

Council Meeting of
April 15, 2008

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

PUBLIC HEARING

Members of the Council:

Subject: Community Development – Consideration of an appeal of a Planning Commission approval of a Precise Plan of Development to allow the construction of a new two-story single family residence on property located within the Hillside Overlay District, in the R-1 Zone at 5405 Paseo de Pablo.

PRE07-00029: Peter Paldino (Alex Daniels)

RECOMMENDATION

Recommendation of the Community Development Director and the Planning Commission that the City Council deny the appeal and adopt a Resolution approving a Precise Plan of Development to allow the construction of a new two-story single family residence on property located within the Hillside Overlay District, in the R-1 Zone at 5405 Paseo De Pablo.

Funding: Not applicable

BACKGROUND

The applicant is requesting approval of a Precise Plan of Development to allow the construction of a new two-story single family residence. This request was approved at the Planning Commission Meeting on December 19th, 2007. At such meeting, a motion for approval for PRE07-00029 passed by a vote of 5-2. On January 7th, 2008, Pamela Maran appealed the decision citing concerns about design compatibility and building bulk.

Prior Hearings and Publications

A Planning Commission Public Hearing was scheduled for November 7, 2007. On October 25, 2007, 115 notices were mailed to property owners within a 500 foot radius. A Planning Commission Public Hearing was subsequently scheduled for December 19th, 2007. On December 6, 2007, 113 notices were mailed to property owners within a 500 foot radius. On April 4, 2008, 112 notices of the City Council Public Hearing were mailed to property owners within a 500-foot radius. A notice of public hearing was posted at the site and a legal advertisement was published in the newspaper on April 4, 2008.

Environmental Findings

Construction of one new single-family residence is Categorically Exempted by the 2008 Guidelines for Implementation of the California Environmental Quality Act; Article 19, Section 15303 (a).

ANALYSIS

The property is an interior rectangular lot that is 8,370 square feet in area, and it is located in the R-1 Zone, in the Hillside Overlay District. The existing lot is currently developed with a 1,657 square foot one-story single family residence and a 400 square foot attached two-car garage. The applicant is proposing the construction of a new two-story single family residence with an attached two-car garage and an entry tower. The total area for the project is 4,188 sf.

Project Information

• Lot Size	8,370 sq. ft.
• Existing Living Area (1 st Floor)	1,657 sq. ft.
• Existing Garage	400 sq. ft.
• Existing Improvements Total	1,957 sq. ft.
• Proposed Living Area (1 st Floor)	1,832 sq. ft.
• Proposed Living Area (2 nd Floor)	1,917 sq. ft.
• Proposed Garage	525 sq. ft.
• Proposed Entry Tower	97 sq. ft.
• Proposed Improvements Total	4,371 sq. ft.

Calculations

• Proposed Lot Coverage	29 %
• Proposed Floor Area Ratio	.52 %
• Proposed Building Height	27 ft.

Based on staff observations of the house and the silhouette, there do not appear to be significant impacts to the view, light, air or privacy of surrounding properties by the proposed new construction. It does not appear that there are any significant views that occur across the roof of the remodeled home for the neighbors located adjacent to the property. The square footage of the proposed house is divided between both stories, so that the applicant is able to preserve useable yard area that would not be available if the square footage were added to the first story only. It should also be noted that the square footage calculations include the stairwell (counted twice) and the Entry Tower. Without those elements, the square footage of the house would be reduced to 3,872 sf and the Floor Area Ratio (FAR) would be .46.

In the judgment of staff, this project as conditioned does not appear to cause any significant intrusion on the view, light, air or privacy of adjacent properties. The applicant has prepared a plan that complies with the R-1 standards, meets the open space requirements and is within the allowable lot coverage. The proposed additions will not be materially detrimental to the public welfare or to the property of other persons located in the vicinity in that it will enhance the value of the property. The home, with the proposed additions, will not interfere with the orderly development of the City because all proposed additions will provide the Code required setbacks, the proposed plan conforms to lot coverage, and it provides on-site parking required by the Municipal Code, while maintaining the land use as a single family residence complying with the Zone and General Plan designation. For these reasons, Staff recommends denial of this appeal and approval of this project.

PLANNING COMMISSION RECOMMENDATION

This request was originally denied at the Planning Commission Meeting on November 7, 2007. At that meeting, the adjacent property owner at 5401 Paseo de Pablo expressed concerns about impacts to his house in terms of natural light, air, privacy and views. At such meeting, a motion for denial for PRE07-00023 passed by a vote of 5-1-1, with Commissioner Horwich dissenting and Commissioner Faulk abstaining. Since then, the applicant worked with the affected neighbor to achieve a project that was acceptable to both parties. The design and square footage of the project did not change, but the proposed house was moved away from the affected neighbor in order to minimize impacts. The easterly side yard setback was been increased from 8'-8" to 11'-0". After the project was modified, Staff received a letter from the affected neighbor, at 5401 Paseo de Pablo, stating that he no longer had issues about the project and his concerns had been fully addressed. However, the neighbor to the west at 5409 Paseo de Pablo expressed some concerns about potential privacy impacts resulting from the relocation of the house. In order to address these concerns, Staff added a condition that the two windows in the great room along the west house elevation shall be replaced by transom windows with a sill height of 6'-0" and the balcony facing the rear yard area was reduced in length by 3'-0". The neighbor at 5314 Paseo De Pablo expressed concerns in regards to his view from the master bedroom being blocked by this proposed development. The project architect mentioned that, currently, there are large trees blocking views in that direction, and he also noted that the neighbor at 5314 Paseo De Pablo is not located within the Hillside Overlay District. At the Planning Commission Meeting of December 19, 2007 a motion for approval of the revised project passed by a vote of 5-2, with Chairperson Busch and Commissioner Browning dissenting. At the subsequent Planning Commission meeting, a resolution approving the request was adopted.

Respectfully submitted,

Jeffery W. Gibson
Community Development Director

CONCUR:



Jeffery W. Gibson
Community Development Director

By 

Gregg D. Lodan, AICP
Planning Manager

NOTED:



LeRoy J. Jackson
City Manager

- Attachments:
- A. Resolution
 - B. Location and Zoning Map
 - C. Letter of Appeal
 - D. Planning Commission hearing Minutes Excerpts 10/07/07 & 12/19/07
 - 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, APPROVING 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 A NEW TWO-STORY SINGLE FAMILY RESIDENCE WITHIN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 5405 PASEO DE PABLO.

PRE07-00029: PETER PALDINO (ALEX DANIELS)

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on November 7, 2007 to consider an application for a Precise Plan of Development filed by Peter Paldino to allow the construction of a new two-story single family residence on property located within the Hillside Overlay District in the R-1 Zone at 5405 Paseo de Pablo;

WHEREAS, the Planning Commission of the City of Torrance denied the Precise Plan of Development request; and

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on December 19, 2007 to consider an application for a revised Precise Plan of Development filed by Peter Paldino to allow the construction of a new two-story single family residence on property located within the Hillside Overlay District in the R-1 Zone at 5405 Paseo de Pablo;

WHEREAS, the Planning Commission approved the Precise Plan of Development request; and

WHEREAS, on January 3rd, 2008 Pamela Maran filed an appeal for consideration of the Planning Commission approval of the Precise Plan of Development to allow the construction of a new two-story single family residence on property located within the Hillside Overlay District in the R-1 Zone at 5405 Paseo de Pablo; and

WHEREAS, the City Council of the City of Torrance conducted a public hearing on April 15, 2008 to consider an application for a Precise Plan of Development filed by Peter Paldino (Alex Daniels) to allow the construction of a new two-story single family residence on property located within the Hillside Overlay District in the R-1 Zone at 5405 Paseo de Pablo; 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, One new single-family residence is Categorically Exempted by the 2008 Guidelines for Implementation of the California Environmental Quality Act; Article

19, Section 15303 (a); and

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

- a) That the property is located at 5405 Paseo de Pablo
- b) That the property is identified as Lot 95 of Tract 22024, in the City of Torrance, County of Los Angeles, State of California;
- c) That the proposed residence, as conditioned, will not have an adverse impact upon the light, air and privacy of other properties in the vicinity because of the proposed placement on the site. The project will not adversely impact the light, air and privacy of the neighboring properties ; and
- d) That the proposed residence, as conditioned, 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 because the addition does not impair any views of the surrounding properties; and
- e) That the design provides an orderly and attractive development in harmony with other properties in the vicinity because the exterior materials are of a high quality and the architectural style is in keeping with the architecture of the surrounding residences; and
- f) That the design will not have a harmful impact upon the land values and investment of other properties in the vicinity because the exterior will be treated with high-quality finishes equal to those of surrounding residences; and
- g) That granting such application would not be materially detrimental to the public welfare and to other properties in the vicinity because a single-family residence is an appropriate use for this property. The proposed additions will update a residence built in 1956 and it is in compliance with the R-1 Zone; and
- h) That the proposed residence , as conditioned, would not cause or result in an adverse cumulative impact on other properties in the vicinity because the proposed additions and resulting residence conforms to the Low-Density Residential Designation of the Land Use Element of the General Plan of the City of Torrance; and
- i) That 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, as the applicant would not be able to preserve useable yard area if the addition was entirely done on the ground floor; and
- j) That denial of such an application would result in an unreasonable hardship to the applicant because the only option for the applicant to increase the size of their home while preserving rear yard area is to distribute the new addition between the first and second stories. In addition, the proposed residence conforms to all code requirements and the second story addition does not appear to have an adverse impact on the view, light, air and privacy of the surrounding properties; and

- k) That granting the application would not be materially detrimental to the public welfare and to other properties in the vicinity because the proposed residence complies with all zoning development standards. The proposed residence will cause no additional hazards, including traffic or fire hazards, there are no anticipated view impacts on neighboring properties as conditioned, there are other two story structures in the surrounding area and finally the additions and remodel will upgrade an older home with an enhanced structure; and
- l) Denial of this request to increase the interior floor area of the building to more than 50% of the area of the lot will constitute an unreasonable hardship because the proposed addition has provided all required setbacks and the residence, as conditioned, would comply with code required lot coverage and floor area ratio requirements for the R-1 zone.
- m) Granting this request to increase the interior floor area of the building to more than 50% of the area of the lot will not be materially detrimental to the public welfare and to other properties in the vicinity because there does not appear to be significant impairments to view, light, air or privacy to original views of surrounding properties.

NOW, THEREFORE, BE IT RESOLVED that PRE07-00029, filed by Peter Paldino to allow the construction of a new two-story single family residence on property located in the Hillside Overlay District in the R-1 Zone at 5405 Paseo de Pablo, on file in the Community Development Department of the City of Torrance, is hereby APPROVED subject to the following conditions:

1. That the use of the subject property for a single-family residence shall be subject to all conditions imposed in Precise Plan of Development 07-00029 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 07-00029 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 residence at the highest point of the roof shall not exceed a height of 27.00' as represented by the elevation of 119.86' and a lowest adjacent grade of 92.86' based on a bench mark elevation of 91.04' located near the southwesterly corner of the property as shown on the official survey map on file in the Community Development Department; (Development Review)

4. That the height of the structure shall be certified by a licensed surveyor/engineer prior to requesting a framing or roof-sheathing inspection and shall not exceed 27.00' based on the elevation of 119.86' and a lowest adjacent grade of 92.86' as indicated on the certified silhouette based on the benchmark elevation of 91.04' as shown on the survey map on file in the Community Development Department; (Development Review).
5. That the proposed building height (including any architectural elements) shall be reduced to 27.00 ft; (Development Review);
6. That an automatic electric roll-up garage door shall be installed for the new garage; (Development Review);
7. 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)
8. That the two windows in the great room along the west house elevation shall be replaced by transom windows with a sill height of 6'-0"; (Development Review)
9. That the balcony facing the rear yard area shall be reduced in length by 3'-0", from 36'-2" to 33'-2" starting at the northwest corner of the house; (Development Review)
10. That the silhouette shall remain in place for no more than 45 days after the final public hearing to the satisfaction of the Community Development Director; (Development Review)
11. 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)
12. That 4" (minimum) contrasting address numerals are provided (Environmental Division)
13. That all conditions of other City Departments received prior to or during the consideration of this case by the Planning Commission shall be met.

Introduced, approved and adopted this 15th day of April 2008.

MAYOR, of the City of Torrance

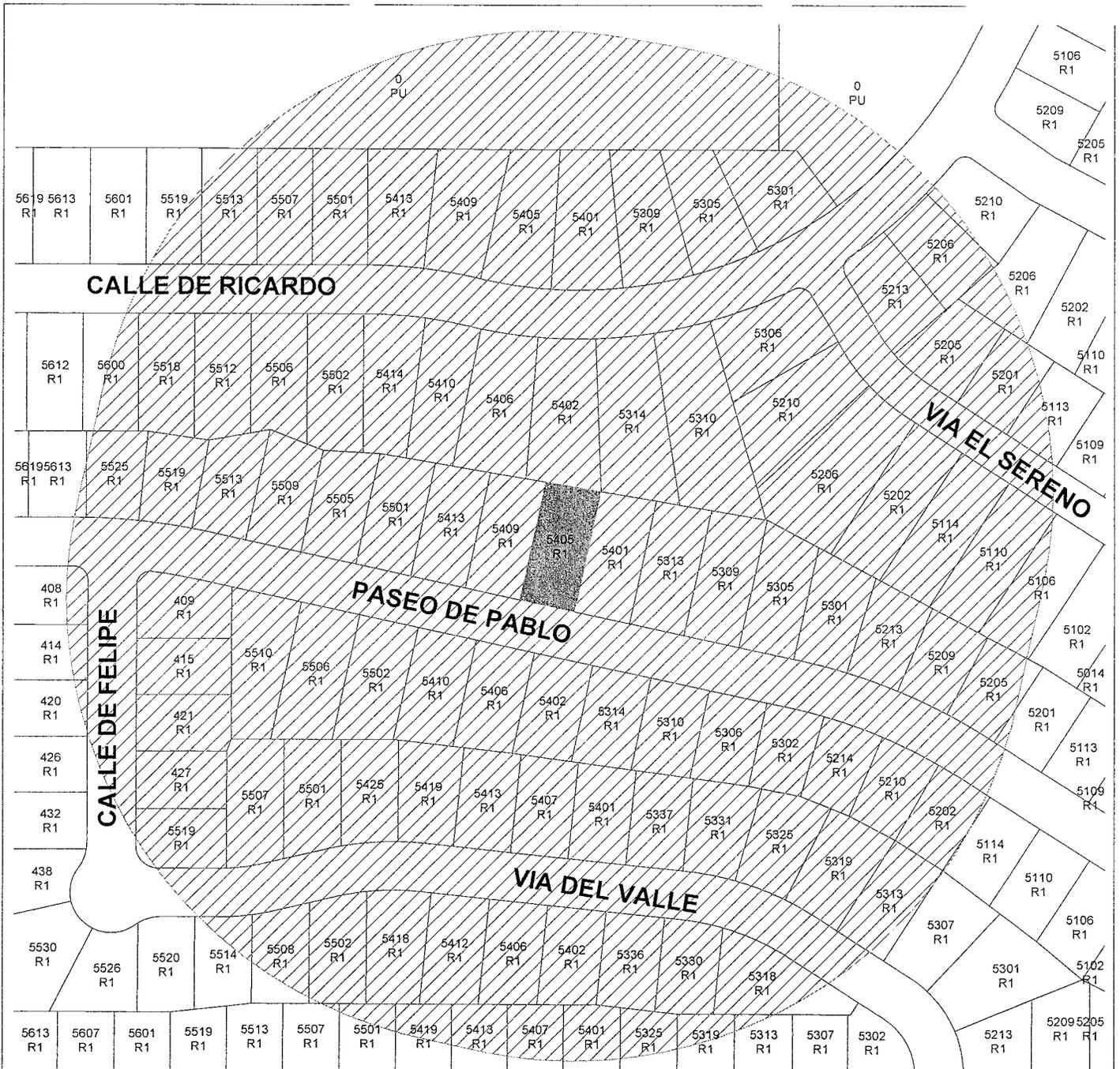
ATTEST:

City Clerk of the City of Torrance

APPROVED AS TO FORM:

JOHN FELLOWS III, City Attorney

By _____



LOCATION AND ZONING MAP

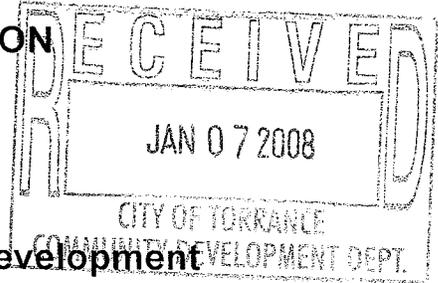
5405 Paseo de Pablo
PRE07-00029

TORRANCE
CITY OF TORRANCE
CALIFORNIA

LEGEND

- Notification Area
- 5405 Paseo de Pablo

0 40 80 160 Feet

CITY OF TORRANCE**INTEROFFICE COMMUNICATION****DATE: January 3, 2008****TO: Jeffrey Gibson, Community Development****FROM: City Clerk's Office****SUBJECT: Appeal 2008-02**

Attached is Appeal 2008-02 received in this office on January 3, 2008 from Pamela Maran, 5501 Via del Valle, Torrance, CA 90505. This appeal is of the Planning Commission's approval made on December 19, 2007 regarding PRE07-00029: PETER PALDINO (ALEX DANILES) located at 5405 Paseo de Pablo, Torrance, CA 90505. SEE ATTACHMENT.

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.

A handwritten signature in cursive script, appearing to read "Sue Herbers".

Sue Herbers
City Clerk

cc: City Council
Building and Safety



CITY OF TORRANCE

APPEAL FORM

RECEIVED

2008 JAN -3 PM 5:19

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
CLERK'S OFFICE

(24)

RE: Precise Plan of Development - PRE07-00029
 (Case Number and Name)

Address/Location of Subject Property 5405 Paseo de Pablo
 (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: 12/19/07 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.*

See attached.

Name of Appellant Pamela Maran

Address of Appellant 5501 Via del Valle

Telephone Number (310) 375-1423

Signature Pamela Maran

<small>For office use only</small>		
Appeal Fee paid \$ <u>160.00</u>	Date <u>1-3-2008</u>	Received by <u>lc</u>
<i>check #1208</i>		
Notice to: Community Development Department: <input checked="" type="checkbox"/> Planning <input type="checkbox"/> Building & Safety <input type="checkbox"/> City Council <input type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Other Department(s)		

I am appealing the approval of this project for the following reasons:

1. I have concerns with regard to the bulk of the design and its compatibility with adjacent and nearby properties.
2. The design is over FAR (52.22%) and over the maximum height allowed (27.14 ft.)
3. Combined with close proximity to the sidewalk (16 ft. 4 in. at the closest), the effect created will be of a mansion-like structure towering close to public space.
4. With its box-like Spanish style, closeness to the sidewalk, and reduced front yard, this new home will be unlike anything else in the neighborhood, which is mostly comprised of one-story ranch-style homes having good-sized areas in front for landscaping. It will therefore not harmonize well with its neighbors.

I am appealing the approval of this project for the following reasons:

1. I have concerns with regard to the bulk of the design and its compatibility with adjacent and nearby properties.
2. The final design is over FAR (52.22%) and over the maximum height allowed (27.14 ft.). With a lot size of 8,370 sq. ft. and proposed improvements totaling 4,371 sq. ft., the final result is quite large when compared to existing homes in the neighborhood.
3. I am concerned that when combined with close proximity to the sidewalk, the effect created will be of a mansion-like structure towering close to public space and over neighboring homes. There will be an 18 ft. tall structure only 16 ft. 4 in. from the front property line.
4. With its box-like Spanish style, closeness to the sidewalk, and reduced front yard, this new home will be unlike anything else in the neighborhood, which is mostly comprised of one-story ranch-style homes having good-sized areas in front for landscaping. It will therefore not harmonize well with its neighbors.
5. I question whether the hardship requirement in general has been met.
6. I question whether the provisions of 91.41.10 of the Hillside Overlay Ordinance have been met.
7. I question whether all concerns with regard to light, air, privacy and view have been addressed.

I believe that if this approval is allowed to stand, a precedent will be set that is not good for the neighborhood.

11C. PRE07-00029: PETER PALDINO (ALEX DANIELS)

Planning Commission consideration for approval of a Precise Plan of Development to allow a new two-story, single-family residence on property located within the Hillside Overlay District in the R-1 Zone at 5405 Paseo de Pablo.

Recommendation

Approval.

Peter Paldino, project architect, voiced his agreement with the recommended conditions of approval. He reported that since the project was denied without prejudice on November 7, 2007, the house has been shifted and slightly lowered to address the concerns of neighbors on both sides.

Steve Williams, 5314 Paseo de Pablo, noted that he missed the meeting on November 7 because he was out of town. He expressed concerns about the "mansionization" of the neighborhood; reported that the project would impact the view from his master bedroom; and questioned whether a study has been done to determine the stability of the soil. He also expressed concerns that elderly neighbors on either side of him were not able to protect their interests and proposed that the hearing be postponed so commissioners could visit them.

Plans Examiner Noh advised that a soils report and grading plans will be required before building permits are issued.

Responding to questions from the Commission, Mr. Williams estimated that approximately 30% of the view from his second-story master bedroom would be blocked, and reported that he purchased his home in 1993 and the second story was added in the early 1970s. He reiterated his concern about his elderly neighbors.

Chairperson Busch noted that commissioners visit each project site and do their best to investigate potential impacts but they cannot knock on every door within the notification area. He pointed out that several methods are used to inform nearby residents about a project, including the construction of a silhouette, mailed notice, and a sign on the property and that those who aren't able to attend the Commission meeting can send a letter detailing their concerns.

Mr. Paldino related his understanding that Mr. Williams' property is not within the Hillside Overlay and maintained that he would not be impacted even if it was because there are large trees blocking his view. He noted that the silhouette has been in place for almost three months so neighbors have had plenty of time to express any concerns about the project.

Commissioner Browning questioned whether Mr. Williams' view was protected. Deputy City Attorney Whitham advised that it is the City Attorney's position that because residents outside the Hillside Overlay do not suffer the burdens associated with the Hillside Ordinance, they are not entitled to its benefits.

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

Commissioner Weideman stated that he believed the applicant had done what the Commission asked by working with neighbors to address their concerns and he was inclined to approve the project.

MOTION: Commissioner Weideman moved for the approval of PRE07-00029, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Gibson, and discussion briefly continued.

Commissioner Browning reported that he investigated claims that there were similar two-story homes on Paseo de Pablo and found three on this side of the street, one two doors to the east and two beyond the 500-foot notification area, and that all of them had the two-story portion to the rear of the house. He voiced his opinion that the proposed project looks massive in comparison and would tower over homes in the immediate area. He noted that in addition to view impact and other issues, the Hillside Ordinance was meant to address mansionization.

Chairperson Busch indicated that he would not support the project because the FAR exceeds 0.50 and he did not believe the applicant had established that being confined to this limit would constitute an unreasonable hardship.

Commissioner Browning offered the following substitute motion:

MOTION: Commissioner Browning moved to deny PRE07-00029 without prejudice. The motion was seconded by Chairperson Busch and failed to pass as reflected in the following roll call vote:

AYES: Commissioner Browning and Chairperson Busch.

NOES: Commissioners Fauk, Gibson, Horwich, Uchima and Weideman.

The original motion was restated.

MOTION: Commissioner Weideman moved for the approval of PRE07-00029, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Gibson and passed by a 5-2 roll call vote, with Commissioner Browning and Chairperson Busch dissenting.

Sr. Planning Associate Santana read aloud the number and title of Planning Commission Resolution No. 07-134.

MOTION: Commissioner Weideman moved for the adoption of Planning Commission Resolution No. 07-134. The motion was seconded by Commissioner Horwich and passed by a 6-1 roll call vote, with Commissioner Browning dissenting.

11A. PRE07-00023: PETER PALDINO (ALEX DANIELS)

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of a new two-story, single-family residence on property located within the Hillside Overlay District in the R-1 Zone at 5404 Paseo de Pablo.

Recommendation

Approval.

Planning Associate Martinez introduced the request and noted supplemental material available at the meeting consisting of correspondence received subsequent to the completion of the agenda item.

Peter Paldino, project architect, voiced his agreement with the recommended conditions of approval.

Chairperson Busch, referring to Item 2 of the Precise Plan application, stated that he did not believe the response, "The owner wishes to make this his dream home for himself and his family. They have looked a long time for the property," qualifies as a hardship.

Jack Kimbro, 5401 Paseo de Pablo, expressed concerns that the project would block sunlight from his home, impair the view, and intrude on his privacy, noting that he submitted a letter detailing his concerns (supplemental material).

Mr. Paldino reported that the house was pushed further to the west to mitigate the impact on Mr. Kimbro's property and the entire house is within the footprint of the existing home. With regard to the privacy issue, he explained that there are only two windows on the east side of the new home, one that's over a counter in the kitchen and a second toward the front of the property that overlooks the driveway.

In response to Commissioner Weideman's inquiry, Mr. Paldino provided clarification regarding the size and location of balconies.

Commissioner Faulk questioned whether Mr. Paldino had discussed the project with neighbors who could be affected by it. Mr. Paldino related his understanding that the property owner had contacted the neighbors to the east and west of the property.

Alex Daniels, 5405 Paseo de Pablo, owner of the subject property, reported that he mentioned to neighbors that he planned to add on to the home but was not specific about his plans.

Mr. Kimbro wanted to make clear that no one has ever spoken to him about the project.

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

Commissioner Faulk noted that commissioners were not aware there were any objections to the project until receiving the supplemental material, therefore, he was not

prepared to take action on it and would be abstaining should a vote be taken this evening.

Commissioner Browning stated that he would not support the project because he observed that it would cast a tremendous shadow on 5401 Paseo de Pablo and create a privacy impact on 5409 Paseo de Pablo.

In response to Commissioner Gibson's inquiry, Planning Manager Lodan confirmed that neighbors received notice of the hearing.

MOTION: Commissioner Browning moved to deny PRE07-00023 without prejudice. The motion was seconded by Commissioner Gibson and passed by a 5-1 roll call vote, with Commissioner Horwich dissenting and Commissioner Faulk abstaining.

Planning Manager Lodan noted that a resolution reflecting the Commission's action would be brought back for approval at the next meeting.

AGENDA ITEM NO.11C

CASE TYPE & NUMBER: Precise Plan of Development– PRE07-00029

NAME: Peter Paldino (Alex Daniels)

PURPOSE OF APPLICATION:

Request for approval of a Precise Plan to allow the construction of a new two-story single family residence on property located within the Hillside Overlay District, in the R-1 Zone.

LOCATION: 5405 Paseo de Pablo

ZONING: R-1: Single-Family Residential Zone / Hillside Overlay District

ADJACENT ZONING AND LAND USE:

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

SOUTH: R-1; One and Two story Single Family Residences

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

WEST: R-1; Hillside Overlay District, One-story Single Family Residence

GENERAL PLAN DESIGNATION: Low Density Residential

COMPLIANCE WITH GENERAL PLAN:

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

EXISTING IMPROVEMENTS AND /OR NATURAL FEATURES:

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

ENVIRONMENTAL FINDINGS:

Additions to existing structures provided that the addition will not result in an increase of more than 2,500 square feet to a single family residence in a residential zone is Categorically Exempted by the 2007 Guidelines for Implementation of the California Environmental Quality Act; Article 19, Section 15301 (e) (1).

BACKGROUND AND ANALYSIS:

The applicant is requesting approval of a Precise Plan of Development to allow the construction of a new two-story single family residence. This request was previously denied at the Planning Commission Meeting on November 7, 2007. The adjacent property owner at 5401 Paseo de Pablo expressed concerns about impacts to his house in terms of natural light, air, privacy and views. At such meeting, a motion for denial for PRE07-00023 passed by a vote of 5-1-1, with Commissioner Horwich dissenting and Commissioner Faulk abstaining. Since then, the applicant has worked with the affected neighbor to achieve a project that is acceptable to both parties. While the design and square footage of the project have not changed, the proposed house has been moved away from the affected neighbor in order to minimize impacts. The easterly side yard setback has been increased from 8'-8" to 11'-0". Staff has received a letter from this neighbor, at 5401 Paseo de Pablo, stating that he no longer has issues about the project and his concerns have been fully addressed.

However, the neighbor to the west at 5409 Paseo de Pablo has expressed some concerns about potential privacy impacts resulting from the relocation of the house. They are concerned about second floor windows and balconies that could overlook directly into their rear yard and swimming pool area. In order to address these concerns, Staff has added a condition that the two windows in the great room along the west house elevation shall be replaced by transom windows with a sill height of 6'-0". In addition, the balcony facing the rear yard area shall be reduced in length by 3'-0" along the northwest corner of the house, with the overall balcony length reduced from 36'-2" to 33'-2".

Project Description: The property is an interior rectangular lot that is 8,370 square feet in area, and it is located in the R-1 Zone, in the Hillside Overlay District. The existing lot is currently developed with a 1,657 square foot one-story single family residence and a 400 square foot attached two-car garage. The existing front setback is 20.00' ft. at the closest point, the existing westerly side yard setback is 5.17' at the closest point and the existing easterly side yard setback is 8.67' at the closest point. The existing rear yard setback is 41.92'.

The applicant is proposing the construction of a new two-story single family residence with an attached two-car garage and an entry tower. The total area for the project is 4,188 sf. On the first floor, the project includes the construction a two-car garage, a laundry room, three bedrooms and a master suite. A detached 97 sf. entry tower will be built in the front yard area. On the second floor, the project includes the construction of an office, kitchen, great room, as well as a dining and living room. There are two balconies facing the front yard area and a third balcony, which is adjacent to the dinette and great room and faces the rear yard area. Based on the Topographical Survey and the Height & Location Certification, the remodeled residence will be 27.14' in height from the lowest adjacent grade of 92.86' to the highest ridge elevation of 120.00', based on a benchmark elevation of 91.04'.

Project Information

• Lot Size	8,370 sq. ft.
• Existing Living Area (1 st Floor)	1,657 sq. ft.
• Existing Garage	400 sq. ft.
• Existing Improvements Total	1,957 sq. ft.
• Proposed Living Area (1 st Floor)	1,832 sq. ft.
• Proposed Living Area (2 nd Floor)	1,917 sq. ft.
• Proposed Garage	525 sq. ft.
• Proposed Entry Tower	97 sq. ft.
• Proposed Improvements Total	4,371 sq. ft.

Calculations

• Proposed Lot Coverage	29.31 %
• Proposed Floor Area Ratio	52.22 %
• Proposed Building Height	27.14 ft.

Project Analysis: A Precise Plan of Development is required because the property is located within the Hillside Overlay District and the new construction is over fourteen feet in height. 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 #5). 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.

Based on staff observations of the house and the silhouette, there do not appear to be significant impacts to the view, light, air or privacy of surrounding properties by the proposed new construction. It does not appear that there are any significant views that occur across the roof of the remodeled home for the neighbors located adjacent to the property. The square footage of the proposed house is divided between both stories, so that the applicant is able to preserve useable yard area that would not be available if the square footage were added to the first story only. It should also be noted that the square footage calculations include the stairwell (counted twice) and the Entry Tower. Without those elements, the square footage of the house would be reduced to 3,872 sf and the Floor Area Ratio (FAR) would be .46. Staff has not received any correspondence regarding this project at the time of preparation of this report.

Staff notes that the proposed building height of 27.14' is slightly above what is allowed by the Torrance Municipal Code; therefore, a condition has been added that the overall height of the building (including any architectural elements) shall be reduced to 27.00 ft. In addition, it should also be noted that residences across Paseo De Pablo are not within the Hillside Overlay District.

In the judgment of staff, this project as conditioned does not appear to cause any significant intrusion on the view, light, air or privacy of adjacent properties. The applicant has prepared a plan that complies with the R-1 standards, meets the open space requirements and is within the allowable lot coverage. The proposed additions will not be materially detrimental to the public welfare or to the property of other persons located in the vicinity in that it will enhance the value of the property. The home, with the proposed additions, will not interfere with the orderly development of the City because all proposed additions will provide the Code required setbacks, the proposed plan conforms to lot coverage, and it provides on-site parking required by the Municipal Code, while maintaining the land use as a single family residence complying with the Zone and General Plan designation. For these reasons, staff recommends approval of the request as conditioned.

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

PROJECT RECOMMENDATION: APPROVAL.

FINDINGS OF FACT IN SUPPORT OF THE PROJECT:

Findings supporting approval of the project are set forth in the attached Planning Commission Resolution.

RECOMMENDED CONDITIONS, IF PROJECT IS APPROVED:

Recommended conditions for the project are set forth in the attached Planning Commission Resolution.

Prepared by,



Oscar Graham
Planning Assistant

Respectfully submitted,



Gregg Lodan, AICP
Planning Manager

ATTACHMENTS

1. Planning Commission Resolution
2. Location and Zoning map
3. Code Requirements
4. Silhouette Certification
5. Hillside Ordinance Criteria Response Sheet
6. Previous Report
7. Site Plan, Floor Plan and Exterior Elevations

PLANNING COMMISSION RESOLUTION NO. 07-134

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING 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 A NEW TWO-STORY SINGLE FAMILY RESIDENCE WITHIN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 5405 PASEO DE PABLO

PRE07-00029: PETER PALDINO (ALEX DANIELS)

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on December 19, 2007 to consider an application for a Precise Plan of Development filed by Peter Paldino to allow the construction of a new two-story single family residence on property located within the Hillside Overlay District in the R-1 Zone at 5405 Paseo de Pablo;

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 existing structures provided that the addition will not result in an increase of more than 2,500 square feet to a single family residence in a residential zone is Categorically Exempted by the 2007 Guidelines for Implementation of the California Environmental Quality Act; Article 19, Section 15301 (e)(1); and

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

- a) That the property is located at 5405 Paseo de Pablo
- b) That the property is identified as Lot 95 of Tract 22024, in the City of Torrance, County of Los Angeles, State of California;
- c) That the proposed residence, as conditioned, will not have an adverse impact upon the light, air and privacy of other properties in the vicinity because of the proposed placement on the site. The project will not adversely impact the light, air and privacy of the neighboring properties ; and
- d) That the proposed residence, as conditioned, 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 because the addition does not impair any views of the surrounding properties; and
- e) That the design provides an orderly and attractive development in harmony with other properties in the vicinity because the exterior materials are of a high quality

and the architectural style is in keeping with the architecture of the surrounding residences; and

- f) That the design will not have a harmful impact upon the land values and investment of other properties in the vicinity because the exterior will be treated with high-quality finishes equal to those of surrounding residences; and
- g) That granting such application would not be materially detrimental to the public welfare and to other properties in the vicinity because a single-family residence is an appropriate use for this property. The proposed additions will update a residence built in 1956 and it is in compliance with the R-1 Zone; and
- h) That the proposed residence , as conditioned, would not cause or result in an adverse cumulative impact on other properties in the vicinity because the proposed additions and resulting residence conforms to the Low-Density Residential Designation of the Land Use Element of the General Plan of the City of Torrance; and
- i) That 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, as the applicant would not be able to preserve useable yard area if the addition was entirely done on the ground floor; and
- j) That denial of such an application would result in an unreasonable hardship to the applicant because the only option for the applicant to increase the size of their home while preserving rear yard area is to distribute the new addition between the first and second stories. In addition, the proposed residence conforms to all code requirements and the second story addition does not appear to have an adverse impact on the view, light, air and privacy of the surrounding properties; and
- k) That granting the application would not be materially detrimental to the public welfare and to other properties in the vicinity because the proposed residence complies with all zoning development standards. The proposed residence will cause no additional hazards, including traffic or fire hazards, there are no anticipated view impacts on neighboring properties as conditioned, there are other two story structures in the surrounding area and finally the additions and remodel will upgrade an older home with an enhanced structure; and
- l) Denial of this request to increase the interior floor area of the building to more than 50% of the area of the lot will constitute an unreasonable hardship because the proposed addition has provided all required setbacks and the residence, as conditioned, would comply with code required lot coverage and floor area ratio requirements for the R-1 zone.
- m) Granting this request to increase the interior floor area of the building to more than 50% of the area of the lot will not be materially detrimental to the public welfare and to other properties in the vicinity because there does not appear to be significant impairments to view, light, air or privacy to original views of surrounding properties.

WHEREAS, the Planning Commission by the following roll call votes APPROVED PRE07-00029, subject to conditions:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

NOW, THEREFORE, BE IT RESOLVED that PRE07-00029, filed by Peter Paldino to allow the construction of a new two-story single family residence on property located in the Hillside Overlay District in the R-1 Zone at 5405 Paseo de Pablo, on file in the Community Development Department of the City of Torrance, is hereby APPROVED subject to the following conditions:

1. That the use of the subject property for a single-family residence shall be subject to all conditions imposed in Precise Plan of Development 07-00029 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 07-00029 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 residence at the highest point of the roof shall not exceed a height of 27.00' as represented by the elevation of 119.86' and a lowest adjacent grade of 92.86' based on a bench mark elevation of 91.04' located near the southwesterly corner of the property as shown on the official survey map on file in the Community Development Department; (Development Review)
4. That the height of the structure shall be certified by a licensed surveyor/engineer prior to requesting a framing or roof-sheathing inspection and shall not exceed 27.00' based on the elevation of 119.86' and a lowest adjacent grade of 92.86' as indicated on the certified silhouette based on the benchmark elevation of 91.04' as shown on the survey map on file in the Community Development Department; (Development Review).
5. That the proposed building height (including any architectural elements) shall be reduced to 27.00 ft; (Development Review);

6. That an automatic electric roll-up garage door shall be installed for the new garage; (Development Review);
7. 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)
8. That the two windows in the great room along the west house elevation shall be replaced by transom windows with a sill height of 6'-0"; (Development Review)
9. That the balcony facing the rear yard area shall be reduced in length by 3'-0", from 36'-2" to 33'-2" starting at the northwest corner of the house; (Development Review)
10. That the silhouette shall remain in place for at least 15 days through the appeal period, but no more than 45 days after the final public hearing to the satisfaction of the Community Development Director; (Development Review)
11. 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)
12. That 4" (minimum) contrasting address numerals are provided (Environmental Division)
13. That all conditions of other City Departments received prior to or during the consideration of this case by the Planning Commission shall be met.

Introduced, approved and adopted this 19th day December, 2007.

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 19th day December, 2007, by the following roll call vote:

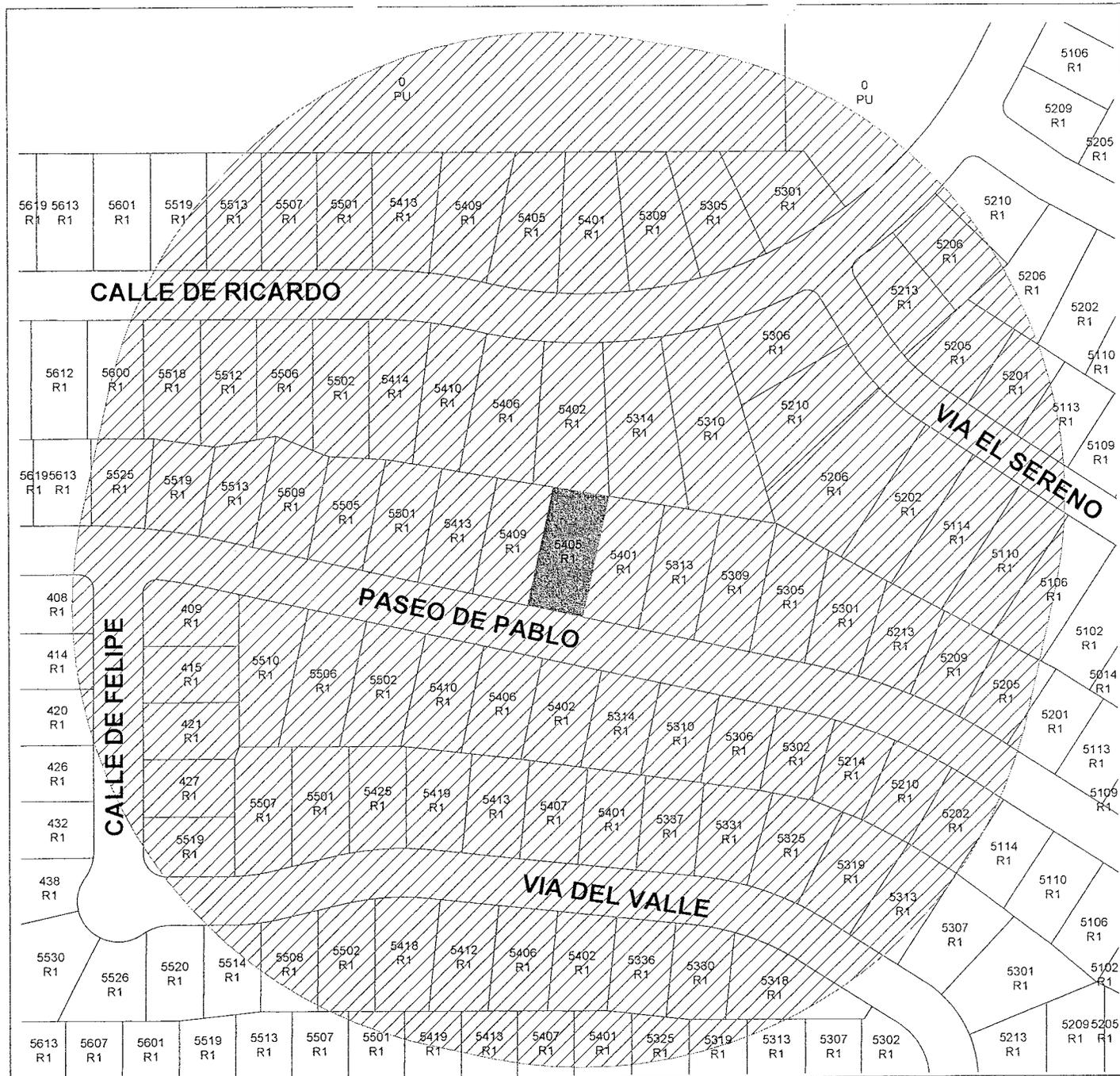
AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Secretary, Torrance Planning Commission

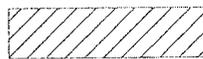


LOCATION AND ZONING MAP

5405 Paseo de Pablo
PRE07-00029



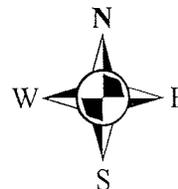
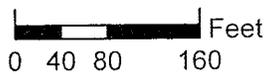
LEGEND



Notification Area



5405 Paseo de Pablo



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:

- Comply with the State energy requirements.
- Provide underground utilities.
- Pre-wire for cable television.
- Show location of pool equipment on the plans.
- Verify noise decibels of pool equipment.
- Verify 5'-0" minimum distance between pool and building (deck) and show on site plan.
- Provide / call out required 5'-0" min. fence height to enclose swimming pool. Also provide required self-closing & self latching gates.
- Doors with direct access to the pool or spa through a wall that serves as part of the fence barrier shall be equipped with an alarm which produces an audible warning when the door and its screen, if present, are open.
- Verify building height not to exceed 27'-0"

Environmental Division:

- The front yard of any property zoned for residential use shall not be more than 50% paved (City code sec. 92.5.14)
- The property shall be landscaped prior to final inspection (City code sec. 92.21.9)
- Provide 4" (minimum) contrasting address numerals for residence.



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

Jeffery W. Gibson, Planning Director

Height and Location Certification

NOV 26 2007

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 5405 PASO DE PABLO
(address)

_____ on 11-20-07, based on plans submitted to the City of Torrance
(date)

by PALDINO on _____ The survey was taken
(applicant/architect) (date)

from a bench mark located at L&T RCE 30826 @ SW CORNER
(address)

(attach map) which established a base elevation of 91.04.

The ridge line/highest point of the roof was determined to have an elevation of 119.82.

The plans indicate that the elevation should be 119.82.

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.

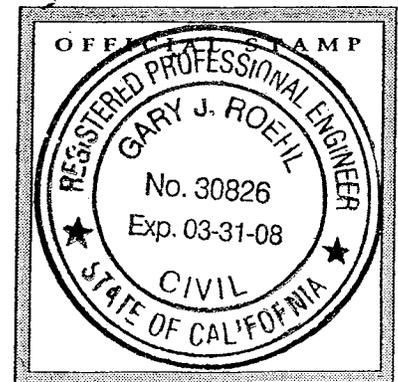
GARY J. ROEHL
NAME (please print)

RCE 30826
LS/RCE#

[Signature]
SIGNATURE

(310) 542-9433
PHONE

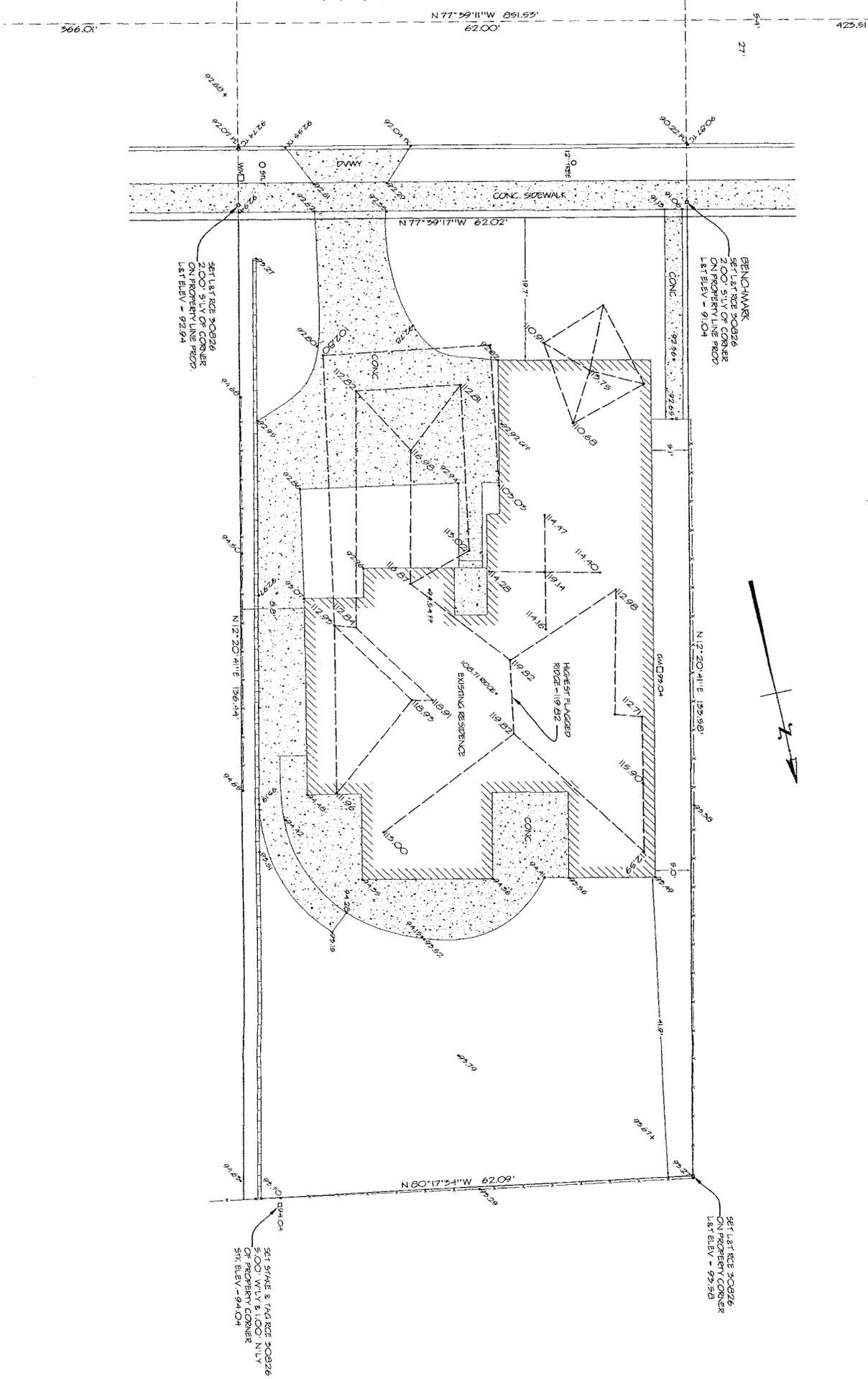
11-20-07
DATE



Notes: _____

JOB 07-297

PASEO DE PABLO



5405 Pae @ DE PABLO

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 DESIGN FALLS WITHIN THE EXISTING HOUSE FOOTPRINT; IN ADDITION IT ALSO HAS GREATER SIDE & REAR SETBACKS THAN REQUIRED TO MINIMIZE ANY ADVERSE IMPACT UPON THE VIEW, LIGHT AIR AND PRIVACY OF OTHER PROPERTIES

- 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:

IN ADDITION TO THE GROUND FLOOR SETBACKS THE DESIGN HAS ALSO PROVIDED FOR ADDITIONAL 2ND FLOOR SETBACKS, AND HAVE "STEPPED" THE CORNER OF THE REAR TO INCREASE THE NEIGHBORS VIEW.

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

THE MASSING AND NOW "BOX" LIKE DESIGN,
ALONG WITH THE USE OF STONE, SMOOTH
STUCCO, SPANISH ROOF TILE, AND THE USE
OF WOOD LINTELS & RAFTER TAILS

- 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 PROJECT WILL INCORPORATE
HIGH QUALITY MATERIALS AND
WORKMANSHIP

- 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 PROPOSED DESIGN MEETS OR
EXCEEDS ALL OF THE CITY'S
REQUIREMENTS FOR THE PRECISE
PLAN.

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

THE PROJECT WILL NOT CAUSE ANY
ADVERSE CUMULATIVE IMPACT,
BECAUSE OF THE HIGH QUALITY, &
RECESSED DESIGN OF THE SIDE, FRONT
& REAR SETBACKS

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:

TO EXTEND THE EXISTING HOUSE TO THE REAR LINE SETBACK WOULD HAVE GREAT IMPACT ON VIEWS & PRIVACY, OF BOTH ADJACENT NEIGHBORS

- b. Denial of this application would constitute an unreasonable hardship for the following reason (s): THIS WOULD DENY THE DEVELOPMENT OF THIS PROPERTY, DUE TO THE FACT THAT THE ONLY WAY TO INCREASE THE SQUARE FOOTAGE WOULD BE TO THE REAR, THIS BLOCKING VIEWS. THIS WOULD BE AN UNREASONABLE HARSHIP FOR THE OWNER TO DEVELOP THIS PROPERTY & TO ENJOY THE BENEFITS

- 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):

THE DESIGN CONFORMS TO ALL OF THE CITY'S HILLSIDE AIRWAY REQUIREMENTS, INCLUDING HEIGHT SETBACKS, VIEWS, LIGHT, AIR, AND PRIVACY.

→ OF ITS INCREASED VALUE, AS OTHERS HAVE DONE IN THE NEIGHBORHOOD.

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 INTERIOR FLOOR AREA, INCLUDING THAT OF
THE EXTERIOR TOWER IS 50%. DENIAL OF
THIS APPLICATION WOULD BE A HARSHIP, IN THAT
IT WOULD NOT ALLOW THE OWNER TO MAXIMIZE
THE PROPERTY.

- 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):

THE DESIGN CONFORMS TO ALL OF THE CITY'S
REQUIREMENT. THE TWO STORY DESIGN
ALLOWS FOR NEIGHBORS VIEWS, LIGHT, AIR,
& PRIVACY.

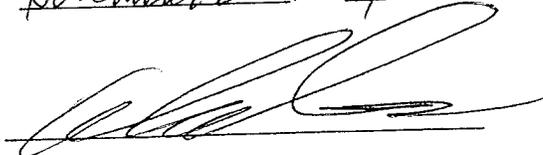
CITY OF TORRANCE – COMMUNITY DEVELOPMENT DEPARTMENT

W A I V E R

I, ALEX DANIELS, as the owner of that certain parcel of land located at 5405 PASEO DE PABLO in the City of Torrance, County of Los Angeles, State of California, described as _____, as recorded on page _____, make the following Declaration in relation of said parcel, as a condition of obtaining from the City of Torrance the required permits for development of said parcel for residential purposes.

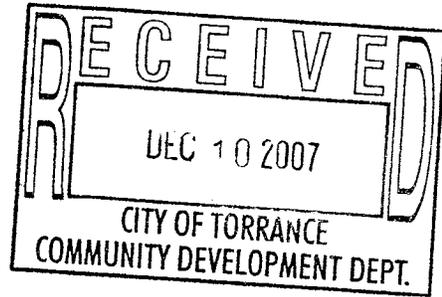
1. That I understand construction in a hillside area is more difficult and more expensive than similar development on flat lots; that it carries with it certain risks of slope failures of various kinds, drainage and water run-off problems, driveway and general access problems, and possible problems with neighboring properties due to loss of sunlight access, privacy and shadow effect;
2. That before receiving City approval of Precise Plan of Development Application _____, I have obtained the services and advise of certain geological and engineering experts of my own choosing, who have advised me regarding the potential for dangers on the slope, the techniques for construction, the quality of the soils contained within the lot and, where appropriate, the limitations on use or development of the lot;
3. That I have not relied in any way on representations by the City, and employee of the City, or any consultant or agent of the City, in evaluating the suitability for residential development of the lot, or of the relative costs and risks of such development;
4. That I have relied (if at all) on the experts hired by myself and I will fully comply with their advice and instructions in designing and building any development on the said lot;
5. That I understand there may still be risks involved in developing said lot, but I assume the sole and full responsibility for those risks, and I agree that the City does not and cannot guarantee or warrant the development to be done or the consequences of such development on the property or on the persons working, visiting or residing on the property.

EXECUTED this 20 day of NOVEMBER, 2007, at
Torrance, California.



November 19, 2007

Mr. Jack Kimbro
5401 Paseo de Pablo
Torrance Ca. 90505



Mr. Oscar F. Graham
Planning Assistant
City of Torrance Community Development Department
Torrance, Ca. 90503

Re: PRE07-00023: Paldino (Alex Daniels) 5405 Paseo de Pablo project

Dear Mr. Graham:

After reviewing in detail with Messer's; Paldino and Daniels the proposed project at 5405 Paseo de Pablo I no longer have any issues or concerns. The previous concerns listed in my November 7th letter to you have been addressed. Thank you for your attention this matter.

Yours truly,

A handwritten signature in cursive script that reads "Jack Kimbro".

Jack Kimbro

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.)

This space is for the County Clerk's Filing Stamp

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2008 APR -7 AM 10:56
CITY OF TORRANCE
CITY CLERK'S OFFICE

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

Proof of Publication of

DB

DB 4-28
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., April 15, 2008, in the City Council Chambers of City Hall, 3031 Torrance Boulevard, Torrance, California, on the following matter:

PRE07-00029, PETER PALDINO (ALEX DANIELS): City Council consideration of an appeal of a Planning Commission approval of a Precise Plan of Development to allow the construction of a new two-story single family residence on property located within the Hillside Overlay District, in the R-1 Zone at 5405 Paseo De Pablo.

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: Apr 04, 2008

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

April 4,

all in the year 2008

the foregoing is true and correct.

Dated at Torrance

California, this 4 April 2008

 Signature 

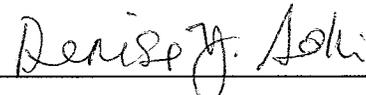
PROOF OF SERVICE BY MAIL

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 April 4, 2008, I caused to be mailed 112 copies of the within notification for City Council PRE07-00029: PETER PALDINO (ALEX DANIELS) 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 April 4, 2008 at Torrance, California.

A handwritten signature in cursive script, reading "Denise J. Soli", is written above a horizontal line.

(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., April 15, 2008** in the City Council Chambers of City Hall, 3031 Torrance Boulevard, Torrance, California, on the following matter:

PRE07-00029, PETER PALDINO (ALEX DANIELS): City Council consideration of an appeal of a Planning Commission approval of a Precise Plan of Development to allow the construction of a new two-story single family residence on property located within the Hillside Overlay District, in the R-1 Zone at 5405 Paseo De Pablo.

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.

Publish: **April 4, 2008**

SUE HERBERS
CITY CLERK

One hundred twelve (112) notices mailed 04/04/08. da