

Council Meeting of
May 5, 2009

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

Members of the Council:

SUBJECT: Community Development – Consider a Resolution reflecting City Council’s decision to Deny 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 Community Development Director that the City Council adopt a Resolution reflecting their decision to Deny the Minor Hillside Exemption.

BACKGROUND

On April 21, 2009, the City Council considered an appeal of a Planning Commission’s Denial of a Minor Hillside Exemption to allow the retention and completion of a partially built detached accessory structure with a deck and a series of retaining walls. The City Council voted 7-0 to Deny the proposed development, with amended findings. As directed by the City Council, a Resolution of Denial for the Minor Hillside Exemption has been provided for the City Council’s consideration.

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

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 with Prejudice a 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 Categorically 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 will have an adverse impact upon the view and privacy of other properties in the vicinity,

1. As the deck extension and structure is proposed with varying lengths of between 17 to 25 feet from the existing home and rear patio, and proposed with a five foot side yard setback, these dimensions provide a close proximity and create new viewing areas to the west and adjacent residence at 5005 Bindewald Road, which adversely impacts privacy to their rear windows and rear yard, and impairs their northeastern views; and

2. Due to the topography of the slope, adding a structure 17 to 25 feet northbound and down the slope, produces new viewing areas, as the angle of view increases due to the incline of the slope, thereby producing a greater line-of-sight to the windows and French doors, decks and rear yards of 4918 and 4912 Reese Road, reducing their privacy;

- E. That the proposal has not been located, planned and designed so as to cause the least intrusion on the views and privacy of other properties in the vicinity,
 1. Because the deck extension and structure have been located and designed with a close proximity to the neighbor at 5005 Bindewald Road, creating privacy impacts to rear windows and rear yard areas and impinging upon their views to the northeast; and

2. Due to the angle of the slope, the project has been located so that the proposal will create new viewing areas into the windows and French doors, deck and rear yards of 4918 and 4912 Reese Road, reducing their privacy;

F. That the design does not provide an orderly and attractive development in harmony with other properties in the vicinity, because the proposal will provide for a detached accessory structure with several rooms and windows, lower down the slope than the existing residence, with a deck above the structure; typical homes in the steep sloped hillside areas consist of single family residences with either a detached or attached accessory structure in the front area of the lot for parking garages, therefore, the project as designed into the slope is not compatible with the current development in the area; and

G. That the granting of this application will be materially detrimental to the public welfare and to other properties in the vicinity, because grading and excavation work has already taken place without benefit of city building and safety inspections or review; furthermore, additional dirt has been deposited down the slope, which has the potential to cause instability of the slope in the surrounding area.

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 5th day of May 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: _____