

Council Meeting of
March 24, 2009

SUPPLEMENTAL #1 TO ITEM 10A

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

Members of the Council:

SUBJECT: SUPPLEMENTAL #1 TO COUNCIL AGENDA ITEM 10A
PRE07-00030: JAMES MEYER (MICHAEL GUZMAN)

The attached correspondence was received after the item was completed.

Respectfully submitted,

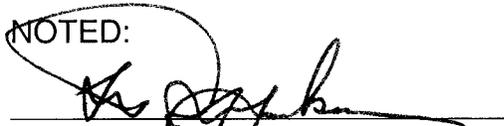
JEFFERY W. GIBSON
COMMUNITY DEVELOPMENT DIRECTOR

By 
for: Gregg D. Lodan, AICP
Planning Manager

CONCUR:


Jeffery W. Gibson
Community Development Director

NOTED:


LeRoy J. Jackson
City Manager

Attachments:

- A. Correspondence

Yumul, Soc Angelo

From: Herbers, Sue
Sent: Tuesday, March 10, 2009 2:21 PM
To: Yumul, Soc Angelo
Cc: Whitham, Heather
Subject: FW: From you neighbor regarding March 24th City Council Hearing

For the record.
 Sue Herbers

From: Sutherland, Bill
Sent: Monday, March 09, 2009 3:26 PM
To: Herbers, Sue
Subject: FW: From you neighbor regarding March 24th City Council Hearing

Regards Bill Sutherland Torrance City Councilman

From: Jim Vaughan <jimvaughan@yahoo.com>
Sent: Monday, March 09, 2009 2:27 PM
To: Scotto, Frank <FScotto@TORRNET.COM>; Barnett, Gene <GBARNETT@TORRNET.COM>; Brewer, Tom <TBrewer@TORRNET.COM>; Furey, Pat <PFurey@TORRNET.COM>; Numark, Cliff <CNumark@TORRNET.COM>; Rhilinger, Susan <SRhilinger@TORRNET.COM>; Sutherland, Bill <BSutherland@TORRNET.COM>
Subject: RE: From you neighbor regarding March 24th City Council Hearing

Dear Mayor and Council members,

It is my understanding the project at 602 Paseo de La Playa that was approved by a prior City Council is to be discussed by yourselves on March 24, 2009. This project was twice rejected by the planning commission and should never have been approved. As I understand the current situation, you can either vote to approve the project by adopting additions to the defective resolution or you can have a new hearing.

This project is so clearly way outside of the limitations imposed by the Hillside Overlay District that I am asking that a new hearing be held.

I moved into this area of the South Bay because the Hillside Overlay District restricts what can and cannot be built. I like this area of the South Bay very much and I do not want to see it ruined like Manhattan Beach, Hermosa Beach and Redondo Beach have been. If we allow one home to be built that so obviously exceeds the restrictions imposed by the Hillside Overlay District then more homes that are similar will inevitably follow.

The Hillside Overlay District was added to the Torrance municipal code to prevent homes being built that exceed certain criteria unless denial would result in unreasonable hardship to the applicant, and no unreasonable hardship exists here. Just wanting to build a massive home is not enough, let alone one that also blocks ocean views.

If we are going approve construction that exceeds the Hillside Overlay District standards in this case, then we might as well throw the entire document away. Ignoring it in this case, where no reasonable reason exists to do so, will mean that the Ordinance has effectively been discarded.

I voted for you because it was my understanding that you agree with the provisions of the Hillside Overlay District; please show me that I made the correct choice and vote for a new hearing.

Jim Vaughan

03/10/2009

444 Camino de Encanto
Redondo Beach, CA
Cell 310-951-3677
Home 310-378-6044

OFFICE OF THE
MAYOR & COUNCIL

2009 MAR 19 PM 2: 29

Michael Guzman
602 Paseo De La Playa
Torrance, CA 90277

3/19/2008

Honorable Mayor Scotto and City Council Members;

I have just learned that my employer has directed me to a meeting out of state next week. I consider my presence at the next City Council meeting on March 24, 2009 of urgent importance, however under the circumstances I am not able to challenge my employer on their decision, and I will not be able to attend. However, my father, Eduardo Guzman, will be present and as he is familiar with this matter, he will be able to speak on my behalf and to answer any questions you may have.

I am writing to urge you to implement the Court's Orders and directives in the Partial Writ of Mandate at the next meeting on March 24, 2009.

During the City Council hearing on May 13, 2008, this Council collectively established and decided that my plan had no adverse impact on the air, light or privacy of my neighbors, and was in compliance with the Hillside Overlay Ordinance. This conclusion is self evident because if you had found merit in the claims of adverse impact on air, light or privacy, then your vote would have been different.

Unfortunately your findings and decisions were not articulated in the Resolution in a manner required by case law as it related to air, light and privacy. The Court requires that the Resolution contain language reflecting your conclusions regarding air, light and privacy, just as the Resolution correctly expressed your findings regarding view.

Please note that the Court does not require anything further than for you to review the existing record, and if you find that there is no adverse impact on air, light and privacy, as you must have concluded from the evidence since you voted to approve my plan, then to express those findings in the appropriate manner. Nothing in the Writ or the Judgment compels you to do anything further.

The Court ruled that all other conclusions and findings, including any claimed impact on view, were properly addressed and are no longer an issue. Furthermore, the Court noted that the Youngerns received a fair hearing, were not denied due process, and that this Council did not act arbitrarily or abuse its discretion.

Naturally I urge you to review any portion of the Administrative Record pertaining to air, light and privacy as you see fit. Since those items relate directly to my immediate neighbors, I invite you to review specifically my power point presentation, the Community Development Department Staff's power point presentation, and the testimony of Mr. Youngern.

I trust you will agree that there is no evidence or testimony on the record to challenge any of the compelling facts regarding air, light and privacy presented by myself or by the Staff at the hearing.

Mr. Youngern's claim that our street-facing front balcony will be visible to his front yard and front patio, and thus adversely impact his privacy is without merit since there can be no expectation of privacy in a front yard.

Mr. Youngern's baseless speculation about noise coming from our street-facing balcony which is adjacent only to his driveway and garage but not any living quarters would be more properly addressed by nuisance laws should that ever become an issue. This is not a rooftop deck, but a street-facing balcony in the front yard.

While Mr. Youngern expressed privacy concerns with regards to the upstairs window in the northeast corner, the architectural plans and my own presentation both specifically address the fact that this is obscured glass, a modification recommended by the Community Development Department Staff which we incorporated into the plan as one of numerous changes made to accommodate the Youngerns.

It is not surprising or unexpected that the Youngerns and a few other neighbors restarted another canvassing campaign to influence the Council by sheer force of numbers. I deliberately avoided contacting neighbors who support my plans since the time to voice their opinions has come and past.

Any influence exercised by political pressures would be harmful to the legitimate functions of this City Council, and it would set a dire precedent for at least two reasons.

If this Council caves by this lawsuit or future threats of lawsuits, the unintended consequences will be to permeate with apprehension this Council's future legitimate functions and deliberations and invite more lawsuits by those who believe they can control the outcome of this Council's judgment by intimidation.

I urge the new Council Members to reject any invitation by the plan's opponents to re-open the hearing or the process. This action would set a chaotic precedent. As the judge who heard the Petition for the Writ stated in his tentative decision in response to the Youngern's contention that they did not get a fair hearing ***"This claim is spurious. The City Council clearly conducted a full hearing, which lasted several hours. The Youngerns were not denied any opportunity to present evidence and argue their position."***

This City Council conducted a competent, comprehensive, and deliberate hearing, and their findings should be given full credit and weight. Confidence in the process requires that new Council Members give deference to decisions and judgments previously adopted by the Council. To do otherwise would set a pattern of disrespect for precedent with endless and recurrent resolutions on matters before the Council.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Michael Guzman', with a long, sweeping horizontal stroke extending to the right.

Michael Guzman