

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

Members of the Council:

SUBJECT: Community Development - Adopt Resolution of Approval for PRE09-00007 at 209 Via El Toro repealing Resolution 2010-82.

PRE09-00007: Jim & Betsy Delurgio

Expenditure: None

RECOMMENDATION

Recommendation of the Community Development Director that the City Council repeal Resolution 2010-82 and adopt a new Resolution reflecting approval of a Precise Plan of Development to allow the construction of first and second story additions to an existing one-story single family residence in conjunction with a new accessory structure on property located within the Hillside Overlay District, in the R-1 Zone at 209 Via El Toro.

Funding: Not applicable

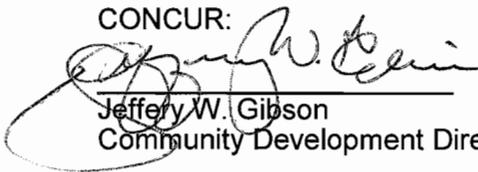
BACKGROUND

On August 24, 2010, the City Council considered a Resolution of Approval of a Precise Plan of Development to allow first and second story additions in conjunction with a new detached accessory structure on property located in the Hillside Overlay District of the R-1 Zone at 209 Via El Toro. Staff has revised the Resolution to include information relating to the continuance of the June 22, 2010 Hearing to the July 20, 2010 Hearing as well as corrected Condition #1 to reflect the City Council's approval instead of the Planning Commission's approval.

Respectfully submitted,

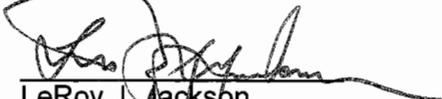
Jeffery W. Gibson
Community Development Director

CONCUR:


Jeffery W. Gibson
Community Development Director

By 
Gregg D. Lodan, AICP
Planning Manager

NOTED:


LeRoy J. Jackson
City Manager

Attachment: A. Resolution

RESOLUTION NO. 2010 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, REPEALING RESOLUTION NO. 2010-82 AND APPROVING A PRECISE PLAN OF DEVELOPMENT AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW FIRST AND SECOND STORY ADDITIONS TO AN EXISTING SINGLE FAMILY RESIDENCE IN CONJUNCTION WITH THE CONSTRUCTION OF AN ACCESSORY STRUCTURE IN THE REAR ON PROPERTY LOCATED WITHIN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 209 VIA EL TORO.

PRE09-00007: JIM & BETSY DELURGIO

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on November 4, 2009, to consider an application for a Precise Plan of Development filed by Jim & Betsy Delurgio to allow first and second story additions to an existing one-story single-family residence in conjunction with a new accessory structure on property located in the Hillside Overlay District in the R-1 Zone at 209 Via el Toro; and

WHEREAS, the Planning Commission of the City of Torrance continued the matter indefinitely for a redesign; and

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on May 19, 2010, to consider an application for a Precise Plan of Development filed by Jim & Betsy Delurgio to allow first and second story additions to an existing one-story single-family residence in conjunction with a new accessory structure on property located in the Hillside Overlay District in the R-1 Zone at 209 Via el Toro; and

WHEREAS, on May 19, 2010, 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 June 22, 2010, to consider an appeal of a Planning Commission Denial without Prejudice for a Precise Plan of Development filed by Jim & Betsy Delurgio to allow first and second story additions to an existing one-story single-family residence in conjunction with the construction of a new accessory structure on property located in the Hillside Overlay District in the R-1 Zone at 209 Via el Toro; and

WHEREAS, the City Council of the City of Torrance continued the matter to July 20, 2010; and

WHEREAS, the City Council of the City of Torrance conducted a public hearing on July 20, 2010, to consider an appeal of a Planning Commission Denial without Prejudice for a Precise Plan of Development filed by Jim & Betsy Delurgio to allow first and second story additions to an existing one-story single-family residence in

conjunction with the construction of a new accessory structure on property located in the Hillside Overlay District in the R-1 Zone at 209 Via el Toro; 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, the construction of a new single-family residence in a residential zone is Categorically Exempted by the 2010 Guidelines for Implementation of the California Environmental Quality Act; Article 19, Section 15303 (a); and

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

- a) Resolution No. 2010-82 is repealed in its entirety; and
- b) That the property is located at 209 Via el Toro; and
- c) That the property is identified as Lot 126 in Tract 18379 as per map recorded in Parcel Map Book 7512, Page 007 and Parcel 029 in the Office of the County recorder County of Los Angeles, State of California; and
- d) That the proposed residence will not have an adverse impact upon the view, light, air and privacy of other properties in the vicinity as conditioned because the additions have been redesigned to minimize privacy impacts to 513 Camino de Encanto by increasing the second story setback and increasing the window sill height to a minimum of five feet. Furthermore, the rear yard setback has been increased on the first and second story to preserve ocean and whitewater views to the north and northwest of 515 Camino de Encanto and ocean and whitewater views to the north of 523 Camino de Encanto; and
- e) That the proposed residence, as conditioned, 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 because the applicant has exceeded all development standards, increased window sill heights to a minimum of five feet for windows in the east and south elevations of the family room on the second floor to lessen privacy impacts to 513 Camino de Encanto, increased the rear yard setback and reduced the second story massing to preserve view corridors 515 and 523 Camino de Encanto; and
- f) That the design provides an orderly and attractive development in harmony with other properties in the vicinity because the exterior materials are similar to neighboring properties such as wood shingles, stone veneer, wood columns and asphalt shingle roof. Furthermore there are other 2-story residences in the vicinity; and
- g) That the design will not have a harmful impact upon the land values and investment of other properties in the vicinity because the exterior will be treated with high-quality finishes equal to those of surrounding residences and represents a significant improvement to the property; and

- h) That granting such application would not be materially detrimental to the public welfare and to other properties in the vicinity because a single-family residence is an appropriate use for this property as the property complies with the General Plan and R-1 development standards; and
- i) That the proposed residence would not cause or result in an adverse cumulative impact on other properties in the vicinity because the proposed construction and resulting residence conforms to the Low-Density Residential Designation of the Land Use Element of the General Plan of the City of Torrance and provides least impact to view, light, air and privacy. Additionally, homes in the surrounding neighborhood have two stories; and
- j) 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 height because the applicant is attempting to preserve the many view corridors in the rear of the property to neighbors at 513, 515 and 523 Camino de Encanto due to the shape and terrain of the lot; and
- k) That denial of such an application would result in an unreasonable hardship to the applicant as the proposed residence meets or significantly exceeds lot coverage, floor area ratio and setbacks, has been designed to minimize view, light, air and privacy impacts as there are view corridors along the rear of the property for 513, 515 and 523 Camino de Encanto which limit the applicants ability to expand in those areas and there are other two-story residences in the vicinity; and
- l) 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 setbacks with the exception of the accessory structure setback, lot coverage and floor area ratio and there are other two story structures in the surrounding area within a 500-foot radius; and
- m) That the City Council of the City of Torrance finds that a one-story proposal would be more detrimental to views of adjacent residences to the east and southeast due to the flat nature of the terrain on the subject property and the disruption to existing view corridors if single story additions were located behind the existing rear wall of the home; and
- n) That there are unreasonable difficulties resulting from the strict enforcement of the accessory structure setback as the lot has a pentagonal shape and a one-foot setback along two side property lines helps minimize impacts to view corridors of existing residences to the rear; and
- o) That the reduced setbacks for an accessory structure will not be materially detrimental to the public welfare or to the property of other persons located in the vicinity thereof as the reduced setbacks allow the accessory structure to minimize impacts to view corridors of neighboring properties to the rear; and
- p) That the reduced setbacks for an accessory structure will not substantially interfere with the orderly development of the City as provided for in this Division because the use as a single family residence will not change, the proposed structure is in character with the surrounding properties and it will conform to the General Plan

land use designation. Additionally, the completed project will comply with all other code requirements for a single family residence;

NOW, THEREFORE, BE IT RESOLVED that PRE09-00007, filed by Jim & Betsy Delungio to allow first and second story additions to an existing one-story single-family residence in conjunction with an accessory structure in the rear on property located within the Hillside Overlay District in the R-1 Zone at 209 Via El Toro 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 09-00007 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 City Council of the City of Torrance relied in granting approval;
2. That if this Precise Plan of Development 09-00007 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 23 feet two inches as represented by the elevation of 125.56 and a lowest adjacent grade of 102.4 based on a bench mark elevation of 100.0 located on the lid of the existing sewer man hole cover at the southwest 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 residence shall be certified by a licensed surveyor/engineer prior to requesting a framing or roof-sheathing inspection and shall not exceed 23 feet two inches as represented by the elevation of 125.56 and a lowest adjacent grade of 102.4 based on a bench mark elevation of 100.0 located on the lid of the existing sewer man hole cover at the southwest corner of the property as shown on the official survey map on file in the Community Development Department; (Development Review)
5. That the maximum height of the accessory structure at the highest point of the roof shall not exceed a height of 10 feet 11 inches as represented by the elevation of 114.5 and a lowest adjacent grade of 103.6 based on a bench mark elevation of 100.0 located on the lid of the existing sewer man hole cover at the southwest corner of the property as shown on the official survey map on file in the Community Development Department; (Development Review)
6. That the height of the accessory structure shall be certified by a licensed surveyor/engineer prior to requesting a framing or roof-sheathing inspection and shall not exceed 10 feet 11 inches as represented by the elevation of 114.5 and a

lowest adjacent grade of 103.6 based on a bench mark elevation of 100.0 located on the lid of the existing sewer man hole cover at the southwest corner of the property as shown on the official survey map on file in the Community Development Department; (Development Review)

7. That automatic garage roll-up doors shall be provided; (Development Review)
8. 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)
9. That within 30 days of the final public hearing, the applicant shall remove the City's "Public Notice" sign, provided there is no appeal, to the satisfaction of the Community Development Director; (Development Review)
10. That the silhouette shall remain in place for at least 15 days through the appeal period, but no more than 45 days after the final public hearing to the satisfaction of the Community Development Director; (Development Review)
11. That the roof pitch of the residence shall be reduced to a 3:12 pitch; (Added by City Council)
12. That the windows on the second floor along the east side of the residence shall have a minimum sill height of 5'-6" or obscure glass; (Added by City Council)
13. That the applicant shall shift the accessory structure to the south and east to be between 1-3 feet from adjacent property lines; (Added by City Council)
14. That no additional permanent structures over 6-feet in height shall be constructed in the rear yard; (Added by City Council)
15. That no vegetation located to the northeast of the rear building line of the main residence shall be allowed to extend above the existing property line walls along the southerly, easterly and northerly portion of the property; (Added by City Council)

INTRODUCED, APPROVED AND ADOPTED this 21st day of September, 2010.

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