

COUNCIL MEETING OF
October 7, 2008

PUBLIC HEARING

SUPPLEMENTAL #2 TO ITEM 13A

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

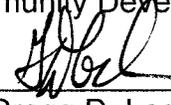
Members of the Council:

**SUBJECT: Community Development - Supplemental #2 to Council Item 13 A
(PRE06-00037: Rukhsana Mir)**

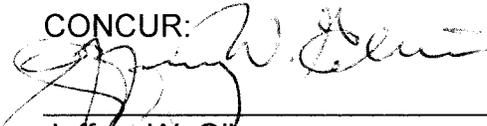
Attached please find the latest additional correspondence received after the staff report was distributed.

Respectfully submitted,

JEFFERY W. GIBSON
Community Development Director

By 

Gregg D. Lodan, AICP
Planning Manager

CONCUR: 

Jeffery W. Gibson
Community Development Director

NOTED: 

LeRoy J. Jackson
City Manager

Attachment: A. Correspondence

October 7, 2008

RECEIVED

2008 OCT -7 PM 12: 11

CITY OF TORRANCE
CITY CLERK'S OFFICE

Honorable Mayor and
Members of City Council
City Hall
3101 Torrance Boulevard
Torrance, CA 90503

RE: PRE 06-00037: Rukhsana Mir
 417 Via Anita
 Redondo Beach, CA 90277

Honorable Mayor & Councilmen:

The Applicant submits the following statement with Exhibits in support of Appeal from Decision of the Planning Commission on Application for a building permit in the above referenced matter.

I. Introduction:

Jehan Mir who has resided at 417 Via Anita since for the past 18 years , is now representing the interests of Rukhsana Mir who is appealing the Decision of the Planning Commission dated December 5, 2007 to deny a building permit on the grounds that it would impact the view from the a second storey window at property at located at 408 Via La Soledad and concerns about mass and bulk. The contested view was obtained because a tree was cut on the adjacent property after application was filed with the City. The project complies with all of the building Code requirements hence could not be massive or bulky.

II. Statement of Facts:

1. Jehan Mir is a physician who is from New York. In December 1968, he received orders to go to Vietnam to join First Medical Battalion, First Marine Division, Danang, Vietnam.

Upon return he was stationed at San Diego, California. He left US Navy in 1972 and moved to Los Angeles County. He has continuously resided within 5 miles

radius of the Torrance City Hall for the past 32 years, including the last 18 years at the 417 Via Anita Redondo Beach, CA (¹Page No. 45)

2. Mir family consisting of 5 persons including two elderly women from New York wants to move to their new residence when completed

3. Applicant has been working with the architect Peha & Associates, Hermosa Beach, CA since 2003 for preparation of the building plans.

4. Michael Bihn represented Applicant from June 2006 to November 2007. On November 9, 2006, Michael Bihn, a formal application for a Precise Plan of Development to allow the construction of a new single family residence at 417 Via Anita .

5. Jehan Mir substituted Michael Bihn in November 2007 .

6. Sometimes after the submission of application, in December 2006 or 2007 the owner of property (Michael Duarte) located at 404 Via Soledad, cut the ²tree on front lawn, thus providing view through the front most window on the Northern side of the property at 408 Via Soledad.. (**Exhibit A**) (Page 47)

Applicant believes that this tree was cut just to provide a view and a ground for objection to the application for the building permit. The letter from Michael Duarte to City Planning Commission speaks only of interests of neighbors rather than his .(Page 121,122)

Planning Manager's Report 2007

7. Planning Manager prepared CDD Recommendations-12/5/07.(Page33-35)

¹ These Page Numbers refer to the sequential numbering printed on the top of the material submitted by the Community Development Director and Planning for the October 7, 2008 hearing before the City Council.

² Exhibit A: The photograph shows trunk of the cut tree on the front lawn of 404 Via Soledad with front most window on the Northern side of the second floor on 408 Via Soledad just above it in the background. This acquired view was the basis of denial of application.

The Planning Manager noted that Total Area was 4,372.69 square feet Volume area was 351.00 square feet. Floor Area Ratio was 0.59 while the Maximum Floor Area allowed was 4,412 square feet @ 0.6. (Page 34)

The Report recommended denial of request on the grounds that view from one of the second storey windows on the Northern side at 408 Via La Soledad would be impacted and the high quality design of the proposed residence due to its mass and bulk was not in harmony with surrounding properties. (Page 35)

Arguments In Support Of Application:

8. Applicant submitted written arguments with Exhibits (A-G). Applicant Stated that 408 Via La Soledad was recently acquired when a tree was cut on the adjacent property at 404 Via La Soledad. That it was an acquired upon acquired view since the second storey was added in 1963 before the Hillside Ordinance was enacted. The property never had the view through front window since 1963 and the owner of property never bargained , paid , owned or enjoyed the view instead merely stepped upon it. (Page 49) That there was no change in the character of the neighborhood since 2-storey houses already existed in the immediate vicinity at 409 Via Anita, 408 Via Soledad, 417 Via Soledad, 433 Via Soledad. Besides there were 42 two storey properties in the immediate neighborhood and provided photographs. That the proposed residence was in conformity with these 42 properties in mass and bulk. (Pages 105-108)

Decision Of Planning Commission:

6. The Planning Commission stated that view on property at 408 Via La Soledad would be impacted. That appearance of mass and bulk is not in harmony with the surrounding properties. The Planning Commission provided no facts in support of its conclusions. (Exhibit B)

Planning Manager's Report on Appeal:

7. The Planning Manager summarized the proceedings before the Planning Commission for the City Council (Pages 1-3) That the Planning Commissioners expressed concerns regarding the proposed Floor Area Ratio (FAR) of 0.59.

when in fact this³ issue was only raised by none other than Commissioner Browning.(Page 27). That size of the project would not be in harmony with the neighborhood.

VIEW FOR 408 VIA LA SOLEDAD:

1. Background:

On May 3, 1954, the original building permit was issued, to first property owner, Peter Irwin. The property was valued at \$ 11,700.00. This property is located on the Eastern side of Via La Soledad, was rated and priced as a non view property, whereas, the properties located on the Northern side of Via Anita and the Western side of Via La Soledad were rated as view properties and priced higher than the non view properties.

On January 29, 1963, Peter Irwin obtained a building permit for addition of a second storey. The value of the proposed second story was \$ 6000.

There was no Hillside Overlay Ordinance in effect. The neighbors had no say in the application process of this project and a permit was granted.

The second storey addition to 408 Via La Soledad, a non view property, acquired an unobstructed ocean view above the properties located on the Western side of Via La Soledad. The view acquired on the Southern side was through two windows of the Palos Verdes Estate Hills and the ocean.

The view on the Northern side was through seven windows. The view from the front window on the Northern side of the second story was blocked by a large tree

³ Applicant stated that the FAR was below 0.6 as permitted, as provided by Planning Manager Report to Planning Commission (Page 34) and cited hardships for 5 members of family planning to live there. There were no follow up questions or discussion by any other Commissioner on this issue of FAR..

The Decision of the Planning Commission made no mention of FAR (**Exhibit B**)

located at the adjacent property at 404 Via La Soledad, Redondo Beach, CA 90277.

The view through the middle and the rear window on the Northern side was for city lights over the properties located at 425 and 429 Via Anita, Redondo Beach, CA. There was no view whatsoever of property located at 417 Via Anita through any of the windows.

(Page 65)

Applicant Mir started this project for addition of a second storey in 2003, after exercising due diligence. He made sure that addition of story would not impact the view of any of the neighbors. Had that been the case, he would have not proceeded with the plans or would have resolved it with such a neighbor before embarking on an expensive project, which has already cost more than \$ 40,000. However, Mir made neighbors aware of his proposed project.

Kathy Baldwin is the current property owner and resident of property located at 408 Via La Soledad, Redondo Beach, CA 90277.

Few years ago Kathy Baldwin had an Open House for one day. Mir personally checked the view from all of the windows on the Northern side on the second storey. Facing Via Anita, Mir could not see his property at 417 Via Anita, at all.

He took a photograph through the front, Western-most window on the Northern side of the second storey, of the large tree on the adjacent property completely blocking the view. Mir cannot locate the photograph at this time. However, Mir got on top of roof on 417 Via Anita and took pictures of Via La Soledad, particularly of the property located at 408 Via La Soledad could not be seen due to the tree located at 404 Via La Soledad. (Page 61)

Sometimes after Mir submitted application for building permit on November 9,2006, Duarte, the current property owners at 404 Via La Soledad , cut the tree on their property which had been blocking view through the Western-most (front) window on the Northern side of second storey at 408 Via Soledad, since the property was built in 1954.(Exhibit A)

The property at 408 Via La Soledad now acquired a view through the Western most (front) window on the Northern side of the second story going through the Western most part of roof and air space of 417 Via Anita .

Kathy Baldwin objected to losing a ⁴portion of the view *recently acquired* over the roof and through the air space of 417 Via Anita, a primary view property.

2. Planning Commission Provided NO Facts In Support of Its Decision And Unfairly Denied Balancing Of Competing Interests ,Granted To Other Property Holders :

417 Via Anita has been rated and priced since 1954 as a primary view property, for which the property owner paid several thousand dollars more than the other non view properties in the area.

The property at 408 Via La Soledad acquired view in 1963 when no Hillside Overlay Ordinance was in effect. Regardless, neither in 1954 when the property was first built nor in 1963 when the second storey was added *nor* when current owner Kathy Baldwin bought this property *or* for the subsequent years of ownership, had a view over the Western part of the roof or through the air space of 417 Via Anita, till 2007 when the tree was cut on a different property. This recent development does not provide Kathy Baldwin, as owner of property at 408 Via La Soledad, a domain over 417 Via Anita , something Kathy Baldwin never paid for, owned or enjoyed.

Mir has been involved in this project for over 4 years, spent countless hours and amore than \$ 40,000 on this project for which he could not expect to be objected to.

If more and more trees are cut, does that mean Kathy Baldwin can extend her right over more and more properties in the area and prevent other property owners from improving thus adversely impacting their property values.

⁴ Ms. Baldwin provides photographs which are apparently taken from the drive way rather than the front most window on the Northern side. Applicant objects on this ground

The tree which blocked the view was not located on property at 408 Via La Soledad and it cannot be argued that, the owner had elected not to exercise his / her option to have the view.

The property at 408 Via Soledad has plenty of unobstructed ocean view through the front and the city lights, mountain view through the side windows.

The Planning Commission recently approved second storey building plans for 413 Via La Soledad which is directly located in front or Western side of 408 Via La Soledad. The second storey at 413 Via La Soledad extends across the entire width of the 408 Via La Soledad. The Planning Commission fairly balanced the interests of 413 Via La Soledad against 408 Via La Soledad and granted the permit (Exhibit C). Such balancing of interests was denied to Applicant Mir.

3. The Planning Commission Made No Findings

About Floor Area Ratio In Its Decision :

The Planning Commission made no finding regarding Floor Area Ratio(FAR), in its Decision, (Exhibit B) even though Commissioner Browning asked Applicant about it. Applicant stated that FAR of 0.59 was within 0.6 allowed as was noted in the CDD recommendations, prepared by Planning Manager.(Page 34) However, he stated that since family of 5 with two elderly women would face hardships, FAR of 0.59 was justified (Page 27).

The report prepared by Community Development Director and Planning Manager provides that Commissioners expressed concern regarding Floor Area Ratio. (page 3)

In addition to Planning Managers admissions that maximum FAR allowed was 0.6. the Section 91.4.11 & 91.2.82 Torrance Municipal Code provide a maximum Of 0.6 FAR.(Exhibit D)

Section 91.41.2 (Application of Pre-existing Zone) provides

“ Nothing contained in this Article shall be deemed to repeal any provision of this Code, and the requirement of all preexisting zones in existence in the area encompassed by this Overly Zone ,except that the requirement of the Overly Zone shall be applied where the requirements and standards

contained therein are more restrictive than those of the preexisting underlying zones.”

Section 91.41.11 provides for Limitation on Increases in Building Space Lot Coverage is not applicable to the instant case for determination of FAR.

This Section provides for remodeling or enlargement to any building or structure which is for commercial purposes in a commercial zone. This is a brand new construction for a residential building project, hence this Section is not applicable. The Section provides,

“ No remodeling or enlargement shall be made to any building or structure, except for commercial uses in a commercial zone, which remodeling or addition increases the net interior floor area of the building or structure so that it exceeds fifty percent (50 %) of the number of square feet in the lot or parcel of land upon which building or structure is located unless the Planning Commission (or the City Council on Appeal) shall find that

(1) Denial of application would constitute an unreasonable hardship to applicant” (underline added)

Most importantly, this Section provides for net interior floor area. The square footage includes a Volume Area of 351 square feet.(Page 34) The volume area for the chimney was not included in calculation of this Volume Area. Therefore, FAR determination of 0.59 by the City Planning Manager is erroneous since it includes an Volume Area (air pocket) of 351 square feet ,which must be subtracted to reach the net area. Once one subtracts this amount of non effective or non livable square footage plus any area for Chimney, from the Total area calculated , the FAR falls to 0.53.

There was no follow up questions or discussion by any of the other Planning Commissioners at the hearing. The Planning Commission has approved on several occasions FAR ranging from 0.52 to 0.66. (Exhibit E)

4. Inconsistent Application Of

Reciprocal Policy of Hillside Overlay Ordinance:

The properties which are not subject to Hillside Overlay Ordinance are free from any scrutiny, objections from neighbors. Since these property owners are free from the constraints of Hillside Overlay Ordinance for building second stories, they do not enjoy any protection / exemption of their view under the Hillside Overlay Ordinance from neighbors adding second story which might possibly block their acquired or primary views.

Similarly, the second story on property at 408 Via La Soledad was added without any ⁵challenges under Hillside Overlay Ordinance. It would be an inconsistent policy to provide benefits of the Hillside Overlay Ordinance to this non- view property at the expense of other primary view properties.

There is no concept of ever expanding or ever pervading domain over other properties. In other words, Kathy Baldwin has more right over the air space or view of other properties in the area particularly 417 Via Anita, than other properties even though she continues to enjoy full ocean and city light view through each of her other windows on the second floor particularly 6 windows on the Northern side of the second storey. The seventh front window on the Northern side would continue to enjoy the view between 413 and 417 Via Anita and on top of the 413 Via Anita property , if the building project on 417 Via Anita is approved.

. It is therefore requested that the City Council in interest of justice, balance the competing interests and allow the addition of second storey as planned at 417 Via Anita, the primary view property. No other property's view is impacted. Failure to grant building permit will drastically devalue the property at 417 Via Anita due to limitation of its size and scope.

5. Character of Neighborhood Would Not Be Changed ;

The character of the neighborhood would not be changed.

⁵ Please see the accompanying Petition by other Property Owners on Via La Soledad for Declaration of their Property Rights)

There are four 2-story houses in the vicinity of 417 Via Anita, located at 409 Via Anita ; 408 Via La Soledad ; 417 Via La Soledad ; 433 Via La Soledad .

Applicant provided photographs of mansions only half a block away from 417 Via Anita.(Page 87-105) There are 42 double story buildings in the immediate vicinity. Objections on grounds of changing the character of neighborhood have been long waived.

Applicant has obtained support from about 40 neighbors who fully support the project and do not find that the building to be bulky, massive, non conforming to the neighborhood and adversely impacting other neighborhood properties.

(Exhibit F)

6. Conclusions :

The proposed building complies with the all of the Building Code requirements. There are 42 2 -storey buildings in the immediate area. There is no impact on neighborhood properties. It is requested that the City Council in the interest of justice approve Precise Plan of Development as submitted.

Respectfully Submitted,



Jehan Zeb Mir

EXHIBIT A

404 Via La Soledad Showing the Trunk of The Cut Tree With
408 Via La Soledad In The Background With The Front Window
Right Above It.

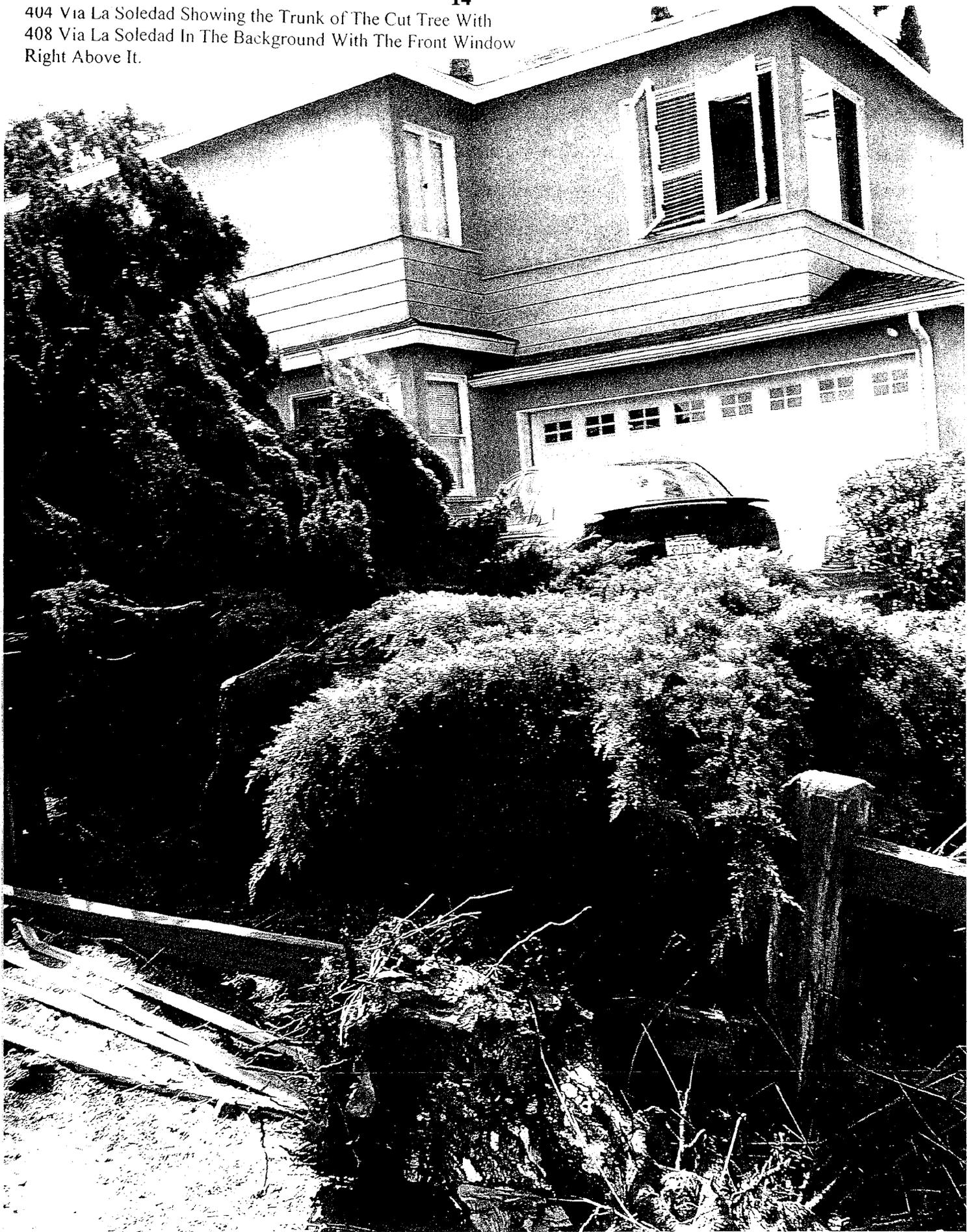


EXHIBIT B

PLANNING COMMISSION RESOLUTION NO. 07-063

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TORRANCE, CALIFORNIA, DENYING WITHOUT PREJUDICE A PRECISE PLAN OF DEVELOPMENT AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE CONSTRUCTION OF A NEW TWO STORY SINGLE FAMILY RESIDENCE IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 417 VIA ANITA.

PRE06-00037: RUKHSANA MIR

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on December 5th, 2007, to consider an application for a Precise Plan of Development filed by Rukhsana Mir to allow the construction of a new two residence on property located in the Hillside Overlay District in the R-1 Zone at 417 Via Anita; and

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

WHEREAS, new construction of one single family residence in a residential zone is Categorically Exempted by the 2006 Guidelines for Implementation of the California Environmental Quality Act; Article 19, Section 15303 (a.); and

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

- a) That the property is located at 417 Via Anita.
- b) That the property is identified as Lot 154 in Tract 19306.
- c) That the proposed residence will have an adverse impact upon the view of other properties in the vicinity because the proposed height and mass of the residence appears to cause significant impacts to views of the city and subsequently city lights. The new height will adversely impact the view from the property to the south of the subject property on Via La Soledad;
- d) That the proposed residence has been located, planned and designed in a manner that creates intrusions on the views of other properties in the vicinity because the proposed second story is located in a such a manner as to obstruct the north and northwesterly views over the existing roof of the single story residence on the subject property;
- e) That the design of the proposed residence provides an attractive development because the exterior design elements are of a high quality; however, the lack of roof articulation creates the appearance of mass and bulk that is not in harmony with the surrounding properties;

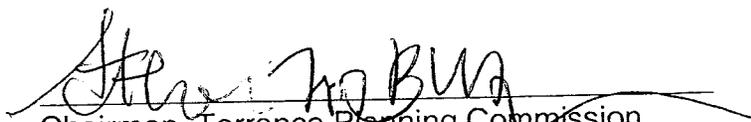
- f) That the design may have a harmful impact upon the land values and investment of other properties in the vicinity because the proposed residence will negatively impact the residence to the south;
- g) That the proposed residence would cause or result in an adverse cumulative impact on other properties in the vicinity because of the appearance of mass and bulk that would not be in harmony with the surrounding residences;
- h) That granting the application would be materially detrimental to the public welfare and to other properties in the vicinity because the proposed additions cause view impacts to the property adjacent to the south; and

WHEREAS, the Planning Commission by the following roll call votes DENIED PRE06-00037:

AYES:	COMMISSIONERS:	CHAIRPERSON BUSCH, BROWING, FAUK, GIBSON, HORWICH, UCHIMA, WEIDEMAN
NOES:	COMMISSIONERS	
ABSENT:	COMMISSIONERS:	
ABSTAIN:	COMMISSIONERS:	

NOW, THEREFORE, BE IT RESOLVED that PRE06-00037, filed by Rukhsana Mir to allow the construction of a new two story single family residence on property located in the Hillside Overlay District in the R-1 Zone at 417 Via Anita, on file in the Community Development Department of the City of Torrance, is hereby DENIED;

Introduced and adopted on the 5th day of December 2007.


Chairman, Torrance Planning Commission

ATTEST:


Secretary, Torrance Planning Commission

EXHIBIT C

413 Via La Soledad Across From 408 Via La Soledad

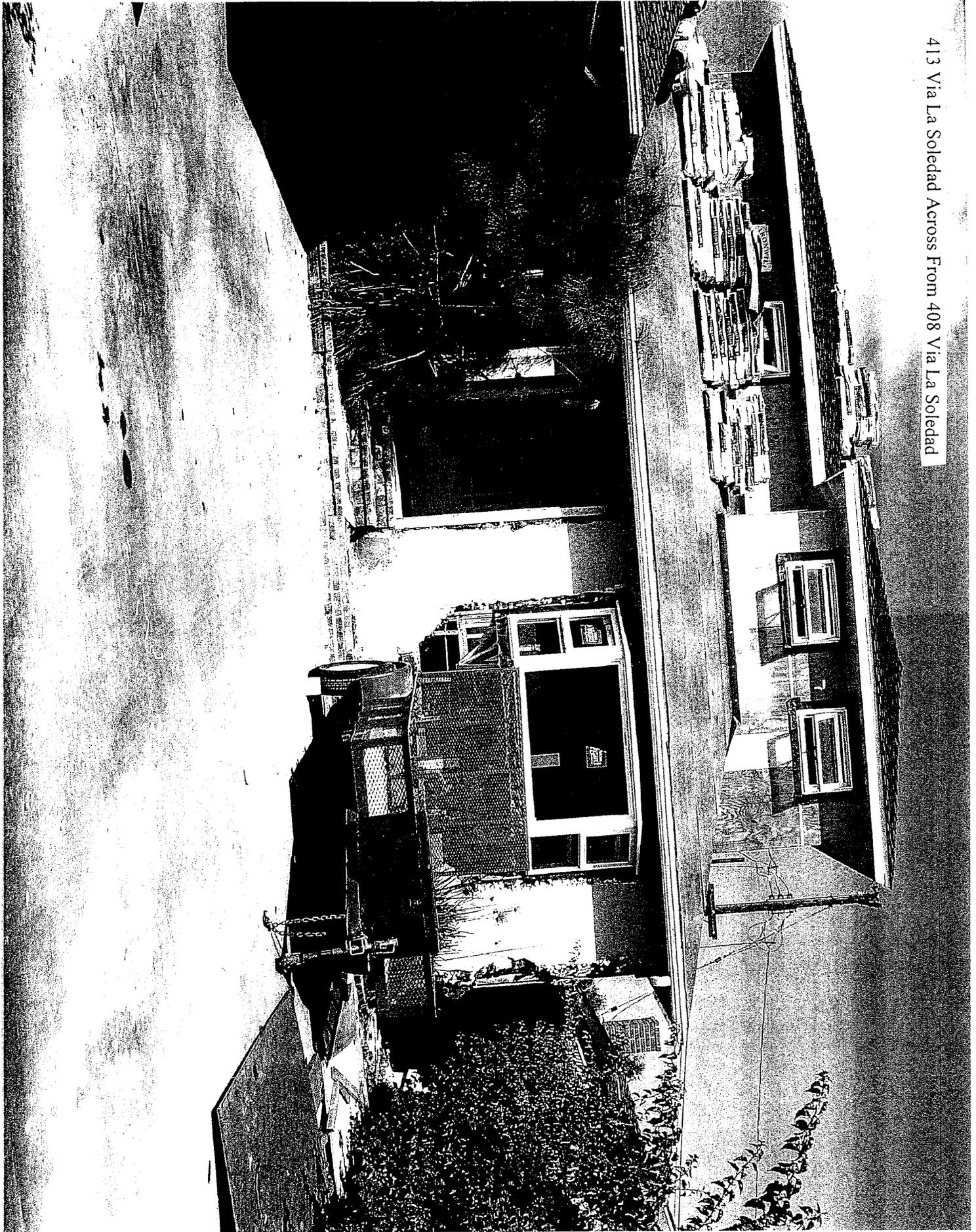


EXHIBIT D

CITY OF TORRANCE

R-1: SINGLE-FAMILY RESIDENTIAL DISTRICT

SUMMARY OF DEVELOPMENT STANDARDS



PERMISSIBLE USES (Section 91.4.1 of Torrance Municipal Code (TMC))

- ✓ A Single-Family Residence, with customary accessory buildings including a private garage with a maximum area not to exceed 1,000 square feet (sf). (NOTE: The 1,000 sf maximum garage area applies to a combination of attached and detached garages.)

BUILDING REMODELING :

- ✓ **Minor Remodeling:** Minor remodeling/new additions may be made without bringing the existing residence into compliance with current R-1 standards. However, all new construction (room additions) must fully comply with these standards.
- ✓ **Significant Remodeling:** In the event that a significant remodeling project/addition is made, the existing structure as well as the new construction must fully comply with current development standards. For this purpose, "significant remodeling" means increasing the total floor area of the dwelling, excluding any garage, more than 85 percent, or, improving or enhancing the dwelling unit to the extent that the cost of such improvement or enhancement exceeds 85 percent of the replacement value of the dwelling unit before such remodeling (Section 231.1.2 of Division 2, Chapter 31 of TMC).

SETBACKS (Section 91.4.4 - 91.4.6 of TMC)

- ✓ **Front Yard:** 20 feet or average of 20 feet with a minimum of 15 feet. Front facing garage must be set back 20 feet.
- ✓ **Side Yard (interior):**
 - **One-Story - Minor Addition or Significant Remodel to Existing or New Home:** Total of 10% of lot width (3 feet minimum but need not exceed 5 feet).
 - **Two-Story - Minor Addition or Significant Remodel to Existing or New Home:** Lots less than 50 feet in width must provide a setback equal to 10% of the lot width (minimum 3 feet but need not exceed 5 feet); Lots between 50 and 55 feet in width must provide 5 foot setback; Lots wider than 55 feet must provide a setback equal to 10% of the lot width.
- ✓ **Side Yard (exterior):** 10 feet minimum
- ✓ **Rear Yard:**
 - **One-Story:** 15 feet or average 15 feet with minimum of 10 feet
 - **Two-Story:** 20 feet or average of 20 feet with minimum of 15 feet
- ✓ **Allowed Encroachments (Sections 92.5.2, 92.5.3 & 92.5.5 of TMC):**
Chimneys, greenhouse windows and water heaters may project no closer than 30 inches from interior side property lines; Eave overhang for dwellings shall not encroach more than 3 feet – 6 inches into a required rear, front or side yard, and, no closer than 30 inches from the property line in a required side yard of 5 feet or less; Porches and balconies may encroach no more than 4 feet into a required rear yard, front yard, or exterior side yard.

BUILDING HEIGHT (Section 91.4.2 of TMC) (Measured from the lowest adjacent grade to the topmost portion of the roof, exclusive of chimneys or vents):

- ✓ **One-Story:** 18 feet
- ✓ **Two-Story:** 27 feet

FLOOR AREA RATIO (FAR) (Section 91.4.11& 91.2.82 of TMC): Maximum of 0.6. FAR is a measurement of bulk and includes all building areas, measured from outside wall to outside wall, such as detached accessory structures, habitable attic area, volume areas, and stairwells, but excluding basements, covered porches, patios and balconies enclosed on not more than two (2) sides, and, chimneys.

LOT COVERAGE (Section 91.4.9 of the TMC):

Lot coverage refers to total land area covered by structures or the building footprint, excluding covered patios open on 2 sides or more.

- ✓ **One-story:** 50 percent of lot area
- ✓ **Two-story:** 40 percent of lot area

USABLE OPEN SPACE (Section 91.4.10 of TMC):

- ✓ One-third (1/3) of total lot area is to be provided as open space in one or more areas having minimum dimensions of 10 feet by 15 feet. Open space is defined as yards unobstructed from ground to sky, excepting covered patios not enclosed on more than 2 sides.

ACCESSORY STRUCTURES (Section 91.4.8 of TMC):

- ✓ Height: Limited to one-story and 14 feet in height.
- ✓ Living quarters prohibited.
- ✓ Setbacks: If located in rear ¼ of lot, may be setback 1 foot from rear property line and 1 foot from one interior side property line, provided setback to other interior side property line is no less than 10 percent of the lot width and no less than 3 feet. If not in rear ¼ of lot, building must comply with setbacks required for residence.
Accessory structure must be setback a minimum of 6 feet from residence.
- ✓ Maximum Area: Provided all setbacks are met, an accessory building of 400 square feet may be built on any lot. The building may also contain additional area equal to 25% of the required rear yard area. However, no accessory structure shall exceed 700 square feet in area.

PARKING (Sections 93.1.3 & 93.2.1 of TMC):

An enclosed two-car private garage is required for each single-family residence. Existing residences with a one-car garage will be required to provide a two-car garage at such time the aggregate value of the cumulative structural additions/alterations made reaches fifty (50) percent or more of the replacement value of such building or structure, plus one-third (1/3) of the garage, based on Table 3-A of Section 303 of the City Building Code.

Minimum Interior Garage Dimensions (measured as clear areas inside garage):

- ✓ **One-Car Garage:** 10 feet wide by 20 feet deep
- ✓ **Two-Car Garage:** 18 feet wide by 20 feet deep
- ✓ **Three-Car Garage:** 27 feet wide by 20 feet deep

GENERAL INFORMATION:

- ✓ This handout is only a summary of the R-1 Development Standards. See Chapter 1, Article 4 of Division 9 of the Torrance Municipal Code for the complete standards. Additional Community Development Department handouts are available at the Community Development Department on how to calculate: FAR, building height, and, average setbacks.

EXHIBIT E

AGENDA ITEM 9B**TO:** Members of the Planning Commission**FROM:** Development Review Division**SUBJECT:** PRE07-00004 WENDY LEE**LOCATION:** 2434 Loftyview Drive

This is a request for approval of a Precise Plan of Development to allow the construction of first and second floor additions to an existing one-story single family residence on property located in the Hillside Overlay District in the R-1 Zone. The item was originally heard on May 16th, 2007 and was continued to allow staff to research the Floor Area Ratios (FAR) of surrounding properties near the subject site.

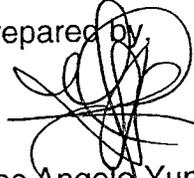
Two properties in the immediate area were noted: 2430 Loftyview Drive, which is directly adjacent to the subject site; and 2506 Loftyview Drive, three houses northwest of the subject site. In addition, the applicant has asked that the several addresses be included to staff's research findings. The following table shows properties within the vicinity that were approved to be built above a 0.50 FAR, based on City records. Please note that the addresses are ordered in proximity to the subject site.

Address	Building Square Footage	Lot Square Footage	FAR	Planning Case	Approval Date
2430 Loftyview Dr.	3,204	5,300	0.60	PP85-2	3-20-1985
2506 Loftyview Dr.	2,973	5,300	0.56	PP83-13	6-15-1983
26222 Delos Dr.	3,981	6,868	0.58	PP91-24	10-16-1991
26142 Delos Dr.	4,369	8,242	0.53	PP89-16	6-7-1989
2662 Loftyview Dr.	2,730	5,297	0.52	PP80-8	4-16-1980
2666 Loftyview Dr.	3,455	5,300	0.65*	PP77-51	1-11-1978
2706 Loftyview Dr.	3,088	5,300	0.58	PP81-21	7-15-1981
2757 Loftyview Dr.	3,324	4,790	0.66*	PP79-19	9-19-1979

*The FAR Section of the Code was amended in 1989

Staff continues to recommend approval of the project as conditioned.

Prepared by,



Soc Angelo Yumul
Planning Assistant

Respectfully submitted,



Gregg D. Lodan, AICP
Planning Manager

Attachments:

- 1) Recent Correspondence
- 2) Previous Staff Report and Supplemental Material
- 3) Correspondence submitted at 5/16/07 Planning Commission Hearing

AGENDA ITEM NO. 11A**CASE TYPE & NUMBER:** Precise Plan of Development – PRE07-00004**NAME:** Wendy Lee**PURPOSE OF APPLICATION:** Request for approval of a Precise Plan of Development to allow the construction of first and second floor additions to an existing one-story single family residence on property located in the Hillside Overlay District in the R-1 Zone.**LOCATION:** 2434 Loftyview Drive**ZONING:** R-1, Single-Family Residential District / Hillside Overlay District**ADJACENT ZONING AND LAND USE:**

NORTHEAST: R-1 Single-Family Residential, One-Story Single Family Residences
 NORTHWEST: R-1 Hillside Overlay District, One-Story Single Family Residence
 SOUTHEAST: R-1 Hillside Overlay District, Two-Story Single Family Residence
 SOUTHWEST: City of Rolling Hills Estates, Horse Stables

GENERAL PLAN DESIGNATION: Low-Density Residential**COMPLIANCE WITH GENERAL PLAN:** The site has a General Plan Land Use Designation of Low Density Residential allowing up to nine dwelling units per acre. The proposed construction of first and second floor additions to an existing one-story single family residence on this property is consistent with the Low-Density Residential designation.**EXISTING IMPROVEMENTS AND /OR NATURAL FEATURES:** The subject property contains a one-story single family residence with an attached two-car garage constructed in 1955.**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 ANALYSIS:**

The applicant requests approval to construct first and second floor additions to an existing one-story single family residence. A Precise Plan is required because the property is located within the Hillside Overlay District and the new construction is over fourteen feet in height.

The lot is rectangular in shape, is 5,300 square feet in area, and is oriented to the northeast. The property is located northwesterly of the corner of Loftyview Drive and Delos Drive and borders the City of Rolling Hills Estates at its rear. The property is located in an area where only the southwestern lots along Loftyview Drive are in the Hillside Overlay District. The lots directly across and along the northeastern side of Loftyview Drive are not. Only the lots to the subject property's sides are in the Hillside Overlay District.

The proposed residence will have a front yard setback of more than 20 feet, a north side yard setback of 6.5 feet, a south side yard setback of 5.25 feet, and a rear yard setback average of 20 feet with a 15 foot minimum. All of the setbacks comply with Code requirements.

The remodeled home will measure 3,188 square feet in floor area as determined by staff. The discrepancy with the square footage as shown on the plans may stem from the vaulted area and stairwell on the second floor having to be counted as required by Code. The first floor of the remodeled residence will contain a kitchen, dining room, family room, living room, den, storage, and powder room. The second floor will contain a master bedroom suite, two bedrooms, a bathroom, and a laundry room. There will also be a 65.3 square foot deck and two small, 25.7 square foot balconies on the second floor. The remodeled residence will be 25.25 feet in height from the lowest adjacent grade of 121.60 to the highest ridge of 146.85.

The Floor Area Ratio is .60 and the Lot Coverage is 33%.

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

Statistical Information

◆ Lot Area	5,300 square feet
◆ Existing Residence	1,786 square feet
Living Area	1,401 square feet
Garage	385 square feet
◆ Remodeled Residence	3,188 square feet
Existing Residence to Remain	1,059 square feet
First Floor Addition	222 square feet
Second Floor Addition	1,446 square feet
Garage	461 square feet
◆ Lot Coverage	0.33
◆ Floor Area Ratio	0.60
◆ Proposed Building Height	25.25 feet

The Hillside Ordinance requires that the Planning Commission make a series of findings relating to the design of the project and its potential impact on the view, light, air and/or privacy of properties in the vicinity. The applicant has responded to this requirement in the Hillside Ordinance Criteria Response Sheet (Attachment #3). The applicant was required to construct a silhouette to demonstrate potential impacts. A licensed engineer has verified the height of the silhouette (Attachment #4) and staff made a field inspection. The building height is 25.25 feet as measured from the lowest corner (on the southeast corner).

As proposed, the development does not appear to produce any significant impacts to the view, light, air or privacy of the neighboring properties located in the Hillside Overlay District. Staff made a field observation of the proposed residence and based on the silhouette, it does not appear to cause significant impacts for surrounding properties. Additionally, the neighboring residence to the southeast is already two-stories tall, built in 1985 (PP85-2). Staff has not received any correspondence at the time of the preparation of this staff report.

The applicant has prepared a plan that complies with the R-1 standards, exceeds the open space requirements and is within the allowable lot coverage. The residence incorporates

contemporary architectural finishes that are reflective of surrounding homes. The proposed residence is compatible with surrounding homes and is an appropriate use for this neighborhood. This project does not appear to cause any significant intrusion on the view, light, air or privacy of adjacent properties. For these reasons, 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 OF THE PRECISE PLAN:

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

RECOMMENDED CONDITIONS, IF PROJECT IS APPROVED:

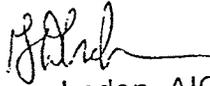
Recommended conditions of the proposed project are set forth in the attached Resolution.

Prepared By



Soc Angelo Yumul
Planning Assistant

Respectfully submitted,



Gregg Lodan, AICP
Planning Manager

ATTACHMENTS:

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

026

9B. PRE07-00004: WENDY LEE

Planning Commission consideration for approval of a Precise Plan of Development to allow first and second-story additions to an existing one-story, single-family residence on property located in the Hillside Overlay District in the R-1 Zone at 2534 Loftyview Drive.

Recommendation

Approval.

Planning Associate Hurd-Ravich introduced the request.

David Lee, applicant, voiced his agreement with the recommended conditions of approval. He reported that the project has undergone several revisions and he has made a sincere effort to comply with the Hillside Overlay Ordinance, including moving the wall of the existing garage to comply with setback requirements. He explained that he originally wanted to include a garage that could accommodate four vehicles, but downsized it to a two-car garage with a little extra space for storage. He noted that while the project's floor area ratio (FAR) is 0.60, that includes a 15-foot x 10-foot area that is double-counted due to vaulted ceilings. He stated that he would like to retain the high ceiling because it has always been his dream to be able to look from the second floor and see his children playing down below. Referring to a list of the FARs of nearby homes, he maintained that the proposed FAR was consistent with the neighborhood. He noted that he had submitted a petition signed by 13 surrounding neighbors in support of the project.

In response to Commissioner Browning's inquiry, Mr. Lee provided clarification regarding the size of the garage, explaining that he added 4 feet to the depth of a standard sized two-car garage to accommodate his Toyota Sequoia.

Commissioner Browning noted that in order to approve a project with an FAR in excess of 0.50, the applicant must establish that being limited to 0.50 would constitute an unreasonable hardship and questioned how the fact that there are other homes in the area of the same size addresses this issue.

Mr. Lee stated that he referred to the list to show that there was a precedence for homes with an FAR that exceeds .50 in this area.

Commissioner Browning noted that only 2 of the 8 homes listed as having an FAR in excess of 0.50 were approved after the Hillside Overlay Ordinance was amended in 1989 to limit the FAR to 0.50 and he personally believed the one approved in 1991 with an FAR of 0.58 was a mistake. He stated that obviously there was a concern about the size of homes being built or the ordinance would not have been amended, therefore, he did not find the argument that there were homes with FARs that exceed 0.50 in the area to be persuasive.

Commissioner Busch questioned whether there have been any projects approved by the Commission in this area with an FAR of 0.50 or less, and Planning Manager Lodan indicated that he was not aware of any. He noted that one-story projects with an FAR of 0.50 or less can be approved via the sign-off process and would not require Commission approval.

Commissioner Uchima stated that he did not feel the proposed project was overly large; noted that "hardship" is not defined in the Code so the issue of hardship is subjective; and related his belief that it was reasonable to take into account a family's needs as long as the project was compatible with the neighborhood.

Mr. Lee reported that his family consists of his wife and two children and that his mother-in-law visits often.

Commissioner Browning suggested the possibility of reducing the height of the roof in the vaulted area to under 17 feet in order to reduce the FAR. He noted that, as proposed, the project exceeds FAR requirements by square footage equal to the size of a three-car garage.

Mr. Lee explained that lowering the roof in the vaulted area would create a jog in the ceiling.

Commissioner Weideman asked if Mr. Lee was willing to compromise and reduce the FAR.

Mr. Lee stated that he felt he had done everything possible to minimize the size of the project and to do any more would be a "stab in the heart."

Commissioner Gibson stated that she felt the project was reasonable and she would support it as proposed.

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

Commissioner Horwich stated that he did not believe the responses concerning the hardship issue were applicable, however, he did believe there was a legitimate reason for having an FAR in excess of .50, which is the smaller than typical lot. Voicing support for the project, he noted that there are no hillside issues involved, because the project would have no impact on the views, light, air or privacy of neighbors.

Commissioner Uchima noted his agreement with Commissioner Horwich's remarks.

Commissioner Browning pointed out that even if the lot was the typical 6000 square feet, the project would still exceed an FAR of 0.50 by 188 square feet.

Voicing support the project as proposed, Chairperson Faulk noted that the Commission has the discretion to approve a project with an FAR over 0.50 and has done so many times and that he believed it was appropriate in this case.

Commissioner Busch indicated that he was inclined to support the project, citing the petition; the fact that there would be no impact on the view, light, air or privacy of neighbors; and the substandard sized lot. He stated, however, that he would have liked the applicant to have shown a little more flexibility.

Commissioner Weideman stated that although he was impressed by the petition and agreed there would be no impact on the view, light, air and privacy of neighbors, he could not support the project due to the FAR.

MOTION: Commissioner Busch moved for the approval of PRE07-00004, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Horwich and passed by a 5-2 roll call vote, with Commissioners Browning and Weideman dissenting.

Planning Associate Hurd-Ravich read aloud the number and title of Planning Commission Resolution No. 07-065.

MOTION: Commissioner Gibson moved for the adoption of Planning Commission Resolution No. 07-065. The motion was seconded by Commissioner Horwich and passed by a 5-2 roll call vote, with Commissioners Browning and Weideman dissenting.

11A. PRE08-00001, WAV08-00001: STARR DESIGN GROUP (JOHN BROWN)

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 in conjunction with a Waiver to allow a reduction in side yard setback requirements on property located within the Hillside Overlay District in the R-1 Zone at 336 Calle Mayor.

Recommendation

Approval.

Planning Assistant Graham introduced the request.

John Starr, project architect, voiced his agreement with the recommended conditions of approval. He clarified that the existing circular driveway will be replaced with a straight driveway and the garage is a three-car garage, with the third space in a tandem arrangement. He noted that the project maintains the same ridge height as the existing home and much of the addition is subterranean so the increased floor space does not add to the bulk of the building.

Pamela Maran, 5501 Via del Valle, expressed concerns that overly large homes were detracting from the character of the neighborhood and voiced objections to the project's FAR of 0.58 and the granting of a Waiver of side yard setback requirements.

John Brown, 336 Calle Mayor, owner of the subject property, reported that he met with neighbors on both sides and to the rear and was very careful not to create any view obstruction.

Commissioner Browning stated that he was inclined to support the proposed project, even though it was very rare for him to support a project with an FAR of 0.58, because he observed that it would have no impact on views and it does not appear to be overly large because the majority of the addition would be below grade. He further stated that he liked the extra parking space in the garage even though it increases the project's FAR because it would help keep cars off the street.

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

Commissioner Weideman reported that this was the second project this evening where he felt the FAR was not a true indication of the project's mass and bulk and he was inclined to support this project despite the high FAR because he did not observe the structure to be massive or bulky.

Chairperson Busch noted that one of the issues FAR guidelines were meant to address is "mansionization."

MOTION: Commissioner Horwich moved for the approval of PRE08-00001 and WAV08-00001, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Uchima and passed by a 5-1 roll call vote, with Chairperson Busch dissenting (absent Commissioner Gibson).

Planning Assistant Graham read aloud the number and title of Planning Commission Resolution Nos. 08-024 and 08-025.

MOTION: Commissioner Browning moved for the adoption of Planning Commission Resolution Nos. 08-024 and 08-025. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote (absent Commissioner Gibson).

PLANNING COMMISSION RESOLUTION NO. 08-024

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 336 CALLE MAYOR.

PRE08-00001: STARR DESIGN GROUP (JOHN BROWN)

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on March 5th 2008, to consider an application for a Precise Plan of Development filed by Starr Design Group (John Brown) 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 336 Calle Mayor; and

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

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

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

- a) That the property is located at 336 Calle Mayor;
- b) That the property is described as Block B of Lot 13 of Tract 10304 as per map recorded in the Office of the Los Angeles County Recorder, State of California;
- c) That the proposed residence, as conditioned, will not have an adverse impact upon the view, light, air and privacy of other properties in the vicinity because the location of the proposed two-story structure does not impair views of those surrounding properties within the Hillside Overlay District;
- d) That the proposed residence has been located, planned and designed so as to cause the least intrusion on the views, light, air and privacy of other properties in the vicinity because the proposed residence is not increasing the existing height and the majority of the additions are semi-subterranean;

- e) That the design provides an orderly and attractive development in harmony with other properties in the vicinity because the proposed exterior design elements are in keeping with the architecture and finishes of other recently developed properties;
- f) That the design will not have a harmful impact upon the land values and investment of other properties in the vicinity because the exterior will be treated with high-quality finishes equal to those of surrounding residences;
- g) That granting such application would not be materially detrimental to the public welfare and to other properties in the vicinity because a single-family residence is an appropriate use for this property and with the exception of the side yard setbacks, is in compliance with the R-1 Zone and the Hillside Overlay District;
- h) That the proposed additions would not cause or result in an adverse cumulative impact on other properties in the vicinity because the proposed additions will incorporate high quality building materials, will not increase the building's height, and are mostly semi-subterranean;
- i) That it is not feasible to increase the size of or rearrange the space within the existing building or structure for the purposes intended except by increasing the height in order to preserve the rear yard outdoor recreation space;
- j) That denial of this request to increase the height would constitute an unreasonable hardship because the proposed residence, as conditioned, does not appear to have a significant adverse impact on view, light, air and privacy of the surrounding properties and the existing residence is already two stories;
- k) That granting this application will not be materially detrimental to the public welfare and to other properties in the vicinity because the project, as conditioned, complies with the development standards for the R-1 Zone with the exception of the side yard setbacks;
- l) That denial of this request to increase the interior floor area of the building to more than 50% of the lot area would constitute an unreasonable hardship because the applicants are preserving a useable rear yard by proposing semi-subterranean first floor additions that do not add to the building's bulk but adds to the FAR calculation;
- m) That granting this request to increase the interior floor area of the building to more than 50% of the area of the lot will not be materially detrimental to the public welfare and to other properties in the vicinity because the proposed design, as conditioned, will be in harmony with the surrounding properties and does not appear to cause any adverse impacts to view, light, air, or privacy.

WHEREAS, the Planning Commission by the following roll call votes APPROVED PRE08-00001, subject to conditions:

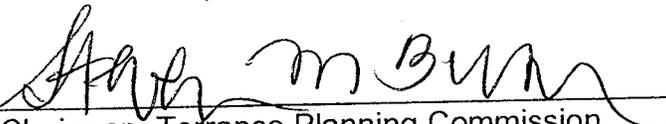
AYES:	COMMISSIONERS:	BROWNING; HORWICH; SKOLL; UCHIMA; WEIDEMAN
NOES:	COMMISSIONERS	CHAIRPERSON BUSCH
ABSENT:	COMMISSIONERS:	GIBSON
ABSTAIN:	COMMISSIONERS:	NONE

NOW, THEREFORE, BE IT RESOLVED that PRE08-00001, filed by Starr Design Group (John Brown) 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 336 Calle Mayor, on file in the Community Development Department of the City of Torrance, is hereby APPROVED subject to the following conditions:

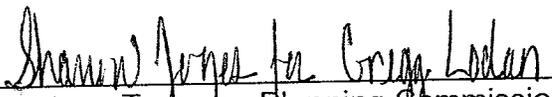
1. That the use of the subject property for a single-family residence shall be subject to all conditions imposed in Precise Plan of Development 08-00001 and any amendments thereto or modifications thereof as may be approved from time to time pursuant to Section 92.28.1 et seq. of the Torrance Municipal 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 08-00001 is not used within one year after granting of the permit, it shall expire and become null and void unless extended by the Community Development Director for an additional period as provided for in Section 92.27.1;
3. That the maximum height of the residence at the highest point of the roof shall not exceed 22.74 feet as represented by the survey elevation of 138.56, based on a bench mark elevation of 112.76 located at L&T RCE 30826, 14.25 feet off the northwesterly property corner on Calle Mayor and the lowest adjacent corner (115.82) as shown on the official survey map on file in the Community Development Department; (Development Review)
4. That the height of the structure shall be certified by a licensed surveyor/engineer prior to requesting a framing or roof-sheathing inspection and shall not exceed 22.74 feet based on a bench mark elevation of 112.76 located at L&T RCE 30826, 14.25 feet off the northwesterly property corner on Calle Mayor as shown on the survey map on file in the Community Development Department; (Development Review)

5. 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)
6. That within 30 days of the final public hearing, the applicant shall remove the City's "Public Notice" sign to the satisfaction of the Community Development Director; (Development Review)
7. That color and material samples of the proposed home be submitted for review to the Community Development Department; (Development Review)
8. That automatic electric roll-up garage doors shall be installed; (Development Review)
9. That the applicants shall provide a plan indicating that the front yard shall not be more than 50% paved; (Development Review)
10. That the applicants shall provide four inch minimum contrasting address numerals for residential, condo, etc. uses; (Environmental)
11. That all conditions of all 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 5th day of March 2008.


 Chairman, Torrance Planning Commission

ATTEST:


 Secretary, Torrance Planning Commission

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

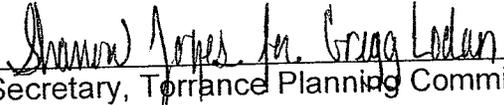
I, Gregg Lodan, Secretary to the Planning Commission of the City of Torrance, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the Planning Commission of the City of Torrance at a regular meeting of said Commission held on the 5th day of March 2008, by the following roll call vote:

AYES: COMMISSIONERS: BROWNING; HORWICH; SKOLL;
 UCHIMA; WEIDEMAN

NOES: COMMISSIONERS: CHAIRPERSON BUSCH

ABSENT: COMMISSIONERS: GIBSON

ABSTAIN: COMMISSIONERS: NONE



 Secretary, Torrance Planning Commission

AGENDA ITEM NO. 11A

CASE TYPE & NUMBER: Precise Plan of Development – PRE08-00001
Waiver – WAV07-00001

NAME: Starr Design Group (John Brown)

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 in conjunction with a Waiver to allow a reduction in the side yard setback requirements on property located within the Hillside Overlay District in the R-1 Zone.

LOCATION: 336 Calle Mayor

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

ADJACENT ZONING AND LAND USE:

NORTH: R-1 Hillside Overlay District, Two-Story Single Family Residences
EAST: R-1 Hillside Overlay District, Two-Story Single Family Residence
SOUTH: R-1 Hillside Overlay District, Two-Story Single Family Residences
WEST: R-1 Hillside Overlay District, Two-Story Single Family Residence

GENERAL PLAN DESIGNATION: Low-Density Residential

COMPLIANCE WITH GENERAL PLAN: The site has a General Plan Land Use Designation of Low Density Residential allowing up to nine dwelling units per acre. The proposed construction of first and second floor additions to an existing two-story single family residence on this property is consistent with the Low-Density Residential designation.

EXISTING IMPROVEMENTS AND/OR NATURAL FEATURES: The subject property contains a two-story single family residence with an attached two-car garage originally constructed in 1956. The property slopes upward from the front (north) to the back (south), with the rear of the property 24 feet higher than the front.

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) and Setback Waivers are Categorically Exempted by the Guidelines for Implementation of the California Environmental Quality Act; Article 19, Class 5, Section 15305 (a).

BACKGROUND AND ANALYSIS:

The applicant requests approval to allow first and second story additions to an existing two-story single family residence. A Precise Plan is required because the property is located within the Hillside Overlay District and the new construction is over 14 feet in height. A Waiver is needed because the applicant is requesting to maintain the existing side yard setbacks for new construction which are less than what the Code requires.

The subject lot is 7,521 square feet in area and is mostly rectangular in shape. The parcel is 65 feet wide. The western property line is 116 feet long and the eastern property line is 115

feet long. The lot is located on the south side of Calle Mayor, between Via Monte D'oro and Calle Miramar.

The proposed residence will have a front yard setback average of 20 feet with a minimum of 16 feet and a rear yard setback of more than 25 feet, which meet Code requirements. The applicants are proposing to maintain the existing eastern side yard setback of 5.6 feet and the existing western side yard setback of 5.4 feet. The Code requires the side yard setbacks to be 6.5 feet.

The proposed first floor additions will total 665 square feet and the second floor additions will total 136 square feet. Because of how the property slopes, the majority of the first floor additions will be semi-subterranean.

The proposed first floor will feature an entry, foyer, game room, bathroom, bedroom, laundry, study, wine cellar, and an oversized two-car garage. The second floor will feature a master bedroom suite, bedroom, bathroom, kitchen, dining room, living room, and family room, with two balconies at the front. There will be a 41.25 square foot step-out balcony accessed from the master bedroom and a 72 square foot balcony accessed from the dining room. The 96 square foot outdoor pool bathroom, approved by MIS05-00191, will remain as is.

Staff notes that the property features a semi-circular driveway. As currently developed, more than 50% of the front yard is paved. A Code requirement exists which requires that the front yard of any residentially zoned property be less than 50% paved. Staff is adding a condition requiring that the applicants submit a plan indicating how they will comply with this Code requirement.

The new residence will retain the existing height of 22.74 feet, as measured from the lowest adjacent grade of 115.82 to the highest ridge of 138.56.

The Floor Area Ratio is .58 and the Lot Coverage is 31%.

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

Statistical Information

◆ Lot Area	7,521 square feet
◆ Existing Residence	3,572 square feet
◆ New Residence	4,372 square feet
First Floor Living Area	1,415 square feet
Second Floor Living Area	2,270 square feet
Garage	591 square feet
Pool Bathroom	96 square feet
◆ Lot Coverage	0.31
◆ Floor Area Ratio	0.58
◆ Proposed Building Height	22.74 feet

038

The Hillside Ordinance requires that the Planning Commission make a series of findings relating to the design of the project and its potential impact on the view, light, air and/or privacy of properties in the vicinity. The applicant has responded to this requirement in the Hillside Ordinance Criteria Response Sheet (Attachment #3). The applicant was required to construct a silhouette to demonstrate potential impacts. A licensed engineer has verified the height of the silhouette (Attachment #4) and staff made a field inspection. The building height is 22.74 feet as measured from the lowest corner (on the northwest corner).

As proposed, the development does not appear to produce any significant impacts to the view, light, air or privacy of the neighboring properties located in the Hillside Overlay District. Staff made a field observation of the proposed residence and based on the silhouette, it does not appear to cause significant impacts for surrounding properties.

The new residence is not greatly larger than the existing building envelope and is not taller than the existing ridge height. Furthermore, much of the first floor additions are semi-subterranean so the increased floor space does not add to the bulk of the building. The façade has been broken up into three sections in order to reduce the appearance of mass. The properties on either side are already two stories and both have high front porches that act as balconies. The properties to the rear sit much higher and the views are not impacted. The properties to the front are not impacted as there are no views towards the subject property.

The neighbor to the east, at 340 Calle Mayor, had some questions with the front balcony, specifically with the railing material, and with the proposed layout of the first floor. After reviewing the plans and noting that wrought iron railing would be used, she left without stating an objection. Staff has also left business cards with some other homes in the surrounding area, should anyone have any questions or concerns regarding the proposed development. No calls have been received. Furthermore, staff has not received any complaints or objections at the time of the preparation of this report.

The applicants have prepared a plan that complies with the rear and front yard setback requirements, is well below the height limit, exceeds the open space requirements, and is within the allowable floor area ratio and lot coverage. The proposed design features a contemporary style with exterior plaster siding, clay tile roofing, stained wood trim around the windows and doors, decorative rafter tails, and wrought iron railing, well in line with a majority of newer development. The proposed residence is compatible with surrounding homes and is an appropriate use for this neighborhood. This project does not appear to cause any significant intrusion on the view, light, air or privacy of adjacent properties. For these reasons, staff recommends approval of this request.

As mentioned, the project proposes to retain the existing side yard setbacks which do not meet the Code required minimum. The applicants were required to provide facts to substantiate criteria by which the Planning Commission may grant this Waiver (Attachment #5).

In the judgment of staff, a Waiver to allow a reduction in the side yard setback requirements for the project does meet the criteria for approving a Waiver. The subject property exhibits substantial physical hardships that would create unreasonable difficulties for the applicants to

reconstruct side building walls that are currently in place and are intended to be retained. There are significant topographical issues that create practical difficulties in meeting the required setbacks. Extensive work has been done in order to convert the rear yard into usable open space. Strict enforcement of the required side yard setbacks would force the additions into the rear yard, greatly reducing usable recreation area. For these reasons, staff recommends approval of the Waiver 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 OF THE PRECISE PLAN:

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

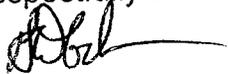
RECOMMENDED CONDITIONS, IF PROJECT IS APPROVED:

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

Prepared By


Soc Angelo Yumul
Planning Assistant

Respectfully submitted,


Gregg Lodan, AICP
Planning Manager

ATTACHMENTS:

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

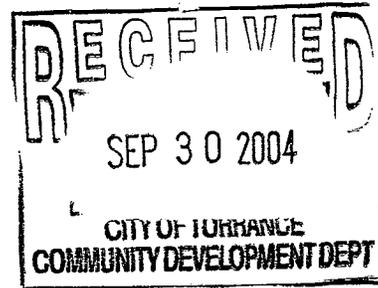
040

September 27, 2004

To: Torrance City Planning Commission

RE: **22503 Redbeam Avenue**
Second Story Addition

From: Mike and Julie Hall
22420 Redbeam Avenue
Torrance, CA 90505



We are responding to the opposition of the proposed two-story addition at 22503 Redbeam Avenue from the Martel's at 22504 Warmside Avenue. We strongly urge the City Planning Department to recommend approval as proposed and the Planning Commission to approve the Argento's home, as proposed.

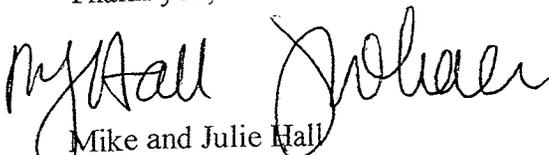
We understand, and have been through, the Hillside Overlay Ordinance process. We believe in it, and feel that it has benefits for the community. Unfortunately, there are subjective areas of the Ordinance that, depending on the interpretation, divide neighborhoods for the benefit of no one. The potential view loss from the Martel's and their concern over the FAR is such an area.

We live three homes to the Northeast of the Argento's and went through the process in April of 2004. Our lots are small, less than 6,500 square feet. To build a home that can accommodate members of the sandwich generation, it is nearly impossible to stay within the .50 FAR recommended by the Overlay Ordinance. We received approval for a .60 FAR, for which we feel very fortunate. The additional 300+ square feet that our family will use every day will not even be noticeable from the street or to the neighbors. I can understand the FAR being enforced on large lots over 10,000 square feet where large homes can overpower the look and feel of the neighborhood. That is not the case here. The .54 FAR proposed by the Argento's keeps their home well within the average of the new homes in the area. In addition, the style of the proposed home complements the neighborhood.

The project has received opposition from only one neighbor; a neighbor who enjoys the view and additional space a two-story home provides; the same view and space that the Argento's are proposing for their family. Why should the Martel's second-story view be any more important than the Argento's?

Mark and Amy designed a home to meet the needs of their growing family while ensuring minimal intrusion to the neighbors view, light, privacy and air. We are confident that the Planning Commission will make the right decision for our neighborhood and approve the plan as proposed.

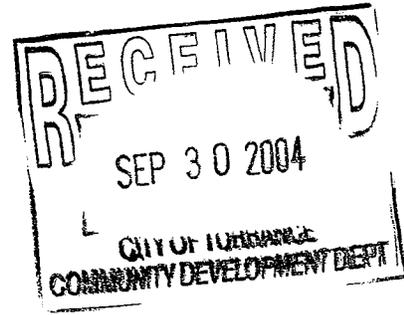
Thank you,


Mike and Julie Hall
310.540.9526 - home

To: Torrance City Planning Commission

RE: 22503 Redbeam Avenue
Second story addition and remodel

From: Mark and Amy Argento



We are writing in response to the opposition of our remodel/addition to our home. We had spoken with Mr. Martel of 22504 Warmside Avenue three months prior to the hearing, inviting them to view our plans at any time. Since Mr. Martel told us he would let us know if he had any concerns once the flags went up, we were shocked when he first mentioned his concern regarding his view in the lobby five minutes prior to the start of the September 15th meeting. Mr. Martel at no time mentioned the 54 percent floor area ratio. When the case prior to ours was focused on a 58 percent floor area ratio, it became apparent why Mr. Martel included the floor area ratio in his complaint. He complained about the view from his South/East facing balcony and bedroom window and he asked that the commissioners come out to look at his view. He also added a concern, which he did not mention in the lobby, of the floor area ratio once he realized it could be a bargaining point. We understand the Martel's concern regarding their view, but not the floor area ratio. Reducing our FAR will have no benefit for the neighbors, but will significantly impact our need for living space and a safe space for our children to play.

We left the meeting confused and extremely concerned. The following morning Mr. Martel began preparing for the site visit, by trimming his tree that blocked his view on the balcony, and clearing boxes away that were blocking access to the balcony entrance. It then appeared as if he were preparing the room to look as if it were used regularly. In the two and a half years we've lived here, the blinds have remained shut with the exception of a few times, and we have never seen that room used, nor do we *ever* see them on the balcony. As we were taking pictures of the activity (attached), a conversation began with Mr. Martel. In that conversation, Mr. Martel mentioned they were thinking of adding onto their house, and hoped we wouldn't have a problem when that time came. He also said that he realizes we just want a little of what he has, and he just isn't willing to give it up. We agreed to meet at their house to see the view and discuss the situation.

We met at their house that evening and we were amazed at how beautiful their views are from the front, back *and* side of their large home. When we went upstairs to see the view they were concerned with, we were surprised at what an expansive view it is once you step out onto the balcony. The view is actually more a South view with views of treetops and rooftops to the East. With a 180-degree view, our addition takes a *very* small portion of that. Considering the Martel's primary views are out of their living room, family room and dining areas, we were surprised their concern is about a view from a back bedroom that was not being used. It definitely affects them, but our addition is smack in the middle of what he pointed out as the "buildings in the harbor". The Martel's and we agreed that dropping the roof or bringing the home in foot is not going to help. Mr. Martel mentioned that his reason for opposing us is because he "realized what he has

now, and just doesn't want to give it up". Their suggestion of having our roof run East/West, would not only completely block our other neighbor's *primary* views from their first floors, but it is impossible due to the section we are keeping and working around. They also mentioned bringing the South side of the home in four or five feet. This would cause us to lose an entire room, and would make our house look disproportionate. After having them come over to view our home and the section we are keeping, they admitted it seems impossible. When I asked them what we should do next, they wanted to leave it at seeing what the commissioners had to say. The Martel's did not seem to want to compromise then, but rather wanted to see what the commissioners had to say.

In addition to the view issue, the Martel's seemed to only be concerned with the 54 percent floor area ratio; if they could choose where the four percent decrease came from. We are very concerned about losing the much-needed 54 percent floor area ratio. We have one child already, and another on the way. We want to have three children, and desperately need the living space, storage space and safe play space for our growing family. We are also the primary caretakers of aging family in the area, and may someday have to take someone into our home. We also know that our request for four percent over floor area ratio is not unreasonable. After obtaining the FAR's of the homes in only our immediate area, we have found that many are over 50 percent. The addresses are as follows:

22314 Redbeam Ave.	FAR 0.59	22320 Redbeam Ave.	FAR 0.54
22402 Redbeam Ave.	FAR 0.54	22408 Redbeam Ave.	FAR 0.56
22420 Redbeam Ave.	FAR 0.60	22220 Warmside Ave.	FAR 0.57
22225 Warmside Ave.	FAR 0.57	22302 Warmside Ave.	FAR 0.56
22311 Warmside Ave.	FAR 0.66	22314 Warmside Ave.	FAR 0.59
22317 Warmside Ave.	FAR 0.52	22408 Warmside Ave.	FAR 0.57
22414 Warmside Ave.	FAR 0.597	22419 Warmside Ave.	FAR 0.534

The great stress and concern this opposition has placed on us is difficult. We have put precious time and money into planning our home already, and we are looking at a 400 thousand dollar remodel that will only improve our neighborhood. When we hadn't heard any opposition from our neighbors (including the Martel's), we entered into escrow on another home in Torrance that we plan to stay in while the home is being built, and to own as an investment thereafter. We have significant financial commitments that are being negatively impacted due to the last minute opposition of the Martel's.

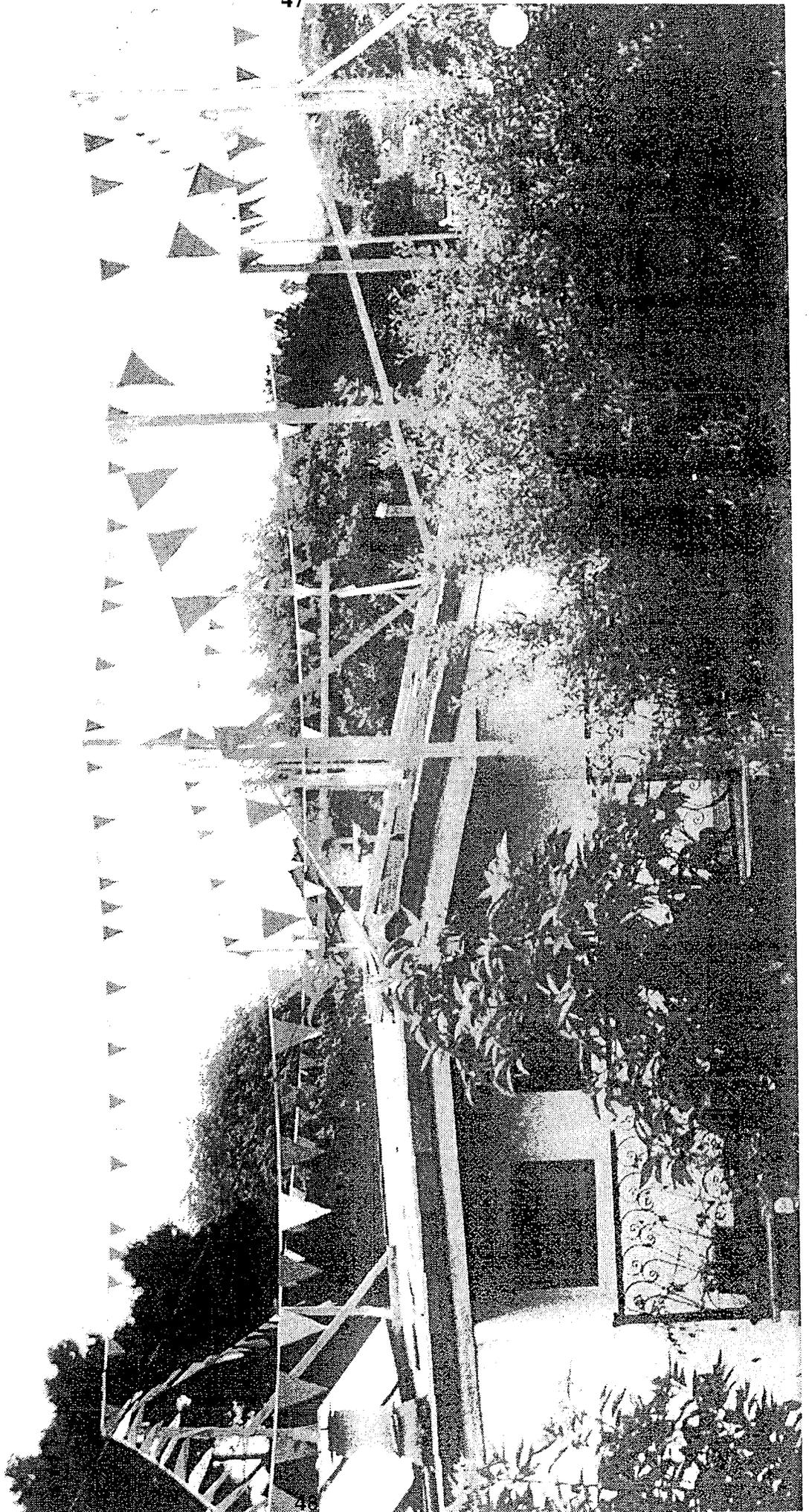
We met with our architect Robert Treman, and Danny Santana on September 28th to try and find a compromise. The very next day, Danny informed us that the Martel's rescinded on wanting a compromise and are opposing our plans altogether. We feel that we went to great lengths to ensure our home had minimal impact on the light, air, view and privacy of our neighbors. All of our neighbors, including those that are far more affected, are pleased with our plans, with the exception of the Martel's. We have taken *all* of our neighbors into consideration when we created the home plans, and feel that Mr. and Mrs. Martel's requests do not do the same in return. We love our neighborhood and our neighbors and have no interest in moving to obtain the essential living space. We ask

that the commission recognize that the *acquired* view in question is not a primary view and our addition takes up a *very* small portion of the 180-degree view. As we understand the Hillside Overlay Ordinance, it must be a *significant* impact on the view. We strongly feel that our impact on their views from throughout their property is miniscule. We also hope that the commission recognizes that our remodel is exceptionally challenging, and does not allow for a major change in the roofline. Lastly, we feel the 54 percent floor area ratio is crucial in obtaining the much-needed living space in our home. We appreciate your time and consideration on all of these issues.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark & Amy Argento". The signature is written in dark ink and is positioned above the printed name.

Mark and Amy Argento



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

I, JANE ISOMOTO, Secretary to the Planning Commission of the City of Torrance, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the Planning Commission of the City of Torrance at a regular meeting of said Commission held on the 15th day of September 2004, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Secretary, Torrance Planning Commission

the Community Development Director for an additional period as provided for in Section 92.27.1;

3. That the maximum height of the residence at the highest point of the roof shall not exceed a height of 26.76 feet as represented by the survey elevation of 112.12 feet based on the elevation of the lowest adjacent grade of 85.36 (located at the southwestern perimeter of the building), based on a bench mark elevation of 85.67 feet located at the northeastern 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 structure 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 112.12 feet based on the benchmark of 85.67 feet located in front of the northeastern corner of the property, as shown on the official survey map on file in the Community Development Department; (Development Review)
5. That an automatic roll-up garage door shall be installed; (Development Review)
6. That color and material samples of the proposed home be submitted for review to the Community Development Department; (Development Review)
7. That all conditions of other City Departments received prior to or during the consideration of this case by the Planning Commission shall be met.

Introduced, approved and adopted this 15th day of September 2004.

Chairman, Torrance Planning Commission

ATTEST:

Secretary, Torrance Planning Commission

low level ceiling heights for the first and second floors to maintain the second-story addition and the overall ridge height as low as possible, in order to limit the potential for privacy and view impairment.

- M) Denial of this request to increase the interior floor area of the building to more than 50% of the area of the lot will constitute an unreasonable hardship because the residence has provided larger front, rear and southern side yard setbacks than what is required and the residence would still come well within code required lot coverage and floor area ratio requirements for the R-1 zone.
- N) Granting this request to increase the interior floor area of the building to more than 50% of the area of the lot will not be materially detrimental to the public welfare and to other properties in the vicinity because the residence has provided larger front, rear and southern side yard setbacks than what is required and the residence would still come well within code required lot coverage and floor area ratio requirements for the R-1 zone.

WHEREAS, the Planning Commission by the following roll call vote APPROVED PRE04-00018, subject to conditions:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

NOW, THEREFORE, BE IT RESOLVED that PRE04-00018, filed by Mr. and Mrs. Mark and Amie Argento (Robert Treman) to allow second story additions to an existing single family residence, in conjunction with a Waiver to allow less than the required side yard setback, on property located in the Hillside Overlay District in the R-1 Zone at 22503 Redbeam Avenue, 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 04-00018 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 04-00018 is not used within one year after granting of the permit, it shall expire and become null and void unless extended by

providing larger front and rear yard setbacks to avoid significant view and privacy impairments.

- 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, planned and designed to provide 8-foot ceiling heights for the first and second floors to maintain the overall ridge height as low as possible and have provided large front and rear yard setbacks to minimize the potential for impairments to view, light, air and privacy.
- F) The design of the additions provides an orderly and attractive development in harmony with other properties in the vicinity because the design features decorative brick veneer steps, smooth stucco finish, wood framed windows and doors, exposed posts, beams and rafters, outlookers and a mission style roof, materials consistent with 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 to the existing residence represent a significant improvement in 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 design will maintain low ceiling heights to maintain all additions as low as possible to limit the potential for view impairment and features front and rear yard setbacks greater than what is required and compatible with the surrounding pattern of development.
- 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 materials used and design style.
- 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 topography of the lot makes 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 lot has a 6-foot slope upward from the front of the lot to the back and an 8 to 9-foot slope upward from the southern side yard to the northern side yard and large front and rear yard setbacks make it difficult to build otherwise while still preserving a useable rear yard area.
- L) Granting such application would not be materially detrimental to the public welfare and to other properties in the vicinity because the proposed use is for residential purposes and the proposed development does not have a significant impact on view, light, air or privacy in the surrounding area because the applicants have proposed

PLANNING COMMISSION RESOLUTION NO. 04-108

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 SECOND STORY ADDITIONS TO AN EXISTING SINGLE FAMILY RESIDENCE, IN CONJUNCTION WITH A WAIVER TO ALLOW LESS THAN THE REQUIRED SIDE YARD SETBACK, ON PROPERTY LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 22503 REDBEAM AVENUE.

**PRE04-00018: MARK AND AMIE ARGENTO
(ROBERT TREMAN)**

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on September 15th, 2004, to consider an application for a Precise Plan of Development filed by Mr. and Mrs. Mark and Amie Argento (Robert Treman) to allow second story additions to an existing single family residence, in conjunction with a Waiver to allow less than the required side yard setback, on property located in the Hillside Overlay District in the R-1 Zone at 22503 Redbeam Avenue; 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 Categorical Exempted by the Guidelines for implementation of the California Environmental Quality Act, Class 1, Section 15301 (e);

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

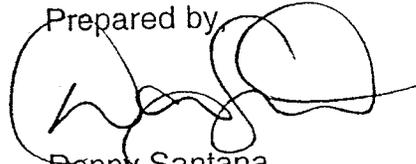
- A) That the property address is 22503 Redbeam Avenue.
- B) That the property is located on Lot 21 of Tract 17921.
- C) The project is in compliance with both the R-1 Zoning and the Low-Density General Plan designation for this site.
- D) The proposed additions will not have an adverse impact upon the view, light, air, or privacy of other properties in the vicinity because the additions have been designed and placed to prevent significant impacts to any view corridors that may exist by

SUPPLEMENTAL #1 TO AGENDA ITEM NO. 9B

TO: Members of the Planning Commission
FROM: Development Review Division
DATE: September 15th, 2004
SUBJECT: Robert Treman (Mark and Amie Argento)
LOCATION: 22503 Redbeam Avenue

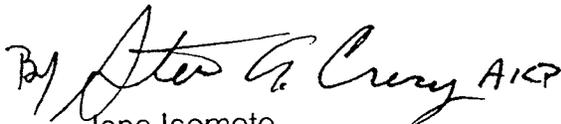
The attached Precise Plan resolution was revised by Staff and is attached for review.
Staff continues to recommend approval of project as conditioned.

Prepared by



Danny Santana
Planning Assistant

Respectfully submitted,

By 
Jane Isomoto
FOR Planning Manager

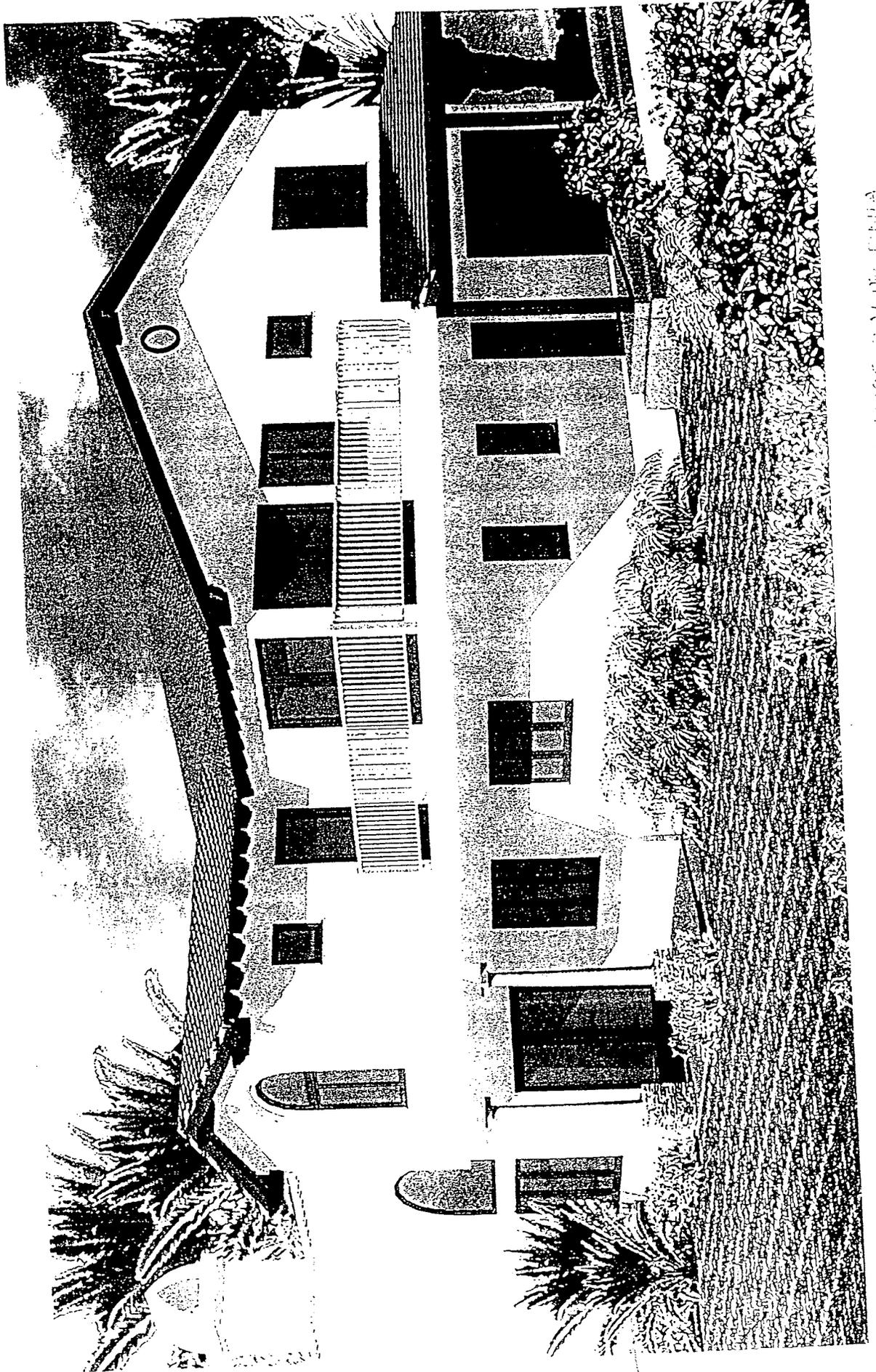
Attachment:

- 1.) Revised Precise Plan Resolution 04-108

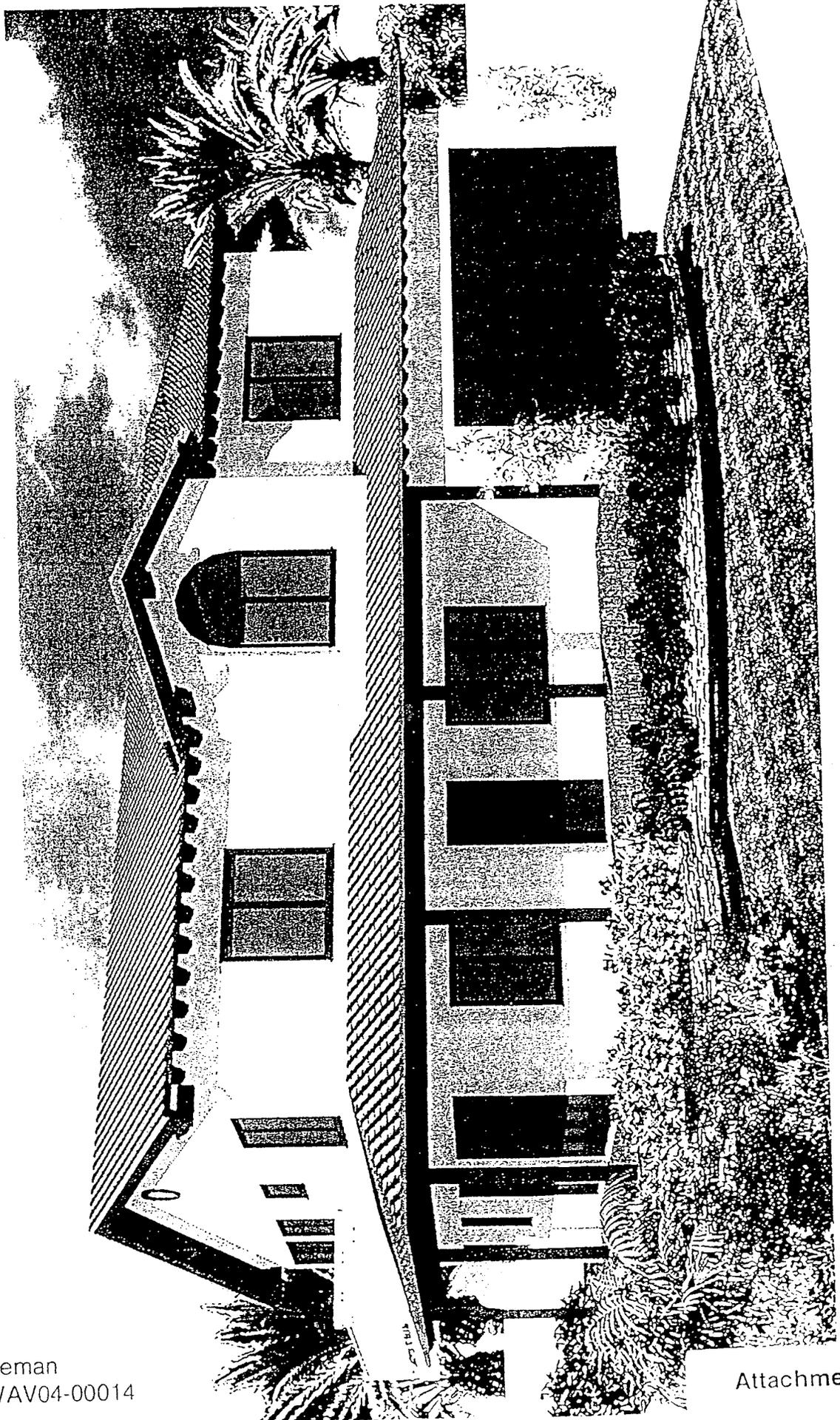
Attachment 6

C.D.D. RECOMMENDATIONS 09/15/04
AGENDA ITEM NO. 9B
CASE NO. PRE04-00018 & WAV04-00014

05



ADY JEFFERSON RESIDENCE 22250 RED FEATHER AVENUE - TORRANCE, CALIF. 1954
 ARCHITECT: TRUMAN ARCHITECTS



Robert Treman
 PRE04-00018, WAV04-00014

Attachment 8

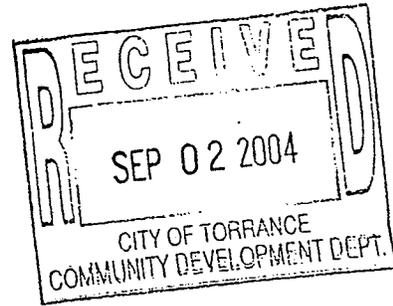
ALL RIGHTS RESERVED BY THE ARCHITECT. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

August 31, 2004

To: Torrance City Planning Commission

RE: 22503 Redbeam Avenue
Second story addition and remodel

From: Don and Tricia Nash
22432 Redbeam Avenue
Torrance, CA 90505



We are composing a letter to the Torrance City Planning Commission, in an effort to express our complete approval of the two-story addition at 22503 Redbeam Avenue. We live one home north on the opposite side of the street. We have a view of the new home, and are looking forward to the beautiful addition in our neighborhood.

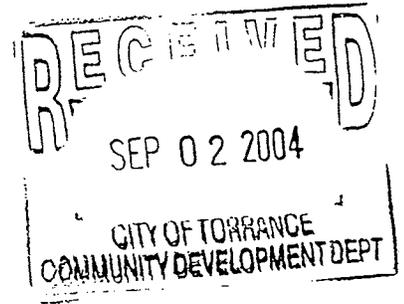
We feel very strongly that each of us should be allowed the right to make improvements and additions to our homes with the support of the Planning Commission and our close group of neighbors. We also live in a small home with a limited number of bedrooms and only one bathroom to share, and recognize there just isn't enough space for a family or room for growth.

We support the project at 22503 Redbeam Avenue, not only because the Argento's have discussed it with us, but because it will only improve the look of our neighborhood while raising the value of our homes.

Thank you,

Don and Tricia Nash

LAWRENCE L. SCHMIDT
 REGISTERED PROFESSIONAL ENGINEER
 STATE OF CALIFORNIA LICENSE # 20457
 22433 REDBEAM AVENUE
 TORRANCE, CA 90505



(310) 316-8134

Sept. 1, 2004

Mr. Jeff Gibson
 Community Development Director
 City of Torrance
 3031 Torrance Blvd.
 Torrance, CA 90503

RE: PRE 04-00018, WAV 04-00014

Dear Mr. Gibson,

My neighbors, Mark and Amy Argento, are planning to enlarge their home by adding a second story and rebuilding other portions of their existing home. They have filed the referenced applications and, it is my understanding, will have a hearing regarding these matters before the Planning Commission on September 15, 2004. I will not be able to attend the hearing and so I have chosen to communicate via this letter.

Their home is located next door to mine and just to the south. Their address is 22503 Redbeam Ave. They have provided me an opportunity to review their plans for the proposed additions and modifications. We have discussed the waiver required for their sideyard that is adjacent to my home. I have also reviewed the flags outlining the proposed modifications.

I have no objection to their proposed improvement to their home, and, in fact, I support their improvements. The view I now have from my kitchen window will be blocked. They have every right to do so as I do not have a view easement over their property and I understood that when I bought my home. The sideyard setback waiver of 6" will have no impact on my property and I support their request.

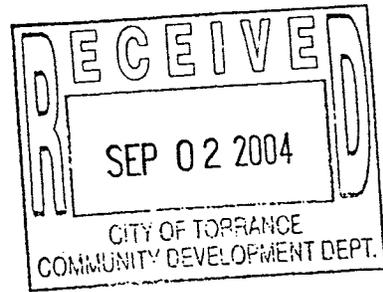
This is a fine young couple and they are the type of people that we need to encourage to stay in this City. Their proposed improvement to their home will improve our neighborhood. Their proposed addition to their home appears to be in conformance with the trend on this street and the surrounding area.

I recommend that the Community Development staff and the Planning Commission support and approve the requested improvements to this property.

Sincerely,

Lawrence L. Schmidt

August 31, 2004



TO: Torrance City Planning Commission

RE: 22503 Redbeam Avenue
Second-Story Addition

FROM: Karen and Ed Glynn
22502 Redbeam Avenue
Torrance CA 90505

Let this letter serve as our approval of the planned two-story addition to the home of Mark and Amy Argento located at 22503 Redbeam Avenue. We live directly across the street in a two-story home.

We have reviewed their plans and are supportive of their remodel. This home will be an excellent addition to the neighborhood and will increase everyone's property values.

Thank you,

Karen and Ed Glynn

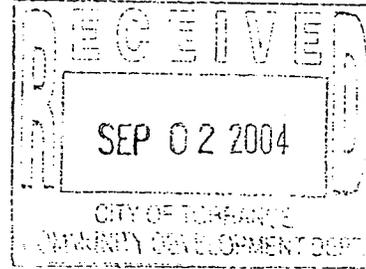
Handwritten signatures of Karen Glynn and Ed Glynn. The signature of Karen Glynn is written in a cursive style, and the signature of Ed Glynn is written in a more stylized, cursive style below it.

August 31, 2004

To: Torrance City Planning Commission

RE: 22503 Redbeam Avenue
Second Story Addition

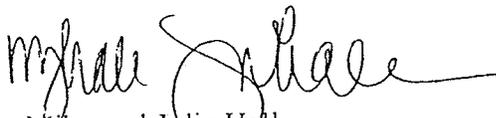
From: Mike and Julie Hall
22420 Redbeam Avenue
Torrance, CA 90505



Let this letter serve as our approval of the two-story addition, as proposed, to the home of Mark and Amy Argento located at 22503 Redbeam Avenue. We live three homes to the Northeast of the Argento's and feel their new home will be a welcome addition to the neighborhood, and help to increase property values.

We hope that the planning commission approves the plan as proposed. Mark and Amy designed a home to meet the needs of their growing family while ensuring minimal intrusion to the neighbors view, light, privacy and air.

Thank you,


Mike and Julie Hall

Attachment 7

057

W A I V E R

I, MARK ARGENTO, as the owner of that certain parcel of land located at 22503 REDBEAM AVENUE in the City of Torrance, County of Los Angeles, State of California, described as 22503 REDBEAM AVE - LOT 21 TRACT 17921, as recorded on page 442-44-45, make the following Declaration in relation of said parcel, as a condition of obtaining from the City of Torrance the required permits for development of said parcel for residential purposes.

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

EXECUTED this 29th day of April, 2004, at
Torrance, California.

* 

ROBERT TREMAN

architecture

Re: 22503 Redbeam Avenue, Argento Residence Addition

WAIVER APPLICATION

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

The non-conforming north sideyard setback (6'-0" existing/6'-6" required) was constructed with a previous family room addition and garage expansion. It is not known whether a survey was required or provided at the time the work was planned and completed. Due to the extreme topography this exterior wall is actually a concrete retaining wall cut into the grade appx. 6'-0", creating a basement type condition. Moving this wall would be incredibly expensive and require significant re-construction to a space we are proposing to keep intact. We are not proposing to continue this building wall or add on top of it. All new work fully complies with the zoning requirements.

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

Our proposal is for a very minor deviation from the code requirement and is generally consistent with the intent of the code. There have been similar conditions approved throughout the city and this waiver would not be detrimental to the public welfare or other properties in any way.

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

All current requirements are being met for the new additions on the property and the entire proposal is in harmony with the orderly development for the city. This waiver request is very minor in nature.

Again, the proposal is very consistent with the surrounding properties and would only add to the value of other properties in the area.

2. LIMITATION IN INCREASES IN HEIGHT

- 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:

This small, 2 bedroom home with a previous family room/loft addition does not offer sufficient floor area to accommodate a growing family. The only option to expand the home in a significant manner is to add a second story.

- b. Denial of this application would constitute an unreasonable hardship for the following reasons:

Denial of this application would constitute an unreasonable hardship as a second story would not be possible without increasing the height above that which exists.

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

Granting this application would not be materially detrimental to the public welfare and to other properties in the vicinity as our proposal fully complies with the zoning requirements and is very complimentary to the neighborhood in general.

3. LIMITATION IN INCREASE IN BUILDING SPACE LOT COVERAGE

- a. Denial of this application would constitute an unreasonable hardship for the following reasons:

Denial of this application would constitute an unreasonable hardship if the owner was not able to attain their goals and requirements to expand their current 2 bedroom home into a modern 4 bedroom home.

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

Our proposal is not materially detrimental to the public welfare and to other properties in the vicinity as we are not asking for anything that has not been constructed in the vicinity and that we strongly feel that the proposed development will only be an asset to the community.

ROBERT TREMAN

architecture

Re: 22503 Redbeam Avenue, Argento Residence Addition

1. PLANNING AND DESIGN

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

We have designed the proposed addition within the context of the surrounding properties. The neighborhood is in a state of transition and many second story additions and/or new homes are currently being constructed. Our proposal to add a 1,289 sq. ft. second story addition to the existing one story structure is consistent with the context of the neighborhood and is respectful of the view, light, air and privacy of other properties in the vicinity. The building has been designed with great care and a high level of detail. Second story setbacks exceeding the first level setbacks below offer massing relief as viewed from the street and as viewed from the neighbors. The proposed addition complies with current zoning requirements.

- 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:

No increase to the existing building footprint is proposed other than an open wrap-around front porch. The proposed second story setbacks have been increased from both the front and side setback requirements to allow a lower level roof to wrap the front and sides of the building, thus reducing mass. We feel that the design, as submitted, provides a minimal amount of intrusion upon the views, light, air and privacy of other properties in the vicinity.

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

The intent of the design is to create a building that looks as though it has been there all along. We are proposing a timeless/classic Spanish style structure with exposed rafters at all eave overhangs and a 2 piece mission tile roof. True divided light wood frame windows and doors are incorporated in the design as well as a smooth plaster exterior. There is a nice sense of relief as viewed from the street and all 4 building elevations are attractive and appealing with a consistent level of detail.

- 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 area:

We feel that providing an attractive two story design will only enhance the land values and investment of other properties in the area. The neighborhood is in a transitional state with many, many homes being expanded and/or remodeled. The property values in the neighborhood are increasing as a result and this project should be nothing short of a benefit to all property owners.

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

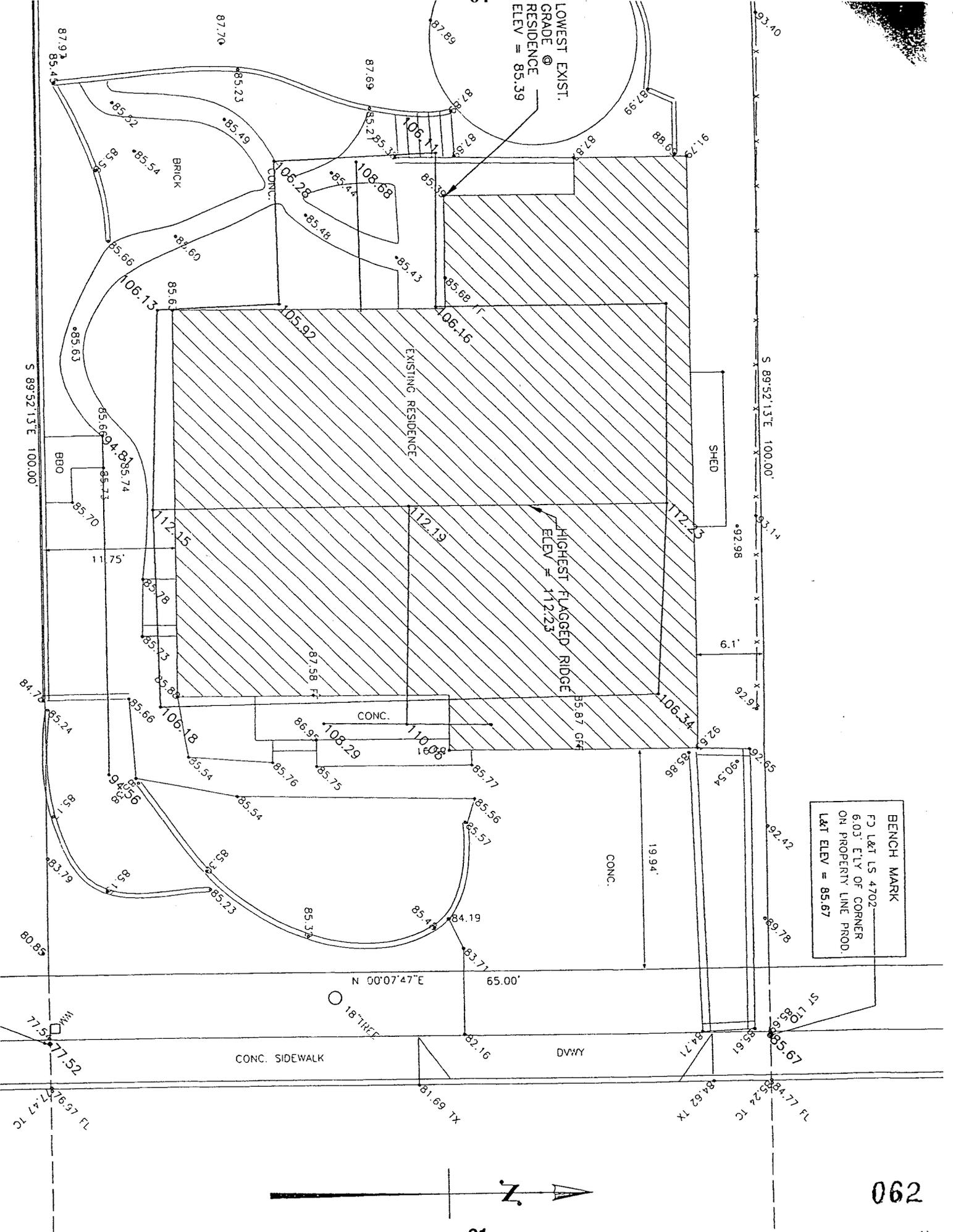
Granting this application will not be materially detrimental to the public welfare and to other properties in the vicinity because we are proposing to create a home that sits in well within the context of the surrounding properties and meets the city's intent for development within the Hillside Overlay District.

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

LOWEST EXIST.
GRADE @
RESIDENCE
ELEV = 85.39

HIGHEST FLAGGED RIDGE
ELEV = 112.23

BENCH MARK
FD L&T LS 4702
6.03' ELY OF CORNER
ON PROPERTY LINE PROD.
LAT ELEV = 85.67

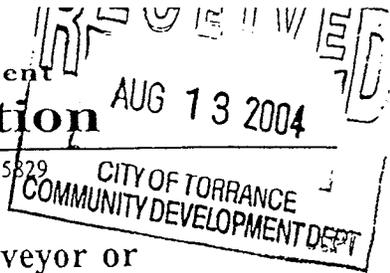




City of Torrance, Community Development Department Height and Location Certification

3031 Torrance Blvd. • Torrance, CA 90503 • (310) 618-5990 Fax: (310) 618-5829

Jeffery W. Gibson, Community Development Director



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

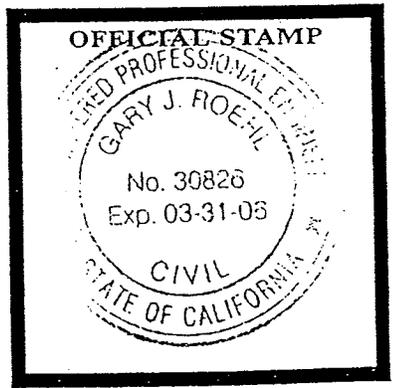
SILHOUETTE CERTIFICATION

I have surveyed the silhouette located at 22503 REDBEAM AVE (address)
on 8-11-04 (date), based on plans submitted to the City of Torrance
by ROBERT TREMAN (applicant/architect) on _____ (date). The survey was taken
from a bench mark located at L&T "LS 4702" @ N.E. PROPERTY CORNER (address)
(attached map) which established a base elevation of 85.07.

The ridge line/highest point of the roof was determined to have an elevation of 112.23.
The plans indicate that the elevation should be 112.12.

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

GARY J. ROEHL Name (please print) RCE 30826 LS/RCE #
[Signature] SIGNATURE (310) 542-9433 PHONE
8-12-04 DATE



Notes: _____ Job # 03-512

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 Department:

- Comply with State energy requirements.
- Provide underground utilities.

Building and Safety Department, Environmental Division:

- The front yard of any property zoned for residential use shall not be more than 50%-paved.
- Property shall be landscaped prior to final inspection.
- Provide 4" (minimum) contrasting address numerals for residential, condo, etc., uses.

Community Development Department, Permits and Mapping Division:

- A Construction and Excavation Permit is required from the Permits and Mapping Division for any work in the public right-of-way.
- Replace the broken/displaced curb, gutter driveway apron and sidewalk.
- Relocate the drain in the retaining wall (that is behind the sidewalk) to the curb face.

Attachment 3

C.D.D. RECOMMENDATIONS 09/15/04
AGENDA ITEM NO. 9B
CASE NO. PRE04-00018 & WAV04-00014

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

I, JANE ISOMOTO, Secretary to the Planning Commission of the City of Torrance, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the Planning Commission of the City of Torrance at a regular meeting of said Commission held on the 15th day of September, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Secretary, Torrance Planning Commission

applications or other documents presented by the applicant to the Community Development Department and upon which the Planning Commission relied in granting approval;

2. That if this Waiver 04-00014 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 if it were determined that the existing northern building wall is required to be removed and rebuilt during the construction process that it shall provide the required 6.5-foot side yard setback; (Development Review)
4. That the applicant shall comply with all conditions associated with Precise Plan of Development 04-00018; (Development Review)
5. 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 September.

Chairman, Torrance Planning Commission

ATTEST:

Secretary, Torrance Planning Commission

- D) That there are unreasonable difficulties resulting from strict enforcement of the side yard setback requirement because the existing northern building wall also functions as a 7-foot retaining wall because of the differences in grade that are found on the property. To require the applicants to reconstruct such a wall would be a significant hardship because of a 6-inch encroachment into the 6-foot 6-inch required setback.
- E) That the reduction of the side yard setback requirement will not be materially detrimental to the public welfare because it will maintain all other required setbacks and the encroachment into the required side yard setback allowing the existing setback to remain is not worsening an existing condition and is consistent with the area.
- F) That the reduction of the side yard setback requirement will not substantially interfere with the orderly development of the City because it will be within allowable lot coverage and floor area ratio limits, is consistent with the surrounding development and does not represent a departure from the spirit of the zoning or general plan designation of the property.

WHEREAS, the Planning Commission by the following roll call vote APPROVED WAV04-00014, subject to conditions:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

NOW, THEREFORE, BE IT RESOLVED that WAV04-00014, filed by Mr. and Mrs. Mark and Amie Argento (Robert Treman) to allow less than the required side yard setback, in conjunction with a Precise Plan of Development to allow second-story additions to an existing single family residence, on property located in the Hillside Overlay District in the R-1 Zone at 22503 Redbeam Avenue, 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 Wavier 04-00014 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,

PLANNING COMMISSION RESOLUTION NO. 04-109

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A WAIVER AS PROVIDED FOR IN DIVISION 9, CHAPTER 4, ARTICLE 2 OF THE TORRANCE MUNICIPAL CODE TO ALLOW LESS THAN THE REQUIRED SIDE YARD SETBACK, IN CONJUNCTION WITH A PRECISE PLAN OF DEVELOPMENT TO ALLOW SECOND-STORY ADDITIONS TO AN EXISTING SINGLE FAMILY RESIDENCE, ON PROPERTY LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 22503 REDBEAM AVENUE.

**WAV04-00014: MARK AND AMIE ARGENTO
(ROBERT TREMAN)**

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on September 15th, 2004, to consider an application for a Waiver filed by Mr. and Mrs. Mark and Amie Argento (Robert Treman) to allow less than the required side yard setback, in conjunction with a Precise Plan of Development to allow second-story additions to an existing single family residence, on property located in the Hillside Overlay District in the R-1 Zone at 22503 Redbeam Avenue; and

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

WHEREAS, Setback Waivers are categorically exempted by the 2000 California Environmental Quality Act Guidelines in Article 19, Class 5, Section 15305 (5)(a);

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

- A) That the property address is 22503 Redbeam Avenue.
- B) That the property is located on Lot 21 of Tract 17921.
- C) The project is in compliance with both the R-1 Zoning and the Low-Density General Plan designation for this site.

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

I, JANE ISOMOTO, Secretary to the Planning Commission of the City of Torrance, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the Planning Commission of the City of Torrance at a regular meeting of said Commission held on the 15th day of September 2004, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Secretary, Torrance Planning Commission

4. That the final height of the structure shall be certified by a licensed surveyor/engineer prior to requesting a framing or roof-sheathing inspection and shall not exceed a survey elevation of 112.12 feet based on the benchmark of 85.67 feet located in front of the northeastern corner of the property, as shown on the official survey map on file in the Community Development Department; (Development Review)
5. That an automatic roll-up garage door shall be installed; (Development Review)
6. That color and material samples of the proposed home be submitted for review to the Community Development Department; (Development Review)
7. That all conditions of other City Departments received prior to or during the consideration of this case by the Planning Commission shall be met.

Introduced, approved and adopted this 15th day of September 2004.

Chairman, Torrance Planning Commission

ATTEST:

Secretary, Torrance Planning Commission

low level ceiling heights for the first and second floors to maintain the second-story addition and the overall ridge height as low as possible, in order to limit the potential for privacy and view impairment.

WHEREAS, the Planning Commission by the following roll call vote APPROVED PRE04-00018, subject to conditions:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

NOW, THEREFORE, BE IT RESOLVED that PRE04-00018, filed by Mr. and Mrs. Mark and Amie Argento (Robert Treman) to allow second story additions to an existing single family residence, in conjunction with a Waiver to allow less than the required side yard setback, on property located in the Hillside Overlay District in the R-1 Zone at 22503 Redbeam Avenue, 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 04-00018 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 04-00018 is not used within one year after granting of the permit, it shall expire and become null and void unless extended by the Community Development Director for an additional period as provided for in Section 92.27.1;
3. That the maximum height of the residence at the highest point of the roof shall not exceed a height of 26.76 feet as represented by the survey elevation of 112.12 feet based on the elevation of the lowest adjacent grade of 85.36 (located at the southwestern perimeter of the building), based on a bench mark elevation of 85.67 feet located at the northeastern corner of the property, as shown on the official survey map on file in the Community Development Department; (Development Review)

providing larger front and rear yard setbacks to avoid significant view and privacy impairments.

- 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, planned and designed to provide 8-foot ceiling heights for the first and second floors to maintain the overall ridge height as low as possible and have provided large front and rear yard setbacks to minimize the potential for impairments to view, light, air and privacy.
- F) The design of the additions provides an orderly and attractive development in harmony with other properties in the vicinity because the design features decorative brick veneer steps, smooth stucco finish, wood framed windows and doors, exposed posts, beams and rafters, outlookers and a mission style roof, materials consistent with 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 to the existing residence represent a significant improvement in 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 design will maintain low ceiling heights to maintain all additions as low as possible to limit the potential for view impairment and features front and rear yard setbacks greater than what is required and compatible with the surrounding pattern of development.
- 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 materials used and design style.
- 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 topography of the lot makes 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 lot has a 6-foot slope upward from the front of the lot to the back and an 8 to 9-foot slope upward from the southern side yard to the northern side yard and large front and rear yard setbacks make it difficult to build otherwise while still preserving a useable rear yard area.
- L) Granting such application would not be materially detrimental to the public welfare and to other properties in the vicinity because the proposed use is for residential purposes and the proposed development does not have a significant impact on view, light, air or privacy in the surrounding area because the applicants have proposed

PLANNING COMMISSION RESOLUTION NO. 04-108

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 SECOND STORY ADDITIONS TO AN EXISTING SINGLE FAMILY RESIDENCE, IN CONJUNCTION WITH A WAIVER TO ALLOW LESS THAN THE REQUIRED SIDE YARD SETBACK, ON PROPERTY LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 22503 REDBEAM AVENUE.

**PRE04-00018: MARK AND AMIE ARGENTO
(ROBERT TREMAN)**

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on September 15th, 2004, to consider an application for a Precise Plan of Development filed by Mr. and Mrs. Mark and Amie Argento (Robert Treman) to allow second story additions to an existing single family residence, in conjunction with a Waiver to allow less than the required side yard setback, on property located in the Hillside Overlay District in the R-1 Zone at 22503 Redbeam Avenue; 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);

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

- A) That the property address is 22503 Redbeam Avenue.
- B) That the property is located on Lot 21 of Tract 17921.
- C) The project is in compliance with both the R-1 Zoning and the Low-Density 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 additions have been designed and placed to prevent significant impacts to any view corridors that may exist by

Staff notes that several letters of support have also been submitted on behalf of the Argento family (Attachment #7) and colored renderings have been provided for the Planning Commission for their review (Attachment #8).

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

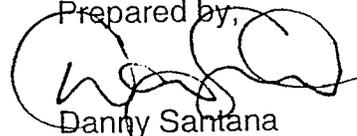
FINDINGS OF FACT IN SUPPORT OF APPROVAL OF THE PRECISE PLAN AND WAIVER:

Findings of fact in support of approval of the Precise Plan and Waiver are set forth in the attached resolution.

RECOMMENDED CONDITIONS, IF PROJECT IS APPROVED:

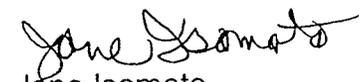
Recommended conditions of the proposed project are set forth in the attached resolution.

Prepared by,



Danny Santana
Planning Assistant

Respectfully submitted,



Jane Isomoto
Planning Manager

ATTACHMENTS:

1. Resolutions
 2. Location and Zoning Map
 3. Code Requirements
 4. Silhouette verification
 5. Hillside Ordinance Criteria Response Sheet
 6. Waiver Criteria Response Sheet
 7. Correspondence
 8. Color Renderings (Limited Distribution)
 9. Site Plan, Demolition Plan, Floor Plans, Roof Plans, Elevations, Sections & Survey
- X:\DSantana\Word\Precise Plan\PRE04-00018 (Argento-Treman).doc

privacy of properties in the vicinity. The applicant has responded to this requirement in the Hillside Ordinance Criteria Response Sheet (Attachment #5). The applicant was required to construct a silhouette to demonstrate the potential view impacts. The height of the silhouette has been verified by a licensed engineer (Attachment #4) 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 additions would predominately be located behind the existing loft and high ceiling family room to protect views from the north. Properties across Redbeam Avenue are at relatively the same elevation and properties to the south and to the rear are at lower elevations, which limit the potential for the additions to pose the potential for view impairments. The proposed second floor has been provided with 8-foot ceiling height to limit the overall height to be as low as possible and have provided larger front, rear and southern side yard setbacks for the proposed additions. Potential neighbor impacts were taken into account when designing the proposed additions through the placement of the proposed second-story additions to provide for an ample buffer between the proposed additions and the surrounding properties to the south and west that are at a lower elevations. Although the proposed additions are over 50% in Floor Area, the residence has provided larger front, rear and southern side yard setbacks than what is required and the residence would still come well within code required lot coverage and floor area ratio requirements.

As mentioned above, a Waiver to allow the retention of the existing northern side yard setback is also being requested. The applicant was required to provide facts to substantiate criteria by which the Planning Commission may grant this Waiver (Attachment #6). Practical difficulties limit the ability of the applicant to reconstruct the northern portion of the home and relocate it 6 inches to the south to bring the residence into conformance. The existing northern building wall also functions as a 7-foot retaining wall because of the downward slope that exists on the property from north to south. The encroachment into the required side yard setback is justified because allowing the existing setback to remain is not worsening an existing condition along the northern side yard. The encroachment will not be materially detrimental to the public welfare because it will exceed the required front, rear and southern side yard setbacks and the residence is in conformance with lot coverage and floor area ratio requirements.

As proposed, the development does not appear to produce view impairments that are significant in nature and the front, rear and southern side yard setbacks for the proposed second floor additions which exceed the required amounts and help prevent significant impacts to light, air and privacy of their surrounding neighbors. Due to the existing physical relationship with the adjacent properties and placement and design of the proposed additions, 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.

Staff notes that several letters of support have also been submitted on behalf of the Argento family (Attachment #7) and colored renderings have been provided for the Planning Commission for their review (Attachment #8).

C.D.D. RECOMMENDATIONS 09/15/04
AGENDA ITEM NO. 9B
CASE NO. PRE04-00018 & WAV04-00014

along Redbeam Avenue feature a steep elevation gain when heading south to north. Properties along Redbeam Avenue appear to have relatively the same building pad elevations with the properties directly across from them, thus creating a tiered effect as one proceeds north of Palos Verdes Boulevard. Homes to the rear, along Warmside are at a lower elevation and feature a similar elevation gain from south to north.

The subject lot is 6,500 square feet in area, has a width of 65 feet and depth of 100 feet. Although, the proposed residence exceeds the required front, rear and southern side yard setbacks, the applicant is proposing to retain an existing northern side yard setback of 6 feet rather than provide the required 6.5 feet required for a lot 65 feet in width.

The remodeled residence would contain an attached garage, a new wrap around porch and entry, a living room, dining area, kitchen, a nook, a family room, a powder room, laundry room and wine cellar on the first floor. The second floor would contain a loft area, three bedrooms, one bathroom and the master suite. A balcony will also extend out from the master suite bedroom and wrap along the southwestern corner of the second floor. A rear yard patio will also be created by the proposed master suite bathroom which would extend past the first floor nook area. The exterior of the residence would consist of decorative brick veneer steps, smooth stucco finish, wood framed windows and doors, exposed posts, beams and rafters, outlookers and a mission style roof.

The ridge height of the proposed second floor would be 26.76 feet in height, raising the existing ridge height by approximately 8.5 feet. The maximum ridge height elevation would be 112.12 feet. The applicant has proposed to add no square feet of living area to the existing 1,561 square foot first floor, demo 79 of the existing loft area on the second floor and add an additional 1,289 square feet for the proposed second floor. The proposed total living space would be 3,126 square feet. Including the existing garage of 400 square feet, the new residence measures a total of 3,526 square feet. The resulting lot coverage is 30.2% and the floor area ratio would be .54. Please see the project below.

Statistical Information	
Lot Size	6,500.00 sq. ft.
Existing Living	1,916.00 sq. ft.
-Existing First Floor	1,561.00 sq. ft.
-Existing Second Floor	355.00 sq. ft.
Existing Garage (to Remain)	400.00 sq. ft.
Proposed Living	3,126.00 sq. ft.
-Proposed First Floor Living Area	0.00 sq. ft.
-Proposed Second Floor Living Area	1,289.00 sq. ft.
Total Project	3,526.00 sq. ft.
Calculations	
Lot Coverage	30.2%
Floor Area Ratio	0.54
Maximum Building Height	26.76 ft

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

C.D.D. RECOMMENDATIONS 09/15/04
AGENDA ITEM NO. 9B
CASE NO. PRE04-00018 & WAV04-00014

07'

AGENDA ITEM NO. 9B

CASE TYPE & NUMBER: Precise Plan of Development PRE04-00018
& Waiver WAV04-00014

NAME: Robert Treman (Mark and Amie Argento)

PURPOSE OF APPLICATION: Request for approval of a Precise Plan of Development to allow second story additions to an existing single family home, and a Waiver to allow less than the required side yard setback to allow the retention of the existing northern side yard setback on property located in the Hillside Overlay District.

LOCATION: 22503 Redbeam Avenue

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

ADJACENT ZONING AND LAND USE:

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

GENERAL PLAN DESIGNATION: Low Density Residential

COMPLIANCE WITH GENERAL PLAN:

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

EXISTING IMPROVEMENTS AND/OR NATURAL FEATURES:

The subject property is currently developed with a two-story single family residence.

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 applicant requests approval to construct second-story additions to an existing two-story single family residence. 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 home located within the Hillside Overlay District. A Waiver is also required to allow a reduction of the side yard setback requirement to retain the existing northern side yard setback.

The subject property is located on the west side of Redbeam Avenue, just north of Palos Verdes Boulevard. The rectangular shaped lot features a 6-foot slope upward from the front of the lot to the back and an 8 to 9-foot slope upward from the southern side yard to the northern side yard. As exemplified by the slope of the subject residence, properties

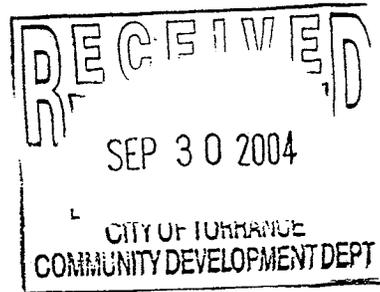
C.D.D. RECOMMENDATIONS 09/15/04
 AGENDA ITEM NO. 9B
 CASE NO. PRE04-00018 & WAV04-00014

September 27, 2004

To: Torrance City Planning Commission

RE: **22503 Redbeam Avenue**
Second Story Addition

From: Mike and Julie Hall
22420 Redbeam Avenue
Torrance, CA 90505



We are responding to the opposition of the proposed two-story addition at 22503 Redbeam Avenue from the Martel's at 22504 Warmside Avenue. We strongly urge the City Planning Department to recommend approval as proposed and the Planning Commission to approve the Argento's home, as proposed.

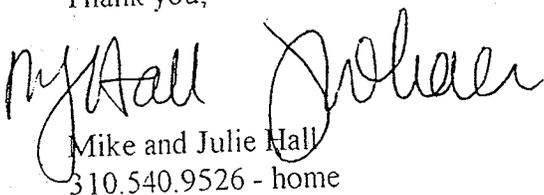
We understand, and have been through, the Hillside Overlay Ordinance process. We believe in it, and feel that it has benefits for the community. Unfortunately, there are subjective areas of the Ordinance that, depending on the interpretation, divide neighborhoods for the benefit of no one. The potential view loss from the Martel's and their concern over the FAR is such an area.

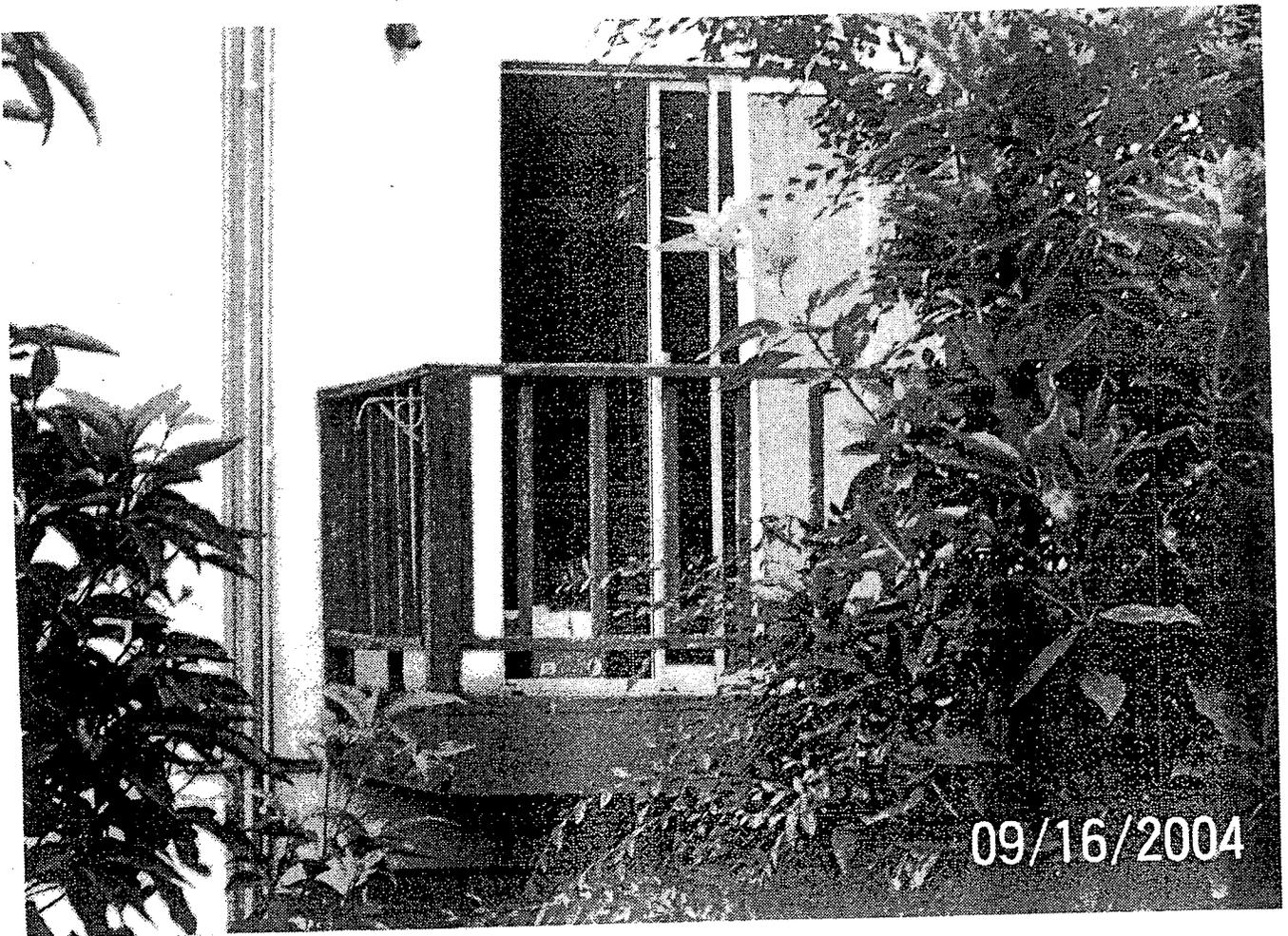
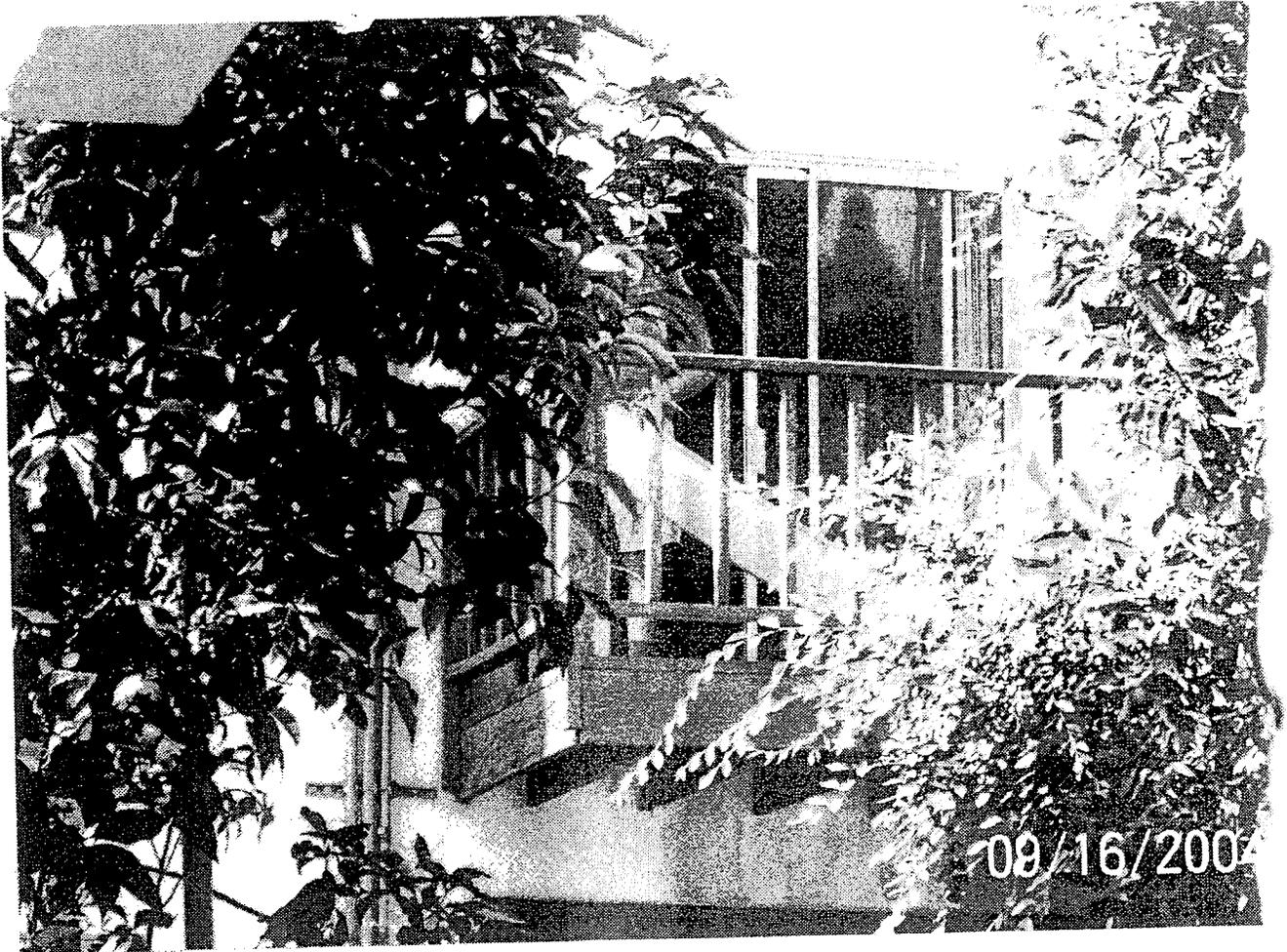
We live three homes to the Northeast of the Argento's and went through the process in April of 2004. Our lots are small, less than 6,500 square feet. To build a home that can accommodate members of the sandwich generation, it is nearly impossible to stay within the .50 FAR recommended by the Overlay Ordinance. We received approval for a .60 FAR, for which we feel very fortunate. The additional 300+ square feet that our family will use every day will not even be noticeable from the street or to the neighbors. I can understand the FAR being enforced on large lots over 10,000 square feet where large homes can overpower the look and feel of the neighborhood. That is not the case here. The .54 FAR proposed by the Argento's keeps their home well within the average of the new homes in the area. In addition, the style of the proposed home complements the neighborhood.

The project has received opposition from only one neighbor; a neighbor who enjoys the view and additional space a two-story home provides; the same view and space that the Argento's are proposing for their family. Why should the Martel's second-story view be any more important than the Argento's?

Mark and Amy designed a home to meet the needs of their growing family while ensuring minimal intrusion to the neighbors view, light, privacy and air. We are confident that the Planning Commission will make the right decision for our neighborhood and approve the plan as proposed.

Thank you,


Mike and Julie Hall
310.540.9526 - home





that the commission recognize that the *acquired* view in question is not a primary view and our addition takes up a *very* small portion of the 180-degree view. As we understand the Hillside Overlay Ordinance, it must be a *significant* impact on the view. We strongly feel that our impact on their views from throughout their property is miniscule. We also hope that the commission recognizes that our remodel is exceptionally challenging, and does not allow for a major change in the roofline. Lastly, we feel the 54 percent floor area ratio is crucial in obtaining the much-needed living space in our home. We appreciate your time and consideration on all of these issues.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark & Amy Argento". The signature is written in dark ink and is positioned above the printed name.

Mark and Amy Argento

now, and just doesn't want to give it up". Their suggestion of having our roof run East/West, would not only completely block our other neighbor's *primary* views from their first floors, but it is impossible due to the section we are keeping and working around. They also mentioned bringing the South side of the home in four or five feet. This would cause us to lose an entire room, and would make our house look disproportionate. After having them come over to view our home and the section we are keeping, they admitted it seems impossible. When I asked them what we should do next, they wanted to leave it at seeing what the commissioners had to say. The Martel's did not seem to want to compromise then, but rather wanted to see what the commissioners had to say.

In addition to the view issue, the Martel's seemed to only be concerned with the 54 percent floor area ratio; if they could choose where the four percent decrease came from. We are very concerned about losing the much-needed 54 percent floor area ratio. We have one child already, and another on the way. We want to have three children, and desperately need the living space, storage space and safe play space for our growing family. We are also the primary caretakers of aging family in the area, and may someday have to take someone into our home. We also know that our request for four percent over floor area ratio is not unreasonable. After obtaining the FAR's of the homes in only our immediate area, we have found that many are over 50 percent. The addresses are as follows:

22314 Redbeam Ave.	FAR 0.59	22320 Redbeam Ave.	FAR 0.54
22402 Redbeam Ave.	FAR 0.54	22408 Redbeam Ave.	FAR 0.56
22420 Redbeam Ave.	FAR 0.60	22220 Warmside Ave.	FAR 0.57
22225 Warmside Ave.	FAR 0.57	22302 Warmside Ave.	FAR 0.56
22311 Warmside Ave.	FAR 0.66	22314 Warmside Ave.	FAR 0.59
22317 Warmside Ave.	FAR 0.52	22408 Warmside Ave.	FAR 0.57
22414 Warmside Ave.	FAR 0.597	22419 Warmside Ave.	FAR 0.534

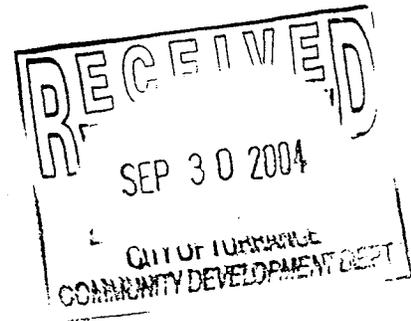
The great stress and concern this opposition has placed on us is difficult. We have put precious time and money into planning our home already, and we are looking at a 400 thousand dollar remodel that will only improve our neighborhood. When we hadn't heard any opposition from our neighbors (including the Martel's), we entered into escrow on another home in Torrance that we plan to stay in while the home is being built, and to own as an investment thereafter. We have significant financial commitments that are being negatively impacted due to the last minute opposition of the Martel's.

We met with our architect Robert Treman, and Danny Santana on September 28th to try and find a compromise. The very next day, Danny informed us that the Martel's rescinded on wanting a compromise and are opposing our plans altogether. We feel that we went to great lengths to ensure our home had minimal impact on the light, air, view and privacy of our neighbors. All of our neighbors, including those that are far more affected, are pleased with our plans, with the exception of the Martel's. We have taken *all* of our neighbors into consideration when we created the home plans, and feel that Mr. and Mrs. Martel's requests do not do the same in return. We love our neighborhood and our neighbors and have no interest in moving to obtain the essential living space. We ask

To: Torrance City Planning Commission

RE: 22503 Redbeam Avenue
Second story addition and remodel

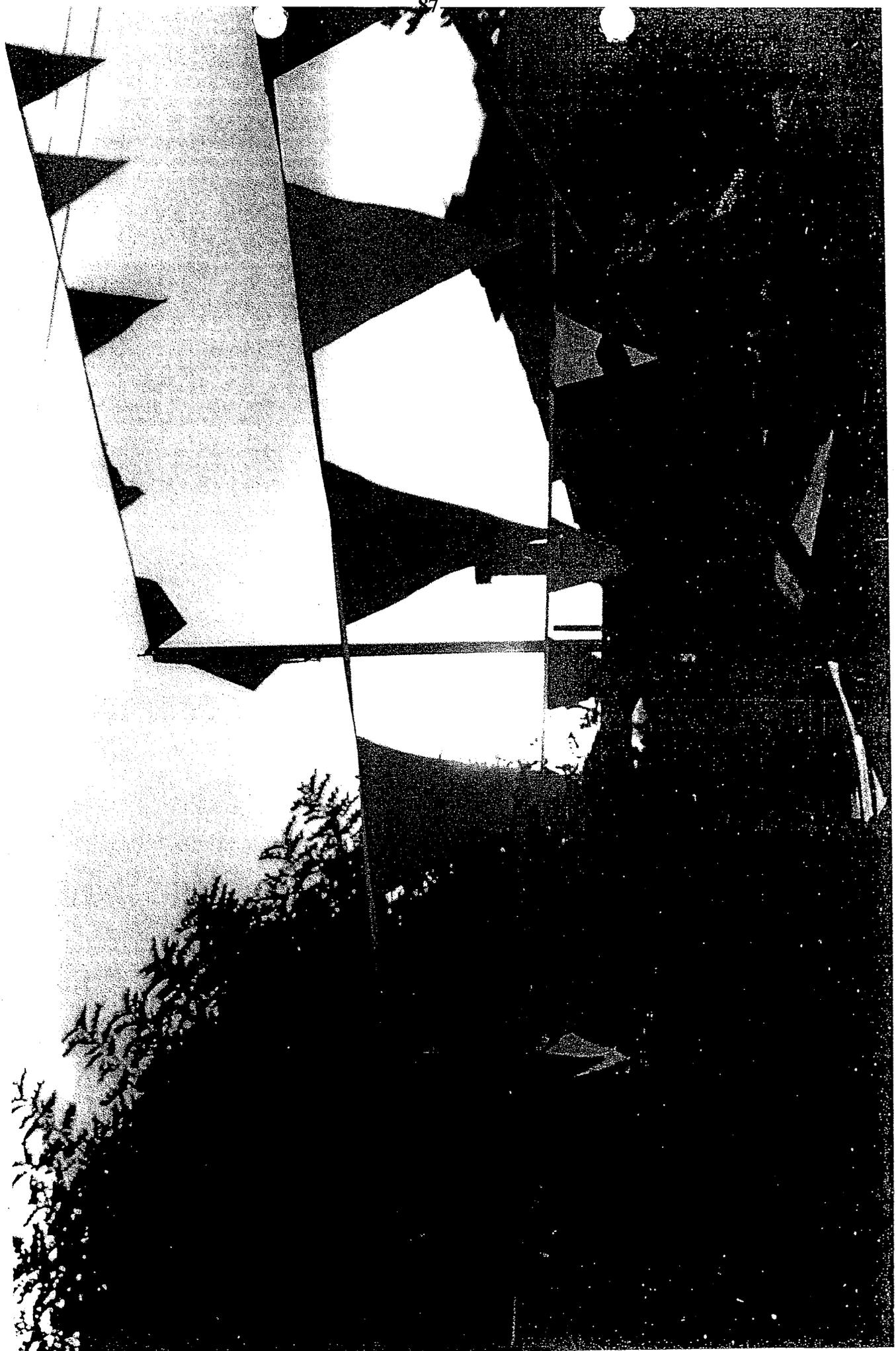
From: Mark and Amy Argento

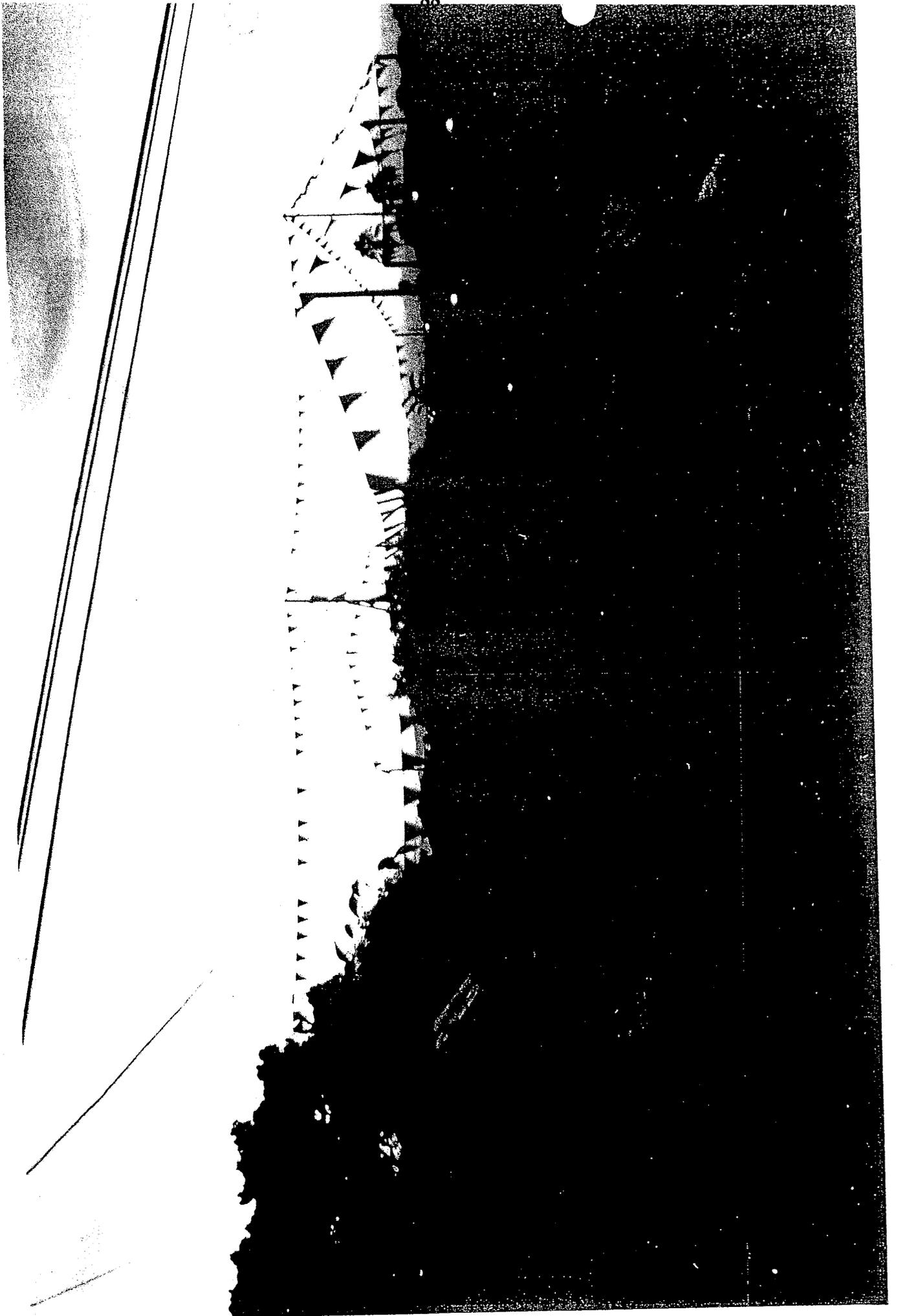


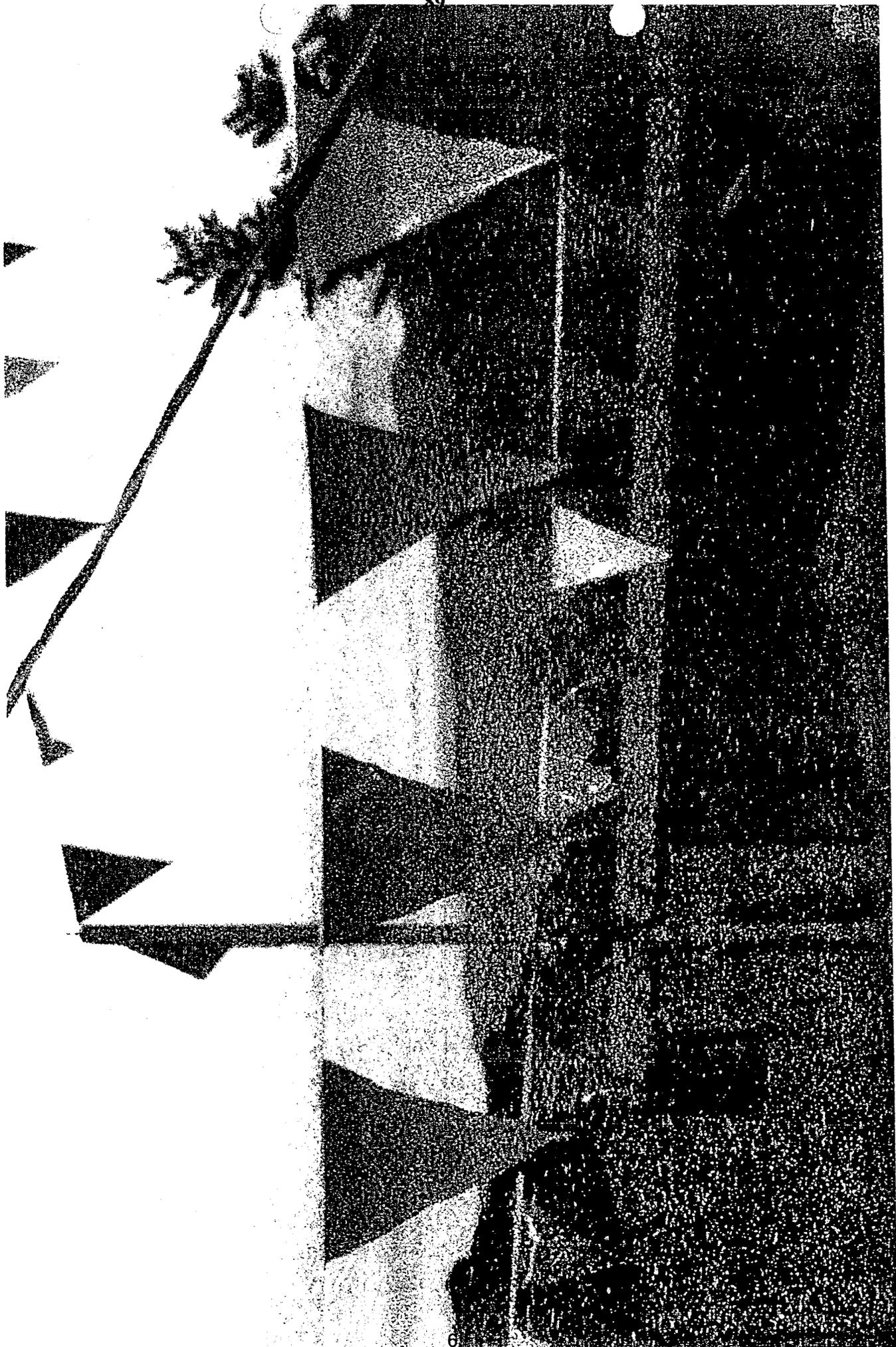
We are writing in response to the opposition of our remodel/addition to our home. We had spoken with Mr. Martel of 22504 Warmside Avenue three months prior to the hearing, inviting them to view our plans at any time. Since Mr. Martel told us he would let us know if he had any concerns once the flags went up, we were shocked when he first mentioned his concern regarding his view in the lobby five minutes prior to the start of the September 15th meeting. Mr. Martel at no time mentioned the 54 percent floor area ratio. When the case prior to ours was focused on a 58 percent floor area ratio, it became apparent why Mr. Martel included the floor area ratio in his complaint. He complained about the view from his South/East facing balcony and bedroom window and he asked that the commissioners come out to look at his view. He also added a concern, which he did not mention in the lobby, of the floor area ratio once he realized it could be a bargaining point. We understand the Martel's concern regarding their view, but not the floor area ratio. Reducing our FAR will have no benefit for the neighbors, but will significantly impact our need for living space and a safe space for our children to play.

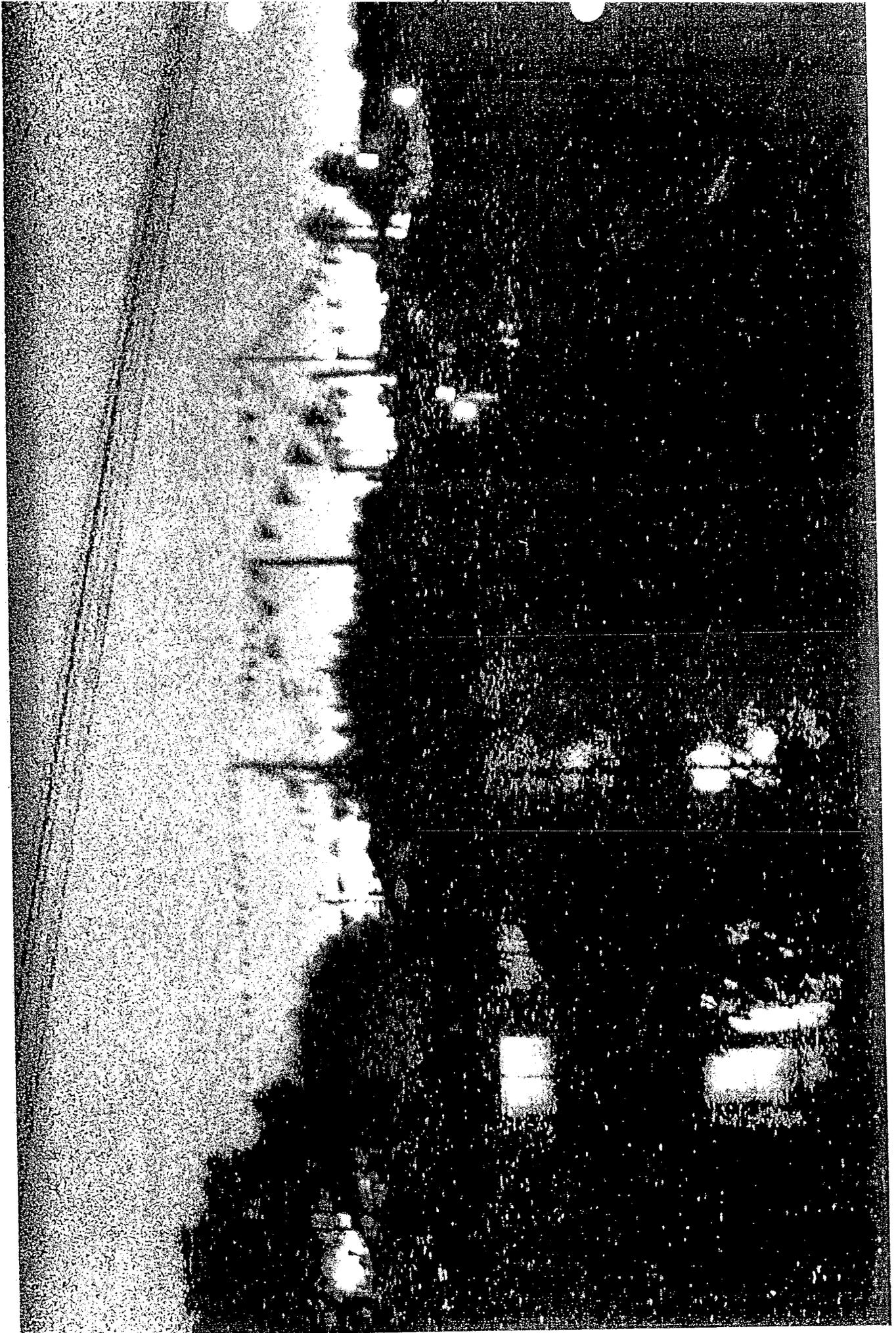
We left the meeting confused and extremely concerned. The following morning Mr. Martel began preparing for the site visit, by trimming his tree that blocked his view on the balcony, and clearing boxes away that were blocking access to the balcony entrance. It then appeared as if he were preparing the room to look as if it were used regularly. In the two and a half years we've lived here, the blinds have remained shut with the exception of a few times, and we have never seen that room used, nor do we ever see them on the balcony. As we were taking pictures of the activity (attached), a conversation began with Mr. Martel. In that conversation, Mr. Martel mentioned they were thinking of adding onto their house, and hoped we wouldn't have a problem when that time came. He also said that he realizes we just want a little of what he has, and he just isn't willing to give it up. We agreed to meet at their house to see the view and discuss the situation.

We met at their house that evening and we were amazed at how beautiful their views are from the front, back *and* side of their large home. When we went upstairs to see the view they were concerned with, we were surprised at what an expansive view it is once you step out onto the balcony. The view is actually more a South view with views of treetops and rooftops to the East. With a 180-degree view, our addition takes a *very* small portion of that. Considering the Martel's primary views are out of their living room, family room and dining areas, we were surprised their concern is about a view from a back bedroom that was not being used. It definitely affects them, but our addition is smack in the middle of what he pointed out as the "buildings in the harbor". The Martel's and we agreed that dropping the roof or bringing the home in foot is not going to help. Mr. Martel mentioned that his reason for opposing us is because he "realized what he has









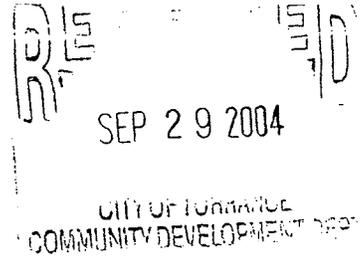
Alternatives exist for the applicants, which include building on additional square footage to their single story residence, or selling their house which has greatly appreciated since their purchase, and buying a larger two story house in a nearby area.

In conclusion, we strongly urge the planning commission to reject the remodel proposal, as it is precisely the type of remodel that the Hillside Overlay Area plan was enacted to prevent, in that the proposed development will have an adverse impact upon the view, light, air and privacy of our property, as well as it will have a harmful impact upon our land value and investment.

The proposed development will not fall within the exception to the rules of the plan wherein the denial would constitute an unreasonable hardship as defined in the Hillside Overlay Plan.

Respectfully submitted

Louis V. Martel
Terrina Martel



TO: CITY OF TORRANCE PLANNING COMMISSION

FROM: Louis V. and Lorraine Martel
22504 Warmside Avenue

RE: Objection to Proposed remodel at 22503 Redbeam Avenue

We strongly object to the proposed remodel plans for the house immediately to the east of our property, 22503 Redbeam Avenue, and urge the Planning Commission to deny the application.

The proposed plan will take away almost all of our view to the east and will have a substantial harmful impact on the present enjoyment, and future resale value of house.

Denial of the application will not constitute an unreasonable hardship to the applicant, as there are reasonable alternatives to achieving the home size desired by the applicants.

In support of our position, we submit the following:

1. We acquired our home in January 2000. We believe the applicants acquired their home in 2001, more than a year later. At the time of the purchases, a portion of the purchase prices were based on the views from each of the respective properties.
2. Our residence included a nearly unobstructed view to the east from the upper level bedroom and a substantial easterly view from the lower kitchen and breakfast area. We want to keep the views that existed at the time we purchased the property.
3. We are "morning persons", usually awakening at or before dawn, and enjoying the frequent glorious sunrise skylines as the sun comes up over the distant mountains and filters through, or reflects off the various cloud formations. We also enjoy the night sky and the city lights of Long Beach.
4. If the two story addition is allowed, we will lose the view we presently have and will sustain substantial diminution of property value.
5. At the present time, there are only two of the nineteen homes on the west side of Redbeam that are second story homes, and only six of the eighteen homes on the east side that are second story homes. Many of the single story homes on Redbeam have had additions that enlarge the square footage without obstructing the views of their neighbors. There is currently a house under construction on the west side of Redbeam that has the foundation poured. I do not know if it will be one or two story when built.
6. Several months before the flags went up with the outline of the proposed addition, the applicants told me they intended to add on to their home. At that time, I thought their home was already a two story home. (See photo of back of house) It was not until the flags went up that I fully realized the magnitude of the addition and the detrimental impact it would have on our property.
7. It appears from the plans on file in the City of Torrance Planning Commission office, that the planned addition would not only provide rooms for a large family, but would also greatly enhance the value of the property over a single story addition, by gaining good views to the east, to the south, and to the southwest. We do not begrudge the applicants for wanting these assets, but we do not want to give up our view for their benefit.
8. There are many large homes for large families, that have large yards, available in and around the city of Torrance.
9. The applicants could gain substantial square footage to a single story house by giving up a portion of the open yard space they have, and still stay within the limits of the building codes.
10. There is no showing in the previously submitted documents that the denial of the application would constitute an unreasonable hardship to the applicant, because of special circumstances applicable to the property.
11. There is no showing that the proposed remodel will not result in a harmful impact upon the land value and investment of other properties in the vicinity.

REQUESTED FLOOR AREA RATIO INFORMATION

ADDRESS	CASES	FAR	LOT SIZE
22423 Linda Avenue	PRE04-00020	0.43	5400
22314 Redbeam Avenue	PRE88-00043	0.59	5400
22320 Redbeam Avenue	PRE98-00013	0.54	6000
22329 Redbeam Avenue	PRE03-00035	0.48	6200
22402 Redbeam Avenue	PRE02-00001	0.54	6200
22408 Redbeam Avenue	PRE02-00009	0.56	6200
22414 Redbeam Avenue	PRE02-00025	0.5	6200
22420 Redbeam Avenue	PRE04-00002	0.6	6440
22220 Warmside Avenue	PRE91-00019	0.57	5800
22225 Warmside Avenue	PRE90-00014	0.57	5600
22302 Warmside Avenue	PRE88-00010	0.56	5200
22311 Warmside Avenue	PRE89-00012	0.66	5400
22314 Warmside Avenue	PRE02-00018	0.59	5400
22317 Warmside Avenue	PRE88-39(89-30)	0.52	5600
22320 Warmside Avenue	PRE87-00025	0.424	5600
22329 Warmside Avenue	PRE88-00039	0.48	5800
22408 Warmside Avenue	PRE93-00011	0.57	6200
22414 Warmside Avenue	PRE90-00024	0.597	6400
22419 Warmside Avenue	PRE85-00024	0.534	6500
22510 Warmside Avenue	PRE93-00014	0.43	6500
22516 Warmside Avenue	PRE93-00015	0.47	6500

AGENDA ITEM 7A

TO: Members of the Planning Commission

FROM: Development Review Division

SUBJECT(S): Precise Plan of Development, PRE04-00018 & Waiver, WAV04-00014/
Robert Treman (Mark and Amie Argento)

LOCATION: 22503 Redbeam Avenue

On September 15, 2004, the Planning Commission continued the public hearing on this matter to review the potential impacts to the property located at 22504 Warmside Avenue. Both the applicants and the owners of 22504 Warmside Avenue, Louis and Lorraine Martel, would like for the Commissioners to visit their respective properties to go over their individual concerns. Contact information for the two properties have been attached (Attachment #1 Limited Distribution).

Information regarding the Floor Area Ratios for surrounding properties in the immediate vicinity was requested and a table has been attached for your review. Several additional items of correspondence have been submitted to Staff since the public hearing and have also been attached. Staff has discussed several design options with both parties. The Community Development Department continues to recommend approval of the request as conditioned.

Prepared by,



Danny Santana
Planning Assistant

Respectfully submitted,



Jane Isomoto
Planning Manager

Attachments:

1. Contact Information for the Argento and Martel residences (Limited Distribution)
2. Requested Floor Area Ratio Information by the applicant
3. Correspondence received from Louis & Lorraine Martel (22504 Warmside Avenue)
4. Correspondence received from the applicants and neighbor
5. Planning Commission Agenda Item for the 09/15/04 Meeting
6. Supplemental Material submitted to the Planning Commission on the 09/15/04 meeting
7. Site Plan, Floor Plan, & Elevations

C.D.D. Recommendations 10/06/04
Agenda Item No. 7A
Case No. PRE04-00018 & WAV04-00014

7B. PRE04-00016: ONORIO MARSELLA

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of a new two-story, single-family residence on property located in the Hillside Overlay District in the R-1 Zone at 22638 Gaycrest Avenue.

Recommendation

Approval.

Planning Assistant Kevin Joe introduced the request.

Onorio Marsella, applicant, stated that the proposed residence meets all requirements set forth in the Torrance Municipal Code and complies with the intent of the Hillside Overlay Ordinance. He reported that following the September 15 Commission meeting, he reviewed the plans in an attempt to shave square footage from the project while still meeting his family's needs, and he was able to achieve only minimal reduction. He noted that lots are stair-stepped in this area, which helps to minimize the impact on neighbors, and that the subject lot is unique because it is smaller than 80% of lots in the area. With regard to the floor area ratio (FAR), he explained that if the stairs were not counted twice, the FAR would be .55 and pointed out that the second-floor footprint is only 22% of the lot, leaving 78% as open space. He contended that the proposed project blends well with the neighborhood; noted that no neighbors have complained about it; and urged approval of the project as submitted. He voiced his agreement with the recommended conditions of approval.

Donna Sanderson, 22644 Gaycrest Avenue, voiced support for the project, stating that she believes it will be a great asset to the neighborhood.

Bill Honabach, 22644 Gaycrest Avenue, indicated that he also supports the project, citing the positive impact on property values.

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

Commissioner Botello stated that he would not support the project because nothing had been done to address concerns discussed at the previous hearing about the floor area ratio.

Voicing support for the project, Vice-Chair Uchima related his observation that the silhouette is not out of proportion with other homes in neighborhood and there is ample open space.

MOTION: Commissioner Horwich moved for the approval of PRE04-00016, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner LaBouff and passed by a 4-1 roll call vote, with Commissioner Botello dissenting (absent Commissioner Faulk and Chairperson Muratsuchi).

Planning Assistant Joe read aloud the number and title of Planning Commission Resolution No. 04-107.

MOTION: Commissioner Horwich moved for the adoption of Planning Commission Resolution No. 04-107. The motion was seconded by Commissioner LaBouff and passed by a 4-1 roll call vote, with Commissioner Botello dissenting (absent Commissioner Faulk and Chairperson Muratsuchi).

Commenting on his vote, Commissioner Horwich stated that the Commission has some discretion with regard to a project's floor area ratio and he felt an FAR in excess of .50 was justified in this case because the subject lot is smaller than many of the lots in the area. Noting that the project complies with all setback requirements, he stated that he did not believe it would have a detrimental impact on the neighborhood.

PLANNING COMMISSION RESOLUTION NO. 04-107

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A PRECISE PLAN OF DEVELOPMENT AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE CONSTRUCTION OF A NEW TWO-STORY SINGLE FAMILY RESIDENCE ON PROPERTY LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 22638 GAYCREST AVENUE.

PRE04-00016: ONORIO MARSELLA

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on September 15, 2004, to consider an application for a Precise Plan of Development filed by Onorio Marsella to allow the construction of a new two-story, single family residence on property located in the Hillside Overlay District in the R-1 zone at 22638 Gaycrest Avenue; and

WHEREAS, the Planning Commission of the City Torrance continued the item, and a public hearing was conducted on October 20, 2004; 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 Categorical Exempt from CEQA (California Environmental Quality Act) pursuant to the 2000 Guidelines for Implementation by Section 15303 (a); and

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

- A) That the property address is 22638 Gaycrest Avenue.
- B) That the property is located on Lot 35 of Tract 17330.
- C) The project is in compliance with both the R-1 Zoning and the Low-Density General Plan designation for this site.
- D) The proposed residence will not have an adverse impact upon the view, light, air and privacy of other properties in the vicinity because the natural grade of

neighborhood provides for stair stepping lots in this area. The surrounding properties have different building pad elevations, which allows air and sun light to reach all properties.

- E) The proposed residence will cause the least intrusion on the view, light, air, and privacy of other properties in the vicinity because existing view, air and light corridors for surrounding residences will not be significantly impaired. Proposed second story windows will be positioned to not directly overlook private yard spaces of adjacent properties.
- F) The design of the proposed residence provides an orderly and attractive development in harmony with other properties in the vicinity because the design features exterior materials and roofing that are compatible with other residences in the vicinity.
- G) The proposed residence has 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 project complies with the development standards for the R-1 Zone.
- H) The proposed development will not cause or result in an adverse cumulative impact on other properties in the vicinity because it will comply with all R-1 standards and does not negatively impact views, light, air or privacy.
- I) 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 entire requested residence could not be accommodated on the ground level without exceeding lot coverage requirements or encroaching into required setback areas. The two-story design allows for a larger, usable private open space in rear yard and a larger privacy buffer for the property adjacent to the rear.
- J) Denial of this request to increase the height of the structure would constitute an unreasonable hardship because the property is only 5,302 square feet in area and substandard lot size, which limits the amount of floor area that can be developed.
- K) Granting this request to increase the height of the structure would not be materially detrimental to the public welfare and to other properties in the vicinity because the increase in building height does not appear to create significant view, light, or air impacts to the surrounding properties.
- L) Denial of this request to allow the interior floor area of the building to exceed more than 50% of the lot area would constitute an unreasonable hardship because the project site is 698 square feet below the minimum lot size standard of 6,000 square feet which severely limits the amount of floor area

that can be developed compared to a residential lot that meets the lot size requirement.

WHEREAS, the Planning Commission by the following roll call vote APPROVED PRE04-00016, subject to conditions:

AYES: COMMISSIONERS: DREVNO, HORWICH, LABOUFF, UCHIMA

NOES: COMMISSIONERS: BOTELLO

ABSENT: COMMISSIONERS: FAUK, CHAIRMAN MURATSUCHI

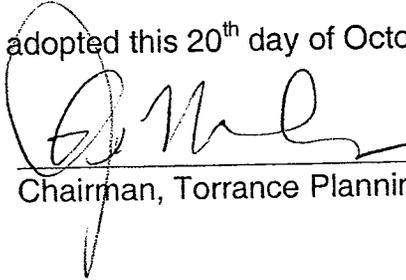
ABSTAIN: COMMISSIONERS: NONE

NOW, THEREFORE, BE IT RESOLVED that PRE04-00016, filed by Onorio Marsella to allow the construction of a new two-story single family residence on property located Hillside Overlay District in the R-1 zone at 22638 Gaycrest Avenue 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 04-00016 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 04-00016 is not used within one year after granting of the permit, it shall expire and become null and void unless extended by the Community Development Director for an additional period as provided for in Section 92.27.1;
3. That the maximum height of the residence shall not exceed 26 feet nine inches as measured from the lowest adjacent grade to the highest point of the roof; (Development Review)
4. That the height of the structure shall be certified by a licensed surveyor/engineer prior to requesting a framing or roof-sheathing inspection and shall not exceed a survey elevation of 132.00 feet based on the lowest adjacent grade elevation of 105.25 and a benchmark elevation of 100.00 feet as shown on the survey map on file in the Community Development Department; (Development Review)

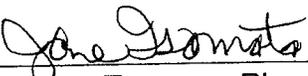
5. That roll-up garage doors shall be provided for the two-car garage;
(Development Review)
6. That all condition of other department's received prior to or during the meeting shall be met.

Introduced, approved and adopted this 20th day of October 2004.



Chairman, Torrance Planning Commission

ATTEST:



Secretary, Torrance Planning Commission

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

I, JANE ISOMOTO, Secretary to the Planning Commission of the City of Torrance, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the Planning Commission of the City of Torrance at a regular meeting of said Commission held on the 20th day of October 2004, by the following roll call vote:

AYES: COMMISSIONERS: DREVNO, HORWICH, LABOUFF, UCHIMA
NOES: COMMISSIONERS: BOTELLO
ABSENT: COMMISSIONERS: FAUK, CHAIRMAN MURATSUCHI
ABSTAIN: COMMISSIONERS: NONE



Secretary, Torrance Planning Commission

AGENDA ITEM NO. 7B

TO: Members of the Planning Commission

FROM: Development Review Division

DATE: October 20, 2004

SUBJECT: Precise Plan of Development PRE04-00016
Onorio Marsella

LOCATION: 22638 Gaycrest Avenue

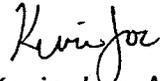
The Planning Commission previously considered PRE04-00016, a request to construct a new two-story single-family residence on September 15, 2004. At this meeting, members of the Planning Commission expressed concerns about the proposed floor area ratio exceeding 0.50. During the public hearing, no members of the audience spoke in opposition to the project. A motion to approve PRE04-00016 failed by a 2-3 vote, Commissioners Botello, Faulk, and Muratsuchi dissenting and Commissioners Drevno and Horwich absent. A substitute motion to grant a continuation of this item to October 20, 2004 was approved unanimously by the Planning Commission to allow the applicant to work with staff to reduce the floor area.

The applicant has submitted a letter containing additional information and justification for requesting a floor area ratio above 0.50 for the Planning Commission's consideration. The applicant found that more than 80% of the lots in the neighborhood are at least 6,000 square feet or greater in area. The applicant's lot is smaller, 5,302 square feet, than the typical lot in the neighborhood. The applicant noted that there are other similar sized homes being built in the area that are in the 3,000 square foot range. The topography of the neighborhood, where the lots along Gaycrest Avenue are stairstepped, helps minimize the impacts of the proposed residence, but also limits the size of this lot in order to allow the property to match the natural grade of the neighborhood. The proposed two-story design raises the floor area ratio due to the stairwell being counted twice, but also allows for a greater amount of open yard space for this smaller lot.

The applicant's letter also mentions that the residence is designed to meet the owner's family needs including space for the husband and wife's parents and their son. The proposed residence will be in harmony with properties in the vicinity and will be a visual improvement to the neighborhood. The hipped roof reduces the appearance of the structure and existing trees and vegetation on the property help conceal the building. A letter of support was also received from a neighboring property owner and is attached herewith.

As previously analyzed in the staff report, the project does not appear to produce adverse impacts upon view, light, air, or privacy to surrounding properties in the vicinity. Therefore, staff continues to recommend approval of this request as conditioned.

Prepared by,



Kevin Joe, AICP
Planning Assistant

Respectfully submitted,



Jane Isomoto
Planning Manager

ATTACHMENTS:

1. Resolution
2. Correspondence
3. Prior Agenda Item
4. Site Plan, Floor Plans, & Elevations

PLANNING COMMISSION RESOLUTION NO. 04-107

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A PRECISE PLAN OF DEVELOPMENT AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE CONSTRUCTION OF A NEW TWO-STORY SINGLE FAMILY RESIDENCE ON PROPERTY LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 22638 GAYCREST AVENUE.

PRE04-00016: ONORIO MARSELLA

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on September 15, 2004, to consider an application for a Precise Plan of Development filed by Onorio Marsella to allow the construction of a new two-story, single family residence on property located in the Hillside Overlay District in the R-1 zone at 22638 Gaycrest Avenue; and

WHEREAS, the Planning Commission of the City Torrance continued the item, and a public hearing was conducted on October 20, 2004; 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 Exempt from CEQA (California Environmental Quality Act) pursuant to the 2000 Guidelines for Implementation by Section 15303 (a); and

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

- A) That the property address is 22638 Gaycrest Avenue.
- B) That the property is located on Lot 35 of Tract 17330.
- C) The project is in compliance with both the R-1 Zoning and the Low-Density General Plan designation for this site.
- D) The proposed residence will not have an adverse impact upon the view, light, air and privacy of other properties in the vicinity because the natural grade of

neighborhood provides for stair stepping lots in this area. The surrounding properties have different building pad elevations, which allows air and sun light to reach all properties.

- E) The proposed residence will cause the least intrusion on the view, light, air, and privacy of other properties in the vicinity because existing view, air and light corridors for surrounding residences will not be significantly impaired. Proposed second story windows will be positioned to not directly overlook private yard spaces of adjacent properties.
- F) The design of the proposed residence provides an orderly and attractive development in harmony with other properties in the vicinity because the design features exterior materials and roofing that are compatible with other residences in the vicinity.
- G) The proposed residence has 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 project complies with the development standards for the R-1 Zone.
- H) The proposed development will not cause or result in an adverse cumulative impact on other properties in the vicinity because it will comply with all R-1 standards and does not negatively impact views, light, air or privacy.
- I) 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 entire requested residence could not be accommodated on the ground level without exceeding lot coverage requirements or encroaching into required setback areas. The two-story design allows for a larger, usable private open space in rear yard and a larger privacy buffer for the property adjacent to the rear.
- J) Denial of this request to increase the height of the structure would constitute an unreasonable hardship because the property is only 5,302 square feet in area and substandard lot size, which limits the amount of floor area that can be developed.
- K) Granting this request to increase the height of the structure would not be materially detrimental to the public welfare and to other properties in the vicinity because the increase in building height does not appear to create significant view, light, or air impacts to the surrounding properties.
- L) Denial of this request to allow the interior floor area of the building to exceed more than 50% of the lot area would constitute an unreasonable hardship because the project site is 698 square feet below the minimum lot size standard of 6,000 square feet which severely limits the amount of floor area

that can be developed compared to a residential lot that meets the lot size requirement.

WHEREAS, the Planning Commission by the following roll call vote APPROVED PRE04-00016, subject to conditions:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

NOW, THEREFORE, BE IT RESOLVED that PRE04-00016, filed by Onorio Marsella to allow the construction of a new two-story single family residence on property located Hillside Overlay District in the R-1 zone at 22638 Gaycrest Avenue 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 04-00016 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 04-00016 is not used within one year after granting of the permit, it shall expire and become null and void unless extended by the Community Development Director for an additional period as provided for in Section 92.27.1;
3. That the maximum height of the residence shall not exceed 26 feet nine inches as measured from the lowest adjacent grade to the highest point of the roof; (Development Review)
4. That the height of the structure shall be certified by a licensed surveyor/engineer prior to requesting a framing or roof-sheathing inspection and shall not exceed a survey elevation of 132.00 feet based on the lowest adjacent grade elevation of 105.25 and a benchmark elevation of 100.00 feet as shown on the survey map on file in the Community Development Department; (Development Review)

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

I, JANE ISOMOTO, Secretary to the Planning Commission of the City of Torrance, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the Planning Commission of the City of Torrance at a regular meeting of said Commission held on the 20th day of October 2004, by the following roll call vote:

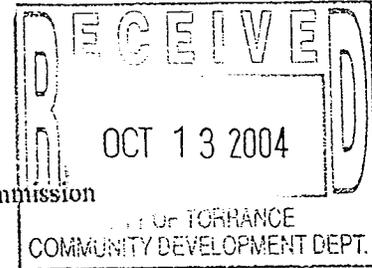
AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:

Secretary, Torrance Planning Commission

October 12, 2004

To: Kevin Joe, Planning Department and Torrance City Planning Commission

RE: 22638 Gaycrest Ave.
New home



From: Onorio and Maria Marsella

This letter summarizes what we have discovered since last month's meeting and our viewpoint regarding our home.

My architect and I carefully reviewed the plans to see where we could cut down the square footage by shaving some square footage here and there and still meet our family's need. Realistically we could only find minimal square footage reduction.

Key points that I would like to cover to support our position are as follows:

- **LOT UNIQUENESS** : The subject lot's elevation is below the north adjacent lot. The lots are stairstepped. To make the slope of the driveway comply with the building code, the floor of the new home is one and half feet lower than the existing home. The inherent position of our lot minimizes the impact of our home to our neighbors. Our home placement meets or exceeds all setback requirements and does not protrude or stick out as to overpower our street or our neighborhood.

- **F.A.R** : A F.A.R of 0.5 is not a reasonable requirement for our size lot as it would preclude building a home of the same size as the new homes being built in our neighborhood. Similar sized homes are being built in the area, in the 3000 square foot range including garages such as the one on Draille just north east of our home that is visible from our property. This supports our position that our home is not out of line with new homes being built in the neighborhood.

More than 80% of the lots in our neighborhood (track) are standard lots, about 6000 square feet. Our lot at 5302 square feet is a bit smaller, yet we are able to meet all setbacks as I mentioned earlier.

(See attached track layout.)

The first floor foot print is 36% which means that 64% is open space.
The second floor foot print is 22% which means that 78% is open space.

Also, please keep in mind that because of the way the F.A.R is calculated, the stairs are counted twice. If the stairs were not counted two times the F.A.R would actually be 0.55.

- **FAMILY NEEDS** : My wife and I each have a set of aging parents with various health issues which makes it difficult for them to use stairs. It is our intent that the first floor bedroom be at their disposal. As our parents continue to age, we anticipate needing this room to care for them and accommodate wheelchairs. Upstairs, there is a master bedroom and a bedroom for our son. The fourth bedroom will be used as a study.
- **VISUAL**: Our design provides an orderly and attractive development in harmony with other properties in the vicinity, and will be a positive improvement to the neighborhood as well as

the city. Design features like a hip roof have been incorporated and Mr. Jan Trobaugh, our architect, can share details with you. Because of the trees, vegetation and location, our home's silhouette seems to disappear behind greenery. Our intent has been to make sure that our home is reasonable and that it blends in with the neighborhood, and we think it does.

Past and recent projects have been approved with FARs exceeding 0.5, and as you know there are wide ranges of FAR values in the Hillside Overlay, some even exceeding 0.6.

This is a modest four bedroom home designed to accommodate our family's needs.

The intent of the municipal code has been met as well as the intent to protect the Hillside Overlay from an unreasonable home.

The design minimizes impact to our neighbors with respect to light, air and privacy, and as such no neighbors have stepped forward to complain about our project.

We think that our home is reasonable.

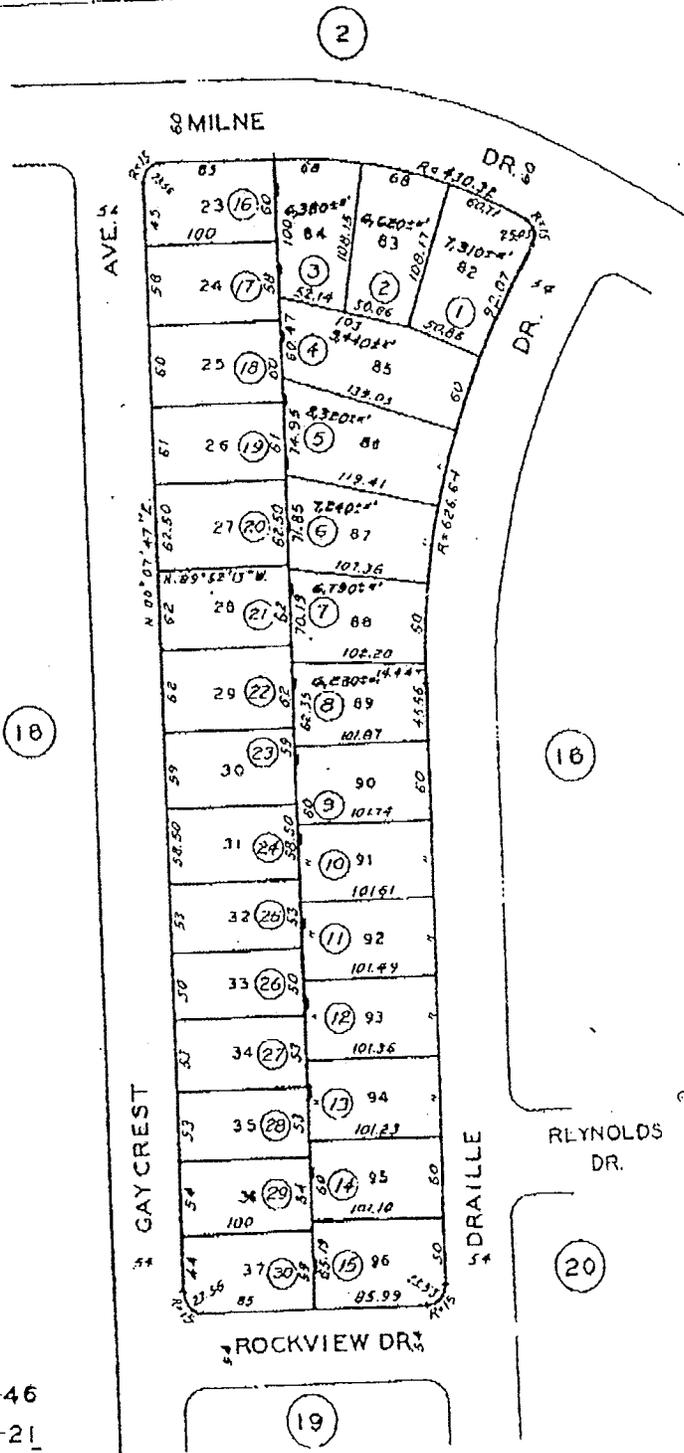
Therefore, as it has been already recommended by the planning staff and by the tacit approval of our neighbors we respectfully request your approval of our project.

We look forward to our future in the City of Torrance.

Thank you,



Onorio and Maria Marsella



M.B. 430-44-46
 M.B. 447-19-21

ASSESSOR'S MAP
 COUNTY OF LOS ANGELES, CALIF.

AGENDA ITEM NO. 9A**CASE TYPE & NUMBER:** Precise Plan of Development – PRE04-00016**NAME:** Onorio Marsella**PURPOSE OF APPLICATION:** Request for approval of a Precise Plan of Development to allow the construction of a new two story single-family residence on property located in the Hillside Overlay District.**LOCATION:** 22638 Gaycrest Avenue**ZONING:** R-1: Single-Family Residential Zone/Hillside Overlay District**ADJACENT ZONING AND LAND USES:**

NORTH: R-1/Hillside Overlay District, one and two-story , single family residences

SOUTH: R-1/Hillside Overlay District, one-story, single family residences

EAST: R-1/Hillside Overlay District; one-story, single family residences

WEST: R-1/Hillside Overlay District; one and two-story, single family residences

GENERAL PLAN DESIGNATION: Low Density Residential**COMPLIANCE WITH GENERAL PLAN:** Yes, a single-family residence with an attached garage complies with the Low-Density Residential designation.**EXISTING IMPROVEMENTS AND/OR NATURAL FEATURES:**

The subject site is located on a rectangular-shaped lot that measures 53 feet wide by 100 feet deep and 5,302 square feet in area. The lot slopes upward approximately four feet from the south side property line to the north side property line. The property is currently developed with an 834-square foot single-story residence with an attached one-car garage.

ENVIRONMENTAL FINDINGS: The construction of a single-family residence is Categorically Exempted by the Guidelines for Implementation of the 2003 California Environmental Quality Act by Sections 15303.**BACKGROUND AND ANALYSIS:**

The applicant requests approval to construct a new two-story single-family residence. A Precise Plan of Development is required for new residential development on property that is located within the Hillside Overlay District.

The project involves the demolition of the existing residence and garage and the construction of a two-story single-family residence. The first floor will feature a living room, family room, bedroom, dining room, kitchen, nook, two bathrooms, entry foyer, and two-car garage. The second floor will feature two bedrooms, a study, laundry room, and two bathrooms. A five-foot wide by 21-foot long balcony overlooking the front yard is also proposed on the second story.

Attachment 3

The total square footage of the home including the garage will be 3,094 square feet. The resulting floor area ratio will be 0.58 and lot coverage will be 36%. The floor area ratio above 0.50 is justified since the property is only 5,302 square feet in area, which is below the minimum R-1 Zone lot size standard of 6,000 square feet. The small lot limits the amount of floor area that can be developed compared to other residential lots that meet the minimum lot size requirement. The maximum height of the residence will be 26 feet nine inches as measured from the lowest adjacent grade. Please see the project summary below:

Statistical Information

• Lot Area	5,302 square feet
• Proposed floor area	3,094 square feet
First floor	1,507 square feet
Second floor	1,171 square feet
Garage level	416 square feet
• Floor Area Ratio	0.58 to 1.0
• Lot Coverage	36% (1,923 square feet)
• Height of Structure	26 feet nine inches

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). The applicant was required to construct a silhouette to demonstrate the potential impacts. The height of the silhouette has been verified by a licensed engineer (Attachment #5) and a field inspection was made by staff.

The project complies with the setback, building height, lot coverage, floor area ratio, open space, and parking requirements. A 20-foot average front yard setback and 28-foot rear yard setback will be provided. A five-foot and six-foot six-inch setback will be provided in each side yard. A front facing two-car garage will replace the existing nonconforming one-car swing-in garage. Approximately 2,500 square feet of open space will be provided in the front and rear yards.

On September 2, 2004, a public hearing notice was posted on the site, public hearing notices were mailed to property owners within 300 feet of the site, and a legal notice was published in the newspaper. At the time of the writing of this report, the Community Development Department has not received any correspondence concerning this project.

Based on an inspection of the site, the proposed development does not appear to produce view, light, air, or privacy impacts to the surrounding properties. The proposed second story windows do not directly overlook private yard spaces of surrounding properties. The project does appear to significantly impact existing view, air and light corridors of nearby residences. The proposed residence will be a contemporary architectural design incorporating a stucco finish, stone and brick veneers, and a hipped

tile roof. The design of the residence will be compatible with development in the neighborhood. The silhouette lists the maximum ridge elevation of the addition at 132.00 feet above the lowest adjacent grade elevation of 105.25 feet. Therefore, based on the findings stated above, staff recommends approval of this request for a Precise Plan of Development.

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 OF THE PRECISE PLAN OF DEVELOPMENT:

Findings of fact in support of approval are set forth in the attached resolution.

RECOMMENDED CONDITIONS, IF PROJECT IS APPROVED:

Recommended conditions for the project are set forth in the attached resolution.

Prepared by,



Kevin Joe, AICP
Planning Assistant

Respectfully submitted,



Jane Isomoto
Planning Manager

ATTACHMENTS:

1. Resolutions
2. Location and Zoning Map
3. Code Requirements
4. Hillside Ordinance Criteria Response Sheet
5. Silhouette verification
6. Site Plan, Floor Plans, & Elevations

EXHIBIT F

PETITION TO TORRANCE CITY COUNCIL

TO HONORABLE MAYOR FRANK SCOTTO & HONORABLE CITY COUCLIMEN:

We the following Hollywood Riviera Home Owners support construction of the building pursuant to the building plans submitted to the City Council and recommend issuance of the building permit as applied for property located at 417 Via Anita, Redondo Beach, California 90277.

RESPECTFULLY SUBMITTED:

- | | Signature | Print Name | Address | Telephone # |
|----|-----------|------------------|----------------------|----------------|
| 1 | | Annie Wheeler | 425 Via La Soledad | (310) 373-0835 |
| 2 | | [unclear] | 414 VIA LA SOLIDAD | (310) 375-9651 |
| 3 | | Andrew Bell | 405 Via Anita | 310-365-0067 |
| 4 | | Cathy Villanueva | 415 Via Mesa Grande | 310-375-5845 |
| 5 | | Holly Dufey | 419 Via Mesa Grande | 310-373-6966 |
| 6 | | Hans Knopman | 427 VIA MESA GRANDE | 310 378-7669 |
| 7 | | Daniel [unclear] | 431 VIA MESA GRANDE | 310-378-2909 |
| 8 | | [unclear] | 402 CALLE DE ARBOLES | 310 721-6572 |
| 9 | | [unclear] | 334 Calle de Arboles | 310-947-2468 |
| 10 | | [unclear] | 418 Calle de Arboles | 310-313-6469 |

PETITION SUPPORTING BUILDING PROJECT AT 417 VIA ANITA

REDONDO BEACH, CA 90277

PAGE TWO (2)

	Signature	Print Name	Address	Telephone No.
11		JEANNE REINHARDT	414 VIA MESA GRANDE	310 375-7619
12		PRISCILLA ACKER	ACKER FARM TRUST 424 VIA MESA GRANDE	310 375 6997
13		JAN JANT-LEAD	223 VIA MESA GRANDE	
14		LISA PERKSEN	307 VIA MESA GRANDE	378 2884
15		YUTAKA YOGI	325 VIA ANITA	378-8409
16		CANDY KURL	29 VIA ANITA	310 375-4436
17		KARLA HUFF	215 VIA ANITA	310-378-805
18		TAMI S. ARNESON	207 VIA ANITA	(310) 375-3964
19		KEWEN CHEN	206 VIA ANITA	373-7987
20		MARIA OMYER	124 VIA ANITA	310/378-4973
21		R.G. OMYER	dto.	
22		GARY KENNY	116 VIA ANITA RB	375-9873
23		SCOTT TETER	115 VIA ANITA	375-5410
24		DANIEL J. SCHMARLING	103 VIA ANITA	373-5713
25		DOT BARCLAY	202 VIA ANITA	375-0282
26		JENNIFER JOHNSON	433 VIA ANITA	375-8466

PETITION SUPPORTING BUILDING PROJECT AT 417 VIA ANITA

REDONDO BEACH, CA 90277

PAGE THREE (3)

(310) 375-9459
Telephone No.

- | Signature | Print Name | Address | Telephone No. |
|--|-------------------------------|---|----------------|
| 27. <i>Bill McKeen</i> | BILL McKEEN | 222 Via La Soledad | 310-375-5359 |
| 28. <i>Jean E. Moulding</i> | JEAN Moulding | 214 Via La Soledad RB | |
| 29. <i>Suzan Konell</i> | Suzan Konell | 506 Via la Soledad RB | |
| 30. <i>BEN L. Knoll</i> | BEN L. Knoll | 206 Via La Soledad | 310 373 5495 |
| 31. <i>By Humbert</i> | (I will go look @ silhouette) | 149 Via La Soledad | 310 375-4543 |
| 32. <i>John Daley</i> | John Daley | 221 Via La Soledad Redondo Beach, Ca | (310) 373-5070 |
| 33. <i>Barbara Jeanis</i> | 417 Via La Soledad | | 310 373 2897 |
| 34. <i>Benjamin Alter</i> | Ben Alter | 202 Via Pasqual | 310-924-5703 |
| 35. <i>Elaine Helen</i> | 429 Via La Soledad | | 310-375-7198 |
| 36. <i>W. Short</i> | W ^{III} SHORT | 520 VIA MONTE DORO | 310 375-05714 |
| 37. <i>Ferozesh E. Moore</i> | Ferozesh E. Moore | 527 Via Monte D'oro Redondo Beach, CA 90277 | |
| 38. <i>Eric Cecil</i> | Eric Cecil | 506 Via Los Miradores | 90277 315-68 |
| 39. <i>Alan Jarvis</i> | ALAN J. JARVIS | 417 VIA LA SOLEDAD | (310) 373-2899 |
| 40. <i>Samuel Bramwell</i> | SAMUEL BRAMWELL | 505 VIA LOS MIRAORES | 791-1589 |
| (No objection but have not seen plans or reviewed project) | | | |

FROM :

PETITION SUPPORTING BUILDING PROJECT AT 417 VIA ANITA

REDONDO BEACH, CA 90277

PAGE Four (4)

Signature	Print Name	Address	Telephone No.
<i>Marianne Abner</i>	Marianne Abner	413 Via Anita, Redondo Beach, CA 90277 ; (805) 583-0427	

PETITION TO TORRANCE CITY COUNCIL RECEIVED

2008 OCT -7 PM 12: 12

FOR

CITY OF TORRANCE
CITY CLERK'S OFFICE

DECLARATION OF RIGHTS

OF

PRIMARY VIEW PROPERTY OWNERS

UPPER HOLLYWOOD RIVIERA

TO HONORABLE MAYOR FRANK SCOTTO & HONORABLE
CITY COUCILMEN:

The following Hollywood Riviera Home Owners petition the City Council for
Declaration of their Property Rights as follows:

Preamble:

The property owners located on the Western side of the Via La Soledad, and
Northern side of Via Anita, Torrance, California 90277, (hereinafter as 'primary
view properties') petition the Torrance City Council for a Declaration of their
Right as possessor of primary, inalienable right to build a second storey on their
properties, based upon their initial categorization as 'primary view properties' for
which such properties were sold at a higher price than those located on the Eastern
side of Via La Soledad and the Southern Side of Via Anita, which were then
identified as 'non view properties' (hereinafter as 'non view properties'). That the
'non-view properties' should not be allowed to pose any hindrance to the 'primary
view properties' to add a second storey, by virtue of any view acquired through
construction of a second storey either before or after the enactment date of Hillside

Ordinance, since any definition of ‘acquired’ view versus ‘unacquired’ view merely based upon timing of acquiring such view by ‘non view properties’ holders with respect to the date of enactment of the Hillside Ordinance is arbitrary and unenforceable and an infringement of rights guaranteed under Section 1, of the California Constitution providing an inalienable right to acquiring, possessing and protecting property when in fact any view acquired by ‘non view property’ owner at the expense of ‘primary view property’ holders is an acquired view as of the date of addition of the second storey by the non view property holders and not as of the date of enactment of the Hillside Ordinance.

Statement Of Facts:

On May 3, 1954, the original building permit was issued to very first owner, Peter Irwin , of property located at 408 Via La Soledad .The property was valued at \$ 11,700.00. This property is located on the Eastern side of Via La Soledad, was rated and priced as a ‘ non view property’, whereas, the properties located on the Northern side of Via Anita and the Western side of Via La Soledad were rated as ‘ primary view properties’ and priced higher than the ‘non view properties’.

On January 29, 1963, Peter Irwin obtained a building permit for addition of a second storey. The value of the proposed second storey was \$ 6000.

At that time, no Hillside Overlay Ordinance was in effect. The neighbors particularly the ‘ primary view property’ holders had no say in the application process for addition of second storey and a building permit was granted.

The second storey addition to 408 Via La Soledad, a ‘non view property ‘, acquired an unobstructed ocean view over and above all of the ‘view properties ‘ located on the Western side of Via La Soledad and Northern side of Via Anita.

The view acquired on the Southern side of 408 Via Soledad was through two windows of the Palos Verdes Estate Hills and the ocean.

The view on the Northern side was through seven windows. The view from the front most window on the Northern side of the second story was blocked by a large tree located on adjacent property at 404 Via La Soledad, Redondo Beach, CA 90277, which is owned by Duarte.

There was no view of property located at 417 Via Anita through any of the windows till last year when Duarte cut the tree on their property, which added view from the front window on the Northern side, through the Western most part of 417 Via Anita, a ' primary view property ' .

The view through the middle and the rear windows on the Northern side is for city lights and is over the ' primary view properties' located at 425 and 429 Via Anita, Redondo Beach, CA. 90277

Kathy Baldwin is the current property owner and resident of property located at 408 Via La Soledad, Redondo Beach, CA 90277. She has taken the position that she by virtue of her one room built on the second storey before the enactment of the 'Hillside Ordinance ' provides her the supreme right to the view above and over all of the ' primary view properties' on both Via La Soledad and Via Anita..

Current Interpretation of the Hillside Ordinance:

The current interpretation of the Hillside Ordinance by the Office of Planning Commission and Developmental Review is that those properties which were built after the enactment of 'Hillside Ordinance' adding a view are considered as acquired, thus are subject to scrutiny and objections under Hillside Ordinance while the those properties where a second storey was added before the enactment of the 'Hillside Ordinance' are considered as unacquired , thus enjoy a primary

right and are insulated from any objections under Hillside Ordinance for preservation of their view.

Petition:

By such an arbitrary, distinction each and every 'primary view property' holder stands to lose \$ 100,000-\$ 200,000. in property value by virtue of their inability to add / build a second storey based upon any objections made by ' non-view property holder ', who added a second storey acquiring view before the enactment of the Hillside Ordinance when in fact the additional view was acquired on the date of addition of second storey and not when the Hillside Ordinance was enacted several years later.

The property at 408 Via Soledad had no view from 1954 to 1963. It was in 1963 when the second story was added and the view was first acquired and not when the Hillside Ordinance was enacted ten years later. In other words, had there not been Hillside Ordinance, it could not be said that property at 408 Via La Soledad never ever acquired any view whatsoever over and above all of the ' primary view properties'.

The distinction is arbitrary yet on another ground. In practice the properties which are not subject to Hillside Overlay Ordinance are exempt from any scrutiny, objections from neighbors, for building a second storey, acquiring view as was by property located at 408 Via Soledad, in the year 1963. However, since such property owners who are not subject to Hillside Overlay Ordinance for building second stories, acquiring views, do not enjoy any protection /exemption of their

PETITION TO TORRANCE CITY COUNCIL

TO HONORABLE MAYOR FRANK SCOTTO & HONORABLE CITY COUCLIMEN:

We the following Hollywood Riviera Home Owners support construction of the building pursuant to the building plans submitted to the City Council and recommend issuance of the building permit as applied for property located 417 Via Anita, Redondo Beach, California 90277.

RESPECTFULLY SUBMITTED:

RECEIVED
2008 OCT - 7 PM 12:23
CITY OF TORRANCE
CITY CLERKS OFFICE

- | | Signature | Print Name | Address | Telephone # |
|----|-----------|--------------------|----------------------|----------------|
| 1 | | Annie Wheeler | 425 Via La Soledad | (310) 373-0835 |
| 2 | | [unclear] | 414 VIA LA SOLEDAD | (310) 375-9651 |
| 3 | | Arthur Bell | 405 Via Anita | 310-365-0067 |
| 4 | | Cathy Villanueva | 415 Via Mesa Grande | 310-375-5845 |
| 5 | | Holly R. [unclear] | 419 Via Mesa Grande | 310-373-6966 |
| 6 | | Hans Kropman | 427 VIA MESA GRANDE | 310 378-7669 |
| 7 | | Edward [unclear] | 431 VIA MESA GRANDE | 310-378-2909 |
| 8 | | Warren [unclear] | 402 CRUVEY STREET | 310-721-6572 |
| 9 | | [unclear] | 334 Calle de Arboles | 310-447-2468 |
| 10 | | [unclear] | 417 Calle de Arboles | 310-313-6466 |

PETITION SUPPORTING BUILDING PROJECT AT 417 VIA ANITA

REDONDO BEACH, CA 90277

PAGE TWO (2)

	Signature	Print Name	Address	Telephone No.
11	Jeanne Reinhardt	JEANNE REINHARDT	414 VIA MESA GRANDE	310 375 7619
12	Priscilla Acker	Priscilla Acker	Acker Fam Trust 424 Via Mesa Grande	310 375 6997
13	Jan Jack	JEAN JACQ	423 Via Mesa Grande	
14	Jusa Perksen	JUSA PERKSEN	307 Via Mesa Grande	378 2454
15	Yu Li	YUTAKA YOGI	325 Via Anita	378-8409
16	Candy Keesal	CANDY KEESAL	29 Via Anita	310 375-4436
17	KARLA HUFF	KARLA HUFF	215 VIA ANITA	310-378-805
18	Tami S. Arneson	TAMI S. ARNESON	207 VIA ANITA	(310) 375-3964
19	Kewen Chen	KEWEN CHEN	206 Via Anita	373-1987
20	Maria Ommert	MARIA OMMERT	124 VIA ANITA	310/378-4973
21	R. G. OMMERT	R. G. OMMERT	d to.	
22	Bob Kenny	BOB KENNY	116 Via Anita RB	375-9375
23	Saint Peter	Saint Peter	115 Via Anita	375-5410
24	Daniel J. Schmorling	DANIEL J. SCHMORLING	123 VIA ANITA	373-5713
25	Dot Barclay	Dot Barclay	202 Via Anita	375-0285
26	Jennifer Johnson	JENNIFER JOHNSON	433 Via Anita	375-846

PETITION SUPPORTING BUILDING PROJECT AT 417 VIA ANITA

REDONDO BEACH, CA 90277

PAGE THREE (3)

- | | Signature | Print Name | Address | Telephone No. |
|-----|---|-----------------|--------------------------------------|----------------|
| 27. | | BILL MCKENZIE | 222 Via La Soledad | (310) 375-9459 |
| 28. | | JEAN Moulding | 214 Via La Soledad | 310 375-5359 |
| 29. | | SUZAN Konell | 206 Via la Soledad RB | |
| 30. | | BEN L. Konell | 206 VIA La Soledad | 310 373-5495 |
| 31. | | Ben M. Allen | 149 Via La Soledad | 310 375-4543 |
| 32. | | John Daley | 221 Via La Soledad Redondo Beach, Ca | (310) 373-5421 |
| 33. | | Barbara Jarvis | 417 Via La Soledad | 310 373 2897 |
| 34. | | Ben Allen | 202 Via Pasqual | 310-924-5703 |
| 35. | | Elaine Fern | 429 Via La Soledad | 310-375-7198 |
| 36. | | Al Short | 520 VIA MONTE DORO | 375-05714 |
| 37. | | Feroz E. Moore | Redondo Beach, CA 90277 | |
| 38. | | Eric Cecil | 506 Via Los Miradores | 90277 395-68 |
| 39. | | ALAN J. JARVIS | 417 VIA LA SOLEDAD | (310) 373-28 |
| 40. | | SAMUEL BRAMHALL | 505 VIA LOS MIRAORES | 791-1589 |
| | (No objections but have not seen plans or reviewed project) | | | |

FPO1 :

PETITION SUPPORTING BUILDING PROJECT AT 417 VIA ANITA

REDONDO BEACH, CA 90277

PAGE Four (4)

Signature	Print Name	Address	Telephone No.
-----------	------------	---------	---------------

41

Marianne Abner

Marianne Abner

413 Via Anita, Redondo Beach, CA 90277; (805) 583-0427