

Council Meeting of
February 9, 2010

SUPPLEMENTAL #1 TO ITEM 13A

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

Members of the Council:

**SUBJECT: SUPPLEMENTAL #1 TO COUNCIL AGENDA ITEM 13A
PRE09-00004: OBELISK ARCHITECTS (MR. AND MRS. ANDERSON)**

The attached correspondence was received after the item was completed.

Respectfully submitted,

JEFFERY W. GIBSON
COMMUNITY DEVELOPMENT DIRECTOR

By 

Gregg D. Lodan, AICP
Planning Manager

CONCUR:



Jeffery W. Gibson
Community Development Director

NOTED:



LeRoy J. Jackson
City Manager

Attachments:

- A. Letters of Support.
- B. Letter from the Appellant

February 7, 2010

SUBJECT: The Anderson Family Project - 122 Calle de Arboles

TO: Torrance City Council

My name is Marilyn Skolich. I am a resident of the Hollywood Riviera. My home is located at 118 Calle de Arboles – directly next door to the Anderson Family Project currently under consideration.

I am in complete support of The Anderson Family project at 122 Calle de Arboles exactly as approved by the Torrance Planning Department. We reviewed the plans at the initial neighborhood open house (hosted by the Anderson's and their architect) and we feel the plans as submitted to and approved by the Torrance Planning Department are entirely appropriate and reasonable for our neighborhood. The Anderson's new home will be a wonderful addition to our Riviera neighborhood.

Finally, as a resident of the Hollywood Riviera, I am deeply troubled by any consideration or conclusion by the Planning Department or the City Council or the City Attorney that the Hillside Overlay provisions of the Torrance Municipal Code could be used by any Palos Verdes resident to their benefit (and to the detriment of a Torrance resident). The benefits and burdens of the Hillside Overlay apply to Torrance residents only and the Planning Department and City Council have an obligation to apply and uphold said Ordinance and all other City of Torrance laws and ordinances accordingly.

Sincerely and with total support for the approved Anderson Family Project,



Marilyn Skolich
118 Calle de Arboles
Redondo Beach, CA 90277

February 7, 2010

SUBJECT: The Anderson Family Project - 122 Calle de Arboles

TO: Torrance City Council

My name is Andrew Podhurcak. My family & I are residents of the Torrance. Our home is located at 2759 Portobello Drive.

Please be advised that we are in complete support of The Anderson Family project at 122 Calle de Arboles exactly as approved by the Torrance Planning Department. The plans submitted to and approved by the Torrance Planning Department are entirely appropriate and reasonable for our neighborhood.

And as importantly, as residents of Torrance we are deeply troubled by any consideration or conclusion by the Planning Department or the City Council or the City Attorney that the Hillside Overlay provisions of the Torrance Municipal Code could be used by any Palos Verdes resident to their benefit (and to the detriment of a Torrance resident). The benefits and burdens of the Hillside Overlay apply to Torrance residents only and the Planning Department and City Council have an obligation to apply and uphold said Ordinance and all other City of Torrance laws and ordinances accordingly.

Sincerely and with support for the approved Anderson Family Project,

Andrew Podhurcak

2759 Portobello Drive
Torrance, CA 90505

February 7, 2010

SUBJECT: The Anderson Family Project - 122 Calle de Arboles

TO: Torrance City Council

My name is ROD GUYTON. My family & I are residents of the Torrance. Our home is located at 23133 LADENE.

Please be advised that we are in complete support of The Anderson Family project at 122 Calle de Arboles exactly as approved by the Torrance Planning Department. The plans submitted to and approved by the Torrance Planning Department are entirely appropriate and reasonable for our neighborhood.

And as importantly, as residents of Torrance we are deeply troubled by any consideration or conclusion by the Planning Department or the City Council or the City Attorney that the Hillside Overlay provisions of the Torrance Municipal Code could be used by any Palos Verdes resident to their benefit (and to the detriment of a Torrance resident). The benefits and burdens of the Hillside Overlay apply to Torrance residents only and the Planning Department and City Council have an obligation to apply and uphold said Ordinance and all other City of Torrance laws and ordinances accordingly.

Sincerely and with support for the approved Anderson Family Project,



Your Name

Address 23133 LADENE AVE, TORRANCE, CA. 90505

February 8, 2010

To: Torrance City Council Members
Re: 122 Calle de Arboles, Torrance, CA
Mr. & Mrs. John Anderson

Dear Torrance Councilmembers:

This letter shall serve as our formal notice that we are in full support of the proposed remodel of the home located at 122 Calle de Arboles, in Torrance, California. There are several reasons why we are in support of this project:

1. The proposed homeowners have done their due diligence in meeting all requirements set forth by the Torrance Planning Commission
2. They have received approval from surrounding Torrance neighbors to proceed
3. They have not proposed an oversized home (a.k.a. "mansion"), but designed a home that is both aesthetically pleasing and complimentary to the neighborhood and is in proportion to neighboring homes
4. This project will provide jobs to local residents during a time when jobs are desperately needed
5. This project will generate spending in the area by the workers and homeowners and give back to local businesses
6. This project will be a beautiful addition to the neighborhood

We respectfully request you approve the proposed remodel of the Anderson's home as designed.

Very truly yours,

Rebecca & Scott Gramstrup
Torrance, CA
(310) 326-6298

LAW OFFICES OF
BECK & BROWNING
 3828 CARSON STREET, SUITE 100
 TORRANCE, CALIFORNIA 90503
 Phone (310) 316-4332
 Fax (310) 316-0324

ROBERT BECK
ROBERT.BECK@BECKANDBROWNING.COM

NICHOLAS BROWNING III
NICHOLASBROWNING@AOL.COM

TOM HUTCHINSON
TOM.HUTCHINSON@BECKANDBROWNING.COM

February 05, 2010

To the Honorable Mayor and
 Members of the City Council
 City of Torrance
 3031 Torrance Boulevard
 Torrance, CA 90503

Subject Property : 122 Calle de Arboles, Torrance, CA
 Our clients : Jack and Marion Bradshaw
 2505 Via La Selva
 Palos Verdes Estates, CA 90274

Marcia Good
 2501 Via La Selva
 Palos Verdes Estates, CA 90274

Precise Plan of Development : PRE09-00004
 Agenda Hearing Date: February 09, 2010

Dear Mr. Graham:

Please be advised that this office has been retained by Mr. and Mrs. Bradshaw and Ms. Marcia Good to assist them in opposing the precise plan of development for the subject property.

Our clients' respectfully request that the City Council overturn the Planning Commission's approval of this request on the basis that the findings cannot be made under the applicable ordinance, to wit Section 91.41.6, entitled Planning and Design.

I do not believe that there will be any reasonable dispute that the proposed project will have an adverse (and "significant") view impairment, not only to our clients but also to others in their vicinity.

The subject property falls within the Hillside and Coastal Zone for the City of Torrance, specifically Torrance Ordinance Section 91.41.6. It specifically states as follows:

No construction and no remodeling or enlargement of a building or structure shall be permitted unless the Planning Commission (or the City Council on appeal) **shall** find that the location and size of the building or structure, or the location and size of the remodeled or enlarged portions of the building or structure, have been planned and designed in such a manner as to comply with the following provisions:

- a) The proposed development will not have an adverse impact upon the view, light, air and privacy of other properties in the *vicinity*;
- b) The development has been located, planned and designed so as to cause the least intrusion on the views, light, air and privacy of other properties in the *vicinity*;
- c) The design provides an orderly and attractive development in harmony with other properties in the *vicinity*;
- d) The design will not have a harmful impact upon the land values and investment of other properties in the *vicinity*;
- e) Granting such application would not be materially detrimental to the public welfare and to other properties in the *vicinity*;
- f) The proposed development will not cause or result in an adverse cumulative impact on other properties in the vicinity.

This ordinance clearly mandates that no remodeling enlargement or structure shall be permitted unless the Planning Commission or the City Council finds that the structure has been planned and designed in such a manner as to comply with the six provisions.

Further, Section 91.41.1(b) expressly prohibits the issuance of a permit for a development in the zone unless the requirements of the ordinance are met.

Under subsection (a) of the ordinance, the second story will have an adverse impact on the view, light, air and privacy of other properties in the *vicinity*.

As reflected in the photographs, this second story addition will adversely impact the significant ocean and coastline view enjoyed by Mrs. and Mrs. Bradshaw and Ms. Good. The addition will essentially eliminate the ocean and coastline views from the Bradshaw main viewing corridor in their house, their living room window.

Under subsection (b), the development as designed does in fact cause an intrusion on the ocean and coastline views from my client's property and other properties in the "*vicinity*".

Under subsections (d), (e) and (f), it would be detrimental to my clients' property and possibly others in the vicinity and will have a harmful impact on the values of those properties as it essentially removes ocean and coastline views captured by Ms. Good and the Bradshaw's. It is a matter of public knowledge that value of the effected properties will diminish significantly if they lose the ocean and/or coastline views they currently enjoy.

The issue here is that Torrance Municipal Code does not define the term *vicinity*. One interpretation would be that any property within the 300 foot radius of the exterior boundaries of the land for which the permit is sought. See Torrance Ordinance Section 91.41.4.

The property of Ms. Good and the Bradshaw's (and others) falls within that 300 foot radius and therefore, under this interpretation, this project would fall within the *vicinity* of their properties. Thus, the findings that are required to be made in order to approve this project cannot be made and, in accordance with your own ordinance, the permit for this project cannot be issued.

The ordinance is vague and ambiguous. The ordinance does not expressly state that only the views of homes within the Hillside and Coastal zone are protected by this "view" ordinance." The ordinance does not say that a project must impact the views from a home in the Hillside and Coastal zone nor does it reference language that would permit the interpretation that this view ordinance is only designed to protect views for other homes located only within the Hillside and Coastal zone area.

Staff and the City Attorney have opined that the ordinance only applies to homes within the Hillside and Coastal Zone and therefore does not protect the views for homes outside of the zone. Government Code section 65091 (a) (4) requires notice to owners of property within a 300 foot radius for any such project. The purpose of this requirement is to invite public input with respect to the project, specifically those that the California legislature determined to be within the "zone" of impact if the project is approved. This section does not limit its scope to those within the city or a certain zone created by the city. Its purpose is to provide notice and an opportunity of those property owners within 300 feet of the proposed project an opportunity to express their opinions on the project and its impact upon them. Certainly, the California legislature did not adopt this requirement without a purpose. It did not enact this legislation simply provide notice to affected property owners and then have the local agency ignore their input on the impact to them if the local agency approves of the project. What is the purpose of this 300 foot notice requirement if it was not intended to allow those affected to address their concerns about the project and whether the local agency is following its own ordinances when making a decision to approve or deny the project?

This indeed may be a unique circumstance because the second story addition to the applicant's property is going to impact homes and properties located in adjoining cities but clearly within a 300 foot radius of the project's exterior boundaries or "within the vicinity" of the subject property.

Therefore using the language of Torrance's own ordinance, Ms. Good's and the Bradshaw's property and the ocean and coastal views from their property will be significantly

impacted or almost eliminated and the value of their homes will depreciate substantially with the loss of that view. They are within the *vicinity* of the subject property and should be considered in accordance with the applicable ordinance.

It is our and our client's belief that the findings cannot be made under Section 91.41.6 to allow the construction, remodeling or enlargement of the applicant's home as currently proposed.

It is therefore respectfully requested that the City Council overturn the Planning Commission decision and deny the application and the applicant's proposed second story addition on the basis that the findings cannot be made under the applicable section of the ordinance as it currently exists.

Respectfully submitted,

LAW OFFICES OF BECK AND BROWNING

ROBERT W. BECK



