

Council Meeting of
May 5, 2009

PUBLIC HEARING

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

Members of the Council:

SUBJECT: Community Development - Consider resolutions reflecting a Denial of a Precise Plan of Development, Waiver and Division of Lot on properties located in the Hillside Overlay District of the R-1 Zone at 23719 Susana Avenue and APN#7531-016-050.

PRE08-00029, WAV08-00013 AND DIV08-00011 IGOR NASTASKIN

Expenditure: None

RECOMMENDATION

Recommendation of the Community Development Director that the City Council adopt resolutions of Denial of PRE08-00029, WAV08-00013 and DIV08-00011 on property located at 23719 Susana Avenue and APN#7531-016-050.

Funding: Not applicable

BACKGROUND

On April 14, 2009, the City Council considered a Precise Plan of Development to allow the construction of a new two-story single family residence in conjunction with a Waiver to exceed the maximum height of the residence and retaining walls and Division of Lot for a Lot Line Adjustment on properties located in the Hillside Overlay District of the R-1 Zone at 23719 Susana Avenue and APN#7531-016-050. The City Council voted 5-0 to deny the project and directed staff to provide additional findings of denial. Those resolutions have been provided for City Council's consideration.

Respectfully submitted,

Jeffery W. Gibson
Community Development Director

CONCUR:

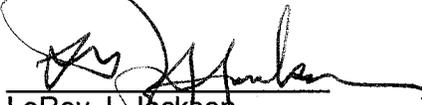


Jeffery W. Gibson
Community Development Director

By 

Gregg D. Lodan, AICP
Planning Manager

NOTED:



LeRoy J. Jackson
City Manager

Attachments:

A. Resolutions

RESOLUTION NO. 2009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, DENYING A PRECISE PLAN OF DEVELOPMENT AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW A NEW TWO-STORY SINGLE FAMILY RESIDENCE ON PROPERTY LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT APN#7531-016-050.

PRE08-00029: IGOR NASTASKIN

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on December 3, 2008, to consider an application for a Precise Plan of Development filed by Igor Nastaskin to allow a new two-story single-family residence on property located in the Hillside Overlay District in the R-1 Zone at APN#7531-016-050; and

WHEREAS, the Planning Commission of the City of Torrance denied without prejudice the Precise Plan request; and

WHEREAS, the City Council of the City of Torrance conducted a public hearing on April 14, 2009, to consider an appeal of a Planning Commission denial without prejudice of a Precise Plan of Development filed by Igor Nastaskin to allow a new two-story single-family residence on property located in the Hillside Overlay District in the R-1 Zone at APN#7531-016-050; and

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

WHEREAS, infill developments under five acres are categorically exempted by the Guidelines for Implementation of the California Environmental Quality Act; Section 15332; and

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

- a) That the properties are located at APN#7531-016-050; and
- b) That the property is identified as Lot 33, Tract 30035 as per map recorded in Parcel Map Book 7531, Page 016 and Parcel 050 in the Office of the County recorder County of Los Angeles, State of California; and
- c) That the proposed development will have an adverse impact upon the view, light, air or privacy of other properties in the vicinity as the project will tower over the residences at 23715, 23719 and 23720 Susana Avenue; and
- d) That the development has not been planned or designed so as to cause the least intrusion on views, light, air or privacy of other properties in the vicinity as the rear elevation windows and doors create sight lines into the homes and yards of the surrounding properties at 23715, 23719 and 23720 Susana Avenue and impacts the

views of the properties to the south and west at 459 and 464 Via El Chico due to the topography of the property; and

- e) That granting the application would be materially detrimental to the public welfare and to other properties in the vicinity because due to the topography, the proposed residence will result in adverse privacy impairments to properties at 23715, 23719 and 23720 Susana Avenue and view impairments to properties at 459 and 464 Via El Chico because the rear elevation windows and doors create sight lines into the homes and yards of surrounding properties and impacts the views of the properties to the south and west on Via El Chico;

NOW, THEREFORE, BE IT RESOLVED that PRE08-00029, filed by Igor Nastaskin to allow a new two-story single-family residence on property located in the Hillside Overlay District in the R-1 Zone at APN#7531-016-050, is hereby denied.

Introduced, approved and adopted this 28th day of April, 2009.

MAYOR of the City of Torrance

ATTEST:

City Clerk of the City of Torrance

APPROVED AS TO FORM:

JOHN L. FELLOWS III
City Attorney

By: _____

RESOLUTION NO. 2009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA DENYING A WAIVER AS PROVIDED FOR IN DIVISION 9, CHAPTER 4, ARTICLE 2 OF THE TORRANCE MUNICIPAL CODE TO ALLOW A TWO STORY RESIDENCE TO EXCEED THE MAXIMUM HEIGHT LIMIT AND TO ALLOW A RETAINING WALL OVER FIVE FEET IN HEIGHT ON PROPERTY LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT APN#7531-016-050.

WAV08-00013: IGOR NASTASKIN

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on December 3, 2008 to consider an application for a Waiver filed by Igor Nastaskin to allow a new two-story single-family residence to exceed the maximum height limit and for a retaining wall over five feet in height on property located in the Hillside Overlay District in the R-1 Zone at APN#7531-016-050; and

WHEREAS, the Planning Commission of the City of Torrance denied without prejudice the Waiver request; and

WHEREAS, the City Council of the City of Torrance conducted a public hearing on April 14, 2009 to consider an appeal of a Planning Commission denial without prejudice of a Waiver filed by Igor Nastaskin to allow a new two-story single-family residence to exceed the maximum height limit and for a retaining wall over five feet in height on property located in the Hillside Overlay District in the R-1 Zone at APN#7531-016-050; and

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

WHEREAS, infill developments under five acres are categorically exempted by the Guidelines for Implementation of the California Environmental Quality Act; Section 15332; and

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

- a) That the property is located at APN#7531-016-050; and
- b) That the property is identified as Lot 33, Tract 30035 as per map recorded in Parcel Map Book 7531, Page 016 and Parcel 050 in the Office of the County recorder County of Los Angeles, State of California; and
- c) The project is not in compliance with both the R-1 Zoning and the Low Density General Plan designation for this site; and
- d) That unreasonable difficulties will not result from the strict enforcement of this Division as the site is currently developed with one-story single family residence; and

- e) That the increased building height and increased retaining wall heights will be materially detrimental to the public welfare because it causes impacts on privacy of surrounding properties at 23715, 23719 and 23720 Susana Avenue; and
- f) That the increased building height will be materially detrimental to the public welfare because it causes view impacts to properties at 459 and 464 Via El Chico;

NOW, THEREFORE, BE IT RESOLVED that WAV08-00013 filed by Igor Nastaskin to allow a new two-story single-family residence to exceed the maximum height limit and for a retaining wall over five feet in height on properties located in the Hillside Overlay District in the R-1 Zone at 23719 Susana Avenue and APN#7531-016-050, is hereby denied.

Introduced, approved and adopted this 28th day of April, 2009.

MAYOR of the City of Torrance

ATTEST:

City Clerk of the City of Torrance

APPROVED AS TO FORM:

JOHN L. FELLOWS III
City Attorney

By: _____

RESOLUTION NO. 2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, DENYING A DIVISION OF LOT PERMIT AS PROVIDED FOR IN DIVISION 9, CHAPTER 2, ARTICLE 29 OF THE TORRANCE MUNICIPAL CODE TO ALLOW A LOT LINE ADJUSTMENT BETWEEN TWO LOTS TO CONSTRUCT A NEW TWO-STORY SINGLE-FAMILY RESIDENCE ON PROPERTIES LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 23719 SUSANA AVENUE AND APN#7531-016-050.

DIV08-00011: IGOR NASTASKIN

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on December 3, 2008 to consider an application for a Division of Lot filed by Igor Nastaskin to allow a Lot Line Adjustment between two lots to construct a new two-story single-family residence on properties located in the Hillside Overlay District in the R-1 Zone at 23719 Susana Avenue and APN#7531-016-050; and

WHEREAS, the Planning Commission of the City of Torrance denied without prejudice the Division of Lot request; and

WHEREAS, the City Council of the City of Torrance conducted a public hearing on April 14, 2009 to consider an appeal of a Planning Commission denial without prejudice of a Division of Lot filed by Igor Nastaskin to allow a Lot Line Adjustment between two lots to construct a new two-story single-family residence on properties located in the Hillside Overlay District in the R-1 Zone at 23719 Susana Avenue and APN#7531-016-050; and

WHEREAS, minor Lot Line Adjustments are categorically exempt by Guidelines for Implementation of the California Environmental Quality Act; Section 15305; and

WHEREAS, the above described conforms to the Land Use Element of the General Plan of the City of Torrance; and

WHEREAS, due and legal publication of notice was given to owners of property within a 500 foot radius and due and legal hearings have been held, all in accordance with the provisions of Division 9, Chapter 6, Article 2 of the Torrance Municipal Code; and

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

- a) That the properties are located at 23719 Susana Avenue and APN#7531-016-050; and
- b) That the property is identified as Lot 174, Tract 18249 as per map recorded in Parcel Map Book 7531, Page 016 and Parcel 019 in the Office of the County recorder County of Los Angeles, State of California and as Lot 33, Tract 30035 as per map

recorded in Parcel Map Book 7531, Page 016 and Parcel 050 in the Office of the County recorder County of Los Angeles, State of California; and

- c) That the strict application of any standard prescribed by Chapter 2 of Division 9 of the Torrance Municipal Code would not result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of this Chapter;
- d) That there are no exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property in the City being subdivided or resubdivided;
- e) That the granting of the exception will be materially detrimental to the public welfare or injurious to the property or improvements in the immediate vicinity because the resulting lots do not meet the Code required average minimum lot size in terms of area and lot depth and will take one nonconforming lot and one conforming lot to create two nonconforming lots; and
- f) That the granting of an exception will be contrary to the objectives of Section 92.29.31 of the Torrance Municipal Code because the resulting lots do not meet the Code required average minimum lot sizes and will take one nonconforming lot and one conforming lot to create two nonconforming lots; and
- g) That the granting of this exception will be contrary to the objectives of this Chapter as this exception may lead to other lots requesting exceptions and creating additional non-conforming lots in the neighborhood;

NOW, THEREFORE, BE IT RESOLVED that DIV08-00011, filed by Igor Nastaskin to allow a Lot Line Adjustment to construct a new two-story single-family residence on properties located in the Hillside Overlay District in the R-1 Zone at 23719 Susana Avenue and APN#7531-016-050 on file in the Community Development Department of the City of Torrance, is hereby denied.

Introduced, approved and adopted this 28th day of April, 2009.

MAYOR of the City of Torrance

ATTEST:

City Clerk of the City of Torrance

APPROVED AS TO FORM:

JOHN L. FELLOWS III
City Attorney

By: _____