

Council Meeting of  
April 21, 2009

**PUBLIC MEETING**

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

Members of the Council:

**SUBJECT: Community Development – Consider an appeal of Planning Commission’s Denial of a Minor Hillside Exemption to allow the retention and completion of a partially built detached accessory structure with a roof deck and a series of retaining walls that create access to the detached structure located to the rear of the existing residence on property located within the Hillside Overlay District in the R-1 zone at 4921 Bindewald Road.**

**MIS08-00131: Hani and Khatoun Issa**

**Expenditure: None**

**RECOMMENDATION**

Recommendation of the Planning Commission and the Community Development Director that the City Council:

1. Deny the Appeal and Deny the project; and
2. Adopt a Resolution Denying the Minor Hillside Exemption.

Funding: Not applicable

**BACKGROUND**

On October 14, 2008, the Community Development Director denied a Minor Hillside Exemption (MIS08-00131) to allow the retention and completion of a partially as-built detached accessory structure with a roof deck on top. The plan includes a series of retaining walls that create access to the detached structure located to the rear of the existing residence, on property located within the Hillside Overlay District in the R-1 Zone. As the structure is less than 14 feet in height, a Precise Plan of Development was not required; however, a Minor Hillside Exemption was required in order to allow the Director to determine whether any public controversy or any impacts to view, light, air or privacy exist. The applicants, Hani and Khatoun Issa, appealed the Director’s Denial to the Planning Commission. On December 3, 2008, the Planning Commission heard the appeal.

During the Public Meeting, one neighbor spoke in favor of the project, while four neighbors spoke in opposition of the project, citing privacy impacts, reduction of property values, concerns that the unpermitted work has destabilized the hillside, and the inclusion of a roof/view deck.

The Planning Commission Denied the appeal and Denied the Minor Hillside Exemption, with a roll call vote of 5 – 2. The applicants have appealed the Planning Commission's decision, and the Appeal Form is included as Attachment D.

### **Prior Meetings and Publications**

A Planning Commission Public Meeting was scheduled for December 3, 2008. On November 20, 2008, the site was posted and 14 notices were mailed to property owners adjacent to the site and to neighbors who may be impacted by the project. On November 21, 2008, a legal advertisement was published in the newspaper. Due to an appeal of the Planning Commission's decision, a City Council Public Meeting was scheduled for April 21, 2009. On April 9, 2009, the site was posted, and a notice of the City Council Public Meeting was mailed to property owners adjacent to the site and to neighbors who may be impacted by the project. On April 10, 2009, a legal advertisement was published in the newspaper.

### **Environmental Findings**

The construction of a detached accessory structure on property improved with a single-family residence is Categorically Exempted by the 2009 Guidelines for Implementation of the California Environmental Quality Act (CEQA), Article 19, Section 15301 (e).

### **ANALYSIS**

The subject site is located in an interior parcel and is irregularly shaped. The 17,150 square foot lot widens from approximately 67 feet along the street frontage to 101 feet along the rear property line. The lengths of the lot are approximately 247 feet on the west side and 201 feet on the east side. The subject property exhibits an approximate 40-foot downward slope when proceeding to the rear property line, resulting in a large slope, covered with vegetation, which separates the existing residence from those along the southern side of Reese Road.

The proposed modifications to the property are located towards the rear of the existing single-family residence, and along the westerly side yard. The structure is partially constructed and was done so without the benefit of a Hillside review or a Building Permit. After a neighbor registered a complaint with the City of Torrance (COM07-01491) for the unpermitted construction, stop work notices were issued and the property owner was directed to either remove the structure and replace the slope to its prior condition or obtain permits for the structure. The applicant filed for a Minor Hillside Exemption and the plans were revised to conform to the Development Standards of the Hillside Overlay District.

The project consists of a detached accessory structure, which is shown on page one of the plans as a basement storage area with a deck above it; page two delineates the floor plan showing the area as four rooms: a recreation room, storage room, gym and bathroom. Additionally, a series of retaining walls are proposed which create access to the structure. The height of the structure is shown at 11 feet from grade to the top of the deck, with an additional three-foot safety railing, for a total of 14 feet. The total area for the structure is 642 square feet, with the recreation room taking the majority of the space at approximately 446 square feet. Before the proposed structure was built, the FAR was approximately 0.11. With the proposed structure, the FAR will be

approximately 0.14. Two windows are shown on the north elevation. The as-built structure currently has a side yard setback of one foot. Since the structure was not located on the rear quarter of the lot, the side yard setback needed to be modified to increase this setback to a minimum of five feet. The revised plans reflect a five-foot side yard setback. Additionally, the applicant also added landscaping to the revised plans, showing "heavy planting of shrubs and trees" adjacent to the north (bottom of the slope) property line, in order to provide privacy to the neighbors.

Development Review Staff visited the properties of the neighbors north of and adjacent to the project on Reese Road, and determined that an adverse impact to privacy existed; therefore, Staff recommended Denial of the project. The project, as revised, complies with the R-1 Development Standards. However, in the judgment of the Community Development Department, the proposed structure will have an adverse impact on the privacy of the surrounding properties. For this reason, Staff recommends Denial of the appeal and Denial of the project.

### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission reviewed the proposal on December 3, 2008. The applicant gave a brief description of the proposed project to the Commission, including additional landscaping along the northern property line to aid in providing privacy to the neighbors on Reese Road. The neighbor from 4917 Bindewald Road spoke in favor of the project, while four neighbors from 4918 Reese Road, 4815 Green Meadows Avenue, and 5106 Carol Drive spoke in opposition of the project, citing impacts to privacy, property values, concerns that the unpermitted work has destabilized the hillside, and the inclusion of a roof/view deck. The Planning Commission voted 5 - 2 to Deny the project.

CONCUR:

  
 \_\_\_\_\_  
 Jeffery W. Gibson  
 Community Development Director

Respectfully submitted,

Jeffery W. Gibson  
 Community Development Director

NOTED:

  
 \_\_\_\_\_  
 LeRoy J. Jackson  
 City Manager

By

  
 \_\_\_\_\_  
 Gregg D. Lodan, AICP  
 Planning Manager

### **Attachments:**

- A. Resolution for Denial
- B. Draft Resolution for Approval
- C. Location and Zoning Map
- D. Letter of Appeal
- E. Planning Commission Meeting Minutes Excerpt – 12/03/08
- F. Planning Commission Staff Report, Supplemental and Materials Submitted at Planning Commission Meeting
- G. Proofs of Publication and Notification
- H. Site Plan, Floor Plan and Elevations (Limited Distribution)
- I. Mayor's Script (Limited Distribution)



**RESOLUTION NO. 2009-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, DENYING AN APPEAL AND DENYING A MINOR HILLSIDE EXEMPTION AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE RETENTION AND COMPLETION OF A PARTIALLY BUILT DETACHED ACCESSORY STRUCTURE WITH A ROOF DECK AND A SERIES OF RETAINING WALLS THAT CREATE ACCESS TO THE DETACHED STRUCTURE LOCATED TO THE REAR OF THE EXISTING RESIDENCE ON PROPERTY LOCATED WITHIN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 4921 BINDEWALD ROAD.**

**MIS08-00131: HANI AND KHATOUN ISSA**

**WHEREAS**, the Community Development Director on October 14, 2008, Denied a Minor Hillside Exemption filed by Hani and Khatoun Issa to allow the retention and completion of a partially built detached accessory structure with a roof deck and a series of retaining walls that create access to the detached structure located to the rear of the existing residence on property located within the Hillside Overlay District in the R-1 Zone at 4921 Bindewald Road; and

**WHEREAS**, on October 27, 2008, Hani and Khatoun Issa appealed the Community Development Director's decision; and

**WHEREAS**, the Planning Commission of the City of Torrance conducted a public meeting on December 3, 2008, to consider an appeal of the Community Development Director's Denial of a Minor Hillside Exemption filed by Hani and Khatoun Issa to allow the retention and completion of a partially built detached accessory structure with a roof deck and a series of retaining walls that create access to the detached structure located to the rear of the existing residence on property located within the Hillside Overlay District in the R-1 Zone at 4921 Bindewald Road; and

**WHEREAS**, the Planning Commission of the City of Torrance at its meeting of December 3, 2008, Denied Minor Hillside Exemption MIS08-00131 filed by Hani and Khatoun Issa to allow the retention and completion of a partially built detached accessory structure with a roof deck and a series of retaining walls that create access to the detached structure located to the rear of the existing residence on property located within the Hillside Overlay District in the R-1 Zone at 4921 Bindewald Road; 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 the California Environmental Quality Act (CEQA) pursuant to the 2008 Guidelines for Implementation, Article 19, Section 15301 (e); and

**WHEREAS**, on December 17, 2008, Hani and Khatoun Issa, appealed the Planning Commission's decision; and

**WHEREAS**, the City Council of the City of Torrance conducted a public meeting on April 21, 2009 to consider Minor Hillside Exemption MIS08-00131, filed by Hani and

Khatoun Issa to allow the retention and completion of a partially built detached accessory structure with a roof deck and a series of retaining walls that create access to the detached structure located to the rear of the existing residence on property located within the Hillside Overlay District in the R-1 Zone at 4921 Bindewald Road; and

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

- A. That the property address is 4921 Bindewald Road;
- B. That the property is located on Lot 5 of the Tract 22022 as per map recorded in Parcel Map Book 7530, Page 003 and Parcel 012 in the Office of the Los Angeles County Recorder, State of California;
- C. That the project is in compliance with both the R-1 Zoning and the Low-Density General Plan designation for this site;
- D. That the proposal has an adverse impact upon the privacy of other properties in the vicinity, since the addition of the proposed structure would create new viewing areas which would diminish the privacy levels of surrounding properties;
- E. That the proposal has not been located, planned and designed so as to avoid impacts to the privacy of other properties in the vicinity, as the proposal involves creating new viewing areas that lead to reduced privacy to homes and yards along Reese Road; and
- F. That the project will have a harmful impact upon the land values and investment of other properties in the vicinity, because the proposal results in an adverse privacy impairment to properties along the southern side of Reese Road.

**NOW, THEREFORE, BE IT RESOLVED** that MIS08-00131 filed by Hani and Khatoun Issa to allow the retention and completion of a partially built detached accessory structure with a roof deck and a series of retaining walls that create access to the detached structure located to the rear of the existing residence on property located within the Hillside Overlay District in the R-1 Zone at 4921 Bindewald Road, on file in the Community Development Department of the City of Torrance, is hereby DENIED.

Introduced, approved and adopted this 21<sup>st</sup> day of April 2009.

\_\_\_\_\_  
MAYOR, of the City of Torrance

ATTEST:

\_\_\_\_\_  
City Clerk of the City of Torrance

APPROVED AS TO FORM:

JOHN FELLOWS III, City Attorney

By \_\_\_\_\_

RESOLUTION NO. 2009-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, GRANTING AN APPEAL AND APPROVING A MINOR HILLSIDE EXEMPTION AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW A PARTIALLY BUILT DETACHED ACCESSORY STRUCTURE WITH A ROOF DECK AND A SERIES OF RETAINING WALLS THAT CREATE ACCESS TO THE DETACHED STRUCTURE LOCATED TO THE REAR OF THE EXISTING RESIDENCE ON PROPERTY LOCATED WITHIN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 4921 BINDEWALD ROAD.

MIS08-00131: HANI AND KHATOUN ISSA

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**WHEREAS**, on October 27, 2008, Hani and Khatoun Issa appealed the Community Development Director's decision; and

**WHEREAS**, the Planning Commission of the City of Torrance conducted a public meeting on December 3, 2008, to consider an appeal of the Community Development Director's Denial of a Minor Hillside Exemption filed by Hani and Khatoun Issa to allow the retention and completion of a partially built detached accessory structure with a roof deck and a series of retaining walls that create access to the detached structure located to the rear of the existing residence on property located within the Hillside Overlay District in the R-1 Zone at 4921 Bindewald Road; and

**WHEREAS**, the Planning Commission of the City of Torrance at its meeting of December 3, 2008, Denied Minor Hillside Exemption MIS08-00131 filed by Hani and Khatoun Issa to allow the retention and completion of a partially built detached accessory structure with a roof deck and a series of retaining walls that create access to the detached structure located to the rear of the existing residence on property located within the Hillside Overlay District in the R-1 Zone at 4921 Bindewald Road; 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 the California Environmental Quality Act (CEQA) pursuant to the 2008 Guidelines for

Implementation, Article 19, Section 15301 (e); and

**WHEREAS**, on December 17, 2008, Hani and Khatoun Issa, appealed the Planning Commission's decision; and

**WHEREAS**, the City Council of the City of Torrance conducted a public meeting on February 24, 2009 to consider Minor Hillside Exemption MIS08-00131, filed by Hani and Khatoun Issa to allow the retention and completion of a partially built detached accessory structure with a roof deck and a series of retaining walls that create access to the detached structure located to the rear of the existing residence on property located within the Hillside Overlay District in the R-1 Zone at 4921 Bindewald Road; and

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

- A. That the property address is 4921 Bindewald Road;
- B. That the property is located on Lot 5 of the Tract 22022 as per map recorded in Parcel Map Book 7530, Page 003 and Parcel 012 in the Office of the Los Angeles County Recorder, State of California;
- C. That the project is in compliance with both the R-1 Zoning and the Low-Density General Plan designation for this site;
- D. That the proposed project will not have an adverse impact upon the view, light, air and privacy of other properties in the vicinity (to be determined by City Council);
- E. That the proposed project has been located, planned and designed in a manner so as to cause the least intrusion on the views, light, air and privacy of other properties in the vicinity (to be determined by City Council);
- F. That the proposed design provides an orderly and attractive development in harmony with other properties in the vicinity (to be determined by City Council);
- G. That the proposed design will not have a harmful impact upon the land values and investment of other properties in the vicinity (to be determined by City Council);
- H. That the granting of the proposed application would not be materially detrimental to the public welfare and to other properties in the vicinity (to be determined by City Council); and
- I. That the proposed development will not cause or result in an adverse cumulative impact on other properties in the vicinity (to be determined by City Council).

**NOW, THEREFORE, BE IT RESOLVED** that MIS08-00131 filed by Hani and Khatoun Issa to allow the retention and completion of a partially built detached accessory structure with a roof deck and a series of retaining walls that create access to the detached structure located to the rear of the existing residence on property located within the Hillside Overlay

District in the R-1 Zone at 4921 Bindewald Road, 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 with a detached accessory structure with a roof deck and a series of retaining walls that create access to the detached structure shall be subject to all conditions imposed in Minor Hillside Exemption MIS08-00131 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 Minor Hillside Exemption MIS08-00131 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 accessory structure at the highest point of the safety railing shall not exceed a height of 14 feet from the lowest adjacent grade as shown on the plans on file in the Community Development Department; (Development Review)
4. That the applicant shall work with Staff to reduce, relocate and resize windows facing the adjacent neighbors as to minimize privacy impacts to neighbors to the satisfaction of the Community Development Director; (Development Review)
5. That within 30 days of the final public meeting, the applicant shall remove the City's "Public Notice" sign to the satisfaction of the Community Development Director; (Development Review)
6. That exterior color and material samples shall be submitted to the Community Development Department for approval prior to the issuance of any building permits; (Development Review)
7. That a landscaping plan shall be provided to the Community Development Director for approval prior to the issuance of any building permits; (Development Review)
8. That the applicant shall obtain all necessary building permits, electrical permits, plumbing permit, safety inspections and any other entitlements required by the City of Torrance;
9. That the proposed project shall meet all the code requirements and all conditions determined by any City department prior to issuance of any building permits;

10. 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 21<sup>st</sup> day of April 2009.

\_\_\_\_\_  
MAYOR, of the City of Torrance

ATTEST:

\_\_\_\_\_  
City Clerk of the City of Torrance

APPROVED AS TO FORM:

JOHN FELLOWS III, City Attorney

By \_\_\_\_\_



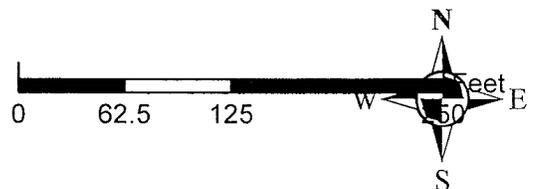
### LOCATION AND ZONING MAP

4921 Bindewald Road  
MIS08-00131



### LEGEND

- Subject Property
- Notification Area





|   |   |
|---|---|
|  | <b>CITY OF TORRANCE</b> RECEIVED        |
|   | <b>APPEAL FORM</b> 2008 DEC 17 AM 10:08 |

**AN APPEAL TO:**

- City Council
- Planning Commission
- \_\_\_\_\_

**RETURN TO:**

CITY OF TORRANCE  
CITY CLERK'S OFFICE

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

**RE:** MINOR HILLSIDE EXEMPTION - M1508-00131  
(Case Number and Name)

Address/Location of Subject Property 4921 Bindewald Road  
(If applicable)

**Decision of:**

- |   |   |
|---|---|
| <input type="checkbox"/> Administrative Hearing Board                           | <input type="checkbox"/> License Review Board           |
| <input type="checkbox"/> Airport Commission                                     | <input checked="" type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Civil Service Commission                               | <input type="checkbox"/> Community Development Director |
| <input type="checkbox"/> Environmental Quality & Energy Conservation Commission | <input type="checkbox"/> Special Development Permit     |
|   | <input type="checkbox"/> Other _____                    |

**Date of decision:** 12-3-08      **Appealing:**    APPROVAL     DENIAL

**Reason for Appeal:** *Be as detailed as necessary. Additional information can be presented at the hearing. Attach pages as required with additional information and/or signatures.*

APPEAL DENIAL OF PLANNING COMMISSION  
DECISION OF DECEMBER 3 OF A MINOR HILLSIDE  
EXEMPTION WHICH WAS BASED ON THE  
POTENTIAL FOR ADVERSE PRIVACY IMPAIRMENT

Name of Appellant HANI ISSA

Address of Appellant 4921 BINDEWALD RO TORRANCE 90505

Telephone Number (714) 293-9999

Signature Hani Issa

|   |  |   |  |   |
|---|--|---|--|---|
| Appeal Fee paid \$ <u>160.00</u> <sup>City 1345</sup> |  | For office use only:                                  | Date <u>12/17/08</u>                   | Received by  |
| Notice to:  | <input checked="" type="checkbox"/> City Council | <input type="checkbox"/> City Manager                 | <input type="checkbox"/> City Attorney | <input type="checkbox"/> Other Department(s) _____  |
|   | <input checked="" type="checkbox"/> Planning     | <input checked="" type="checkbox"/> Building & Safety |  |   |



**EXCERPT OF MINUTES**

√ Minutes Approved  
~~√ Minutes Subject to Approval~~

December 3, 2008

**MINUTES OF A REGULAR MEETING OF  
 THE TORRANCE PLANNING COMMISSION**

**1. CALL TO ORDER**

The Torrance Planning Commission convened in a regular session at 7:02 p.m. on Wednesday, December 3, 2008 in the Council Chambers at Torrance City Hall.

**3. ROLL CALL**

Present: Commissioners Busch, Gibson, Horwich, Skoll, Uchima, Weideman and Chairperson Browning.

Absent: None.

Also Present: Planning Manager Lodan, Planning Associate Gomez, Plans Examiner Noh, Associate Civil Engineer Symons, Deputy City Attorney Whitham, Deputy City Attorney Sullivan and Fire Marshal Hastings.

**11. FORMAL HEARINGS**

**11A. MIS08-00131: HANI AND KHOATOUN ISSA**

Planning Commission consideration of an appeal of a Community Development Director denial without prejudice of a Minor Hillside Exemption to allow the retention of a partially as-built accessory structure with a roof deck on top and a series of retaining walls that create access to the detached structure located to the rear of the existing residence on property located within the Hillside Overlay district at 4921 Bindewald Road.

**Recommendation**

Denial without prejudice.

Planning Associate Gomez introduced the request and noted supplemental material available at the meeting consisting of correspondence received after the agenda item was completed.

Hani Issa, 4921 Bindewald Road, applicant, explained that he hired someone to create an area for planting vegetables in his backyard; that when he returned home from work, he discovered that the man had dug into the hillside; and that in the process of trying to correct the problem, the project grew into an extension of his deck with a storage/exercise room underneath. He disputed the claim that the structure would impact neighbors' privacy; apologized for not obtaining the required permits; and expressed his willingness to do whatever necessary to make the project legal.

Commissioner Weideman questioned whether there was an immediate concern about the stability of the backyard slope.

Plans Examiner Noh stated that he was not aware of any immediate concern. He noted that if the structure is approved, the applicant will be required to submit plans with structural calculations and, if necessary, a soil analysis to ensure that the structure is safe and that it will not damage the integrity of the hillside.

In response to Commissioner Busch's inquiry, Mr. Issa reported that the work was not done by a licensed contractor and he did not know a permit was required.

Chairperson Browning stated that he observed that the structure would impact the privacy of properties below.

Sam Samara, Samara Engineering, representing the applicant, contended that the project would not affect the privacy of neighbors, referring to diagrams to illustrate. He pointed out that the subject lot is unusually large and the new structure is 154 feet from the rear property line, which is only 8 feet closer than before the structure was built. He reported that if the project is approved, the slope will be compacted, sprinklered and landscaped and the structure will be analyzed to ensure that it meets all Building Code requirements. Additionally, he noted that the applicant has offered to plant landscaping to enhance the privacy of neighbors. He expressed concerns that removing the structure could cause environmental damage and destabilize the applicant's house.

In response to Commissioner Uchima's inquiry, Mr. Samara confirmed that it would be possible to examine the footings of the structure to verify that it was constructed properly and/or retrofit it to ensure that it is structurally sound. He related his observation that the structure appears to be unusually well constructed, with concrete and steel reinforcement.

In response to Commissioner Gibson's inquiry, Mr. Issa reported that he has lived at this address for three years.

Referring to the staff report, Commissioner Horwich asked about the statement that the project would "create" the potential for adverse privacy impairments. Planning Manager Lodan clarified that staff believes the project creates a greater privacy impact than previously existed.

Commissioner Horwich noted that the staff report recommends that the matter be referred back to the Building Regulation and Grading Divisions to ensure that the structure is removed and the slope is returned to a secure state, and questioned whether the slope is secure at this time.

Planning Manager Lodan advised that he was not aware of any structural or safety concerns at this time and that staff just wanted to make sure that the stability of the hillside is not compromised in the process of removing the structure.

Commissioner Horwich stated that he was very concerned that the applicant had not used a licensed contractor or pulled a permit for this project and he believed the applicant knew better.

Commissioner Skoll reported that he personally did not observe that the project would impact the privacy of properties on Reese due to the distance between them and the subject property or neighbors on either side because the only way someone could see into these homes was from on top of the structure.

Commissioner Busch noted that ignorance of the law is no excuse and voiced support for staff's recommendation to deny the project without prejudice. He related his belief that if the applicant wants a structure like this, he should be required to start over and follow the proper procedure.

Commissioner Gibson questioned whether Mr. Issa formerly lived on Vanderhill Road and had a similar problem with an un-permitted structure. Mr. Issa stated that he and his wife never lived in Torrance before moving to this address and they have had a clean record other than this one incident.

Chairperson Browning stated that he believed the applicants would use the deck on top of the structure and that this would create a privacy issue for neighbors. He further stated that he found it difficult to believe that a landscaper dug this tremendous hole in one day while Mr. Issa was at work without his knowledge or permission.

Ali Delzende, 4917 Bindewald Road, voiced supported for the project, stating that he lives next door and has no objections. He disputed claims of privacy impact by neighbors on Reese Road due to distance between them and the new structure.

Jamal Issa, 4921 Bindewald Road, urged approval of the project. He reported that James Munger, 4918 Reese Road, personally viewed the impact and signed a petition indicating that he had no objection, but subsequently withdrew his support.

James Munger, 4918 Reese Road, stated that he was confused about the nature of the project and the status of permits when he signed the document in support of the project. He explained that he was under the impression that the structure had been permitted and Mr. Issa was simply seeking a minor modification of the existing permit, however, he subsequently learned that the work to date was done entirely without benefit of a permit. He noted that he submitted a letter detailing his concerns about the project, including loss of privacy, reduction in property value, and the potential that the un-permitted work has destabilized the hillside.

Commissioner Uchima recalled that there are a number of trees that block the view from the subject property into properties down below on Reese Road.

Mr. Munger contended that there would be an intrusion on privacy because he can see the new construction from his bathroom and kitchen.

Commissioner Uchima related his understanding that any view into Mr. Munger's property would also exist from the property next door at 4917 Bindewald Road.

Commissioner Weideman asked about the City's liability with regard to slope failure.

Deputy City Attorney Sullivan advised that the City has no liability for projects constructed without benefit of permit; that the project would have to comply with all building code requirements if it is approved; and that it was very unlikely that the City

would be found liable for construction that complies with all building codes due to permit immunities.

Judy Brunetti, 4815 Greenmeadows Avenue, voiced objections to roof decks in general, relating her experience that they intrude on neighbors' privacy and create noise issues. She urged caution when approving roof decks due to the potential for setting a precedent. She related her understanding that the City Council was in the process of considering an ordinance regulating roof decks.

Commissioner Weideman noted that the Commission spent 3 or 4 meetings drafting the proposed Roof Deck Ordinance, which was forwarded to the City Council, and the matter was now within the Council's purview.

Commissioner Uchima stated that he did not consider the deck over this subterranean structure to be a roof deck because it's level with the backyard.

Planning Manager Lodan advised that since the deck is over a detached accessory structure, it is considered a roof deck.

Justin Myers, 5106 Carol Drive, voiced objections to the project due to the impact on privacy and property values. He expressed concerns about noise from the deck, stating that he could clearly hear a commissioner discussing privacy impact with Mr. Issa while standing on top of the structure. He contended that Mr. Issa misrepresented the scope of the project and told him the structure was permitted when it was not when he asked him to sign-off on the plans. He called for this non-conforming eyesore to be removed from the hillside and for the hillside to be restored to its natural state.

Commissioner Skoll related his understanding that Mr. Issa intends to face the structure with stone so it will not be an eyesore. He stated that he did not believe the project would intrude on Mr. Myers' privacy because the view from the subject property into Mr. Myers' backyard is completely blocked by trees.

Commissioner Uchima questioned whether the plans shown to neighbors during the sign-off process were the same as the plans submitted to Commissioners.

Planning Manager Lodan reported that two different iterations of the plans went out to neighbors, with the main difference being an increase in the setback from one foot to five feet in order comply with requirements and the addition of landscaping to address privacy impacts.

Commissioner Uchima pointed out that Mr. Myers would be able to hear people talking in Mr. Issa's backyard regardless of whether they were standing on the new structure, but Mr. Myers maintained that sound carries farther from decks and/or balconies.

Commissioner Uchima reported that he attempted to look at the project from Carol Drive but couldn't see anything due to dense vegetation and trees.

Mr. Myers responded that some of the trees are dying and need to be cut down, in which case there would be a clear view into his backyard.

Micki Myers, 5106 Carol Drive, reported that she bought in the Hillside area due to the protection it affords after becoming disillusioned with Redondo Beach and urged the Commission to protect the neighborhood. She voiced objections to the applicant's attempt to circumvent the process by constructing a massive structure without benefit of permits and then asking for approval after the fact pleading ignorance. She related her belief that the project would have never been approved if the applicant had followed the proper procedure.

Returning to the podium, Mr. Issa disputed the claim that he misrepresented the project to neighbors, explaining that he invited them to look at the structure and made no attempt to hide anything.

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

Commissioner Uchima indicated that he was inclined to support the project. He noted that neighbors have expressed concerns about the safety of the un-permitted construction, however, the applicant must prove to the satisfaction of City staff that the project is structurally sound before any construction can resume if the project is approved. With regard to privacy concerns, he reported that he could barely see homes on Reese Road from the subject property and Mr. Issa has offered to plant trees to eliminate any possible privacy issues. Commenting on Mr. Myers' concern about noise, he pointed out it was not uncommon to hear noise from a backyard when people congregate and doubted that the deck would aggravate noise problems. Referring to claims that Mr. Issa misrepresented the project, he noted that the plans shown to neighbors were essentially the same as those submitted to Commissioners. He conceded that there was a violation of procedure, but pointed out that the Commission has approved un-permitted projects in the past as long as they comply with all building code requirements.

Commissioner Horwich asked about the timetable for removal should the Commission deny the project.

Deputy City Attorney Sullivan recommended that the Commission deny the project "with prejudice" if they wish to expedite the removal process.

Commissioner Skoll noted his concurrence with Commissioner Uchima's remarks. He stated that it was unfortunate that the applicant did not follow the proper procedure, but he favored approving the permit.

Commissioner Weideman indicated that he would vote to deny the project, citing the opposition of immediate neighbors.

Chairperson Browning voiced support for staff's recommendation to deny the project, noting that he personally observed that it would have an adverse impact on neighboring properties.

**MOTION:** Chairperson Browning moved to deny MIS08-00131 with prejudice, requiring that the matter be referred to Building Regulations and Grading Divisions to ensure that the structure be removed and the slope returned to a secure state. The motion was seconded by Commissioner Gibson and discussion continued.

A brief discussion ensued regarding whether to include a timeframe for the structure's removal, but it was the consensus of the Commission that this was a code enforcement issue better left to staff.

Chairperson Browning called for a vote, and the motion passed by a 5-2 roll call vote, with Commissioners Skoll and Uchima dissenting.

Planning Associate Gomez read aloud the number and title of Planning Commission Resolution No. 08-119.

**MOTION:** Commissioner Weideman moved for the adoption of Planning Commission Resolution No. 08-119 as amended. The motion was seconded by Commissioner Horwich and passed by a 5-2 roll call vote, with Commissioners Skoll and Uchima dissenting.

###

**AGENDA ITEM NO. 11A****CASE TYPE & NUMBER:** MINOR HILLSIDE EXEMPTION – MIS08-00131**NAME:** Hani and Khatoun Issa**PURPOSE OF APPLICATION:** Planning Commission review of an appeal of a Community Development Director denial of a Minor Hillside Exemption to allow a partially as-built detached accessory structure with a roof deck on top and a series of retaining walls that create access to the detached structure located to the rear of the existing residence on property located in the Hillside Overlay District.**LOCATION:** 4921 Bindewald Road**ZONING:** R-1: Single-Family Residential Zone/Hillside Overlay District**ADJACENT ZONING AND LAND USES:**

NORTH: R-1/Hillside Overlay District, one-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: Pacific Coast Highway

**GENERAL PLAN DESIGNATION:** Low Density Residential**COMPLIANCE WITH GENERAL PLAN:** Yes, a single-family residence with an attached garage and detached accessory structure complies with the Low-Density Residential designation.**EXISTING IMPROVEMENTS AND /OR NATURAL FEATURES:** The property is currently developed with a one-story single-family residence and an attached front facing two-car garage. The 17,150 square foot subject lot that widens in width from approximately 67 feet along the street frontage to 101 along the rear property line. Properties along the northern side of Bindewald Road exhibit an approximate 40-foot downward slope when proceeding to the rear property line resulting in a large slope that separates the residences along Bindewald Road and those along the southern side of Reese Road.**ENVIRONMENTAL FINDINGS:** The construction of a detached accessory structure on property improved with a single-family residence is Categorically Exempted by Section 15301 (e) of the Guidelines for Implementation of the California Environmental Quality Act (CEQA).**BACKGROUND AND ANALYSIS:**

The applicants, Hani and Khatoun Issa, are requesting approval of a Minor Hillside Exemption to allow the construction of the proposed accessory structure, which would create a view platform above the structure and a series of retaining walls to grant

access to the structure. The proposed modifications to the property are located to the rear of the existing single-family residence, along the westerly side yard, and the property is located in the Hillside Overlay District within the R-1 Zone. The project comes before the Planning Commission on an applicant's appeal of the Community Development Director's denial of the subject request.

The structure is partially constructed, as the construction of the structure was done without the benefit of a Hillside review or a Building permit. After a neighbor registered a complaint (COM07-01491) for the unpermitted construction, the Environmental Division issued stop work notices to the property owner with the direction to either remove and replace the slope to its prior condition or obtain permits for the structure. The applicant contacted Staff from the Development Review Division and was instructed as to the filing requirements for the Minor Hillside Exemption process. The structure and retaining walls that were planned to be built by the applicant exceeded the maximum heights for detached accessory structures (14 feet to the top of the roof deck railing) and retaining walls (five feet). The structure, as it was not located on the rear quarter of the lot, also needed to be modified to increase the existing one-foot setback and be in conformance with the minimum side yard setback of five feet.

The project, as shown on the plans, now measures no more than 14 feet in height from the base of the structure to the top of the three-foot roof deck safety rail; provides a five-foot side yard setback; a minimum distance of six-feet between the residence and the detached accessory structure; is less than the maximum 663.25 square foot accessory structure allowance for this one-story residence; and no proposed retaining walls retain more than five feet of earth. Once the project plans were redesigned to conform to the development standards, the applicant was allowed to commence with the Minor Hillside Exemption process.

Through the Minor Hillside Exemption process, potential view, light, air, and privacy impacts to surrounding properties are evaluated. Plans for this project were shown to 11 neighboring property owners, to determine if they had any objections to the project. Although the applicant was able to obtain all but three of the requested 11 signatures, Staff received letters from seven of those that originally signed, requesting that their consent of the project be retracted. Staff sent letters to the three neighbors who did not sign, allowing them 10 days to contact Staff with any concerns to view, light, air or privacy. Staff received correspondence from all three of the neighbors stating that they are in opposition of the project, have concerns about the stability of the slope, and requesting that the unpermitted structure be removed. Additionally, six neighbors in the surrounding vicinity, also submitted requests to have the structure removed.

On May 22, 2008, Staff from the Development Review Division visited several properties along both Carol Drive and Reese Road. The structure is visible from the rear yards of 5106 and 5105 Carol Drive, from the eastern ends of the rear yards and is easily visible from both the rear yards of homes along the south side of Reese Road and the public right-of-way of Reese Road. After a site inspection of the property, Staff determined that the potential for adverse privacy impairments exist for properties along

the southern side of Reese Road into both living areas and improved rear yard recreation areas. As the subject lot has side property lines upwards of 200 feet, the proposed structure extending from the previous patio termination, still result in a separation of between 110 feet along the eastern side yard and 150 feet along the western side yard. Even so, the rear yard for 4912 Reese Road is improved to fully maximize its usefulness with gardens, recreation and entertaining areas. Additionally, the potential for a view impact exists from the property west of and adjacent to the subject site, at 5005 Bindewald Road.

In the judgment of Staff, the nature of the slope and the positioning of the structure in the manner proposed does not allow for conditions to help alleviate the potential privacy impacts. Staff informed the applicant of the Department's concerns and the applicant agreed to discuss additional screening at the rear of their property. The applicants revised their plan to incorporate landscaping at the bottom of their slope, along their rear property line and re-attempted to obtain the signatures of the same neighbors previously requested. This time only one signature was obtained. Staff preceded to send 10-day letters to the remaining 10 property owners on September 2, 2008. Four letters were subsequently received by staff, including a petition, voicing concerns with the proposed structure, series of walls, potential impacts to privacy, land values, incompatibility with the neighborhood, unpermitted status and safety concerns (Attachment #1). Despite the proposed landscaping, Staff remained concerned with privacy to neighbors along the southern side of Reese Road and recommended that the Community Development Director deny the request without prejudice. The applicants, Mr. and Mrs. Issa, appealed the Community Development Director's denial to the Planning Commission. (Attachment #3).

The requested structure with a roof deck and the series of retaining walls, as proposed, appear to create the potential for adverse privacy impairments on neighboring properties. Therefore, staff recommends Denial without prejudice of the subject request. Staff notes that a considerable amount of alterations have been made to the natural slope and it is the recommendation of Staff that should the Planning Commission not approve the subject request, the matter be referred back to the Building Regulations and Grading Divisions to ensure that the structure be removed and that the slope is returned to a secure state.

Therefore, based on the analysis presented above, staff recommends denial without prejudice of the request. Staff notes that the applicant has provided written material for the Planning Commission to review.

**PROJECT RECOMMENDATION: DENIAL WITHOUT PREJUDICE**

**FINDINGS OF FACT IN SUPPORT OF DENIAL WITHOUT PREJUDICE OF THE PROJECT:** Findings of fact in support of Denial without prejudice approval are set forth in the attached resolution.

**RECOMMENDED CONDITIONS, IF PROJECT IS APPROVED:**

Should the Commission consider approval of the subject request, a list of recommended conditions for the project are set forth in Attachment #6.

Prepared by,



Yolanda Gomez  
Planning Associate

Respectfully submitted,



Gregg Lodan, AICP  
Planning Manager

**ATTACHMENTS:**

1. Resolution
2. Location and Zoning Map
3. Appeal
4. Administrative Denial
5. Correspondence
6. Recommended Conditions
7. Site Plan, Floor Plan and Elevations

**PLANNING COMMISSION RESOLUTION NO. 08-119**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TORRANCE, CALIFORNIA, DENYING WITHOUT PREJUDICE A MINOR HILLSIDE EXEMPTION AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW A PARTIALLY AS-BUILT DETACHED ACCESSORY STRUCTURE WITH A ROOF DECK ON TOP AND A SERIES OF RETAINING WALLS THAT CREATE ACCESS TO THE DETACHED STRUCTURE LOCATED TO THE REAR OF THE EXISTING RESIDENCE ON PROPERTY LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 4921 BINDEWALD ROAD.

**MIS08-00131: HANI AND KHATOUN ISSA**

**WHEREAS**, the Planning Commission of the City of Torrance conducted a public hearing on December 3<sup>rd</sup>, 2008, to consider an appeal of the Community Development Director's denial of a Minor Hillside Exemption filed by Hani and Khatoun Issa to allow partially as-built detached accessory structure with a roof deck on top and a series of retaining walls that create access to the detached structure located to the rear of the existing residence on property located in the Hillside Overlay District in the R-1 Zone at 4921 Bindewald Road; 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 California Environmental Quality Act (CEQA) pursuant to the 2008 Guidelines for Implementation by Section 15301 (e); and

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

- A) That the property address is 4921 Bindewald Road.
- B) That the property is located on Lot 5, of Tract # 22022.
- C) The project is in compliance with both the R-1 Zoning and the Low-Density General Plan designation for this site.
- D) The proposal may have an adverse impact upon the privacy of other properties in the vicinity since the topography of the subject site in relation to surrounding properties allows for new viewing areas to potentially diminish the existing privacy levels that presently exist.

- E) The proposal has not been located, planned and designed so as to avoid impacts to the privacy of other properties in the vicinity as the proposal involves new viewing areas that may lead to reduced privacy to homes along Reese Road.
- F) The proposal will have a harmful impact upon the land values and investment of other properties in the vicinity, because the proposal may result in an adverse privacy impairment to properties along the southern side of Reese Road.

**WHEREAS**, the Planning Commission by the following roll call vote DENIED WITHOUT PREJUDICE MIS08-00131, subject to conditions:

AYES:

NOES:

ABSENT:

ABSTAIN:

**NOW, THEREFORE, BE IT RESOLVED** that MIS08-00131, filed by Hani and Khatoun Issa to allow a partially as-built detached accessory structure with a roof deck on top and a series of retaining walls that create access to the detached structure located to the rear of the existing residence on property located in the Hillside Overlay District in the R-1 Zone at 4921 Bindewald Road is hereby DENIED WITHOUT PREJUDICE.

Introduced, approved and adopted this 3<sup>rd</sup> day of December 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 3<sup>rd</sup> day of December 2008, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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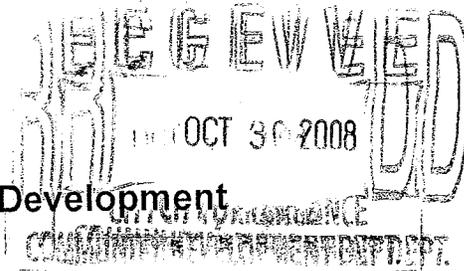
Secretary, Torrance Planning Commission



# CITY OF TORRANCE

## INTEROFFICE COMMUNICATION

DATE: October 27, 2008



TO: Jeffrey Gibson, Community Development

FROM: City Clerk's Office

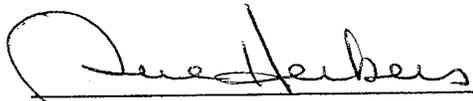
SUBJECT: Appeal 2008-15

Attached is Appeal 2008-15 received in this office on October 27, 2008 from Hani and Khatoun Issa, 4921 Bindewald Road, Torrance, CA 90505. This appeal is of the Community Development Director's denial made on October 14, 2008 regarding Minor Hillside Exemption MIS08-00131: HANI AND KHATOUN ISSA located at 4921 Bindewald Road, Torrance, CA 90505 citing that the sole reason for the denial is not necessarily an incidental minor addition to the existing home.

The appeal fee of \$70.00, paid by check, was accepted by the City Clerk.

**SECTION 11.5.3. PROCEDURE AFTER FILING.**

- a) Upon receipt of the notice of appeal, and the appeal fee, the City Clerk shall notify the concerned City officials, bodies or departments that an appeal has been filed and shall transmit a copy of the appeal documents to such officials, bodies or departments.
- b) The concerned City officials, bodies or departments shall prepare the necessary reports for the City Council, provide public notices, posting, mailing or advertising in the same manner as provided for the original hearing or decision making process, request the appeal be placed on the agenda for hearing before the City Council within thirty (30) days of receipt of the said notice of appeal, and notify the applicant in writing of the time, date and place of the hearing not less than five (5) days before the Council hearing.

  
 Sue Herbers  
 City Clerk

cc: City Council

|   |   |
|---|---|
|  | <b>CITY OF TORRANCE</b><br><br><b>APPEAL FORM</b> |
|---|---|

**AN APPEAL TO:**

- City Council
- Planning Commission
- \_\_\_\_\_

**RETURN TO:**

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

**RE:** MINOR HILLSIDE EXEMPTION (M1508-00131)- HANI & KHATOUN ISSA  
 (Case Number and Name)

**Address/Location of Subject Property** 4921 BINDEWALD ROAD  
 (If applicable)

**Decision of:**

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li><input type="checkbox"/> Administrative Hearing Board</li> <li><input type="checkbox"/> Airport Commission</li> <li><input type="checkbox"/> Civil Service Commission</li> <li><input type="checkbox"/> Environmental Quality &amp; Energy Conservation Commission</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> License Review Board</li> <li><input type="checkbox"/> Planning Commission</li> <li><input checked="" type="checkbox"/> Community Development Director</li> <li><input type="checkbox"/> Special Development Permit</li> <li><input type="checkbox"/> Other _____</li> </ul> |
|--|--|

CITY OF TORRANCE  
CITY CLERK'S OFFICE

2008 OCT 27 AM 10:57

RECEIVED

**Date of decision:** 10/14/2008      **Appealing:**    APPROVAL       DENIAL

**Reason for Appeal:** *Be as detailed as necessary. Additional information can be presented at the hearing. Attach pages as required with additional information and/or signatures.*

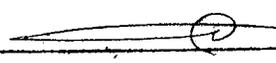
The Community Development Director cited the sole reason for denial as "Potential for adverse privacy impairments" for properties along the southern side of REES ROAD. Said "potential" EXISTS AND WILL REMAIN - AS LONG AS THE HOMES ALONG THE NORTH SIDE OF BINDEWALD ROAD - EXIST. IT IS EXACTLY AS THE DENIAL STATED "NATURE, SLOPE & POSITIONING" OF STRUCTURES ALONG TOP OF THE HILL WHICH CREATE "POTENTIAL PRIVACY IMPAIRMENT" AND NOT NECESSARILY AN INCIDENTAL MINOR ADDITION TO THE EXISTING HOME.

*(cc) @ samara*

**Name of Appellant** HANI & KHATOUN ISSA

**Address of Appellant** 4921 BINDEWALD ROAD

**Telephone Number** (213) 689-8782 DAY (310) 375 2020 Home

**Signature** Hani Issa 

**Appeal Fee paid \$** 70.00      For office use only      **Date** 10-27-08      **Received by** le  
 Check # 2326

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

DATE: October 14, 2008

TO: Jeffery W. Gibson, Community Development Director

FROM: Development Review Division

SUBJECT: **MINOR HILLSIDE EXEMPTION (MIS08-00131) – Hani and Khatoun Issa**

Request for an Administrative Approval of a Minor Hillside Exemption to allow a partially as-built detached accessory structure with a roof deck on top and a series of retaining walls that create access to the detached structure located to the rear of the existing residence on property located in the Hillside Overlay District at 4921 Bindewald Road.

Applicant: Hani and Khatoun Issa  
 Case No: MIS08-00131  
 Location: 4921 Bindewald Road  
 Zoning: R-1: Single-Family Residential, Hillside Overlay District

The applicants, Hani and Khatoun Issa, are requesting approval of a Minor Hillside Exemption to allow the construction of the proposed accessory structure, which would create a view platform above the structure and a series of retaining walls to grant access to the structure. The proposed modifications to the property are located to the rear of the existing single-family residence, along the westerly side yard, and the property is located in the Hillside Overlay District within the R-1 Zone.

The structure is partially constructed, as the construction of the structure was done without the benefit of a Hillside review or a Building permit. After a neighbor registered a complaint (COM07-01491) for the unpermitted construction, the Environmental Division issued stop work notices to the property owner with the direction to either remove and replace the slope to its prior condition or obtain permits for the structure. The applicant contacted Staff from the Development Review Division and was instructed as to the filing requirements for the Minor Hillside Exemption process. The structure and retaining walls that were planned to be built by the applicant exceeded the maximum heights for detached accessory structures (14 feet to the top of the roof deck railing) and retaining walls (five feet). The structure, as it was not located on the rear quarter of the lot, also needed to be modified to increase the existing one-foot setback and be in conformance with the minimum side yard setback of five feet.

The project, as shown on the plans, now measures no more than 14 feet in height from the base of the structure to the top of the three-foot roof deck safety rail; provides a five-foot side yard setback; a minimum distance of six-feet between the residence and the detached accessory structure; is less than the maximum 663.25 square foot accessory structure allowance for this one-story residence; and no proposed retaining walls retain more than five feet of earth. Once the project plans were redesigned to conform to the

Copy mailed to owner and neighbors 10/15/08. da

to the development standards, the applicant was allowed to commence with the Minor Hillside Exemption process.

Through the Minor Hillside Exemption process, potential view, light, air, and privacy impacts to surrounding properties are evaluated. Plans for this project were shown to 11 neighboring property owners, to determine if they had any objections to the project. Although the applicant was able to obtain all but three of the requested 11 signatures, Staff received letters from seven of those that originally signed, requesting that their consent of the project be retracted. Staff sent letters to the three neighbors who did not sign, allowing them 10 days to contact Staff with any concerns to view, light, air or privacy. Staff received correspondence from all three of the neighbors stating that they are in opposition of the project, have concerns about the stability of the slope, and requesting that the unpermitted structure be removed. Additionally, six neighbors in the surrounding vicinity, also submitted requests to have the structure removed.

On May 22, 2008, Staff from the Development Review Division visited several properties along both Carol Drive and Reese Road. The structure is visible from the rear yards of 5106 and 5105 Carol Drive, from the eastern ends of the rear yards and is easily visible from both the rear yards of homes along the south side of Reese Road and the public right-of-way of Reese Road. After a site inspection of the property, Staff determined that the potential for adverse privacy impairments exist for properties along the southern side of Reese Road into both living areas and improved rear yard recreation areas. The rear yard for 4912 Reese Road is improved to fully maximize its usefulness with gardens, recreation and entertaining areas. Additionally, the potential for a view impact exists from the property west of and adjacent to the subject site, at 5005 Bindewald Road.

In the judgment of Staff, the nature of the slope and the positioning of the structure in the manner proposed does not allow for conditions to help alleviate the potential privacy impacts. Staff informed the applicant of the Department's concerns and the applicant agreed to discuss additional screening at the rear of their property. The applicants revised their plan to incorporate landscaping at the bottom of their slope, along their rear property line and re-attempted to obtain the signatures of the same neighbors previously requested. This time only one signature was obtained. Staff sent 10-day letters to the remaining 10 property owners on September 2, 2008. Four letters were subsequently received by staff, including a petition, voicing concerns with the proposed structure, series of walls, potential impacts to privacy, land values, incompatibility with the neighborhood, unpermitted status and safety concerns (Attachment #1). Despite the proposed landscaping, Staff remains concerned with privacy to neighbors along the southern side of Reese Road.

The requested structure and deck, as proposed, do appear to create the potential for adverse privacy impairments on neighboring properties. Therefore, staff recommends Denial without Prejudice of the subject request. Staff notes that a considerable amount of alterations have been made to the natural slope and it is the recommendation of Staff that the matter be referred back to the Building Regulations

and Grading Divisions to ensure that the structure be removed and that the slope is returned to a secure state.

Prepared by,



Yolanda Gomez  
Planning Associate

Recommended by,



Gregg D. Lodan, AICP  
Planning Manager

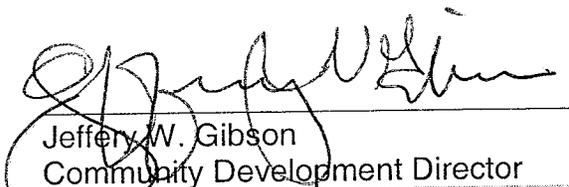
Attachments:

- 1. Correspondence
- 2. Site Plan, Floor Plan and Elevations

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This request for a Minor Hillside Exemption (MIS08-00131) is    APPROVED  
   DENIED per Section 91.41, R-H Hillside and Local Coastal Overlay Zone of the  
Torrance Municipal Code, Division 9.

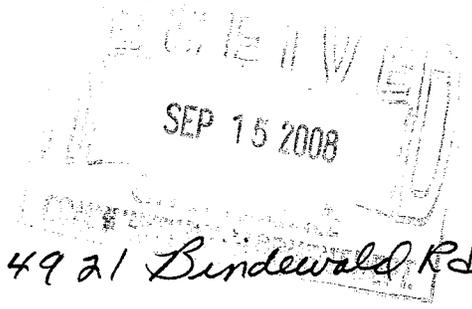
14 OCT 20  
DATE

  
Jeffery W. Gibson  
Community Development Director

Decisions made by the Community Development Director are appealable to the  
Planning Commission within 15 calendar days following the above date of  
approval/denial.

September 10, 2008

  
 Jeffrey W. Gibson  
 Community Development Director



RE: Minor Hillside Exemption for 4921 Bindewald Rd.

We are the next door neighbors to the west.  
 We would like to make the following comments.

- 1) Since when does the city of Torrance consider a massive addition of living quarters a "minor addition?" According to the Issa's, the addition will be used as a playroom big enough for a pool table, with plumbing already in place for bathroom facilities.
- 2) Doesn't the city building code not allow residential living quarters directly on the hillside?
- 3) Our concern is that the unsaid next steps if this is approved, will be a huge patio cover or roof that will block our view of the San Gabriel and Mt. Baldy mountains.
- 4) Lastly, at the minimum, if this "minor exemption" is approved is that we've lost all our privacy in our backyard; something we've enjoyed for over thirty years.

Sincerely,

Isidro + Loutta Selgado  
 5005 Bindewald Rd.  
 Torrance, Calif. 90505  
 (310) 378-5869

**Gomez, Yolanda**

**From:** Munger, James (Space Technology) [james.munger@ngc.com]  
**Sent:** Tuesday, September 09, 2008 4:37 PM  
**To:** Gomez, Yolanda  
**Cc:** wizard.gandalf@gte.net; lesley.munger@ngc.com  
**Subject:** Response to Community Development Department Request - 4921 Bindewald Road  
**Attachments:** 4921 Bindewald Road Yolanda Gomez.doc

<<4921 Bindewald Road Yolanda Gomez.doc>>

4918 Reese Rd  
Torrance, CA  
90505

Yolanda Gomez  
Planning Associate  
City of Torrance

RE: 4921 Bindewald Road

I was recently approached by Mrs Issa and a Realtor (name unknown) requesting a signature on a set of plans for the large patio and "storage room" already under construction.

It is surprising to me that someone who had already obtained permits from the city for minor alterations (permit history available on the city's web site) would embark on such a major construction without the benefit of a permit. Now that the structure is in place, the neighbors have little say in the nature of the project without forcing destruction of the existing structure and an obvious cost impact to the owners.

I find the project an eyesore: it damages the pristine hillside, and eliminates any privacy that existed for the rear of my home and yard. My wife is already asking me to install measures to insure privacy for our bathroom toilet, and shower which are now in direct eyeshot of the new patio and windows. The project is not even finished and it is already becoming a financial burden on me. If I am already getting these concerns from my spouse, I can only believe that similar concerns will be raised in the mind of potential home-buyers, **reducing my property value.**

We have already experienced loud music and party noise emanating from the hillside which persisted past lawful hours. When the patio is finished, a whole audience will have a clear view of our bathroom toilet, shower, bedroom, and kitchen. I am sure if this project goes through, others will follow suit: this project having established the precedent.

When I discussed the project with Mr Issa, he indicated that there was a room associated with the project, and that it was a "storage room" to be used to house "Christmas decorations". There was no indication that this would be a "recreation room" which now appears to be the current intent.

I have grave concerns that this project has not had the proper structural and soil (hillside) engineering performed and approved by the city. I am also concerned that no in-process inspections have been performed to date to verify compliance to the engineering drawings. Given the advanced stage of the

09/09/2008

building, I am dubious whether inspections performed today can fully verify construction compliance to drawings. The fact that engineering analyses have not been completed and the design has not been reviewed/ approved and inspections have not been done to certify compliance (due to the work being unpermitted) leads me to believe that the resultant structure may pose a hazard to my property, dwelling, and family. I live directly below 4921 Bindewald at 4918 Reese Road. The concrete work already completed extends out past the existing hillside and seems to be sitting on added soil. I am surprised that the city would assume the liability that may be incurred by approving this project in its advanced state of construction. I have lived in Torrance for the past 25 years and I am well aware of hillside instability and the resultant expense to taxpayers. Thankfully, the hillside behind my home has been stable. I attribute this to the existing vegetation and absence of any development. I am concerned that the additional soil and the questionable construction (erected without benefit of design review, structural analyses, and in-process inspections) will undo the delicate hillside balance that nature has sustained since we've owned the property.

Please consider my concerns in your evaluation of project at 4921 Bindewald.

Thank you for your support.

Sincerely yours,

James Munger

**JIM**

James Munger  
LCROSS Mission Operations Lead and Risk Manager

Northrop Grumman Space Technology  
One Space Park M2-2328  
Redondo Beach, CA 90278  
Phone: (310) 813 -1448  
Pager: (310) 723-8240 or <mailto:3107238240@usamobility.net>

Empty pockets never held anyone back. Only empty heads and empty hearts can do that.  
**Norman Vincent Peale**

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**From:** Munger, James (Space Technology)  
**Sent:** Friday, May 09, 2008 4:49 PM  
**To:** 'ygomez@torrnet.com'  
**Cc:** wizard.gandalf@gte.net; Lesley Munger (lesley.munger@ngc.com)  
**Subject:** MIS08-00131, 4921 Bindewald Road

09/09/2008

<< File: Yolanda Gomeza.doc >>

Yolanda Gomez  
Planning Associate  
City of Torrance

RE: MIS08-00131, 4921 Bindewald Road

I was approached by Hani Issa requesting a signature on his plans for the large patio and "storage room" already under construction. Mr Issa indicated that there was a room associated with the project, and that it was a "storage room" to be used to house Christmas decorations. There was no indication that this would be used as a "recreation room". Under the impression that the signatures were required because the existing permit had expired (and that the project had already gone through the normal hillside overlay community related checks and balances), I signed the plans indicating my approval. After discussing the project with city personnel, including the inspector and yourself, I now understand that there is no existing permit and that the work to date was done entirely without a permit and the necessary plan checks or inspections.

I have grave concerns that this project has not had the proper structural and soil (hillside) engineering performed and approved by the city. I am also concerned that no in-process inspections have been performed to date to verify compliance to the engineering drawings. Given the advanced stage of the building, I am dubious whether inspections performed today can fully verify construction compliance to drawings. The fact that engineering analysis and the design has not been reviewed and approved and inspections have not been done to certify compliance due to the work being unpermitted leads me to believe that the resultant structure may pose a hazard to my property, dwelling, and family. I live directly below 4921 Bindewald at 4918 Reese Road. The concrete work already completed extends out past the existing hillside and seems to be sitting on added soil. This added soil was roughly covered with plastic and, from a distance, seems to show signs of erosion.

Please consider my concerns in your evaluation of project at 4921 Bindewald.

Thank you for your support.

Sincerely yours,

James Munger

Response to planning office from 5105 Carol Drive  
to: Community Development Dept.

This letter is in response to the illegal addition at 4921 Bindewald Ave. Who ever said you can't fight city hall? Apparently that is not the case here. The Issa family is thumbing its nose at you and doing whatever it can in an attempt to steamroll you into approving this illegal and unsightly blight on an otherwise pristine hillside.

They began construction without permits, and knowingly excavated a delicate hillside way beyond the legal limit. They did so without any soils analysis as required by law and then claimed ignorance of any wrongdoing despite having done the same amount and scope of criminality one block over on Vanderhill only a few short years ago. Do you not have any records of that? Come on give us a break.

This scofflaw Hani harasses his neighbors into signing his plans under false statements to nearly all concerned, including myself. Upon being made aware of the full extent of his plans, all but one neighbor rescinds approval of his plans and the matter should have gone to the next stage. But instead of turning this over to the City Attorney and prosecuting him for fraud, fining him, forcing him to remediate the hillside (if possible) and tear down the hideous fortress-like bunker on the otherwise low-key low visibility benign hillside, you allow him to submit a "new" set of plans. It's as if no prior history at all had happened, as if and he was just a regular law abiding citizen, respectful of the law and the normal process we all must follow. Hardly!

So what did this last go round prove to you? That nobody wants this crook to prevail in his selfish plans to blight the hillside at the expense of everyone else, including you and all the time you have already spent on this. How can you let this farce continue? This family is making your group look like an impotent, ineffectual group of paper pushers who have nothing better to do than let them run you around as they laugh at you and the rest of us who respect the law and the legal process.

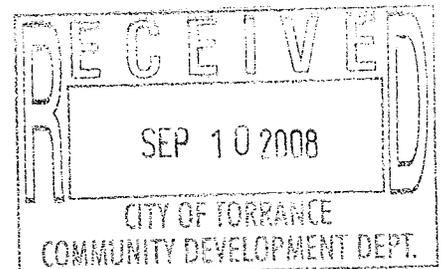
Please do not allow this criminal behavior to continue any longer and do the right thing. Force these people to tear down the hideous structure and put the hillside back the way it was if that is even possible.

Thank you from the residents at 5105 Carol Drive.

EILEEN KURTZ - Eileen Kurtz

CLIFTON KURTZ - Clifton Kurtz

Date 9/10/08





9-08-08

To:  
Gregg Lodan  
Planning Manager

We are opposed to the structure being built by the Issa family. It is large and privacy issue from our yard. Please call us if you need more information on this issue.

Stephen and Annette Jacobs

*Stephen R. + Annette Jacobs*  
4906 Reese Road

310-316-1190

We are opposed to the construction of the un-permitted structure on the formerly pristine hillside at 4921 Bindewald Road. This development intrudes on our privacy. It poses a threat to land values. It does not conform to surrounding homes and is unattractive. It is also an unsafe and dangerous project. Please restore this hillside to its original state.

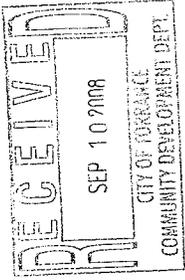
| Date    | Name               | Signature                 | Address                                    | Telephone |
|---------|--------------------|---------------------------|--|-----------|
| 8-16-08 | Justin Myers       | <i>Justin Myers</i>       | 5106 Carol Dr (310) 316-4150               |           |
| 8-16-08 | JENNIE VENTIMIGLIO | <i>Jennie Ventimiglio</i> | 5112 CAROL DR 310-316-8643                 |           |
| 8-16-08 | Jacqui Le Sage     | <i>Jacqui Le Sage</i>     | 5118 Carol drive 310 750 9180              |           |
| 8-16-08 | LAURA R. STEWART   | <i>Laura R. Stewart</i>   | 5006 REESE RD Laura R Stewart 310 540 9859 |           |
| 8/16-08 | Sam Kimura         | <i>Sam Kimura</i>         | 4924 Reese Rd (310) 489-7328               |           |
| 8/17-08 | LAURA COYAN        | <i>Laura Coyan</i>        | 4912 REESE RD 310-540-2574                 |           |
| 8/17-08 | Anette Jacobs      | <i>Anette Jacobs</i>      | 4906 Reese Rd 310-316-1190                 |           |
| 8-19-08 | JOAN ZIMMERMAN     | <i>Joan Zimmerman</i>     | 5018 REESE RD. 310-540-1003                |           |
| 8/19/08 | JOHN K. BREE       | <i>John Bree</i>          | 4930 REESE RD 310-540-9382                 |           |
| 8-19-08 | GERARDO SILVA      | <i>Gerardo Silva</i>      | 4824 REESE RD 310-540-1527                 |           |
| 8-22-08 | Jill Gerbracht     | <i>Jill Gerbracht</i>     | 4931 REESE ROAD 310/540-9468               |           |
| 8-22-08 | MaryAnn Hess       | <i>MaryAnn Hess</i>       | 5007 REESE RD 310-992-0257                 |           |
| 8-22-08 | John Bukowski      | <i>John Bukowski</i>      | 5117 Carol Dr 310-346-3734                 |           |

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| Date    | Name        | Signature   | Address             | Telephone    |
|---------|-------------|---|---------------------|--------------|
| 8/26/08 | JAMES MOORE |  | 5232 BRUNDEWAUER RD | 310 328 3996 |

RECEIVED  
SEP 10 2008  
CITY OF TORONTO  
COMMUNITY DEVELOPMENT DEPT

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| Date    | Name           | Signature             | Telephone      |
|---------|----------------|-----------------------|----------------|
| 8-10-08 | Justin Myers   | <i>Justin Myers</i>   | (310) 316-4152 |
| 8-10-08 | Isidro Delgado | <i>Isidro Delgado</i> | (310) 3783869  |
| 8-11-08 | Earl Plummer   | <i>Earl Plummer</i>   | 310/375-0304   |
| 8-11-08 | Gregory Hach   | <i>Gregory Hach</i>   | (310) 375-8257 |

| Date    | Name           | Signature             | Telephone      |
|---------|----------------|-----------------------|----------------|
| 8-10-08 | Justin Myers   | <i>Justin Myers</i>   | (310) 316-4152 |
| 8-10-08 | Isidro Delgado | <i>Isidro Delgado</i> | (310) 3783869  |
| 8-11-08 | Earl Plummer   | <i>Earl Plummer</i>   | 310/375-0304   |
| 8-11-08 | Gregory Hach   | <i>Gregory Hach</i>   | (310) 375-8257 |

4917 - ~~VACANT~~ OWNER WON'T SIGN - THEY ARE FRIENDS

4913 - VACANT - TENANTS MOVED OUT, CURRENTLY FOR LEASE.






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CITY OF  
TORRANCE

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COMMUNITY DEVELOPMENT DEPARTMENT

**JEFFERY W. GIBSON**  
COMMUNITY DEVELOPMENT  
DIRECTOR

September 2, 2008

Kazufumi S. and Stacey J. Kimura  
4924 Reese Rd.  
Torrance, CA 90505

RE: Minor Hillside Exemption for 4921 Bindewald Road

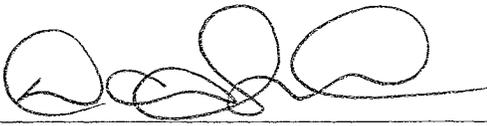
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If we receive no written communication from you within ten (10) calendar days from the date of this letter, we will assume that you have no objections to this project. Your concerns will be evaluated by the Development Review Staff, based on the guidelines/provisions addressed in the Hillside Overlay Ordinance. The plans are available at the Community Development Department for review. For further information or assistance, please feel free to contact Yolanda Gomez of the Development Review Division of the Community Development Department at 310.618.5990.

Sincerely,

JEFFERY W. GIBSON  
COMMUNITY DEVELOPMENT DIRECTOR

By 

For: Gregg D. Lodan, AICP  
Planning Manager




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CITY OF  
TORRANCE

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COMMUNITY DEVELOPMENT DEPARTMENT

JEFFERY W. GIBSON  
COMMUNITY DEVELOPMENT  
DIRECTOR

September 2, 2008

Michael K. and Laura A. Cogan  
4912 Reese Rd.  
Torrance, CA 90505

RE: Minor Hillside Exemption for 4921 Bindewald Road

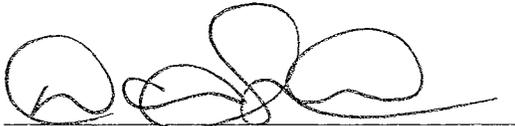
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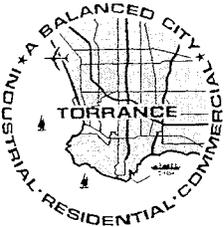
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Sincerely,

JEFFERY W. GIBSON  
COMMUNITY DEVELOPMENT DIRECTOR

By 

for: Gregg D. Lodan, AICP  
Planning Manager




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CITY OF  
TORRANCE

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COMMUNITY DEVELOPMENT DEPARTMENT

**JEFFERY W. GIBSON**  
COMMUNITY DEVELOPMENT  
DIRECTOR

September 2, 2008

James and Lesley E. Munger  
4918 Reese Rd.  
Torrance, CA 90505

RE: Minor Hillside Exemption for 4921 Bindewald Road

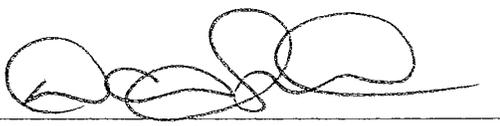
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JEFFERY W. GIBSON  
COMMUNITY DEVELOPMENT DIRECTOR

By   
for: Gregg D. Lodan, AICP  
Planning Manager




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CITY OF  
TORRANCE

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COMMUNITY DEVELOPMENT DEPARTMENT

**JEFFERY W. GIBSON**  
COMMUNITY DEVELOPMENT  
DIRECTOR

September 2, 2008

John K. Bree  
4930 Reese Rd.  
Torrance, CA 90505

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Sincerely,

JEFFERY W. GIBSON  
COMMUNITY DEVELOPMENT DIRECTOR

By

Gregg D. Lodan, AICP  
Planning Manager




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CITY OF  
TORRANCE

---

COMMUNITY DEVELOPMENT DEPARTMENT

**JEFFERY W. GIBSON**  
COMMUNITY DEVELOPMENT  
DIRECTOR

September 2, 2008

Laura R. Stewart Tr.  
5006 Reese Rd.  
Torrance, CA 90505

RE: Minor Hillside Exemption for 4921 Bindewald Road

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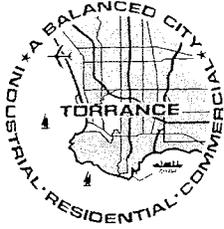
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Sincerely,

JEFFERY W. GIBSON  
COMMUNITY DEVELOPMENT DIRECTOR

By   
\_\_\_\_\_  
Gregg D. Lodan, AICP  
Planning Manager




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CITY OF  
TORRANCE

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COMMUNITY DEVELOPMENT DEPARTMENT

JEFFERY W. GIBSON  
COMMUNITY DEVELOPMENT  
DIRECTOR

September 2, 2008

Justin Myers et al  
228 Irena Ave.  
Redondo Beach, CA 90277

RE: Minor Hillside Exemption for 4921 Bindewald Road

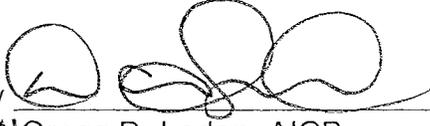
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Sincerely,

JEFFERY W. GIBSON  
COMMUNITY DEVELOPMENT DIRECTOR

By   
For Gregg D. Lodan, AICP  
Planning Manager

cc: 5106 Carol Dr., Torrance, CA 90505




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CITY OF  
TORRANCE

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COMMUNITY DEVELOPMENT DEPARTMENT

**JEFFERY W. GIBSON**  
COMMUNITY DEVELOPMENT  
DIRECTOR

September 2, 2008

Occupant  
5106 Carol Dr.  
Torrance, CA 90505

RE: Minor Hillside Exemption for 4921 Bindewald Road

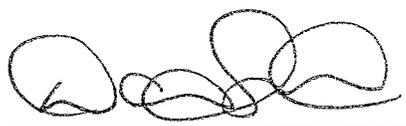
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Sincerely,

**JEFFERY W. GIBSON**  
COMMUNITY DEVELOPMENT DIRECTOR

By 

for. Gregg D. Lodan, AICP  
Planning Manager




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CITY OF  
TORRANCE

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COMMUNITY DEVELOPMENT DEPARTMENT

**JEFFERY W. GIBSON**  
COMMUNITY DEVELOPMENT  
DIRECTOR

September 2, 2008

Eileen M. Kurtz Tr.  
5105 Carol Dr.  
Torrance, CA 90505

RE: Minor Hillside Exemption for 4921 Bindewald Road

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Sincerely,

JEFFERY W. GIBSON  
COMMUNITY DEVELOPMENT DIRECTOR

By 

for: Gregg D. Lodan, AICP  
Planning Manager




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CITY OF  
TORRANCE

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COMMUNITY DEVELOPMENT DEPARTMENT

**JEFFERY W. GIBSON**  
COMMUNITY DEVELOPMENT  
DIRECTOR

September 2, 2008

Occupant  
4913 Bindewald Rd.  
Torrance, CA 90505

RE: Minor Hillside Exemption for 4921 Bindewald Road

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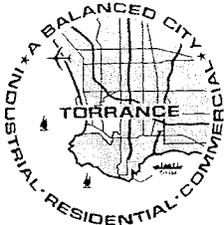
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Sincerely,

JEFFERY W. GIBSON  
COMMUNITY DEVELOPMENT DIRECTOR

By   
For: Gregg D. Lodan, AICP  
Planning Manager




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CITY OF  
TORRANCE

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COMMUNITY DEVELOPMENT DEPARTMENT

**JEFFERY W. GIBSON**  
COMMUNITY DEVELOPMENT  
DIRECTOR

September 2, 2008

Isidro R. and Loretta Delgado  
5005 Bindewald Rd.  
Torrance, CA 90505

RE: Minor Hillside Exemption for 4921 Bindewald Road

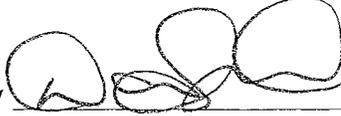
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The Minor Hillside Exemption is a land use process to determine both compliance with development standards and inform surrounding properties of the placement, size and design of proposed construction in order for them to determine if they have an impact to view, light, air or privacy. If the Minor Hillside Exemption is approved, the Building Regulations and Grading Divisions will require the necessary plan details and technical studies verifying compliance with Building Code requirements, prior to issuance of any Building Permit and prior to conducting necessary field inspections. The requests are in compliance with Section 91.41.7(c) of the Torrance Municipal Code.

If we receive no written communication from you within ten (10) calendar days from the date of this letter, we will assume that you have no objections to this project. Your concerns will be evaluated by the Development Review Staff, based on the guidelines/provisions addressed in the Hillside Overlay Ordinance. The plans are available at the Community Development Department for review. For further information or assistance, please feel free to contact Yolanda Gomez of the Development Review Division of the Community Development Department at 310.618.5990.

Sincerely,

JEFFERY W. GIBSON  
COMMUNITY DEVELOPMENT DIRECTOR

By   
for: Gregg D. Lodan, AICP  
Planning Manager




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CITY OF  
TORRANCE

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COMMUNITY DEVELOPMENT DEPARTMENT

**JEFFERY W. GIBSON**  
COMMUNITY DEVELOPMENT  
DIRECTOR

September 2, 2008

Barry D. Weber Tr.  
9900 Norman Riley Rd.  
Holt, FL 32564

RE: Minor Hillside Exemption for 4921 Bindewald Road

Your neighbors, the Issa family, have revised an application/plan requesting approval to allow the construction of a detached accessory structure under 14 feet in height to the rear of the subject residence that was partially constructed without the benefit of permits. The accessory structure will be accessed via permanent steps leading down to the structure's entry. The applicants continue to propose to extend their existing rear patio above the structure located at 4921 Bindewald Road in the R-1 Zone of the Hillside Overlay District.

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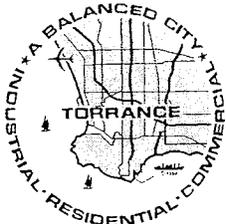
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Sincerely,

JEFFERY W. GIBSON  
COMMUNITY DEVELOPMENT DIRECTOR

By   
for Gregg D. Lodan, AICP  
Planning Manager

cc: 4913 Bindewald Rd., Torrance, CA 90505




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CITY OF  
TORRANCE

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COMMUNITY DEVELOPMENT DEPARTMENT

**JEFFERY W. GIBSON**  
COMMUNITY DEVELOPMENT  
DIRECTOR

September 2, 2008

Stephen R. and Annette M. Jacobs  
4906 Reese Rd.  
Torrance, CA 90505

RE: Minor Hillside Exemption for 4921 Bindewald Road

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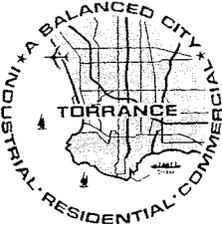
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Sincerely,

JEFFERY W. GIBSON  
COMMUNITY DEVELOPMENT DIRECTOR

By

  
For: Gregg D. Lodan, AICP  
Planning Manager




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CITY OF  
TORRANCE

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COMMUNITY DEVELOPMENT DEPARTMENT

**JEFFERY W. GIBSON**  
COMMUNITY DEVELOPMENT  
DIRECTOR

September 2, 2008

Hani J. and Khatoun J. Issa  
4921 Bindewald Rd.  
Torrance, CA 90505

RE: Minor Hillside Exemption for 4921 Bindewald Road

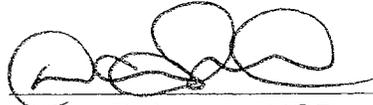
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Sincerely,

JEFFERY W. GIBSON  
COMMUNITY DEVELOPMENT DIRECTOR

By   
for: Gregg D. Lodan, AICP  
Planning Manager

**RECOMMENDED CONDITIONS IF APPROVED:**

1. That the use of the subject property for a single-family residence shall be subject to all conditions imposed in Minor Hillside Exemption 08-00131 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 Minor Hillside Exemption MIS08-00131 is not used within one year after granting of the permit, it shall expire and become null and void unless extended by the Community Development Director for an additional period as provided for in Section 92.27.1;
3. That the applicant shall obtain all necessary building permits and safety inspections; (Building and Safety) and
4. That the applicant shall eliminate the front 3 feet of the proposed fence to the satisfaction of the Community Development Director; (Development Review)
5. That any conditions of other departments received prior to or during the meeting shall be met.

**SUPPLEMENTAL #1 TO AGENDA ITEM NO. 11A**

**TO:** Members of the Planning Commission  
**FROM:** Development Review Division  
**SUBJECT:** MIS08-00131  
**LOCATION:** Hani and Khatoun Issa

This is a request for an appeal of a Community Development Director's denial of a Minor Hillside Exemption to allow a partially as-built detached accessory structure with a roof deck on top and a series of retaining walls that create access to the detached structure located within the Hillside Overlay District.

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

Staff continues to recommend Denial without Prejudice of the project, as proposed.

Prepared by,



Yolanda Gomez  
Planning Associate

Respectfully submitted,



Gregg D. Lodan, AICP  
Planning Manager

Attachment:  
1. Correspondence

**Gomez, Yolanda**

---

**From:** Gibson, Jeff  
**Sent:** Wednesday, December 03, 2008 10:00 AM  
**To:** Lodan, Gregg; Santana, Danny; Gomez, Yolanda  
**Subject:** FW: Case No. MIS08-00131

Fyi.....

---

**From:** EKPLUMMER@aol.com [mailto:EKPLUMMER@aol.com]  
**Sent:** Wednesday, December 03, 2008 9:54 AM  
**To:** Gibson, Jeff  
**Subject:** Case No. MIS08-00131

Mr. Gibson:

I understand the Planning Commission this evening will be considering the Minor Hillside Exemption in Case Number MIS08-00131. I expect to attend the session because I, like many of my neighbors, support the staff recommendation to deny the exemption and "to ensure that the structure be removed and that the slope is returned to a secure state." I have a couple questions:

First, did the applicant provide information about (or staff determine) that the integrity of the sandy hillside in question is stable enough to support what appears to be such a massive structure-- or is this question moot because the development fails the "privacy test"?

Second, are there criteria to determine "secure state" so staff can insure compliance?

Third, is there a timetable for compliance?

Fourth, will staff reiterate to the applicant the City of Torrance work hours requirements, and insure the applicant abides by these requirements? If these requirements are violated, what are our remedies?

The last question is relevant to our family because, when the applicant several years ago undertook his earlier construction project, crews were dropping equipment and supplies on site at 5:00 a.m., beginning work before 7:00 a.m., and working on Sundays and holidays-- including Mothers' Day. We asked the applicant (in two letters) to be more considerate. Nothing changed.

Thanks for your great work on the report and recommendation.

Best regards,

Earl and Katherine Plummer  
5006 Bindewald Rd.  
Torrance, CA 90505  
310/375-0804

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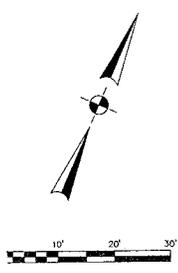
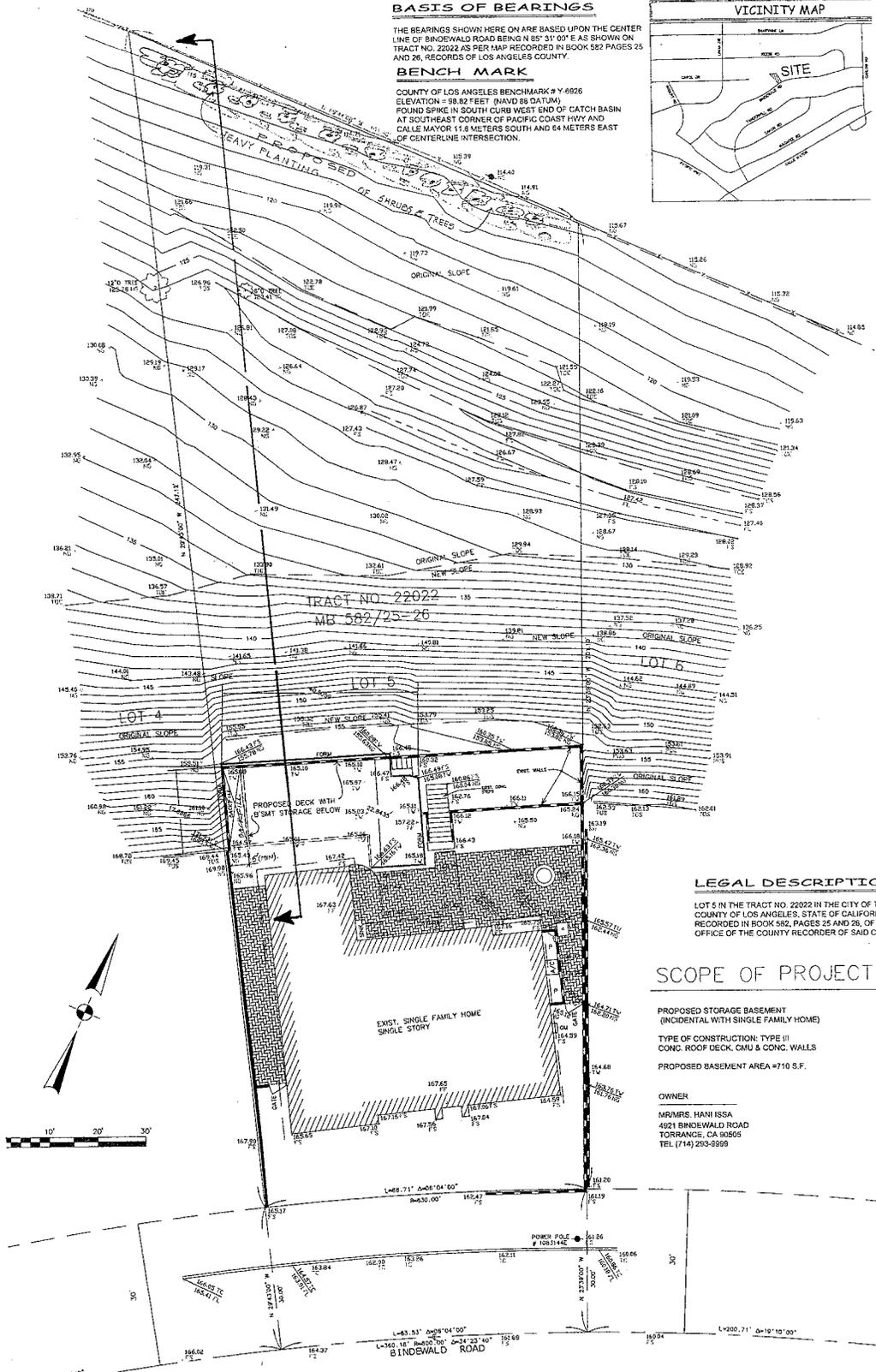
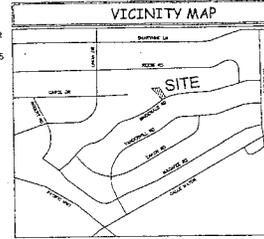
Make your life easier with all your friends, email, and favorite sites in one place. [Try it now.](#)

**BASIS OF BEARINGS**

THE BEARINGS SHOWN HERE ON ARE BASED UPON THE CENTER LINE OF BINDEWALD ROAD BEING N 85° 31' 00" E AS SHOWN ON TRACT NO. 22022 AS PER MAP RECORDED IN BOOK 582 PAGES 25 AND 26, RECORDS OF LOS ANGELES COUNTY.

**BENCH MARK**

COUNTY OF LOS ANGELES BENCHMARK # Y-8926  
 ELEVATION = 98.82 FEET (NAVD 88 DATUM)  
 FOUND SPIKE IN SOUTH CURB WEST END OF CATCH BASIN AT SOUTHEAST CORNER OF PACIFIC COAST HWY AND CALLE MAYOR 11.8 METERS SOUTH AND 64 METERS EAST OF CENTERLINE INTERSECTION.



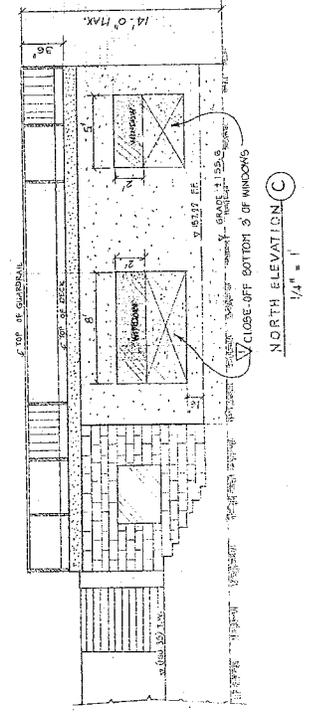
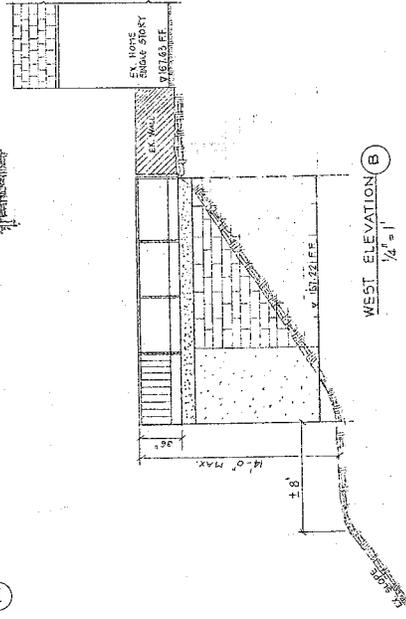
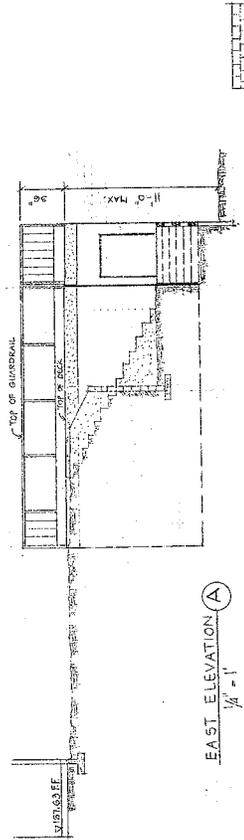
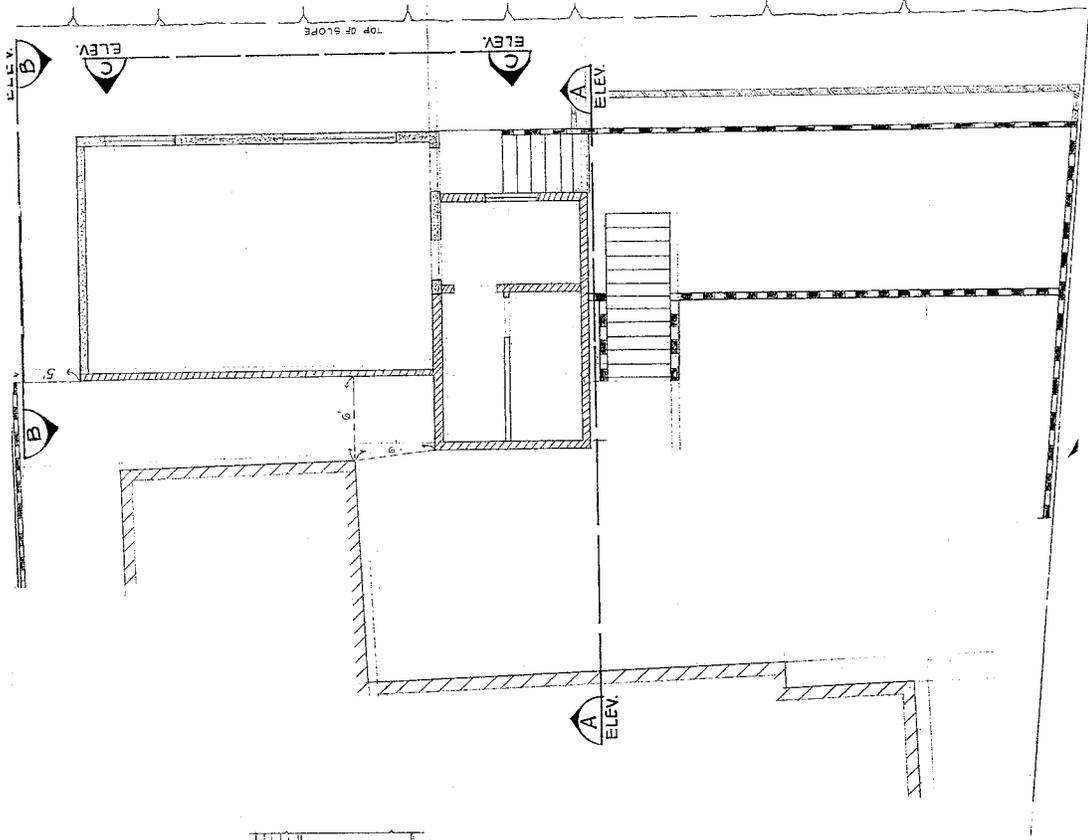
**LEGAL DESCRIPTION**

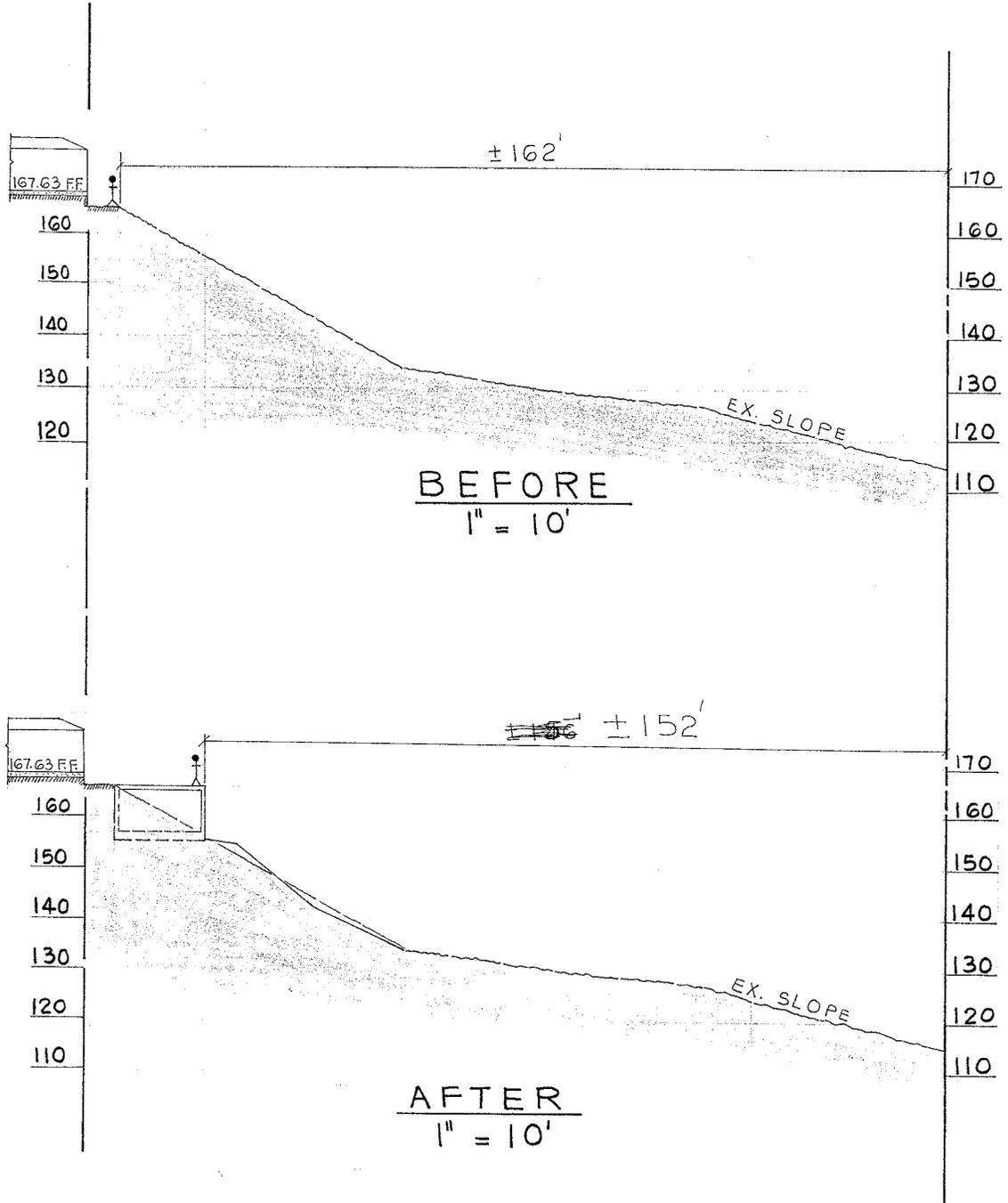
LOT 5 IN THE TRACT NO. 22022 IN THE CITY OF TO COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, RECORDED IN BOOK 582, PAGES 25 AND 26, OF M. OFFICE OF THE COUNTY RECORDER OF SAID COI

**SCOPE OF PROJECT**

PROPOSED STORAGE BASEMENT (INCIDENTAL WITH SINGLE FAMILY HOME)  
 TYPE OF CONSTRUCTION: TYPE III  
 CONC. ROOF DECK, CMU & CONC. WALLS  
 PROPOSED BASEMENT AREA = 710 S.F.

OWNER  
 MR/MRS. HANI ISSA  
 4921 BINDEWALD ROAD  
 TORRANCE, CA 90505  
 TEL (714) 293-9999







Lines and photos are approximate, not to be used for establish relative positions.

# Daily Breeze

5215 TORRANCE BLVD \* TORRANCE CALIFORNIA 90503-4077  
(310) 543-6635 \* (310) 540-5511 Ext. 396

## PROOF OF PUBLICATION (201 5.5 C.C.P.)

STATE OF CALIFORNIA

County of Los Angeles,

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the THE DAILY BREEZE

a newspaper of general circulation, printed and published

in the City of Torrance  
County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of County of Los Angeles, State of California, under the date of

June 10, 1974

Case Number SWC7146  
that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement there of on the following dates, to-wit

April 10,

all in the year 2009

the foregoing is true and correct.

Dated at Torrance

California, this 10 April 2009

  
Signature

This space is for the County Clerk's Filing Stamp

RECEIVED

2009 APR 13 AM 11:10

CITY OF TORRANCE  
CITY CLERK'S OFFICE

Proof of Publication of

DB

Public Notices 51 Public Notices 51 Public Notices 51

DB 4-79  
**NOTICE OF PUBLIC MEETING**

**NOTICE IS HEREBY GIVEN** that a Public Meeting will be held before the Torrance City Council at 7:00 p.m., **April 21, 2009**, in the City Council Chambers of City Hall, 3031 Torrance Boulevard, Torrance, California, on the following matter:

**MIS08-00131, Hani and Khatoun Issa:** City Council consideration of an appeal of Planning Commission's denial of a Minor Hillside Exemption to allow the retention and completion of a partially built detached accessory structure with a roof deck and a series of retaining walls that create access to the detached structure located to the rear of the existing residence on property located within the Hillside Overlay District in the R-1 Zone at 4921 Bindewald Road.

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

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

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at (310) 618-5990. If you need a special hearing device to participate in this meeting, please contact the City Clerk's Office at (310) 618-2870. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II].

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

SUE HERBERS  
CITY CLERK

Pub: April 10, 2009