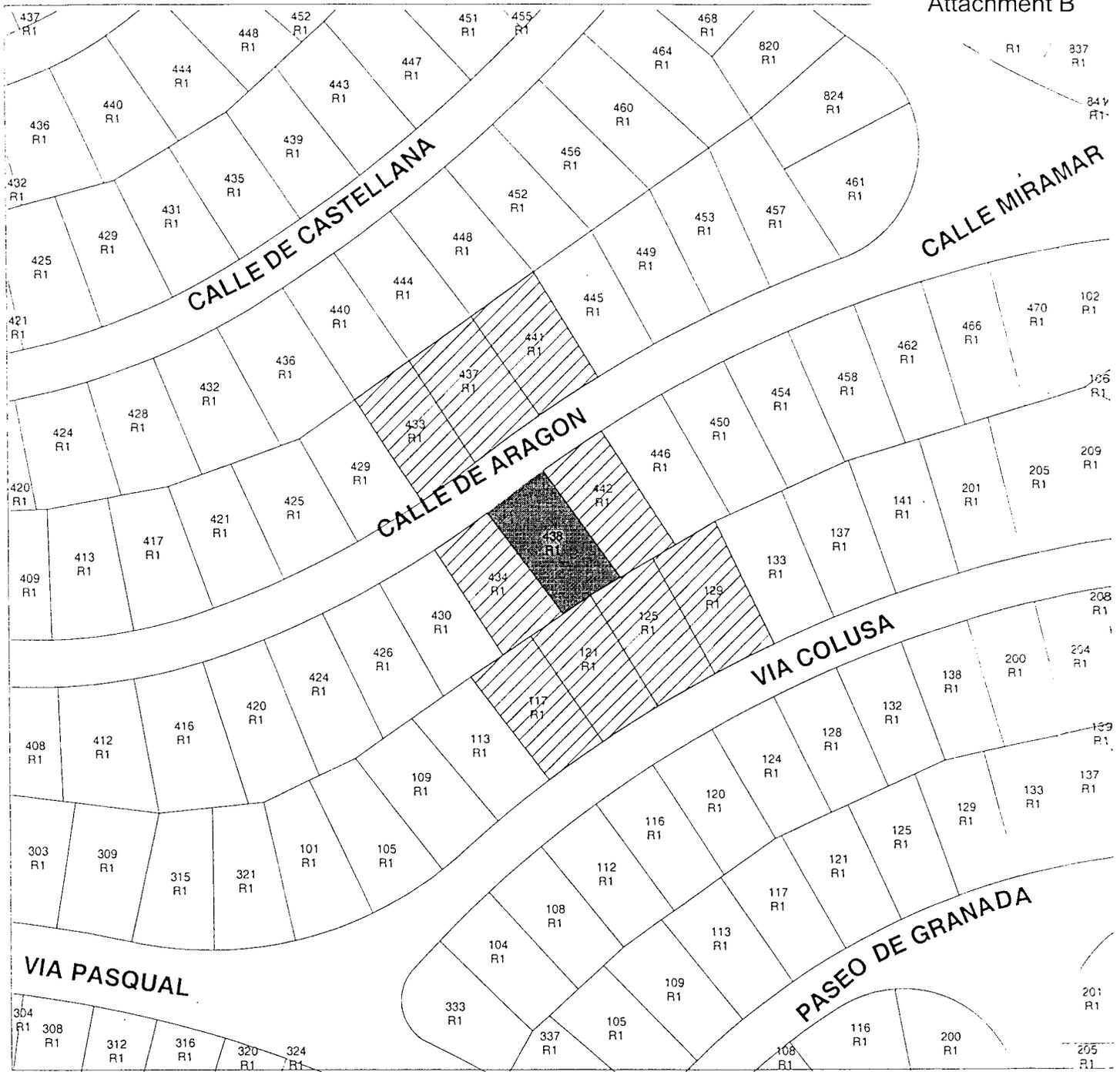
ATTEST:

City Clerk of the City of Torrance

APPROVED AS TO FORM:

JOHN FELLOWS III, City Attorney

By _____



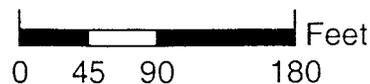
LOCATION AND ZONING MAP

438 Calle de Aragon
WAV07-00002



LEGEND

-  438 Calle de Aragon
-  Adjacent Property Notification



CITY OF TORRANCE
INTEROFFICE COMMUNICATION

DATE: May 14, 2007

MAY 15 2007

TO: Jeffrey Gibson, Community Development
FROM: City Clerk's Office
SUBJECT: Appeal 2007-12

Attached is Appeal 2007-12 received in this office on May 14, 2007 from Asako and Shuji Noguchi, 438 Calle de Aragon, Redondo Beach, CA 90277. This appeal is of the Planning Commission's denial made on May 2, 2007 regarding WAV07-00002: ASAKO AND SHUJI NOGUCHI located at 438 Calle de Aragon, Redondo Beach, CA 90277 citing that there is still a need for a storage shed to accommodate the medical equipment for their business materials. Due to the limited option for location, their neighbor does not agree on alternative location other than the proposed location.

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

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

RECEIVED



CITY OF TORRANCE APPEAL FORM

MAY 14 2007
11:05am

CITY OF TORRANCE
CITY CLERK'S OFFICE

AN APPEAL TO:

- City Council
- Planning Commission
- _____

RETURN TO:

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

RE: WAV07-00002: ASAKO AND SHUJI NOGUCHI

(Case Number and Name)

Address/Location of Subject Property 438 Calle de Aragon

(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: May 2 '07 **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.*

There is still a need for a storage shed to accommodate the medical equipments and our business materials. Due to the limited option for location, our neighbour does not agree alternative location other than our proposed location.

Name of Appellant Asako & Shuji Noguchi

Address of Appellant 438 Calle de Aragon, Redondo Beach, CA 90277

Telephone Number (310) 378-8899

Signature *Asako Noguchi*

Appeal Fee paid \$ <u>160.00</u>	For office use only/ Date <u>5/14/07</u>	Received by <u><i>[Signature]</i></u>
Notice to: Community Development Department: <input checked="" type="checkbox"/> Planning <input checked="" type="checkbox"/> Building & Safety <input checked="" type="checkbox"/> City Council <input type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Other Department(s) _____		

May 2, 2007

**MINUTES OF A REGULAR MEETING OF
THE TORRANCE PLANNING COMMISSION****10. WAIVERS****10A. WAV07-00002: ASAKO AND SHUJI NOGUCHI**

Planning Commission consideration for approval of a Waiver to allow a reduction in the rear yard setback requirements in conjunction with the addition of storage room to the rear of an existing attached two-car garage on property located in the Hillside Overlay District in the R-1 Zone at 438 Calle de Aragon.

Recommendation

Denial without prejudice.

Planning Associate Hurd introduced the request.

Mr. Okada, representing the applicants, reported that a Waiver of the required rear yard setback was granted in 2005 to allow the attachment of a detached two-car garage, and subsequent to the completion of the project, the applicants found that they needed a separate storage unit for their son's medical equipment.

Asako Noguchi, 438 Calle de Aragon, applicant, explained that her son, who is autistic, has made good progress after hyperbaric oxygen treatments; that she and her husband plan to purchase a hyperbaric chamber because it is more cost effective; and that protective dry storage is required for safety reasons. She noted that the storage room was specifically located to minimize the intrusion on neighbors.

Commissioner Busch questioned how it came to the applicants' attention that a building permit was needed for the storage room, which has already been constructed.

Mr. Okada reported that an inspector, who was responding to a complaint about noise from a neighbor, informed the applicants of the need for a permit.

Commissioner Busch noted that the original application states that the storage space was needed for a home business and makes no mention of their son's medical equipment.

Ms. Noguchi explained that she neglected to mention the medical equipment in her haste to fill out the application and she later submitted the letter of explanation included in the agenda material (Attachment 6). She submitted medical records to substantiate her son's condition.

Commissioner Browning questioned why the applicants did not apply for a Waiver prior to building the storage shed when, clearly, they were aware of the Waiver process; expressed concerns about whether the structure was constructed with the proper footings; and noted that the Floor Area Ratio (FAR) of the home exceeded .50 even before the latest addition.

Sue Sweet
Recording Secretary

Planning Commission
May 2, 2007

Mr. Okada explained that the applicants were not aware that a building permit was needed for a small storage shed, and Ms. Noguchi confirmed that the shed was constructed by a licensed contractor.

Commissioner Gibson asked about the noise that prompted the inspector's visit.

Ms. Noguchi explained that the noise was construction noise and not associated with her home-based business, which involves doing research on various topics for Japanese media. She estimated that the storage shed would be used 50% for storage of her son's medical equipment and 50% for the storage of work-related materials.

In response to Commissioner Browning's inquiry, Ms. Noguchi reported that the above-mentioned items are currently stored in the garage, making it impossible to park two vehicles, and that the area is not equipped with fire sprinklers because the items need to be protected from moisture.

Commissioner Uchima questioned whether there was another location on the site more suitable for the shed.

Planning Manager Lodan advised that staff felt there were potential areas where the storage could be accommodated, however, not as easily or inexpensively because it would involve modifying the existing floor plan. He noted that there may have been some confusion regarding the need for a building permit because detached sheds up to 50 square feet do not require a permit and clarified that should the shed be approved, the applicants will be required to demonstrate that it complies with Building Code requirements.

MOTION: Commissioner Browning moved to deny WAV07-00002. The motion was seconded by Commissioner Gibson and passed by a 4-3 roll call vote, with Commissioners Horwich and Weideman and Chairperson Faulk dissenting.

Commenting on his vote, Commissioner Horwich stated that he was not convinced that the applicants knew that a building permit was required and deliberately tried to avoid the process, and that he saw no particular harm to the City by allowing the shed to remain.

A brief discussion ensued, and it was the consensus of the Commission to deny the project "without prejudice," so the original motion was rescinded.

MOTION: Commissioner Uchima moved to rescind the previous motion. The motion was seconded by Commissioner Browning and passed by unanimous roll call vote.

MOTION: Commissioner Browning moved to deny WAV07-00002 without prejudice. The motion was seconded by Commissioner Gibson and passed by a 4-3 roll call vote, with Commissioners Horwich and Weideman and Chairperson Faulk dissenting.

Planning Associate Hurd read aloud the number and title of Planning Commission Resolution No. 07-054.

MOTION: Commissioner Browning moved for the adoption of Planning Commission Resolution No. 07-054. The motion was seconded by Commissioner Gibson and passed by a 6-1 roll call vote, with Chairperson Faulk dissenting.

Chairperson Faulk reminded the applicant of the appeal process.

18. **ADJOURNMENT**

At 9:15 p.m., the meeting was adjourned to Wednesday, May 16, 2007.

Approved as Submitted June 20, 2007 s/ Sue Herbers, City Clerk
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AGENDA ITEM NO. 10A**CASE TYPE & NUMBER:** Waiver – WAV07-00002**NAME:** Asako and Shuji Noguchi**PURPOSE OF APPLICATION:**

Request for approval of a Waiver to allow a reduction in the rear yard setback requirements in conjunction with the addition of a storage room to the rear of an existing attached two-car garage on property located in the Hillside Overlay District in the R-1 Zone.

LOCATION: 438 Calle de Aragon**ZONING:** R-1: Single-Family Residential District / Hillside Overlay District**ADJACENT ZONING AND LAND USE:**

NORTH: R-1/Hillside Overlay District; One-story, Single Family Residences

SOUTH: R-1/Hillside Overlay District; One and Two-story, Single Family Residences

EAST: R-1/Hillside Overlay District; One-story, Single Family Residences

WEST: R-1/Hillside Overlay District; One and Two-story, Single Family Residences

GENERAL PLAN DESIGNATION: Low Density Residential**COMPLIANCE WITH GENERAL PLAN:**

Yes, a two-story residence with an attached garage complies with the Low-Density Residential designation.

EXISTING IMPROVEMENTS AND /OR NATURAL FEATURES:

The property is currently developed with a two-story single family residence with an attached two-car garage.

ENVIRONMENTAL FINDINGS:

Setback Waivers are Categorically Exempted by the 2007 California Environmental Quality Act Guidelines, Article 19, Class 5, Section 15305 (a).

BACKGROUND AND ANALYSIS:

A previous Setback Waiver (WAV05-00020) was approved in September 2005 to allow a reduction in the required rear yard setbacks to allow the attachment of the then-detached garage to the residence. The now-attached garage resulted in a rear yard setback average of 17.2 feet and 10 foot minimum.

The applicants are requesting approval of a Waiver to allow a reduction in the rear yard setback requirements in conjunction with the addition of a storage room to the rear of the existing attached garage on property located in the Hillside Overlay District.

The storage has already been constructed and was brought to the attention of Development Review through a complaint investigated by Code Enforcement. Another Setback Waiver is needed because the addition would further reduce the required rear yard setbacks.

The property is an interior lot located on the south side of Calle de Aragon between Via Monte D'Oro and Via Sevilla. The lot is 6,440 square feet in area and is predominately rectangular in shape with the exception that the lot narrows approximately two feet in width from the front to back. The property is currently developed with a two-story single family residence with attached two-car garage. The garage is accessed from a driveway that runs along the eastern side of the home. The existing residence features an average front yard setback that exceeds 20 feet, side yard setbacks of 5 feet, and an average rear yard setback of 17.2 feet, with 10 feet at the closest point.

The existing 3,445 square foot two-story home features 2,060 square feet of living area on the first floor, 965 square feet on the second floor and a 420 square foot garage. The applicants are proposing a 77 square foot addition to the rear of the garage to be used as a storage shed. The proposed addition would increase the total square footage to 3,522 square feet, resulting in a Floor Area Ratio (FAR) of 0.547 and a lot coverage of 39.7%. The addition would be approximately nine feet tall at its highest point.

The statistical information for the project based on staff calculations is provided below:

Statistical Information

◆ Lot Area	6,440 square feet
◆ Existing Residence	3,445 square feet
First Floor Living Area	2,060 square feet
Second Floor Living Area	965 square feet
Garage	420 square feet
Proposed Storage	77 square feet
◆ Residence with Storage Shed	3,522 square feet
Total First Floor Area	2,557 square feet
◆ Lot Coverage	0.397
◆ Floor Area Ratio	0.547

As previously stated, a Setback Waiver was approved to allow a reduction in the required rear yard setbacks to allow the attachment of the then-detached garage to the residence which resulted in a rear yard setback average of 17.2 feet and a 10 foot minimum. Another Setback Waiver is needed because the proposed storage room addition would further reduce the setbacks and provide a 3 foot minimum rear yard setback and an average of 15.55 feet. The applicants were required to provide facts to substantiate criteria by which the Planning Commission may grant this Waiver

(Attachment #5). The applicants have submitted correspondence explaining why the storage is needed and why its location was chosen (Attachment # 6).

In the judgment of staff, a Waiver to allow the reduction of the rear yard setbacks does not satisfy the hardship criteria for approving a Waiver. The property does not conform to either the required rear yard setback minimum or to the required rear yard setback average for the R-1 zone and already had a previous Setback Waiver approved. The subject property does not exhibit any substantial physical hardships and would not create unreasonable difficulties for the applicants. The lot is not substandard in size, does not have an irregular shape and there does not appear to be any topography issues that are significant in nature. For these reasons, staff recommends denial of the request.

PROJECT RECOMMENDATION: DENIAL WITHOUT PREJUDICE

FINDINGS OF FACT IN SUPPORT OF THE PROJECT:

Findings supporting Denial without Prejudice of the project are set forth in the attached Planning Commission Resolution.

RECOMMENDED CONDITIONS, IF PROJECT IS APPROVED:

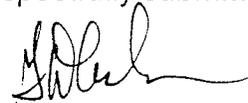
Should the Commission consider approval of the subject request, a list of recommended Conditions for the project is set forth in Attachment #4.

Prepared by,



Soc Angelo Yumul
Planning Assistant

Respectfully submitted,



Gregg Lodan, AICP
Planning Manager

ATTACHMENTS

1. Planning Commission Resolution
2. Location and Zoning map
3. Code Requirements
4. Recommended Conditions if approved
5. Waiver criteria substantiation sheet
6. Correspondence from applicant
7. Plot plan, floor plan, and elevations

PLANNING COMMISSION RESOLUTION NO. 07-054

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A WAIVER AS PROVIDED FOR IN DIVISION 9, CHAPTER 4, ARTICLE 2 OF THE TORRANCE MUNICIPAL CODE TO ALLOW A REDUCTION IN THE REAR YARD SETBACK REQUIREMENTS IN CONJUNCTION WITH THE ADDITION OF A STORAGE ROOM TO THE REAR OF THE EXISTING GARAGE ON PROPERTY LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 438 CALLE DE ARAGON.

WAV07-00002: ASAKO AND SHUJI NOGUCHI

WHEREAS, the Planning Commission of the City of Torrance on May 2, 2007 considered an application for a Waiver filed by Asako and Shuji Noguchi to allow a reduction in the rear yard setback requirements in conjunction with the addition of a storage room to the rear of the existing garage on property located in the Hillside Overlay District in the R-1 Zone at 438 Calle de Aragon; and

WHEREAS, due and legal publication of notice was given to owners of property in the vicinity thereof, all in accordance with the provisions of Division 9, Chapter 4, Article 2 of the Torrance Municipal Code; and

WHEREAS, Setback Waivers are categorically exempted by the 2007 California Environmental Quality Act Guidelines in Article 19, Class 5, Section 15305 (a).

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

- a) That the property address is 438 Calle de Aragon;
- b) That the property is located on Lot 30 of Block A of Tract 14898 as per map recorded in the Office of the Los Angeles County Recorder, State of California;
- c) That the project is in compliance with the Low-Density General Plan Designation;
- d) That there are no unreasonable difficulties resulting from the strict enforcement of the rear yard setback requirements because there exist other areas in which the storage addition can be accomplished and avoid the request of a Setback Waiver;
- e) That the approval of the proposed Setback Waiver may be materially detrimental to the public and may interfere with the orderly development of the City because the resulting rear yard setback would be 12 feet less than the minimum required by the Torrance Municipal Code.

WHEREAS, the Planning Commission by the following roll call vote DENIED WITHOUT PREJUDICE WAV07-00002, subject to conditions:

AYES: COMMISSIONERS: BROWNING; BUSCH; GIBSON; UCHIMA

NOES: COMMISSIONERS: HORWICH; WEIDEMAN; CHAIRPERSON
FAUK

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

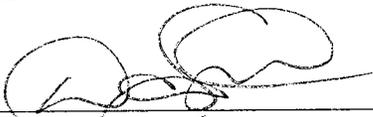
NOW, THEREFORE, BE IT RESOLVED that WAV07-00002 filed by Asako and Shuji Noguchi to allow a reduction in the rear yard setback requirements in conjunction with the addition of a storage room to the rear of the existing garage on property located in the Hillside Overlay District in the R-1 Zone at 438 Calle de Aragon, on file in the Community Development Department of the City of Torrance, is hereby DENIED WITHOUT PREJUDICE.

Introduced, approved and adopted this 2nd day of May 2007



Torrance Planning Commission Chair

ATTEST:



Secretary, Torrance Planning Commission

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

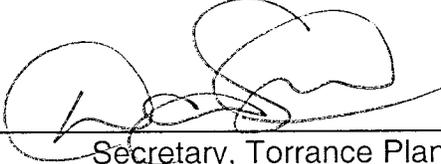
I, Gregg Lodan, Secretary to the Planning Commission of the City of Torrance, California do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the Planning Commission of the City of Torrance at a regular meeting of said Commission held on the 2nd day of May 2007, by the following role call vote:

AYES: COMMISSIONERS: BROWNING; BUSCH; GIBSON; UCHIMA

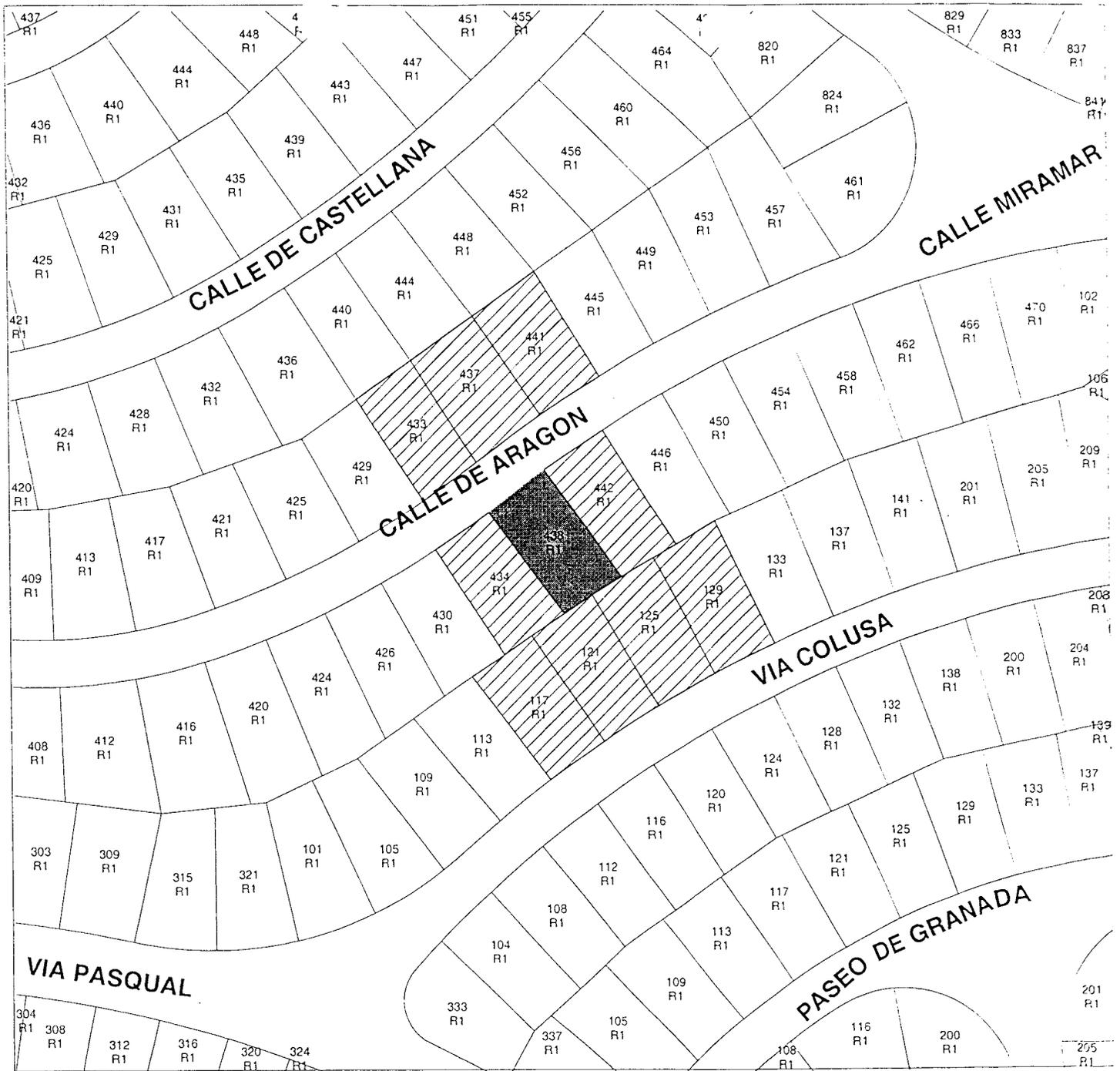
NOES: COMMISSIONERS: HORWICH; WEIDEMAN; CHAIRPERSON
FAUK

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE



Secretary, Torrance Planning Commission



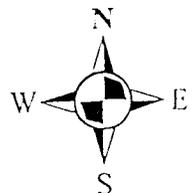
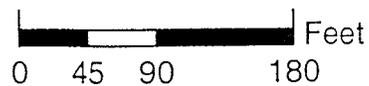
LOCATION AND ZONING MAP

438 Calle de Aragon
WAV07-00002



LEGEND

-  438 Calle de Aragon
-  Adjacent Property Notification



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.

Building and Safety Division:

- Comply with State energy requirements
- Walls within three feet of the property line must be of one-hour construction.

Permits and Mapping:

- Concrete in gutter shall be removed to allow the proper flow of water to storm drains.
- 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. at 310.781.6900 for information on the type and size of tree for your area.

RECOMMENDED CONDITIONS, IF APPROVED:

1. That the use of the subject property for a single-family residence shall be subject to all conditions imposed in Waiver 07-00002 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 Waiver 07-00002 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 applicant shall obtain a boundary survey prior to submitting for Building Permits to define the exact placement of existing property lines, provide correct property dimensions on the site plan and ensure that the resulting additions will provide a minimum rear yard setback of three feet; (Development Review)
4. That color and material samples of the proposed addition be submitted for review to the Community Development Department; (Development Review)
5. That the maximum height of the storage room addition at the highest point of its roof shall not exceed nine feet; (Development Review)
6. That within 30 days of the final public hearing, the applicant shall remove the "Public Notice" sign to the satisfaction of the Community Development Director; (Development Review)
7. That all conditions of other City Departments received prior to or during the consideration of this case by the Planning Commission shall be met.

To be submitted with Waiver application.

GIVE FACTS TO SUBSTANTIATE THE FOLLOWING CRITERIA BY WHICH THE PLANNING COMMISSION MAY GRANT THIS WAIVER:

- 1. There are practical difficulties or unnecessary hardships resulting from the strict enforcement of this Division:

There is a need for a storage space to maintain our business at home. There's no other suitable spot other than behind the garage, because there's a high retaining wall in the rear yard and there is no or minimal impact by having a storage behind the garage.

- 2. It will not be materially detrimental to the public welfare or to the property of other persons located in the vicinity thereof:

Because of the high retaining wall on the hillside (south) and there's also the wall and the storage ^{on the other side} in our neighbour (east), it does not interfere any neighbour's view. However, we need to request a waiver for the average set-back in the rear yard as the storage ^{will be attached to the garage.}

- 3. It will not substantially interfere with the orderly development of the City as provided for in this Division:

It will continue to be a single family house and meets the zoning requirements.

ADJACENT PROPERTY OWNERS: (To be completed by the Planning Department)

	<u>Name</u>	<u>Address</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____

APR 24 2007

April 23, 2007

Mr. Gregg D. Lodan, Planning Manager
Community Development Department
City of Torrance

This is the letter to explain further the detailed information in regards to our application for WAV 07-002.

There are two major reasons for the need of the storage. We have a 9-year-old autistic son with severe sensory integration dysfunction and with variety of chronic medical issues. We have several therapists visiting our home on a daily basis to treat his condition, under the directions of occupational/physical therapists as well as medical doctors. For treatment purposes, we constantly use a variety of sensory equipments such as indoor swings, trampoline, magnetic mattress, etc. to stimulate his vestibular (balance) and proprioceptive (input through muscles and joints) systems as well as to promote blood circulation. Also by recommendation we are planning to purchase a hyperbaric oxygen chamber, all of which require, for safety reasons, a protective dry storage, undisturbed by daily activities.

The other reason is for business. Since our son was born we needed to develop our own in-home business so we can take care of him at home instead of institutionalizing him. The type of business (media research) involves lots of paperwork and we need a space to store the archival materials and research documents. We have a business license from the city.

As for the location of the storage, our proposed area seems the best option in order to obtain at least 70 square feet of enclosed dry space, in proximity to the therapy room. This is based on minimum necessary interior dimension of 6.5 ft x 10 ft, resulting in an exterior dimension of 7 ft x 11 ft. The front yard has a steep downhill slope unfit for any additional structure. Furthermore our neighbor to the western boundary has an open backyard and does not want to see any additional structure in our backyard. Our neighbor to the eastern boundary has a storage shed at the property corner, directly in line with our proposed storage. To our southern boundary is a 20-foot high retaining wall. The combined conditions and access make the proposed location un-intrusive and un-obstructive, and therefore the optimum choice.

For the above reasons, we humbly request for a waiver in order to secure a storage space for our son's medical/sensory equipments and our business materials.

We appreciate your kind consideration in this matter.



Asako & Shuji Noguchi
438 Calle de Aragon

Sincerely yours,

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

July 6,

all in the year 2007

the foregoing is true and correct.

Dated at Torrance

California, this 6 Day of July 2007

Signature

This space is for the County Clerk's Filing Stamp

Proof of Publication of

DB

DB:7-15
NOTICE OF PUBLIC HEARING
 NOTICE IS HEREBY GIVEN that a Public Meeting will be held before the Torrance City Council at 7:00 p.m., July 17, 2007, in the City Council Chambers of City Hall, 3331 Torrance Boulevard, Torrance, California, on the following matter:

WAVO7 0004, Asako and Shuji Noguchi
 City Council consideration of appeal of a Planning Commission denial of a Waiver to allow a reduction in the rear yard setback requirements in conjunction with the addition of a storage room to the rear of an existing attached two-car garage on property located in the Hillside Overlay District in the R-1 Zone at 435 Calle de Argon.

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, 3051 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 adjudged at the public hearing described in this notice or in written correspondence delivered to the Community Development Department at the office of the City Clerk prior to the public hearing, and further, by the terms of Resolution No. 88-13, 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: July 6, 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 July 5, 2007, I caused to be mailed 11 copies of the within notification for WAV07-00002: ASAKO & SHUJI NOGUCHI 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 July 5, 2007, at Torrance, California.

Adelle M. Castro
(signature)

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

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WAV07-00002, Asako and Shuji Noguchi: City Council consideration of appeal of a Planning Commission denial of a Waiver to allow a reduction in the rear yard setback requirements in conjunction with the addition of a storage room to the rear of an existing attached two-car garage on property located in the Hillside Overlay District in the R-1 Zone at 438 Calle de Aragon.

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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.

Publish: **July 6, 2007**

SUE HERBERS
CITY CLERK

Eleven (11) notices mailed 7/5/07 - ac

