

Council Meeting of  
August 24, 2010

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

Members of the Council:

**SUBJECT:** Community Development - Consider a Resolution reflecting the City Council decision to deny an appeal of a Planning Commission approval of a Precise Plan of Development to allow the construction of a new two-story single family residence on property located within the Hillside Overlay District, in the R-1 Zone, at 122 Calle de Arboles.

**PRE09-00004: OBELISK ARCHITECTS (MR. AND MRS. ANDERSON)**

**Expenditure: None**

**RECOMMENDATION**

Recommendation of the Community Development Director that the City Council adopt a Resolution reflecting their decision to deny an appeal of a Planning Commission approval of a Precise Plan of Development to allow the construction of a new two-story single family residence on property located within the Hillside Overlay District, in the R-1 Zone, at 122 Calle de Arboles.

**Funding:** Not applicable

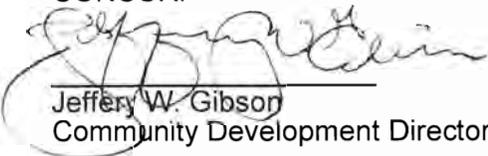
**BACKGROUND**

On February 9, 2010, the City Council considered a Precise Plan of Development to allow the construction of a new two-story single family residence on property located within the Hillside Overlay District of the R-1 Zone at 122 Calle de Arboles. The City Council voted 6-0 to approve the project and directed staff to provide additional findings of approval.

Respectfully submitted,

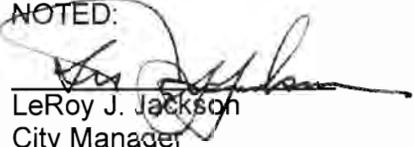
Jeffery W. Gibson  
Community Development Director

CONCUR:

  
Jeffery W. Gibson  
Community Development Director

By   
Gregg D. Lodan, AICP  
Planning Manager

NOTED:

  
LeRoy J. Jackson  
City Manager

Attachments: A. Resolution



**RESOLUTION NO. 2010-\_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, DENYING AN APPEAL AND APPROVING A PRECISE PLAN OF DEVELOPMENT AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE CONSTRUCTION OF A NEW TWO-STORY SINGLE FAMILY RESIDENCE ON PROPERTY LOCATED WITHIN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 122 CALLE DE ARBOLES.

**PRE09-00004:  
OBELISK ARCHITECTS (MR. AND MRS. ANDERSON)**

**WHEREAS**, the Planning Commission of the City of Torrance conducted a public hearing on November 18, 2009 to consider an application for a Precise Plan of Development filed by Obelisk Architects (Mr. and Mrs. Anderson) to allow the construction of a new two-story single family residence on property located within the Hillside Overlay District in the R-1 Zone at 122 Calle de Arboles;

**WHEREAS**, the Planning Commission of the City of Torrance approved an application for a Precise Plan of Development filed by Obelisk Architects (Mr. and Mrs. Anderson) to allow the construction of a new two-story single family residence on property located within the Hillside Overlay District in the R-1 Zone at 122 Calle de Arboles;

**WHEREAS**, on December 1, 2009, the case was appealed by the Law Offices of Beck & Browning representing two residents from the City of Palos Verdes Estates citing that the decision of the Planning Commission ignored the Hillside Ordinance by approving an application to allow the construction of a new two-story single family residence on property located within the Hillside Overlay District in the R-1 Zone at 122 Calle de Arboles;

**WHEREAS**, on February 9, 2010, the City Council of the City of Torrance conducted a public hearing of an appeal of the Planning Commission's approval of a Precise Plan of Development to allow the construction of a new two-story single family residence on property located within the Hillside Overlay District in the R-1 Zone at 122 Calle de Arboles;

**WHEREAS**, on February 9, 2010 the City Council of the City of Torrance denied an appeal and approved an application for a Precise Plan of Development filed by Obelisk Architects (Mr. and Mrs. Anderson) to allow the construction of a new two-story single family residence on property located within the Hillside Overlay District in the R-1 Zone at 122 Calle de Arboles;

**WHEREAS**, due and legal publication of notice was given to owners of property within 500 feet of 122 Calle de Arboles 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**, new construction of one single family residence in a residential zone is Categorically Exempted by the 2009 Guidelines for Implementation of the California Environmental Quality Act; Article 19, Section 15301; and

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

- a) That the property is located at 122 Calle de Arboles; and
- b) That the property is identified as Lot 26 of Tract 19306, in the City of Torrance, County of Los Angeles, State of California; and
- c) That the Hillside and Local Coastal Overlay Zone is found in Article 41 of Chapter 1 of Division 9 of the Torrance Municipal Code; and
- d) That Section 91.41.1(a) of the Torrance Municipal Code provides that "[t]he Hillside and Local Coastal Overlay Zone shall consist of the area designated in the maps attached following this Article, marked Exhibits A, B, and C to this section, which are incorporated in this Code by this reference." A copy of the maps are attached as Attachment A to this Resolution; and
- e) That Section 91.41.1(b) of the Torrance Municipal Code provides in pertinent part that "[t]he provisions of this Article shall apply to all the properties within the Overlay Zone in addition to the requirements for the underlying zone, except as provided in this Article;" and
- f) That the neighboring properties located in the City of Palos Verdes Estates are not located within the City of Torrance; and
- g) That the neighboring properties located in the City of Palos Verdes Estates are not located within the Hillside and Local Coastal Overlay Zone; and
- h) That the neighboring properties located in the City of Palos Verdes Estates are not subject to the burdens of the Hillside and Local Coastal Overlay Zone and therefore are not entitled to the benefits of the Hillside and Local Coastal Overlay Zone; and
- i) That properties located in the City of Torrance that are not located within the Hillside and Local Coastal Overlay Zone are not subject to the burdens of the Hillside and Local Coastal Overlay Zone and therefore are not entitled to the benefits of the Hillside and Local Coastal Overlay Zone; and
- j) That the Superior Court of Los Angeles County in *Youngern v. City of Torrance*, Case Number BS116080 analyzed the meaning of the term "adverse impact" in Torrance Municipal Code section 91.41.6(a) and found that "[w]hat constitutes an adverse impact is a matter of interpretation, and the City Council is interpreting 'adverse impact' to mean a 'substantial impact.' This is the only reasonable interpretation; Petitioner's interpretation would effectively prohibit all development. Every development has some impact on the view, light, air and privacy of the properties around it." (*Youngern*, p. 17); and
- k) That the proposed residence as conditioned will not have an adverse impact upon the view, light, air and privacy of other properties in the vicinity, including those in

the City of Palos Verdes Estates, because the additions are located in areas over which the neighboring properties do not currently have views, as demonstrated by the silhouette. The proposed house will not be located any closer to the properties in the City of Palos Verdes Estates than the existing house as the rear yard setback will not be reduced. In addition, the total area for a proposed roof deck has been significantly reduced with greater side yard setbacks provided; thus, eliminating the potential for view, air and light impacts to the neighboring properties. Furthermore, and according to the material presented and discussed at both the Planning Commission and the City Council hearings, the views from the properties in the City of Palos Verdes Estates are already obstructed by multiple trees and vegetation; and

- l) That the proposed residence 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, including those in the City of Palos Verdes Estates, because there are no views of the ocean, mountains or city lights that occur in the direction of the proposed project. In addition, there is an existing 40 foot wide public easement and dense landscaping between the subject properties in Torrance and neighboring properties in the City of Palos Verdes Estates; which reduce the potential for view, and privacy impacts to those properties. Furthermore, the project provides a greater than required rear yard setback of 30 feet 6 inches which creates a greater separation between properties thereby allowing more light and air through and limiting the ability to impact views and privacy. Even though the properties in the City of Palos Verdes Estates are not within Hillside and Local Coastal Overlay Zone, City of Torrance Staff visited them and discussed the project with the owners to make an assessment of potential impacts; however, no potential view, light, privacy and air impacts were observed based on the location of the silhouette, the location of the neighboring houses in both cities, and the location of existing mature landscaping in both cities; and
- m) That the design provides an orderly and attractive development in harmony with other properties in the vicinity, including those in the City of Palos Verdes Estates, because the proposed exterior design elements are in keeping with the architecture and finishes of other recently developed properties and will incorporate high-quality finishes equal to those of surrounding residences; the architectural plans and photographs of other properties in the neighborhood demonstrate that the design is in harmony with other properties in the vicinity; The applicant proposes a Spanish design featuring stucco walls, clay roof tiles, exposed rafter tails and the use of arches along the front porch; and
- n) That the design will not have a harmful impact upon the land values and investment of other properties in the vicinity, including those in the City of Palos Verdes Estates, because the design is consistent with the R-1 development standards, General Plan Designation, and significant investment will be done for the proposed construction commensurate with the style, materials and quality of surrounding properties. Also, the height of the residence is under the maximum allowed in the Zone and the applicant modified the project to address view concerns from the neighbors. Such modifications included the complete elimination of a 9'-0" tall wood trellis in the second floor balcony; and

- o) That granting such application would not be materially detrimental to the public welfare and to other properties in the vicinity, including those in the City of Palos Verdes Estates, because a single-family residence is an appropriate use for this property. The proposed additions will update a residence built in 1954 and it will be in compliance with the R-1 Zone; and
- p) That the proposed residence would not cause or result in an adverse cumulative impact on other properties in the vicinity , including those in the City of Palos Verdes Estates, because the proposed additions and resulting residence conforms to the Low-Density Residential Designation of the Land Use Element of the General Plan of the City of Torrance. Furthermore, the proposed second story provides a greater than required front yard setback of 34 feet 6 inches in order to prevent view, light, air and privacy impacts to the neighbors to the sides; and
- q) That it is not feasible to increase the size of or rearrange the space within the existing building or structure for the purposes intended except by increasing the building height, as the applicant would not be able to preserve usable yard areas, and a swimming pool in the rear. Also, the required setbacks, lot coverage and existing configuration of the house impacts the ability of the applicant to develop a one-story project; and
- r) That denial of such an application would result in an unreasonable hardship to the applicant because the proposed residence conforms to all code requirements as the project does not appear to have an adverse impact on the view, light, air and privacy of other properties in the Hillside Overlay. In addition, the topography of the lot and the location of the existing swimming pool on the property constrain the buildable area for the project; and
- s) That granting the application would not be materially detrimental to the public welfare and to other properties in the vicinity because the proposed residence complies with all zoning development standards. Furthermore, the varying front yard setbacks provided for the first and second story additions, along with the carefully designed roof layout for both stories provide an articulated and attractive façade design which will improve the appearance of the house; and
- t) Denial of this request to increase the interior floor area of the building to more than 50% of the area of the lot will constitute an unreasonable hardship because the proposed addition has provided all required setbacks and the residence, as conditioned, would comply with code required lot coverage and floor area ratio requirements for the R-1 zone. In addition , much of the excess square footage that causes the house to exceed 50% of the area of the lot has been allocated to the oversized garage and not to living area; and
- u) Granting this request to increase the interior floor area of the building to more than 50% of the area of the lot will not be materially detrimental to the public welfare and to other properties in the vicinity because there does not appear to be adverse impairments to view, light, air or privacy to original views of other properties in the Hillside Overlay.

**NOW, THEREFORE, BE IT RESOLVED** that PRE09-00004, filed by Obelisk Architects (Mr. and Mrs. Anderson) to allow the construction of a new two-story single family residence, on property located in the Hillside Overlay District in the R-1 Zone at 122 Calle de Arboles, 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 shall be subject to all conditions imposed in Precise Plan of Development 09-00004 and any amendments thereto or modifications thereof as February 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 Precise Plan of Development 09-00004 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 residence at the highest point of the roof shall not exceed a height of 26.64' as represented by the elevation of 132.24' and a lowest adjacent grade of 105.60' based on a bench mark elevation of 100.00' located near the southeasterly corner of the property as shown on the official survey map on file in the Community Development Department; (Development Review)
4. That the height of the structure shall be certified by a licensed surveyor/engineer prior to requesting a framing or roof-sheathing inspection and shall not exceed 26.64' based on the elevation of 132.24' and a lowest adjacent grade of 105.60' as indicated on the certified silhouette based on the benchmark elevation of 100.00' as shown on the survey map on file in the Community Development Department; (Development Review)
5. That an automatic electric roll-up garage door shall be installed for the remodeled garage; (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 the silhouette shall removed within 30 days after the final public hearing to the satisfaction of the Community Development Director; (Development Review)
8. That within 30 days of the final public hearing, the applicant shall remove the "Public Notice" sign to the satisfaction of the Community Development Director; (Development Review)
9. That 4" (minimum) contrasting address numerals are provided; (Environmental Division)
10. That the finished garage interior depth shall be a minimum of 20'-0" with no encroachments. The one foot step encroachment into the garage shall be relocated.

The door from the laundry to the garage must open into the residence and shall not swing open into the garage space; (Environmental Division)

11. That all conditions of 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 24 day of August, 2010.

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Mayor of the City of Torrance

ATTEST:

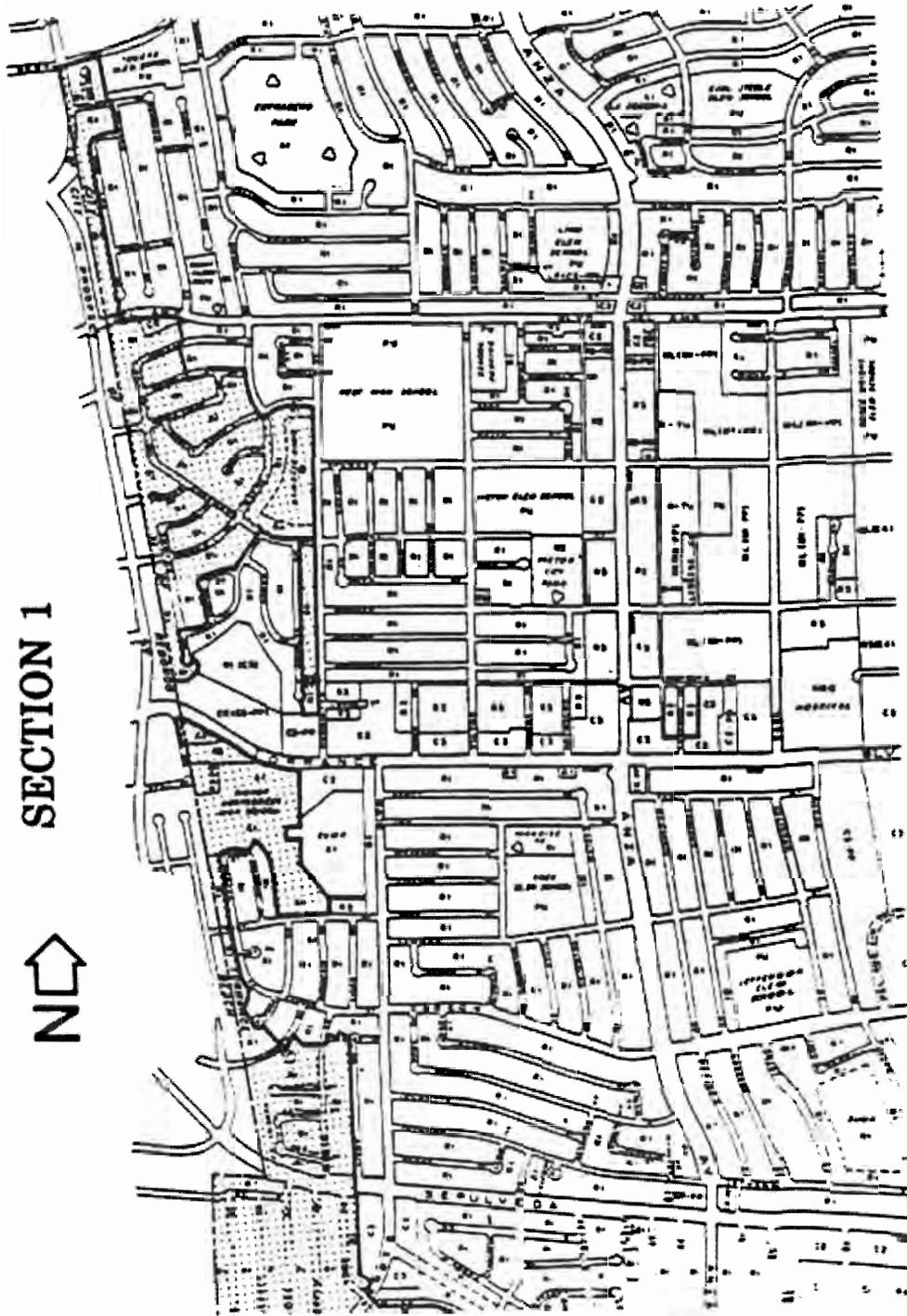
\_\_\_\_\_  
City Clerk of the City of Torrance

APPROVED AS TO FORM:

JOHN L. FELLOWS III, City Attorney

By: \_\_\_\_\_  
Patrick Q. Sullivan, Assistant City Attorney

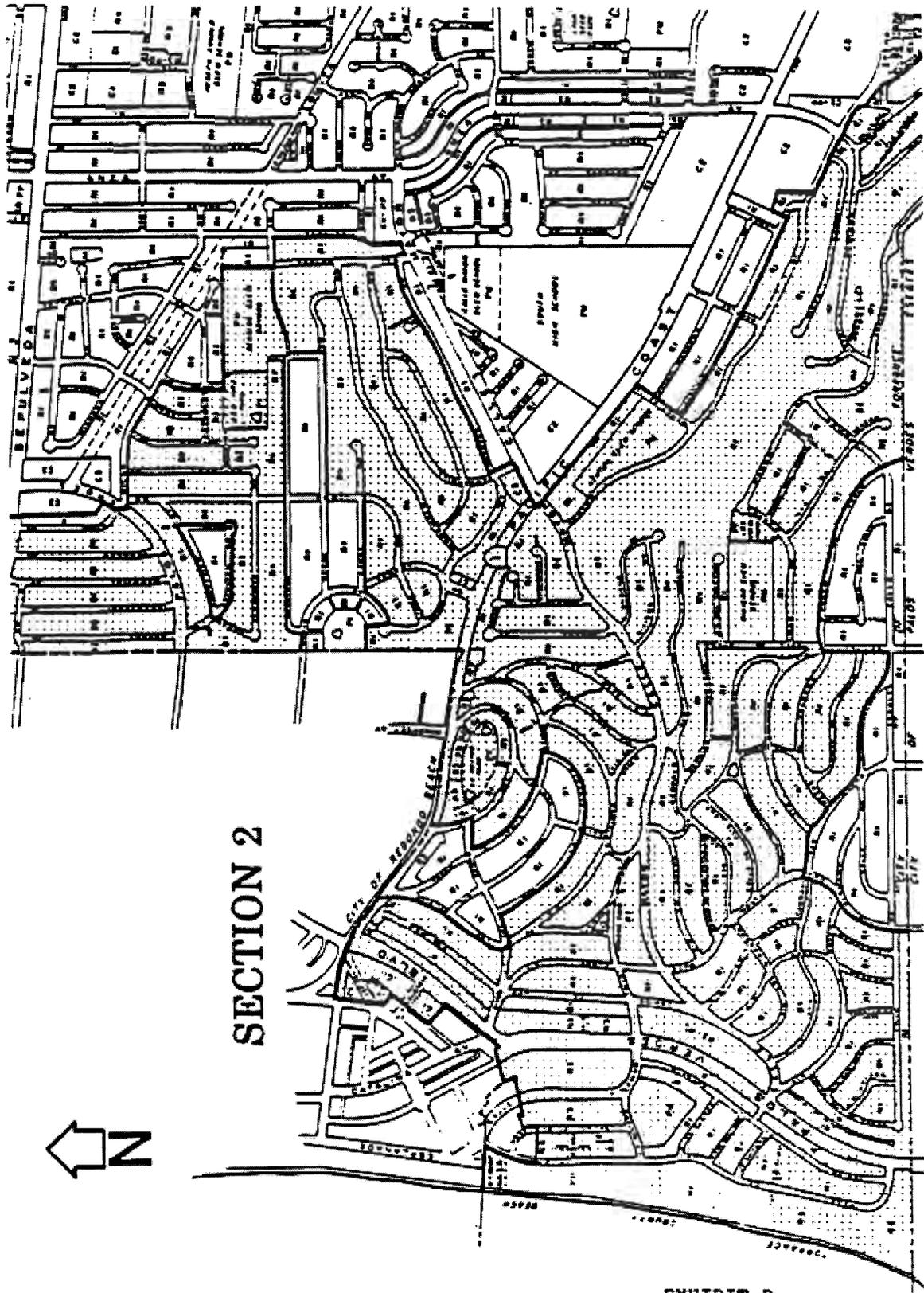
Attachment: Attachment A Maps of Hillside and Local Coastal Overlay Zone



SECTION 1

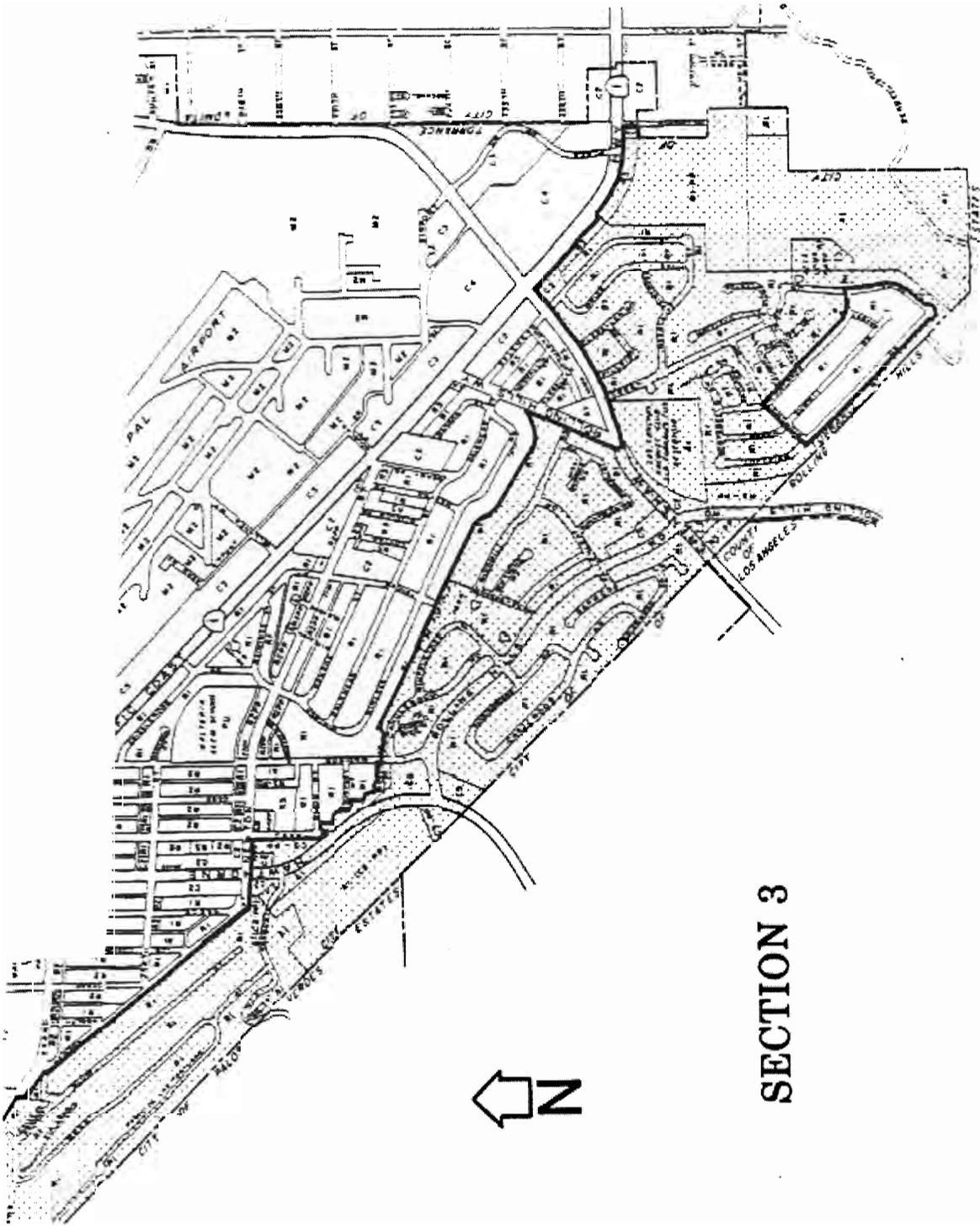


EXHIBIT A



SECTION 2

EXHIBIT B



**SECTION 3**