

Council Meeting of
July 15, 2008

PUBLIC HEARING

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

Members of the Council:

SUBJECT: Community Development – Consider an appeal of the Planning Commission’s denial without prejudice of a Precise Plan of Development to allow first and second story additions to an existing two-story single family residence on property located within the Hillside Overlay District in the R-1 zone at 3820 Newton Street.

PRE07-00028: John and Mertz Maher

Expenditure: None

RECOMMENDATION

Recommendation of the Planning Commission that City Council deny the appeal and adopt a Resolution (Attachment A1) denying a Precise Plan of Development to allow first and second story additions to an existing two-story single family residence on property located within the Hillside Overlay District in the R-1 zone at 3820 Newton Street.

Recommendation of the Community Development Director that the City Council grant the appeal and approve the project. (Attachment A2)

Funding: Not applicable

BACKGROUND

The applicants request approval to allow first and second story additions, to an existing two-story single family residence, on property located within the Hillside Overlay District, in the R-1 zone. A Precise Plan of Development is required, because the applicants propose construction, over 14 feet in height. The matter was first considered by the Planning Commission, on January 16, 2008. During the Public Hearing, the property owners of 3811, 3815, and 3818 Newton Street, expressed that the proposal would create view, light and privacy impacts from their residences, thereby decreasing their property values, and that the project is too massive. The Planning Commission denied the project without prejudice. The applicant has appealed the Planning Commission’s decision. The applicant has not proposed revisions to the plans; however, attached to the Appeal Form (Attachment B), the applicant has supplied a response to the above concerns.

Prior Hearings and Publications

A Planning Commission Public Hearing was scheduled for January 16, 2008. On January 3, 2008, the site was posted and 132 notices were mailed to property owners, within a 500-foot radius and to the Riviera Homeowners Association. On January 4, 2008, a legal advertisement was published in the newspaper. On July 3, 2008, a notice of public hearing was posted at the site, and 153 notices of the City Council Public Hearing were mailed to property owners, within a 500-foot radius and to the Riviera Homeowners Association. On July 4, 2008, a legal advertisement was published in the newspaper.

Environmental Findings

Additions to single family residential properties are Categorically Exempted by the 2008 Guidelines for Implementation of the California Environmental Quality Act, Article 19, Section 15301 (e).

ANALYSIS

The subject site is located in an interior parcel, is rectangular in shape, and is one of the two largest parcels in the vicinity, with a width of 75 feet by a length of 130 feet, for a lot area of 9,713 square feet. The existing residence is two stories and was constructed in 1988. The applicant proposes to convert the existing two-car garage into a recreation room and living area plus stairwell, and construct a new two-car garage attached to the front of the house, with an exercise room above the new garage. The ridge height of the proposed addition would be 21 feet in height, while the existing residence is 22 feet 9 inches. With all the proposed modifications, the remodeled residence will total 4,198 square feet, including the 460 square foot garage. The Floor Area Ratio (FAR) will be .43, with a Lot Coverage of 27%. The project complies with the FAR, height and setback development standards; the detailed analysis is included in the attached Staff Report to the Planning Commission dated January 16, 2008 (Attachment D). The project summary is included below for your convenience:

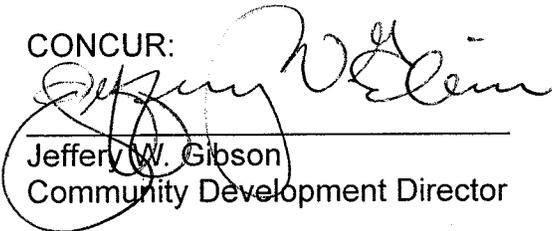
PRE07-00028	Existing	Proposed Additions	Proposed Project
1st Floor =	991 sf	Garage Conversion 518 sf	1,619 sf
		Rec Room & Stairway 110 sf	
Subtotal =	991 sf	628 sf	1,619 sf
2nd Floor =	1,557 sf	562 sf	2,119 sf
Total Living Area =	2,548 sf	1,190 sf	3,738 sf
Two-Car Garage =	518 sf	460 sf	460 sf
Total Area =	3,066 sf	1,650 sf	4,198 sf
F.A.R. =	0.32		0.43
Building Height =	23 feet 9 inches	21 feet	
Lot Area = 9,712.5 square feet			
Proposed Footprint = 2,590.34 square feet, Lot Coverage = 27%			

In the judgment of the Community Development Department, the proposed structure, will not have an adverse impact on the view, light, air or privacy of the surrounding properties. The new residence will not be materially detrimental to the public welfare, because it will either meet or exceed the required front, rear and side yard setbacks. The opposing property owners at 3811 and 3815 Newton Street are located across the street from the proposed site, and are not located within the Hillside Overlay District, and as such, are not afforded the same protections to view, light, air or privacy, as the properties within the District. Staff visited the property at 3818 Newton Street, and viewed the silhouette from this home, and while there is a potential impact to view, Staff does not believe that it is an adverse impact. The additions are centrally located within the site and towards the front of the property, which would potentially overlook the neighbor's front yard and garage. The impact to view is only a fraction of the view from the neighbor's west-facing rooms, the views to the north are unobstructed. Based on the location of the additions, Staff does not believe there is an impact to light or privacy. For all the reasons listed above, Staff recommends the granting of the appeal and approval of the project. Staff received a letter from the opposing neighbor at 3815 Newton Street (Attachment G). Staff has also attached a list of Recommended Conditions (Attachment F), should the project be approved.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission reviewed the proposal on January 16, 2008. The applicant gave a brief description of the proposed project to the Commission. Public testimony was given by four neighbors, two across the street and two from the same home adjacent to the proposed site, to the east. They all opposed the project and cited concerns with regards to the massiveness of the structure, and view, light and privacy impairments, which would lead to a decrease of their property values. The Planning Commission voted 7-0 to deny the project without prejudice.

CONCUR:



 Jeffery W. Gibson
 Community Development Director

NOTED:



 LeRoy J. Jackson
 City Manager

Respectfully submitted,

Jeffery W. Gibson
 Community Development Director

By



 Gregg D. Lodan, AICP
 Planning Manager

Attachments: A1. Resolution denying Precise Plan
 A2. Resolution approving Precise Plan

- B. Letter of Appeal
- C. Planning Commission Hearing Minutes Excerpt 01/16/2008
- D. Previous Planning Commission Staff reports and Supplementals
- E. Proofs of Publication and Notification
- F. Recommended Conditions
- G. Correspondence
- H. Plot Plan, Floor Plan and Elevations (Limited Distribution)
- I. Mayor's Script (Limited Distribution)

RESOLUTION NO. 2008-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, DENYING WITHOUT PREJUDICE A PRECISE PLAN OF DEVELOPMENT AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW FIRST AND SECOND STORY ADDITIONS TO AN EXISTING TWO-STORY SINGLE-FAMILY RESIDENCE ON PROPERTY LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 3820 NEWTON STREET.

PRE07-00028: JOHN AND MERTZ MAHER

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on January 16, 2008, and DENIED WITHOUT PREJUDICE an application for a Precise Plan of Development filed by John and Mertz Maher to allow first and second story additions to an existing two-story single family residence on property located within the Hillside Overlay District in the R-1 Zone at 3820 Newton Street; and

WHEREAS, the City Council of the City of Torrance conducted a public hearing on July 15, 2008, to consider an appeal of a Planning Commission's Denial of a Precise Plan of Development filed by John and Mertz Maher to allow first and second story additions to an existing two-story single family residence on property located within the Hillside Overlay District in the R-1 Zone at 3820 Newton Street; 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 1, Article 41 of the Torrance Municipal Code; and

WHEREAS, additions to single family residential properties are Categorically Exempted by the 2008 Guidelines for Implementation of the California Environmental Quality Act; Article 19, Section 15301 (e); and

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

- A. Th at the property address is 3820 Newton Street;
- B. Th at the property is located on Lot 11, Tract 32854; and
- C. The project is out of character with the neighborhood and blocks view corridors.

NOW, THEREFORE, BE IT RESOLVED that PRE07-00028, filed by John and Mertz Maher to allow first and second story additions to an existing two-story single family residence on property located within the Hillside Overlay District in the R-1 Zone at

3820 Newton Street, on file in the Community Development Department of the City of Torrance, is hereby DENIED WITHOUT PREJUDICE.

Introduced, approved and adopted this 15th day of July 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 _____

RESOLUTION NO. 2008 –

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 FIRST AND SECOND STORY ADDITIONS TO AN EXISTING TWO-STORY SINGLE FAMILY RESIDENCE, ON PROPERTY LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 3820 NEWTON STREET.

PRE07-00028: JOHN AND MERTZ MAHER

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on January 16, 2008, and DENIED WITHOUT PREJUDICE an application for a Precise Plan of Development filed by John and Mertz Maher to allow first and second story additions to an existing two-story single family residence on property located within the Hillside Overlay District in the R-1 Zone at 3820 Newton Street; and

WHEREAS, the City Council of the City of Torrance conducted a public hearing on July 15, 2008, to consider an appeal of a Planning Commission's Denial of a Precise Plan of Development filed by John and Mertz Maher to allow first and second story additions to an existing two-story single family residence on property located within the Hillside Overlay District in the R-1 Zone at 3820 Newton Street; 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 1, Article 41 of the Torrance Municipal Code; and

WHEREAS, additions to single family residences are Categorically Exempted by the 2008 Guidelines for implementation of the California Environmental Quality Act, Class 1, Section 15301 (e); and

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

- A) That the property address is 3820 Newton Street.
- B) That the property is located on Lot 11 of Tract 32854.
- C) That the project is in compliance with both the R-1 Zoning and the Low-Density Residential General Plan designation for this site.
- D) That the proposed additions will not have an adverse impact upon the view, light, air, or privacy of other properties in the vicinity, because the proposed one and two-story

additions have been designed to have a maximum of a 21 foot height to prevent view impairments. The properties to the south are at a higher elevation and do not appear to be impacted. The properties to the north are at relatively the same elevation and do not appear to be impacted. The properties to the west are at a significantly higher elevation and do not appear to be impacted. The properties to the east are not located in the Hillside Overlay District.

- E) That the proposed additions will cause the least intrusion on the view, light, air, or privacy of other properties in the vicinity, because the additions have been located towards the front of the property, where the front yards are located on the adjacent properties, in order to limit privacy impacts to adjacent properties.
- F) That the design of the additions provides an orderly and attractive development in harmony with other properties in the vicinity, because the design features painted siding on the walls with asphalt composition gable roofing, which are materials and designs consistent with the existing subject property and other residences in the vicinity.
- G) That the additions have been designed to insure that the development will not have a harmful impact upon the land values and investment of other properties in the vicinity, because the proposed additions of the existing residence represent a significant improvement of the subject property, which would increase property values.
- H) That the granting of this application would not be materially detrimental to the public welfare or to other properties in the vicinity, because the project is designed with heights that meet the code requirements and are lower towards the front to limit the potential for view impairment and the project either meets or exceeds all front, side and rear yard setback requirements.
- I) That the proposed additions will not cause or result in an adverse cumulative impact on other properties in the vicinity, because it would be compatible with the surrounding pattern of development in both design and materials.
- J) 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 height, because the size of the lot would make it difficult to build otherwise and maintain a usable rear yard, without increasing the height of the residence.
- K) That the denial of this request to increase the height will constitute an unreasonable hardship, because the size of the lot would make it difficult to build otherwise, while preserving the rear yard area; and the denial of this request to permit the orientation of the garage as a "pass-through" will constitute an unreasonable hardship, because orienting the garage door to face the front of the property would make access for a disabled family member difficult, as the property slopes downward towards the front.

Additionally, Newton Street curves at this location and poses limited visibility for backing out of the property.

- L) That the granting of such application would not be materially detrimental to the public welfare and to other properties in the vicinity, because the project complies with the development standards for the R-1 Zone and the existing residence is already two stories.

NOW, THEREFORE, BE IT RESOLVED that PRE07-00028, filed by John and Mertz Maher to allow first and second story additions to an existing two-story single family residence on property located in the Hillside Overlay District in the R-1 Zone at 3820 Newton Street, 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 07-00028 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 07-00028 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 addition at the highest point of the roof shall not exceed a height of 21.00 feet as represented by the survey elevation of 130.14 feet for the highest ridge based on the lowest adjacent grade of 109.14 (located at the northeastern perimeter of the building), based on a bench mark elevation of 100.76 feet located within the public right-of-way along Newton Street at the northwest corner of the property, as shown on the official survey map on file in the Community Development Department; (Development Review)
4. That the final height of the addition shall be certified by a licensed surveyor/engineer prior to requesting a framing or roof-sheathing inspection and shall not exceed a survey elevation of 130.14 feet for the highest ridge based on the benchmark of 100.76 feet located within the public right-of-way along Newton Street at the northwest corner of the property, as shown on the official survey map on file in the Community Development Department; (Development Review)
5. That color and material samples of the proposed home shall be submitted for review to the Community Development Department; (Development Review)

6. That automatic garage roll-up doors shall be provided for both garage doors to the satisfaction of the Community Development Director; (Development Review)
7. 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)
8. That within 30 days of the final public hearing, the applicant shall remove the City's "Public Notice" sign to the satisfaction of the Community Development Director; (Development Review) and
9. 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 July 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 _____

CITY OF TORRANCE**INTEROFFICE COMMUNICATION****DATE: January 24, 2008**

TO: Jeffrey Gibson, Community Development

FROM: City Clerk's Office

SUBJECT: Appeal 2008-04

Attached is Appeal 2008-04 received in this office on January 24, 2008 from John and Mertz Maher, 3820 Newton Street, Torrance, CA 90505. This appeal is of Planning Commission's denial made on January 16, 2008 regarding PRE07-00028: JOHN AND MERTZ MAHER located at 3820 Newton Street, Torrance, CA 90505 citing that they believe the Planning Commission based their denial on unreasonable objections from the neighbors. They further believe this denial will cause undue hardship and loss of enjoyment of their home and property.

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

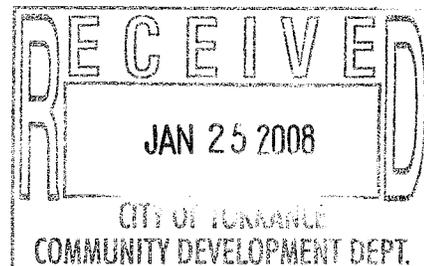
SECTION 11.5.3. PROCEDURE AFTER FILING.

- 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





CITY OF TORRANCE

RECEIVED

APPEAL FORM

2008 JAN 24 AM 9:48

AN APPEAL TO:

- City Council
- Planning Commission
- _____

RETURN TO:

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

RE: PRE07-00028: JOHN & MERTZ MAHER
 (Case Number and Name)

Address/Location of Subject Property 3820 NEWTON ST., TORRANCE
 (If applicable) 90505

Decision of:

- Administrative Hearing Board
- Airport Commission
- Civil Service Commission
- Environmental Quality & Energy Conservation Commission
- License Review Board
- Planning Commission
- Community Development Director
- Special Development Permit
- Other _____

Date of decision: 1/16/2008 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.*

We believe the Planning Commission based their denial on unreasonable objections from our neighbors. We further believe their denial will cause us undue hardship and loss of enjoyment of our home & property.

Name of Appellant Mertz and John Maher

Address of Appellant 3820 Newton St, Torrance 90505

Telephone Number (310) 375-2643

Signature Mertz Maher John F. Maher MD

Appeal Fee paid \$ 160.00 Date 1/29/08 Received by MDA

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

January 22nd, 2008

We are appealing the recent denial by the Planning Commission of the proposed first and second story addition to our home at 3820 Newton Street, Torrance to the City Council. At their meeting January 16th, 2008, the Commission voted to deny **PRE07-00028: JOHN & MERTZ MAHER**, despite a recommendation of approval from the Planning Department that took into consideration and addressed all aspects of the Hillside Overlay District. We believe this denial was based on the objections raised at the meeting by three of our neighbors, and we further believe that their objections are unreasonable and cause us undue hardship and the loss of enjoyment of our home and property.

Two neighbors with concerns live across the street from us, next door to one another. The first of these to speak was Kitty (Adonovich?). Her opinion was that the addition was too tall, too imposing and too close to the street. Next, Don Ponder stated that it was too massive and impaired his view of the trees that run along the city limits at the top of the hill behind us. Thirdly, the neighbors who currently live directly next door to us to the south, Michael Forbes and Marisol DeRose, said the addition, if allowed, would adversely affect the privacy, light and view of their home. They presented photos to the members of the Planning Commission, but as they were given to the Planning Department late and not part of the original packet, we did not see them until after the meeting.

Our project designer, Dave Cole, worked extensively with the Planning Department before presenting his design to us. He is quite familiar with the criteria of the Hillside Overlay District and a large part of the reason we hired him for this project and a previous one was this familiarity. The location of our addition, as well as its design, were chosen to have the least impact upon our neighbors while at the same time allowing us to reasonably enjoy our property.

To address the concerns of our neighbors we will begin with Kitty. Her property is across the street from us and her two story home is at an elevation slightly lower than the street. Our home, by the nature of it's being on a hillside, is at an elevation slightly higher than the street. Perhaps it is this height difference that makes her think our project is too tall or too imposing. She lives on a very narrow lot that is approximately 25 feet in width. Most of the lots in the neighborhood are 50 feet wide and ours is rare in that it is 75 feet wide. Her home, including the parking space in front of it, is about 34 feet from the street. (This is an approximation, as we did not want to trespass on her property to measure so we used a laser.) In comparison, the side of our addition nearest the street would be about 33 feet from the street, while the remainder of, and the majority of, our house sits back about 60 feet. Also, the proposed garage is very close to how far our neighbor's garage next door to the northwest of us sits back from the street. We have a large Willow Myrtle tree that is currently about 21 feet high and may reach 35 feet at maturity, as well as a row of smaller fruit trees, between the proposed addition and the

street. We believe this large tree will “cushion” the view of the proposed addition from the street. We understand that Kitty thinks our addition appears high in comparison to her house but don’t think it is reasonable or fair our home should be limited by the size and elevation of her home and lot. There are many houses in the neighborhood larger than hers. When our three neighbors to the rear of us, who are higher up on the hill than we are, first built their homes they seemed tall to us, too, but that’s the nature of the hillside. We reiterate here that the height of our existing home is well below the maximum allowable height and our proposed addition is below the existing home’s height.

When Mr. Ponder told the Planning Commission that our addition would block his view of the trees along the city property limits we were confused. But we went home and could see which trees he was talking about. They are behind us on top of the hill where Torrance and Palos Verdes meet along the bridal trail. Between his house and these trees lie Newton Street, Bluff Street, Paseo De Las Tortugas and even a portion of Valmonte. Needless to say, with all these streets lined with closely situated homes, Mr. Ponder has a very interrupted view of the line of beautiful trees against the skyline. Our addition is one more thing for Mr. Ponder to look past and it does add one more small interruption to the line of trees but we don’t believe it noticeably impacts his view. As for Mr. Ponder thinking the addition seemed high, we would assume that is because his house, like Kitty’s, is at a lower elevation than the street and we are higher due to the hillside.

And, finally, Mr. Forbes and Ms. DeRose’s concerns need addressing. Our proposed addition is in the center of our property with about 27 feet between it and either side of our property. The addition is also located further towards the street than their house, so that its windows look out on their driveway and front lawn, not their house. It is a standard size garage with a room over it that would adjoin our master bedroom. These neighbors think the addition will block their light and affect their privacy. However, we went to great lengths to put the addition as far as possible from their house and the house on the other side of us. Including their own 5 foot setback from the property line, the nearest part of their home, and thus their window, is about 32 feet from the addition. Between their driveway and our addition are large rose bushes, a side lawn, 2 large apricot trees about 15 ½ feet high (and still growing!) and the width of our driveway. The sun passes at a diagonal across our properties as it moves east to west and their house will not be shaded by our addition. We believe this orientation and location maintain plenty of air and light as well as the level of privacy now in place between the two houses. Our existing home and theirs are about 12 feet apart along most of their lengths so this 32 foot space definitely provides more privacy, air and light than either of us enjoys along the sides of our houses. Their kitchen window looks down and towards a window in our family room. A door off that family room with a screen door which is often left open for ventilation purposes is directly across from and below their dining area window on the Northwest side of their home at a distance of about 12 feet. They do not have either screens or window coverings of any kind on their windows and when driving past on Newton, particularly at night, their dining room is as easy to look into as if it were a fishbowl. I say this from experience, having grown up in that house which my father built. Even though we had sheers, when the drapes were open we were very conscious

that we were in full view of anyone driving by when standing or sitting in that dining room. There's just not much expected privacy without curtains. We can look right into their dining room from our master bedroom now, without need of an addition. But we've never gotten up close to the glass and craned our necks that direction in the 20 years we've been in this house. That's just not how you look out a window or what you do to neighbors. It would be the same with the windows proposed on our addition. There are two dormer windows on that side on the second story and they look out towards the yard in front of these neighbors' house, not at their house. This yard is completely open and exposed to the street, again with no possible expectation of privacy. A built in cabinet with a standard height counter top is planned for the dormer closest to their house (approximately 32 feet from it) so in order to get up close to the glass and crane your neck sideways to look at the neighbor's house one would have to climb up on the counter. The other dormer on that side will either house a treadmill or a chair, either one of which will be pointed towards the center of the room with an eye to entertainment to ward off boredom in the case of the treadmill, or to conversation in the case of the chair, but in neither case towards the neighbors for privacy invasion.

As regards our next door neighbors' assertions that our addition would block their view we think that depends on your definition of a view. Planning Department Staff went out to the site and also reviewed photos of the view that the neighbors submitted. They then recommended approval of our addition. I lived in their house for 26 years and I am very familiar with the view. After I moved out of it and into the house we built and currently live in, my brother and his wife bought the house so I was there frequently for another 15 years. During the day there are power lines and poles everywhere you look and we live in quite a hodge-podge of a neighborhood with heavy traffic. Without sidewalks and curbs, everyone's front yard seems to end where they decide it does and they landscape up to that point if you're lucky. Yes, there are twinkling lights to be seen at night through the trees in the area, and there are planes to watch taking off from Torrance airport but our addition doesn't block those views. What we feel is a stretch is that Mr. Forbes told the Planning Commission that our addition would cut off his "view" of Malibu and the Getty. We looked out our window after he expressed his fears. Even with binoculars, the Getty is a beige speck with no architectural details and you must be looking at it on one of those rare haze and smog free days to see even this. Can a person in our neighborhood reasonably expect to control all that is between his house and the Getty so he can continue to see this speck? There are trees growing taller, high rise buildings present and future, power lines, etc, across Torrance, Hermosa, Hawthorne, Inglewood, Culver City, Santa Monica, etc. between his house and the Getty. Can he reasonably consider this "his" view? We would argue that he can't.

We would like to address the photos that our next door neighbors presented to the Planning Commission. When we first looked at them we couldn't figure out why our addition looked so close when viewed from their window in some photos but not in others. The shrubs in the yard two houses over from us, on the side opposite of Mr. Forbes and Ms. DeRose's, are about 140 feet away from their window and yet they have been photographed to look like they are right outside in two of the photos. We would hazard a guess that a zoom/telephoto lens or some other means has been used to get this

effect. Although Mr. F. and Ms. D complain that the addition would affect the view from their balcony and be very imposing in relation to their entrance and driveway, we believe the photos they submitted contradict this. Their driveway and entrance will still be wide open. The three large city supplied trashcans they keep in front of their house seem like a larger impediment to a nice view and entrance than our addition does. Also, these photos were taken recently, during the short time of the year that our apricot trees have lost their leaves and are mere skeletons of what they are the rest of the year. When leafed out they block much of the view that our neighbors are afraid the proposed addition will block. And they will continue to grow in height and block more as they mature. They are just really coming into their own these last two years as far as fruit production. They've been trimmed and shaped to the bare bones in preparation for the new leaves that are just starting to be visible as buds. They will be beautiful, leafy trees full of maturing fruit for much of the year and they'll be considerably taller in a month or two. We would expect them to be 22 – 25 feet tall at full maturity, actually taller than our proposed addition. We planted them for the fruit (before our neighbors moved in), which we preserve every year, as we do with much of the fruit from our 22 fruit trees.

We believe the Hillside Overlay District was created to allow every resident to reasonably enjoy their home and property to the maximum with the least impact on their neighbors so they can do likewise. This has been foremost in our planning of our addition and we think this is evident from the recommendation of the Planning Department. Including the proposed addition, our FAR is 0.43, well below the maximum allowance of 0.60. We have situated the proposed addition as far from our neighbors as possible, with no windows looking at their houses. The materials to be used match our current home and the general look of the neighborhood. We are not asking for an increase in height. We believe that by improving our property we are increasing property values in the neighborhood.

11B. PRE07-00028: JOHN AND MERTZ MAHER

Planning Commission consideration for approval of a Precise Plan of Development to allow first and second-story additions to an existing two-story, single-family residence on property located within the Hillside Overlay District in the R-1 Zone at 3820 Newton Street.

Recommendation

Approval.

Planning Assistant Yumul introduced the request and noted supplement material available at the meeting consisting of correspondence received subsequent to the completion of the agenda item.

Mertz Maher, 3820 Newton Street, applicant, briefly described the proposed project. She explained that she would like to convert the existing garage into a recreation room and add a new garage with a room over it that connects to the master bedroom, which would be used to house exercise equipment. She noted that the new garage would have a pass-through design with doors in front and back and utilize the existing circular driveway to avoid having to back out onto this busy street.

Kitty Adamovic, 3811 Newton Street, related her belief that the proposed project was too large, too tall and too close to the street. She called for the structure to be pushed back 5-10 feet from the street or be limited to a single story.

Don Pomder, 3815 Newton Street, voiced objections to the project, reporting that it would interrupt his view of the tree line from his living room and entry. He expressed concerns that boulders the applicants have placed in the street in front of their property are a safety hazard. He submitted copies of a prepared statement.

In response to Commissioner Weideman's inquiry, Associate Civil Engineer Symons provided clarification regarding vacated easements along Newton Street. He explained that right-of-way easements of varying widths were vacated by the City approximately two years ago and the property was given to the homeowners, however, the property in question was not involved.

Michael Forbes, 3818 Newton Street, contended that the proposed project would intrude on his privacy; decrease the value of his property; and completely obstruct the view from west-facing windows in his kitchen and dining room, from which he can see the distant hillside and the Getty Museum.

Marisol DeRose, 3818 Newton Street, maintained that the project would block sunlight from her kitchen, dining room and living room causing them to be dark and dramatically decreasing the value of her property.

Returning to the podium, Ms. Maher disputed the claim that the addition was too close to the street, noting that the large willow tree separating the addition from the street will be retained. She explained that the boulders Mr. Pomder referred to are entirely on her property and they were placed there to prevent dirt from spilling into the street. She reported that she grew up in the home Mr. Forbes now lives in and she was

surprised by his claim of view impact because even with binoculars the Getty Museum is just a white spot in the distance. She related her belief that the proposed project would not intrude on the Forbes/DeRose's privacy or block sunlight from their house because of the considerable distance between the addition and their home. She noted that she specifically chose exterior materials so that the addition would blend with the existing home.

Commissioner Browning reported that he visited the site several times and believed that the project was too massive. He noted that the Hillside Ordinance does not just address the impact on view, light, air and privacy, but also was intended to address the mass of a project. He indicated that he would be more inclined to support the project if the second story was eliminated or the space was added to the rear of the property.

Ms. Maher explained that she has two handicapped children who will most likely live with her and her husband for the rest of their lives, therefore they need an area adjacent to the master bedroom where they can have some privacy. She reported that an addition to the rear was not feasible because there is a pool in the backyard and 22 fruit trees.

Commissioner Browning stated that he sympathized with Ms. Maher regarding the situation with her children, but that did not change his opinion of the project.

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

Commissioner Weideman reported that he initially thought the project would not create any problems, however, he revisited the site today and observed that the structure would block view corridors to the west and northwest at 3818 Newton Street, therefore he could not support it.

MOTION: Commissioner Browning moved to deny PRE07-00028 without prejudice. The motion was seconded by Commissioner Weideman, and discussion continued.

Commissioner Horwich proposed continuing the hearing to allow the applicants an opportunity to see if they could mitigate their neighbors' concerns.

Commissioner Uchima reported that he had not investigated claims of view impact because he was not aware of them until receiving the supplemental material this evening, but his initial impression on viewing the silhouette was that the project was very massive and out of character with the neighborhood. He indicated that he also favored a continuance so the applicants could redesign the project.

Commissioner Browning withdrew his motion.

MOTION: Commissioner Horwich moved to continue the matter indefinitely. The motion was seconded by Commissioner Uchima, and discussion continued.

The public hearing was reopened so Ms. Maher could comment.

Ms. Maher stated that she could not think of any other way to design the project so there was no point in granting a continuance.

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

Commissioner Horwich withdrew his motion.

MOTION: Commissioner Browning moved to deny PRE07-00028 without prejudice. The motion was seconded by Commissioner Weideman and passed by unanimous roll call vote.

Chairperson Busch noted that a resolution reflecting the Commission's action would be brought back for approval at the next meeting

AGENDA ITEM NO. 11B

CASE TYPE & NUMBER: Precise Plan of Development PRE07-00028

NAME: John and Mertz Maher

PURPOSE OF APPLICATION: Request for approval of a Precise Plan of Development to allow first and second story additions to an existing two-story single family residence on property located in the Hillside Overlay District in the R-1 Zone.

LOCATION: 3820 Newton Street

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

ADJACENT ZONING AND LAND USE:

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

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

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

WEST: R-1/Hillside Overlay District; Two-Story, Single Family Residences

GENERAL PLAN DESIGNATION: Low Density Residential

COMPLIANCE WITH GENERAL PLAN:

This property has a General Plan Land Use Designation of Low Density Residential allowing up to nine dwelling units per acre. The proposed construction of a two-story addition to an existing single family residence on this property is consistent with Low Density Residential designation.

EXISTING IMPROVEMENTS AND/OR NATURAL FEATURES:

The subject property is currently developed with a two-story, single family residence with an attached garage. The lot slopes downward with a grade differential of approximately 15 feet from the rear to the front of the property.

ENVIRONMENTAL FINDINGS:

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

BACKGROUND AND/OR COMMENTS:

The development history of the subject site commenced with a Precise Plan (PP87-7), which was approved by the Planning Commission on May 20, 1987, to allow the construction of a two-story single family residence, built circa 1988. A Modification of Precise Plan (MOD96-00019) was approved by the Planning Commission on December 4, 1996, for first and second story additions, which were completed in 1997.

Additionally, several building permits were issued and finalized in 1998 for the construction of tenant improvements, including wrought iron fencing and a swimming pool.

Currently, the applicant requests approval to construct supplementary first and second story additions. Approval of a Precise Plan of Development is required because the project involves a proposed addition over 14 feet in height to a single family residence located within the Hillside Overlay District.

The subject property is located on the south side of Newton Street between Los Codona and Neece Avenues, west of Hawthorne Boulevard. The lot is rectangular in shape and slopes downward with a grade differential of approximately 15 feet from the rear to the front of the property. The properties to the south are at a slightly higher elevation than that of the subject site, and are generally smaller lots with one and two-story residences. The properties to the north are at relatively the same elevation, and are smaller lots with one and two-story residences. However, the properties on the east side of Newton Street are not within the Hillside Overlay District. The properties to the west (rear) are significantly higher in elevation, above a slope containing vegetation. The properties to the east, located on the east side of Newton Street are not within the Hillside Overlay District and are at a slightly lower elevation.

The subject lot is generally larger than most lots in the area, at approximately 9,713 square feet, with a width of approximately 75 feet, and a length of approximately 130 feet. The applicant has provided setbacks that meet and/or exceed the code requirements, with a front yard setback average of more than 20 feet, with the closest point at 15 feet, and side yard setbacks at or greater than 7 feet, the rear yard slopes up significantly with a setback of approximately 34 feet. The existing residence is accessed via a circular driveway located on Newton Street.

Currently, there is 991 square feet of floor area on the first floor, 1,557 square feet on the second floor, and a 518 square foot two-car garage, for a total of 3,066 square feet. The first floor of the residence contains a living room, dining room, kitchen, breakfast nook, family room, one bedroom with a bathroom, and a powder room (half bathroom). The second floor contains a master bedroom suite with a bathroom and deck area, three additional bedrooms, a bonus room (office) and three additional bathrooms.

This request would provide for first and second story additions. The first story changes include the conversion of the garage into a recreation room (518 square feet), with an additional increase of living area for the recreation room, which flanks the new enclosed stairway access area of approximately 110 square feet. This stairway leads into a new two-car garage of approximately 460 square feet attached to the front of the house, in front of the new recreation room. The additions for the first floor (including new garage) total 1,088 square feet. The second story addition of 562 square feet consists of the construction of an exercise room above the new garage, accessed via the master bedroom.

The proposed additions would modify the existing multiple gable roof lines, to incorporate two additional ascending gables over the garage and exercise room on the second floor. The second story addition is shown as 21 feet in height, for a length of approximately 29 feet. The existing residence is 22 feet 9 inches in height. A pass-through design is requested for the proposed garage, as it is proposed to be located within the width of the circular driveway. The roll up doors are proposed on the north and south sides of the addition, while the front elevation of the garage is designed to resemble the residence, with similar façade materials, including stone, siding, asphalt composition roof, and windows. Currently, the garage is designed so that the roll up garage doors face Newton Street. In the judgment of Staff, the pass-through design, in this case, is warranted, as Newton Street, at this location experiences a potential for line-of-sight and safety concerns, when backing out of the driveway. As the property already benefits from the existing circular driveway, allowing a pass-through garage with two roll up doors on either end is prudent, and would not require the creation of any new curb cuts. The second story addition also contains similar façade materials as mentioned above, along with two dormers on both the north and south elevations.

With the proposed first and second floor additions, the living area totals 3,738 square feet, and including the 460 square foot two-car garage, the new residence provides 4,198 square feet, with a Floor Area Ratio (F.A.R.) of 0.43, which is less than the maximum F.A.R. allowed by code (0.60).

The project summary is included below for your convenience:

PRE07-00028	Existing	Proposed Additions	Proposed Project
1st Floor =	991 sf	Garage Conversion 518 sf	1,619 sf
		Rec Room & Stairway 110 sf	
Subtotal =	991 sf	628 sf	1,619 sf
2nd Floor =	1,557 sf	562 sf	2,119 sf
Total Living Area =	2,548 sf	1,190 sf	3,738 sf
Two-Car Garage =	518 sf	460 sf	460 sf
Total Area =	3,066 sf	1,650 sf	4,198 sf
F.A.R. =	0.32		0.43
Building Height =	23 feet 9 inches	21 feet	
Lot Area = 9,712.5 square feet			
Proposed Footprint = 2,590.34 square feet, Lot Coverage = 27%			

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 #4). Additionally, the applicant has provided written correspondence to City Staff dated November 1, 2007, providing additional explanation for their request (Attachment #6) The applicant was required to construct a silhouette to demonstrate the potential view impacts. The height of the silhouette has been verified by a licensed engineer (Attachment #5), and a field inspection was made by staff.

The proposal does not appear to block any views across the subject property that are significant in nature, because the immediate properties to the south are at a higher elevation, and the properties to the north are relatively at the same elevation. Furthermore, the properties to the west are situated at a higher elevation atop a substantial slope. The properties to the east are at a slightly lower elevation than the subject property; however, these properties are not within the Hillside Overlay District. Furthermore, there does not appear to be any views across the property in a north-south direction, and lastly, staff observed that an existing large willow tree is located between the front of the property line and the proposed new garage addition.

The applicant has taken into account any potential privacy issues with the design of their proposed addition, as the second story addition containing windows on both the north and south elevations, have been designed towards the front of the property, and face the front yard area of the neighbor to the south and the garage and front yard of the neighbor to the north. The proposed height of the window sills are between 11 and 13 feet.

As proposed, the development does not appear to produce view impairments that are significant in nature. The proposed height is within the maximum of 27 feet allowed by code and the setbacks of the proposed additions, which meet and/or exceed the required amounts, help prevent significant impacts to light, air and privacy of their surrounding neighbors. Due to the elevation difference between the subject property and the properties located to the rear and due to the existing physical relationship with the adjacent properties, staff determines that the subject request will not have a harmful effect on surrounding properties and does not appear to result in significant impacts on view, light, air or privacy. Therefore, staff recommends approval of this request.

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

PROJECT RECOMMENDATION: APPROVAL

FINDINGS OF FACT IN SUPPORT OF APPROVAL: Findings of fact in support of approval for the project are set forth in the attached Resolution.

RECOMMENDED CONDITIONS, IF PROJECT IS APPROVED:

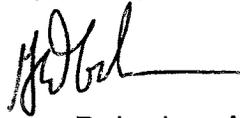
Recommended conditions of the proposed project are set forth in the attached Resolution.

Prepared by,



Yolanda Gomez
Planning Associate

Respectfully submitted,



Gregg D. Lodan, AICP
Planning Manager

ATTACHMENTS:

1. Resolution
2. Location and Zoning Map
3. Code Requirements
4. Hillside Ordinance Criteria Response Sheet
5. Silhouette Verification
6. Correspondence
7. Site Plan, Floor Plans, and Elevations (Limited Distribution)

PLANNING COMMISSION RESOLUTION NO. 08-003

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 FIRST AND SECOND STORY ADDITIONS TO AN EXISTING TWO-STORY SINGLE FAMILY RESIDENCE, ON PROPERTY LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 3820 NEWTON STREET.

PRE07-00028: JOHN AND MERTZ MAHER

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on January 16, 2008, to consider an application for a Precise Plan of Development filed by John and Mertz Maher to allow first and second story additions to an existing two-story single family residence on property located in the Hillside Overlay District in the R-1 Zone at 3820 Newton Street; 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 1, Article 41 of the Torrance Municipal Code; and

WHEREAS, the project is determined to be Categorically Exempted by the Guidelines for implementation of the California Environmental Quality Act, Class 1, Section 15301 (e); and

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

- A) That the property address is 3820 Newton Street.
- B) That the property is located on Lot 11 of Tract 32854.
- C) The project is in compliance with both the R-1 Zoning and the Low-Density Residential General Plan designation for this site.
- D) The proposed additions will not have an adverse impact upon the view, light, air, or privacy of other properties in the vicinity, because the proposed one and two-story additions have been designed to have a maximum of a 21 foot height to prevent view impairments. The properties to the south are at a higher elevation and do not appear to be impacted. The properties to the north are at relatively the same elevation and do not appear to be impacted. The properties to the west are at a significantly higher elevation and do not appear to be impacted. The properties to the east are not located in the Hillside Overlay District.

- E) That proposed additions will cause the least intrusion on the view, light, air, or privacy of other properties in the vicinity, because the additions have been located towards the front of the property, where the front yards are located on the adjacent properties, in order to limit privacy impacts to adjacent properties.
- F) The design of the additions provides an orderly and attractive development in harmony with other properties in the vicinity, because the design features painted siding on the walls with asphalt composition gable roofing, which are materials and designs consistent with the existing subject property and other residences in the vicinity.
- G) The additions have been designed to insure that the development will not have a harmful impact upon the land values and investment of other properties in the vicinity, because the proposed additions of the existing residence represent a significant improvement of the subject property, which would increase property values.
- H) The granting of this application would not be materially detrimental to the public welfare or to other properties in the vicinity, because the project is designed with heights that meet the code requirements and are lower towards the front to limit the potential for view impairment and the project either meets or exceeds all front, side and rear yard setback requirements.
- I) The proposed additions will not cause or result in an adverse cumulative impact on other properties in the vicinity, because it would be compatible with the surrounding pattern of development in both design and materials.
- J) 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, because the size of the lot would make it difficult to build otherwise and maintain a usable rear yard, without increasing the height of the residence.
- K) Denial of this request to increase the height will constitute an unreasonable hardship, because the size of the lot would make it difficult to build otherwise, while preserving the rear yard area; and the denial of this request to permit the orientation of the garage as a "pass-through" will constitute an unreasonable hardship, because orienting the garage door to face the front of the property would make access for a disabled family member difficult, as the property slopes downward towards the front. Additionally, Newton Street curves at this location and poses limited visibility for backing out of the property.
- L) Granting such application would not be materially detrimental to the public welfare and to other properties in the vicinity, because the project complies with the development standards for the R-1 Zone and the existing residence is already two stories.

WHEREAS, the Planning Commission by the following roll call vote APPROVED PRE07-00028, subject to conditions:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

NOW, THEREFORE, BE IT RESOLVED that PRE07-00028, filed by John and Mertz Maher to allow first and second story additions to an existing two-story single family residence on property located in the Hillside Overlay District in the R-1 Zone at 3820 Newton Street, 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 07-00028 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 07-00028 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 addition at the highest point of the roof shall not exceed a height of 21.00 feet as represented by the survey elevation of 130.14 feet for the highest ridge based on the lowest adjacent grade of 109.14 (located at the northeastern perimeter of the building), based on a bench mark elevation of 100.76 feet located within the public right-of-way along Newton Street at the northwest corner of the property, as shown on the official survey map on file in the Community Development Department; (Development Review)
4. That the final height of the addition shall be certified by a licensed surveyor/engineer prior to requesting a framing or roof-sheathing inspection and shall not exceed a survey elevation of 130.14 feet for the highest ridge based on the benchmark of 100.76 feet located within the public right-of-way along Newton Street at the northwest corner of the property, as shown on the official survey map on file in the Community Development Department; (Development Review)

5. That color and material samples of the proposed home shall be submitted for review to the Community Development Department; (Development Review)
6. That automatic garage roll-up doors shall be provided for both garage doors to the satisfaction of the Community Development Director; (Development Review)
7. 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)
8. That within 30 days of the final public hearing, the applicant shall remove the City's "Public Notice" sign to the satisfaction of the Community Development Director; (Development Review) and
9. 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 16th day of January 2008.

Chairperson, Torrance Planning Commission

ATTEST:

Secretary, Torrance Planning Commission

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

I, GREGG D. 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 16th day of January 2008, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Secretary, Torrance Planning Commission



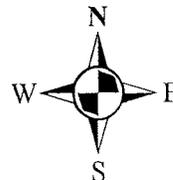
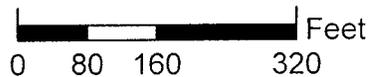
LOCATION AND ZONING MAP

3820 Newton St
PRE07-00028



LEGEND

-  3820 Newton St
-  Notification Area



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 State energy requirements.
- Provide underground utilities.

Environmental Division:

- The front yard of any property zoned for residential use shall not be more than 50% paved (92.5.14).
- The property shall be landscaped prior to final inspection (92.21.9).
- That the garages shall be provided with electric, roll-up doors.
- Provide 4" (minimum) contrasting address numerals for residential, condo, etc. uses.

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:

Proposed development does not exceed height of existing home. It is located on center front of property, away from property lines and homes on either side.

- 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:

Proposed location in center front of property provides distance from homes on both sides. Garage will allow all current trees to remain.

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

Project style will blend w/ current structure on property. Landscaping and all trees on property will remain in place.

- 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:

Design blends w/ existing home on property. Lot area is large enough and has enough vegetation to absorb size of addition.

- 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)

Project will be built on portion of current driveway and does not decrease appearance of property to neighbors or public.

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

New structure is in center of property and preserves privacy, light and air of neighbors. It is far enough back from street that it does not restrict neighbors ability to see in both directions when backing out of their driveways.

N/A

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:

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

- 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):

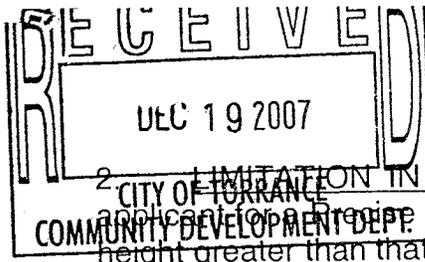
N/A

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):

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):

CITY OF TORRANCE – COMMUNITY DEVELOPMENT DEPARTMENT



No part of addition is higher than existing bldg.

N/A:

2. CITY OF TORRANCE COMMUNITY DEVELOPMENT DEPT.

INCREASES IN HEIGHT (91.41.10)

(To be completed by

Plan that would increase the height of any part of the building to a height greater than that of the existing building)

Merty Maher

- 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:

There is no other space in existing home for the purposes we wish to use the addition for - an exercise room and a garage to allow conversion of our →

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

We are aging and would like to be able to stay fit in an exercise room in our home w/out leaving our teens (who are both special needs). We also care for a 90 yr. old mother who we →

- 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):

Even w/ the addition we are within a reasonable distance of surpassing FAR on property. The proposed project allows visibility of street for adjacent properties to remain in place. Plans also allow vegetation & trees to remain.

The style of the proposed addition matches existing home and will allow for a seamless enlargement of our home.

existing garage into a centrally located recreation area for our teens which can be well monitored by ourselves. The submitted project is the only direction we can expand, as we have a pool and many trees in backyard.

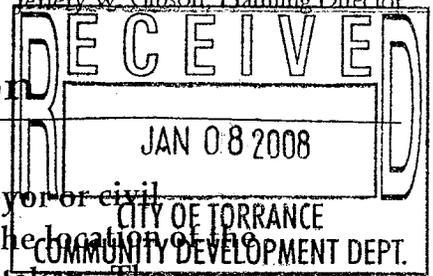
prefer to stay in house for instead of going to gym. With recreation room we can more easily monitor our teens (and their guests) than if they are upstairs in their bedrooms.



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



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 a 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 3820 NEWTON STREET
(address)

on 12-11-07, based on plans submitted to the City of Torrance
(date)

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

from a bench mark located at NORTHWEST CORNER "NAT RCE 30826"
(address)

(attach map) which established a base elevation of 100.70.

The ridge line/highest point of the roof was determined to have an elevation of 130.41.

The plans indicate that the elevation should be 130.41.

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.

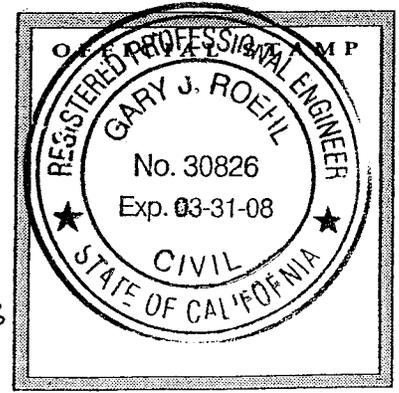
GARY J. ROEHL
NAME (please print)

RCE 30826
LS/RCE#

SIGNATURE

(310) 542-9433
PHONE

12-14-07 / REV 1-7-08
DATE



Notes: _____

00-562

TO: City of Torrance

November 1, 2007

FROM: John and Mertz Maher
3820 Newton Street
Torrance, CA 90505

310 375 2643
mertz@macsp.com

RE: Addition of new garage with exercise room over it, and conversion of existing garage to rec room at above address

Our proposed project involves converting our existing garage into a rec room and adding a new garage to the front of our house with a room above it that can be utilized as an exercise area. The existing garage location, in the center of our house makes an ideal rec room location for the family. It would give our two teens, who are both handicapped, a place to hang out with their friends that could more easily be supervised by ourselves. A new garage would be built to replace the converted one and it would have an exercise room over it which would connect to our master bedroom.

We are requesting that the new garage have doors on both ends. As this is an unusual request, we would like to provide you with information on our reasons for making it.

We have an existing circular driveway that was built at the same time as our home and is permitted. We have a wider lot than most on Newton Street, 75 feet, with plenty of vegetation (22 fruit trees alone!) so the circular drive doesn't detract from the appearance of our home and property nor the street in general. We don't think that the new garage with two doors would either. Our existing willow tree would be between the street and the new garage, as would our small mango, lemon and orange trees. The combined foliage of these trees would greatly reduce the view of the garage from the street.

My Mother is 90 and lives with us - she has lived on this property since 1945. The top of the driveway, where the new garage would be positioned, is the only flat area of the driveway and as such gives me best access for transferring my Mother from her wheelchair to the car. The door on the side of the house opposite our front door is the only door to the front yard without stairs so it is used for Mom and her wheelchair. Without a second garage door on that side, I would have to push her wheelchair down one side of the driveway, along the street and up the other side of the driveway to the garage door. Or I would have to back the car up the driveway and transfer her to the passenger side of my car on the slope, which I'm unable to do.

My sister lives next door to us on the NW. Without a second garage door I would have to do the same “down the driveway, along the street, up the driveway” maneuver when I take my Mother to her house, also, versus being able to just traverse through the garage if we have the two garage doors.

Lastly, it's a lot easier and safer to be able to enter Newton Street from our property “head first” instead of having to back into what can be fairly busy street traffic. This is the reason we initially put the circular drive in and another reason we hope to be able to continue to use it. But we need the two garage doors to do this.

We extend an invitation to the members of the Planning Commission, or those with the Building and Community Development Departments to come out and we would be happy to show you around the property.

Thank you for your time in considering this matter.

Sincerely,

A handwritten signature in cursive script that reads "Mertz Maher". To the right of the name is a large, stylized flourish or signature mark consisting of several overlapping loops and a long horizontal stroke.

John & Mertz Maher

SUPPLEMENTAL #1 TO AGENDA ITEM NO. 11B

TO: Members of the Planning Commission
FROM: Development Review Division
SUBJECT: PRE07-00028
LOCATION: 3820 Newton Street

This is a request for approval of a Precise Plan of Development to allow first and second story additions to an existing two-story single family residence on property located in the Hillside Overlay District.

Attached please find additional correspondence received, after the Staff Report for the above project was completed.

Staff continues to recommend approval of the project, as proposed.

Prepared by,



Yolanda Gomez
Planning Associate

Respectfully submitted,



Gregg D. Lodan, AICP
Planning Manager

Attachment:
1. Correspondence

Gomez, Yolanda

From: forbes michael [labrit22@yahoo.com]
Sent: Friday, January 11, 2008 3:56 PM
To: Gomez, Yolanda
Subject: 3818 Newton Street. Regarding 3820 Newton.

Please include a supplement showing my pictures and statement regarding the imposing extension plan for 3820 Newton Street.

To whom it may concern

The largest factor to consider for our property located at 3818 Newton Street with regards to the extension of 3820 Newton Street, is the extreme effect it has on the view, light and privacy in our house. At the moment two windows, one being the window over the kitchen sink and the other being a very large side window (west) in the dinning room, have a beautiful view of trees, city and mountains from them. They also both allow plenty of light to enter the house. The west dinning room window also has a large effect of the living room view. With this addition to 3820 Newton Street, these windows become engulfed by the large building, and any privacy is completely lost due to the two windows on the east side of the addition to 3820. These two windows on 3820 will look directly into the the west window of the dinning room.

This addition has a serious effect on the kitchen, dinning room and the living room and the pictures have attempted to show that as best I could. Instead of being able to see trees, city lights, the sky and mountain views, **which was a large factor in the purchase of this house**, all that will be seen is the addition to 3820 Newton Street. Having spoken to an appraiser regarding 3818 Newton Street, the fact that it has an open view and great lighting due to these west windows, has a good effect on the properties value. By taking that view and light away, and having a building killing all the privacy and view on the west side of the house, **the value is extremely effected**, and loss of the openess and views from this house will affect the **pleasure of living there**. Most of our west side windows already look directly at 3820 Newton Street.

I ask the committee to not allow this addition, because of the full destructive effects of this addition on our house. The addition also effects the view from the dinning room North window, and the balcony off the living room it has a view effect, as well as being very imposing on the entrance and driveway to 3818 Newton Street.

Michal Forbes and Marisol DeRose, owners of 3818 Newton Street, Torrance CA 90505.

Looking for last minute shopping deals? [Find them fast with Yahoo! Search.](#)

Gomez, Yolanda

From: forbes michael [labrit22@yahoo.com]
Sent: Friday, January 11, 2008 4:43 PM
To: Gomez, Yolanda
Subject: 3820 Newton Street from 3818 Newton Street.

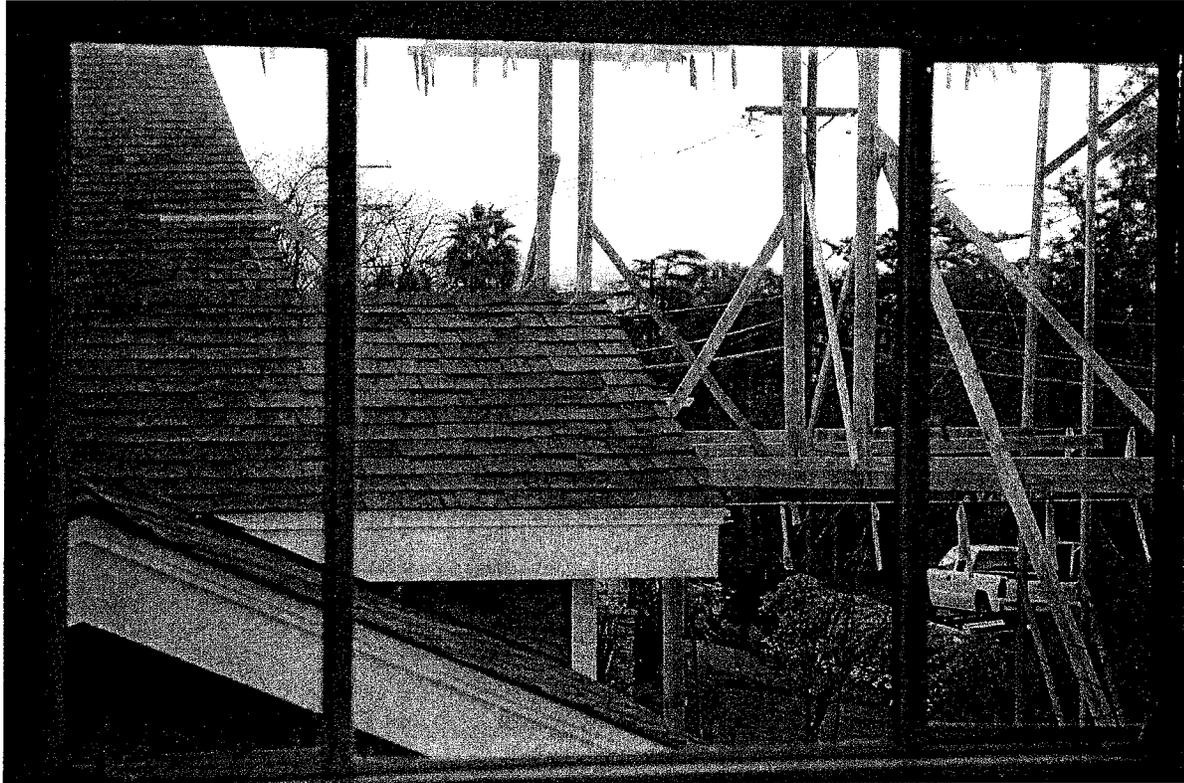
Yolanda Gomez,

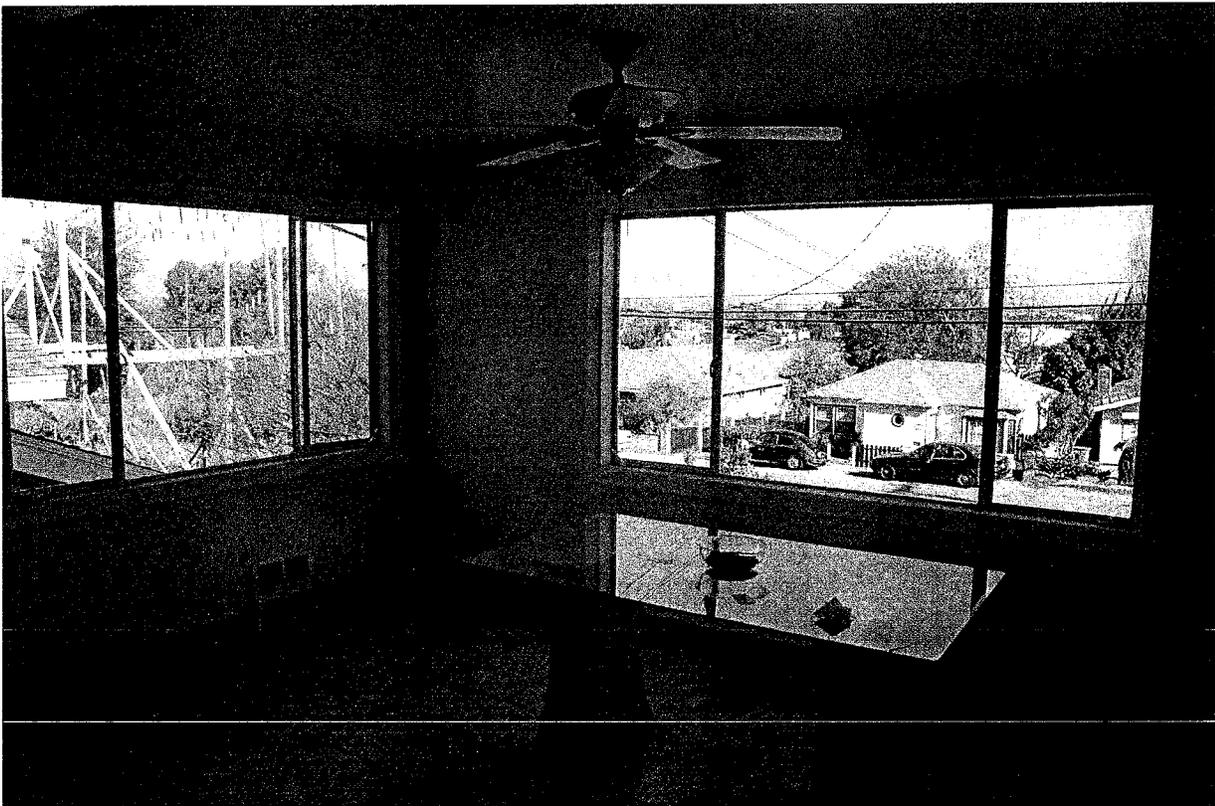
These pictures fail to show the clear view of the plans taking off from LAX, the Getty, mountains and trees. They are my best effort though and I will have copies at the hearing.

Michael Forbes

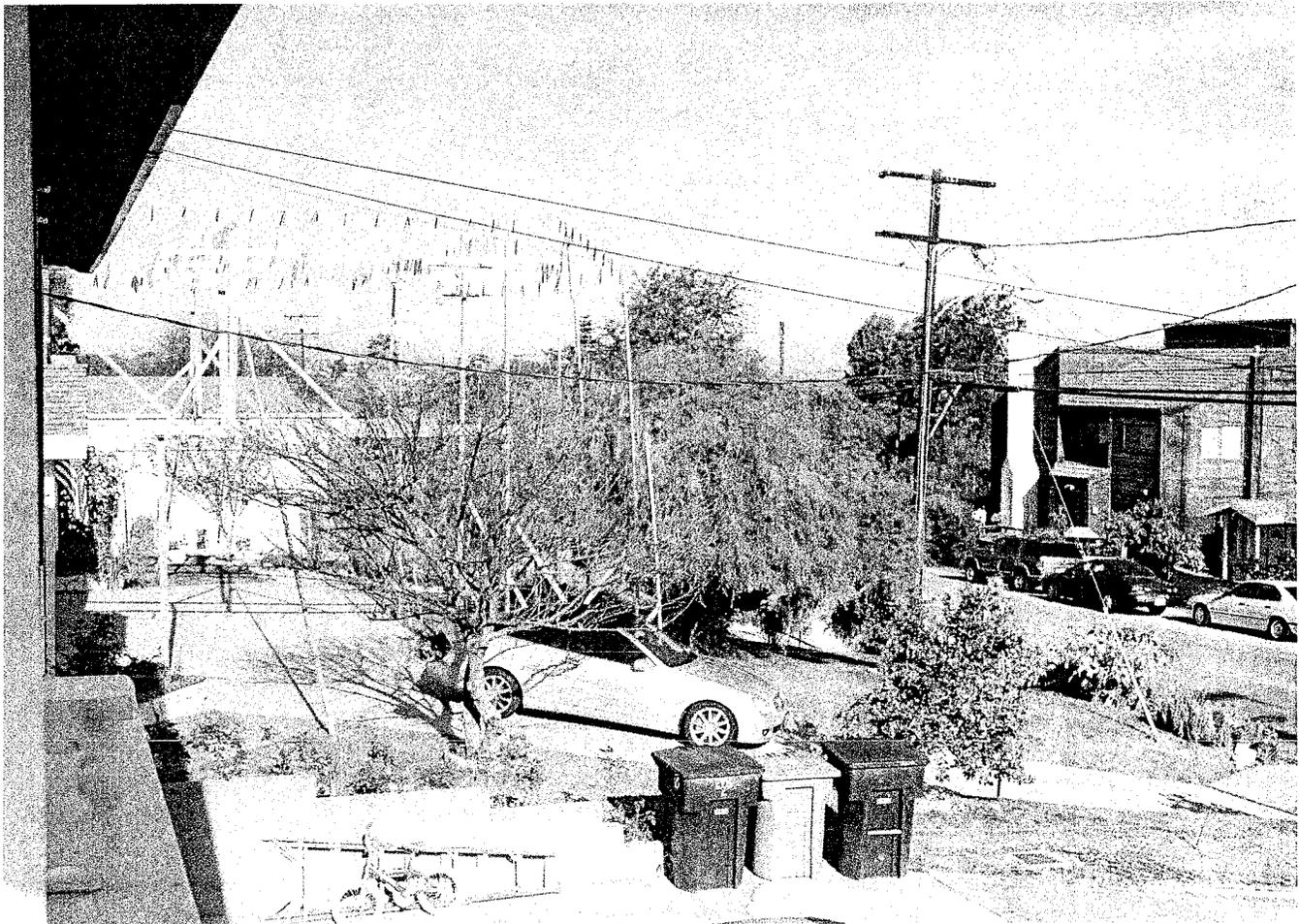
Be a better friend, newshound, and know-it-all with Yahoo! Mobile. [Try it now.](#)

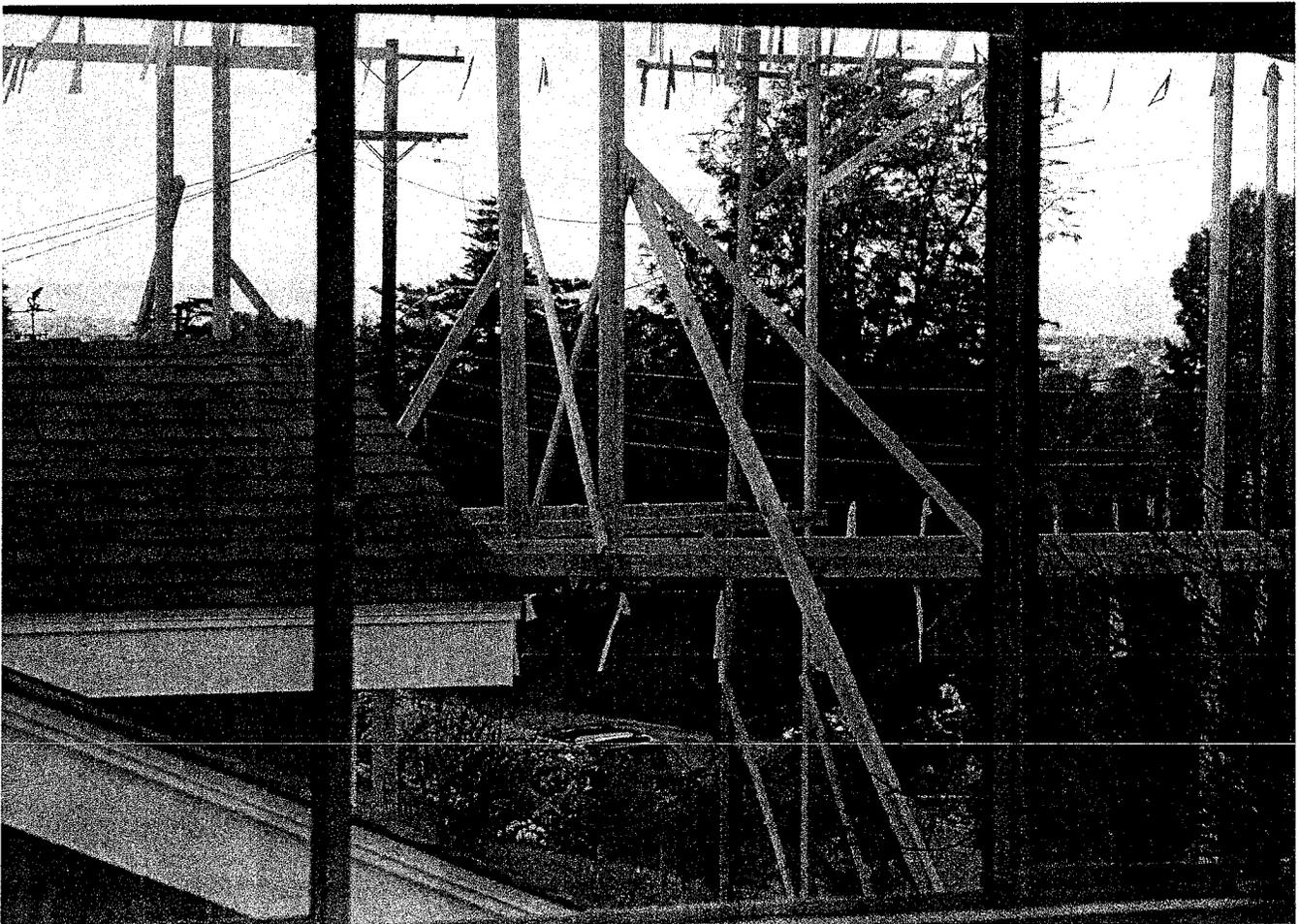


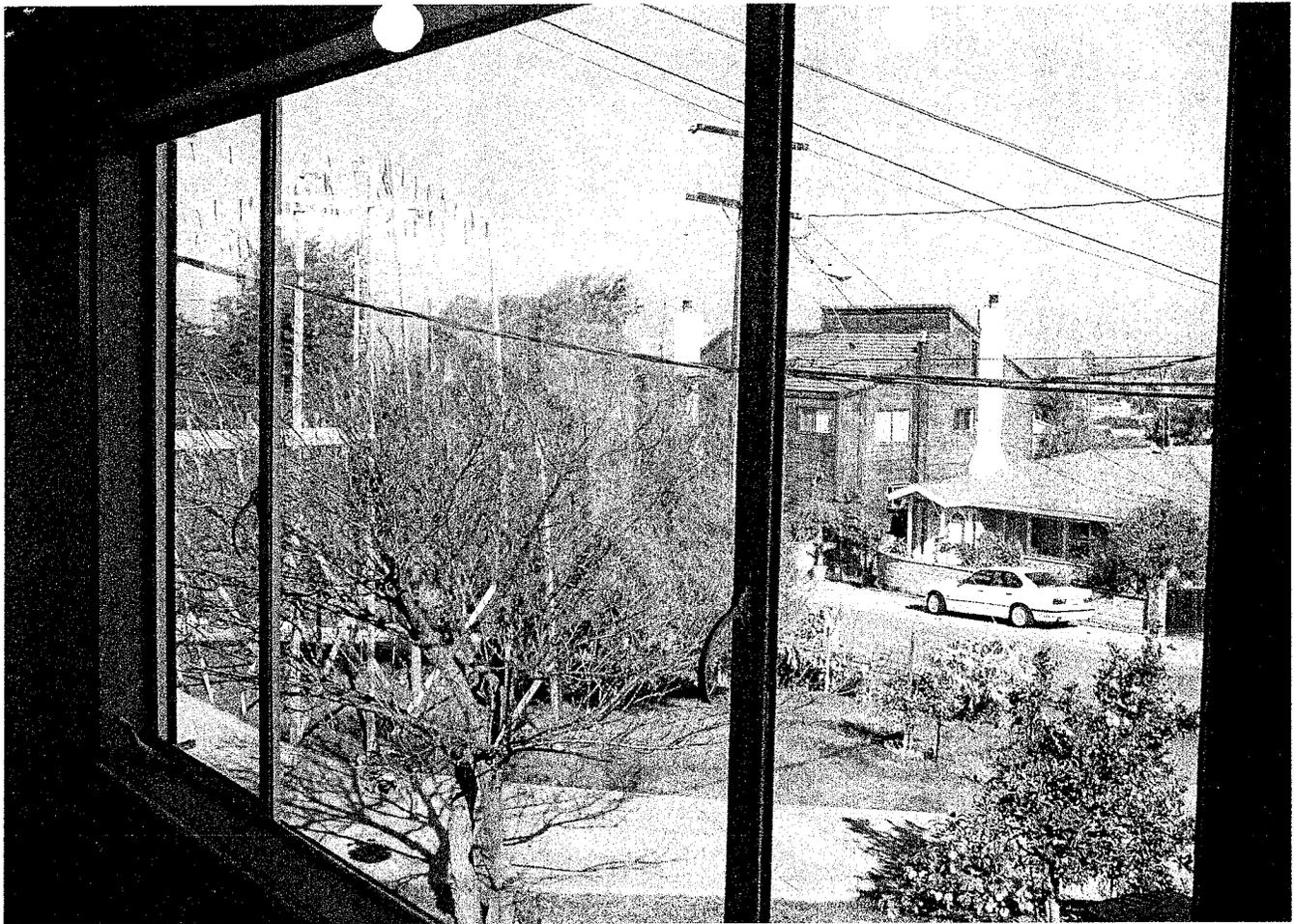


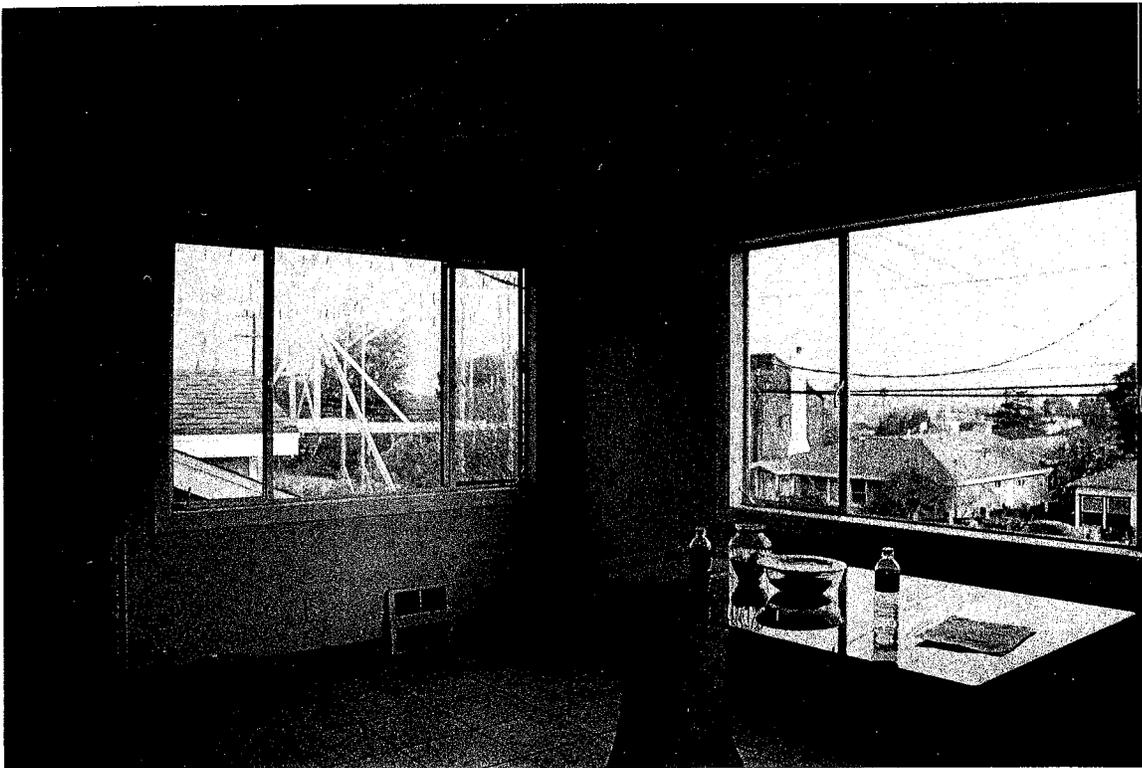
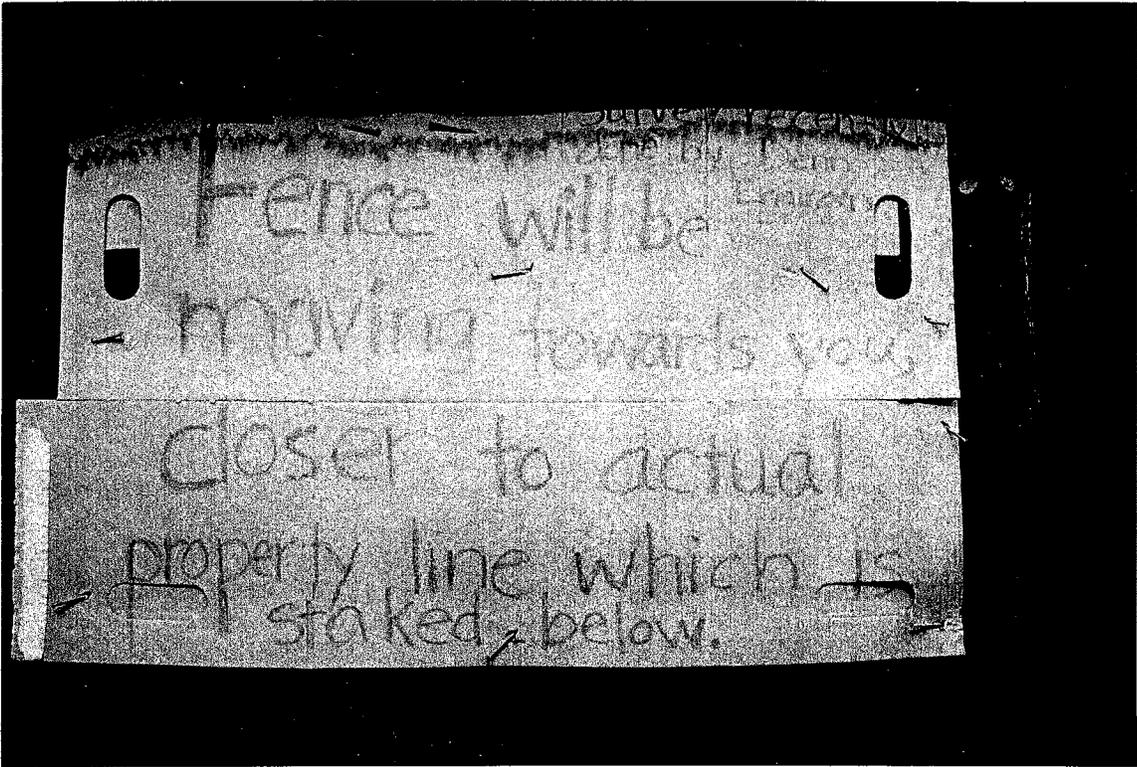
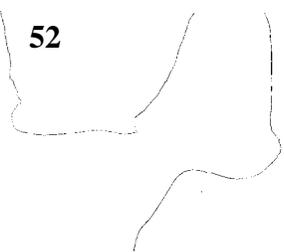




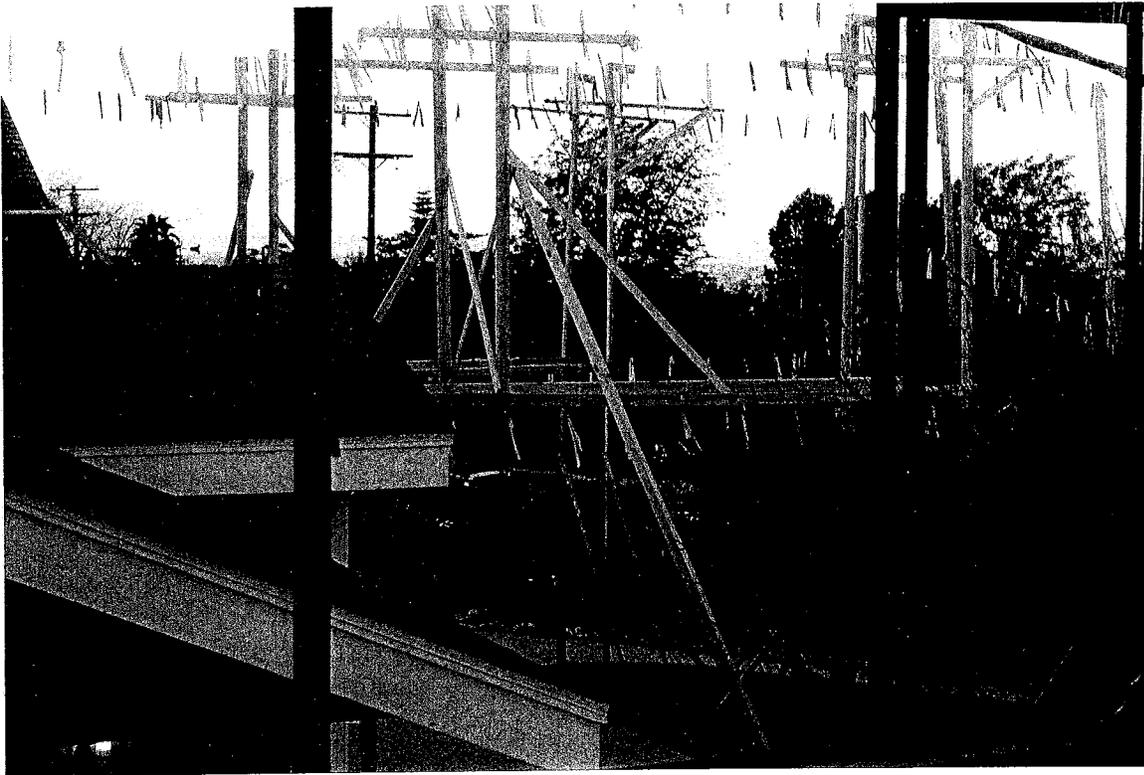


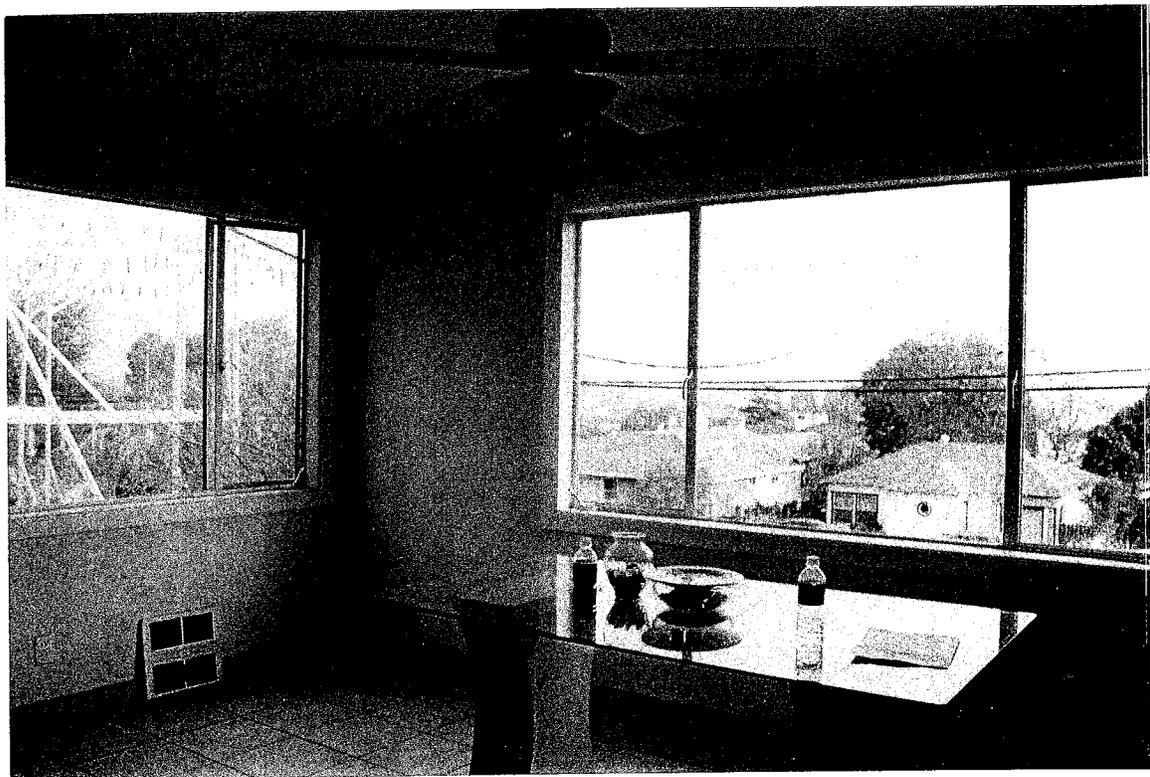
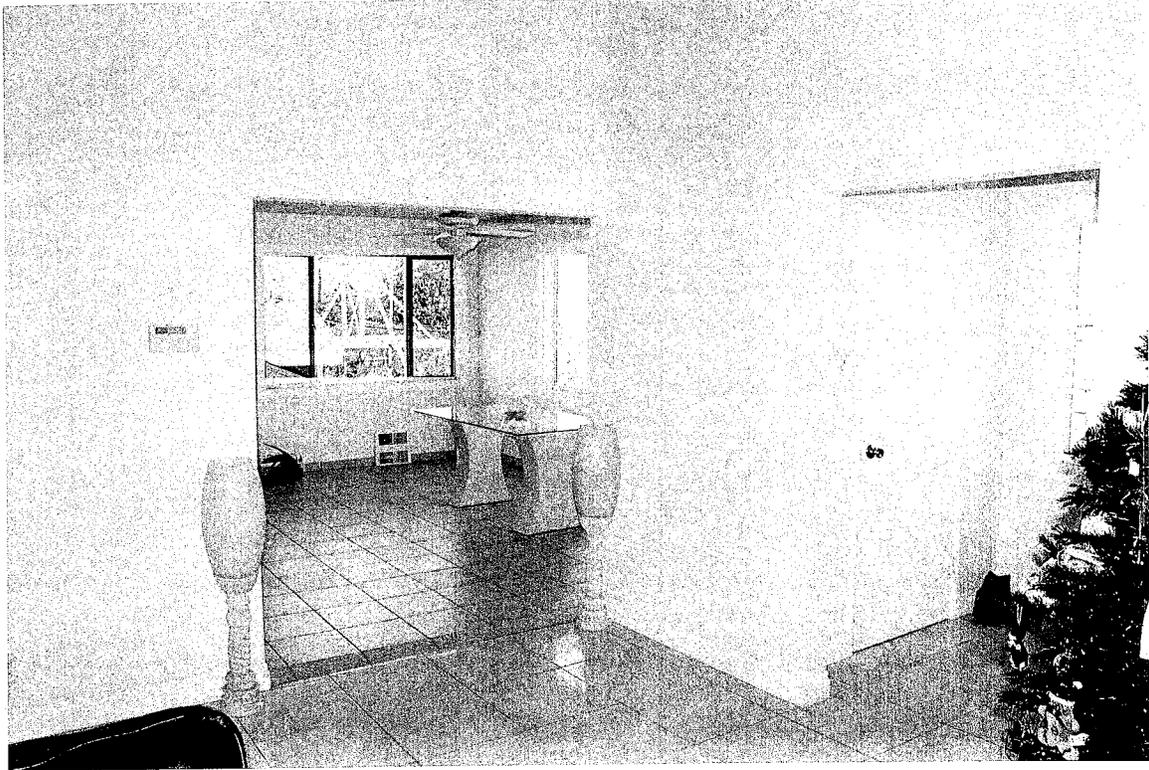












DJ Ponder 3815 Newton St. Torrance, Ca. 90505 310 373-3105

Regarding PRE07-00028 3820 Newton St., Torrance

3820 Newton St. is on the south side of Newton St., diagonal across from my home 3815. In my mind 3820 is a duplex. The east unit is connected to the west unit by an enclosed passageway at the rear of the structure which qualifies it as an R1 residence. The Wilson family is title holder to the property wherein the east unit is occupied by Mrs. Wilson and son, and the west unit is occupied by the daughter of Mrs Wilson, Mrs. Maher and family. It is a nice property as is and I would like to own it because it easily facilitates a boot-leg kitchen in the east unit. Maybe it already has one as is, whatever it is.

VISTA

3820 is on the up-slope side side of Newton. From my large living room window and entry I presently have an uninterrupted up-slope vista over all the many roof tops of the magnificent tree line at the Torrance-Rolling Hills Estates city boundary. If this remodel is allowed, I shall experience a loss of open space replaced by a greater sense of structural oppression. The neighbor at 3823 was restricted from a second story addition due to vista consideration, possibly in behalf of Wilson-Maher's duplex down-slope vista. Thereof I petition this commission to consider up-slope vista as important as down-slope vista.

Safety

My final issue regarding this property has to do with safety. The Wilson-Mahers, relative to the street construction center line, have placed boulders in the street right-of-away. A city aerial photograph displays this clearly. Referencing bench marks, the painted street center stripes are more than two feet north of the street construction centerline. Measurement from the construction center line reveals that on the south side easement the Wilson-Mahers incorporate more easement to their private use than remains for public utilization. If the commission stands in favor of this remodel I suggest they enforce a quid pro quo that all street easement in front of this property be returned to natural hard pack earth. This will eliminate the safety hazard of this property and provide street parking for the various service people that Mrs. Maher employs but will not permit to park in her circular drive and directs to the north side of the street.

A quid pro quo on the above issue does not necessitate additional expense by the City of Torrance. The total easement returned to public access and use as cleared hard pack removes the very narrowest street hazard in the block and will help alleviate the street safety and parking problem. Similar issues of street easement vacation remains to be accomplished by other residents on the south side of the street as their guests and service personel also over-burden north side parking. Night time parking, however, is most severe, and parking occurs on the south side forcing east-bound traffic not only over the construction center line but well over the center stripe. I petition the commission to consider all this in granting the remodel permit.

Thank you.

DJ Ponder

Parcel Map and Data



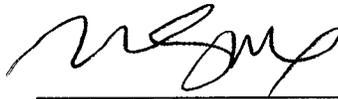
Note: Lines and photos are approximate, not to be used for establishing absolute or relative positions.

AGENDA ITEM NO. 12A

TO: Members of the Planning Commission
FROM: Development Review Division
DATE: February 20, 2008
SUBJECT: PRE07-00028 (John and Mertz Maher)
LOCATION: 3820 Newton Street

A public hearing for consideration of a proposed Precise Plan of Development to allow first and second story additions to an existing two-story, single family residence was conducted at the Planning Commission Meeting on January 16, 2008. At that meeting, a motion for denial of PRE07-00028 without prejudice passed by an unanimous vote of 7-0. A Resolution for denial of this project was not prepared for the Planning Commission's consideration, since Staff had recommended approval of this project. A Resolution for denial has been provided for the Planning Commission's consideration (Attachment No. 1).

Prepared by,



Yolanda Gomez
Planning Associate

Respectfully submitted,



Gregg D. Lodan, AICP
Planning Manager

ATTACHMENT:

1. Resolution

PLANNING COMMISSION RESOLUTION NO. 08-003

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TORRANCE, CALIFORNIA, DENYING WITHOUT PREJUDICE A PRECISE PLAN OF DEVELOPMENT AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW FIRST AND SECOND STORY ADDITIONS TO AN EXISTING TWO-STORY SINGLE FAMILY RESIDENCE, ON PROPERTY LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 3820 NEWTON STREET.

PRE07-00028: JOHN AND MERTZ MAHER

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on January 16, 2008, to consider an application for a Precise Plan of Development filed by John and Mertz Maher to allow first and second story additions to an existing two-story single family residence on property located in the Hillside Overlay District in the R-1 Zone at 3820 Newton Street; 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 1, Article 41 of the Torrance Municipal Code; and

WHEREAS, the project is determined to be Categorically Exempted by the Guidelines for implementation of the California Environmental Quality Act, Class 1, Section 15301 (e); and

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

- A) That the property address is 3820 Newton Street.
- B) That the property is located on Lot 11 of Tract 32854.
- C) That the project is out of character with the neighborhood and blocks view corridors.

WHEREAS, the Planning Commission by the following roll call vote DENIED PRE07-00028:

AYES: COMMISSIONERS: Browning, Gibson, Horwich, Skoll, Uchima,
Weideman, Chairperson Busch

NOES: COMMISSIONERS: none

ABSENT: COMMISSIONERS: none

ABSTAIN: COMMISSIONERS: none

NOW, THEREFORE, BE IT RESOLVED that PRE07-00028, filed by John and Mertz Maher to allow first and second story additions to an existing two-story single family residence on property located in the Hillside Overlay District in the R-1 Zone at 3820 Newton Street, is hereby DENIED without prejudice.

Introduced, approved and adopted this 20th day of February 2008.

Chairperson, Torrance Planning Commission

ATTEST:

Secretary, Torrance Planning Commission

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

I, GREGG D. 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 20th day of February 2008, by the following roll call vote:

AYES: COMMISSIONERS: Browning, Gibson, Horwich, Skoll, Uchima,
 Weideman, Chairperson Busch

NOES: COMMISSIONERS: none

ABSENT: COMMISSIONERS: none

ABSTAIN: COMMISSIONERS: none

Secretary, Torrance Planning Commission

12A. PRE07-00028: JOHN AND MERTZ MAHER

Planning Commission adoption of a resolution reflecting their decision to deny without prejudice a Precise Plan of Development to allow first and second-story additions to an existing two-story, single-family residence on property located within the Hillside Overlay District in the R-1 Zone at 3820 Newton Street.

MOTION: Commissioner Weideman moved for the adoption of Planning Commission Resolution No. 08-003. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

PLANNING COMMISSION RESOLUTION NO. 08-003

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TORRANCE, CALIFORNIA, DENYING WITHOUT PREJUDICE A PRECISE PLAN OF DEVELOPMENT AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW FIRST AND SECOND STORY ADDITIONS TO AN EXISTING TWO-STORY SINGLE FAMILY RESIDENCE, ON PROPERTY LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 3820 NEWTON STREET.

PRE07-00028: JOHN AND MERTZ MAHER

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on January 16, 2008, to consider an application for a Precise Plan of Development filed by John and Mertz Maher to allow first and second story additions to an existing two-story single family residence on property located in the Hillside Overlay District in the R-1 Zone at 3820 Newton Street; 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 1, Article 41 of the Torrance Municipal Code; and

WHEREAS, the project is determined to be Categorically Exempted by the Guidelines for implementation of the California Environmental Quality Act, Class 1, Section 15301 (e); and

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

- A) That the property address is 3820 Newton Street.
- B) That the property is located on Lot 11 of Tract 32854.
- C) That the project is out of character with the neighborhood and blocks view corridors.

WHEREAS, the Planning Commission by the following roll call vote DENIED PRE07-00028:

AYES: COMMISSIONERS: Browning, Gibson, Horwich, Skoll, Uchima,
Weideman, Chairperson Busch

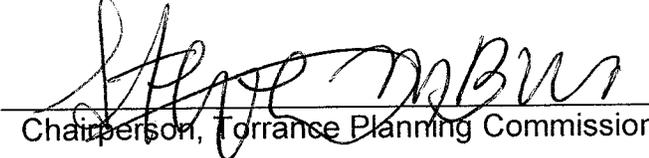
NOES: COMMISSIONERS: none

ABSENT: COMMISSIONERS: none

ABSTAIN: COMMISSIONERS: none

NOW, THEREFORE, BE IT RESOLVED that PRE07-00028, filed by John and Mertz Maher to allow first and second story additions to an existing two-story single family residence on property located in the Hillside Overlay District in the R-1 Zone at 3820 Newton Street, is hereby DENIED without prejudice.

Introduced, approved and adopted this 20th day of February 2008.



Chairperson, Torrance Planning Commission

ATTEST:



Secretary, Torrance Planning Commission

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

I, GREGG D. 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 20th day of February 2008, by the following roll call vote:

AYES: COMMISSIONERS: Browning, Gibson, Horwich, Skoll, Uchima,
Weideman, Chairperson Busch

NOES: COMMISSIONERS: none

ABSENT: COMMISSIONERS: none

ABSTAIN: COMMISSIONERS: none



Secretary, Torrance Planning Commission

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

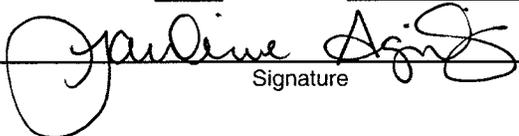
July 4,

all in the year 2008

the foregoing is true and correct.

Dated at Torrance

California, this 4 July 2008


Signature

This space is for the County Clerk's Filing Stamp

2008 JUL -9 PM 1:03

CITY OF TORRANCE
CITY CLERK'S OFFICE

Proof of Publication of

DB

Public Notices 51

Public Notices 51

**DB 7-19
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., July 15 2008, in the City Council Chambers of City Hall, 3031 Torrance Boulevard, Torrance, California, on the following matter:

PRE07-00026, John and Mertz Maher: City Council consideration of an appeal of the Planning Commission's denial without prejudice of a Precise Plan of Development to allow first and second story additions to an existing two-story single family residence on property located within the Hillside Overlay District in the R-1 Zone at 3820 Newton Street

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.

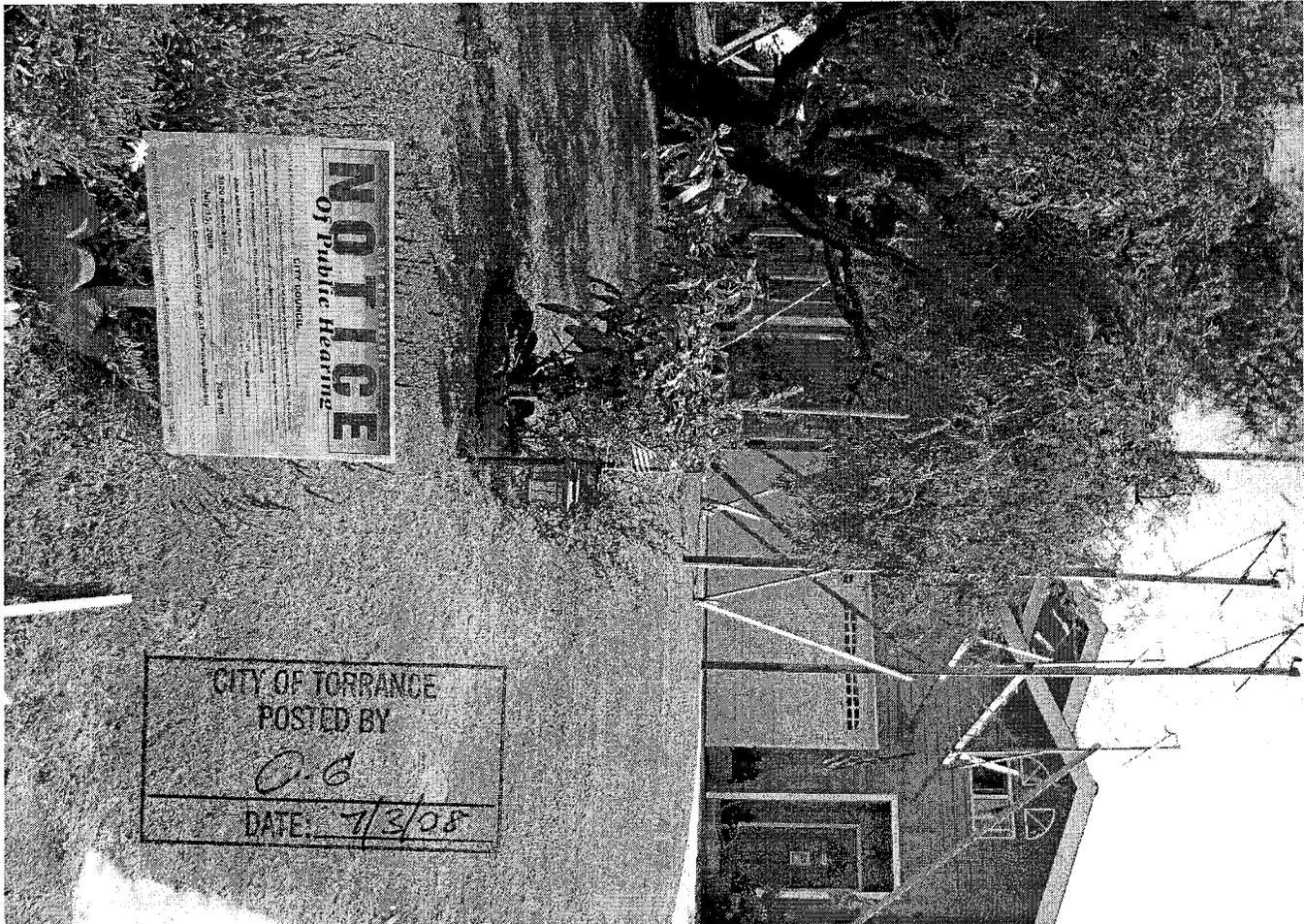
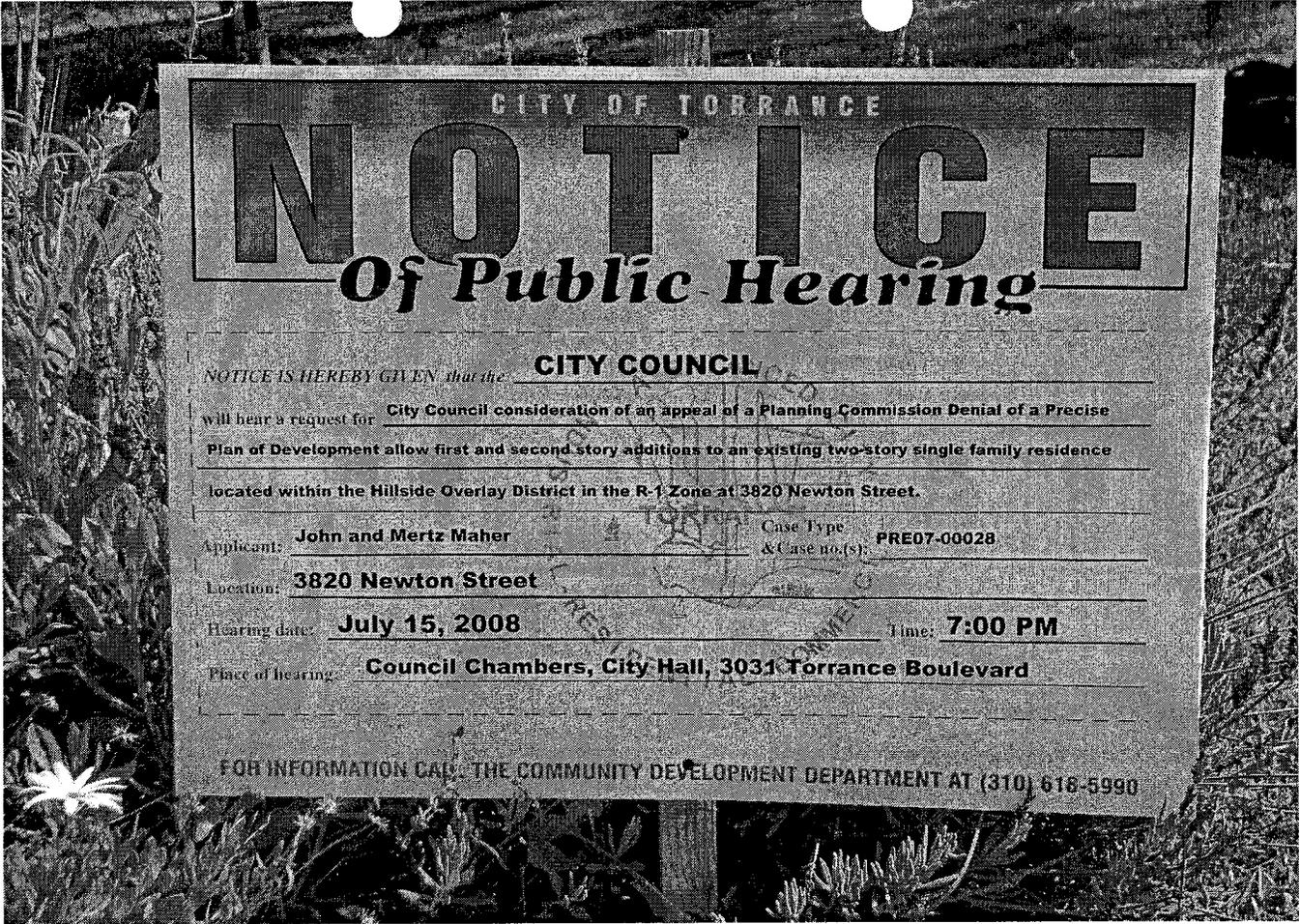
If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Community Development Department or the office of the City Clerk prior to the public hearing, 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: Jul 04, 2008



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 3, 2008**, I caused to be mailed **153** copies of the within notification for City Council **PRE07-00028: JOHN AND MERTZ MAHER** 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 **July 3, 2008** at Torrance, California.



(signature)

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

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Torrance City Council at 7:00 p.m., July 15, 2008 in the City Council Chambers of City Hall, 3031 Torrance Boulevard, Torrance, California, on the following matter:

PRE07-00028, John and Mertz Maher: City Council consideration of an appeal of the Planning Commission's denial without prejudice of a Precise Plan of Development to allow first and second story additions to an existing two-story single family residence on property located within the Hillside Overlay District in the R-1 Zone at 3820 Newton Street

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

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

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

Publish: July 4, 2008

SUE HERBERS
CITY CLERK

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 Precise Plan of Development 07-00028 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 07-00028 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 addition at the highest point of the roof shall not exceed a height of 21.00 feet as represented by the survey elevation of 130.14 feet for the highest ridge based on the lowest adjacent grade of 109.14 (located at the northeastern perimeter of the building), based on a bench mark elevation of 100.76 feet located within the public right-of-way along Newton Street at the northwest corner of the property, as shown on the official survey map on file in the Community Development Department; (Development Review)
4. That the final height of the addition shall be certified by a licensed surveyor/engineer prior to requesting a framing or roof-sheathing inspection and shall not exceed a survey elevation of 130.14 feet for the highest ridge based on the benchmark of 100.76 feet located within the public right-of-way along Newton Street at the northwest corner of the property, as shown on the official survey map on file in the Community Development Department; (Development Review)
5. That color and material samples of the proposed home shall be submitted for review to the Community Development Department; (Development Review)
6. That automatic garage roll-up doors shall be provided for both garage doors to the satisfaction of the Community Development Director; (Development Review)
7. 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)
8. That within 30 days of the final public hearing, the applicant shall remove the City's "Public Notice" sign to the satisfaction of the Community Development Director; (Development Review) and
9. That all conditions of other City Departments received prior to or during the consideration of this case by the Planning Commission shall be met.

Office of Community Development Department
Torrance, California

DJ Ponder
3815 Newton St.
Torrance, Calif.
90505

JUL - 8 2008

July 6, 2008

CDD Jeffery Gibson

Sir,

This letter pertains to Case# PRE07-00028 Wilson-Maher, petition to remodel 3820 Newton St. Torrance to be placed before the city council July 15. Herein you will find our commentary, Mr. and Mrs. DJ Ponder, neighbors of the Mahers, and residents of 3815 Newton St. We respectfully request you review this commentary and to act in accordance with our interests.

Title of above property 3820 is indicated as; 1st holder, Forrest Wilson (deceased for several years.) 2nd holder, Wilson Family. No other holders shown.

Mertz Maher is a daughter of Forrest Wilson. Jim Wilson (brother) also lives at the residence. The residence immediately to the west, 3824 Newton, is also owned and/or occupied by a Forrest Wilson daughter. Until approximately two years ago Jim owned the home, 3818 Newton, to the east of 3820. This is directly across Newton from our residence 3815 Newton St. The three adjacent residences, 3818, 3820, 3824, formed a Wilson dynasty on the south side of Newton St.. Forrest Wilson's good wife of many years, very senior, recently died while living in the east unit of the Wilson-Maher structure sharing it with her son Jim, who continues to live there.

Jan 16, 2008 the remodel of this residence was properly rejected by the Torrance Community Development Department.

VISTA:

This remodeled structure if permitted will infringe upon up slope vista from the front of our residence looking south over the many roof tops to bisect the view of a magnificent tree line at the Torrance - Palos Verdes Estates city boundary defeating a perspective of openness. Such infringement is intrusively oppressive and thereof thoroughly undesirable. The base foundation of 3820 is up slope approx. 8' - 10' feet above the foundation of our own residence 3815 some 110 ft. away. This, in our view, is contrary to being on a relative same level as stated in formal presentation by the petition. Our two neighbors west, (3819, 3823), sit approximately two feet lower than our own home and will suffer even greater oppressive visual impact. Most severely affected is the residents of 3818 in that the remodel will totally obliterate their view west. A treasured view especially enjoyed from their dining area. All have spoken to my wife and I as

in opposition to this remodel. Most however seem to be content with a redesign of the garage to a one story low roof structure such as there would be no, or very subtle intrusion with respect to various vista's.

PETITIONERS SPACE NEEDS:

The Mahers make the case of needing additional space to better accommodate their somewhat disabled children. (Their early teen age son can be observed very normally and actively proceeding to his morning school taxi while dragging a wheeled case) Though not thoroughly unsympathetic to their special situation I think the space they need is already within the 3066sf area of a residence we consider a two unit structure. The recently deceased Mrs Wilson shared the east unit with her son Jim, said unit connected by a single passage at rear of the structure to the west unit where the Maher family resides. Original construction concept was to create a design as near to R2 as possible. Jim, not long returned to bachelorhood, has been gainfully employed for years and it stands probable he will vacate the property in a while of his own accord. Or could and would vacate to accommodate any serious need of his sister for additional space.

R-2 DUPLEX ?

The petition makes note of a kitchen, dining room, and breakfast nook. The neighbor at 3823 upon visiting Mrs. Wilson some years ago has emphatically stated she observed a kitchen type installation in the east unit. It would interest this citizen to know the reality. If any such facility is located in the east unit the structure steps outside community R1 zoning codes and becomes an R2 structure. This a reality, and the Council content to let this fait accompli stand, coinciding with a granting of a remodel permit, they might consider the code requirement that all remodeled R2 property's having only two garages must add two more for a total of four.

TANGENTIAL ISSUE, PARKING AND STREET SAFETY:

This property and others on the south side of Newton St. infringe and incorporate approx. seventeen to eighteen feet of street easement (1/3 of total street easement) to their own private utilization. This eliminates safe parking on that side of Newton St. and current parking there forces traffic moving east to cross the painted street center stripe. Thereof, during afternoon parent retrieval of their children from Richardson Middle School, and two way traffic occurring, brief traffic jams frequently occur. The painted center stripe favors our side of the street by two feet and does not rest on the platt construction center line as related to street bench marks. The residents on the north side have, at their own expense, paved the easement for street parking, the only provided street parking on the block. (Perhaps this is the reason the city street department has found it convenient to put the painted center stripe two feet toward our north side of the street.) If the residents of the north side of Newton St. in this block were to similarly incorporate street easement for private utilization 18 ft. of street right of way would remain for public use on the busiest street in the community. There is much more that can be said about this issue but perhaps unsuitable for a tangential approach. The councils favor of this structural remodel might insist of the Wilson-Mahers a quid pro quo to give up

the major portion of their easement infringement to return it to clear hard pack earth thereof facilitation of a modestly improved street parking situation. (see enclosed aerial photo and easement vacation pages)

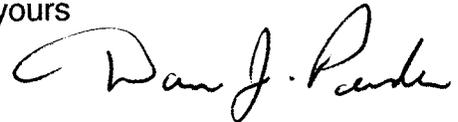
COMMUNICATION & AND HARMONY

The Mahers have spoken to none of the neighbors with respect to this remodel and Mertz has demonstrated herself, to most every neighbor on more than one occasion, unpleasantly adversarial, and so none have suffered natural compulsion to approach her on the subject of their remodel. Mr. Maher is a professional and conducts himself so at a distance.

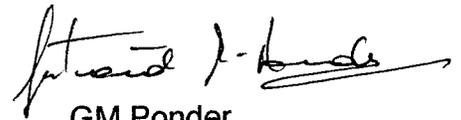
The negatives of this remodel in a two story configuration are too significant, however, a drive through garage in a single story has been discussed and finds approval of neighbors most impacted.

If per chance you could proceed to our home we would be most pleased to discuss all facets of this remodel at a time consistent with your interests. We are at home most days.

Sincerely yours



DJ Ponder



GM Ponder

Ph# 310 373-3105

CONSTRUCTION @
BENCH MARK @
LOS CONDONA & NEWTON

Parcel Map and Data



6'
CITY
VACATIC
OR
5-22-1

CONSTRUCTION @
BENCH MARK @
NEECE & NEWTON

Note: Lines and photos are approximate, not to be used for establishing absolute or relative positions. (+) OR (-) 2"-3"

STREET EASEMENT = 54' TOTAL. PAINTED CENTER STRIPE = 2' N
 OF CONSTRUCTION @ 18' EASEMENT INFRINGEMENT ON THE
 SOUTH SIDE NEWTON. BUSIEST ST. IN COMMUNITY NO
 GREATER INFRINGEMENT BY RESIDENTS EXISTS.
 NO SAFE PARKING SOUTH SIDE OF NEWTON WHEREIN THERE
 IS MORE FOOTAGE TO UTILIZE THAN ON THE NORTH SIDE.

EXHIB. 1

PROPOSED VACATION OF A PORTION OF
NEWTON STREET



NOT TO SCALE

BLOCK 4N

BLOCK 4S

NEECE AVE.

CODONA AVE.

NEWTON ST.

McNMR

BAKER

ADAMOVIĆ

PONDER

SLISKOVIĆ

DAYAN

TAMER

ROJAS

MARISOL

WILSON-MAHER

KATHLEEN
WILSON
FAMILY

3784

3788

3792

3806

3808

3807

3811

3815

3819

3823

3827

3812

3818

3820

3824

3826

3832

24435

CONSTRUCTION CL.
SURVEY CL.

CONSTRUCTION CL.
SURVEY CL.

6' 24' 30' 15'

15' 54'

6' 24' 30' 15'

15' 54'

15'